



# TOWN COUNCIL MINUTES

## REGULAR MEETING

**August 19, 2014 and August 21, 2014 @ 6:30 p.m. or soon thereafter**

The Kure Beach Town Council held a regular meeting on Tuesday, August 19, 2014 at 6:30 p.m. There was a quorum of Council present and the Town Attorney was present at the 8/21/14 meeting.

## COUNCIL MEMBERS PRESENT

Mayor	Dean Lambeth
Mayor Pro Tem	Craig Bloszinsky
Commissioner	Emilie Swearingen
Commissioner	David Heglar (absent at 8/19/14 mtg)
Commissioner	Steve Pagley (absent at 8/19/14 mtg)

## STAFF PRESENT

Deputy Town Clerk – Nancy Hewitt  
Town Clerk – Nancy Avery (absent at 8/19/14 mtg)  
Finance Officer – Arlen Copenhaver (absent at 8/19/14 mtg)  
Building Inspector – John Batson (absent at 8/19/14 mtg)

## CALL TO ORDER

Mayor Lambeth called the meeting to order at 6:30 p.m. on Tuesday, August 19, 2014.

MOTION – Commissioner Swearingen made the motion to reconvene the meeting at Town Hall at 6:30 p.m. on Thursday, August 21, 2014.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

## MEETING RECONVENED

Mayor Lambeth reconvened the meeting at 6:30 p.m. on Thursday, August 21, 2014. He delivered the invocation and led everyone in the Pledge of Allegiance.

## APPROVAL OF CONSENT AGENDA ITEMS

1. YTD Finance Report
2. Fire Department Report – July 2014
3. Approve Meeting Minutes:
  - July 22, 2014 Regular
  - July 22, 2014 Closed Session, to be unsealed – interview of candidate to provide part-time legal services for the Planning and Zoning Commission and the Board of Adjustment.



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### 4. Closed Session Minutes to be released as Open Records:

#### 2008

- August 19, 2008 – Consultation with attorney regarding pending legal action
- October 21, 2008 – Consultation with attorney concerning legal matters
- November 18, 2008 – Discussion on legal matters involving paving roads (Tucker Square) and Atlantic Avenue Boardwalk (CAMA Judicial Review/Appeal)

#### 2010

- December 14, 2010 – Consultation with attorney regarding a legal matter

#### 2011

- May 17, 2011 – Consultation with attorney regarding a legal matter
- October 25, 2011 – Legal matter regarding Ocean Front Park construction

#### 2012

- June 11, 2012 – Administration of Department Head evaluations

#### 2013

- June 18, 2013 – Administration of Department Head evaluations
- August 20, 2013 – Consultation with attorney regarding a legal matter
- October 15, 2013 - Consultation with attorney concerning a judicial action titled Integrity Builders versus Town of Kure Beach
- November 19, 2013 – Consultation with attorney concerning a judicial action titled Integrity Builders versus Town of Kure Beach

#### 2014

- February 26, 2014 – Consultation with attorney concerning a judicial action titled Integrity Builders versus Town of Kure Beach
- June 17, 2014 - Administration of Department Head evaluations

MOTION – Commissioner Heglar made the motion to approve the Consent Agenda Items, as presented.

SECOND – Commissioner Swearingen

VOTE – Unanimous

### ADOPTION OF THE AGENDA

Mayor Lambeth asked to add the following under New Business: Item 4, Roundtable with David Rouzer; Item 5, Chamber of Commerce request to fund the 2014 Seafood, Blues and Jazz Festival; and Item 6, Candidates Forum at the Community Center.

Mayor Pro Tem Bloszinsky asked that Item 2 under New Business, “Public Complaint Box,” be removed from the agenda.



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

SECOND – Commissioner Swearingen

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

### 1. Al Woodall, 1501 Sand Dollar Court

Mr. Woodall addressed Council regarding parking along Highway 421 (Fort Fisher Boulevard). He explained that there aren't any "no parking" signs along the highway, so people park there to go to the beach via the Ocean Dunes beach access. Once parking along the highway fills up, visitors start driving into Ocean Dunes and parking anywhere they can find a space, even though the parking lot is clearly marked that parking is for residents and their guests, only. He said that the Ocean Dunes HOA maintains the grass area along the highway and at least one sprinkler head is broken each week by vehicles parked there. He described unauthorized visitors using the community's shower and defying residents who asked them not to park in the lot, as well as indecent incidences such as public nudity and urinating in public. He said that the issue doesn't help their property values and that the intruders are disrupting the lives of the people who live there. He said he talked to DOT representative, Brandon Powers, who said the DOT would erect "no parking" signs along the highway if Kure Beach Town Council approved of it.

Commissioner Heglar asked the Town Attorney if there were ordinances about parking along Highway 421 that the Kure Beach police could enforce.

The Attorney stated that the Town has no authority regarding parking violations within the Ocean Dunes parking lot, but he recommended having the DOT put the signs up along the highway.

Mr. Woodall said he was aware that Ocean Dunes management would need to take care of the unauthorized vehicles in their parking lot, but he believes when beachgoers see people parking on the highway and there are no more spaces to park, it automatically draws them into the Ocean Dunes parking lot to find a space. He said their hope is that the "no parking" signs on the highway will deter people from coming into their lot.

Commissioner Heglar suggested that the Planning and Zoning (P&Z) Commission write an ordinance that the Kure Beach police can enforce.

Building Inspector Batson asked if it would be better to take the matter up with the Shoreline Access, Beach Protection and Parking (SLABP&P) Committee, because P&Z



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only writes ordinances that apply to Sections 15 and 19 of the Town Code, to which Commissioner Heglar said the ordinance should still be written by P&Z.

Mayor Pro Tem Bloszinsky said that it would be good to have the new consulting attorney, James Eldridge, hear about the issue during the P&Z meeting so he can investigate what could legally be done about the problem.

**COUNCIL CONSENSUS** – Council asked that the following meet during the September Planning and Zoning Commission meeting to talk about an ordinance regarding parking along Highway 421 in Kure Beach:

- Planning and Zoning (P&Z) Commission, with guidance from consulting attorney, James Eldridge
- Al Woodall, resident of Ocean Dunes in Kure Beach
- Police Chief Dennis Cooper
- SLABP&P Chairperson, Tony Gonsalves
- DOT Representative Brandon Powers

Mr. Woodall is to contact Mr. Powers to attend, and Mayor Pro Tem Bloszinsky will notify P&Z of the meeting.

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee
  - a. Mayor Lambeth reported that the committee's annual barbecue this past Saturday was a big success, and they sold out of barbecue by 7:00 p.m.
2. Parks and Recreation Advisory Board
  - a. Town Clerk Avery reported that there was only one ticket left for the scheduled boat cruise.

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Finance

Town Clerk Avery gave a status update and slide presentation about the danger buoys that were placed out in the water from Public Beach Access 460 by Intercoastal Contracting on June 25, 2014. She described how the buoys were eventually lost or heavily damaged during and after Hurricane Arthur which grazed the coast on July 3, 2014. She reminded Council that Intercoastal Contracting stated there was no guarantee of replacement on their installation quote. She said 50 percent of the installation was paid for by the Town and 50 percent was paid out of a grant from the Department of Water Resources (DWR). She said the Town can get an extension on the remaining DWR grant funds of \$39,000 until April 2015, if Council wants to try something else (dollar-for-dollar match). She asked Council to assign the responsibility for this project to a



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department head who is more familiar with ocean currents/tides, who has the ability to monitor the beach and coordinate removal of debris if the next solution doesn't work.

Mayor Lambeth suggested having the lifeguards put out easel-board caution signs when they are on duty.

The Town Clerk said that would only take care of cautioning beach-goers during lifeguard hours. She suggested other solutions, but stated that there is still the possibility that some people won't see the caution signs.

Commissioner Swearingen said she knows someone with the coast guard and would request he talk with the Town Clerk.

Inspector Batson warned that certain solutions may require obtaining a major CAMA permit.

The Town Attorney said that there is no kind of buoy that will stay out in the ocean waves, especially during a major storm.

The Town Clerk said that, in addition to signage, the Town could have an educational program for Seawatch residents to explain the hazard, since their beach crossover is right there.

The Town Attorney said erecting caution signs to warn of the danger is enough since all the Town is required to do is alert the public to the condition. He said Council shouldn't do anything to lead people to believe the Town is responsible for any injuries there, since it is State jurisdiction and, although the state is aware of the issue, they have not agreed to help with it.

**COUNCIL CONSENSUS** – Council directed Building Inspector Batson to meet with Town Attorney Canoutas and discuss wording that will go on bigger, double-sided caution signs that are to be erected on the beach at each end of the Dow Chemical Jetty, including one that faces toward the dunes crossover and water. The signs are to be like the sign that is near the Kure Beach Fishing Pier. Funding for the signs will come out of the Shoreline Access, Beach Protection and Parking Committee's budget.

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

None



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### DISCUSSION AND CONSIDERATION OF NEW BUSINESS

#### 1. Renewal of Leases with Sunny Point

Commissioner Heglar explained that Sunny Point added fairly significant Administrative and Fair Market Value fees to the lease renewal for land leased by the Town. He said that these fees were unexpected and weren't put in this year's budget, since they've never charged the Town these fees in the past. He said he believes there is a process to request the fees be waived and, at a minimum, the Town should ask Sunny Point to waive or defer the fees until Council can put them in next fiscal year's budget. He would also like the Finance Officer and Public Works Director to look at how much the lagoon is costing the Town on a per gallon basis to compare with Carolina Beach. He said that the \$50-\$90K annual lease for the lagoon property may still be advantageous to the Town versus sending all the waste water to Carolina Beach.

Town Clerk Avery said she already authorized the payment of \$16,000 to renew the water tower lease. She added that Sunny Point recently conducted an inspection of the leased properties and there were some issues they found that that Town needs to fix. She said she spoke with Carolina Beach Town Manager, Michael Cramer, and they have renewed their waste water treatment plant lease and were only charged \$20,000 fees on 50 acres.

Commissioner Heglar said that he and the Town Clerk will talk to Sunny Point authorities to find out the process to request a waiver or deferment of the fees on the leases. They will update Council on their findings at the regular September Council meeting

#### 2. Building Permits for ADA (Americans with Disabilities Act)

Mayor Pro Tem Bloszinsky said that a question was raised why Kure Beach charges permit fees for certain ADA-related building projects like wheelchair ramps, while Carolina Beach does not. He said that the fees are supposed to reflect the amount of time the Building Inspector puts into inspecting building projects.

Building Inspector Batson explained that there are certain building projects that only require him to inspect a job once or twice as in the case of replacement windows, wheelchair ramps, pre-fab sheds and beach crossovers. He suggested charging those projects a lesser fee than what is listed on the fee schedule.

Town Clerk Avery explained that building permit fees are based on the dollar amount of the job. She said the fee schedule can be changed by Council throughout the year, without a public hearing, as long as it doesn't affect the taxes.





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Commissioner Heglar mentioned the possible need to increase the water and sewer rate on the Fee Schedule to pay for the fees being charged by Sunny Point, if it adversely affects the Public Works budget.

COUNCIL CONSENSUS – Council requested Building Inspector Batson work with the Finance Officer and Town Clerk to revise certain permit fees and present a revised Fee Schedule to them for consideration at the regular September Council meeting.

### 3. Roundtable with David Rouzer

Mayor Lambeth invited Council members to a roundtable discussion hosted by David Rouzer, a Congressional candidate. The meeting will be held for elected officials on Friday, August 29<sup>th</sup> from 9:30-10:30 a.m., at Wrightsville Beach Town Hall. The chairman of the House Transportation and Infrastructure Committee will be speaking.

### 4. Pleasure Island Chamber of Commerce request to fund the 2014 Seafood, Blues and Jazz Festival

Mayor Lambeth said Gail McCloskey from the Chamber told him that two major donors for this year's festival pulled out, and she asked if Kure Beach Town Council could kick in \$5,000. He suggested using some of the ten percent that Council had the Marketing Committee reduce off of its budget.

Commissioner Swearingen said that she would like to see last year's and this year's expenses and revenues from the festival. She said it's one thing if they're in the hole every year, but if they're making \$30-\$40K each year, they need to put some of that aside for the next year's festival.

Town Clerk Avery explained that, when the Mayor first approached her about the request, he told her the Chamber only requested \$500, and she told him that there was enough money for it in the Parks and Recreation budget or under Governing Relations; but she didn't know the request was actually for \$5,000.

Mayor Lambeth said he would need to go to the TDA to ask if the Town can use the ten percent from the Marketing Committee budget for it.

Commissioner Heglar said that he didn't think that would be advisable since Mayor Lambeth's original intent for asking Marketing to reduce their budget by ten percent was to use the money for beach nourishment, if the legislature votes to allow it. He said Council should either use the money the Town Clerk and Finance Officer say the Town has or not contribute anything.



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The Town Clerk said there was \$3,300 in Government Relations for the annual Christmas Show, \$8,000 in the budget for next year's street festival and \$5,000 in the Parks and Recreation budget for additional Town events out of which \$1,000 has been donated for Island Day.

MOTION – Commissioner Pagley made the motion to donate \$500 to the Pleasure Island Chamber of Commerce to help fund the 2014 Seafood, Blues and Jazz Festival; to be taken out of the Parks and Recreation budget.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

MOTION – Commissioner Swearingen made the motion to request to receive a copy of last year's Seafood Blues and Jazz Festival budget, including the revenue, from the Chamber.

SECOND – Commissioner Pagley

VOTE – Unanimous

### 5. Candidates Forum at the Community Center

Mayor Lambeth stated that the Pleasure Island Chamber of Commerce will sponsor a Candidates Forum at the Kure Beach Community Center on a Monday evening sometime next month. He said he will have more information at September's Council meeting.

### 6. Update on Island Day planning

Town Clerk Avery said that Island Day will be held on Sunday, September 28<sup>th</sup> from 1-5 p.m. at the Carolina Beach Lake Park. She said the planning committee has been meeting weekly and explained that Kure Beach, Carolina Beach, the Boardwalk Improvement Committee and the Pleasure Island Chamber of Commerce will contribute \$1,000 each for the event. She said that the Chamber does a lot of work getting vendors to donate products and funds. This year, they're trying to get a \$1,500 sponsor for Island Day and also get multiple sponsors to contribute \$400 each for individual events to defray some of the costs. She said that last year's event cost \$5,300 and this year's event may cost more due to increased participation.

Mayor Lambeth said that the committee complimented the Town Clerk and the Town's Event Marketing Coordinator, Nikki Keeley, on their choices for last year's free prizes.

## ADJOURNMENT

MOTION – Commissioner Heglar made the motion to adjourn.

SECOND – Commissioner Swearingen

VOTE – Unanimous





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The meeting adjourned at 7:44 p.m.

Dean Lambeth, Mayor



ATTEST

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.