



REGULAR MEETING MINUTES

JULY 19, 2011 at 6:30 pm

The Kure Beach Town Council held its regularly scheduled meeting on Tuesday, July 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

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. Valita Quattlebaum, Kure Beach resident, delivered the invocation. Mayor Lambeth led in the pledge of allegiance.

RECOGNITION AND AWARDS

None

APPROVAL OF CONSENT AGENDA

1. Approval of Memorandum of Understanding between Carolina Beach and Kure Beach for Carolina Beach Building Inspector to perform plan review, issue building permits and conduct inspections for the Ocean Front Park
2. Approval of Memo of Understanding with Southern GrantWorks to provide grant services to the Fire Department not to exceed \$1,050
3. Renewal of recycling contract with Waste Management for residential recycling
4. Approval of New Hanover County and three beach towns mutual aid agreement – contract 12-0001 (update of existing agreement)
5. Approval of VC3 Master services agreement (web host and email provider)
6. Job description for Fire Engineer in Fire Department
7. Budget amendments 11-48; 11-49; 11-50; and 11-51
8. Finance report – June 2011
9. Police Report – June 2011



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10. Meeting Minutes:

- May 17, 2011 regular and closed
- June 8, 2011 budget public hearing
- June 21, 2011 regular and special

MOTION – Commissioner Dugan made the motion to approve the consent agenda with no changes.

SECOND – Commissioner Nelder

VOTE - Unanimous

ADOPTION OF THE AGENDA

Commissioner Dugan stated he would like to add one item to the agenda under new business as item #2. Item is a discussion on contract and changes for the Dow Chemical intake structure.

MOTION – Commissioner Nelder made the motion to approve the agenda with one addition under new business as item #2: a discussion on contract and changes for Dow Chemical intake structure.

SECOND – Commissioner Dugan

VOTE – Unanimous

PRESENTATIONS TO COUNCIL

1. Jim McDaniel, New Hanover County Parks, Gardens and Senior Resources, stated:
 - My department services 1300 acres of county parks. There are 68 staff members. I manage various outdoor venues and Arlie Gardens.
 - Mayor Lambeth asked to meet with me about how we can assist the town.
 - My background is in recreation.
 - I provided the town with all rental contracts and agreements and information to work with ABC for licensing.
 - Currently I have 3 interns from UNCW and I have had several interns that have returned. Two of my key staff members were interns.
 - I have one department that deals exclusively with New Hanover Schools.

Mayor Lambeth said, Gabby Kraus, Parks & Recreation (P&R) Committee chairman, as well as the Town Clerk and I met with Jim (McDaniel) for lunch. He will be our fallback man if any problems arise.

Commissioner Nelder asked Mr. McDaniel if he pays his interns.



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Mr. McDaniel replied, no, there is no compensation.

Commissioner Nelder asked what the merging of the county parks with the town's park would entail.

Mr. McDaniel replied, we hope to reach out to the beach communities and the city of Wilmington and look to share services by providing as many services as possible. If you prefer the word merge, I am comfortable with that. We think working hand-in-hand with communities will allow us to do that.

Commissioner Swearingen asked what working hand-and-hand means. Would you take over running the park for us? What is the cost of this?

Mr. McDaniel stated, it depends on what the community wants. The control stays with the town. We would want to provide whatever resources we can. There hasn't been any discussion about cost. This is more to utilize tax money as best we can.

Commissioner Nelder stated he is queasy on the idea of merging and is reluctant to turn over any parks and recreation plans that our citizens have spent time and effort on to the county. That wouldn't be fair.

Mayor Lambeth said, I was asked by Bruce Shell, New Hanover County Manager, if we would be interested. He said he didn't think we would be interested in turning the park over to the county, but we would want to work with them to help with any problems.

Commissioner Swearingen said (to Mayor Lambeth), at last month's meeting you said you didn't want to turn over management of the park to the committee and you were turning it over to talk to Sonny (Public Works Director). If we haven't approved turning this over to the P&R committee, it will be hard for Gabby to do this. When I talked to the committee, they said they weren't interested in taking over the park. They said they wanted that to come from Council.

Mayor Lambeth replied that how this would work would be that P&R would approach the Council and ask to take it over. We wouldn't tell them to take it over. They are a volunteer group and it would be at their discretion when they would want to take it over. Now, the last meeting was cancelled, because Gabby was under the weather then, so these discussions will have to be postponed until he gets back up to speed. I don't remember any discussion at the P&R committee with you (Commissioner Swearingen) about that, do you Paula (Withrow, committee member)?



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Committee member Withrow replied, no, she didn't remember that discussion.

Commissioner Nelder said that most of our committees come to Council for permission.

Mayor Pro Tem Keener said, so far what we have done is have you furnish us information. It is up to us what we do as the next step, correct?

Mr. McDaniel replied, we want to move along at your comfort level. This is not a hostile takeover and is not forced. This is all to your comfort level. Let us provide what resources we can. The goal is how can we provide to all citizens of the county and support the communities.

Mayor Pro Tem Keener asked Mr. McDaniel if he was concentrating on the Ocean Front Park.

Mr. McDaniel replied, yes.

Commissioner Nelder stated, as a community, we provide free parking at all of our facilities, and we provide more than the other beach communities and will provide even more when we finish the Ocean Front Park. That, in itself, should deserve some help from the county in what they can help us with.

Commissioner Swearingen said she would like to see the discussion continue but expanded to Joe Eakes Park, Disc Golf Course, etc. She said, I am concerned about what agreement has been reached about what kind of support you are willing to give us now and what that will cost. Are you willing to let us have one of your interns? How many will you have in the fall?

Mr. McDaniel stated, this fall we are scheduled for one intern that is dedicated. We have a part-time person we are using for events that we would be willing to use to start the process. Fall internships are a challenge for UNCW. Our parks administration manager is on the UNCW board. She fosters our intern program. I think we can work together, but it won't happen over night. Kure Beach has a wonderful community and parks. Our goal is not to disturb that.

Commissioner Swearingen said, it is not just the pavilion. We have two parks and a community center. A big part of it is getting those committees to work together and coordinate events for all three venues. I don't want you to have to come back and say that



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isn't what you thought we wanted you to do. Would you be putting together the intern request for the spring semester?

Mr. McDaniel replied, yes, if you ask us to do that, we will assist.

Commissioner Swearingen said, we were going to work with Jeff Nicks to do a study during the fall semester of what it would take for us to develop a P&R department, because we have absolutely no staff to work on this at all. It would be nice to have someone give us the forms and show us what we should do, but we don't have any money here to do it. Sooner or later we will need a recreation department, even if it is just one person. But, before that, we need to know what that costs for salary and what the job description is. I need to tell Nicks to scrap that for the semester because I understand you are willing to put all that together for us, is that right?

Mayor Lambeth stated we don't have any money to pay staff.

Mr. McDaniel stated, we would work with them and their program. That is a career building program. We could help shepherd it. That way you would have a model to build upon as you grow.

Commissioner Swearingen said, so you would be working with Mr. Nicks to put that together, not us.

Mr. McDaniel replied, yes, if that is your wish.

Commissioner Dugan said, since we had asked Gabby and Emilie to work on an intern, we should have them continue to work together with the parks committee to bring this back to Council.

Mayor Lambeth stated, that's exactly why Jim (McDaniel) is here tonight. The outline for what the P&R committee wants for an intern needs to be done by the committee and they can work with Jim. He's done this before and is not reinventing the wheel.

PERSONS TO ADDRESS COUNCIL

None

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

Commissioner Dugan thanked Public Works for the layout of the parking facility at Joe Eakes Park.



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DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

None

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Parks

Commissioner Dugan stated, we held the ground breaking for the Ocean Front Park this past Saturday and I want to thank Administration and Public Works for setting that up.

Ground clearing and staking has occurred at the park site. The contractor is requesting the authority to begin construction on the beach access crossover in an effort to keep his crew members busy. I spoke with the engineer today and, unless Council decrees otherwise, we had planned to do the crossover as one of the last things. Starting work now would mean equipment on the beach and possibly blocking Atlantic Avenue. I suggest we keep with the original schedule. We haven't received approval from CAMA yet on the bump-outs.

Commissioner Nelder stated it would be a terrible inconvenience to residents and visitors to work on the crossover during the summer.

Mayor Lambeth said, I was approached by the contractor and engineer saying no one is using that crossover, but I noticed today people are using it.

CONSENSUS – keep to the original schedule and don't begin work on the crossover during the summer.

2. Intern for Parks and Recreation

Mayor Lambeth asked Commissioner Swearingen if she was still under the opinion that he had sabotaged the work she had done for the last few months with UNCW. He stated, you sent out a public document saying I had done this.

Commissioner Swearingen replied, I thought you were the one that didn't want your dirty laundry aired in public. I hate to get Mr. McDaniel tied up in the middle of this, because he obviously is doing an excellent job for the county and will do a good job for us. But you need to know that Gabby and I had been working on this for two months before he became ill and, for whatever reason, the application for the intern we already had lined up with Nicks from UNCW was never sent. Oddly enough while I was in New Orleans for a



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week, a meeting just happened to appear with you (McDaniel). Then, all of a sudden everything that we had been working on all these weeks, and that was approved last month by the entire Council, got totally washed down the drain. We lost the intern Nicks had for us; an excellent young lady who is now going to work in Arizona. We don't have high quality interns left to choose from which is why we are very concerned about who you are going to let us use. But, since you are going to let us use someone, I think that is wonderful; especially since it is at no cost. Hopefully this will work out well, but it is very, very frustrating when you work with UNCW, especially when several of our potential donors say they want to see what we are doing on education with the school system and with the university, and we had very good things worked out. Nicks and one of the other professors were extremely interested in having one of their management classes put together a management concept for us. It doesn't mean we have to use it. It doesn't mean we are going to start a recreation department this year or next year. But, we would have guidelines to go by and know what the costs will be. We would know how to collaborate with all our committees here so they are working together and would never be at odds. They were excited about this, and I was excited about passing this on to our donors, and this is all spelled out. I think I sent a copy of this in an email. The P&R committee was on board and Council approved it last month. To go out of town and come back and find all of that brushed away and we are doing something totally different and not working directly with the university anymore is very discouraging and very disheartening.

Mayor Lambeth replied, it is unfortunate, but as an appointed committee member you weren't privy to the discussions we had with the county when they gave us \$500,000 for the park. Commissioner Swearingen began to interject and the Mayor said, please don't interrupt me. Your document says this will hurt the town. He (McDaniel) works with the university. He works with interns. He has done this before. Why would you try to reinvent the wheel when he has graciously accepted our invitation to work with us. The P&R committee has not discussed hiring an intern. Now, you came into Town Hall and gave a note to the clerk that we had hired an intern and would need an office.

Commissioner Swearingen stated, I mostly certainly did not.

Mayor Lambeth called for a three minute recess at 7:05 pm while he went to get the note referred to, above.

Mayor Lambeth resumed the meeting at 7:08 pm



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Mayor Lambeth said, I have been called a lot of things but I am not a liar. Here is the note that was handed to the clerk. Do you want to read it? I don't think Nancy (clerk) would make it up.

Commissioner Swearingen stated, that is not my handwriting. I said if we were going to have an intern, do we have some place this individual can work. I don't want to go out and talk to UNCW about hiring an intern then find out they have no place to work or a computer to work with. I simply asked her (Nancy) for information. I did not say we had hired an intern. That is not my note. I said, if we have an intern.

Mayor Lambeth read the note, "Intern starting in August, 40 hour week, three months, need office and computer." Mayor Lambeth said, I am the liaison for P&R and I will take care of this.

Commissioner Dugan asked if they could take their discussion outside.

Mayor Lambeth replied, no, we are going to discuss this right here. I am going to continue reading this document. It says there will be no UNCW policy to advise us on the development of the recreation department and this puts our large donation efforts in jeopardy. Now, will you explain to me how working with the county, who was gracious enough to give us \$517,000, puts our large donation efforts in jeopardy.

Commissioner Swearingen replied, I have already explained that. Every donor we have been to wants to know what our education work with the schools and university has been. We are no longer working now with the university. You sat right there in the office down the hall and I said, "does this mean everything I have been working on with the professor at UNCW is to be stopped", and you said, "yes". We are now no longer working with the university. You don't work with them for weeks and ask them to help you out and put together a written proposal that Council had approved and turn around and say, oh, we're going to scrap that and we don't want to do any of this. They have to put their curriculum together and we have already talked about this for such a long time they have already talked about putting this in their curriculum. You don't say, no, we aren't going to do that. You don't do that to people.

Attorney Canoutas called for a point of order stating, as your parliamentarian, you have reached a point where you have left the subject matter and this has become an argument between the two of you and should be taken up at another time.



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Mayor Lambeth stated, then let's go back to the end purpose of the park and let me clear up one point. The two or three weeks you said you worked with UNCW and Gabby, who you said was involved, took one meeting that took two hours. Gabby says he is not on board with your plans.

Commissioner Swearingen stated it isn't nice to put the blame on that adorable man.
(P&R chairman)

Mayor Lambeth stated, my point is, Emilie, you are not the liaison to the P&R committee. The committee will come up with a suggestion and bring it back to Council. So, please do not take it upon yourself to run the P&R committee when I am their liaison. That is my point.

Commissioner Swearingen replied, I understand. But, next time you ask me to do something, don't turn around and change your mind.

Mayor Lambeth replied "I'll never ask you to do anything again."

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

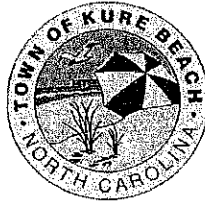
1. Annual renewal of membership in the NC Beach, Inlet & Waterway Association (NCBIWA) \$1,000

Commissioner Dugan stated, this is the group we are putting all of our eggs in to be the front people in the county and area to have beach nourishment. They haven't asked for dues in the last couple of years but, because of increased trips to Washington to lobby, they are asking for dues this year.

Mayor Lambeth said, my personal opinion is this is money well spent. Catlin (County Commissioner) and this group are working hand-in-hand with the Army Corps of Engineers. The \$30 Million dollars the county was smart enough to put away years ago will be able to be used partially to get some beach nourishment.

Commissioner Nelder said, I agree. Then, he asked Finance Officer Copenhaver if the Town has the funds.

Finance Officer Copenhaver stated that he thought so, but would need to look at the budget.



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MOTION – Commissioner Nelder made the motion to renew the membership in the NC Beach, Inlet and Waterway Association at a cost of \$1,000.

SECOND – Commissioner Dugan
VOTE - Unanimous

2. Dow Chemical intake structure

Mayor Lambeth said, I spoke with Tom Reeder when I was in Raleigh. He said there was \$200,000 available for removing hazardous debris. After I got back, we found out a 50% cap had been put on the grants. We asked for \$100,000 which caps it at \$50,000. The estimate was \$100,000. We will have to do an in-kind contribution. I spoke with Sea Watch HOA about a contribution. This has not been budgeted, so we will have to get numbers together.

Commissioner Nelder said it is a definite hazard to swimmers and anyone walking in that area. He asked what hoops the town would have to jump through with CAMA to get this done.

Mayor Lambeth said, the Corp of Engineers said they would help us do this. Although it is a hazard, it is dead in front of the Sea Watch access. It would be hard for me to use taxpayer money to pay the in-kind contribution for a neighborhood that knew the hazard was there when they bought the property.

Commissioner Nelder stated, I agree.

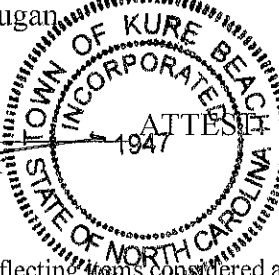
CLOSED SESSION
None

ADJOURNMENT

MOTION – Commissioner Nelder made the motion to adjourn at 7:20 pm.

SECOND – Commissioner Dugan
VOTE - Unanimous

Dean Lambeth, Mayor



Nancy Avery, Town Clerk

NOTE: These are action minutes reflecting ~~was~~ 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.