

# 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

April 19, 2011 at 6:30 pm

The Kure Beach Town Council held its regularly scheduled meeting on Tuesday, April 19, 2011 at 6:30 pm. Attorney Canoutas was in attendance and there was a quorum of the Council present.

### 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  
Finance Officer – Arlen Copenhaver  
Town Clerk – Nancy Avery

### CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting and public hearing to order at 6:30 pm. Pastor Richard Graff of Kure Memorial Lutheran Church delivered the invocation. Mayor Lambeth lead in the Pledge of Allegiance.

### RECOGNITION AND AWARDS

None

### PUBLIC HEARING

Mayor Lambeth called the public hearing to order at 6:34 pm stating the purpose of the public hearing is to receive public comments on proposed amendments to Code of Ordinances, Chapter 19 (Zoning), Article III (District regulations) for B1, B2, B3, B4, RB1, RA1, RA2, RA2A, RA2T, and RA3 Districts, and Subsection 79 (Division Generally) regarding SIC code permitted uses and Special Use. Notice of this hearing was posted at Town Hall on March 17, 2011, and advertised in the Island Gazette newspaper on April 6 and 13, 2011.

Mayor Lambeth asked the Planning and Zoning (P&Z) Chairperson, Craig Galbraith, to give a brief explanation of the proposed amendments.

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Chairperson Galbraith stated:

Kure Beach ordinances use Standard Industry Codes (SIC) and, in reviewing them, we noticed inconsistencies across the different districts. The proposed amendments correct the inconsistencies and clean up the SIC codes. This allows more things than were previously allowed because we are defining broader business categories. But, this does not impact current businesses. We recommended no adult video book stores and no gaming machines be allowed in Town.

Commissioner Swearingen pointed out grammar inconsistencies in the proposed amendments as follows:

“Page 4, under Amend to Read, R2 district # 3: at the end of that paragraph it says ‘no accessory buildings shall be used for such home occupation.’ On the next page, under RA-2T and RA-2T Districts Amend to Read, Section 4, both of those sections: the last paragraph says ‘no accessory <semicolon> buildings shall be used.’ There shouldn’t be a semicolon. It should say ‘shall be’ instead of a semicolon.”

### Public Comments

1) Charlie Allo, resident, stated:

- In reference to SIC, that sort of evolved because originally we were having problems with very general commercial descriptions that covered a wide variety of things and decided to implement SIC. Allowing SIC broke it down and applied it to what we already had in the Town. In some areas where we felt there were no problems with incorporating in some districts, we put that down in that district. Districts were separate and that was so you wouldn’t allow everything in each district.
- We have another distinct problem here that needs to be looked at from a unique perspective. The heart of our Town happens to have the intersection of U.S. Route 421 and K Avenue; our two main roads. We can’t block that area and expect to have a vibrant commercial area of any kind. People will say they can’t park and get down there to that area. If you go south of E Street, there is no way to get to 421 other than K Avenue to get onto Dow.
- Most of P&Z’s recommendations I agree with. Some areas, such as allowing the zoning administrator to make calls on what category an item not found in the SIC code is going to fit into, I would prefer to have it go through the process of going through P&Z and then to Council to rule on it. My reason is so that individuals can’t take actions that will cause problems in the future. That has been done quite a few times.

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- The other problem I have is the initiation of our Special Use. The main objective related to Special use is the fact that this particular item is used for political purposes quite frequently. That creates problems in the Town. I would prefer to see guidelines outlined in our ordinance for the use of Special Use, rather than go through the normal process. The statutes give enough guidelines for Special Use. I don't want it being used as a political tool.
- My other comment is related to the B4 District: we no longer have International Nickel here testing. For all intents and purposes, B4 can be renamed to RA1A and fit within that category and the areas adjacent to the property surrounding it.

No one else asked to speak.

MOTION – Commissioner Dugan made the motion to close the public hearing at 6:47 pm.

SECOND – Commissioner Nelder

VOTE - Unanimous

### APPROVAL OF CONSENT AGENDA

1. Adoption of Proclamation P11-03, declaring May 22, 2011 as the Help Center of Federal Point Recognition Day
2. Approval of Coach America contract for P&R bus trip, \$860.00
3. Approval of Legends in Concert contract for P&R bus trip, \$1,512.00
4. Appoint Eric Vann to the Stormwater and Environmental Committee
5. Budget amendments 11-30, 11-31, 11-32, 11-33 and 11-34
6. Finance Report
7. Building Department Report
8. Fire Department Report
9. Approval of Meeting Minutes:
  - March 15, 2011 Regular Meeting
  - March 24, 2011 Joint Meeting with CC and P&R Committees
  - April 4, 2011 Public Hearing for OFP development financing
  - April 4, 2011 Closed Session: legal

MOTION – Commissioner Nelder made the motion to approve the consent agenda with corrections to the minutes as outlined.

SECOND – Commissioner Dugan

VOTE - Unanimous

Corrections to the March 2011 Council minutes as presented by Commissioner Swearingen:

Page 7: "Swearingen" is misspelled.

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Page 16, item 3, paper trash bag partnership: Only Ace Hardware was mentioned. It should state Ace Hardware and True Value. Also, strike “between now and April 14” and replace with “for the rest of the season.”

Page 17, Item 8: The notification about sand wasn’t written clearly enough for someone to understand what that was about.

### ADOPTION OF THE AGENDA

MOTION – Commissioner Nelder made a motion to amend the agenda to add a presentation by Sean Ahlum of Surfrider Foundation and add a closed session for personnel and legal items.

SECOND –Commissioner Swearingen

VOTE - Unanimous

### PRESENTATIONS TO COUNCIL

- 1) Sean Ahlum, Surfrider Foundation International, presented a slide show to Council on the “Rise Above the Plastics” Awareness Program. Highlights of the presentation were:
  - Surfrider Foundation is a non-profit organization that was founded in 1984 and based in San Clemente, CA.
  - “Rise Above the Plastics” is an advocate program to encourage people to take action in their local communities in order to reduce the impacts of plastic in the marine environment by raising awareness about the danger of plastic pollution, and by advocating for a reduction of single-use plastics and the recycling of all plastics.
  - 60% of items found in our ocean are plastic from land-based sources.
  - Solutions are grass root activism, education awareness to communities and schools, and advocating for legislative change to establish ordinances banning plastic bags.
  - I hope this Town Council will approach the County Commissioners about a county-wide plastic bag ban or about the development of a fee on single-use bags for the purpose of reducing the number of bags used.
  - Some states are on board. North Carolina counties Dare, Hayden and Currituck have a bag ban in place.

Commissioner Swearingen asked Mr. Ahlum if he had taken this request to the County Commissioners.

Mr. Ahlum stated the County Commissioners want to know if the beach communities are interested in this first. They want unity.

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Commissioner Swearingen asked Town Council to request that the County Commissioners hear the presentation.

### CLOSED SESSION

MOTION – Commissioner Nelder made a motion to go into closed session at 7:25 pm to discuss personnel and legal items.

SECOND – Commissioner Dugan

VOTE - Unanimous

MOTION – Commissioner Dugan made the motion to return to open session at 7:40 pm.

SECOND – Commissioner Nelder

VOTE - Unanimous

### PERSONS TO ADDRESS COUNCIL

1. Gabby Kraus, Chairperson of Parks & Recreation Advisory Board, stated he was presenting the resignation of Christopher Richards from the committee because Mr. Richards has moved away from Kure Beach.

MOTION - Commissioner Swearingen made the motion to accept the resignation of Christopher Richards from the Parks & Recreation Committee.

SECOND – Commissioner Dugan

VOTE – Unanimous

2) Debbie Price, Settlers Lane, stated two Kure Beach residents put on a formal High Tea and Quilt Show at the Katie B. Hines Senior Center. I'd like to thank Jan Truelove for preparing the tea and food and Hope Marvin for collecting and displaying quilts. The event got rave reviews. I want this to be in the record.

3) Eric Vann, 733 Sailor Court, recommended that Council ponder the budget. He also recommended instituting a no-charge collection of yard debris every Thursday, after seeing the garden trash collected this past Thursday. This would significantly reduce what is now going into garbage cans and costing the Town in tipping fees. He would also like the Council to follow through with the Police Chief's recommendation to hire one part-time officer and an additional full-time officer. "There will be a tax increase to balance the budget, and I would like to see us absorb that expense into the tax increase."

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## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. SLAP Chairperson, Tony Gonsalves, stated that Sonny (PW Director Beeker) sent out a survey and received no negative comments on lighting for parking at Joe Eakes Park except a request for the lighting to face the woods. He wants Council to vote to give the Public Works Department permission to move forward with that. Probably two or three lights need to be added. He also wants Progress Energy to estimate the cost of putting lighting in at the corral and wants Council's blessing to start looking at this.

CONSENSUS – Authorize Public Works Director to work with Chairperson Gonsalves and Progress Energy to provide Council with the number of lights requested and for an estimated cost of lighting the parking for Joe Eakes Park and the corral before Council will approve.

2. Letter of resignation from the Street Festival Committee Chairperson, Paula Withrow, effective May 1, 2011.

CONSENSUS - Mayor Lambeth said that Mrs. Withrow's letter only stated that she resigned as the committee's chairperson and not from the committee, so there is no action for Council to take as they don't elect chairpersons.

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Finance
  - a) Recommendation regarding auditing firm selection  
Finance Officer Copenhaver stated he received four proposals from a Request For Proposal (RFP) for an auditing firm. All four are qualified and have adequate man power to perform the audit. He called municipality references on all and all received good references. The issue we have had in the past is the timeliness of the audit. One firm stood out and also happened to have the lowest cost. Bernard Robinson & Company, LLC, of Greensboro. He wants Council to award a one year contract for auditing services to the company at a cost of \$13,754.00. This is a savings of \$6,900.00 over the current auditor fees.

MOTION – Mayor Pro Tem Keener made the motion to accept Finance Officer Copenhaver's recommendation to award a one year auditing contract to Bernard Robinson & Company, LLP, at a cost of \$13,754.00

SECOND – Commissioner Nelder

VOTE - Unanimous

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Said proposals are herein incorporated as part of these minutes.

b) Request for Council approval to issue an RFP for recycling contractor.

Finance Officer Copenhaver requested Council authorize staff to issue an RFP for recycling services. The current contract expires June 2011.

MOTION – Commissioner Nelder made the motion to authorize staff to issue an RFP for recycling services.

SECOND – Commissioner Swearingen

VOTE – Unanimous

### DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Proposed amendments to Code of Ordinances, Chapter 19 (Zoning), Article III (District regulations) for B1, B2, B3, B4, RB1, RA1, RA2, RA2A, RA2T, and RA3 districts, and Subsection 79 (Division I Generally) regarding SIC code permitted uses and Special Use. (Public Hearing held earlier in meeting.)

MOTION – Commissioner Nelder made the motion to adopt the proposed amendments as presented by Planning and Zoning with corrections by Commissioner Swearingen.

SECOND – Commissioner Swearingen

VOTE - Unanimous

Said amendments and corrections are hereby included as part of these minutes.

2. Resolution in support of NC promoting and encouraging development of offshore wind as renewable energy resource (tabled from March meeting for rewriting)

Mayor Lambeth read the revised resolution, R11-04, adding the following language: “Ensure any and all contracts contain requirements that all material must be made in the United States by U.S. workers.”

Commissioner Swearingen stated semicolons needed to be added to the end of each “Whereas” to be consistent.

MOTION – Commissioner Nelder made the motion to adopt Resolution R11-04 in support of NC promoting and encouraging development of offshore wind as a renewable energy resource.

SECOND – Commissioner Dugan

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VOTE - Unanimous

Said resolution is herein incorporated as part of these minutes.

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

None

## ADJOURNMENT


MOTION - Commissioner Nelder made the motion to adjourn at 8:05 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