

## MINUTES



## TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ▪ Kure Beach, NC 28449

Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
Jim Dugan, Commissioner  
Barry Nelder, Commissioner  
Emilie Swearingen, Commissioner

### REGULAR MEETING

MARCH 15, 2011 at 6:30 pm

The Kure Beach Town Council held its regular meeting on Tuesday, March 15, 2011 at 6:30 pm. Attorney Canoutas was in attendance and there was a quorum.

#### COUNCIL MEMBERS PRESENT:

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Barry Nelder
Commissioner	Emilie Swearingen
Commissioner	Jim Dugan

#### COUNCIL MEMBERS ABSENT

None

#### STAFF PRESENT

Fire Chief Harold Heglar  
Building Inspector John Batson  
Police Department – Paul Hubbard  
Finance Officer – Arlen Copenhaver  
Town Clerk – Nancy Avery

Mayor Lambeth called the meeting to order at 6:30 pm. Pastor Jeff Kapusta of Lifepoint Church delivered the invocation. Mayor Lambeth led in the Pledge of Allegiance.

#### PUBLIC HEARING

- Amendment to Chapter 19 (Zoning), Article VI Signs, Section 381 Non conforming signs, Subsection 5(d) change seven years to twelve years and add new language regarding appeal process as Subsection f.
- Amendment to Chapter 19 (Zoning) Article VI (Signs), Section 382 (Schedule of signs), Wall signs in B2 and B3 districts, add '15% of façade.'

Notice of public hearing was posted at Town Hall on 2/17/11 and advertised in the Island Gazette newspaper on 2/23/11 and 3/2/11.

Opening of Hearing – Mayor Lambeth opened the public hearing at 6:34 pm

#### Public Comments

1. Gilbert Alphin, business owner, stated:
  - I remember that the last time the B1 was included. What happened to that?

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- I don't understand it. There's not a sign in town that bothers me. We don't have billboards or directional signs. Is that true?
  - The Frisbee Park has a billboard on one side of the road pointing to the park. If that was a private business, that might cause a red flag.
  - Billboard signs don't bother me. Signs painted on a building or a fence; how is that going to harm Kure Beach?
  - I spent money on advertising. I would have to lower my sign if this passes. I have an issue if I have to lower my sign. It will be hidden by traffic. The sign is designed to take traffic into consideration. My sign has survived Hurricane Bertha and the 90's. The height of the sign is based on parking on the street. If it is any lower, you won't be able to see the sign.
  - Nobody has ever complained about my sign. I don't think it is a liability. I don't think I need to change my sign.
  - I have an issue with palm trees hiding signs. I'm trying to survive. If an investor put up palm trees in front of my sign and then leaves, I'm stuck with palm trees in front of my sign.
  - If you are going to work on a sign ordinance, have something that works for businesses that rely on their signs.
2. Jim Ring, Jim Ring Realty, stated:
- I think in a town this small everyone knows everyone and shouldn't have to read in the Island Gazette that their sign is a non conforming sign. I would hope someone would stop by my office and tell me.

### Closing of Hearing

MOTION – Commissioner Nelder made the motion to close the public hearing at 6:44 pm as there was no one else signed up to speak.

SECOND – Commissioner Dugan

VOTE - Unanimous

### RECOGNITION AND AWARDS

None

### APPROVAL OF CONSENT AGENDA

1. Appoint Anne Brodsky to Street Festival committee
2. Accept resignation of Linda Newton from Community Center Committee
3. Proclamation 11-01 Plant An Azalea Week
4. Budget amendments 11-27; 11-28; 11-29
5. Finance report –February 2011
6. Building Department report – February 2011

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7. Fire Department report – February 2011
8. Meeting Minutes:
  - February 15, 2011 regular meeting
  - February 23, 2011 pre budget meeting

MOTION - Commissioner Nelder made the motion to approve the consent agenda with no changes.

SECOND - Commissioner Dugan

VOTE - Unanimous

### ADOPTION OF THE AGENDA

MOTION - Commissioner Nelder made the motion to adopt the agenda with the addition of adding Rick Catlin, New Hanover County Commissioner, under the item "Persons to Address Council."

SECOND – Commissioner Dugan

VOTE - Unanimous

### DISCUSSION AND CONSIDERATION - PERSONS TO ADDRESS COUNCIL

1. Rick Catlin, County Commissioner, spoke on beach re-nourishment and the property revaluation.

#### Beach Re-nourishment

Commissioner Catlin stated that the beach re-nourishment contingency plan is part of a cooperative agreement with the Corp of Engineers that lasts until 2048. 65% of the funding is from the Federal government with 35% historically split between the state and local governments with 75% of the 35% paid by the state. The Federal government has not been funding its portion for a long time. We have been getting supplemental funds due to hurricane emergency funding. There is no money in the President's (Obama) budget for inlet waterways and is considered an earmark.

Our neighbors to the north won't be getting anything as their agreement expires in 2014. The best way to take care of Carolina Beach's problem is to modify Kure Beach's agreement. This is to Kure Beach's advantage, because when Carolina Beach gets re-nourished, the sand comes to Kure Beach eventually.

The room tax has thirty five (35) million dollars set aside for beach re-nourishment, but we can't use it because we don't have permits. We need to find a way to have permits in case there is no Federal funding. To do this, we may need an inter-local agreement between the beach communities.

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Mayor Lambeth stated he would like Council to agree to send a letter to out of state property owners to let them know there is no FEMA money and ask them to contact their legislators. I hope Council will go along with it.

### Tax Revaluation

Commissioner Catlin stated that Kure Beach property values are down 48% since last year. Countywide, property values are down 19%. If there is a revenue neutral revaluation, Pleasure Island will get a tax reduction. I don't see any scenario where you won't see a decrease. One of my goals is that no one's tax rates go up. A revaluation will be done this year and be reflected in next year's taxes.

Commissioner Catlin entertained questions from the audience.

### DISCUSSION AND CONSIDERATION - PRESENTATIONS TO COUNCIL

1. Proclamation 11-01 Plant An Azalea Week March 26 to April 1, 2011.

Mayor Lambeth presented Cheryl Hunter, Cape Fear Garden Club, with Proclamation 11-01 for Plant An Azalea Week from March 26 to April 1, 2011.

2. Zachary Keith, NC Climate & Energy Offshore Wind, and Carina Barnett-Loro from the state's Sierra Club regarding offshore wind resources and consideration of adoption of resolution R11-04 in support of offshore wind resources.

Ms. Barnett-Loro and Mr. Keith presented a slide show that is included as part of these minutes. They entertained questions from Council and the audience.

Mr. Keith asked Council to adopt resolution R11-04 in support of offshore wind resources.

MOTION - Commissioner Dugan made the motion to table the adoption of a resolution until the next meeting and for Council to get together for a consensus on the language.

SECOND – Commissioner Nelder

VOTE – Unanimous

3. Duke Hagestrom, member of the Pleasure Island Disc Golf Club, along with fellow member Mike Jones stated they are thrilled to report that an appeal to the Pleasure Island Chamber of Commerce for assistance with funding for care and maintenance of the disc golf course was received in the amount of \$1,200.

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The club's goal is to have a place to store tools to maintain the course, possibly a bench with locking storage areas. They would like the storage on Sunny Point land and it needs to be large enough to store a wheelbarrow. They are asking Council for support to move forward with the project for storage of tools and wheelbarrow.

Mr. Jones said the club cleans up the course once a month. It would be easier to have a place to keep rakes, shovels, etc., and it would be nice to have a bench for sitting.

### Discussion Highlights:

If you don't want to have a structure you enter, I think it would be looked on pretty favorably by Sunny Point. Regarding the cooperation between the club and the Public Works Department, is there a need for Public Works to have involvement in the clean up? I would rather see one of the two have oversight for all of that. It does belong to the Town and I'm concerned about responsibility. (Dugan)

I have a meeting with the Colonel at Sunny Point next month and will bring this up. I think a nice bench would be okay. (Lambeth)

Gabby Kraus, Parks & Recreation (P&R) Committee member, stated that the club is ready to step up and take care of the course. They would like to be able to borrow equipment from Public Works; possibly a gator. I see no reason why we can't say the club has 100 % responsibility to keep it up.

Attorney Canoutas said there might be liability issues.

CONSENSUS – Provide a facsimile of what the club wants to put out there to Mayor Lambeth, and he will present it to the Colonel for his opinion.

Mayor Lambeth called for a five minute recess at 8:30 pm.  
Mayor Lambeth resumed the meeting at 8:35 pm.

### DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

#### 1. Community Center Fee Changes

Mayor Pro Tem Keener stated the Community Center Committee is requesting a fee increase to have one rental fee. Town residents are reserving the center for non residents, and the committee lost approximately \$700 in income for January and February.

The requested change increases the hourly rental fee for:

- Residents from \$15 to \$40
- Non residents from \$15 to \$40

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- Commercial For Profit organizations from \$35 to \$40
- Non profit organizations from \$15 to \$20

If Council approves, rental fees will be \$40 per hour for everyone except Non profits, which will be \$20 per hour.

The requested change increases the deposit for:

- KB Resident/Property Owners from \$50 to \$100

Deposits for non residents, Commercial For Profit and Non profit organizations remain the same at \$100.

If Council approves, the deposit will be the same for all at \$100.

The requested change adds two new fees:

- \$10 non refundable fee for each time the contract is revised.
- \$50 service charge for cancellation of the contract.

The requested change reserves the right to keep fees paid if contract is cancelled less than thirty days prior to event.

### Discussion Highlights:

If someone cancels, does the \$50 service charge come out of deposit? (Swearingen)  
Mayor Pro Tem Keener replied that fees are paid up front and the service charge comes out of the fees, not the deposit.

Why are we doubling the resident's fees? It's not the problem of a resident if an outsider gets someone to sponsor them. It is not fair to double the resident fee. You are punishing the whole Town for a few bad apples. The facility belongs to tax payers. Why are we raising the taxpayer's rate, almost doubling it, when they pay the taxes and they pay to maintain it? (Nelder)

Lore Eccleston, committee member, replied that the Community Center Committee decided to go with \$40 for residents, because some residents are cheating the Town. The Town was cheated out of \$700 in two months.

It's the citizens of the Town that are doing the cheating. (Dugan)

I disagree. 100% of the citizens of Kure Beach are subsidizing. If this brings in more of a revenue stream, it is less of a burden on the citizens that don't use it. We all pay to keep it



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up. The sweat equity the committee members put into that center is unparallel to other committees. This is a much fairer way to help offset the cost of the center. (Lambeth)

MOTION – Mayor Pro Tem Keener made a motion to accept the numbers as presented.

SECOND – Commissioner Swearingen

VOTE – Motion carried by a vote of four to one with Lambeth, Keener, Dugan and Swearingen in the affirmative and Nelder in the negative.

Said fees to change as follows:

- Increased resident rental from \$15 to \$40 per hour with two hour minimum.
- Increased non resident rental from \$15 to \$40 per hour with two hour minimum.
- Increased commercial for profit organization rental from \$35 to \$40 per hour with two hour minimum.
- Increased non profit organization rental from \$15 to \$20 per hour with two hour minimum.
- Increased resident/property owner deposit from \$50 to \$100.
- Allowed \$10 non refundable fee for each time the contract is revised.
- Allowed \$50 service charge for cancellation of the contract.

Mayor Pro Tem Keener stated it has been brought up that a lot is being spent on paying someone to open and close the center. The committee members are opposed to not paying someone to open and close because they have found things such as a toilet running or the thermostat left on. The person that opens and closes inspects those things and puts out toilet paper and garbage, etc. The committee takes responsibility for that center. Do we want to take that away from them? The committee recommends they continue to maintain responsibility. I have found there are a lot of different ways rentals are being handled. I want a work session with the Community Center and Parks & Recreation Committees, the Public Works Department, the Finance Officer and anyone else involved to meet and work these inconsistencies out. I propose a date March 28 or 29.

MOTION – Mayor Pro Tem Keener made the motion to schedule a joint work session with Council and everyone involved with the Community Center Committee, Parks & Recreation Committee, Public Works Director, and Finance Office on Monday, March 28 at 6 pm at the Community Center to discuss rental procedures for the Community Center.

SECOND – Commissioner Nelder

VOTE – Unanimous

2. Gabby Kraus, Parks & Recreation (P&R) Committee member, requested Council allow the committee to hire a temporary employee for recreation staffing. The committee proposes six months, April to September, for a six month trial period at \$20 a week for 24 weeks, for a total of \$2,400 for Fiscal Year 10-11 and \$2,400 for Fiscal Year 11-12.

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The hiring process is to be determined by the committee. They want a person to have some experience with Parks & Recreation for the purpose of putting together events such as tennis tournaments, disc golf tournaments, special arts and crafts and to work with the Street Festival Committee. Hours to be worked will be Tuesday to Friday, 2 pm to 6 pm and Saturday, 10 am to 2 pm. The committee wants to have this begin April 1, 2011.

### Discussion highlights:

Attorney Canoutas, do committees have the authority to hire employees? (Nelder)  
Attorney Canoutas replied, "No, they don't."

As liaison, I think we need to submit this in writing and consider it during the budget process. We are not prepared to act on this tonight. (Lambeth)

There are EEOC laws that require us to advertise. (Swearingen)

Mr. Kraus stated that we are going to go downhill in our P&R program, if we don't do this. The committee wants to hire Bob Fitzsimons for this position. If Council accepts his resignation, he won't be able to serve on the committee.

According to committee rules, any one living in the U. S. can attend committee meetings and make suggestions that the committee recommends to the Town. He can do the same work, but won't have the title. (Dugan)

MOTION – Mayor Pro Tem Keener made a motion to ask the Parks & Recreation Committee to look into an internship  
SECOND - none

CONSENSUS – The committee should present this proposal to the budget officer as part of its budget requests for FY11-12.

3. Craig Galbraith, chairman of Planning & Zoning (P&Z) Commission, requested Council schedule a public hearing for amendments regarding special use process in Chapter 19 (Zoning) of the Code of Ordinances. P&Z has reviewed the SIC Codes and allowable uses and found a number of SIC Codes that would warrant special use permit process. These amendments clean up SIC codes, clarify special use for SIC codes and identify prohibited uses.

MOTION – Mayor Pro Tem Keener made the motion to schedule a public hearing on proposed amendments to the Code of Ordinances, Chapter 19 (Zoning), Article III (District regulations), B1, B2, B3, B4, RB1, RA1, RA2, RA2A, RA2T, RA3, and



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Subsection 79 (Division I: General) regarding SIC codes permitted uses and Special Use on April 19 at 6:30 pm, or soon thereafter, as the first item on the Council agenda for their regular meeting.

SECOND – Commissioner Dugan

VOTE - Unanimous

#### 4. Resignation of Bob Fitzsimons from P&R Committee

Mayor Lambeth stated Mr. Fitzsimons, chairman of the Parks and Recreation committee submitted his resignation and Council tabled acceptance at the last meeting.

#### Discussion Highlights:

It is time to accept his resignation? (Nelder)

We said we would accept his resignation when the disc golf course was finished and it is finished. (Keener)

I want a letter of thanks sent to him and ensure him his input is valuable. (Dugan)

MOTION – Commissioner Nelder made the motion to accept the resignation of Bob Fitzsimons from the P&R Committee and to send him a Certificate of Appreciation.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

### 1. Administration and Finance

#### FY11-12 budget calendar

Finance Officer Copenhaver presented the FY11-12 budget calendar and requested Council adopt it.

MOTION – Commissioner Dugan made the motion to adopt the FY11-12 budget calendar as presented.

SECOND – Commissioner Nelder

VOTE - Unanimous

Said budget calendar is herein included as part of these minutes.

#### Public Access Terminal for Emails

Town Clerk Avery announced a public access terminal has been set up to capture all incoming and outgoing emails. It is located in the conference room and is open to the public.

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Emails may be printed at a cost of 10 cent per page. The terminal began capturing emails on February 7, 2011.

### DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Proposed eleven amendments to Code of Ordinances, Chapter 19, Article VI on Signs:

Amendment # 1 - Section 371 Definitions, 4<sup>th</sup> paragraph:

- change 'marquee' to 'canopy'
- add at end of section 'extraterritorial jurisdiction' definition

Council held public hearing September 2010.

Amendment # 2 – Section 372 Application of regulations:

- Add new Subsections a, b and c regarding computation of area of individual signs.

Council held public hearing September 2010.

Amendment # 3 – Section 373 Exceptions:

- Subsection 3 – change 32 to 6.
- Subsection 4 – remove 'set back 5 feet' and replace with 'set remove 'B-1' and replace with 'commercial.'
- Subsection 6 – delete existing language and add new language on monument signs.
- Add new subsection 8 on historically significant signs.

Council held public hearing September 2010.

Amendment # 4 – Section 374 Permit required: Administration

Subsections a, b, c (5) – change 'building inspector' to 'code enforcement officer.'

Council held public hearing September 2010.

Amendment # 5 – Section 376 Maintenance

- Add 'and Replacement' to section name.
- Replace existing language and add new language regarding non conforming signs.

Council held public hearing September 2010.

Amendment # 6 – Section 377 Location

- Repeal section.

Council held public hearing September 2010.

Amendment # 7 – Section 379 Temporary signs

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- Add 'announcing an opening of a new business' between 'signs' and 'may.'

Council held public hearing September 2010.

Amendment # 8 – Section 380 Prohibited signs

- Repeal section.

Council held public hearing September 2010.

Amendment # 9 – Section 381 Non conforming signs

- Delete existing language and replace with new language.
- Subsection 5(d) change seven years to twelve years and add new language regarding appeal process as Subsection f.

Council held public hearing September 2010 and March 2011.

Amendment # 10 – Section 382 Schedule of sign regulations

- Add '15% of façade' to Wall signs in the B-2 and B-3 districts.

Council held public hearing March 2011.

Amendment # 11 – Add new Section 383 - Abatement of illegal and abandoned signs

### Discussion Highlights:

Mayor Lambeth asked for Code Enforcement Officer Batson's input on the proposed amendments.

Code Enforcement Officer Batson stated we have been working on this for three years. It is a lot of new stuff, but it is a lot better than the current sign ordinance. It does need to be put into place. Council has accepted a good number of changes proposed and these are the last ones and also the most controversial.

Mayor Lambeth asked Chair Galbraith, P&Z, about franchise requirements to have square footage that exceeds the town's ordinance; what happens?  
Chairman Galbraith replied that they wouldn't be allowed. This happens in all communities. My experience is that the franchise will always come up with a sign that fits.

Code Enforcement Officer Batson stated they can also apply for a variance.

Mayor Lambeth asked if the burger house that has painting on the side of the building with their name would be problematic under these amendments.

Chair Galbraith replied that Council has already passed a size and prohibited sign amendments to the Code, which created non conforming signs. The amendments heard at

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the public hearing tonight address what to do with non conforming signs by setting up an appeal process. If that sign was prohibited, the owner would have fifteen years to correct it under these amendments, plus an opportunity to apply for an extension.

Mayor Pro Tem Keener asked what the scenario would be on an appeal that comes to P&Z, based on the worst non conforming situation.

Chair Galbraith stated that first of all, it wouldn't happen for fifteen years. Using the pier as an example, the height of the sign is important. I think that would pass P&Z.

Mayor Pro Tem Keener stated I think all existing signs should be grandfathered. How do we know that, if an owner appeals it, he or she will get to keep the sign? I don't think we should put our business owners through this.

Chair Galbraith replied that the purpose of the sign ordinance is to make the community more attractive. Grandfathering could cause a sign to remain for fifty to eighty years, which could change the face of the community if the sign isn't repaired or replaced. P&Z does not recommend grandfathering.

MOTION –Commissioner Nelder made the motion to adopt the eleven amendments to Chapter 19, Article VI on signs as presented.

SECOND – Commissioner Swearingen

VOTE – Motion carried with a vote of four to one with Lambeth, Dugan, Nelder and Swearingen in the affirmative and Keener in the negative.

Said proposed amendments are herein included as part of these minutes.

2. Additional lifeguard tower at the south end beginning May 2011 funded by TDAMonies, as requested by Beach Protection Committee; November 2010. Council agreed to discuss this as part of the FY11-12 budget talks, but the tower needs to be in service at beginning of summer.

### Discussion Highlights:

Fire Chief Heglar stated it costs \$800 to a \$1,000 to build another tower and \$12,000 to man it.

Mayor Lambeth asked if the number of current towers is adequate to man the beach. Fire Chief Heglar replied, "Yes, but the Beach Protection committee is requesting another tower between tower eight and nine."

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Mayor Lambeth stated that unless Fire Chief Heglar says we need additional lifeguards, I can't support this.

Commissioner Dugan stated this is partially a money issue, but it is not a safety issue. We have to find a balance between service and what we can pay for.

MOTION – Mayor Lambeth made the motion to not fund an additional lifeguard tower.

SECOND - Commissioner Dugan

VOTE - Unanimous

### DISCUSSION AND CONSIDERATION OF NEW BUSINESS

#### 1. Ocean Front Park Development

Finance Officer Copenhaver presented Council a Capital Project Budget for approval. This is for development of the Ocean Front Park in the amount \$1,331,000. Revenue is a combination of grants, financing and private donations. The unfunded amount is \$482,000.

Finance Officer Copenhaver also presented Council with resolution R11-05 Notice of Intent to File an application for approval of financing not to exceed \$600,000 explaining this is necessary as the first step to receive financing approval through the Local Government Commission.

Finance Officer Copenhaver asked Council to schedule a public hearing for April 4, 2011 at 6:30 pm or not later than April 7, 2011 to hear public comments on Notice of Intent to File an application for approval of financing not to exceed \$600,000.

#### Discussion Highlights:

How much do we owe on the land? This \$1.3 million budget is irrelevant to the debt on the land, correct? Why don't we take out the storm water portion first since we are under the gun for that. (Nelder)

We owe a little over \$1 million on the land and this \$1.3 million is in addition to that. To pay the debt service on the land acquisition and the debt service for development would require approximately a 1-½ cent tax increase. (Copenhaver)

If we vote for this, then we are voting on a tax increase. Why don't we wait until we hear back from the county on the revaluation? (Nelder)

You won't see that until Fiscal Year 12-13. To this point, we have covered the debt service on the land as part of our operating budget. (Copenhaver)



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I was under assumption when we originally acquired this land we would pay off the land before we developed. (Nelder)

We said we would not develop the park until we paid for the land. (Keener)

We aren't voting on raising taxes. We start construction on the park. We are getting grants to pay for the majority of the cost of development. We don't have money to pay for this up front before we get grant reimbursement. The more grants and money and donations we raise can be used to pay off the debt. We may get community involvement from the garden club to help with landscaping, etc. (Swearingen)

We can request reimbursement on the storm water grant before we pay the debt first. That is the only one. The up to \$600,000 amount is for working capital up front. If we get private donations, it will lower the \$482,000 expected cost.

In order to get grants, this financing is to get it built so we can get grants. We need this financing to go forward. (Keener)

Yes, we do. (Copenhaver)

One problem is the location of the storm water system. Regardless if we put it off two weeks or two years, if we do it first, we have to drive heavy trucks over it. We will be getting RFP's back in April. The engineer says he feels reasonably confident we can meet the storm water grant deadline of September 2011. (Dugan)

I don't feel comfortable going forward with the rest of the building when we only have the storm water deadline. (Nelder)

So you want to take only the \$200,000 for the storm water and delay the building?  
(Keener)

Who is going to make a recommendation for a tax hike? (Nelder)

We're sitting at a crossroads and have to make a decision. (Lambeth)

MOTION –Mayor Lambeth made the motion to adopt the Capital Budget Ordinance as presented.

SECOND – Commissioner Dugan

VOTE – Motion carried with a vote of four to one with Lambeth, Keener, Dugan and Swearingen in the affirmative and Nelder in the negative.

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Said Capital Budget Ordinance is herein included as part of these minutes.

**MOTION** – Mayor Pro Tem Keener made the motion to adopt resolution R11-05 Notice of Intent to File an application for approval of financing not to exceed \$600,000 as presented.

**SECOND** – Commissioner Dugan

**VOTE** – Motion carried with a vote of four to one with Lambeth, Keener, Dugan and Swearingen in the affirmative and Nelder in the negative.

Said resolution R11-05 is herein included as part of these minutes.

**MOTION** – Mayor Pro Tem Keener made the motion to hold a public hearing on April 4 at 5:30 pm, or soon thereafter, for the purpose of receiving public comments on Notice of Intent to File an application for approval of financing not to exceed \$600,000.

**SECOND** – Commissioner Dugan

**VOTE** – Unanimous

### 2. Fundraising for the Ocean Front Park

Commissioner Swearingen stated that she and Commissioner Dugan have been working with a Town resident who is experienced with development financing and who has agreed to help us develop a fund raising plan for the Ocean Front Park.

We have put together a three-fold capital fund raising campaign:

1. Naming the park or pavilion
2. Working with donations or large discounts of building materials
3. Soliciting local, smaller donations

We will be doing this to help lower the expenses for development of the park.

Commissioner Dugan stated he and staff members have been on the phone with Engineering Services and CAMA regarding permitting. The Request For Proposals will go out by the end of the week. We are working to keep Atlantic Avenue open as much as possible. There will be two CAMA permits, one for the park itself and one for the boardwalk area because the bump out areas where we want swings will be denied and we will need to appeal and request a variance.

We will try to do the boardwalk area as early as we can so we won't tie up traffic to the beach. Building Inspector Batson and Public Works Director Beeker will be contacts for Engineering Services and will be the first reviewers of billing, so another set of Town eyes will be on the money to be spent.

## MINUTES



## TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ▪ Kure Beach, NC 28449

Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
Jim Dugan, Commissioner  
Barry Nelder, Commissioner  
Emilie Swearingen, Commissioner

### 3. Paper Trash Bag Partnership for Bulk Brush Pickup

Commissioner Swearingen stated the week of April 14 is free collection of yard debris. I have noticed neighbors filling up large plastic bags. These bags are difficult for Public Works to work with because they have to rip open the bags and take to the landfill. Some folks are using big paper lawn debris bags. ACE Hardware is willing to sell these paper bags at-cost to anyone between now and April 14. We want the Town to purchase some of these bags to have available at Town Hall, free to residents. Public Works can turn these bags into mulch and it makes it easier for them than plastic bags.

CONSENSUS – Commissioners will donate \$10 each to purchase paper bags for a total of \$50. Commissioner Swearingen is to let the Town Clerk know what to advertise to the public regarding distribution of paper bags for yard debris.

### 4. Legislation to Ban Plastic Bags in New Hanover County

Commissioner Swearingen stated the Island Women and Surf Riders are working on legislation to ban plastic bags on Pleasure Island and New Hanover County, in general. Wrightsville Beach Mayor Cignotti and Aldermen Weeks have been talking about doing the same thing and went to the County Commissioners who said they want all beach towns to approve it before the County Commissioners vote. They did this in Cape Carteret and it has worked well.

This is for any business that is 5,000 square feet or more for point of purchase plastic bags. This is informational only.

### 5. Participation in NCDOT Littersweep (April 16-30)

CONSENSUS – Town doesn't have any litter. Town already cleans Highway 421 and Dow Road. Town will not participate.

### 6. Draft Civil Citation for Alcohol

Attorney Canoutas stated the Police Chief asked him to draft this ordinance regarding consumption of alcohol in public. The Chief wants the fine increased to \$50 instead of the proposed \$25.

MOTION – Commissioner Dugan made the motion to adopt the proposed amendment to Chapter 3, Section 3-1(d) of the Code of Ordinance regarding civil citation for consumption of alcohol with the adjustment of the fine to \$50.

SECOND – Commissioner Nelder

VOTE – Unanimous

**MINUTES**

**TOWN OF KURE BEACH TOWN COUNCIL**

117 Settlers Lane • Kure Beach, NC 28449



Dean Lambeth, Mayor  
Chuck Keener, Mayor Pro Tem  
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Emilie Swearingen, Commissioner

Said proposed amendment is herein included as part of these minutes.

7. 2010 Census

Commissioner Swearingen stated the census shows 1,300 housing units are vacant. I find that hard to believe. I am wondering if because someone didn't answer the door, they counted it as a second home. I want Council to work with staff to appeal this. The Star News reporter did an article stating three towns are appealing. I don't think the census count of 2,000 is correct.

CONSENSUS – Council will work with staff to appeal.

8. Notification to out of state property owners requesting them to contact their State representatives to talk about sand.

CONSENSUS – Include an article in the April newsletter.

CLOSED SESSION

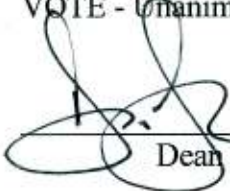
None

ADJOURNMENT

MOTION – Mayor Pro Tem Keener made the motion to adjourn at 10:51 pm.

SECOND – Commissioner Dugan

VOTE - Unanimous

  
\_\_\_\_\_  
Dean Lambeth, Mayor



ATTEST:

  
\_\_\_\_\_  
Nancy Avery, Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk