



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 18, 2015

The Kure Beach Town Council held their regular meeting on Tuesday, August 18, 2015 at 6:30 p.m. The Town Attorney was present and there was a quorum of Council present.

### COUNCIL MEMBERS PRESENT

Mayor Dean Lambeth  
Mayor Pro Tem (MPT) Craig Bloszinsky  
Commissioner Emilie Swearingen  
Commissioner David Heglar  
Commissioner Steve Pagley

### STAFF PRESENT

Public Works Director – Sonny Beeker  
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 p.m., conducted the invocation and led everyone in the Pledge of Allegiance.

### APPROVAL OF CONSENT AGENDA ITEMS

1. Adopt Resolution R15-10 to declare an official intent to reimburse
2. Building Inspections Report – July 2015
3. Fire Department Report – July 2015
4. YTD Finance Report
5. Meeting Minutes:
  - July 22, 2015, regular
  - July 24, 2015, special

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

SECOND – Commissioner Heglar

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

### ADOPTION OF THE AGENDA

MPT Bloszinsky added Wadley Pool Deck Extension as Item 1 under New Business, and Commissioner Swearingen added NC League of Municipalities Annual Meeting Travel as Item 2 under New Business.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 18, 2015

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

SECOND – MPT Bloszinsky

VOTE – Unanimous

### DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. John Ellen, town liaison to the Wilmington Metropolitan Planning Organization (WMPO) Citizens Advisory Committee

Mr. Ellen informed council that he and a staff member of the WMPO will be presenting the Cape Fear 2040 Transportation Plan at the September council meeting for consideration and approval.

### DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee

Mayor Lambeth said the committee held their annual barbecue this past Saturday and it did better than the year before.

2. Parks & Recreation Advisory Board

Mayor Lambeth said that the board is planning a winter bus trip.

3. Shoreline Access, Beach Protection and Parking Committee

Committee Chairman, Tony Gonsalves, said that the DOT came and painted parking spaces on Fort Fisher Boulevard while he was away, before he and Chief Cooper could meet to discuss which of the missing spaces should be painted. He said that they didn't paint the parking spaces that were on the list, they just did what they wanted to do, and council can either leave it the way it is or they can call the DOT to have them come back and fix them. He said the DOT was supposed to call him before they came to paint the lines, but they didn't.

### DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

Town Clerk Avery addressed council regarding decorative lights on Atlantic Avenue, between L and N Avenues. She explained that she was asked by two residents living in the 200 block of Atlantic Avenue about replacing the existing streetlights with the decorative street lights that are in the 100 block of Atlantic Avenue. She told them that council hadn't discussed extending the decorative lights in other areas of town but that she would bring their request to council's attention. She asked for a general consensus from council on what they wanted to do.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 18, 2015

CONSENSUS – Council asked for an estimated cost to install decorative lights all the way down Atlantic Avenue, as well as the estimated electric cost to light them. The cost of solar lights should also be obtained.

Public Works Director Beeker has agreed to obtain this information from Duke Energy to be presented to council at their September meeting.

### 2. Finance Department – Property tax bills

Finance Officer Copenhaver explained that New Hanover County has mailed out the property tax bills, and the vendor that printed them rounded the town's tax rate to .262, instead of showing the correct tax rate of .2615. He said that the total tax amount was calculated correctly, but he wanted to let council know about it in case they get questions from property owners.

### 3. Building Department – FEMA Community Rating System Class 8 rating

Mayor Lambeth said that he received a letter from FEMA regarding the Class 8 Rating the town received under the National Flood Insurance Program's Community Rating System. He said this is in correlation to the plaque that Building Inspector Batson received last month.

### 4. Public Works Department – Corral parking lights and street lighting

Director Beeker said he will be meeting with a representative from Duke Energy to obtain the cost to install lighting in the corral parking area. He said the cost to operate two to three lights would be approximately \$100 to \$150 per month. At Commissioner Swearingen's request, he said he will also ask about the cost to install and operate solar lights. He said he is also going to ask them about changing the street lights over to LED lights which he believes will save the town money in the long run.

Mayor Lambeth instructed Director Beeker to also ask the representative to have them fix two street lights that are located on South Fort Fisher Boulevard that are leaning over.

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Adoption of resolution R15-08, approving final CAMA application for a grant of \$42,370 for a handicapped beach access at H Avenue. *If the grant is approved, the Town agrees to a cash match of \$11,924 from the Contingency Fund and in-kind services from Public Works in the amount of \$2,200.*

MOTION – Commissioner Heglar made the motion to adopt Resolution R15-08, approving the final CAMA application for a grant of \$42,370 for a handicapped beach access at H Avenue.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 18, 2015

SECOND – Commissioner Pagley

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

### 2. Sewer By-Pass Force Main Project Grant

Mayor Lambeth said he looked into getting a grant that would split the cost of the project by 80/20 but was told that the town would not be eligible for the grant.

Commissioner Heglar pointed out that council is still in favor of the project, even without the grant.

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

### 1. Pool Deck Extension, 510 N. Fort Fisher Boulevard

MPT Bloszinsky explained that, in May of 2014, the town entered into an encroachment agreement with the homeowners to allow their proposed pool structure to encroach 28 feet into the town's beach renourishment line, with the stipulation that the homeowners would be responsible for removing the pool immediately, at their own expense, if the town required it. He said that, since then, the pool has been built and extends 27 feet into the renourishment line with only about 1 foot of concrete on the east side of the pool, as opposed to the 3 feet of concrete that was proposed in the original drawing. He said that the homeowners are now asking to install an extra 5-1/2 feet of decking on the east side of the pool. He said that this would put their pool at the same depth into the encroachment line as their next door neighbor's pool. He stated that the Building Inspector is fine with it but needs council's approval. He said that the homeowners will still be bound by the removal agreement.

Commissioner Heglar asked if the berm was stable enough to support the structure since that area of the beach is one of the smallest sections along the Kure Beach strand.

MPT Bloszinsky responded that it is stable enough and the pool and deck will still be well behind the CAMA line.

MOTION – MPT Bloszinsky made the motion to approve letting the homeowners add another 5-1/2 feet of decking on the east side of their pool, located at 510 N. Fort Fisher Boulevard.

SECOND – Commissioner Heglar

VOTE – Passed three to two, as follows: Mayor Lambeth, MPT Bloszinsky and Commissioner Heglar FOR; Commissioners Swearingen and Pagley AGAINST.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 18, 2015

Commissioner Swearingen asked that the Town Attorney be given the final, revised agreement to review, before anything proceeds.

Town Attorney Canoutas asked that the original description and agreement be revised and submitted to him for review before he submits it to council for final approval. He explained that the original agreement refers to Exhibit "A," which is the drawing; so a new, professional drawing should be required since that is what the town will be legally bound to.

Commissioner Heglar said that council originally approved the drawing showing a 28-foot extension into the encroachment, measured from the second floor deck to the end of the structure. He said that council just approved an additional 5-1/2 feet extension from that measurement. He said that there needs to be an accurate understanding of how the measurements were taken before council can be comfortable with their decision.

MPT Bloszinsky said he will contact the homeowners to have them submit a new, as-built drawing of the pool and proposed decking. He said that the official meeting minutes should reflect that council approved a 5-1/2 foot extension, and no more. He said he will tell the homeowners to not build the deck until the attorney is happy with everything and all legal paperwork is completed and approved.

### 2. NC League of Municipalities (NCLM) Annual Meeting Travel

Commissioner Swearingen asked council to approve her travel to Winston Salem, NC to attend the 2015 NCLM Annual Meeting. She explained that the meeting will be held from October 10-13 with the registration fee costing \$500, the hotel costing approximately \$500 and the mileage costing \$284.

Mayor Lambeth asked council to approve his travel to the meeting as well, but he will only need his registration fee paid.

**MOTION** – Commissioner Heglar made the motion to approve travel for Commissioner Swearingen and Mayor Lambeth to attend the NCLM 2015 Annual Meeting, to be paid out of council's travel budget at the cost of approximately \$1,784.

**SECOND** – MPT Bloszinsky

**VOTE** – Unanimous

### COMMISSIONER ITEMS

Commissioner Heglar said that the town has an email distribution list but doesn't have a specific policy on how it can be used for political communications. He said he would like to discuss this at the September meeting so council can set a policy about this.



TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**R**ESOLUTION R15-10

DECLARATION OF OFFICIAL INTENT TO REIMBURSE

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of Town of Kure Beach, North Carolina (the "Issuer") with respect to the matters contained herein.

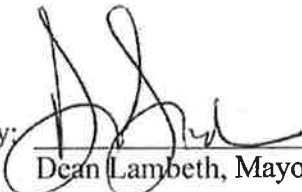
1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for the purchase of vehicles and equipment (the "Project").

2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$186,000.

4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 18th day of August 2015.

By:   
Dean Lambeth, Mayor



  
Nancy Avery, Town Clerk



TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**R**ESOLUTION R15-08

**A RESOLUTION IN SUPPORT OF CAMA PUBLIC BEACH AND  
COASTAL WATER ACCESS FULL APPLICATION 2015-2016 CYCLE  
FOR TOWN OF KURE BEACH HANDICAPPED ACCESS – AVENUE “H” PROJECT**

**WHEREAS**, during its monthly Council session on August 18, 2015, the Kure Beach Town Council held a public meeting receiving comments on the proposed Handicapped Access – Avenue “H” project; and

**WHEREAS**, the Town desires to improve public handicapped access to its beaches for residents and visitors; and


**WHEREAS**, in accordance with its CAMA-funded Water Access Plan, the Town desires to improve handicapped access to its beaches by replacing the existing steps to and from the beach at Avenue “H” and providing solar lighting at the existing review stand; and

**WHEREAS**, the Town has submitted a pre-application and has been invited to submit a full application to the North Carolina Division of Coastal Management requesting grant funds in the amount of \$42,370; and


**WHEREAS**, the Town will match the grant funds with a contribution of cash totaling \$11,924, and in-kind services totaling \$2,200;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Kure Beach Town Council, after receiving public comments on the proposed improvements, supports the CAMA Public Beach and Coastal Water Access Grant request and agrees to match the grant with \$11,924 in cash.

Adopted by the Kure Beach Town Council this 18th day of August, 2015.

  
Dean Lambeth, Mayor



  
Attest: Nancy Avery, Town Clerk



# TOWN COUNCIL MINUTES

**REGULAR MEETING**

**August 18, 2015**

Commissioner Swearingen asked if anyone had requested use of it for political purposes, to which Commissioner Heglar responded that no one had done so yet.

Commissioner Heglar said the Town Clerk has expressed that she wouldn't put anything on the email distribution for political purposes if asked, but he said that he wants council's opinion on it so staff can be given a clear policy on the subject. He said that, until a policy has been set, no political emails will be allowed to go out to the town's email distribution list.

Town Clerk Avery said that the original email distribution list was established for the purpose of emailing out an electronic "newsletter" containing news and activity updates relating directly to the town. She warned that allowing political communications to be emailed to the list could lead to council members wanting to include individual, personal opinions going out in emails.


**ADJOURNMENT**



**MOTION** – Commissioner Heglar made the motion to adjourn.

**SECOND** – MPT Bloszinsky

**VOTE** – Unanimous

The meeting adjourned at 7:07 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. Due to problems with the digital recording device, no recording of this meeting was made.