



TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

March 20, 2012

The Kure Beach Town Council held their regular Council meeting on Tuesday, March 20, 2012, at 6:30 pm. Attorney Canoutas was in attendance and there was a quorum of Council present.

COUNCIL MEMBERS PRESENT

| | |
|---------------|-------------------|
| Mayor | Dean Lambeth |
| Mayor Pro Tem | Chuck Keener |
| Commissioner | Emilie Swearingen |
| Commissioner | David Heglar |
| Commissioner | Steve Pagley |

STAFF PRESENT

Building Inspector – John Batson
Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Deputy Town Clerk – Nancy Hewitt

CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting to order at 6:30 pm. Pastor Aaron King from the Coastal Community Church delivered the invocation. Mayor Lambeth led in the Pledge of Allegiance.

CLOSED SESSION

MOTION – Mayor Lambeth made the motion to go into a closed session at 6:32 pm to consult with the Town attorney regarding a legal matter.

SECOND – Commissioner Heglar

VOTE – Unanimous

MOTION – Commissioner Heglar made the motion to return to open session at 7:15 pm.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Mayor Lambeth said with attorney-client privilege Council had nothing to report.

APPROVAL OF CONSENT AGENDA

1. Advertise for replacement for Elaine Eisberg on the Beautification Committee and the Shoreline Access and Parking Committee (deceased).



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2. Accept resignation of Paul Martinez from the WMPO Bicycle & Pedestrian Committee and the WMPO Citizens Advisory Committee. Town Clerk to advertise vacancies.
3. ~~Approve three year agreement with AT&T to prevent rate increases in telephone service.~~
4. R12-02 Authorizing DOT to put a crosswalk on M Avenue.
5. Approve application for TDA reimbursement of \$3,300 for the 2011 Kure Beach Fantasy Christmas Show.
6. Approve application for TDA reimbursement of \$8,000 for 2011 Pleasure Island Chamber of Commerce Free Summer Concert series.
7. Board of Adjustment 2011 Annual Report
8. Finance Report – 7/1/11 to 3/14/12
9. Fire Department Report February 2012
10. Meeting Minutes:
 - February 21, 2012 regular
 - March 2, 2012 beach town breakfast meeting

Mayor Lambeth stated that Town Clerk Avery requested that Item 3 be taken off of the Consent Agenda.

MOTION – Commissioner Pagley made the motion to approve the Consent Agenda, as amended.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

ADOPTION OF THE AGENDA

Commissioner Swearingen asked that New Hanover Commission for Women be added under Old Business as Item 5.

Mayor Lambeth asked that Disc Golf Net and Tennis Backboard be added under Old Business as Item 6 and that Parks and Recreation Intern be added under Old Business as Item 7. Parks and Recreation chairperson, Gabby Kraus, will address Council regarding these two items.

MOTION – Commissioner Heglar made the motion to adopt the agenda, as amended.

SECOND – Commissioner Swearingen

VOTE – Unanimous



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DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

None

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Timothy Upton, 653 Settlers Lane – Kure Beach Village Homeowners Association (HOA) President addressed Council on the painted crosswalk at Kure Village Way and Ft. Fisher Blvd.

Mr. Upton stated:

- The painted crosswalk that crosses Ft. Fisher Blvd. from Kure Village Way leads directly into Kure Village HOA's beach access parking lot which is private property.
- Other crosswalks on Ft. Fisher Blvd. don't have to originate from a road, so they would like Council to consider moving the crosswalk south, across from where a CAMA access is located, or to consider eliminating the crosswalk altogether.
- There is a vacant lot on the southwest corner of Kure Village Way and Ft. Fisher Blvd. When people see the crosswalk and the vacant lot next to it, they think they can park in the lot and walk across into the HOA's beach access. Our HOA would like signs put up on the lot to deter people from parking there.

Council members stated:

- The reason crosswalks are needed is due to the heavy volume of cars traveling on Ft. Fisher Blvd. during the beach season. They are there to protect people from oncoming vehicles. Crosswalks should be located where people use them. Kure Village residents cross into their private beach access from there. The vacant lot belongs to BB&T, so they would have to be asked to put up signs. (Heglar)
- I have lived in Kure Village for the last 12 years and crossed Ft. Fisher Blvd. from Kure Village Way at all times of the day. There were never any problems crossing the road before the crosswalk was put in. But, since it was put in, no one ever stops their vehicle to let pedestrians cross, even though there is a sign showing it is a crosswalk. The crosswalk is almost a misrepresentation to the pedestrians for them to think they can cross there safely as though someone is going to stop for them. I am afraid there is going to be an accident there one day. (Swearingen)
- I was on the Shoreline Access and Parking (SLAP) Committee when we voted to put up the crosswalk there because of the traffic and the location of the other homes in proximity to the crosswalk. I question if it was the right thing to do; to lead pedestrians into the private parking area for Kure Village. (Keener)



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SLAP chairperson, Tony Gonsalves, said the SLAP Committee reviewed the road and thought it would be the most logical spot for foot traffic to cross. SLAP was going to put the crosswalk at Kure Dunes, but that plan was rejected by the Department of Transportation (DOT). The committee's main concern is to protect the people of Kure Beach. We understand the problem with the vacant lot, but that is not SLAP's problem.

Mr. Upton stated that there is a grassy area in front of the fenced lagoon, 125 feet south of Kure Village Way, which provides enough room for people to stand at a crosswalk there.

MOTION – Mayor Pro Tem Keener made the motion to have the Town place a CAMA sign on the east side of Ft. Fisher Blvd., at Kure Village Way, to point to the location of the public access to the south and, if it is still a problem for the Kure Village HOA after this year, the Town will ask DOT to eliminate the crosswalk at Kure Village Way.

SECOND – Commissioner Heglar

VOTE – Unanimous

2. Candace Clark, 229 Atlantic Avenue – Kure Beach resident addressed Council regarding paid parking.

Ms. Clark shared calculations on revenue and expenses that she figured the Town would incur if paid parking was instituted. She summarized that it would be more expensive for Kure Beach taxpayers to go the way of paid parking than for them to just pay a small, additional amount in their taxes. She suggested the Town advertise the Ft. Fisher State Recreation Area which has free parking and bathhouses, if parking is an issue during the in-season. She urged Council to not institute paid parking.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Board of Adjustment (BOA)

Mayor Lambeth called Gail Carelli to the podium for Council to interview her for an alternate member position on the BOA. He explained that the BOA is a quasi-judicial board that hears cases from property owners who want to be granted a variance from the zoning ordinances within the Town.

Council's questions and comments were:

- Do you know anything about the Town's past history on variances or anything about the building ordinances of a small town? There are specific rules and guidelines for variances. How would you handle it if the variance request was an unpopular one? (Heglar)



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- Why do you want to be on the BOA? (Keener)

Ms. Carelli responded as follows:

- She couldn't find too much information on the Town's website about recent cases, but she thinks she would be conservative in granting variances in a small town.
- She is an attorney for the Department of Social Services and is in court constantly, arguing unpopular issues almost every day.
- She has lived in Kure Beach for three years and wants to get involved in the community, and the BOA is one of the few Town committees that meets in the evening when she can attend the meetings.
- She feels the BOA is a good fit for her because she enjoys researching laws, ordinances and other information.

MOTION – Mayor Pro Tem Keener made the motion to appoint Gail Carelli as an alternate member on the Kure Beach Board of Adjustment.

SECOND – Commissioner Heglar

VOTE – Unanimous

2. Beach Protection Committee

Beach Protection Committee chairperson, Andy Barnard, requested that Council approve the expenditure of \$1,050 to purchase sea oats from the Town of Carolina Beach to plant on the Kure Beach dunes.

- He calculated the number of plants that are needed and came up with 5,000 plants.
- Carolina Beach offered to sell the seedlings to Kure Beach for just 20 cents each.
- The price also accounts for purchasing fertilizer.
- These are for the dunes in front of the Ocean Dunes Condos complex where a storm just about wiped out all of the dunes.

Building Inspector John Batson said the location was the only place where sea oats were needed at this time and the price for the sea oats was a good deal. He thought it was good for the Town to support Carolina Beach's sea oats propagation program.

Finance Officer Copenhaver said there is money in this Fiscal Year's Committee budget for the sea oats.

MOTION – Commissioner Heglar made the motion to approve the request to spend \$1,050 out of the Committee budget for Fiscal Year 11-12 to purchase sea oats from the Town of Carolina Beach.



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SECOND – Commissioner Pagley

VOTE – Unanimous

3. Planning and Zoning (P&Z) Commission

P&Z chairperson, Craig Galbraith, reviewed the draft proposed “Alternative Energy” ordinance regarding solar and wind systems for Kure Beach. He stated:

- We’ve been working on this draft ordinance for about six months to stay ahead of the curve. As alternative energy systems become less expensive, more people may decide to use them.
- The Town only has its building codes right now to manage this subject as far as height requirements and set-backs. Right now, anyone can put a 35-foot windmill in their backyard with the ordinances we currently have in place.
- We examined 50-60 ordinances from different states and special interest groups to come up with the draft ordinance.
- There are laws in NC regarding solar panel systems and this draft ordinance fits within these parameters.
- We didn’t want to be too restrictive and this proposal is fairly generous.
- We are recommending eliminating electrically-generated windmills and other solar wind systems which can create quite a bit of noise.
- Building Inspector Batson had recommendations which we incorporated into the ordinance.

Mayor Lambeth asked Building Inspector Batson if there were any solar systems being used in Kure Beach currently, and if they had external disconnects.

Inspector Batson said there are solar water heaters being used that do not have external disconnects of which he is aware.

Commissioner Heglar asked Chairperson Galbraith if P&Z intended to leave off addressing detached garages and small buildings. He said that people with low-lying detached buildings could, in essence, build a 10-foot tall solar panel system on their roofs.

Chairperson Galbraith said that was a good point and P&Z needed to consider that in the proposed ordinance.

Council called for a public hearing to be held on the proposed zoning ordinance.



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Town Clerk Avery asked Town Attorney Canoutas to provide her with the Section number where the ordinance would be placed within Chapter 19.

Town Attorney Canoutas said he would provide her with the information.

MOTION – Commissioner Heglar made the motion to hold a public hearing as the first item of business on the regular Council agenda for Tuesday, April 17 at 6:30 pm regarding the draft ordinance for Alternative Energy.

SECOND – Commissioner Pagley

VOTE – Unanimous

4. Shoreline Access and Parking (SLAP) Committee

a. SLAP chairperson, Tony Gonsalves, asked Council's permission to let the SLAP Committee submit an application for the CAMA Public Beach and Coastal Waterfront Access grant and stated:

- SLAP would like to install ADA platforms where there aren't any and revamp the ramps at some of the beach accesses.
- We would like to redesign the entrances to some of the parking areas so that handicapped people can drive in. We may lose some parking spots, but it would make it easier for people to get into the parking lots if there weren't as many spaces.
- We would like to install viewing stations and doggie-bag dispensing stations, as well as signs instructing people about the Town's dog ordinances. Public Works would remove the bags during the season when dogs aren't allowed on the beach.
- We would like no-smoking signs erected at the ramp entrances to try and alleviate smoking on the beach.
- We are looking at buying four more wheelchairs for beach access that would be available for reservation by the public, free of charge.
- He still needs to work with Building Inspector Batson on a few things, and work out the areas for the ADA platforms to get an idea of what the cost would be.

Council's questions and comments were:

- Are there required matching funds from the Town for the grant? (Pagley)
- We may not have enough money in the budget for the Town's match. (Heglar)
- Who will write the grant and how much will it cost? Is there any money in the current budget we can use to pay a grant writer?



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- SLAP could get a quote from the grant writer who worked with Fire Chief Heglar on the Fire Department grants. (Swearingen)
- The SLAP Committee needs to prioritize which projects it feels are most important in case the requested grant amount isn't received. (Keener)

Town Clerk Avery stated that the Town's match would be 50%.

Finance Officer Copenhaver said that there is approximately \$2,000 left in this Fiscal Year's Committee budget with which to pay a grant writer.

MOTION – Commissioner Heglar made the motion to authorize the SLAP Committee to obtain a quote from a grant writer to write the CAMA grant for the Town. The SLAP Committee will bring the grant back to the April Council meeting for a decision from Council.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

- b. Chairperson Gonsalves asked Council to approve adding six parking spaces on E Avenue by adding concrete bumpers to the existing grassy area. He provided an aerial view of the suggested area to Council with a drawing of how the spaces would be positioned. He stated:
- People park on the roadway and the grass in this area, which is a safety issue. This will alleviate that problem.
 - Instead of two vehicles parked parallel to the road, this will afford six parking spaces at the bumpers.
 - We already have the concrete bumpers; it's just a matter of Council approving the plan.

Commissioner Heglar said he would prefer to get the adjacent property owners' approval before approving the request.

MOTION – Commissioner Heglar made the motion to authorize the Town Clerk to mail a letter to adjacent property owners requesting their input into Council's intent to mark six parking spaces with concrete bumpers on the southwest corner of E Avenue, at Ft. Fisher Blvd. Council will readdress the issue at April's Council meeting.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous



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Chairperson Gonsalves suggested that the concerned property owners could attend SLAP's April 3rd committee meeting, if they wanted more information.

Commissioner Heglar asked Town Clerk Avery to include the pictures of the proposed parking area in the letters.

5. Marketing Committee

Marketing Committee chairperson, Brant Barnwell, notified Council that the Marketing Committee voted to change its regular monthly meeting date from the third Tuesday of each month to the fourth Tuesday of each month.

Commissioner Swearingen asked if the Marketing Committee finalized their plans to visit the Durham Bulls.

Chairperson Barnwell stated that he wasn't finding a lot of interest from the committee members to go to Durham.

Commissioner Swearingen asked Chairperson Barnwell to let Council know in case a couple of Council members wanted to go.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Admin and Finance

- a. Town Clerk Avery asked Council to approve a contract from VC3 in amount of \$16,200 to redesign the Town's website. She requested funding of \$8,100 from the Fiscal Year 12-13 Admin & Finance budget and \$8,100 from the Fiscal Year 12-13 Admin & Finance budget. She stated:
 - Our current website was created in older software that only one person at Town Hall knows how to update, and it must be updated from Town Hall.
 - We're restricted with what we can do on our current website.
 - Upgrading to a Content Management System (CMS) will allow us to update our website from any computer, anywhere.
 - We shouldn't have to make any changes to the website for another 5-10 years with this technology.
 - After interviewing and receiving quotes from four CMS providers, VC3 had the most to offer for the price they quoted.
 - VC3 currently hosts our website and handles our email server, and their CMS software will allow the Town to conduct polls and surveys, allow for alerts in case of emergencies and allow for individual design of web pages, which is something the Police Chief has been wanting for his department's webpage.



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- Another capability of the software from VC3 is that residents will be able to choose areas of the website from which to receive email updates whenever those areas are updated. Currently, we update the website and then turn around and have to send the very same information out via a weekly email. The email function will eliminate the need to do a separate, weekly email.

Commissioner Swearingen said that \$4,000 was budgeted for this in the Admin & Finance budget for Fiscal Year 11-12. She thought that would be enough for a new website.

Town Clerk Avery said that amount came from another CMS provider she was thinking of using. But after comparing that provider with the others, their software's capabilities were found to be very basic and restrictive.

MOTION – Mayor Pro Tem Keener made the motion to approve the contract from VC3 for \$16,200, to design a new website for the Town; \$8,100 to be paid from the current Fiscal Year 11-12 Finance & Admin budget, and \$8,100 to be paid from the Fiscal Year 12-13 Finance & Admin budget.

SECOND – Commissioner Heglar

VOTE – Unanimous

- b. Finance Officer Copenhaver said there is a leftover balance of \$11,561 from the New Hanover County Park Bond Referendum funds that needs to be allocated. He stated that, originally, the funds needed allocating before this Fiscal Year ended, but he was able to get that deadline stretched out over the 2012 calendar year.

Mayor Lambeth asked Parks & Recreation chairperson, Gabby Kraus to address Council at this point in the meeting, instead of during the Old Business portion of the meeting, as previously requested.

Chairperson Kraus told Council that Parks and Recreation wanted to have a practice backboard built for the tennis courts. They decided that a pre-built backboard wouldn't be able to withstand a strong storm, and thought it would be better to have a concrete backboard constructed. The cost to build it would probably be between \$3,500 and \$4,500.

Chairperson Kraus said that Parks and Recreation also needed \$300 to buy a practice target net for the Disc Golf Course. This amount would be paid back to



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the Town by a course sponsor. He wanted the Town to front the money to buy the net.

Commissioner Heglar said he'd like to see the fund money go toward the Ocean Front Park.

Commissioner Pagley said he would like \$500 to go to the Beautification Committee for gardens.

Mayor Lambeth wanted to use \$4,000 to build the tennis backboard.

CONSENSUS – the consensus of Council is for Finance Officer Copenhaver to use the \$11,561 leftover balance from the NHC Park Bond Referendum funds, as follows: \$4,000 to pay for a concrete tennis backboard for the tennis courts, \$500 to be used by the Beautification Committee for gardens and the remaining balance to be used for the Ocean Front Park. As the \$300 for a practice target net has a sponsor, it will come out of the Parks and Recreation Committee budget.

Chairperson Kraus told Council the new Parks and Recreation intern, who satisfactorily completed a background check at Council's request, would be starting on May 15. He asked if the intern needed additional approval from Council to begin.

Council said that as long as the intern had a satisfactory background check, he could start at any time.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Use of Kure Beach Community Center for Island Women recycle seminar. Commissioner Swearingen said that the Island Women would like to have their recycle seminar during the first or second week of May on a Tuesday or Wednesday from 6:30 am to 10:00 am. The seminar will start at 7:00 am. She said that during the last Council meeting she understood that Council would co-sponsor the event by advertising it on the Town's website and in its weekly news email. She had also thought the Town wouldn't require Island Women to pay for the use of the Kure Beach Community Center.

Mayor Pro Tem Keener asked Council if allowing Island Women free use of the center would mean having to change its policy toward all non-profit organizations that wanted to use the center. He wondered if this would set a precedent for future non-profit events to be able to use the center free of charge.



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Commissioner Swearingen said this was an exception because it was a Town-sponsored event, unlike HOAs or churches that request use of the center.

Mayor Lambeth asked who was going to oversee the seminar for the Town, if it was a Town-sponsored event.

Commissioner Swearingen said she would be attending the seminar as the Town's representative.

Commissioner Heglar said he didn't think the Town should charge the group for the Community Center since it was co-sponsoring the event. He said it's the right thing to do and a good way to participate in the event without spending tax dollars.

Mayor Pro Tem Keener suggested that this would be a good time to give event planners who will be attending the seminar the information on the amended noise ordinance.

MOTION – Commissioner Swearingen made the motion to co-sponsor the recycling seminar given by the Island Women to allow them free use of the Kure Beach Community Center, for this one event, and advertise it on the Town's website and weekly email. No funding is to be provided.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

2. Draft Noise & Draft Special Events Ordinances

a. Draft proposed amendment Chapter 11, Noise Ordinance, Sections 31 and 32

Building Inspector Batson said that the changes that were suggested at last month's Council meeting were incorporated into the revised draft ordinance amendment. He said he reviewed it with Town Attorney Canoutas and Police Chief Cooper. Speaking about the draft ordinance he provided to Council, he said that the red text and strikethroughs were the changes he made.

Some Council members questioned whether the time differences in Items 2, 8, 14 and 15 should be lined up.

Inspector Batson explained why the times are listed differently and why they should stay as they are in the draft.



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Commissioner Swearingen asked that periods be placed between the am and pm under Item 2 and that "a.m." be placed after 9:00 in Item 8.

MOTION – Commissioner Heglar made the motion to approve the proposed amendment to Sections 11-31 and 11-32 of the Code of Ordinances, to include the corrections requested by Commissioner Swearingen.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Said approved ordinance amendment is herein incorporated as part of these minutes.

b. Draft ordinance amendment on regulations regarding rentals used for weddings

Building Inspector Batson said that there was a strong sense at last month's Council meeting that Council didn't want the special events ordinance to apply to private properties. So, he took out everything having to do with private properties. He said that this ordinance would only apply to an event held on any public property.

Commissioner Swearingen asked for clarification on the permit application form that was provided to Council in their agenda information.

Building Inspector Batson said he included it in the agenda information as only a sample permit application. He asked Council not to pay attention to it in deciding whether or not to approve the draft ordinance.

MOTION – Commissioner Heglar made the motion to adopt the new ordinance for Chapter 5, Section 66 Special Events.

SECOND – Commissioner Pagley

VOTE – Unanimous

Said approved ordinance is herein incorporated as part of these minutes.

3. Paid parking

Commissioner Heglar gave the following information:

- Council met with officials from the towns of Carolina Beach and Wrightsville Beach recently, and one of the discussion topics on the agenda was paid parking.



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- The officials of the other two beach towns said the ordinances would have to continually be tweaked to address any problems that arise.
- He worries that anyone living on 3rd Avenue might have issues with people parking on their street to avoid paying for parking.
- He has no problem on the money end, but he's not sure how many residents really want paid parking in Kure Beach.

Commissioner Heglar said that Town Clerk Avery obtained the ordinances from the other two beach towns. He gave an overview of their ordinances, the dates they were put into effect and amended, and how many pages of ordinance each town had. He reviewed Lanier Parking's proposal to the Town, including the revenue and expense factors of residential parking passes, the number of paid spaces to be considered in Kure Beach and how long the parking meter equipment would last before needing replacement.

Mayor Pro Tem Keener said he requested that the chairpersons of all of the Town's committees poll their committee members to see how many of them were in favor of parking and how many were against. At the Joint Chairperson meeting he attended last week, those polled were 4 to 2, against parking. He said that those who were for paid parking wanted it because they thought it would help eliminate day-trippers.

Commissioner Swearingen said that everyone she has spoken with is opposed to it. She feels the Town would not only lose day-trippers but would lose tourists, as well.

MOTION – Commissioner Pagley made the motion to hold a public hearing on Tuesday, April 17 at 5:30 pm for the purpose of receiving public comments regarding the concept of paid parking in Kure Beach.

SECOND – Commissioner Heglar

VOTE – Unanimous

4. Approve the purchase of a plaque for Town Hall as requested by Charlie Allo, in lieu of personal recognition.

Mayor Lambeth stated that Mr. Allo doesn't want recognition from the Town for his almost 25 years of service on various Town committees and Council. Instead, Mr. Allo requested that a plaque be erected in the Town Hall lobby in honor of all Kure Beach volunteers. Mayor Lambeth read the recommended language for the plaque: *Thank you to all of the volunteers who so faithfully give of their time, knowledge, resources and efforts to make our home of Kure Beach a better place to live.*



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Mayor Pro Tem Keener said he appreciates Mr. Allo's request for the plaque and thinks it is an excellent idea, but he would still like Council to recognize Mr. Allo for his services to the Town.

Commissioner Heglar said he agrees that the plaque is a good idea, but if Mr. Allo insists on not being recognized by Council, they should honor his wishes. He said that the minutes should state that the plaque is being ordered and erected in honor of Mr. Allo.

MOTION – Commissioner Heglar made the motion to approve the purchase of a plaque to be hung in the Town Hall lobby, with the recommended wording, in honor of Charlie Allo.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

5. New Hanover Commission for Women

Commissioner Swearingen gave the following information:

- For the last 5 years, the New Hanover Commission for Women has been extremely disorganized.
- New Hanover County suspended the organization, so the City of Wilmington agreed to take them on if they would provide an annual report, which they have not provided.
- They haven't been forthcoming on their information.
- She suggested we not get involved with this organization at this time.

MOTION – Commissioner Swearingen made the motion that Kure Beach not recognize or get involved with the New Hanover Commission for Women at this time.

SECOND – Commissioner Pagley

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Approve \$1,000 contribution to Ports, Waterway & Beach Commission.

Mayor Pro Tem Keener explained that Jim Dugan, the Town's liaison on the Ports, Waterway and Beach Commission, requested the contribution be mailed to the commission.

Commissioner Heglar asked if it was budgeted.

Finance Officer Copenhaver said that it wasn't budgeted but that there is an amount that was moved into the Inlet Dredging line item that hasn't been spent. He said it would take



That the Code of Ordinances of the Town of Kure Beach, North Carolina is hereby amended effective March 20th, 2012 as follows:

Chapter 11, Nuisances, Article III, Noise, section 31 (Certain noises prohibited), subsections (b2), (b8), (b15) and section 32 (Violation) of the Code of Ordinances.

Proposed additions are in bold and deletions are struck through.

ARTICLE III – Noise

Section 11-31 – Certain noises prohibited

Subsection b2 – delete ‘phonograph, piccolo’ in first line; replace with ‘amplified system, band’. Add ‘such nuisances shall be restricted between the hours of 11 pm and 10 am’.

(b) The following acts, among others, are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

(2) *Radios, phonographs, etc.* The playing of any radio, ~~phonograph, piccolo,~~ **amplified system, band,** or any musical instrument in such manner or with such volume as to annoy or disturb any person, or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other residence. **Such nuisances shall be restricted between the hours of 11 pm to 10 am.**

Subsection b8 – delete ‘.’ After 9:00 and add ‘am’ after 9:00

(8) *Building operations.* The erection including excavation, demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on week days, and 9:00 **am** until 4:00 p.m. Saturdays except in cases of urgent necessity in the interest of public safety and then only with a permit from the town.

Subsection b15 – delete ‘business’ and ‘garage’ in first line. Delete ‘filling station, auto repair business, taxi business plant store factory or other’ in second line. Add ‘restaurant, filling station, store, office, including private residences’ between ‘business’ and ‘between’ in the third and fourth lines.

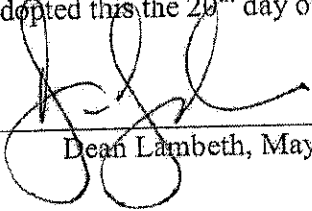
(15) *Business-Noise at night near residences.* The operation of any ~~garage, filling station, auto repair business, taxi business, plant, store, factory or other~~ place of business, **restaurant, filling station, store, office, including private residences,** between the hours of 11:00 p.m. and 7:00 a.m., in such manner as to create loud and disturbing noises, of such frequency or [volume as to annoy or disturb] any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence. (Code 1973, § 15-26; Ord. of 1-21-92; Ord. of 3-21-06; Ord. of 2-20-07(2))

Section 32 – delete ‘fifty dollars (\$50.00) in the second line and replace with ‘two hundred and fifty (\$250) for the first offense, and a Class 3 Misdemeanor for the second offense.’


Sec. 11-32. - Violation.

Any person who shall violate this article shall be subject to a civil citation in the amount of ~~fifty dollars (\$50.00)~~ **two hundred and fifty (\$250.00) for the first offense, and a Class 3 Misdemeanor for the second offense.** (Ord. of 8-15-00)

Adopted this the 20th day of March, 2012 by vote of Town Council.



Dean Lambeth, Mayor

ATTEST: 

Nancy Avery, Town Clerk



SUPPLEMENT 14

That the Kure Beach Town Code of Ordinances for the Town of Kure Beach, North Carolina is hereby amended effective March 20th, 2012 as follows:

Addition of new section 66 Special Events to Chapter 5 (Building and Building Regulations), Article II (Administration), Division 4 (Permits) to read as follows:

Sec. 66 – Special Events

1. *Definitions:*

Beach Strand: Area to include mean high tide line to the westward edge of the Town's beach renourishment easement line.

Event Director: Person who is planning and running the event. Also considered the spokesperson for the group.

Inspection: The inspection for litter, refuse, debris, garbage, left behind on any public area, and any dune area of a private ocean front property after a Special Event takes place.

Loud Noises: Noises of such frequency or [volume as to annoy or disturb] any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.

Special Events Coordinator (SEC): Kure Beach Building Inspector or designee.

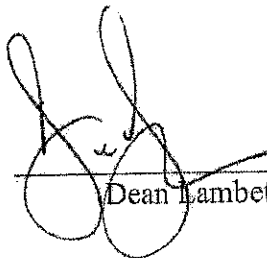
2. Planned outdoor group activities, such as weddings, sporting events, meetings, organized entertainment or celebrations on Kure Beach public or private property require a Special Events Permit, and must conform to the requirements below.

- (a) A permit application must be completed and submitted prior to any authorized event. After application is made, and the fees are paid, permission for the special event will be given in writing.
- (b) For any event, or at the discretion of the SEC, a \$250.00 refundable deposit must be made in addition to the permit fees. Deposit will be refunded upon successful inspection of event location after event.
- (c) Event Director will be responsible for sufficient parking for guests, and must provide a parking schematic or written plan along with Special Event Application.
- (d) Obstruction of any public beach right-of-way, parking area or public street is prohibited without Town Council approval.
- (e) Any tents, banners, stages, nets, etc. on public property, may not be set up more than 12 hours prior to the activity, and must be removed within 12 hours afterwards, and are required to procure a fire permit if tent is over 200 sq. ft.

- (f) Any amplified music within Kure Beach must be approved by the SEC. Any amplified music or PA system on the beach strand must be directed toward the ocean and away from any residences. The volume of the music must not create loud and disturbing noises. All noises (music, loudspeaker, etc) must be terminated by 11 pm. This ordinance will be enforced by the Town of Kure Beach Police and/or other Town personnel.
- (g) Event Director will be responsible for litter pickup of public/private areas used. If activity is on the beach strand, any litter (boxes, etc.) that will not fit in cans must be removed from the beach strand. All food litter must be removed from the beach strand. All plastic and aluminum litter must be recycled; use of styrofoam and glass products for serving refreshments is prohibited. No balloons or plastic confetti may be used as part of any decorations placed on public property. All decorations (flowers, streamers, etc.) must be removed from the site immediately following the event. Litter subject to a \$250 fine.
- (h) For events with expected attendance of 100 people or more, portable toilets must be provided by the Event Director. Portable toilets may not be set up more than 48 hours prior to the activity, and must be removed within 48 hours afterwards.
- (i) Merchandise sales or donation solicitations by a person or group for the purpose of raising money for a charity or non-profit group may only be conducted on public property with an approved special event permit. Information concerning non-profit vending activities must be included in the special event permit application. "For profit" vendors must be disclosed in the special event permit application and must be approved by the Kure Beach Town Council. If approved, vendors must purchase a privilege license from the Town of Kure Beach prior to the event. Food vendors must also obtain a permit from the Health Department.
- (k) Town ordinance prohibits fires or cooking of any kind on the beach strand. No open flames are allowed on the beach strand including fireworks and tiki torches.
- (l) Town ordinance prohibits the consumption of alcoholic beverages of any kind on the beach strand or any public property.
- (m) Event Director will coordinate traffic and crowd control with the Kure Beach SEC.
- (o) This ordinance may be used in conjunction with any and all other applicable ordinances.

Sec. 5-67-5-75 Reserved

Adopted the 20th day of March, 2012.



 Dean Lambeth, Mayor

ATTEST: 

 Nancy Avery, Town Clerk



TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

March 20, 2012

a resolution from Council to move money out of the Contingency Fund, whereas using the funds from the dredging line item would need no resolution.

Commissioner Heglar asked what would happen if the dredging money was needed before the next fiscal year.

Finance Officer Copenhaver said if that happened, then funds could be taken from the Contingency Fund to replace the dredging funds, with a resolution from Council.

MOTION – Commissioner Heglar made the motion to approve contributing \$1,000 to the Ports, Waterway & Beach Commission to be taken from the Fiscal Year 11-12 dredging budget, as advised by the Finance department.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

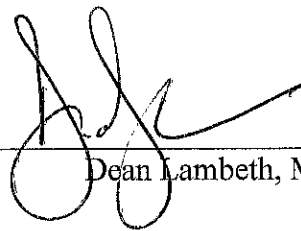
ADJOURNMENT

MOTION – Mayor Pro Tem Keener made the motion to adjourn


SECOND – Commissioner Heglar

VOTE – Unanimous

Meeting adjourned at 9:20 pm.



Dean Lambeth, Mayor



Nancy Hewitt, Deputy 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