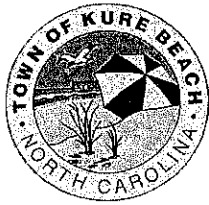


# Minutes



## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

The Kure Beach Town Council held their regular Council meeting on Tuesday, September 18, 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  
Public Works Director – Sonny Beeker  
Town Clerk – Nancy Avery  
Deputy Town Clerk – Nancy Hewitt

### CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting to order at 6:32 pm, delivered the invocation and led everyone in the Pledge of Allegiance.

### OPENING OF PUBLIC HEARING

#### PUBLIC HEARING #1

Mayor Lambeth called the public hearing to order at 6:30 pm stating it was being held to receive public comments on a proposed ordinance amendment to the Code of Ordinances, Chapter 19 Zoning, Article IV Supplemental District Regulations, Section 321.5. Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.

Notice of this hearing was posted at Town Hall on 8/29/12 and advertised in the Island Gazette newspaper on 8/29/12 and 9/5/12.

#### Public Comments

None

### ADOURNMENT OF PUBLIC HEARING

As no one signed up to address Council or indicated their intent to speak, the Mayor asked for a motion to close the public hearing.

# Minutes



## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

MOTION – Commissioner Pagley made the motion at 6:35 pm to close the public hearing.

SECOND – Commissioner Swearingen

VOTE – Unanimous

## PUBLIC HEARING # 2

Mayor Lambeth called the public hearing to order at 6:35 pm stating it was being held to receive public comments on a proposed ordinance amendment to the Code of Ordinances, Chapter 19 Zoning, Article IV Supplemental District Regulations. Section 19-332.5, Roof pitch.

Notice of this hearing was posted at Town Hall on 8/29/12 and advertised in the Island Gazette newspaper on 8/29/12 and 9/5/12.

## Public Comments

None

## ADJOURNMENT OF PUBLIC HEARING

As no one signed up to address Council or indicated their intent to speak, the Mayor asked for a motion to close the public hearing.

MOTION – Commissioner Pagley made the motion at 6:37 pm to close the public hearing.

SECOND – Commissioner Heglar

VOTE – Unanimous

## APPROVAL OF CONSENT AGENDA

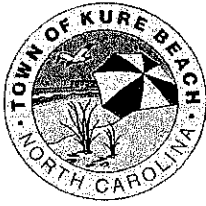
1. Appoint Barbara Boal to Kure Beach Community Center Committee
2. Adoption of 2013 Holiday Schedule
3. Building Inspection Department Report August 2012
4. Finance Report – 7/1/12 to 9/11/12
5. Police Department Report August 2012
6. Meeting Minutes:
  - August 21, 2012 regular meeting
  - August 21, 2012 closed meeting, personnel
  - August 23, 2012 emergency meeting

MOTION – Commissioner Pagley made the motion to adopt the Consent Agenda.

SECOND – Commissioner Heglar

VOTE – Unanimous

# Minutes



## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

### ADOPTION OF THE AGENDA

Commissioner Swearingen asked that Item 4, Draft MPO Greenway, be removed from the agenda in lieu of having Carolina Beach (CB) Commissioner, Steve Shuttleworth, address Council regarding the same subject as listed under New Business. She said she would add her comments at that time.

Mayor Lambeth informed Council that CB Commissioner Shuttleworth was currently in another meeting and, if he is delayed, his agenda item should be moved to the last item of business on the agenda.

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

SECOND – Commissioner Heglar

VOTE – Unanimous

### DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Victor Blackburn, Bernard Robinson & Company to present the draft FY11-12 audit. Mr. Blackburn said he hoped Council had a chance to review the draft audit report he provided to Finance Officer Copenhaver. He said he will be presenting it to the Local Government Council for final issuance and, in the next few weeks, he will present the final portion of the audit to the State to comply with the Town's contract and the State's reporting requirements. He presented a slideshow presentation to Council and explained that the financial statements are presented in the categories of Governmental Activities (General, Powell, Storm Water & Capital Projects) and Business Activities (Water & Sewer). He presented an overview of the draft audit findings with slides showing Total Net Assets, Government Activities Net Assets, Business-type Activities Net Assets, Government Funds Fund Balance, Budget versus Actual expenditures for the General Fund Balance, and a summary of the Water & Sewer Fund revenues, expenses and net assets.

Commissioner Heglar asked Mr. Blackburn how many companies he currently works with and how he felt the Town was doing with its overall finances.

Mr. Blackburn said he has one other Town he works with that isn't quite as big as Kure Beach. He explained that he has been in public accounting of 20 years; 18 of those years working with various sized cities. He said that according to the Town's requirements to have about 34% of the Fund Balance set aside to cover about four months of unforeseen expenses, he feels Kure Beach is doing what it needs to do. He feels the unassigned amount is prudent for a coastal municipality, especially if a major storm impacts the Town. If there were any issues related to the internal controls of Kure Beach, he would be required to present a

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## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

written communication to Council. He said he didn't see any internal control issues. He said when his team came to Town Hall, the information they needed was ready for them; complete and accurate. He said that the way Kure Beach has things set up is solid which ensures that the information Council receives is current and accurate. He commended the Town's financial management for being progressive and thinking ahead for the future.

Craig Bloszinsky, Vice Chairman of the Parks & Recreation Advisory Board, asked Mr. Blackburn if the Town has any unhealthy ratios in its financial numbers to which Mr. Blackburn responded that he didn't see anything to that effect.

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

### 1. Beach Protection Committee

- Authorize use of \$75 from committee budget to purchase supplies and drinks for the NHC Beach Sweep to be held on September 29, 2012.

Mayor Pro Tem Keener explained the need for this expenditure.

MOTION – Commissioner Swearingen made the motion to use \$75 from the Committee Budget to purchase supplies and drinks needed for the New Hanover County Beach Sweep to be held on September 29, 2012.

SECOND – Commissioner Heglar

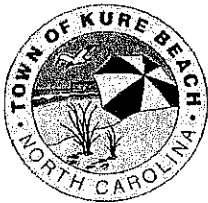
VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

### 1. Building Department

Inspector Batson said that the property at 409 F Avenue has received numerous complaints from neighboring property owners over the years regarding the overgrown, unkempt property. He has had to mail the property owner letters in the past about this problem. The neighbors have even occasionally tried to clean it up on their own. He mailed another letter last week to the property owner who received it via certified mail on September 14, 2012. He said that the Code of Ordinances under Section 11-19 requires him to seek Council approval to take action on this if the property owner doesn't take care of the situation within 15 days of receiving the written notice. He said Council has given him wide latitude over the last few years to contract out to a company to handle the clean up. He expects that the property owner will be coming to Council to address this.

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## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

MOTION – Commissioner Swearingen made the motion to give the Building Inspector latitude to pursue the clean up of the lot located at 409 F Avenue in accordance with Town ordinances.

SECOND – Mayor Pro Tem Keener

MOTION – Unanimous

### 2. Public Works Department

Public Works Director Sonny Beeker said it is time for the 10 year update on the Solid Waste Plan. Historically, the beach towns and New Hanover County approve the update all at one time. He said he put together the information and sent it to the County with the understanding that Council would need to review it. He will give Council a condensed version of the information, along with the approval schedule. He said the biggest thing will be the incinerator and the cost. There will be a resolution to adopt the Solid Waste Plan that Council will need to sign.

### DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Consideration of adoption of proposed amendment to Chapter 19 Zoning, Article IV Supplemental District Regulations, Section 321.5. Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.

Commissioner Heglar asked Building Inspector Batson if the person who had concerns with the proposed amendment at the last Public Hearing had any problems with the revision.

Town Clerk Avery said she emailed the revised proposed amendment to the gentleman and didn't hear back from him.

MOTION – Commissioner Heglar made the motion to adopt the proposed amendment to Chapter 19 Zoning, Article IV Supplemental District Regulations, Section 321.5. Prerequisite to construction, demolition, remodeling and impervious surfaces, etc., as presented.

SECOND – Mayor Pro Tem Keener

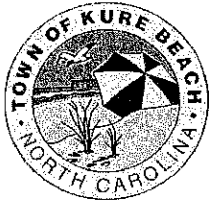
VOTE – Unanimous

Said ordinance is herein incorporated as part of these minutes.

2. Consideration of adoption of proposed amendment to Chapter 19 Zoning, Article IV Supplemental District Regulations. Section 19-332.5 Roof pitch.

Building Inspector Batson said the proposed amendment was suggested by a builder who serves on the Town's Planning & Zoning Commission. He said they knew it would

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## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

eventually be an issue due to the new building code. The main reason for the amendment is so people won't build flat roofs on residential houses in Kure Beach

MOTION – Mayor Pro Tem Keener made the motion to adopt the proposed amendment to Chapter 19 Zoning, Article IV Supplemental District Regulations. Section 19-332.5, Roof pitch, as presented.

SECOND – Commissioner Heglar

VOTE – Unanimous

Said ordinance is herein incorporated as part of these minutes.

### 3. Set Up Events 2013 Triathlon Permit Request and Outstanding 2012 Invoice

Mayor Pro Tem Keener asked Finance Officer Copenhaver if the invoice for the unpaid 2012 Triathlon fees of \$240 was mailed to Bill Scott of Set Up Events, and he asked if it had been paid.

Finance Officer Copenhaver responded that it was mailed the day after the August Council meeting with a payment deadline of August 31, 2012 and, as of today, he has still not received payment from Set Up Events.

Mayor Pro Tem Keener proceeded to remind Council that a motion was passed at the August Council meeting stating that approval of the 2013 Triathlon was contingent on Set Up Events paying the remaining 2012 fee balance of \$240 by the deadline. He reminded Council that Mr. Scott was at the Council meeting when they told him this and Mr. Scott acknowledged that he understood.

MOTION – Mayor Pro Tem Keener made the motion to not issue the 2013 Triathlon permit to Set Up Events due to non-payment of the remaining balance owed for the 2012 Triathlon.

SECOND – Commissioner Heglar

VOTE – Unanimous

Commissioner Heglar asked Council if they would still like to pursue hosting a similar event in Kure Beach.

Commissioner Swearingen advised Council that running an official event of this type is very complicated and requires more than just holding a race. If the Town wants to have an official, competitive race of this type, certifications and processes need to be in place in order to be official and attract athletes to the competition.

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## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

Mayor Lambeth said he has been contacted by a charity interested in sponsoring this type of event.

Craig Bloszinsky from the Parks & Recreation Advisory Board asked Council if they rejected Set Up Events 2013 Triathlon permit application, or if they just didn't approve it.

Town Attorney Canoutas said that the permit was rejected for non payment of the remaining balance of the 2012 Triathlon. He said if Set Up Events had paid the debt, their 2013 permit application would have been considered.

Mr. Bloszinsky asked Council how long Mr. Scott from Set Up Events had the invoice and wanted to know if he had been given enough time to pay it.

Finance Officer Copenhaver said the invoice for the remaining balance was mailed in June, a second or third one was mailed at the beginning of August and the final invoice was mailed on August 22, 2012, the day after the last Council meeting.

Mayor Pro Tem Keener said he would like to see other organizations pursue having an event of this type with the Town.

Commissioner Swearingen suggested that the Parks & Recreation Board find an organization willing to conduct it.

Mayor Lambeth asked Mr. Bloszinsky from the Parks & Recreation Advisory Board if the board would be willing to pursue a similar event to which Mr. Bloszinsky responded they would if Council wanted them to.

Town Attorney Canoutas recommended that the Town not get involved in it. He said if anyone wants to come to the Town Council about having this type of activity, then let them come. He stated it is a proprietary function, not a governmental function.

Tony Gonsalves, Chairperson of the Shoreline Access & Parking Committee suggested that Parks & Recreation put a notice in the newspaper soliciting proposals from anyone interested in holding this type of event in Kure Beach.

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## REGULAR MEETING

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Commissioner Swearingen agreed that Council should ask the Parks & Recreation Advisory Board to search for proposals from organizations and recommend one or two of them for Council to consider.

CONSENSUS – The Parks & Recreation Advisory Board will pursue finding outside vendors to submit proposals to hold an event similar to the annual Triathlon. The board will review the proposals and recommend one or two vendors to Council for further discussion. Parks & Recreation will suggest the best dates on which to hold the event.

Commissioner Heglar asked that Bill Scott with Set Up Events be notified via letter of Council's decision to not approve his permit application for a 2013 Triathlon.

MOTION – Commissioner Heglar made the motion to mail a certified letter from Town Council to Bill Scott at Set Up Events stating that, based on non payment of 2012 Triathlon fees, Council is denying his application for a 2013 Triathlon. It should also state that Council will not reconsider issuing the 2013 permit.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

#### 4. Foot Washing Station at I Avenue Crossover

Public Works Director Beeker said the cost to put a foot washing station at the I Avenue crossover would be around \$900 and would take about 16 man hours to run the water line to the location.

Commissioner Swearingen said she had wanted a permanent foot wash like some of the other beach towns have.

Public Works Director Beeker said that the push button ones in other beach towns don't work very well.

Commissioner Heglar wanted to know why a foot wash station should only be installed at I Avenue since there are other crossovers in Kure Beach.

Public Works Director Beeker recommended that people bring a plastic water bottle to the beach and, when they're ready to leave the beach, fill it with sea water and wash off their feet after which they could throw the empty plastic bottle in the recycling cart.



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## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

MOTION – Commissioner Pagley made the motion to drop the subject of putting a foot washing station or other water source at the I Avenue beach crossover.

SECOND – Commissioner Heglar

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

### 1. Part-time Kure Beach Parks & Recreation Staff Position

Town Clerk Avery explained that she had budgeted \$15,000 into her Administration budget for this year to hire a part-time employee to handle Parks & Recreation duties.

Mayor Lambeth said the Ocean Front Park will soon be opening and he would like to start looking for someone to fill this position.

Commissioner Pagley suggested that Town Clerk Avery start advertising for someone to fill the position now, and she could have the person start work in January.

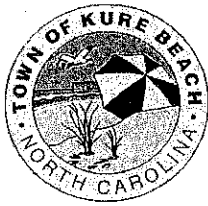
Commissioner Heglar asked if the budgeted amount would be enough to fund someone from January to June 2013.

Town Clerk Avery said it would and that the budgeted number was based on paying the employee up to \$15 per hour for no more than 20 hours per week.

Public Works Director Beeker asked if there was already a job description for the position.

Town Clerk Avery explained that the college intern that recently worked with Parks & Recreation created an initial job description for the position. But, she would like to tweak it and talk to Parks & Recreation as well as the Community Center Committee to see what they might require of the position. She said that the Town would like to get away from the class instructors collecting money for their classes. She had envisioned there would be certain days of the week when the employee would be available to receive the registrations and payments from participants of classes, bus trips or other activities. She stated that this would make for better accounting. The employee could handle the rental of the Community Center and the Ocean Front Park. The person would also help coordinate classes and help with smoothing out procedures and processes for the Ocean Front Park. She said that, once the Town hires this person, she would like a continued commitment of support from Council for this position.

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## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

Commissioner Heglar asked the Town Clerk if she could bring the job description back to Council next month for a vote and then begin advertising for the position.

CONSENSUS – Council asked Town Clerk Avery to gather information from the Parks & Recreation Advisory Board and the Kure Beach Community Center Committee to put together a job description for a part-time, paid employee to handle Parks & Recreation duties and bring it back to Council at next month's meeting for approval before advertising for the position.

Mayor Lambeth called for a break at 7:30 pm to give Carolina Beach Commissioner Steve Shuttleworth additional time to make it to the meeting to address the last item of business on the agenda.

Mayor Lambeth called the meeting back to order at 7:43 pm

### 2. Greenway and Bike Path

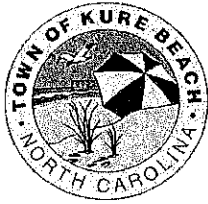
Because Carolina Beach (CB) Commissioner Steve Shuttleworth wasn't able to attend the meeting, the MPO representative for the Greenway Planning Committee, Suraiya Raschid, addressed Council. She said that as part of the Greenway planning effort, the MPO received input on what Pleasure Island desires. She began by saying that the Carolina Beach plan was to have the greenway go south down Dow Road and go left, eventually connecting with Alabama Avenue where it would route eastward down the north side of Alabama Avenue.

Commissioner Swearingen said that the Greenway Plan for Kure Beach follows exactly what Kure Beach had asked for. She stated that the Greenway would come all the way down Dow Road, curving into K Avenue and then proceeding south all the way to the end of the island.

Commissioner Heglar said that he opposed the plan taking the bike path down Alabama Avenue since the citizens who previously made their wishes known to Kure Beach Council were opposed to the idea.

Commissioner Swearingen said that they went to the Greenway Planning meeting at Carolina Beach and Mike Kozlosky from the MPO explained to them that the route would go down the north side of Alabama Avenue. She said that the citizens of Kure Beach who live on the south side of Alabama Avenue just didn't want to be coming out of their driveways into the path of bicyclists riding down their side of the road. She said that the reason CB Commissioner Shuttleworth was coming to the meeting tonight was to ask Kure Beach Council for a consensus on the plan for the two towns' desires, as also desired by Mr.

# Minutes



## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

Kozlosky from the MPO. She said that CB Commissioner Shuttleworth was hoping that Kure Beach Council would support what Carolina Beach wants and that Carolina Beach Council would support what Kure Beach wants.

Mayor Lambeth said that CB Commissioner Shuttleworth planned on coming to the Council meeting tonight to get Kure Beach's permission to sign a letter that will go to Sunny Point stating that Kure Beach Council will go along with Carolina Beach's plan to come through the woods in the buffer zone to Alabama Avenue. Their town would have to pay for the erection of a 10' foot tall fence going through the buffer zone on one side at a cost of about \$100,000.

Commissioner Swearingen said that Mr. Kozlosky said that he had talked to a representative from Sunny Point who said he didn't want the requests separately from both towns, but rather he wanted the towns on the island to submit one request for a plan that both towns agreed with.

Mayor Lambeth said that this is will be the last time they go to Sunny Point with this request. He further explained that the Dow Road project has been fully funded and it is sitting on the desk of the DOT representative in Raleigh. The bids to complete the project came in 19% over budget so they will have to get new bids. He said that Sunny Point is saying that Dow Road is a federal highway that the State has no jurisdiction over.

MOTION – Commissioner Swearingen made the motion that Council agree to sign a document with Carolina Beach in support of the Greenway Plan throughout Pleasure Island as it is drawn on the maps provided by the MPO Greenway Planning Committee.

SECOND – Commissioner Heglar

VOTE – Unanimous

Town Clerk Avery asked Council if that is what Carolina Beach was asking them to do.

Ms. Raschid said that Commissioner Swearingen's motion was fine.

Mayor Pro Tem Keener said that during the Greenway Planning meeting at Carolina Beach, Mr. Kozlosky was supposed to draw Atlantic Avenue on the plan, but he didn't see it on the Greenway Plan maps Council was given.

Mayor Lambeth asked Ms. Raschid if she could tell the MPO that Kure Beach wanted to include sharrows coming across Route 421 on K Avenue and turning onto Atlantic Avenue.

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## REGULAR MEETING

SEPTEMBER 18, 2012 @ 6:30PM

Commissioner Swearingen suggested that Kure Beach Council could do that itself, rather than have the MPO put that on their Greenway Plan.

Commissioner Heglar said that Council could do it but that the MPO wouldn't pay for it.

Town Clerk Avery asked if Carolina Beach was going to draft the document Council agreed to sign.

Mayor Lambeth said he would talk to Carolina Beach Town Manager Tim Owens about drafting the document. He said he would let Kure Beach Town Council review it before he signed it.

## ADJOURNMENT

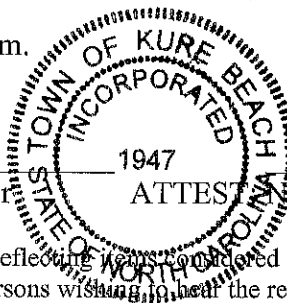
MOTION – Mayor Lambeth made the motion to adjourn.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Meeting adjourned at 7:51 pm.

Dean Lambeth, Mayor



ATTES

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.



SUPPLEMENT 14

That the Code of the Town of Kure Beach, North Carolina is hereby amended by revising Section 321.5 Prerequisite to construction, demolition, remodeling and impervious surfaces, etc. to Chapter 19. Zoning, which shall read as follows:

Except as provided in section 5-62, no building, building repairs remodeling, installation, driveway, parking lot, or other ground covering impervious surfaces, other construction or demolition shall begin in the town until a permit has been obtained from the building inspector.

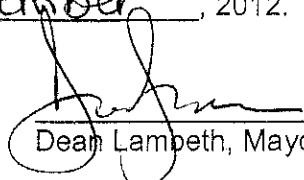
No permit shall be issued if the total square footage of the buildings and impervious ground covering surface will exceed sixty-five (65%) percent of the lot; excepting there from, those structures located in the B-1 district and the established fire district of the town. Any type driveway or impervious surface across the town right-of-way shall be limited to twenty-four (24) feet wide total.

Impervious surface coverage in the side setback area of residential lots shall be limited to fifteen (15) percent of the setback.

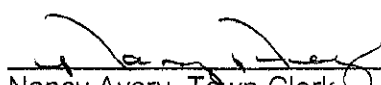
Driveways located in the setback area of residential lots shall be limited to thirty-six (36') feet in width. Drip-through wooden or gravel driveways are permissible in any district when serving a single family residence."

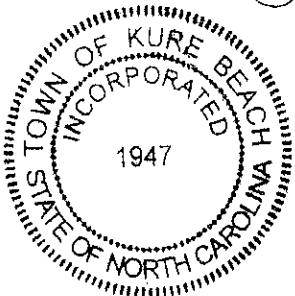
*(Ord. of 8-19-03; Ord. of 2-16-10)*

Adopted this the 18<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
Dean Lambeth, Mayor

Attest:

  
\_\_\_\_\_  
Nancy Avery, Town Clerk





SUPPLEMENT 14

That the Code of the Town of Kure Beach, North Carolina is hereby amended by revising Section 19-332.5 Roof Pitch, to Chapter 19. Zoning, which shall read as follows:


The main roof pitch for all residential structures shall be a minimum of 4/12. Oceanfront houses shall be allowed to be 3/12. The main roof is that portion of the roof covering the largest habitable part of the structure.

(Ord. of 3-18-08(5))

Adopted this the 18<sup>th</sup> day of September, 2012.

  
Deen Lambeth, Mayor

Attest:

  
Nancy Avery, Town Clerk

