

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

JUNE 21, 2011 at 6:30 pm

The Kure Beach Town Council held its regularly scheduled meeting on Tuesday, June 21, 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 to order at 6:30 pm. Reverend Thomas Williams delivered the invocation. Mayor Dean Lambeth led in the pledge of allegiance.

RECOGNITION AND AWARDS

None

APPROVAL OF CONSENT AGENDA

1. Approve contract with Outer Banks Tennis Contractors for resurfacing the basketball court at cost of \$7,541.50. NHC Park Bond funds to be used.
2. Adopt Proclamation P-07 proclaiming the month of July 2011 as Lyme Disease Awareness Month
3. Appoint Kerry Garrigan to the Beach Protection Committee
4. Appoint Tony Perniciaro to the Emergency Operations Committee
5. Appoint Mararuth Capell and Connie Mangum to the Community Center Committee
6. Accept resignation of Paula Withrow from the Annual Street Festival Committee
7. Budget amendments numbers: 11-35; 11-36; 11-37; 11-38; 11-39; 11-40; 11-41; 11-42; 11-43; 11-44; 11-45; 11-46; 11-47

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8. Building Department report May 2011
9. Fire Department report May 2011
10. Police Department report May 2011
11. Finance

MOTION – Mayor Pro Tem Keener 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 following changes:

Under presentations add Kathleen Riely as item # 5

Under committee business add Brant Barnwell and Ken Withrow

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

PRESENTATIONS TO COUNCIL

1. David Heglar, Incident Commander Emergency Management stated:
 - I attended a hurricane operations meeting at the Emergency Operations Center on June 1. Everything is all ready, and the last thing is to get the citizens ready. It has been awhile since we have had storms.
 - I am asking Council to approve the dates of June 26th from 2-3pm; June 29th from 6-7pm; June 30th from 6-7 pm and July 2nd from 10-11 am for public information sessions on hurricane planning. I'd like these dates to be advertised in the Gazette and on the Town's email list. The talks will be about preparations for your home and if you elect to stay what you should plan for.
 - The staff has already sent a letter to citizens via the Town's email address and put it in the Island Gazette.
 - There are no changes to the emergency management plan. For citizens, it is on the Town's website.

Discussion:

Commissioner Dugan asked if there is anyone who hasn't reviewed the emergency management plan that wants to wait until the July meeting to vote on.

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MOTION – Commissioner Dugan made the motion to approve the Emergency Management Plan for 2011.

SECOND – Commissioner Swearingen

VOTE – Unanimous

2. Marvin McFadyen, director NHC Board of Elections, stated:
 - I have been involved in the election process since 1998, mostly in Pitt County, and also worked for a private company that made voting machines.
 - I am only 45 days into this position. I don't know all the problems the county board of elections had in the past, but I know elections of 2010 were worrisome and problems occurred due to a lack of proper planning.
 - I'm the head of administration. The procedures and processes I put in place will take care of those past issues and I think we need to do a better job of educating the public.
 - This year is a municipal year. There are 1,750 registered voters in Kure Beach. The mayor two year term, two council four year terms and one unexpired term will be on the ballot.

3. Bruce Holsten, Pleasure Island Foundation for a Sustainable Community President, stated:
 - Emilie (Commissioner Swearingen) and I have been talking for a while. Evidently the Foundation for a Sustainable Community is a well kept secret at this end of the island.
 - It was formed in March 6, 2007 as a corporation with the purpose of a public Foundation. It is IRS approved as a 501(c)3 non profit with the purpose to 'sustain the overall quality of life in Carolina Beach and Kure Beach'
 - There is overlap between the Chamber and the Foundation. The Chamber oversees the Foundation and is paid a management fee. There is no staff on the Foundation. The Chamber rents space to us in the Carolina Beach Town Hall.
 - Emilie (Swearingen) asked how the Foundation could serve fund raising of small donor funds for the Ocean Front Park. This is an exciting project and we support it.
 - How we go about accepting responsibility needs to be discussed since we have no staff. We could be the recipient of the funds and it would be tax deductible. We want to provide a service throughout the island and want to explore helping the Town.

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Discussion:

Commissioner Swearingen stated that if we wanted someone to be able to make a small donation for a park bench, they could do so through the Foundation and it would be tax deductible. Town doesn't have 501(c)3 status nor does it have staff large enough to set this up and oversee it. This way relieves staff of the responsibility. I have been asking around for a volunteer to chair the small donor contributions. I have someone interested, but they want to meet with your Foundation to brain storm.

Mr. Holsten replied that we have done something similar indirectly for Carolina Beach with the boardwalk makeover. The mission was to recreate a revitalized downtown area. The Town Manager requested our involvement because ROT funds were going to be used. The town now has a 501(c)3. We understand the process from the political side and from maintaining 501(c)3 status. This can be done. We would be the depository and that would allow us to give donors a significant tax reduction.

Commissioner Dugan asked if the Foundation's sole service would be to act as a pass through for tax deductible monies.

Mr. Holsten responded that the Foundation would earmark funds if a specific request is made, such as a donation for 20 benches. We would want to make sure this was met. You and or your committee would be doing the real work. We want to make sure we can fulfill what you want done.

Commissioner Swearingen asked if the Foundation would expect payment for this service.

Mr. Holsten stated generally there is a fee of 4% to 19% of collected funds. We would probably expect 4% of funds administered by us, or a fixed amount, whichever is greater. It is all subject to negotiation and discussion. I don't know how much we will get and how we would negotiate on behalf of the Town.

Commissioner Dugan asked whether funds coming into Town Hall would have to pass through to the Foundation.

Mr. Holsten stated that the money would have to come to us. We would issue a letter from the Foundation stating what was given and thanking them and Town would be given a copy of the letter. We would open an account specifically for the Ocean Front Park.

Commissioner Nelder stated he would like Arlen's (Finance Officer Copenhagen) take on this once he has had a chance to process this.

CONSENSUS –Commissioners Swearingen and Dugan will meet with the Foundation to pursue using the Foundation for small donor contributions.

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4. Kerry Loomis, Lanier Parking, stated:
- Lanier Parking has experience in supporting a lot of events. We are experienced in municipal parking
 - We currently manage Wrightsville Beach, Carolina Beach, Wilmington and Myrtle Beach. They all benefit from paid parking.
 - We are turn key and will fully manage a paid parking program.
 - We issue notices and follow up with phone calls and enforcement of towing.
 - We have equipment that will take a photo of the car violating the parking time and meters.
 - My team has recently worked with Tony Gonsalves in identifying 303 parking spaces in Town, not at beach accesses, but other spaces in Town that would be available for this program.

Discussion:

Commissioner Nelder asked how many spaces are available at the beach accesses. Does this include spaces east and west?

Ms. Loomis replied we can count the beach access spaces and include those east and west. I don't have estimated revenue, but if you are interested I can provide.

Commissioner Swearingen asked what the break even cost is since it appears there are a lot of things that have to be paid for.

Ms. Loomis replied that we would work with you on this.

Tony Gonsalves, SLAP committee chairman, stated that Council tabled this indefinitely. My committee met with business owners and they didn't want it. What do you want the committee to do?

Commissioner Nelder said he would like to see numbers.

Mayor Pro Tem Keener stated as long as they stay away from the CAMA access, I'd like to see numbers

Commissioner Swearingen stated she is against having meters in Kure Beach.

Commissioner Dugan stated that the numbers they have been brought to us in the past haven't made it worth while.

CONSENSUS – Lanier Parking to work with SLAP committee to bring possible revenue and costs for available parking spaces in Town, not to include CAMA beach access spaces.

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5. Kathleen Rielly, Wilmington Association of Realtors
 - In 2008, the State Department of Insurance raised insurance rates in coastal communities. The North Carolina Supreme Court ruled that there is no right for judicial review, it is a legislation matter for the General Assembly
 - There are three bills currently in the house and senate:
 - Senate Bill 395 –sets up a citizens property insurance board that will have the right to sit in and have input on discussions about rate increases. Right now, it is only a commissioner and the rate bureau that decide what you will pay. You have no say. Senator Goolsby has introduced this bill.
 - There is a House Bill introduced by several representatives that addresses the Beach Plan, which is separate from the Rate Bureau, which provides wind and hale coverage for the coast. The Board of the Beach Plan has 12 members with only 2 from the coast. The drafted legislation is to make the composition of the Beach Plan Board more fair.
 - Senate Bill 716 - Senator Brown introduced this bill, integrating Bill 395. This sets up a study commission to look at the entire rate making process. This is what we need. It gets rid of the rate planning group. It was voted on passed and then they recanted and it has been delayed until July 2011. Right now the commissioner can do whatever he wants and there is nothing anyone can do.

PERSONS TO ADDRESS COUNCIL

None

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Brant Barnwell, Marketing Committee chairman, stated:
 - I am here tonight to present the Marketing committee's budget.
 - The money comes from the Room Occupancy Tax (ROT), by state law. This year it is \$103,110. 73% is used for advertising, media, and services. The goal is to increase the shoulder season visitation, increase first time visitors, and try to put more 'heads on beds'. 19% of the budget is used for our on-line management. We will roll out a new website in July as a test for all three beach towns and Wilmington. All towns have worked together and will have an individual page on the website. Clean Design is our new advertising company.

Discussion:

Commissioner Swearingen asked how their new website ties in with the Town's website.

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Chairman Barnwell replied that the two websites are not connected at this time, but there will be links to the Town's website. This website is designed so that businesses can physically update their specials, etc.

MOTION – Commissioner Dugan made the motion to accept the TDA budget projected for the Marketing committee

SECOND – Commissioner Nelder

VOTE - Unanimous

Budget is herein incorporated as part of these minutes.

2. Ken Withrow, Beautification Committee, stated:

- I am presenting the budget for renovation of the entrance sign at Fort Fisher and Alabama.
- I met with Sonny (Public Works Director Beeker) and he thinks he can do it before the end of June 2010.
- Total cost is \$2,077.44. We have \$1,750 unspent and I am asking Council for the balance of \$307.44.

Discussion:

Mayor Lambeth asked Finance Officer Copenhaver if there is enough for a budget amendment in the amount of \$307.44 to find this money for this project.

Finance Officer Copenhaver replied yes.

MOTION – Mayor Lambeth made the motion to approve the design for renovation of the entrance sign at Fort Fisher and 421 at a total cost of \$2,057.44 and for a budget amendment in the amount of \$307.44 to the Beautification Committee to complete the project.

SECOND – Nelder

VOTE - Unanimous

3. Community Center Parking Lot

Mayor Pro Tem Keener stated the Community Center Committee wants to know if they can block the parking lot off during the summer for reserved events. If it is not reserved all day, there may not be parking available at night because there may be beach goers parked there. The committee thinks it will be a problem if the lot isn't blocked off all day.

MOTION – Mayor Pro Tem Keener made the motion to allow the Community Center to block off the parking lot for paid events only on the day of the event.

SECOND – Commissioner Nelder

VOTE - Unanimous

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4. Checklist for Community Center

Mayor Lambeth stated he is a little perplexed about the checklist for the Community Center to leave it clean. He asked if those renting the Community Center is supposed to bring their own vacuum cleaner and trash bags to be able to comply with the checklist? Last time I was over there, everything was locked up. Is it posted where these supplies are?

Lori Eccleston, committee member, stated there is access to supplies. Who ever shows the center for renting, they review that with the renter. Windex and paper towels are in the kitchen and that is always open.

Mayor Lambeth asked about the thermostat. Shouldn't it be set lower in the summer? He stated he has heard the thermostat is set at 80 degrees and that makes it hot for dance classes, etc.

Ms. Eccleston replied she thinks it should be set at 75 degrees during the summer.

Commissioner Swearingen asked if this is the list for everyone who ever uses the Community Center? She stated she thought there were three pages to it and that the Town Clerk has to sign it.

Ms. Eccleston stated the list is only one page and the rental agreement is three pages.

Gabby Kraus, chairman of the Parks & Recreation (P&R) Committee, stated he met with John Hughes about this checklist and John indicated this wasn't meant for P&R scheduled classes. There needs to be a formal written trail that the next person can follow, because the girls pass the book around. John says he has not had any problems with any of the P&R classes not leaving it clean. It is ridiculous to change the thermostat up and down because it costs more to turn it up and down. John said the P&R instructors didn't need to fill it out and turn it in every day.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Finance

a) Adoption of resolution R11-06 approval of financing terms for development of the Ocean Front Park in the amount of \$347,000 for 17 years at a rate of 4.390%.

Finance Officer Copenhaver asked Council to adopt resolution R11-06 that sets the financing terms for the Ocean Front Park as referenced above.

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MOTION –Commissioner Dugan made the motion to approve resolution R11-06 accepting the financing terms for development of the Ocean Front Park in the amount of \$347,000 for 17 years at 4.390%

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

Said resolution 11-06 is herein referenced as part of these minutes.

b) Adoption of FY11-12 budget and fee schedule

Finance Officer Copenhaver requested Council's approval to adopt the proposed budget for fiscal year 11-12 with one revision to the fee schedule - strike the \$15 fee for recycling bins.

MOTION – Commissioner Dugan made the motion to adopt the budget and fee schedule as presented for fiscal year 11-12 budget with a provision to strike “with performance rated above the basic requirements” on page four, section B of the ordinance and removal of the \$15 fee for recycling bins from the fee schedule/

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

c) Award of residential recycling contract to Waste Management

Town Clerk Avery stated we solicited bids from the two vendors in the area that provided door to door recycling services for a weekly pick up using 65 gallon roll out carts.

Waste Management quoted \$4.09 per month per household

Waste Industries quoted \$5.10 per month per household.

Town Clerk Avery stated that her recommendation is to accept the bid from Waste Management as they are our current provider and we have had no issues with their service. Additionally, the quote from Waste Management is within the \$4.62 amount we charge per month per household for recycling.

MOTION – Commissioner Nelder made the motion to accept Waste Management's bid and award the residential recycling contract to Waste Management for weekly pick up using a 65 gallon roll out cart at the rate of \$4.02 per month per household.

SECOND – Commissioner Swearingen

VOTE - Unanimous

2. Building Department

a) Building Inspector Batson stated he is looking for authorization to send notice of termination of Interlocal Agreement # 060258 with New Hanover County to provide Fire Inspections effective July 31, 2011.

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MOTION – Commissioner Nelder made the motion to terminate the Inter Local Agreement for fire code enforcement and have the Building Inspector take care of future fire code enforcement business effective August 1, 2011.

SECOND – Commissioner Dugan

VOTE – Unanimous

3. Fire Department on fire coverage in the south end

Fire Chief Heglar stated:

- Federal Point has been responsible for responding in the south end, but due to budget cuts, they are no in existence.
- It falls to us to take on responsibility as part of the mutual aid agreement we have had with the County for years.
- The three Fire Chiefs got together and made Kure Beach the first responder.
- We will get \$6,000 from the County to help offset the cost
- It prevents another fire company from roaring through the Town to respond. The mutual aid agreement is being drawn up and we should receive it sometime in July.
- Last year, Federal Point had eight runs in that area that we didn't go to, but we did go to 15 runs there.

Discussion:

Commissioner Nelder asked if the \$6,000 is enough to offset the cost.

Chief Heglar said the real cost will probably be in the neighborhood of \$1,800 to \$2,500, so yes, it will more than offset. We have to get the lines redrawn and petition the State Fire Marshall's office to get this finalized.

Mayor Lambeth called for a five minute beak at 8:35 pm.

Mayor Lambeth resumed the meeting at 8:40 pm.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Approve construction contract with Integrity Builders LLC

Commissioner Dugan stated that the contract with Integrity Builders LLC for construction of the Ocean Front Park is a standard contract. Work is to be completed in 210 calendar days, work will start after the July 4th holiday, and a preconstruction meeting is tentatively scheduled for either Wednesday or Thursday of next week.

Discussion:

Commissioner Swearingen asked what happens if they don't finish within 210 calendar days.

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Attorney Canoutas states they are subject to our compensatory losses. You can approve this contract tonight, subject to changing that to a penalty amount per day.

MOTION –Commissioner Dugan made the motion to accept the contract with Integrity Builders exclusive of the indemnification clause and instruct the engineer to negotiate a set penalty for non completion within 210 days.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

2. Ocean Front Park related items

a) Ground breaking ceremony for Ocean Front Park

Commissioner Swearingen suggested holding a ground breaking ceremony for the Ocean Front Park on July 11th.

CONSENSUS – Hold a ground breaking ceremony on Saturday, July 16th at 1 pm. Commissioner Swearingen to work with the Town Clerk to put together an invitation and guest list.

b) Ribbon cutting for Ocean Front Park

Commissioner Swearingen suggested having a ribbon cutting ceremony for the Ocean Front Park as part of the Street Festival/65th Anniversary on April 28, 2012.

CONSENSUS – let the next Council decide on whether to have a ribbon cutting ceremony or not and when.

c) Operation of Ocean Front Park

Commissioner Swearingen stated:

- She would like to set a date to turn over the operation of the Ocean Front Park to the Parks and Recreation Commission
- Gabby (Kraus, P&R committee chairman) and I spoke with the head of recreation, sports leadership and management for the University of Wilmington about two things: the possibility of an intern and having one of the management classes take on as a class project to work with us on the development of a Parks & Recreation (P&R) Department. That is staffing requirements, job descriptions, salaries, qualifications and coordination of three committees: Community Center, Street Festival and Parks & Recreation, coordination with Public Works and establishing responsibilities and the line of communication between volunteers, staff, Public Works, the Town Council and coming up with best practices for increasing the number of volunteers to assist with special events in coming years. The other thing we asked for was a special events intern for the fall semester

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starting in August and the possibility of one in the spring, to coordinate special events during the semester, to include scheduling, coordination and implementing activities with the assistance of volunteers, Public Works, Fire and Police Department, the Town Departments for concerts, festivals, Christmas show, art in the park, educational outdoor classrooms, summer day camps, non profit and profit activities, private weddings, etc. Some interns work 40 hours a week. Some get paid and some don't. This is way too much to ask volunteers to do by themselves.

Discussion:

Mayor Lambeth stated he thinks this is premature. He has talked to the P&R committee about this, and we would like Public Works to designate half a man to work in the two parks two or three days a week. He said he thinks P&R needs to take this back to their committee and discuss it. Writing a job description means you are going to have an employee.

Commissioner Swearingen stated it would be an intern, but would have to be supervised by someone with a 4 year degree.

CONSENSUS - Commissioner Swearingen to coordinate a meeting with Public Works Director, Parks and Recreation (P&R) Committee and representative from UNCW to discuss turning over operation of Ocean Front Park to P&R committee; and working with intern(s) during 2011-2012 to assist and advise Council on development of a Parks & Recreation Department

d) Vote or consensus on 'Sprout' to be owned and maintained by the Town after funds are secured to purchase the kiosk. (Need for proposals for funding)

Commissioner Swearingen explained:

- The 'Sprout' is a NOAA approved weather system that will provide weather reporting on the web, and can be used by schools and universities for science training.
- Dr. Markley, superintendent of schools, confirmed today that he will send a letter of support to the Town for the Sprout. We have been talking to Progress Energy about partnering with us on this.
- It costs \$25,000, so we are seeking funding from Progress Energy.
- This is a good educational tool, for residents and tourism.
- I am seeking Council consensus to go forward with this.

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Discussion:

Mayor Lambeth said Progress Energy is obligated to spend for education and this is right down their alley. They are very interested in funding this, but they want buy in from the school board first. He stated he wouldn't spend Town money on this.

Commissioner Swearingen stated this would be the first one on the beach front and will be in the Ocean Front Park.

CONSENSUS – continue pursuing full funding for purchase of 'Sprout' to be placed in the Ocean Front Park.

e) Solar energy for the pavilion

Commissioner Swearingen stated she wants the architect to research using solar energy for the pavilion.

Discussion:

Mayor Lambeth stated we might consider solar lights for the pavilion, but restrooms will be locked at dusk.

CONSENSUS- Commissioner Dugan to seek partnership with New Hanover County Schools and Ft. Fisher Aquarium to develop educational programs for the Ocean Front Park and revisit possibility of solar energy for the pavilion and restrooms including cost and possible funding sources. Data from solar panels could be tied into the 'Sprout'.

f). Removal of Dow Chemical jetty

Mayor Lambeth stated the proposed cost is in the \$100,000 range to remove the Dow Chemical jetty. He said he would like consensus from Council to move forward with this. His Raleigh contacts say they can't move forward until we provide a proposal.

CONSENSUS – Building Inspector Batson is to work with the Corps of Engineers to get permission to remove the jetty. Mayor Lambeth is to pursue State funding. If funds don't come from the State, we won't encumber the Town.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Support of Carolina Beach proposal for Carolina-Kure Beach Bike Path to run on Sunny Point land from Carolina Beach until Alabama, then left onto north Alabama and right onto Highway 421 to the ferry

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Mayor Lambeth stated Carolina Beach wants a bike path to run on Sunny Point land from Carolina Beach until Alabama, then on Highway 421 to the ferry and can't move forward without our blessing.

Discussion:

Commissioner Swearingen asked approving this means we aren't agreeing to pay for this, correct?

Mayor Lambeth replied that's correct.

Commissioner Dugan stated that in reading these emails, it sounds like we may lose parking places.

Commissioner Nelder said he thinks the citizens should be aware of what the proposal is, especially if it impacts traffic on Highway 421. He stated he thinks there may be infringement if we approve this.

Mayor Lambeth stated that Highway 421 doesn't belong to us.

Commissioner Nelder asked what would be the harm in bringing it down Dow Road to K Avenue to Highway 421. The last time, it was poor planning. We need to think about it and have a public hearing. He said he doesn't think this is thought out well enough.

CONSENSUS - Request Carolina Beach to work with the SLAP and P&R committees and give a formal presentation to Council along with a DOT representative to explain the difference between a bike route and path and future implications to the Town and to include a representative from Sunny Point for their input.

CLOSED SESSION

None

ADJOURNMENT


MOTION - Commissioner Nelder made the motion to adjourn at 9:33 pm

SECOND - Mayor Pro Tem Keener

VOTE - Unanimous


Dean Lambeth, Mayor




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