



REGULAR MEETING MINUTES

SEPTEMBER 20, 2011 at 6:30 pm

The Kure Beach Town Council held a regular meeting on Tuesday, September 20, 2011 at 6:30 pm. Town Attorney Canoutas was not in attendance. There was a quorum of Council present.

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT

Commissioner vacancy

STAFF PRESENT

Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery

CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting to order at 6:30 pm. Pastor Marty Campo from Gloryland Baptist Church delivered the invocation. Mayor Lambeth led the audience in the Pledge of Allegiance.

RECOGNITION AND AWARDS

None

APPROVAL OF CONSENT AGENDA

1. Approve contract with Coach America in amount of \$970 for P&R trip to Mike's Farm in Beulaville, NC
2. Resolution Declaration of Applicant's Agent – FEMA reimbursement for Irene
3. Finance report
3. Building Department report
4. Fire Department report
5. Meeting Minutes
 - August 16, 2011 regular
 - August 25, 2011 State of Emergency Hurricane Irene
 - August 27, 2011 removing State of Emergency

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

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous



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ADOPTION OF THE AGENDA

MOTION – Mayor Pro Tem Keener made the motion to adopt the agenda with no changes.

SECOND – Commissioner Swearingen

VOTE - Unanimous

PRESENTATIONS TO COUNCIL

None

PERSONS TO ADDRESS COUNCIL

1. Barry Nelder, resident, requested Council reinstate the funding to the Federal Point Historical Society that was cut during the budget cycle. He also thanked the Fire Department and others that recently came to his house.
2. Chris Richards, Vice President and Michael Jones, President of the Pleasure Island Disc Golf Club requested Council's assistance with providing tents, chairs, tables and financial assistance in paying for children's bouncy houses for an upcoming charity Disc Golf Tournament to be held October 22, 2011.

Discussion – Council discussed how many tents and tables would be needed and when. Mr. Richards and Mr. Jones requested 3 tents and 3 tables be set up the evening before the event.

ACTION - none

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

Planning & Zoning

1. Interview Dennis Clouse and Peter Boulter for vacancy on Planning and Zoning (P&Z) Commission

Dennis Clouse interview:

Council members asked Mr. Clouse about his background, why he wants to be on P&Z and what he thinks needs to be looked at.

Mr. Clouse responded that he was on the zoning commission in Liberty Township, Ohio, and served as the director of planning at Youngstown State University in Ohio. He has been in this community since 2001, spending 5-6 months here. He has recently committed to being a full time resident and believes he has something to offer the



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commission. He stated there needs to be consideration given to the fact that the community is changing and there is pressure to grow and progress while maintaining the small town, low rise image it has.

Peter Boulter interview:

Council members asked Mr. Boulter what areas he thinks P&Z should be concerned with, his background, what he hopes to bring to P&Z, how long he has served on the Board of Adjustment (BOA) and whether he thinks serving on P&Z and BOA at the same time would be a problem.

Mr. Boulter replied that Kure Beach is growing and ordinances need to reflect that. There needs to be planning across the Town, consistent with the way Council sees the Town developing. Mr. Boulter stated he is chairman of the BOA and is familiar with the ordinances. He said he has lived here since 2004 in Tuckers Square. He is a real estate broker by trade and retired from the position as head of Marketing for a large organization. He has served 3 years on the BOA and just renewed for another 3-year term. Mr. Boulter stated BOA votes on decisions made by the building inspector, which is not quite the same thing as P&Z.

MOTION - Commission Swearingen made the motion to move item number 3 (Alternate position as requested by member Anne Brodsky) to the next item of business.

SECOND – Mayor Pro Keener

VOTE - Unanimous

2. Alternate position as requested by member Anne Brodsky
(Note – P&Z voted at 9/6/11 meeting to not recommend an inactive or alternate position)

Discussion – Council members deliberated as to whether to honor P&Z's request to not have an alternate position. They discussed whether there was any merit to having an alternate and whether or not to remove Ms. Brodsky from the commission because of absences. Council also praised Ms. Brodsky for her service.

MOTION– Mayor Lambeth made the motion to not have an alternate position for P&Z.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Council directed the clerk to send a letter to Ms. Brodsky stating it is Council's wish not to have an alternate and to ask her to consider resigning from the P&Z.



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3. Appointment to fill vacancy left by Jim Schutta

MOTION – Mayor Pro Tem Keener made a motion to appoint Dennis Clouse to the P&Z Commission.

SECOND – Commissioner Dugan

VOTE - Unanimous

4. Extension of business district west up K Avenue

Commissioner Swearingen explained that the Mayor requested that she attend the Planning Commission meeting this month and see to it that the extension of the business district up K Avenue was on the agenda. All of the P&Z members seemed surprised that this came up as they didn't remember it as an item that Council had actually delegated to them to specifically work on. They asked me to bring it back to Council to find out if this is a specific issue we want them to begin working on now and if there is anything in particular that Council wants to pass on to them about this issue. Nancy (the clerk) provided background information that shows this one issue was not specifically directed by Council, but rather as a part of a larger issue.

Discussion – Council members discussed the studies done by John Sawyer and the Land Use Plan that refer to the extension of the business district up K Avenue. It was mentioned that this was economic development and Council did away with the Economic Development Committee. Council discussed whether form-based planning is part of extending the business district or if it is a separate issue.

MOTION – Commissioner Swearingen made the motion for Council to direct P&Z to begin a form-based planning process of extending the business district west on K Avenue, as described in the Land Use Plan and the Sawyer study.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Commissioner Swearingen stated to Mr. Clouse that she hopes that you don't feel as a new member that you can't say anything. She said she hopes because we have some disconnect here in the Town, that our business people in Kure Beach are included in this process as much as possible and are not just invited to a public hearing after everything is put together, but that they are included in the process from the very beginning.

Commissioner Dugan asked Mayor Lambeth if Emilie (Commissioner Swearingen) is the liaison? He said that this is the impression he has been operating under.



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Mayor Lambeth replied that he asked her to sit in on the P&Z meeting and, if Emilie (Commissioner Swearingen) would like to take the position, he would be happy to give that position to Ms. Swearingen. He said if she wants to sit in during the interim until the next election, she can do that. It would be a good fit for her and she asked the right questions while she was there, in my opinion, so it is up to Ms. Swearingen.

Commissioner Swearingen stated that if the Mayor would like her to serve in that position, she would do so.

Mayor Lambeth replied he would certainly appreciate her serving in that position.

Community Center

1. Accept resignation of Frances Regan as chairperson

Mayor Pro Tem Keener stated we have a letter of resignation from Frances Regan as chairperson of the Community Center Committee. The committee has asked that we name the center after Ms. Regan. Under our policy, it is an extreme situation to name a facility after someone not deceased. There are two choices: name the center after her or put a plaque in the center dedicating it to her.

Discussion – Council members discussed whether the Town’s policy was an ordinance or a policy (clerk clarified it was a policy adopted by Council, not an ordinance). They discussed whether it was appropriate to name the center after her and whether the October Council meeting should be held at the center or not.

MOTION – Commissioner Dugan made the motion to accept the resignation of Frances Regan from the Community Center Committee.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

MOTION – Mayor Lambeth made the motion to appoint Mayor Pro Tem Keener and Commissioner Dugan to the naming committee, as per the policy.

SECOND – Commissioner Swearingen

VOTE – Unanimous

MOTION – Mayor Lambeth made the motion to accept the select (naming) committee recommendation regarding the naming of the center, or a plaque for the center honoring Frances Regan, or a proclamation naming October 18, 2011 as Frances Regan Day.

SECOND – Commissioner Dugan

VOTE - Unanimous



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Mayor Pro Tem Keener stated that the committee wants to know, since they have to reorganize, what is going on with the county and taking over scheduling.

Mayor Lambeth stated that the recommendation at the last committee chairpersons' meeting was to have Jim McDaniel from the county come and give recommendations to the Community Center and Parks & Recreation committees. Ms. Bud of the Community Center Committee was to see when everyone could meet.

Parks & Recreation

1. Ken Withrow, committee member, stated the by-laws for committees regarding residency requirements should be removed so anyone can serve.

Discussion – Council members talked about the fact that this had been discussed before, that this could open a “can of worms” and that there are some committees for which it shouldn't be done. They discussed that the Town could possibly end up with a committee that has no members from the Town.

MOTION – Commissioner Swearingen made the motion to leave it (by-laws) like it is.

SECOND – Commissioner Dugan

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

Administration and Finance

1. Council minutes

- Amend the approved Council minutes from the July 27, 2011 emergency meeting about the Ocean Front Park special inspections with changes requested by Commissioner Swearingen (Town Clerk).
- Adopt July 19, 2011 regular meeting minutes (Town Clerk).

Commissioner Swearingen stated she typed over three pages of those minutes to show specifically what she requested and she is sorry that is not what Council received. She stated she doesn't want verbatim minutes but would like for them to be done correctly. One example is the motion and the second in the minutes was at the end of that discussion, when in fact, the motion and the second was in the middle of that discussion. She said she knows that Council doesn't like it when she is a stickler for doing things right, but they need to be at least in the right order. Some things were completely written incorrectly and were not what people said. People said something totally different or extremely important parts were left out. Any Council member has the right to go back and listen to the meeting, and anybody in Town. If you disagree with them, with what



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was done, or things were left out, or not in the right order, then you have a right to present that. But again, not everything verbatim was in there. There was a lot that was left out.

Discussion – Council member Dugan stated, this is a discussion we had before as a Council before Chuck (Keener) and Emilie (Swearingen) were here, and we directed the clerk to generalize and have language that didn't change the substance of what was done or said as long as someone could read that paragraph and understand what the vote or consensus was.

Commissioner Swearingen stated that some of the substance had been changed and was not the way it was and the motion was not in order. Technically, according to Robert's Rules of Order, the motion is supposed to be made first to begin with and then the discussion, but most of the time we have our discussion first. Putting it after the discussion when it has been done correctly is not a good idea.

MOTION – Commissioner Dugan made the motion to adopt approved Council minutes from July 27, 2011 meeting, as amended.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

MOTION – Commissioner Dugan made the motion to adopt the July 19, 2011 regular minutes.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

2. Estimate from City of Wilmington for photos in convention center

Finance Officer Copenhaver stated he received an estimate in the amount of \$1,889.67 from the City of Wilmington to place Kure Beach photos in the Wilmington Convention Center.

Discussion – Mayor Lambeth stated we approved \$500 for the space to hang them. Wrightsville Beach is also placing photos, but he isn't sure about Carolina Beach. He said he thinks Tourism Development Authority (TDA) funds would be eligible to cover this.

Finance Officer Copenhaver said TDA available funds at this point won't cover lifeguard expenses. There is \$1,944 in the Governmental Relations line item that is just enough to cover this.



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MOTION - Commissioner Swearingen made the motion to pay for these pictures out of the Governmental Relations line item and reimburse from TDA, if available.

SECOND – Commissioner Dugan

VOTE - Unanimous

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Adopt Resolution R11-17, approving \$15,000 from Powell Bill Funds for proposed sidewalk on north side of K Avenue and schedule public hearing

Mayor Pro Tem Keener stated we have talked with DOT for about a year regarding installing a sidewalk on the north side of K Avenue. Council approved \$15,000 out of Powell Bill funds and DOT has set aside \$15,000 to match our \$15,000. DOT wants a resolution and a public hearing. He said he is asking Council to approve the resolution and set a date for a public hearing.

Discussion – Council members discussed other issues with storm water and using Powell Bill funds for that instead of a sidewalk. They discussed whether the resolution should be approved first or whether the public hearing should be held first and whether the sidewalk should be installed without an easement from AT&T to use their driveway.

MOTION – Mayor Pro Tem Keener made the motion to approve the resolution and schedule a public hearing for October 18 at 5:30 pm.

SECOND – Commissioner Dugan

VOTE – motion carried three to one with Lambeth against

Said Resolution R11-17 is herein incorporated as part of these minutes.

2. Ocean Front Park construction and funding updates

Commissioner Dugan stated that footers have been poured and the soil has been added and we are ready for the slabs to be poured. Construction has been started on the new crossover with a viewing platform. It is half completed. The next large item taking place will be the pouring of the slab. All electrical and plumbing underground has been completed. Everything is on track for commitments we have been given.

Commissioner Swearingen stated that she and Commissioner Dugan have been working with John (Building Inspector Batson) to determine individual cost of things so that we can put a list together so that people can give out Christmas presents to their loved ones by buying a bathroom or a swing or something.



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DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Adoption of resolution R11-16 – joint with Carolina Beach, to request MPO to accelerate Dow Road project over Military Cutoff Extension project

Mayor Lambeth explained that we are members of a Metropolitan Planning Organization called Wilmington MPO, and for many years we have been tossed the crumbs. At the last meeting, County Commission Chairman Barfield and Wilmington Council woman Pagett made the remark that Allen Pope, DOT, was right in requesting Dow Road be dropped completely from the list of projects because the former administration of Kure Beach wanted to shelve the project. Mayor Lambeth stated he went through past minutes and it had never been brought to any meetings that the Town wanted to shelve the project. A final corridor study was adopted that is exactly what both Carolina and Kure Beach were looking for with turn lanes in Carolina Beach, bike paths and a multi-use path.

Mayor Lambeth read the joint resolution between Carolina and Kure Beach into the record. This resolution requests the MPO to accelerate the Dow Road Project.

MOTION – Mayor Lambeth made the motion to adopt resolution R11-16.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Said Resolution R11-16 is herein incorporated as part of these minutes.

2. Representative to New Hanover County Commission for Women

Mayor Lambeth stated that the New Hanover County Commission for Women is a county board that has fallen apart and they are trying to revive it. There are seven members from Wilmington and one from each of the beach towns. We have been asked to appoint a member.

Discussion – Council expressed concern that the commission has called itself Women of Wilmington instead of using New Hanover County. Any appointee would need to see to it that Pleasure Island was represented. They questioned what the by-laws and funding has been and what expense has been incurred to the Town and County for the commission.

CONSENSUS – Clerk to gather information on by-laws and funding for next Council meeting.



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3. Storm water on South 3rd and 4th Avenues

Mayor Lambeth stated there are two sections of Town that are flooding any time there is any heavy rain. He said he receives calls and emails from residents asking why residents pay storm water fees and don't have storm water management. Storm water management is a legitimate use of Powell Bill Funds.

Commissioner Dugan read a statement from Public Works Director Beeker regarding this matter. Said statement is herein incorporated as part of these minutes.

Discussion – Council talked about the feasibility and cost of pushing water up hill to get it to the storm water pipes if the Town makes them available and whether the Town should get in the position of helping owners with problems on individual lots. They discussed determining the Town's responsibility, the use of Powell Bill Funds for storm water and whether to prioritize ad valorem tax payers over those using a sidewalk on K Avenue.

Commissioner Swearingen stated there is a section on the north end of Town right on the border of old Hanby Beach. During our biblical floods, there were 5 properties that were under close to 10 or more inches of rain for a solid week. During the tropical storm, there were 3 lots that were under at least 8 inches for 3 days, even though there was a sump pump during 2 ½ of those days trying to pump the water off those lots. The rain has gone up to, under, or inside the first floor of all 5 of those units on both of those occasions and on many occasions in the past. One of those lots and houses is owned by one of our police lieutenants and he has a regular sump pump out there to keep it from going into his house. In the past, 2 of those units have had to have the first floor of their houses redone because of the water coming into the doors at the back of their houses. If it takes email, she said she will be glad to get emails to Council, but Sonny (Public Works Director Beeker) has finally come out there about two weeks ago to look at it and agreed there was definitely a problem. She stated she thinks this probably needs to be addressed just as well as the south end. Most of it is on private property. About 8 % of it is because the Town allowed a developer to build up a property almost 2 1/2 feet and then build on it illegally, which stopped the flow of all water in the neighborhood from going into a local creek. That's why it is backing up. In addition to that, there is no storm water system at all in the Hanby Beach area. In fact, most of the streets don't have ditches, let alone a storm water system. All of the water flows down Bluefish right onto the back of all those properties and right either into their houses and up to or underneath the edges of their houses. This is in back of Trout Lane, because of that. If we are going to take a look at the south end, we should also take a look at this. Public Works is willing to agree if the property owners do their part and do the sump pump things or do the drain lines on their



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property, the Town would be willing to help connect it to the sewer lines on Cutter Court. It would be nice if we go ahead with that and have an engineer tell us how much those property owners are going to have to pay and how much the Town is going to have to pay.

CONSENSUS – Commissioner Dugan will work with Public Works to get an estimate for an engineer plan for storm water for the south end of town and Hanby Beach and will bring it back to Council.

4. Letter from citizen regarding fireworks

Mayor Lambeth stated he received a letter from a citizen complaining about fireworks. He said he has heard fireworks going off and is of the opinion it is locals firing them, not tourists.

Discussion – Commissioner Dugan stated it is a police matter.

CLOSED SESSION


None

ADJOURNMENT

MOTION – Commissioner Dugan made the motion to adjourn at 8:45 pm

SECOND – Mayor Pro Tem Keener

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