



# TOWN COUNCIL AGENDA

**REGULAR MEETING**

**June 21, 2016 @ 6:30 p.m.**

**\*Asterisks indicate documentation is included in agenda packet**

CALL TO ORDER – Mayor Swearingen

INVOCATION & PLEDGE OF ALLEGIANCE – Rev. Tommy Williams

## APPROVAL OF CONSENT AGENDA ITEMS

1. \*Approve License DACA21-1-14-4108 with MOTSU for lease of land for use as sewage treatment facility at cost of \$10,400, annually, until 2019
2. \*Approve Budget Amendment 16-12 totaling \$16,150 for Firefighters Assistance Grant proceeds and related equipment purchases
3. \*Approve Budget Amendment 16-13 totaling \$4,982 for Community Center HVAC replacement
4. Approve recognition plaque for UNC Honors College for annual Beach Sweep in August
5. \*Accept resignation of Andrew Barnard from the Shoreline Access, Beach Protection and Parking Committee
6. \*Building Inspections Report – May 2016
7. \*Fire Department Report – May 2016
8. \*YTD Finance Report
9. Meeting Minutes:
  - \*May 12, 2016 special
  - \*May 17, 2016 regular/public hearing
  - \*May 17, 2016 closed

## ADOPTION OF THE AGENDA

## DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Ken Richardson, Shoreline Management Specialist – Coastal Management, Development Lines/Static Line Exception

## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Sign up at podium (3-minute limit)

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Board of Adjustment
2. Community Center Committee
3. Marketing Committee
  - a. \*Presentation of FY16-17 Proposed Marketing Budget (Elliott)
4. Parks & Recreation Advisory Board
5. Planning & Zoning Commission
6. Shoreline Access, Beach Protection and Parking Committee
7. Non-town Committee Reports



# TOWN COUNCIL AGENDA

**REGULAR MEETING**

**June 21, 2016 @ 6:30 p.m.**

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation
2. Finance Department
3. Building Department
4. Fire Department
5. Police Department
6. Public Works Department

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. \*Adoption of the FY16-17 Proposed Budget Ordinance and Fee Schedule (Copenhaver)
2. Architectural Firms for Town Hall expansion/Fire station (Dugan/Whitley)
3. Storm water project to support Beachwalk Pond upgrades (Heglar) – *redirecting water from ditch to pond as directed by State of NC in permit application and contracting the work due to delay that moved work into busy season for PW dept*

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Plaque for WRAR flagpole and plant donation (Swearingen)
2. \*DOT Grant Application (Swearingen)
3. \*Proposed amendments to Articles II, III, IV and V of the Personnel Policy and adoption of salary bands as the compensation plan (Heglar/Avery)
4. \*Emerald Isle Amicus Brief (Swearingen/Canoutas) – *Requires contribution of \$2,000 from Governmental & Volunteer Relations if participation is approved*

## MAYOR UPDATES (no action required)

1. NCLM Town Hall Day

## COMMISSIONER ITEMS (no action required)

## CLOSED SESSION

Personnel – Per N.C.G.S. 143-318.11(a)(6)

## ADJOURNMENT



DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3604

June 2, 2016

Real Estate Division

SUBJECT: Transmittal of DACA21-1-14-4108, Town of Kure Beach, North Carolina

Honorable Emilie Swearingen  
Mayor of Town of Kure Beach  
117 Settlers Lane  
Kure Beach, North Carolina 28449

Dear Ms. Swearingen:

I am enclosing three (3) copies of the proposed Lease No. DACA21-1-14-4108 which grants continued authority for the use of approximately 6.44 acres of land at Military Ocean Terminal, Sunny Point, North Carolina. This is a renewal of Lease No. DACA21-1-64-4179.

If the proposed document is satisfactory, please have the appropriate official of your organization date and sign all copies of the proposed document. Have another official of your organization complete, date and sign all copies of the Certificate of Authority. Please return all completed documents to this office at U. S. Army Engineer District, Savannah, Attn: CESAS-RE-M (Mosley), 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3604; together with payment in the amount of **\$10,400.00** for the annual rental consideration due for the 2015-2016 calendar year.

Please note that any notifications, payments or other correspondence regarding this outgrant must include the government assigned outgrant number DACA21-1-14-4108 for reference and tracking purposes. Failure to include this information may result in delays in processing any requests, payments or other correspondence.

A copy of the executed document will be furnished for your files. If you have any questions, please do not hesitate to write or telephone me at (912) 652-6006.

Sincerely,

A handwritten signature in cursive script that reads "Angie Mosley".

Angie Mosley  
Realty Specialist

Enclosures

**DEPARTMENT OF THE ARMY LEASE  
MILITARY OCEAN TERMINAL, SUNNY POINT  
NEW HANOVER COUNTY, NORTH CAROLINA**

**THIS LEASE**, made on behalf of the United States, between the **SECRETARY OF THE ARMY**, hereinafter referred to as the Secretary, and **TOWN OF KURE BEACH**, a municipality duly organized and existing under and by virtue of the laws of the State of North Carolina, hereinafter referred to as the Lessee.

**WITNESSETH:**

That the Secretary, by the authority of Title 10, United States Code, Section 2667, and for the consideration hereinafter set forth, hereby leases to the Lessee the property identified in **EXHIBIT "A"**, attached hereto and made a part hereof, hereinafter referred to as the premises, for the construction, operation and maintenance of a sewage treatment facility and necessary appurtenances on Government owed land at Military Ocean Terminal Sunny Point, North Carolina.

**THIS LEASE** is granted subject to the following conditions:

**1. TERM**

Said premises are hereby leased for a term of **five (5) years**, beginning **January 1, 2015** and ending **December 31, 2019**, but revocable at will by the Secretary.

**2. CONSIDERATION**

a. The Lessee shall pay rental in advance to the United States in the amount of **Ten Thousand Four Hundred and NO/100 Dollars (\$10,400.00)**, payable per annum, in advance, to the order of the Finance and Accounting Officer, US Army Corps of Engineers, Savannah District and delivered to the U.S. Army Corps of Engineers, Savannah, ATTN: Chief, Real Estate Division, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3604.

b. All rent and other payments due under the terms of this lease must be paid on or before the date they are due in order to avoid the mandatory sanctions imposed by the Debt Collection Act of 1982, (31 U.S.C. Section 3717). This statute requires the imposition of an interest charge for the late payment of debts owed to the United States; an administrative charge to cover the costs of processing and handling delinquent debts; and the assessment of an additional penalty charge on any portion of a debt that is more than 90 days past due. The provisions of the statute will be implemented as follows:

(1) The United States will impose an interest charge, the amount to be determined by law or regulation, on late payment of rent. Interest will accrue from the due date. An administrative charge to cover the cost of processing and handling each late payment will also be imposed.

**8. TRANSFERS AND ASSIGNMENTS**

Without prior written approval of the District Engineer, the Lessee shall neither transfer nor assign this lease, nor sublet the premises or any part thereof, nor grant any interest, privilege or license whatsoever in connection with this lease. Failure to comply with this condition shall constitute a noncompliance for which the lease may be revoked immediately by the District Engineer.

**9. COST OF UTILITIES**

The Lessee shall pay the cost, as determined by the officer having jurisdiction over the premises, of producing and/or supplying any utilities and other services furnished by the government or through government-owned facilities for the use of the Lessee, including the Lessee's proportionate share of the cost of operation and maintenance of the government-owned facilities by which such utilities or services are produced or supplied. The government shall be under no obligation to furnish utilities or services. Payment shall be made in the manner prescribed by the officer having such jurisdiction.

**10. PROTECTION OF PROPERTY**

The Lessee shall keep the premises in good order and in a clean, safe condition by and at the expense of the Lessee. The Lessee shall be responsible for any damage that may be caused to property of the United States by the activities of the Lessee under this lease, and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the Lessee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the Lessee to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefor by the Lessee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

**11. INSURANCE**

a. At the commencement of this lease, the Lessee shall obtain, from a reputable insurance company, or companies, liability insurance. The insurance shall provide an amount not less than that which is prudent, reasonable and consistent with sound business practices or a minimum combined single limit of \$1,000,000.00, whichever is greater, for any number of persons or claims arising from any one incident with respect to bodily injuries or death resulting there from, property damage, or both, suffered or alleged to have been suffered by any person or persons resulting from the operations of the Lessee under the terms of this lease. The Lessee shall require its insurance company to furnish to the District Engineer a copy of the policy or policies, or if acceptable to the District Engineer, certificates of insurance evidencing the purchase of such insurance. The minimum amount of liability insurance coverage is subject to revision by the District Engineer every three years or upon renewal or modification of this lease.

b. The insurance policy or policies shall be of comprehensive form of contract and shall specifically provide protection appropriate for the types of facilities, services and activities involved. The Lessee shall require that the insurance company give the District Engineer thirty

time as the said officer may designate or as otherwise specified by the provisions of the condition on **RENTAL ADJUSTMENT**. In either event, if the Lessee shall fail or neglect to remove said property and restore the premises, then, at the option of the said officer, the property shall either become the property of the United States without compensation therefor, or the said officer may cause the property to be removed and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work. The Lessee shall also pay the United States on demand any sum which may be expended by the United States after the expiration, revocation, or termination of this lease in restoring the premises.

**15. NON-DISCRIMINATION**

The Lessee shall not discriminate against any person or persons or exclude them from participation in the Lessee's operations, programs or activities conducted on the leased premises, because of race, color, religion, sex, age, handicap or national origin. The Lessee will comply with the Americans with Disabilities Act and attendant Americans with Disabilities Act Accessibility Guidelines (ADAAG) published by the Architectural and Transportation Barriers Compliance Board.

**16. SUBJECT TO EASEMENTS**

This lease is subject to all existing easements, or those subsequently granted as well as established access routes for roadways and utilities located, or to be located, on the premises, provided that the proposed grant of any new easement or route will be coordinated with the Lessee, and easements will not be granted which will, in the opinion of the District Engineer, interfere with the use of the premises by the Lessee.

**17. SUBJECT TO MINERAL INTERESTS**

This lease is subject to all outstanding mineral interests. As to federally owned mineral interests, it is understood that they may be included in present or future mineral leases issued by the Bureau of Land Management (BLM) which has responsibility for mineral development on federal lands. The Secretary will provide lease stipulations to BLM for inclusion in said mineral leases that are designed to protect the premises from activities that would interfere with the Lessee's operations or would be contrary to local law.

**18. TERMINATION**

This lease may be terminated by the Lessee at any time by giving the District Engineer at least thirty (30) days notice in writing provided that no refund by the United States of any rental previously paid shall be made, and provided further, that in the event that said notice is not given at least thirty (30) days prior to the rental due date, the Lessee shall be required to pay the rental for the period shown in the condition on **CONSIDERATION**.

c. (1) A Claim by the Lessee shall be made in writing and submitted to the District Engineer for a written decision. A claim by the Government against the Lessee shall be subject to a written decision by the District Engineer.

(2) For Lessee claims exceeding \$100,000, the Lessee shall submit with the claim a certification that--

(i) the claim is made in good faith; and

(ii) supporting data are accurate and complete to the best of the Lessee's knowledge and belief;

(iii) and the amount requested accurately reflects the lease adjustment for which the Lessee believes the Government is liable.

(3) If the Lessee is an individual, the certificate shall be executed by that individual. If the Lessee is not an individual, the certification shall be executed by --

(i) a senior company official in charge of the Lessee's location involved;  
or

(ii) an officer or general partner of the Lessee having overall responsibility of the conduct of the Lessee's affairs.

d. For Lessee claims of \$100,000 or less, the District Engineer must, if requested in writing by the Lessee, render a decision within 60 days of the request. For Lessee-certified claims over \$100,000, the District Engineer must, within 60 days, decide the claim or notify the Lessee of the date by which the decision will be made.

e. The District Engineer's decision shall be final unless the Lessee appeals or files a suit as provided in the Act.

f. At the time a claim by the Lessee is submitted to the District Engineer or a claim by the Government is presented to the Lessee, the parties, by mutual consent, may agree to use alternative means of dispute resolution. When using alternate dispute resolution procedures, any claim, regardless of amount, shall be accompanied by the certificate described in paragraph c.(2) of this clause, and executed in accordance with paragraph c.(3) of this clause.

g. The Government shall pay interest on the amount found due and unpaid by the Government from (1) the date the District Engineer received the claim (properly certified if required), or (2) the date payment otherwise would be due, if that date is later, until the date of payment. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the District Engineer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim. Rental amounts due to the Government by the Lessee will have interest and penalties as set out in the condition on **CONSIDERATION**.

**26. SOIL AND WATER CONSERVATION**

The Lessee shall maintain, in a manner satisfactory to said officer, all soil and water conservation structures that may be in existence upon said premises at the beginning of or that may be constructed by the Lessee during the term of this lease, and the Lessee shall take appropriate measures to prevent or control soil erosion within the premises. Any soil erosion occurring outside the premises resulting from the activities of the Lessee shall be corrected by the Lessee as directed by the said officer.

**27. TAXES**

Any and all taxes imposed by the state or its political subdivisions upon the property or interest of the Lessee in the premises shall be paid promptly by the Lessee. If and to the extent that the property owned by the Government is later made taxable by State or local governments under an Act of Congress, the lease shall be renegotiated.

**28. COVENANT AGAINST CONTINGENT FEES**

The Lessee warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or established commercial or selling agencies maintained by the Lessee for the purpose of securing business. For breach or violation of this warranty, the United States shall have the right to annul this lease without liability or, in its discretion, to require the Lessee to pay, in addition to the lease rental or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

**29. OFFICIALS NOT TO BENEFIT**

No member of or delegate to congress or resident commissioner shall be admitted to any share or part of this lease or to any benefits to arise there from. However, nothing herein contained shall be construed to extend to any incorporated company if this lease is for the general benefit of such corporation or company.

**30. SEVERAL LESSEES**

If more than one Lessee is named in this lease the obligations of said Lessees herein contained shall be joint and several obligations.

**31. MODIFICATIONS**

This lease contains the entire agreement between the parties hereto, and no modification of this agreement, or waiver, or consent hereunder shall be valid unless the same be in writing, signed by the parties to be bound or by a duly authorized representative and this provision shall apply to this condition as well as all other conditions of this lease.



(4) The prime contractor and any upper-tier subcontractor shall be responsible for the compliance by any subcontractor or lower-tier subcontractor with the Executive Order minimum wage requirements. In the event of any violation of the minimum wage obligation of this clause, the contractor and any subcontractor(s) responsible therefore shall be liable for the unpaid wages.

(5) If the commensurate wage rate paid to a worker on a covered contract whose wages are calculated pursuant to a special certificate issued under 29 U.S.C. 214(c), whether hourly or piece rate, is less than the Executive Order minimum wage, the contractor must pay the Executive Order minimum wage rate to achieve compliance with the Order. If the commensurate wage due under the certificate is greater than the Executive Order minimum wage, the contractor must pay the 14(c) worker the greater commensurate wage.

(c) Withholding. The agency head shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the prime contractor under this or any other Federal contract with the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay workers the full amount of wages required by Executive Order 13658.

(d) Contract Suspension/Contract Termination/Contractor Debarment. In the event of a failure to pay any worker all or part of the wages due under Executive Order 13658 or 29 CFR part 10, or a failure to comply with any other term or condition of Executive Order 13658 or 29 CFR part 10, the contracting agency may on its own action or after authorization or by direction of the Department of Labor and written notification to the contractor, take action to cause suspension of any further payment, advance or guarantee of funds until such violations have ceased. Additionally, any failure to comply with the requirements of this clause may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor in default with any additional cost. A breach of the contract clause may be grounds for debarment as a contractor and subcontractor as provided in 29 CFR 10.52.

(e) The contractor may not discharge any part of its minimum wage obligation under Executive Order 13658 by furnishing fringe benefits or, with respect to workers whose wages are governed by the Service Contract Act, the cash equivalent thereof.

(f) Nothing herein shall relieve the contractor of any other obligation under Federal, State or local law, or under contract, for the payment of a higher wage to any worker, nor shall a lower prevailing wage under any such Federal, State, or local law, or under contract, entitle a contractor to pay less than \$10.10 (or the minimum wage as established each January thereafter) to any worker.

(g) Payroll Records. (1) The contractor shall make and maintain for three years records containing the information specified in paragraphs (g)(1) (i) through (vi) of this section for each worker and shall make the records available for inspection and transcription by authorized representatives of the Wage and Hour Division of the U.S. Department of Labor:

(j) Tipped employees. In paying wages to a tipped employee as defined in section 3(t) of the Fair Labor Standards Act, 29 U.S.C. 203(t), the contractor may take a partial credit against the wage payment obligation (tip credit) to the extent permitted under section 3(a) of Executive Order 13658. In order to take such a tip credit, the employee must receive an amount of tips at least equal to the amount of the credit taken; where the tipped employee does not receive sufficient tips to equal the amount of the tip credit the contractor must increase the cash wage paid for the workweek so that the amount of cash wage paid and the tips received by the employee equal the applicable minimum wage under Executive Order 13658. To utilize this provision:

- (1) The employer must inform the tipped employee in advance of the use of the tip credit;
- (2) The employer must inform the tipped employee of the amount of cash wage that will be paid and the additional amount by which the employee's wages will be considered increased on account of the tip credit;
- (3) The employees must be allowed to retain all tips (individually or through a pooling arrangement and regardless of whether the employer elects to take a credit for tips received); and
- (4) The employer must be able to show by records that the tipped employee receives at least the applicable Executive Order minimum wage through the combination of direct wages and tip credit.

(k) Antiretaliation. It shall be unlawful for any person to discharge or in any other manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under or related to Executive Order 13658 or 29 CFR part 10, or has testified or is about to testify in any such proceeding.

(l) Disputes concerning labor standards. Disputes related to the application of Executive Order 13658 to this contract shall not be subject to the general disputes clause of the contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR part 10. Disputes within the meaning of this contract clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the workers or their representatives.

(m) Notice. The contractor must notify all workers performing work on or in connection with a covered contract of the applicable minimum wage rate under the Executive Order. With respect to service employees on contracts covered by the Service Contract Act and laborers and mechanics on contracts covered by the Davis-Bacon Act, the contractor may meet this requirement by posting, in a prominent and accessible place at the worksite, the applicable wage determination under those statutes. With respect to workers performing work on or in connection with a covered contract whose wages are governed by the FLSA, the contractor must post a notice provided by the Department of Labor in a prominent and accessible place at the worksite so it may be readily seen by workers. Contractors that customarily post notices to workers electronically may post the notice electronically provided such electronic posting is displayed

THIS LEASE is also executed by the Lessee this 6<sup>th</sup> day of June, 2016.

TOWN OF KURE BEACH

BY: \_\_\_\_\_

NAME: Emilie Swearingen

TITLE: Mayor

\_\_\_\_\_  
Witness (1)

\_\_\_\_\_  
Witness (2)

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

I, the undersigned, a Notary Public in and for the State of \_\_\_\_\_, County of \_\_\_\_\_, do hereby certify that \_\_\_\_\_, personally appeared before me this day and acknowledge the due execution of the foregoing instrument for and on behalf of \_\_\_\_\_ as its \_\_\_\_\_.

Witness my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
NOTARY PUBLIC

(Seal)

My Commission Expires: \_\_\_\_\_

## CERTIFICATE OF AUTHORITY

I Nancy Avery (name) certify that I am the Town Clerk (title) of **Town of Kure Beach**, that Emilie Swearingen (signator of outgrant) who signed the foregoing instrument on behalf of the grantee was then Mayor (title of signator of outgrant) of **Town of Kure Beach**. I further certify that the said officer was acting within the scope of powers delegated to this governing body of the grantee in executing said instrument.

### TOWN OF KURE BEACH

Date: 6/9/16

Nancy Avery  
Clerk or Appropriate Official



UNITED STATES OF AMERICA  
MILITARY OCEAN TERMINAL  
SUNNY POINT, NC



CORPORATE LIMITS KURE BEACH

TOWN OF  
KURE BEACH

G  
700  
E

Parcel 1  
3.2 ac.

USA  
MOTSU

G  
771

CAPE FEAR RIVER

Parcel 3  
3.24 ac.

H AVENUE

SIXTH AVENUE

UNITED STATES OF AMERICA  
MILITARY OCEAN TERMINAL  
SUNNY POINT, NC

G  
725

MOTSU BOUNDARY

CORPORATE LIMITS KURE BEACH

DEPARTMENT OF THE ARMY  
OFFICE OF THE SAVANNAH DISTRICT ENGINEER  
SOUTH ATLANTIC DIVISION

MILITARY OCEAN TERMINAL  
SUNNY POINT, NC  
LEASE No. DACA21-1-14-4108  
GRANTEE: TOWN OF KURE BEACH

PARCEL 1: 3.20 ACRES±  
PARCEL 3: 3.24 ACRES±

SCALE: N.T.S. DATE: 23 SEP 15

EXHIBIT "A"

**Record of Environmental Consideration (REC)**

To: Mr. Michael B. Fuller

From: Mr. Matthew C. Swanson

Project title: **Renewal of Town of Kure Beach (64-4179) Sewage Treatment Facility**

Brief description: The US Army's Military Ocean Terminal at Sunny Point (MOTSU) proposes to renew license DACA21-1-64-4179. This license authorizes the operation and maintenance of a sewage treatment facility by the Town of Kure Beach. The Town of Kure Beach has operated this sewage treatment plant at this site since 1964. The sewage treatment plant is permitted for operations under North Carolina Department of Environmental Quality's National Pollution Discharge Elimination System program. The property is located within MOTSU's bufferzone in New Hanover County.

Anticipated date and duration of proposed action: Term of Permit: 5 years; anticipated to be issued 1 January 2014.

Reason for using a REC:

b. Categorically excluded under the provisions of CX (F)-(1), 32 CFR Part 651, Appendix B (and no extraordinary circumstances, as defined in 32 CFR 651.29(b)(4) and (f)(1), exist) because: The project is for the renewal of an existing easement and no change in land or facility use has occurred.

30 MARCH 16  
Date

  
MATTHEW C. SWANSON  
Project Proponent

30 MAR 16  
Date

  
MICHAEL B. FULLER  
Installation Environmental Coordinator

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2016

AMENDMENT DATE: 05/18/2016

Budget Amendment No.: 16-12

DESCRIPTION/PURPOSE OF AMENDMENT

The Town of Kure Beach Fire Department was awarded a FEMA AFG Grant totaling \$16,150 for the purchase of equipment. The equipment purchased includes 200 feet of LDH hose, a thermal camera and three computers. This Budget Amendment provides for the expected grant proceeds and the related increase in expenditures.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-335-07-03	FEMA Grant		\$16,150
10-530-73-00	Minor Equipment	\$10,000	
10-530-74-00	Capital Outlay – Equipment	\$1,000	
10-530-87-00	Computer Software/Equipment/Support	\$5,150	

NOTE: (a) Budget Officer may transfer between line item expenditures without limitation and without a report being required up to \$10,000 at any one time. (b) The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial statements. He/She shall make an official report immediately to Council on such transfers. (c) The Budget Officer may not transfer amounts between funds without prior Council action.

Requested By: Harold Heglar, Fire Chief Date: 05/18/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 05/18/16

(Copies of actions/directives from Council Meeting to be attached, if required as per NOTE above).

Approved by Council 06/21/16 \_\_\_\_\_ Emilie Swearingen, Mayor

ATTEST: \_\_\_\_\_ Nancy Avery, Town Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2016

AMENDMENT DATE: 06/07/2016

Budget Amendment No.: 16-13

DESCRIPTION/PURPOSE OF AMENDMENT

One of the HVAC units for the Community Center developed mechanical issues in June. The unit is in excess of 16 years old and the recommendation from the HVAC repair company is to replace the unit. The estimated cost to replace the unit is \$4,982. Since this expenditure was not anticipated when the FY 2016 Budget was prepared and approved, this Budget Amendment increases the Minor Equipment budget for the Community Center with the funding source being the Prior Year Ad Valorem taxes received that are in excess of the original budget.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-421-73-00	Minor Equipment	\$4,982	
10-301-00-01	Ad Valorem Tax – Prior Years		\$4,982

NOTE: (a) Budget Officer may transfer between line item expenditures without limitation and without a report being required up to \$10,000 at any one time. (b) The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial statements. He/She shall make an official report immediately to Council on such transfers. (c) The Budget Officer may not transfer amounts between funds without prior Council action.

Requested By: Nancy Avery, Town Clerk Date: 06/07/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 06/07/16

(Copies of actions/directives from Council Meeting to be attached, if required as per NOTE above).

Approved by Council 06/21/16 \_\_\_\_\_ Emilie Swearingen, Mayor

ATTEST: \_\_\_\_\_ Nancy Avery, Town Clerk



**Nancy Hewitt**

---

**From:** Nancy Avery  
**Sent:** Friday, June 10, 2016 9:49 AM  
**To:** Nancy Hewitt  
**Subject:** Fwd: Resignation

Add to consent agenda -below

Nancy Avery  
Town Clerk  
Town of Kure Beach  
117 Settlers Lane  
Kure Beach, NC 28403  
910-458-8216 office  
910-458-7421 cell  
910-443-0410  
[www.townofkurebeach.org](http://www.townofkurebeach.org)

Begin forwarded message:

**From:** "[aabarnard@gmail.com](mailto:aabarnard@gmail.com)" <[aabarnard@gmail.com](mailto:aabarnard@gmail.com)>  
**Date:** June 10, 2016 at 9:41:49 AM EDT  
**To:** Nancy Avery <[townclerk@townofkurebeach.org](mailto:townclerk@townofkurebeach.org)>  
**Subject:** Resignation

Due to health issues I will have to resign from SLAP Beach protection and parking.

Sent from Surface

**Kure Beach Inspections Dept.-Building Permits Issue Date: 5/1/2016 - 5/31/2016**

PermitNo	Issue Date	Owner	Project Addr	Descript	Fee
<b>Building addition</b>					
160050	5/19/2016	HOLDERMAN DANIEL D MARY J	570 ANCHOR WAY	Addition of upper loft. To add and construct 2nd floor in existing vaulted living room. Must comply with all state and local codes and regulations.	\$200.00
160042	5/3/2016	MITCHELL SHARON E ETAL	106 N FIFTH AVE	Roof addition To add on shed roof of 4x8 with no enclosure creating outdoor storage area. Must comply with all state and local codes and regulations.	\$25.00
<b>Total addition 2</b>					<b>\$225.00</b>
<b>New Construction</b>					
160040	5/2/2016	Pleasure Island Partners LLC	301 KURE VILLAGE WAY	New townhome To construct new 2243sf Townhome. Must comply with all state and local codes and regulations.	\$4,360.00
160039	5/2/2016	Pleasure Island Partners LLC	305 KURE VILLAGE WAY	New townhome To construct new 2243sf SFD Townhome. Must comply with all state and local codes and regulations.	\$4,360.00
160046	5/10/2016	HYLER EDDIE F JR	218 S FORT FISHER BLV	New SFD To construct new 2754sf SFD. Must comply with all state and local codes and regulations.	\$12,160.00
160043	5/5/2016	ATRIUM HOMES INC	629 S FOURTH AVE	Unit A Duplex To construct new 1946sf Duplex. Must comply with all state and local codes and regulations.	\$6,835.00
160044	5/5/2016	ATRIUM HOMES INC	629 S FOURTH AVE	UNIT B Duplex To construct new 1946sf duplex. Must comply with all state and local codes and regulations.  ***\$25 of the fee was removed for previous clear permit. ALSO, \$4000 Stormwater fee waived in exchange for engineered stormwater system located on site.  ***NO stormwater fee charged in exchange for engineered stormwater system.	\$6,860.00
<b>Total New Construction 5</b>					<b>\$34,575.00</b>
<b>Renovations</b>					
160052	5/31/2016	CHRISTIE JOHN B IRREVOC TRUST	231 N FOURTH AVE	renovation To remove all siding, sheathing, and insulation. Replacing insulation and sheathing with hardiboard siding. Must comply with all state and local codes and regulations.	\$250.00
160045	5/9/2016	HOYER PETER S MARGARET F	134 SETTLERS LN	new stairs To construct and install new landing and stairs off back deck of existing structure. Must comply with all state and local codes and regulations.	\$50.00
<b>Total Renovations 2</b>					<b>\$300.00</b>
<b>Replacement</b>					
160051	5/23/2016	FREEMAN HAROLD REV TRUST ET	209 ASSEMBLY AVE	Deck renovations To rebuild and repair existing decking. Must comply with all state and local codes and regulations.	\$200.00
160048	5/16/2016	PETERSON HELEN K LIFE ESTAT	213 ATLANTIC AVE	New windows To remove and install new window. Must comply with all state and local codes and regulations.	\$25.00
160041	5/2/2016	DONOHUE OWEN CHARLENE L	611 FOURTH AVE S	Deck renovations To replace and repair existing front and back decks. Must comply with all state and local codes and regulations.	\$200.00
160047	5/10/2016	OCEAN DUNES H O A INC	1 NEPTUNE PL	BUILDING 600 To remove and replace floor trusses in existing building In accordance with engineers report/drawing. Also disconnecting/reconnecting all plumbing, electrical, and mechanical components. Must comply with all state and local codes and regulations.  ***St	\$725.00
160038	5/2/2016	SPENCER BRIAN L NORA E	121 S FIFTH AVE	Deck repair To repair existing rear deck posts by replacing with new 6x6. Must comply with all state and local codes and regulations.	\$100.00
<b>Total Replacement 5</b>					<b>\$1,250.00</b>
<b>Rot Repair</b>					
160049	5/17/2016	MARK BRADLEY	106 THIRD AVE S	Rot Repair To repair and replace floor truss and subfloor due to condensation issues. Must comply with all state and local codes and regulations.	\$50.00
<b>Total Rot Repair 1</b>					<b>\$50.00</b>
<b>Total Building 15</b>					<b>\$36,400.00</b>
<b>Total Permits: 15</b>					<b>\$36,400.00</b>

# KURE BEACH FIRE DEPARTMENT

## FIRE CHIEF'S REPORT

MAY, 2016

DATE	PURPOSE
05/01/16	EMS
05/01/16	ARCHING WIRES
05/02/16	CPR CLASS
05/03/16	FALSE ALARM
05/06/16	WATER MAIN
05/07/16	ASSIST PUBLIC
05/09/16	EMS
05/09/16	EMS
05/09/16	CPR CLASS
05/11/16	FALSE ALARM
05/15/16	WATER RESCUE
05/20/16	EMS
05/21/16	EMS
05/21/16	WATER RESCUE
05/21/16	FALSE ALARM
05/22/16	EMS
05/22/16	EMS
05/26/16	EMS
05/27/16	AUTO ACCIDENT
05/28/16	MUTUAL AID Cbfd
05/29/16	OCEAN RESCUE
05/29/16	HYDRANT LEAK
05/30/16	WATER RESCUE
05/30/16	EMS
05/31/16	OCEAN RESCUE

All equipment checked and found to be in working order

Harold Heglar  
Chief

**TOWN OF KURE BEACH**  
**REVENUE AND EXPENDITURE SUMMARY**  
**JULY 1, 2015 TO JUNE 14, 2016**

**REVENUES**

	2016 Initial Bud.	2016 Amend. Bud.	Actual 06/14/2016	% Collected	2016 Initial Bud.	2016 Amend. Bud.	Actual 06/14/2016	% Spent
<b>GENERAL FUND</b>								
Property Taxes (Cur. & PY)	\$ 2,121,250	\$ 2,121,250	\$ 2,152,703	101.5%	\$ 40,467	\$ 44,467	\$ 31,230	70.2%
Local Option Sales Tax	\$ 785,200	\$ 785,200	\$ 726,363	92.5%	\$ 7,500	\$ 61,794	\$ 26,532	42.9%
Franchise & Utility Tax	\$ 201,500	\$ 201,500	\$ 183,091	90.9%	\$ 146,033	\$ 148,027	\$ 116,037	78.4%
TDA Funds	\$ 203,057	\$ 222,364	\$ 200,292	90.1%	\$ 385,448	\$ 420,638	\$ 346,776	82.4%
Garbage & Recycling	\$ 341,400	\$ 341,400	\$ 324,400	95.0%	\$ 17,750	\$ 17,750	\$ 15,611	87.9%
ABC Revenue	\$ 10,725	\$ 10,725	\$ 13,930	129.9%	\$ 3,200	\$ 3,200	\$ 2,192	68.5%
Bldg. Permit & Fire Inspect. Fees	\$ 54,400	\$ 54,400	\$ 77,610	142.7%	\$ 25,000	\$ 25,000	\$ 18,610	74.4%
Communication Tower Rent	\$ 86,702	\$ 86,702	\$ 69,170	79.8%	\$ 28,900	\$ 28,900	\$ 22,532	78.0%
Motor Vehicle Tags	\$ 7,000	\$ 7,000	\$ 7,225	103.2%	\$ 1,208,819	\$ 1,216,354	\$ 1,115,552	91.7%
Com Ctr/Parks & Rec/St Festival	\$ 28,150	\$ 28,150	\$ 23,271	82.7%	\$ 484,760	\$ 479,760	\$ 433,304	90.3%
Town Facility Rentals	\$ 10,500	\$ 10,500	\$ 10,595	100.9%	\$ 190,957	\$ 194,557	\$ 150,236	77.2%
Beer & Wine Tax	\$ 9,500	\$ 9,500	\$ 9,374	98.7%	\$ 138,748	\$ 138,748	\$ 112,143	80.8%
OPF - Bluefish Purchases	\$ 8,800	\$ 8,800	\$ 12,100	137.5%	\$ 126,565	\$ 126,565	\$ 102,036	80.6%
Sales Tax Refund	\$ 30,000	\$ 30,000	\$ 35,693	119.0%	\$ 740,797	\$ 766,504	\$ 669,685	87.4%
CAMA & Impact Fees	\$ 2,800	\$ 2,800	\$ 2,660	95.0%	\$ 294,205	\$ 294,205	\$ 286,333	97.3%
All Other Revenues	\$ 7,845	\$ 56,350	\$ 31,691	56.2%	\$ 50,000	\$ 50,000	\$ 50,000	100.0%
Other Financing Sources	\$ 111,000	\$ 111,000	\$ 103,287	93.1%	\$ 130,680	\$ 71,172	\$ -	0.0%
<b>Total Revenues</b>	<b>\$ 4,019,829</b>	<b>\$ 4,087,641</b>	<b>\$ 3,983,455</b>	<b>97.5%</b>	<b>\$ 4,019,829</b>	<b>\$ 4,087,641</b>	<b>\$ 3,498,809</b>	<b>85.6%</b>

**EXPENDITURES**

	2016 Initial Bud.	2016 Amend. Bud.	Actual 06/14/2016	% Collected	2016 Initial Bud.	2016 Amend. Bud.	Actual 06/14/2016	% Spent
<b>WATER &amp; SEWER FUND</b>								
Water Charges	\$ 710,710	\$ 710,710	\$ 684,861	96.4%	\$ 16,767	\$ 16,767	\$ 11,652	69.5%
Sewer Charges	\$ 1,011,270	\$ 1,011,270	\$ 955,049	94.4%	\$ 28,900	\$ 28,900	\$ 22,532	78.0%
Tap, Connect & Reconnect Fees	\$ 27,840	\$ 27,840	\$ 67,060	240.9%	\$ 171,402	\$ 171,402	\$ 156,785	91.5%
All Other Revenues	\$ 6,035	\$ 6,035	\$ 7,154	118.5%	\$ 251,919	\$ 251,919	\$ 232,281	92.2%
Other Financing Sources	\$ 130,750	\$ 130,750	\$ 87,136	66.6%	\$ 1,417,617	\$ 1,417,617	\$ 1,243,439	87.7%
<b>Total Revenues</b>	<b>\$ 1,886,605</b>	<b>\$ 1,886,605</b>	<b>\$ 1,801,260</b>	<b>95.5%</b>	<b>\$ 1,886,605</b>	<b>\$ 1,886,605</b>	<b>\$ 1,666,689</b>	<b>88.3%</b>
<b>STORM WATER FUND</b>								
<b>Total Revenues</b>	<b>\$ 523,330</b>	<b>\$ 523,330</b>	<b>\$ 299,875</b>	<b>57.3%</b>	<b>\$ 523,330</b>	<b>\$ 523,330</b>	<b>\$ 265,290</b>	<b>50.7%</b>
<b>POWELL BILL FUND</b>								
<b>Total Revenues</b>	<b>\$ 64,030</b>	<b>\$ 64,030</b>	<b>\$ 65,445</b>	<b>102.2%</b>	<b>\$ 64,030</b>	<b>\$ 64,030</b>	<b>\$ 24,353</b>	<b>38.0%</b>
<b>SEWER EXPANSION RESERVE FUND (SERF)</b>								
<b>Total Revenues</b>	<b>\$ 22,635</b>	<b>\$ 22,635</b>	<b>\$ 70,177</b>	<b>310.0%</b>	<b>\$ 22,635</b>	<b>\$ 22,635</b>	<b>\$ -</b>	<b>0.0%</b>
<b>BEACH PROTECTION FUND</b>								
<b>Total Revenues</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 50,249</b>	<b>100.5%</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ -</b>	<b>0.0%</b>
<b>FEDERAL ASSET FORFEITURE FUND</b>								
<b>Total Revenues</b>	<b>\$ 50,000</b>	<b>\$ 60,000</b>	<b>\$ -</b>	<b>0.0%</b>	<b>\$ 50,000</b>	<b>\$ 60,000</b>	<b>\$ 51,440</b>	<b>85.7%</b>

**TOWN OF KURE BEACH  
CASH AND INVESTMENTS  
AS OF MAY 31, 2016**

<u>FUND</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>	<u>TOTAL CASH &amp; INVESTMENTS</u>
General	\$2,517,931	\$341,689	\$2,859,620
Water/Sewer	\$1,331,632	\$584,612	\$1,916,244
Storm Water	\$737,217	\$240,213	\$977,430
SERF	\$315,386	\$91,220	\$406,606
Powell Bill	\$238,898	\$19,917	\$258,815
Beach Protection	\$61,640	\$175,249	\$236,889
Federal Asset Forfeiture	\$94,574	\$0	\$94,574
<b>TOTAL</b>	<b>\$5,297,278</b>	<b>\$1,452,900</b>	<b>\$6,750,178</b>
	<u>INSTITUTION</u>		
BB&T	\$5,297,278	\$0	
First Bank - Certificates of Deposit	\$0	\$962,557	
NCCMT Term Portfolio	\$0	\$481,014	
NCCMT Cash Portfolio	\$0	\$9,329	
<b>TOTAL</b>	<b>\$5,297,278</b>	<b>\$1,452,900</b>	

**TOWN OF KURE BEACH  
SUMMARY OF CONTINGENCY FUND AND COMMITTEE  
EXPENDITURE ACTIVITY  
07/01/2015 - 06/14/2016**

**CONTINGENCY FUND**

Fiscal Year 2016 Budget	\$130,680.00
Less:	
Budget Amendments - Transfer funds to Administration & Finance Departments - Resolution R15-12	\$7,184.00
Budget Amendment - Transfer funds to Committees Budget- Resolution R16-03	\$11,924.00
Budget Amendments - Transfer funds to Council & Administration Budgets- Resolution R16-04	\$34,000.00
Budget Amendment - Transfer funds to Streets & Sanitation Budget- Resolution R16-07	<u>\$6,400.00</u>
Remaining Budget as of 06/14/2016	<u><u>\$71,172.00</u></u>

**COMMITTEE (Shoreline Access, Beach Protection & Parking) EXPENDITURES**

Fiscal Year 2016 <u>Amended</u> Budget	\$61,794.00
Less Expenditures:	
Grant Writer Fees	\$825.00
Parking Signs	\$104.95
Engineer Deposit - H Ave. Beach Access	\$500.00
Parking Lot Stone/Hauling	\$653.41
Parking Signs	\$105.00
Adopt A Beach Website Fees	\$183.90
Deposit for H Ave. Beach Access Project	\$22,660.00
H Avenue Beach Access Drawings	<u>\$1,500.00</u>
Total Expenditures	\$26,532.26
Projects Approved By Council But Not Yet Expended:	
Engineer - H Ave. beach access	\$2,000.00
H Avenue beach access project	<u>\$31,634.00</u>
Total Approved, Not Expended	<u><u>\$33,634.00</u></u>
Remaining Budget as of 06/14/2016	<u><u>\$1,627.74</u></u>

**TOWN OF KURE BEACH  
DEBT LISTING  
JUNE 21, 2016**

<u>LOAN PURPOSE/DESCRIPTION</u>	<u>FUND</u>	<u>LENDER</u>	<u>DATE OF LOAN</u>	<u>AMOUNT FINANCED</u>	<u>INTEREST RATE</u>	<u>LOAN TERM (YRS)</u>	<u>DATE PAID OFF</u>	<u>BALANCE AT 06/21/16</u>	<u>PAYMENT FREQUENCY</u>	<u>PAYMENT AMOUNT</u>	<u>NEXT PAY DATE</u>	<u>INT. EXPENSE LIFE OF LOAN</u>
Sewer Rehabilitation Project (a)	W/S	Fed Gov	05/01/2010	\$432,660	0.00%	20	05/01/2030	\$147,780.03	Annual	\$10,555.72	05/01/2017	\$0.00
Ocean Front Park (development)	G	BB&T	07/12/2011	\$347,000	4.39%	17	07/12/2028	\$265,352.96	Annual	\$32,060.75	07/12/2016	\$137,099.64
Ocean Front Park (acquisition)	G	BB&T	12/19/2007	\$3,600,000	4.28%	20	12/19/2027	\$778,846.27	Annual	\$98,238.48	12/19/2016	\$690,135.16
334 S. 4th, 402 H & 406 H Ave.	G	BB&T	03/12/2015	\$409,471	2.49%	10	03/12/2025	\$368,524.03	Annual	\$51,142.95	03/12/2017	\$56,077.07
Water Tower & Well House & Town Hall Expansion (b)	G, W/S	BB&T	04/11/2007	\$1,187,187	3.92%	15	05/07/2022	\$558,869.10	Semi-annual	\$52,716.71	11/07/2016	\$394,314.33
O'Brien 7065 Hydroletter (c)	W/S, SW	1st Bank	08/13/2015	\$81,485	1.70%	5	08/13/2020	\$81,484.95	Annual	\$17,149.28	08/13/2016	\$4,202.44
Cutter Court Drainage Project	SW	B of A	07/23/2005	\$875,000	4.40%	15	06/23/2020	\$293,050.15	Monthly	\$6,677.76	07/23/2016	\$326,995.49
FY 2016 Equipment & Vehicles (d)	G, W/S	BB&T	09/14/2015	\$186,000	2.01%	4	09/14/2019	\$186,000.00	Annual	\$48,859.87	09/14/2016	\$9,439.48
(2) 2015 Police Cars	G	BB&T	03/27/2015	\$48,359	2.19%	4	03/27/2019	\$36,659.23	Annual	\$12,758.83	03/27/2017	\$2,676.33
2015 Ford F-250 Utility Truck	W/S	BB&T	10/24/2014	\$32,216	2.19%	4	10/24/2018	\$24,421.80	Annual	\$8,499.73	10/24/2016	\$1,782.92
Downtown Improvement Project	G	BB&T	01/17/2014	\$117,000	1.93%	4.5	06/17/2018	\$71,644.71	Annual	\$24,719.00	01/17/2017	\$6,595.00
2013 Ford F-150 Police Truck	G	BB&T	01/15/2014	\$32,000	2.18%	4	01/15/2018	\$16,345.00	Annual	\$8,440.70	01/15/2017	\$1,762.80
2013 Ford Police Utility	G	BB&T	06/28/2013	\$29,836	2.17%	4	06/28/2017	\$7,700.88	Annual	\$7,867.99	06/28/2017	\$1,635.96
2011 International Garbage Truck	G	BB&T	09/16/2011	\$152,152	1.81%	5	09/16/2016	\$31,531.79	Annual	\$32,102.53	09/16/2016	\$8,360.65

**FUND CODES**

<b>TOTAL OUTSTANDING DEBT AT 06/21/2016:</b>	
General Fund	\$ 1,802,786.07
Water/Sewer Fund	\$ 731,632.20
Storm Water Fund	\$ 333,792.63
<b>Total</b>	<b>\$ 2,868,210.90</b>

**NOTES**

- (a) - Total amount borrowed was \$432,660. As part of ARRA, the unpaid balance was immediately reduced by one-half of the loan amount.
- (b) - 78% of loan is Water/Sewer Fund and 22% is General Fund.
- (c) - 50% of loan is Water/Sewer Fund and 50% is Storm Water Fund.
- (d) - 55.5% of loan is General Fund and 44.5% is Water/Sewer Fund.

**LOAN PAYMENTS DUE (Next 12 Months):**

06/22/2016 - 09/30/2016	\$ 150,205.71
10/01/2016 - 12/31/2016	\$ 179,488.20
01/01/2017 - 03/31/2017	\$ 117,094.76
04/01/2017 - 06/21/2017	\$ 91,173.70
<b>Total</b>	<b>\$ 537,962.37</b>



# TOWN COUNCIL MINUTES

## SPECIAL MEETING

May 12, 2016 @ 6:00 p.m.

The Kure Beach Town Council held a special meeting for the purpose of reviewing proposals received from five architectural firms to provide design services for the town hall expansion and a new fire station. There was a quorum of council members present. The town attorney was not in attendance.

### COUNCIL MEMBERS PRESENT

Mayor Emilie Swearingen  
Mayor Pro Tem (MPT) Craig Bloszinsky  
Commissioner David Heglar  
Commissioner Joseph Whitley  
Commissioner Jim Dugan

### STAFF PRESENT

Finance & Budget Officer (FO) – Arlen Copenhaver  
Town Clerk – Nancy Avery  
Building Inspector – John Batson  
Police Lieutenant – Mike Bowden  
Deputy Town Clerk – Nancy Hewitt

### CALL TO ORDER

Mayor Swearingen called the meeting to order at 6:00 p.m. She suggested council develop evaluation criteria by which each firm will be measured. Council decided upon the following criteria, ranked by importance, as follows:

#### 1. MOST IMPORTANT CRITERIA

Overall experience; comparable buildings and experience with public safety requirements; references from previous jobs; code violations in finished projects; number and cause of change orders; difference between the plan's budget and the final cost of the project; current workload; bonded/insured.

#### 2. SECONDARY IMPORTANCE CRITERIA

Size of workforce; type of staff (outsourced or in-house); experience working in Kure Beach and on the island as a whole; the interaction KB staff has already had with firm representative(s); this project's size in relation to firms' typical project size; language in typical contracts.

#### 3. TIE-BREAKER CRITERIA

Location of firm and proposed cost.

Mayor Swearingen suggested narrowing down the list of firms to be considered. The following suggestions were made:

#### LOWEST ON THE LIST

- Mayor Swearingen said Stewart, Cooper, Newell (SCN) is lowest on her list because it is located extremely far away and has the highest cost.





# TOWN COUNCIL MINUTES

## SPECIAL MEETING

May 12, 2016 @ 6:00 p.m.

- MPT Bloszinsky said Alternative Architecture, PA (AA) is the lowest on his list because they didn't provide their list of deliverables nor outline their process.
- Commissioner Heglar said SCN is the lowest on his list because, although they have more fire experience, they are located farthest away and have the highest cost.
- Commissioner Whitley said SCN is the lowest on his list because of their high cost.
- Commissioner Dugan said AA is the lowest on his list.

## SECOND LOWEST ON THE LIST

- Mayor Swearingen said her second lowest is AA.
- MPT Bloszinsky said his second lowest is Bowman, Murray and Hemingway Architects (BMH) because they didn't give detailed information in their proposal as to who they would use for engineering and supportive services.
- Commissioner Heglar said his second lowest is AA.
- Commissioner Whitley said his second lowest is Oakley Collier.
- Commissioner Dugan didn't have a second lowest.

COUNCIL CONSENSUS – Council decided to eliminate Alternative Architecture and Stewart, Cooper and Newell from the list of firms to be considered.

Council chose their favorite firms, making the following comments:

- Mayor Swearingen said BMH and Oakley Collier are her top choices. She said she liked the number of staff BMH has, they have a civil engineer and they have a lot of oceanfront experience. She said Oakley Collier has the same experience. She said she thought Becker Morgan's design was the same in all of their buildings and that they didn't seem very creative.
- MPT Bloszinsky said his top choice is Oakley Collier because they will roll half of their fee into the project if it moves forward and their cost per square foot is reasonable. He added that, for the last five years, they've been within two percent of their initial estimates, and 65 percent of their work has been renovations. He said he thought the building Becker Morgan did for the volunteer fire department in Berlin, MD, was one of the most creative designs he has seen.
- Commissioner Dugan said Becker Morgan has completed a number of fire stations in Wilmington and they have a staff member who works with the National Fire Protection Association. He said, although they are in Wilmington, he didn't like that they are also located in two other states; but it shows they have a large staff.
- Commissioner Whitley said his top choice is Becker Morgan because they have nice buildings in Wilmington and their costs are reasonable. He said BMH is a close second.
- Commissioner Dugan said Oakley Collier seems to have the largest amount of coastal buildings and fire stations on their list, with a nice amount of communication centers, police departments and town hall upgrades.



# TOWN COUNCIL MINUTES

## SPECIAL MEETING

May 12, 2016 @ 6:00 p.m.

- Inspector Batson said that the firms council is considering have recently-built fire stations, so they probably already have contractors with whom they have a good working relationship who could bid on the project. He said he liked Becker Morgan immediately because they sent an architect about whom he had an immediately good impression. He said BMH also sent out an architect, but Oakley Collier only sent out a site person. He said that the three firms council is considering are the right ones.
- Town Clerk Avery said she agreed with Inspector Batson and stated they talked to the representatives and showed them around the site, and they immediately came up with some good ideas. She said she didn't like that BMH specified they would only have two meetings with staff in their proposal, but she likes their buildings.

Discussion ensued about the merits of the buildings that the firms designed.

Commissioner Heglar asked the town clerk if there was a deadline to decide on a firm, to which she responded that it is up to council if they want to set one.

FO Copenhaver said council hasn't committed any money for the actual building project, they've only committed funding for the architectural design services from the current budget.

Discussion ensued about arranging for interviews with the three firms, with MPT Bloszinsky recommending that he and Commissioner Dugan visit some of the recently completed buildings, accompanied by town staff members, before determining how to proceed.

Inspector Batson stated that the person in charge of the project should be the person who comes to the main interview. He said council should come away from the interviews feeling like the firms are making Kure Beach their first priority.

Council listed the following action items needed before choosing an architectural firm:

### MAY COUNCIL MEETING

- Town Clerk Avery is to prepare a spreadsheet that contains the evaluation criteria council will use to determine which firm to choose.

### BEFORE JUNE COUNCIL MEETING

- MPT Bloszinsky and Commissioner Dugan, along with town staff from the police, fire and/or building inspections departments, will visit at least one recently completed building from each firm. They are to email their findings to council.
- Town attorney will advise if council can hold a closed session to discuss firm selection.
- Firms are to submit their typical contract for the town attorney to review and give feedback to council.



# TOWN COUNCIL MINUTES

## SPECIAL MEETING

May 12, 2016 @ 6:00 p.m.

## JUNE COUNCIL MEETING

- Council will either decide on a firm to contract with or choose the firms they wish to interview.

Mayor Swearingen asked if council wanted to set a deadline for finishing the firm selection, to which Commissioner Heglar responded that staff would probably rather wait until after the summer season to work with an architect on a design concept.

## ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn.

SECOND – MPT Bloszinsky

VOTE – Unanimous

The meeting adjourned at 7:02 p.m.

---

Emilie Swearingen, 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.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

May 17, 2016 @ 6:30 p.m.

The Kure Beach Town Council held their regular meeting, along with a public hearing, on Tuesday, May 17, 2016 at 6:30 p.m. The Town Attorney was present and there was a quorum of Council members.

### COUNCIL MEMBERS PRESENT

Mayor Pro Tem (MPT) Craig Bloszinsky  
Commissioner David Heglar  
Commissioner Joseph Whitley  
Commissioner Jim Dugan

### COUNCIL MEMBERS ABSENT

Mayor Emilie Swearingen

### STAFF PRESENT

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

### CALL TO ORDER

MPT Bloszinsky called the regular meeting to order at 6:30 p.m., and Pastor Cathy Chester from Carolina Coastal Vineyard Church delivered the invocation and led everyone in the Pledge of Allegiance.

### VOTE TO EXCUSE MAYOR SWEARINGEN FROM MEETING

MOTION – Commissioner Heglar moved to excuse Mayor Swearingen from the meeting.  
SECOND – Commissioner Whitley  
VOTE – Unanimous

### OPENING AND PURPOSE OF PUBLIC HEARING

MPT Bloszinsky opened the public hearing stating that its purpose is to receive comments on two optional draft proposals to amend Chapter 19 Zoning as follows:

OPTION 1: Prohibit container homes by 1) amending Section 19-1 Definitions, for “Building,” 2) adding a definition for “Container,” and 3) amending Section 19-79.5 to add the use of containers as buildings to the list of prohibited uses.

OPTION 2: Regulate container homes by 1) amending Section 19-1 Definitions, for “Building,” 2) adding a definition for “Container,” 3) adding a definition for “Dwelling, Container,” 4) removing Section 19-78, 5) amending Section 19-79.5 to add “Containers as buildings for any use other than as container dwellings” to the list of prohibited uses, and 6) amending Section 19-177 to insert “Container dwellings” as item 3 to permit “Container dwellings” in the RA-2T district. Notice of the public hearing was posted at Town Hall and on



# TOWN COUNCIL MINUTES

## REGULAR MEETING

May 17, 2016 @ 6:30 p.m.

the town's website on April 25, 2016, and was published in the Island Gazette on May 4 and 11, 2016.

John Ellen, Chairman of the Planning and Zoning (P&Z) Commission, commended the editor of the Island Gazette for his article explaining the container home issue. He explained the history behind the work that went into the ordinance amendment proposals.

## PUBLIC COMMENTS

### 1. Joe Coen, 429 Sandman Drive

Mr. Coen gave council a written speech he prepared that contained the following highlights:

- A Kure Beach resident for 22 years, he is against allowing container homes in the town.
- He doesn't want Kure Beach property values, reputation, tourism and all that makes up the character of Kure Beach to decrease because of them.
- Shipping containers are for transporting goods by ship and can be as long as 48 feet, which could eat up the RA-2T district.
- Allowing them may lead to the eventual request from proponents to expand outside of the RA-2T district, with possible help from activists.

### 2. Bill Bernath, 1717 Mackerel Lane

Mr. Bernath said he is dismayed that council would even consider having container homes within the district that he lives. He said that his neighborhood over the past 16 years has transformed from having single wide trailers and modular homes to having nine single family homes and one duplex. He read Part II, Sec. 2-25B of the Land Use Plan which states, in part, that "development activity which would be harmful to property values or quality of life of those residents already established is discouraged."

The clerk read two letters from the following Kure Beach residents, both opposing container homes in Kure Beach: Pat Triplett of 102 Leeward Court and Mario and Judi Paparozzi of 205 Seaward Court.

Said letters are herein incorporated as part of these minutes.

MPT Bloszinsky asked if anyone else wanted to address council. As no one indicated their intention to speak, he asked for a motion to close the hearing.

## CLOSING OF PUBLIC HEARING

MOTION – Commissioner Heglar moved to close the public hearing.

SECOND – Commissioner Dugan

VOTE – Unanimous



# TOWN COUNCIL MINUTES

**REGULAR MEETING**

**May 17, 2016 @ 6:30 p.m.**

## AWARDS & RECOGNITION

MPT Bloszinsky presented Certificates of Appreciation, as follows:

1. Tony Gonsalves for his dedicated and selfless service as a volunteer fireman and chairman of the Kure Beach Shoreline Access, Beach Protection and Parking Committee.
2. Denyse Fredrickson for the advice, design, labor and maintenance she provided for the Kure Beach Town Hall and Community Center gardens.
3. Ea Ruth accepting on behalf of the Wilmington Regional Association of Realtors (WRAR) for their support and hard work improving the grounds of the Kure Beach Community Center with beautiful new landscaping and a new flagpole.

## APPROVAL OF CONSENT AGENDA ITEMS

1. Adopt Proclamation P16-01, declaring May 21-27, 2016 National Safe Boating Week
2. Accept Tony Gonsalves' and Linda Cheshire's resignations from the Shoreline Access, Beach Protection and Parking Committee.
3. Building Inspections Report – April 2016
4. YTD Finance Report
5. Minutes:
  - April 13, 2016, budget work session
  - April 19/21, 2016, public hearing & regular meeting
  - April 22, 2016, budget work session

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

SECOND – Commissioner Whitley

VOTE – Unanimous

Said proclamation is herein incorporated as part of these minutes.

## ADOPTION OF THE AGENDA

Commissioner Dugan asked to hold a closed session at the end of the council meeting, per N.C.G.S. 143-318.11(a)(3), to consult with the attorneys.

MPT Bloszinsky asked to add Downtown Parking Lot Lease as Item 5 under New Business.

MOTION – Commissioner Whitley moved to adopt the meeting agenda, as modified by Commissioner Dugan and MPT Bloszinsky.

SECOND – Commissioner Heglar

VOTE – Unanimous



# TOWN COUNCIL MINUTES

**REGULAR MEETING**

**May 17, 2016 @ 6:30 p.m.**

## DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

MPT Bloszinsky thanked Cape Fear Sale & Power Squadron member, Abe Walston, for his attendance and read Proclamation P16-01, declaring May 21<sup>st</sup>-27<sup>th</sup> National Safe Boating Week.

## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Ron Harris, 1717 Sloop Pointe Lane

Mr. Harris asked council if there was any update on the progress of his request to allow him to bring his ATV on the beach strand to fish, as he is unable to do so without it due to his disability. He asked if the delay was due to a liability issue and said it has been three months since his first letter to council, and he feels they are doing everything they can to prevent it.

Commissioner Dugan said that the attorney will give an update on the progress of considering his request at the end of the council meeting.

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

- a. Request consideration to hold a special meeting at Town Hall on Tuesday, June 21<sup>st</sup> at 2:00 p.m., preceding the regular council meeting, for the purpose of calling a closed session per G.S. 143-318.11.(a)(6), to perform department head evaluations

MOTION – Commissioner Dugan moved to hold a special meeting at Town Hall on Tuesday, June 21<sup>st</sup> at 2:00 p.m., preceding the regular council meeting, for the purpose of performing department head evaluations in closed session, per G.S. 143-318.11.(a)(6).

SECOND – Commissioner Whitley

VOTE – Unanimous

- b. Request consideration to hold a special meeting at Town Hall on Thursday, June 9<sup>th</sup> at 6:45 p.m., or immediately after the public hearing on the budget, for the purpose of calling a closed session to discuss personnel, per G.S. 143-318.11.(a)(6), and to hold an open session to review proposed amendments to the Personnel Policy

MOTION – Commissioner Heglar moved to hold a special meeting at Town Hall on Thursday, June 9<sup>th</sup> at 6:45 p.m., or immediately after the public hearing on the budget, to call for a closed session, per G.S. 143-318.11.(a)(6), to discuss personnel, and to hold an open session to review proposed amendments to the Personnel Policy.

SECOND – Commissioner Dugan

VOTE – Unanimous



# TOWN COUNCIL MINUTES

## REGULAR MEETING

May 17, 2016 @ 6:30 p.m.

### 2. Finance Department

- a. Presentation of budget message, draft FY16-17 budget ordinance and fee schedule, with direction to Town Clerk to advertise for a public hearing and budget inspection

Finance Officer Copenhagen gave a slide presentation with an overview of the information he used to prepare the FY16-17 proposed budget and summarized the proposed changes, as follows:

- 1) Increase property tax rate by 2.35 cents over the prior year's tax rate, for a total property tax rate of 28.5 cents (per \$100 of property valuation), due to the proposed addition of five full-time employees, the desire to maintain existing town-provided services at current levels and the need to maintain reserve funds for potential beach nourishment costs
- 2) New rate tier for residential water and sewer usage over 7,000 gallons, as follows, to provide for sufficient accumulation of reserves for future infrastructure repairs and replacements:
  - Water: 67.5 cents per 100 gallons
  - Sewer: 87 cents per 100 gallons
- 3) Four additional full-time employees for the Fire Department due to a decreasing volunteer base and the need to handle multiple day and night emergency calls with properly trained personnel
- 4) One additional full-time employee for the Police Department due to an increase in the town's full-time population and an increase in tourist traffic
- 5) Cost of Living adjustment of two percent for all full-time employees
- 6) Merit increase of two percent to reward employees who are performing above expectation

When asked by a citizen about the KB Village storm water problems, Commissioner Heglar said that the storm water system has been there a long time and is collapsing and needs significant improvements. He said public works plans to group enough work together to do a capital project in the near future.

When asked by a citizen about a possible county tax increase, FO Copenhagen said the county is considering increasing their property tax by about 10 percent.

MPT Bloszinsky thanked the finance officer for all of his hard work on preparing the proposed budget and thanked the department heads, as well.

MOTION – Commissioner Dugan moved to accept the proposed FY16-17 budget message, ordinance and fee schedule, as presented by Finance and Budget Officer Copenhagen, and directed the clerk to publish the information for public inspection and to advertise a public hearing on the budget to be held at Town Hall on June 9<sup>th</sup> at 6:30 p.m., or soon thereafter.





# TOWN COUNCIL MINUTES

## REGULAR MEETING

May 17, 2016 @ 6:30 p.m.

SECOND – MPT Bloszinsky  
VOTE – Unanimous

### 3. Building Department

Inspector Batson said that the “H” Avenue handicapped beach access ramp is nearing completion and the handrail that runs along the length of the ramp should be installed by Memorial Day weekend.

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

### 1. Chapter 19 Zoning Ordinance regarding Container Dwellings

Commissioner Whitley said the Planning and Zoning (P&Z) Commission has been working on the issue for at least six months, has put a lot of work into it and has done a great job.

Commissioner Heglar explained to the citizens that council brought up the issue of container houses in response to their placement in Carolina Beach, and not because council desired to allow them in Kure Beach. He said that council just wanted to have an ordinance in place ahead of time to provide clear guidance to the building inspector how to handle it if anyone requests a permit to put a container home in Kure Beach.

MOTION – Commissioner Heglar moved to adopt ordinance amendments prohibiting containers and buildings, as follows: amend the definition for “Building” and add a definition for “Container” under Section 19-1, and add “the use of containers as buildings” as a prohibited use under Section 19-79.5.

SECOND – Commissioner Dugan

MOTION – PASSED, three to one, as follows: MPT Bloszinsky, Commissioner Heglar and Commissioner Dugan FOR; Commissioner Whitley AGAINST.

P&Z Attorney, James Eldridge, told council that they should have an appropriate “finding of fact” statement to legitimize the town’s purpose for the ordinance.

Town Clerk Avery said that the Consistency Statement is in council’s agenda packet.

MOTION TO AMEND– Commissioner Heglar read the entire Consistency Statement into the motion which added that the ordinance is in compliance with the NC Supreme Court decision, *Byrd v. Franklin County*, by expressly identifying containers as a prohibited use, and that the ordinance is consistent with the objectives and policies of the town’s Land Use Plan under Section 8, Part I, subsection “Constraints to Development;” and he directed the attorneys to let council know if there is anything else needed to address the “finding of fact” issue.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

May 17, 2016 @ 6:30 p.m.

SECOND – Commissioner Dugan  
VOTE – Unanimous

Said ordinance amendments are herein incorporated as part of these minutes.

### 2. Update on ATVs on beach strand for handicapped

Commissioner Dugan said that he has been researching what is going on in the state and nation regarding this issue. He said that one of the town's attorneys has requested a closed session to explain the legal aspect of it.

### 3. Resolution R16-09 for the E Avenue beach access parking lot CAMA grant and Resolution R16-10 for the I Avenue beach access parking lot CAMA grant

Town Clerk Avery explained to council that CAMA accepted the town's pre-application for the grants and has invited the town to submit their final applications. She asked council to adopt Resolution R16-10 and R16-11, which are needed to complete and submit the applications.

MOTION – Commission Dugan moved to adopt Resolution R16-09 for the E Avenue beach access parking lot CAMA grant, with a cash match of \$11,257 from FY17-18 budget, and to adopt Resolution R16-10 for the I Avenue beach access parking lot CAMA grant, with a cash match of \$14,121 from FY17-18 budget; both to pave the parking areas and add solar lighting.

SECOND – Commissioner Whitley  
VOTE – Unanimous

Said resolutions are herein incorporated as part of these minutes.

### 4. Southern Grantworks Memo of Understanding (MOU) for work on the final CAMA grant applications for the E and I Avenue beach access parking lots, for approximately 26.5 hours of work at \$75 per hour, not to exceed \$2,000; charged to the committee budget

Town Clerk Avery asked council to approve the MOU for Diana Woolley to work on the E and I Avenue final CAMA grant applications.

MOTION – Commissioner Heglar moved to approve Southern Grantworks MOU for approximately 26.5 hours of work, at \$75 per hour not to exceed \$2,000, to be charged to the committee budget under line item 10-412.

SECOND – Commissioner Dugan  
VOTE – Unanimous

Said MOU is herein incorporated as part of these minutes.



# TOWN COUNCIL MINUTES

**REGULAR MEETING**

**May 17, 2016 @ 6:30 p.m.**

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

### 1. Adopt 2016 Emergency Operations Plan

Commissioner Heglar said that no changes were made to this year's emergency plan, but the training plan in Appendix B may need to be revised.

**MOTION** – Commissioner Heglar moved to adopt the 2016 Emergency Operations Plan, with a plan to examine the training portion of it for possible revisions.

**SECOND** – Commissioner Dugan

**VOTE** – Unanimous

Commissioner Heglar told council he would like to hold two hurricane information sessions at Town Hall; one on Wednesday, June 8<sup>th</sup> at 6:30 p.m., and one on Friday, June 10<sup>th</sup> at 6:30 p.m. for Kure Beach citizens to attend. He said he will provide a letter to go out to the citizens of Kure Beach with emergency information.

**CONSENSUS** – Council agreed to have Commissioner Heglar hold two, public hurricane information sessions at Town Hall on Wednesday, June 8<sup>th</sup> and Friday, June 10<sup>th</sup>, both at 6:30 p.m., and instructed the clerk to advertise them.

Commissioner Heglar added that he will email council information for them to take two online National Incident Management System courses. He said that Federal, state and local government officials need to understand that, if an entity doesn't keep up with this training, FEMA could choose to withhold aid money. He said council members need to take the two courses before July 1, 2016.

### 2. Outside showers and laundry proposal for residents

Commissioner Heglar explained that, over the last couple of years during summer weekends, the town is peaking on its daily sewer flow limit with the Carolina Beach treatment plan, which is costing the town more money. He asked council to approve a letter to town residents that encourages the installation and use of outdoor showers for beach goers and encourages town residents to do their laundry in the middle of the week instead of on the weekend when most tourists are doing their laundry before leaving town.

**CONSENSUS** – Council agreed to have Commissioner Heglar provide a letter to town staff, to be communicated in June to all Kure Beach homeowners/residents, which contains suggestions on how to decrease sewer usage during peak summer months.

### 3. Letters from Mayor Swearingen to WAVE Transit Authority and New Hanover County's board and manager regarding busses and transportation.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

May 17, 2016 @ 6:30 p.m.

MPT Bloszinsky asked council to approve two letters from Mayor Swearingen: one to Albert Eby supporting his request to receive Federal grant money to replace 12 busses, and letters to the NHC commission board and manager requesting they not cut funding for busses to Pleasure Island and Monkey Junction. He said that people use the busses to get to the Veteran's Administration, appointments, their jobs and other important places.

MOTION – Commissioner Heglar moved to approve allowing the mayor's use of town letterhead for a letter to the director of WAVE Transit supporting an application for a Federal grant to replace 12 busses and letters to the NHC board and manager asking them to not cut WAVE transit budget funding for Route 107, Route 301 and Paratransit service south of Monkey Junction

SECOND – Commissioner Whitley

VOTE – Unanimous

#### 4. Parking Lot Lease

MPT Bloszinsky said that the signed lease is due at the end of this month for the parking area next to the Quik Mart. He said he doesn't have the financial support from the downtown businesses, but he expects it should be resolved by the time the quarterly lease payments are due. He asked the attorney for an addendum to the lease outlining the town's limited portion of rent.

Town Clerk Avery asked if the lease would automatically terminate if the money doesn't come in from the other businesses.

Town Attorney Canoutas said the addendum will state that, in the event that the other businesses don't come forward with their funding, the owner should only expect the town's portion of the rent which will terminate the lease at the end of August.

Commissioner Heglar said that the lease should be prorated to the total amount of funding, which would actually pay for the lot until the middle or end of September.

Discussion ensued about the town's portion of the rent, with MPT Bloszinsky informing council that the property owner said he will kick in \$500, which will bring the town's portion to \$2,599.35.

CONSENSUS – Council asked the town attorney to create an addendum to go with the lease for the downtown parking lot which outlines that the town's portion of the rent will be no more than \$2,599.35, and to proceed with signing the lease once the documentation is approved by council.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

May 17, 2016 @ 6:30 p.m.

### CLOSED SESSION

MOTION – At 8:15 p.m., Commissioner Heglar moved to enter into closed session for the purpose of consulting with the attorney, per N.C.G.S. 143-318.11(a)(3).

SECOND – Commissioner Dugan

VOTE – Unanimous

MOTION – Commissioner Heglar moved to return to open session at 8:48 p.m.

SECOND – Commissioner Whitley

VOTE – Unanimous

MOTION – Commissioner Heglar moved to direct the Planning and Zoning Commission attorney to investigate safety regulation requirements and any other issues surrounding how to set up proper access for individuals with mobility disabilities in order to access the public beach strand.

SECOND – Commissioner Whitley

VOTE - Unanimous

### ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn the meeting.

SECOND – Commissioner Whitley

VOTE – Unanimous

The meeting adjourned at 8:51 p.m.

---

Craig Bloszinsky, Mayor Pro Tem

---

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.

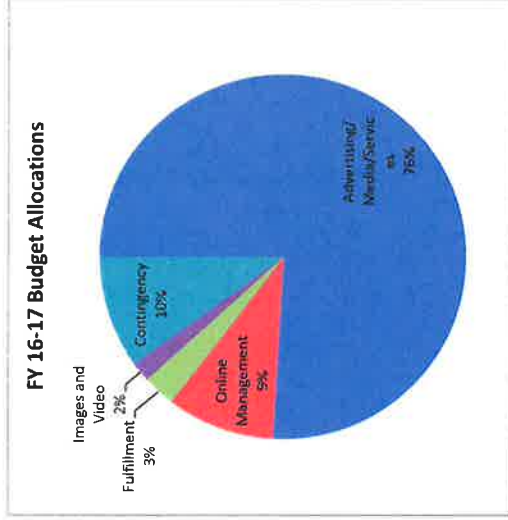
Kure Beach Budget Allocations FY 16-17 : DRAFT May 2016

ADVERTISING/MEDIA/SERVICES		FY15-16	Variance	Notes
Media	Print	\$27,000.00		
	Paid Search	\$20,000.00		
	Paid Social Media Advertising	\$15,000.00		
	Online Video	\$8,000.00		
	Weather Triggered WeatherBug	\$7,000.00		
	Native Content (Taboola, Maciden Media)	\$10,000.00		
	Direct Response eBlasts	\$5,000.00		
	VisitNC.com	\$2,000.00		
	Media Contingency	\$11,945.00		Contingency for last minute paid media opportunities
	Promotional Giveaways	\$300.00		
Public Relations	Public Relations	\$18,564.00	\$17,680.00	5%
	Press Trips	\$2,000.00		New
	Social Media/Postings/Strategy/Promotions/	\$8,736.00	\$8,320.00	5%
Account Management	Agency Retainer/Project Management/Meetings	\$4,500.00	\$4,285.00	5%
Strategic Planning	Agency Research/Analysis	\$2,247.00	\$2,140.00	5%
Creative Development	Print/Online/eBlasts/Native Content/Video	\$12,521.00	\$11,925.00	5%
<b>ADVERTISING/MEDIA/SERVICES TOTAL</b>		<b>\$154,813.00</b>	<b>\$113,693.08</b>	<b>36%</b>
<b>ONLINE MANAGEMENT</b>				
Account Management	Account Management	\$3,000.00		
	Analytics Licensing	\$500.00		
	Tracking Redirects	\$75.00		
Hosting Management	Hosting	\$300.00		
	Domain Renewals	\$260.00		
Email Marketing	Specials Distribution (8)	\$4,800.00		Includes A/B subject line testing
	Specials Responsive Redesign	\$800.00		Redesign especial layout for mobile responsiveness
	Specials Reengagement/Clean Up List	\$800.00		Clean up of registered user database
	Special Content Analysis	\$500.00		Review of content most read by user
	Exact Target Integration	\$150.00		Integration of Exact Target into new website
Search Marketing	SEO	\$4,000.00		
Site Development	Maintenance/General Improvements	\$3,000.00		Increase to address any tweaks to new website
	CMS Modules Licensing	\$1,200.00		
<b>ONLINE MANAGEMENT TOTAL</b>		<b>\$19,385.00</b>	<b>\$15,605.00</b>	<b>24%</b>
<b>FULFILLMENT</b>				
	Postage	\$4,000.00		
	Handling/Service Fees	\$1,500.00		
	Storage Fees	\$250.00		
<b>FULFILLMENT TOTAL</b>		<b>\$5,750.00</b>	<b>\$3,050.00</b>	<b>88%</b>
<b>IMAGES &amp; VIDEO</b>				
	Videos	\$1,500.00		
	Photography (Images, Usage Rights, Talent)	\$2,000.00		
	Image Rights	\$75.00		
<b>IMAGES &amp; VIDEO TOTAL</b>		<b>\$3,575.00</b>	<b>\$3,075.00</b>	<b>16%</b>
Total		\$183,523.00	\$135,423.08	
Contingency		\$20,392.00	\$11,775.92	
<b>FY Budget Total</b>		<b>\$203,915.00</b>	<b>\$147,199.00</b>	<b>39%</b>

Kure Beach Budget Allocations FY 16-17 : DRAFT May 2016

FY 16-17 Budget Allocations

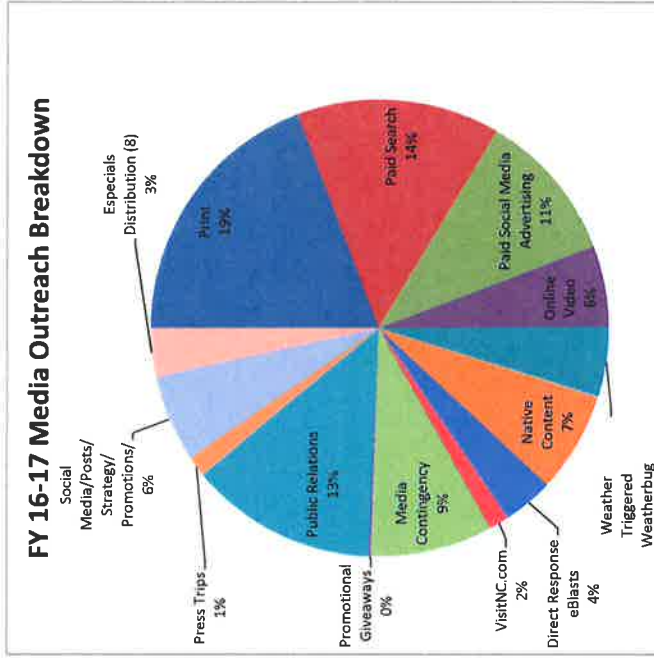
Advertising/Media/Services	\$154,813.00
Online Management	\$19,385.00
Fulfillment	\$5,750.00
Images and Video	\$3,575.00
Contingency	\$20,392.00



2

**FY 16-17 Media Outreach Breakdown**

Print	\$27,000.00
Paid Search	\$20,000.00
Paid Social/Media Advertising	\$15,000.00
Online Video	\$8,000.00
Weather Triggered Weatherbug	\$7,000.00
Native Content	\$10,000.00
Direct Response eBlasts	\$5,000.00
VisitNC.com	\$2,000.00
Media Contingency	\$11,945.00
Promotional Giveaways	\$300.00
Public Relations	\$18,564.00
Press Trips	\$2,000.00
Social Media/Postings/Strategy/Promotions/	\$8,736.00
Specials Distribution (8)	\$4,800.00





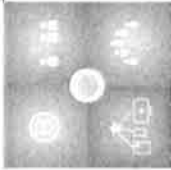


## strategic approach

---

### **next fiscal year ...**

- ▶ continue to support key periods in the spring and fall, while also maintaining a year-round presence through cost efficient paid search and digital channels.
- ▶ leverage the proper channels to reach potential visitors in both the dreaming and planning phases.
- ▶ increase focus on content creation and native-type placements, as well as lead generation tactics via social placements.
- ▶ introduce new ways to measure overall engagement.



## timing & seasonality

- **year-round presence:** maintained through paid search and VisitNC efforts.

- **spring activity:** heavy up running february - april.
  - broad awareness vehicles
  - mix of digital and social tactics
  - reach visitors in dreaming phase for spring and summer vacations

- **fall activity:** focused effort in september/october timeframe.
  - targeted approach
  - mix of digital & social tactics
  - reach visitors traveling without children, planning a beach getaway



## audience

### multi-generational families



- target audience in the spring
- women 35-64, with kids, \$50k+ HHI
- interested in beach vacations

### couples without children



- target audience in the fall
- women 35-64, no kids, \$50k+ HHI
- empty nesters, retirees interested in beach getaways



## geography



### primary

- ▶ north carolina: raleigh-durham, charlotte, fayetteville, and the triad

### secondary

- ▶ virginia: richmond, northern virginia
- ▶ pennsylvania: pittsburgh, philadelphia
- ▶ ohio: columbus, cincinnati
- ▶ south carolina: columbia, greenville
- ▶ west virginia: charleston

\*expanded geography in spring

### top states for bookings and website visitation:

north carolina, virginia, south carolina, pennsylvania, ohio, west virginia, tennessee, georgia, and maryland

## Kure Beach print recommendation

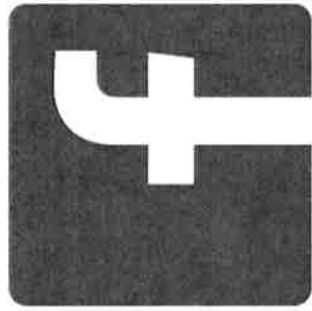
### CountryLiving GoodHousekeeping WomansDay

- ▶ Hearst Women's Travel Group
  - ▶ 1/2 page 4C, April 2017
  - ▶ South Atlantic region: NC, SC, VA, WV, GA, FL
  - ▶ 1.6 million circulation
  - ▶ Estimated cost: \$20k
- 
- ▶ 1/2 page 4C, September 2016 (204.3k circulation)
  - ▶ Travel & Events e-newsletter, September 2016 (62k distribution)
  - ▶ Estimated cost: \$7k

### Our State NORTH CAROLINA

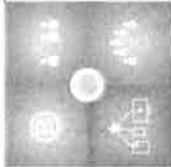


connections



## **Paid Social**

- **approach:** increase the overall spend in paid social channels like facebook and instagram, including facebook leads, promoted posts, newsfeed display and instagram carousel ads.
- **timing:** spring & fall months
- **channel mix:** display and rich media (desktop and mobile)
- **budget:** \$15,000



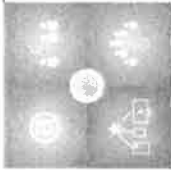
connections

**Taboola**

**madden  
media**  
connecting people to places

## Native Content

- **approach:** continue to utilize top performing partners to help generate and drive traffic to engaging custom content on the website.
- **timing:** spring & fall months
- **channel mix:** content creation & online display
- **budget:** \$10,000



connections



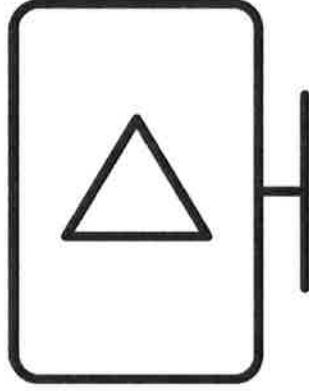
### weather-triggered ads

- **approach:** utilize trusted digital partners, like weatherbug, to reach potential visitors in a weather-related content rich environment. trigger dynamic creative based on actual and/or forecasted weather.
- **timing:** spring (feb/mar)
- **channel mix:** dynamic display
- **budget:** \$7,000





connections



## Online Video

- **approach:** continue to leverage online pre-roll video as a primary awareness driver, targeting women in the dreaming phase of beach vacation travel.
- **timing:** spring
- **channel mix:** online, cross-platform (desktop, mobile)
- **budget:** \$8,000



## connections



### **direct response email**

- **approach:** drive interest and visitation to the website through highly targeted eblasts to the desired target in select geographic areas. those reached via email have demonstrated an interest in beach vacations.
- **timing:** 1x email in the fall
- **channel mix:** targeted email
- **budget:** \$5,000



## connections



### Visit NC

- **approach:** focus on enhanced listing and featured events.
- **timing:** year-round
- **channel mix:** online
- **budget:** \$2,000

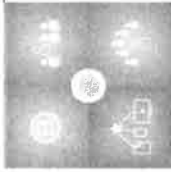


connections

# Google

## **paid search**

- **approach:** provide continuity with targeted PPC ads on leading search engines. increase overall spend to combat a possible increase in competitive keyword bidding due to the removal of right-hand rail ads.
- **timing:** year-round
- **channel mix:** online (desktop & mobile)
- **budget:** \$20,000



measurement

---

### **Key Performance Metrics**

video completion rate

cost per inquiry

time spent with content

total click-throughs, page views

downstream partner clicks

email/visitor guide sign-ups

**public relations** ▶

## new strategies

- ▶ additional focus on regional coverage/opportunities
- ▶ additional focus on groups traveling without kids in the fall – i.e., empty nesters, retirees, millennials, couples, anglers, etc.

**social media** ▶



## channel mix

- ▶ Facebook and Instagram = primary
- ▶ Twitter and Pinterest = secondary
- ▶ YouTube = functional

## content shifts

- ▶ more opportunistic, real-time posts
- ▶ amplify harvested/mined User Generated Content (UGC) through enhanced platform capabilities
- ▶ utilize multi-media content whenever possible

## new strategies

- ▶ ramp up efforts on Instagram; scale back efforts on Twitter
- ▶ develop more video content, focusing on content that engages and tells a story
- ▶ utilize social media to promote short term bookings driven by good weather, specifically in fall/winter



Ordinance Number: FY 2016-17  
Date Adopted: June 21, 2016  
Effective Date: July 1, 2016

**BUDGET ORDINANCE FY 2016-2017  
KURE BEACH, NORTH CAROLINA**

Be it ordained by the Town Council of Kure Beach, North Carolina:

**Section I.** Budget Adoption: There is hereby adopted the following operating budget for the Town of Kure Beach for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017; the same being adopted by fund. Activity within each fund is listed as follows:

**GENERAL FUND**

**EXPENDITURES:**

Governing Body	\$ 35,517
Committees	4,300
Finance	151,889
Administration	397,192
Community Center	23,300
Emergency Management	100
Tax Collections	25,000
Legal Department	28,900
Police Department	1,265,716
Fire Department	685,845
Lifeguards	192,217
Parks & Recreation	146,114
Building Inspections	124,763
Streets & Sanitation	988,011
Debt Service	316,626
Transfer to Beach Protection Fund	50,000
Contingency	<u>52,880</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$4,488,370</u></b>

**GENERAL FUND (continued)**

**REVENUES:**

Property Tax (current & prior years)	\$2,328,500
Sales Tax	800,075
Franchise & Utility Tax	249,000
Motor Vehicle License	12,000
TDA Funds	204,517
Garbage & Recycle Fees	343,375
ABC Revenue	12,300
Building Permits/Impact Fees/ CAMA Fees/Fire Inspections	60,000
Communication Tower Rent	77,408
Town Facility Rentals	11,000
Parks & Rec/Community Center/ Street Festival	39,550
Other Revenue	60,645
Other Financing Sources	<u>290,000</u>
<b>TOTAL REVENUES</b>	<b><u>\$4,488,370</u></b>

**POWELL BILL FUND**

**EXPENDITURES:**

Street Maintenance & Repair	<u>\$ 65,050</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$ 65,050</u></b>

**REVENUES:**

Powell Bill Allocation	\$ 65,000
Interest Income	<u>50</u>
<b>TOTAL REVENUES</b>	<b><u>\$ 65,050</u></b>

**STORM WATER FUND**

**EXPENDITURES:**

Storm Water Operations	\$ 290,373
Transfer to Capital Projects Fund	<u>400,000</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$ 690,373</u></b>

**REVENUES:**

Storm Water Monthly Fees	\$ 220,500
Storm Water Building Fees	32,000
Interest Income	600
Other Financing Sources	62,500
Fund Balance Appropriated	<u>374,773</u>
<b>TOTAL REVENUES</b>	<b><u>\$ 690,373</u></b>

**BEACH PROTECTION FUND**

**EXPENDITURES:**

Beach Protection Reserves	\$ <u>50,440</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$ 50,440</u></b>

**REVENUES:**

Interest Income	\$ 440
Transfer from General Fund	<u>50,000</u>
<b>TOTAL REVENUES</b>	<b><u>\$ 50,440</u></b>

**FEDERAL ASSET FORFEITURE FUND**

**EXPENDITURES:**

Federal Asset Forfeiture Expenses	\$ <u>50,000</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$ 50,000</u></b>

**FEDERAL ASSET FORFEITURE FUND (continued)**

**REVENUES:**

Fund Balance Appropriated	\$ 50,000
<b>TOTAL REVENUES</b>	<b><u>\$ 50,000</u></b>

**WATER AND SEWER FUND**

**EXPENDITURES:**

W/S Governing Body	\$ 15,017
W/S Legal Department	28,900
W/S Finance	178,238
W/S Administration	248,806
W/S Operations	1,698,714
Transfer to Capital Projects Fund	<u>50,000</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$2,219,675</u></b>

**REVENUES:**

Water Charges	\$ 791,800
Sewer Charges	1,110,100
Tap & Reconnection Fees	27,900
Other Revenue	7,375
Transfer from Sewer Expansion Reserve Fund	180,000
Other Financing Sources	<u>102,500</u>
<b>TOTAL REVENUES</b>	<b><u>\$2,219,675</u></b>

**SEWER EXPANSION RESERVE FUND (SERF)**

**EXPENDITURES:**

Transfer to Water and Sewer Fund	\$ <u>180,000</u>
<b>TOTAL EXPENDITURES</b>	<b><u>\$ 180,000</u></b>

**SEWER EXPANSION RESERVE FUND (SERF) (continued)**

**REVENUES:**

User Fees	\$ 22,500
Interest Income	225
Fund Balance Appropriated	<u>157,275</u>
<b>TOTAL REVENUES</b>	<b><u>\$ 180,000</u></b>

<b>EXPENDITURES</b>	<b>ALL FUNDS</b>	<b><u>\$7,743,908</u></b>
<b>REVENUES</b>	<b>ALL FUNDS</b>	<b><u>\$7,743,908</u></b>

**Section II.** Levy of Taxes: There is hereby levied, for the Fiscal Year 2016-2017, an Ad Valorem tax rate of 28.5 cents (\$0.285) per one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1, 2016. This rate shall be levied entirely in the General Fund.

The tax rate is based on an estimated total valuation of property for the purposes of taxation of eight hundred thirty-four million three hundred seventy thousand dollars (\$834,370,000) and an estimated collection rate of ninety-eight and three-quarter percent (98.75%).

**Section III.** Salaries: The following shall govern salary and wage compensation for Fiscal Year 2016-2017:

A. Pay Plan. There is hereby adopted a pay plan that includes an across the board cost of living adjustment in the amount of 2% applicable to all Town employees.

B. Salary Adjustments. Each employee's salary shall be examined to ensure that the pay grade reflects the years of service, proficiency and quality of work. Merit raises are allotted at 2% this year for employees.

**Section IV.** The Budget Officer hereby authorized to transfer appropriations within a fund as contained herein under the following conditions as specified in North Carolina General Statute Chapter 159.

A. The Budget Officer may transfer amounts between line item expenditures without limitation and without a report being required up to \$10,000 at any one time.



B. The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial statements. He shall make an official report immediately to Council on such transfers.

C. The Budget Officer may not transfer amounts between funds without prior Council action.

**Section V.** Restricted Revenues: The Finance Officer is hereby directed to fund appropriations that have specified revenues prior to funding with General Fund monies. This is to include but not limited to Local, State and Federal grants.

**Section VI.** Encumbrances: All outstanding encumbrances from prior fiscal years are to be carried forward to Fiscal Year 2016-2017. All Project Ordinance appropriations are continued.

**Section VII.** Budget Control: The Town Council in approving the budget has utilized to the fullest extent possible its revenue sources. Over collections of revenues or unanticipated revenue sources cannot be expected during the year. It is therefore of utmost importance that Department Heads initiate steps to insure compliance with the budget as fixed herein and they are hereby directed to do so.

**Section VIII.** The Town Council hereby authorizes the New Hanover County Tax Administrator to bill and collect taxes for the Town, including the annual five dollar (\$5) motor vehicle license tax.

**Section IX.** Fees and Charges: There is hereby established, for Fiscal Year 2016-2017, various fees and charges as contained in the attached Fee Schedule. Changes from the Fiscal Year 2015-2016 Fee Schedule are as follows:

Ad Valorem Tax Rate (per \$100 of valuation)	Increase from \$0.2615 to \$0.285
Residential Water – (per 100 gallons for monthly usage in excess of 7,000 gallons)	Increase from \$0.45 to \$0.675
Residential Sewer – (per 100 gallons for monthly usage in excess of 7,000 gallons)	Increase from \$0.58 to \$0.87

This ordinance being duly passed and adopted this 21<sup>st</sup> day of June, 2016.

---

Emilie Swearingen, Mayor

---

Nancy Avery, Town Clerk



**TOWN OF KURE BEACH  
FEE SCHEDULE  
FISCAL YEAR 2016-2017**

Fee Schedule to be updated each year as part of the adoption of the new fiscal year budget ordinance.

<b><u>TAX RATE per \$100</u></b>	\$0.285
<b><u>WATER FEES</u></b>	
Residential (monthly minimum - up to 2,500 gallons)	\$13.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:	
2,501 gallons to 7,000 gallons	\$0.45
Over 7,000 gallons	\$0.675
Commercial (monthly minimum - up to 2,500 gallons)	\$18.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$0.694
Out of Town (ETJ) (monthly minimum - up to 2,500 gallons)	\$23.00
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$0.7875
<b><u>SEWER FEES</u></b>	
Residential (monthly minimum - up to 2,500 gallons)	\$23.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:	
2,501 gallons to 7,000 gallons	\$0.58
Over 7,000 gallons	\$0.87
Commercial (monthly minimum - up to 2,500 gallons)	\$25.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$0.7125
Out of Town (ETJ) (monthly minimum - up to 2,500 gallons)	\$40.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$1.0125
<b><u>OTHER WATER &amp; SEWER FEES</u></b>	
Water Service Fee - nonrefundable fee for service technician site visit	\$30.00
Additional Water Service Fee - fee for each additional visit if customer fails to meet technician at site	\$10.00
Water Service Meter Check Fee - customer request that a meter be read, checked, or turned on or off. If problem found with meter, fee can be waived at discretion of the Public Works Director	\$30.00
Water Cut-ons Outside Working Hours	\$25.00
Special Meter Tests - if customer requests meter test and the meter is found to be defective, charge will be refunded	\$50.00
Reconnection Fee - if water is cut-off due to non-payment	\$60.00
Returned Check Fee	\$25.00
Account Past Due Charge - per month	\$10.00

**WATER TAP FEE**

3/4 X 5/8	\$1,500.00
1 Inch	\$2,000.00
1 1/2 Inch	\$2,500.00
2 Inch	\$3,000.00

**SEWER TAP FEE**

4 inch	\$1,500.00
4 inch	\$1,500.00
6 inch	\$2,000.00
6 inch	\$2,000.00

**USER FEE Sect 17-127 of Code**

Common Areas-No Charge	\$2,500.00
------------------------	------------

**IMPACT FEE**

Voluntary Annexation Only Sect 17-128 of Code	\$400.00
---	----------

**STORM WATER FEES**

Building Fee - may be waived w/installation of engineered storm water system and approval of building inspector and public works director	\$4,000.00
Residential-monthly	\$8.71
Business - monthly	varies by account

**RECYCLE FEE - per bin monthly (residential)**

	\$4.88
--	--------

**GARBAGE COLLECTION FEES**

Residential -per can monthly	\$6.00
Commercial- per can monthly	\$26.25
Garbage cart purchase	\$80.00

**TRASH PICKUP FEE**

Minimum	\$10.00
1/4 load	\$30.00
1/2 load	\$60.00
3/4 load	\$90.00
Full load	\$120.00
Appliances	\$10.00

**PRIVILEGE LICENSE FEES**

Privilege License Fees as stipulated in N.C. General Statute 105-33(C).

**VEHICLE DECAL FEES**

Resident	\$5.00
Late Fee (resident)	\$10.00
Non-resident	\$5.00

**COPY/FAX FEES**

Fax: 1 PAGE	\$2.00
Fax: Each additional page	\$1.00
Zoning map - each	\$5.00
Copies: Per page	\$0.10
Copy of Zoning Ordinance	\$10.00
Copy of Town Code	\$70.00
Flood map - each	\$5.00

**RENT COMMUNITY CENTER:DEPOSIT & PER HOUR FEES-2 HOUR MINIMUM (then hourly)**

Deposit (refundable if center is cleaned, as instructed, and there's no damage)	\$250.00
KB Resident/Property Owner & Non-Profit Organization	\$75.00 per hour
Non-resident & Commercial Organization for Profit	\$100.00 per hour

**OTHER FEES COMMUNITY CENTER**

Non refundable fee each time existing contract is revised	\$10.00
Service charge for cancellation of contract	\$50.00
Rental fee will not be refunded for cancellation of lease by lessee made within 30 days before the event. Security deposit will be refunded.	

**RENT OCEAN FRONT PARK PAVILION:DEPOSIT & PER HOUR FEES-\*4 HOUR MINIMUM (then hourly)**

**\*Exception: Can rent pavilion for 1 HOUR, if rented in conjunction with Community Center**

Deposit (refundable if no damage to pavilion/grounds)	\$250.00
KB Resident/Property Owner & Non-Profit Organization, Pavilion ONLY	\$75.00 per hour
Non-resident & Commercial Organization for Profit, Pavilion ONLY	\$100.00 per hour
KB Resident/Property Owner & Non-Profit Organization, Pavilion & Lawn	\$125.00 per hour
Non-resident & Commercial Organization for Profit, Pavilion & Lawn	\$150.00 per hour

**PARKS AND RECREATION PROGRAM FEES**

Fees for specific Parks and Recreation activities will be set prior to commencement of the activity	varies
---	--------

**SPECIAL EVENT FEES**

General Use Impact Fees:	
minimal use of public property -low impact - per day	\$150.00
includes intermittent traffic control - medium impact-per day	\$300.00
includes closing of public streets - high impact - per day	\$500.00
Personnel:	
Police-minimum of two hours - per hour (includes overhead)	\$40.00
Sanitation - per hour (includes overhead)	\$40.00
Street - per hour (includes overhead)	\$40.00
Fireman - per hour (includes overhead)	\$40.00
Facilities Rental:	
Council Chambers - per day	\$100.00
Public land per site - per day	\$100.00
Public building - per day	\$100.00
Equipment:	
Police/Fire/Lifeguard or other Town Vehicle - per hour	\$25.00
Trash pickup - per cart per pickup	\$15.00
-minimum 2 carts required for recyclable materials and one for regular trash	

**PERMIT/CONSTRUCTION FEES**

Fence	\$25.00	
Window Replacement	\$25.00	
Prefab Shed	\$25.00	
Handicap Ramp	\$25.00	
Beach Access	\$25.00	
Pool-residential	\$300.00	
Pool -commercial	\$2,000.00	
Landscape	\$25.00	
House moved (plus any cost incurred by public works or police dept.)	\$150.00	
House moved out of town (plus any cost incurred by public works or police dept.)	\$150.00	
Demolition (residence)	\$150.00	
Demolition (commercial)	\$300.00	
Building -New Construction - processing fee	\$200.00	
Mobile Home Fee-set up (plus permit fee)	\$200.00	
Mobile Home and Travel Trailer Park - \$5.00 space up to 100 spaces	\$350.00	
Yard sale	\$1.00	
Temporary structures in excess of 200 square feet - Sec. 12-45	\$250.00	obtained 7 days prior
Temporary structures in excess of 200 square feet - Sec. 12-45	\$500.00	obtained less than 7 days prior
Replace permit card -Each	\$10.00	
Improvements, additions and renovations to include decks, garages, etc.:		
from \$0 to \$500	\$25.00	
from \$501 to \$2,500	\$50.00	
from \$2,501 to \$5,000	\$100.00	
from \$5,001 to \$10,000	\$150.00	
from \$10,001 to \$20,000	\$200.00	
from \$20,001 to \$30,000	\$250.00	
from \$30,001 to \$40,000	\$300.00	
from \$40,001 to \$50,000	\$350.00	
from \$50,100 and above + \$5.00 per \$1,000.00 over \$50,001	\$400.00	
Signs		
from \$0 to \$500	\$25.00	
from \$501 to \$2,500	\$40.00	
from \$2,501 to \$5,000	\$55.00	
from \$5,001 to \$10,000	\$70.00	
from \$10,001 to \$20,000	\$85.00	
from \$20,001 to \$40,000	\$95.00	
from \$40,001 to \$50,000	\$130.00	
from \$50,100 and above + \$3.00 per \$1,000.00 over \$50,000	\$155.00	

**PLANNING/ZONING FEES**

Text amendment to Town Code	\$100.00
Advertisement for public notices	\$50.00
Application - minor subdivision (per lot)	\$200.00
Subdivision Appeal:	
TRC to Planning Board	\$150.00
TRC to Planning Board (Height Exception Application fee - Sec. 19-333.1)	\$250.00
TRC to BOA	\$375.00
Final plat approval submission (or 50 cents per lot, whichever is greater)	\$125.00
Request for zoning change (plus \$5.00 fee for each notification mailed)	\$100.00
Chapter 19 Zoning violation - Sec. 19-401	\$50.00

**BOARD OF ADJUSTMENT FEES**

Appeal/Variance	\$375.00
-----------------	----------

**FIRE INSPECTION AND PERMIT FEES**

Commercial New and Existing Construction Permit Fees:

A= Total gross building floor area of construction

B= Fee per Square Foot

- 0 - 5,000 sf
- 5,001-15,000 sf
- Over 15,000 sf

AxB = Permit Fee

(AxBx.75)+(1250xB) = Permit Fee

AxBx.50) + (5000xB) + Permit Fee

Occupancy Type:

- Residential
- Storage
- Assembly
- Institutional
- Business
- Mercantile
- Hazardous
- Factory Indust
- Education

Fee Per Square Foot

\$0.05

\$0.035

\$0.06

\$0.06

\$0.06

\$0.06

\$0.05

\$0.04

\$0.065

Construction Permits:

- Sprinkler Systems
- Fire Alarm Systems
- Suppression Systems
- Fire pump and related Equipment
- Private Fire Hydrants
- Standpipe Installation per Riser

\$85.00

\$85.00

\$85.00

\$85.00

\$85.00

\$85.00

Additions

Use Schedule or Min. \$45 + Inspection Fees

Up Fits

Use Schedule or Min. \$45 + Inspection Fees

Mobile Buildings

\$45 + Inspection fee

Accessory Structures

\$45 + Inspection fee

Commercial Inspection Fee

\$45 Per Inspection per bldg. (Applies to all bldgs.)

Occupancy Certification

\$25 + Inspection Fee

Occupying building without CO

\$250

Working without Permit

\$50 or 2x Permit Fee, whichever is greater

Stop Order Removal

\$200

Failure to Obtain Final Inspection

\$100

Afterhours/Weekend/Holiday Inspections

\$120

ABC Permit

\$45

Fire Flow Test

\$45

Day Care State Inspection

\$45

Witness Fire Flow/Pump Test

\$45

Commercial Construction Inspection

\$45

Reinspection Fee

\$45

Standpipe Test per Riser

\$75

Temporary Structures (Tents, Etc.)

Revert to Building Permit Fee

**CIVIL CITATION PROGRAM FEES**

	<u>1st Offense</u>	<u>2nd Offense</u>
<u>Beach:</u>		
Dogs prohibited on beach strand Sec. 4-17	\$150.00	Misdemeanor
Vehicles prohibited on beach strand Sec. 10-104	\$25.00	Misdemeanor
Fire prohibited on beach strand Sec. 12-40	\$100.00	\$200.00
Litter, glass & alcohol prohibited on beach Sec.12-35	\$150.00	Misdemeanor
Boats, jet skis prohibited w/in 300' from high tide mark Sec. 12-37	\$25.00	\$50.00
Surfing regulations Sec. 12-33	\$25.00	Misdemeanor
Dune trespassing prohibited Sec. 12-39	\$100.00	Misdemeanor
Digging holes in the beach/beach restoration Sec. 12-46	\$100.00	Misdemeanor
No items on beach between 7pm-8am/No beach equip. within 15 ft of turtles/No beach equip. within 25 ft of emergency access points Sec. 12-43	\$50.00	\$100.00
Sleeping on beach after midnight prohibited Sec. 12-31	\$25.00	Misdemeanor
Nude bathing, including thong bathing suits or similar attire, prohibited Sec. 12-32	\$25.00	Misdemeanor
Leaping from commercial pier Sec. 12-34	\$250.00	
<u>Animals/Pets:</u>		
Dogs must be on a leash Sec. 4-16	\$150.00	Misdemeanor
Animal/Pet waste removal Sec. 4-16.1	\$150.00	Misdemeanor
<u>Vehicles/Parking:</u>		
Failure to purchase & display Town decal Sec. 10-17	\$25.00	Misdemeanor
Parking Ticket Sec. 10-222 - 235	\$50.00	
Parking in a handicap space	\$150.00	Misdemeanor
Soliciting transportation Sec. 10-68	\$10.00	
Vehicles prohibited certain areas Sec.10-60	\$50.00	Misdemeanor
<u>Miscellaneous:</u>		
Bicycle regulations Sec. 10-291-308	\$25.00	\$50.00
Noise violations prohibited Sec. 11-31	\$250.00	Misdemeanor
Alcohol consumption/open containers prohibited on public property Sec. 3-1	\$50.00	Misdemeanor
Requirements for taverns and bars Sec. 3-2	\$50.00	G.S.18B-302.1
Beach Vitex Prohibited Sec. 12-41	\$25.00	\$50.00
Numbering of buildings Sec.5-121	\$50.00	
Real estate signs on Town property Sec. 11-80	\$50.00	

Adopted by Town Council on June 21, 2016.

---

Emilie Swearingen, Mayor

---

Attest: Nancy Avery, Town Clerk

**Nancy Hewitt**

---

**From:** Emilie Swearingen  
**Sent:** Friday, June 03, 2016 6:57 AM  
**To:** Nancy Hewitt; Nancy Avery  
**Cc:** Craig Bloszinsky; David Heglar; Jim Dugan; Joseph Whitley; remove  
**Subject:** Council Agenda - 2016 Bicycle and Pedestrian DOT Planning Studies

All, please add this to our June agenda, New Business. According to the MPO Greenway plan and discussing in years past, we were hoping to one day have a multi-purpose path off Dow Road, from CB State Part to K Avenue...and one day, to the ferry at end of island. Mike Kozlosky and I plan to talk with Col. Hart at Sunny Pt. in the next couple of weeks about their take on this. So far, he has been very supportive. Now is the time to apply for a planning grant. Applying does not mean we are required to accept the grant, but I really do not want to put this off for another year. According to Mike, if the grant is approved, plan written in 2017, it could take five years to develop and construct. This is also one of the issues being reviewed by one of our focus groups for our Comprehensive Plan.

Please read the following information, and let's discuss.

<<https://connect.ncdot.gov/municipalities/PlanningGrants/Documents/Planning%20Studies%20Project%20Request%20Form.PDF>>

Emilie

---

**From:** Mike Kozlosky [Mike.Kozlosky@wilmingtonnc.gov]  
**Sent:** Thursday, June 02, 2016 1:28 PM  
NH

**To:**  
**Subject:** FW: [MPO List - NCDOT] On behalf of the Division of Bicycle and Pedestrian Transportation- NCDOT

TAC members,

Please see the announcement below for the 2016 Bicycle and Pedestrian Planning Studies Request from the NCDOT Department of Bicycle and Pedestrian Transportation. This is the first of such a call for projects from NCDOT and is an excellent opportunity to scope potential bicycle and pedestrian projects for future funding applications (STP-DA, TAP-DA, and P 5.0). This opportunity will allow for the development of solid cost estimates and the discovery of potential project issues before significant funds are dedicated towards a project. Each chosen planning study project will require a 20% local cash match.

I would highly recommend that local jurisdictions apply for this opportunity if there is a project that your jurisdiction is interested in submitting for future funding. We are happy to discuss and assist you with this effort upon request. Please let me know if you have any questions. Thanks.



Mike Kozlosky  
Executive Director  
Wilmington MPO  
(910) 342-2781

From: Cook, Alena R [mailto:arcook@ncdot.gov]  
Sent: Wednesday, May 25, 2016 1:07 PM  
To: DOT.MPOS <MPOS@lists.ncmail.net>; RPO Listserv (ncrpolistserv@lists.ptrc.org) <ncrpolistserv@lists.ptrc.org>  
Cc: Johnson, Edward R <erjohnson2@ncdot.gov>  
Subject: [MPO List - NCDOT] On behalf of the Division of Bicycle and Pedestrian Transportation- NCDOT

Following is information on behalf of the Division of Bicycle and Pedestrian Transportation- please see the announcement below!

Alena R. Cook, PE, CPM  
Staff Engineer  
Transportation Planning Branch  
North Carolina Department of Transportation

919 707 0910 office  
arcook@ncdot.gov<mailto:arcook@ncdot.gov>

1 South Wilmington Street (Delivery)  
1554 Mail Service Center (Mail)  
Raleigh, North Carolina 27699-1554

[cid:image001.png@01D10DA4.F6705690][cid:FA17A8583AE96B4DBC9478CA6ADF2BA6@namprd09.prod.outlook.com]

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

The North Carolina Department of Transportation (NCDOT) Division of Bicycle and Pedestrian Transportation is soliciting projects of interest for planning studies for large scale bicycle and pedestrian infrastructure projects. The focus of the study is to progress a project from its current long-range plan status to a level where potential engineering issues and reliable cost estimates can be determined. A planning study will consider alternative alignments or design options within a study area, and will identify a preferred alignment and/or design concept.

For more information, please see the Project Request Form<<https://connect.ncdot.gov/municipalities/PlanningGrants/Documents/Planning%20Studies%20Project%20Request%20Form.PDF>>.

Thanks,

Ed Johnson, RLA, ASLA

Assistant Director  
Division of Bicycle and Pedestrian Transportation North Carolina Department of Transportation

919 707 2604 office  
erjohnson2@ncdot.gov<mailto:erjohnson2@ncdot.gov>

1552 Mail Service Center (Mail)  
1 South Wilmington (Delivery)  
Raleigh, NC 27601-1552

[cid:FA17A8583AE96B4DBC9478CA6ADF2BA6@namprd09.prod.outlook.com]

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

---

Facebook<<https://www.facebook.com/NC DOT1/>> Twitter<<http://ncdot.gov/travel/twitter/>>  
YouTube<<https://www.youtube.com/user/NC DOTcommunications>>

[rtfimage://]

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

---

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.



# MEMO

TO: Town Council  
FROM: Nancy Avery, Town Clerk *Nancy Avery*  
RE: Agenda item 3 under **New** Business  
DATE: 6/14/16

## *Background*

Article V, Section 5, Employment of Relatives, of the Personnel Policy needs to be reviewed and possibly amended for compliance reasons. A proposed amendment was presented to Council for review on June 9<sup>th</sup>.

Commissioner Heglar has provided another draft for consideration. It is included on the attached amendment.

## *Action requested*

Commissioner Heglar will address Council regarding an amendment.

## *Funding required*

None

<p>ARTICLE V Conditions of Employment                  Employment  <i>Section 5. Employment of Relatives</i>                  The Town prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" is defined in Article VII, Section 12. The Town also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, Town Commissioners Member, Town Clerk, Finance Officer, Police Chief, Public Works and Utilities Director, or Town Attorney. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:                  1) result in a relative supervising relatives;                  2) result in a relative auditing the work of a relative;                  3) create a conflict of interest with either relative and the Town; or                  4) create the potential or perception of favoritism.</p>	<p>ARTICLE V Conditions of Employment  <i>Section 5. Employment of Relatives</i>                  A. The Town prohibits the hiring and employment of immediate family in full time positions within the same work unit. No two members of an immediate family shall be employed in the same department if such employment will result in one member supervising the other or in one member occupying a position that has influence over the others employment, promotion, salary administration, or related management or personnel.                  B. The term immediate family shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, guardian, various combinations of step, half and in-law, and adopted relationships of the employee, and others living in the same household.                  C. The Town also prohibits the employment of any person into a full time position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, Town Council Member, Town Clerk, Finance Officer, Police Chief, Fire Chief, Building Inspector, Public Works Director, or Town Attorney. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:                  1) result in a relative auditing the</p>	<p>ARTICLE V Conditions of Employment  <i>Section 5. Employment of Relatives</i>                  A. The Town of Kure Beach encourages, and stresses the importance of, the recruitment, selection, and advancement of employees on the basis of demonstrated work, knowledge, skills, and abilities. If relatives meet the established requirements for full time job vacancies based on their qualifications and performance, then they are eligible for employment with the Town of Kure Beach with certain restrictions as stated in this section. Hiring within the same department normally is prohibited for individuals of the immediate family. Exceptions to this requirement will be reviewed and approved by the appropriate Department Head, Personnel Officer and Town Council. Additionally, to avoid a conflict of interest or an appearance of conflict of interest all decisions regarding a direct benefit, e.g., initial hire or rehire, promotion, salary, performance appraisals, work assignments or other working conditions for immediate family members within a department will be reviewed by the Personnel Officer and the Council Liaison for appropriateness and recorded in the employee's personnel file.                  B. The term immediate family shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, guardian, various combinations of step, half and in-law, and adopted relationships of the employee, and others living in the same household.</p>
---	---	--

<p>Should an immediate family member of an employee be elected to the Board of Commissioners, that employee must terminate his or her employment effective with the swearing in to Board of that member.</p>	<p>work of a relative;  2) create a conflict of interest with either relative and the Town; or  3) create the potential or perception of favoritism.  <b>D.</b> Should an immediate family member of an employee be elected to the Board of Commissioners, that employee must terminate his or her employment effective with the swearing in to Board of that member.  *The provisions of this section shall not be retroactive and will not apply to incumbent members of the Town Council or employees at the time of the adoption of this amendment.</p>	<p>C. The Town also recognizes that the employment of any person into a full time position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro-Tem, Town Council Member, Town Attorney or Department Head presents the potential of a conflict of interest or appearance of conflict of interest and requires additional safeguards. All employment decisions regarding the immediate family of these elected officials and Staff Department Heads requires:</p> <ol style="list-style-type: none"> <li>1. Approval by a majority vote of the Council in an open meeting with the related member abstaining from the vote (if the relationship is a Council Member).</li> <li>2. The approval in the same open meeting of all Town Department Heads on the record (with the exception of the related Department Head if the relationship is a Department Head). If a Department Head is unable to attend – approval in writing of the hiring decision is sufficient.</li> <li>3. Both conditions (a) and (b) above require majorities for the person in question to be employed by the town.</li> </ol> <p>D. Should an immediate family member of an employee be elected to the Board of Commissioners, that Commissioner will not be assigned as the Liaison to the Department in which the immediate family member is employed. Additionally, for personnel actions regarding</p>
--	---	---

CURRENT PERSONNEL POLICY

AMEND PROPOSED 6/9

AMEND BY COMM. HEGLAR

		<p>that employee – which are specific to that employee, the Commissioner is required to abstain from any Council actions.</p> <p>E.All applicants for employment with the town are required to disclose the names of relatives currently employed by the town, as indicated on the employment application. Failure of the employee to provide this information may be grounds for the termination of employment.</p>
--	--	--



# MEMO

TO: Town Council  
FROM: Nancy Avery, Town Clerk *Nancy Avery*  
RE: PP amendments – suggested changes by Council  
DATE: June 15, 2016

Mayor and Commissioners, both Commissioner Dugan and Mayor Pro Tem Bloszinsky gave me their comments and suggested changes for the amendments to the Personnel Policy. They are attached to this memo. I support their suggested changes.

I made reference to ‘Personnel Officer’ in the amendments. I believe the Town Clerk position has always also served as the Personnel Officer. It has been organized that way since I have been employed with the town. My job description states I also serve as the Town’s Personnel Officer. Those duties have never been defined in writing anywhere, but I was told it meant I was responsible for administering employee benefits and personnel files. I have also maintained and updated the paygrade & classification files.

There are a couple of references to the Town Clerk or Town Clerk/Personnel Officer in the Personnel Policy. I chose to use the “Personnel Officer” position rather than Town Clerk for these amendments and for future updates to the policy to allow for the possibility that Town Clerk duties and Personnel Officer duties may be split, as the Town’s staffing grows and upon my retirement. Since I was allowed to hire another person, managing the personnel/benefits side of things has been much easier. Prior to that, I never had the time to be proactive and thorough in getting things updated such as the compensation plan, procedures and the Personnel Policy itself.

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p><i>Section 3 Use of Position Classification Plan</i></p> <p>The classification plan is to be used:</p> <ul style="list-style-type: none"> <li>a) as a guide in recruiting and examining applicants for employment;</li> <li>b) in determining lines of promotion and in developing employee training programs;</li> <li>c) in determining salary to be paid for various types of work;</li> <li>d) in determining personnel service items in departmental budgets; and</li> <li>e) in providing uniform job terminology.</li> </ul>	<p><i>Section 3 Use of Position Classification Salary Banding Compensation Plan</i></p> <p>The <del>classification</del> <b>salary banding compensation</b> plan is to be used:</p> <ul style="list-style-type: none"> <li>a) as a guide in recruiting and <del>examining</del> <b>placement of</b> applicants for employment</li> <li>b) in determining lines of promotion <del>and in developing employee training programs;</del></li> <li>c) in determining salary to be paid for various types of work <b>and responsibility;</b></li> <li>d) in determining personnel <del>service items</del> <b>expenditures in</b> departmental budgets; and</li> <li>e) in providing uniform <del>job terminology</del> <b>assignment of positions</b></li> </ul>	<p><i>Section 3 Use of Salary Banding Compensation Plan</i></p> <p>The salary banding compensation plan is to be used:</p> <ul style="list-style-type: none"> <li>a) as a guide in recruiting and placement of applicants for employment;</li> <li>b) in determining lines of promotion;</li> <li>c) in determining compensation for various types of work and level of responsibility;</li> <li>d) in determining personnel expenditures in departmental budgets</li> <li>e) in providing uniform assignment of positions</li> <li>f) in determining content of work for evaluation (CB)</li> </ul>	<p>Minor changes to fit better with salary banding concept.</p>



CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p><i>Section 6. Request for Reclassification</i></p> <p>Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Town Commissioners.</p> <p>Upon receipt of such request, the Town Commissioners shall study the request, determine the merit of the reclassification, and make a decision to revise the classification and pay plan where necessary</p>	<p><i>Section 6. Request for Reclassification</i> <b>Reassignment</b></p> <p><i>Section 6. Request for Reclassification</i> <b>Re-banding</b></p> <p>Any employee who considers the <b>assigned salary band</b> <del>position</del> <del>which classified</del> to be improper shall submit a request in writing for <del>reclassification</del> <b>re-banding with justification</b> to such employee's his or her immediate supervisor, who shall immediately transmit the request through the department head for <b>consideration. The department head shall make a decision and respond accordingly, in writing, to the employee in a timely manner.</b></p> <p><b>**The employee may appeal the decision of the department head to the Personnel Officer.</b></p>	<p><i>Section 6. Request for Reassignment</i></p> <p>Any employee who considers the assigned salary band to be improper shall submit a request in writing for reassignment with justification to his or her immediate supervisor, who shall transmit the request to the Department Head for consideration. The Department Head shall make a decision and respond accordingly, in writing, to the employee in a timely manner.</p> <p>*The employee may appeal the decision of the Department Head to the Personnel Officer who should discuss with the appropriate liaison, if the Department Head decision is to be overturned. (CB)</p>	<p>Changes reference to position &amp; classification and replaces with banding.</p> <p>Removes Town Council as decider and gives that authority to department head as it happens in real practice.</p> <p><b>*Discussion point -</b> the Personnel Does council want the Personnel Officer to hear the appeal and decide whether to involve Town Council or not or does council want to retain that authority?</p>

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 3. Starting Salaries</i></p> <p>All persons employed in positions approved in the position classification plan shall be employed at the minimum salary for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum of the established salary range upon approval of the Town Commissioners</p>	<p><i>Section 3. Starting Salaries</i></p> <p>All persons employed in positions approved in the <del>position classification</del> <b>salary banding compensation</b> plan shall be employed at the minimum salary for the <del>classification</del> <b>band</b> in which they are employed; <del>however, exceptionally well qualified applicants may be employed above the minimum of the established salary range upon approval of the Town Commissioners at the discretion of the department head.</del></p>	<p><i>Section 3. Starting Salaries</i></p> <p>All persons employed in positions approved in the salary banding compensation plan shall be employed at the minimum salary for the band in which they are employed. <del>Exceptionally well qualified</del> Dependent on qualifications, (JD) applicants may be employed above the minimum of the established salary band range at the discretion of the Department Head with the consideration of the compensation of existing employees (CB)</p>	<p>Removes references to position classification plan and replaces with salary banding compensation plan.</p> <p>Replaces 'commissioners' with 'council'.</p> <p>Clarifies Department Heads make salary decisions, not Town Council, as is real practice.</p>
--	--	--	---

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p><i>Section 4. Trainee Designation and Provisions</i></p> <p>Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries may be no more than two grades below the minimum salary established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as a probationary employee.</p> <p>If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for which the employee was trained.</p>	<p><i>Section 4. Trainee Designation and Provisions</i></p> <p>Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries may be no less than the trainee salary listed in the respective salary band <b>the trainee salary listed in the respective salary band</b> <del>more than two grades below the minimum salary established for the position for which the person is being trained</del>. A new employee designated as "trainee" shall be regarded as a probationary employee.</p> <p>If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed, or the training is delayed due to availability. (JD) If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.</p>	<p><i>Section 4. Trainee Designation and Provisions</i></p> <p>Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head. "Trainee" salaries may be no less than the trainee salary listed in the respective salary band. A new employee designated as "trainee" shall be regarded as a probationary employee.</p> <p>If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed, unless training had to be delayed due to availability. (JD) If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.</p>	<p>Deleted 'more than two grades below the minimum salary established for the position for which the person is being trained'.</p>

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p><i>Section 7. Merit Pay</i></p> <p>Employees may be considered for advancement within the established salary range based on the quality of their overall work. Employees with performance rated as meets basic requirements will earn the cost of living increase, if any. Employees with performance rated “good” will receive a 2.5% merit increase in addition to the cost of living raise, if any. Employees with performance rated “excellent” will receive a merit raise of 5% in addition to any approved cost of living raise.</p>	<p><i>Section 7. Merit Pay—Salary Adjustments</i></p> <p><del>Employees may be considered for advancement within the established salary range based on the quality of their overall work. Employees with performance rated as meets basic requirements will earn the cost of living increase, if any. Employees with performance rated “good” will receive a 2.5% merit increase in addition to the cost of living raise, if any. Employees with performance rated “excellent” will receive a merit raise of 5% in addition to any approved cost of living raise.</del></p>	<p><i>Section 7. Salary Adjustments</i></p> <p>As part of each annual budget session, the Town Council shall determine whether funds will be available for salary adjustments for all full time employees as well as define the type of adjustment, and amount or percentage.</p> <p>Adjustments shall be effective the first day of the new budget year.</p> <p>As part of each budget session, Department Heads may budget for individual salary adjustments for the purpose of compensating an employee for obtaining certifications or for the purpose of promotion. Department Heads should also budget for the 6% increase for any full time employee with a probation period ending that year. These adjustments may occur throughout the year. (CB</p>	<p>Deletes entire section. The 2.5% and 5% increases were tied to the paygrade and classification system. This amendment also deletes current wording in section 8 on Merit Pay Bonus.</p> <p>Changes section to define each type of adjustment and the process.</p> <p>Gives Department Heads authority to increase compensation through-out the year. This is common practice but is not documented.</p>

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 8. Merit Pay Bonus</i></p> <p>Employees who are at the top step of the salary range for their position classification are eligible to be considered for a merit bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay</p>	<p><i>Section 8. Merit Pay Bonus</i></p> <p><del>Employees who are at the top step of the salary range for their position classification are eligible to be considered for a merit bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay</del></p>	<p><i>Section 8. Types of Salary adjustments</i></p> <p>Salary adjustments may consist of:</p> <ol style="list-style-type: none"> <li>1. Cost of Living Adjustment (COLA) which is added to the employee's base salary. COLA is applied to all full time employee salaries without regard to performance. COLA increases adjust each salary band.</li> <li>2. Merit which is added to the employee's base salary and is determined by Department Heads based on the performance evaluation conducted in June of each year. A merit is not mandatory. A merit adjustment does not impact salary bands.</li> <li>3. Bonus which is an amount that is a one-time payout not added to the employee's base salary, but is used to calculate overtime pay for non-exempt employees. *A bonus in lieu of merit may be given to an employee at the maximum salary in the respective salary band. A bonus is based on performance evaluation, but at no time will an employee receive both a merit and a bonus adjustment at the same time. A bonus adjustment does not impact salary bands.</li> <li>4. Any other sort of adjustment the Town Council may elect.</li> </ol>	<p>Deletes entire section. Terminology is confusing and not consistent with DOL &amp; IRS definitions of merit &amp; bonus.</p> <p>Merit bonus pay is addressed in section 7 on salary adjustments.</p> <p>Used this section for Salary Adjustment definitions</p> <p>*Discussion point – does council want employees at the maximum of the salary band to receive a bonus rather than a merit?</p>
--	---	---	---

← Next decision

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

*Section 9. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications*

**Promotions.** When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion; provided, however, that the new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility

**Demotions.** When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides the smallest decrease in pay if action is not for cause. If the current salary is within the new range, the employee's salary may be retained at the previous rate. If the demotion is for cause, the salary shall be decreased at least approximately 5%, or to the maximum of the new range.

*Section 9. Salary Effect of Promotions, Demotions, Transfers, and Reelassifications Temporary and Interim Appointments*

**Promotions.** When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position, or to a salary which provides an increase of to at least approximately 5% over the employee's salary before the promotion; provided, however, that the new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility

**Demotions.** When an employee is demoted to a position for which qualified, the salary shall not be changed be set at the rate in the lower pay range which provides the smallest decrease in pay if action is not for cause. If the current salary is within the new range, the employee's salary may be retained at the previous rate. If the demotion is for cause, the salary shall be decreased at least

*Section 9. Salary Effect of Promotions, Demotions, Transfers, Temporary and Interim Appointments*

**Promotion in the same salary band or to a higher band.** When an employee is promoted within the same salary band, the Department Head will determine the increase in salary. ~~The new salary may not exceed the maximum rate of the salary band.~~ **Which should be minimum of 5%. (JD & CB)**

**Demotion or reassignment in the same salary band or to a lower salary band.** When an employee is demoted (involuntary) or reassigned (voluntary) to a position, the Department Head may reduce the salary to appropriately reflect the responsibilities of the new position and the department budget. **the employee will not be eligible for any salary adjustment at the next budget cycle.(CB)**

Rewrote this section – authorizes department head to make salary decision rather than designate certain %.

Changes language to reflect salary bands.

Removes % and leaves it to Department Head discretion



# MEMO

TO: Town Council  
FROM: Nancy Avery, Town Clerk *Nancy Avery*  
RE: Agenda item 3 under *NewBusiness*  
DATE: 6/14/16

## *Background*

At both budget sessions, I presented and discussed a new compensation plan to replace the existing paygrade and classification system. The new plan consists of four salary bands. The trainee, minimum, market mid-point and maximum compensation amounts were approved by Council at the last budget session on April 22, 2016.

In changing the compensation plan, parts of the Personnel Policy have to be amended accordingly. Proposed amendments were given to Council for review June 9<sup>th</sup>. Articles and sections impacted are listed below.

## *Action requested*

I request Council, by motion and vote, adopt the Salary Banding Compensation Plan, effective July 1, 2016, as presented.

I request Council, by motion and vote, adopt the proposed amendments to Articles II, III, and IV of the Personnel Policy, as presented.

## *Funding required*

None

Articles and sections requiring amendments are:

### Article II. Position Classification Plan

Section 1. Purpose

Section 2. Composition of Position Classification Plan

Section 3. Use of Position Classification Plan

Section 4. Administration of Position Classification Plan

Section 5. Adoption of the Position Classification Plan

Section 6. Request for Reclassification

### Article III. The Pay Plan

Section 1. Definition

Section 2. Administration & Maintenance

Section 3. Starting Salaries

Section 4. Trainee Designation & Provisions

Section 5. Probationary Pay Increases

Section 6. Performance Evaluation

Section 7. Merit Pay

Section 8. Merit Pay Bonus

Section 9. Salary Effect of Promotions, Demotions, Transfers & Reclassifications

Section 10. Salary Effect of Salary Range Revisions

Section 11. Transition to a New Salary Plan

Article IV Recruitment & Employment

Section 5. Promotion

Section 6. Demotion

Section 7. Transfer



<b>PROPOSED SALARY BANDS FOR FULL TIME EMPLOYEES</b>					
Midpoint is defined as actual rate of pay for a qualified employee with all of required experience and credentials for position as per job description or enough time in position to have obtained required skills. It is also the current market rate. Bands are adjusted with every COLA increase.					
<b>BAND I</b>	<b>OPERATIONS, SUPPORT, FIRE, POLICE STAFF</b>	<b>TRAINEE</b>	<b>MINIMUM 15% below</b>	<b>MARKET MIDPOINT</b>	<b>MAXIMUM 50% below</b>
FLSA Status: non-exempt	Equivalent to current paygrades 8 - 12				
A.	Employees in this band are operations staff and require supervision while performing unskilled and semi-skilled maintenance, repair and construction work on streets, buildings, grounds, water & sewer lines, wastewater treatment plants, sidewalks, drainage, solid waste collection. Typical job title: Maintenance Worker	20% below  \$27,274	\$28,990	\$34,086	\$51,116
B.	Employees in this band are support staff requiring supervision while performing administrative, financial, billing, collection, record keeping, secretarial and other support duties. May work somewhat independently with some use of judgement and problem solving. Some specific experience or skills may be required to qualify. Typical job title: Administrative Assistant, Billing Clerk, Finance Specialist	20% below  \$29,744	\$31,590	\$37,180	\$55,770
C.	Employees in this band are fire and emergency staff and require some supervision while performing duties requiring the ability to pass rigorous state mandated training and/or enforce state fire laws. May interpret and apply policy, ordinances and state law. May work somewhat independently with use of judgement and discretion as an important factor. Typical job titles are fire-fighter, lieutenant, captain. Typical job title: Fire-fighter, EMT, Lieutenant	25% below  \$30,238	\$34,268	\$40,326	\$60,476
D.	Employees in this band are police staff and require some supervision while performing duties requiring the ability to pass rigorous state mandated training and enforcement of local and state laws. May interpret and apply policy, ordinances and local and state law. May work somewhat independently with use of judgement and discretion as an important factor. Typical job title: Patrol Officer.	25% below  \$31,096	\$35,230	\$41,444	\$62,166
<b>BAND II</b>	<b>MID-MANAGEMENT</b>	<b>TRAINEE 20% below</b>	<b>MINIMUM 15% below</b>	<b>MARKET MIDPOINT</b>	<b>MAXIMUM 50% above</b>
FLSA status: non-exempt	Equivalent to current paygrades 13 & 14				
	Employees in this band require limited supervision and may lead or supervise staff, exercise discretion and judgement in daily work, and possess the ability to obtain knowledge of and comply with state mandated procedures. May enforce state law. Position usually requires higher education or experience. May assist Department Heads with planning, organizing, directing daily work, budgetary input and/or monitoring, record keeping or timekeeping. Typical job title: Crew leader, Supervisor, Manager, Technician	\$38,324	\$40,716	\$47,892	\$71,838
<b>BAND III</b>	<b>MANAGEMENT</b>	<b>TRAINEE 20% below</b>	<b>MINIMUM 15% below</b>	<b>MARKET MIDPOINT</b>	<b>MAXIMUM 50% above</b>
FLSA status: exempt	Equivalent to current paygrades 15 - 21				
	Employees in this band serve as senior level managers and second in charge to heads of departments. Employees may also serve as heads of departments with budgetary & spending, hiring & firing, planning and directing departmental activities authority. Positions exercise discretion and judgement, provide advice and guidance to staff and mid-level managers, and have extensive technical knowledge of the assigned area. May require ability to pass rigorous state mandated training and/or enforce state law. Typical job titles: Captain, Director, Department Head (FLSA exempt is \$23,660, will increase to \$47,476 on 12/1/16)	\$50,934	\$57,720	\$67,899	\$101,842

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p>ARTICLE II. POSITION CLASSIFICATION PLAN <i>Section 1. Purpose.</i></p> <p>The position classification plan provides a complete inventory of all authorized and permanent positions in the Town service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.</p>	<p>ARTICLE II. POSITION CLASSIFICATION-SALARY BANDING COMPENSATION PLAN</p> <p><i>Section 1. Purpose.</i></p> <p><del>The position classification plan provides a complete inventory of all authorized and permanent positions in the Town service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities</del></p>	<p>ARTICLE II. SALARY BANDING COMPENSATION PLAN</p> <p>Section 1. Purpose</p> <p>The compensation plan shall consist of salary bands used to assign authorized full time positions and determine appropriate compensation.</p> <p>Salary bands shall group employees based on overall level of:</p> <ul style="list-style-type: none"> <li>a) supervision required</li> <li>b) use of judgement and/or problem solving skills required</li> <li>c) decision making, responsibility and authority required</li> <li>e) occupational grouping</li> </ul>	<p>Renames section to Salary Banding Compensation Plan</p> <p>Deletes entire section to redefine compensation plan from 'position classification plan' to 'salary compensation plan'.</p> <p>Deletes use of terminology 'permanent positions' as none of our positions should be considered permanent, for legal reasons.</p>

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 2. Composition of the Position Classification Plan</i></p> <p>The classification plan shall consist of:</p> <ol style="list-style-type: none"> <li>a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;</li> <li>class titles descriptive of the work of the class;</li> <li>written specifications for each class of positions; and</li> <li>an allocation list showing the class title of each position in the classified service</li> </ol>	<p><i>Section 2. Composition of the Position Classification Salary Banding Compensation Plan</i></p> <p>The classification-salary banding compensation plan shall consist of:</p> <ol style="list-style-type: none"> <li>a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;</li> <li>class titles descriptive of the work of the class;</li> <li>written specifications for each class of positions; and</li> <li>an allocation list showing the class title of each position in the classified service</li> </ol>	<p><i>Section 2. Composition of Salary Banding Compensation Plan</i></p> <p>The salary banding compensation plan shall consist of three salary bands.</p> <ol style="list-style-type: none"> <li>Salary band I includes four sub-bands that assign all full time operations, office, fire and police support positions.</li> <li>Salary band II assigns all full time mid-management level positions.</li> <li>Salary band III assigns all full time management level positions.</li> </ol>	<p>Renames section to Salary Banding Compensation Plan</p> <p>Removes identification of classes and paygrades and replaces with banding structure.</p>
---	---	---	--

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p><i>Section 3 Use of Position Classification Plan</i></p> <p>The classification plan is to be used:</p> <ul style="list-style-type: none"> <li>a) as a guide in recruiting and examining applicants for employment;</li> <li>b) in determining lines of promotion and in developing employee training programs;</li> <li>c) in determining salary to be paid for various types of work;</li> <li>d) in determining personnel service items in departmental budgets; and</li> <li>e) in providing uniform job terminology.</li> </ul>	<p><i>Section 3 Use of Position Classification Salary Banding Compensation Plan</i></p> <p>The classification <b>salary banding compensation</b> plan is to be used:</p> <ul style="list-style-type: none"> <li>a) as a guide in recruiting and <b>examining placement of</b> applicants for employment</li> <li>b) in determining lines of promotion <del>and in developing</del> <b>employee training programs;</b></li> <li>c) in determining salary to be paid for various types of work <b>and responsibility;</b></li> <li>d) in determining personnel <b>service items-expenditures in</b> departmental budgets; and</li> <li>e) in providing uniform <del>job terminology-</del><b>assignment of positions</b></li> </ul>	<p><i>Section 3 Use of Salary Banding Compensation Plan</i></p> <p>The salary banding compensation plan is to be used:</p> <ul style="list-style-type: none"> <li>a) as a guide in recruiting and placement of applicants for employment;</li> <li>b) in determining lines of promotion;</li> <li>c) in determining compensation for various types of work and level of responsibility;</li> <li>d) in determining personnel expenditures in departmental budgets; and</li> <li>e) in providing uniform assignment of positions.</li> </ul>	<p>Minor changes to fit better with salary banding concept.</p>

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p><i>Section 4 Administration of Position Classification Plan</i></p> <p>The Town Commissioners shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan.</p> <p>The Town Commissioners, advised by department heads, shall periodically review portions of the classification plan and make appropriate changes.</p>	<p><i>Section 4 Administration of Position Classification Salary Banding Compensation Plan</i></p> <p>The Town Commissioners <b>respective department head shall allocate each position approved by the Town Council to the appropriate salary band and include the ranking as part of the new hire paperwork submitted to the Personnel Officer. covered by the classification plan to its appropriate class, and shall The Town Council shall be responsible for the</b> administration of the position <b>classification salary banding compensation plan and as the Town Commissioners- advised by department heads and the personnel officer, shall periodically review portions of the classification plan and make appropriate changes.</b></p> <p><b>New full time positions shall be established upon the approval of the Town Council.</b></p>	<p><i>Section 4 Administration of Salary Banding Compensation Plan</i></p> <p>The respective Department Head and Personnel Officer shall allocate each position approved by the Town Council to the appropriate salary band.</p> <p>The Personnel Officer shall be responsible for the administration of the salary banding compensation plan and, as advised by Department Heads, shall periodically review portions of the plan and recommend appropriate changes to the Town Council.</p> <p>New full time positions shall be established upon the approval of the Town Council.</p>	<p>Removes language referencing classification plan.</p> <p>Clarifies that Department Heads &amp; the Personnel Officer decide which band a position is assigned. Council has never done this.</p> <p>Also clarifies duties of the Personnel Officer.</p>

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p><i>Section 5. Adoption of the Position Classification Plan</i></p> <p>The position classification plan shall be adopted by the Town Commissioners and shall be on file with the Town Clerk. Copies will be available to all Town employees for review upon request. New positions shall be established upon the approval of the Town Commissioners after which the Town Commissioners shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated.</p>	<p><i>Section 5. Adoption of the Position Classification Salary Banding Compensation Plan</i></p> <p>The position-classification salary compensation plan shall be adopted by the Town Commissioners Council and shall be on file with the Town Clerk. Copies will be available to all Town employees for review upon request. New positions shall be established upon the approval of the Town Commissioners Council after which the Town Commissioners shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated.</p>	<p><i>Section 5 Adoption of the Salary Banding Compensation Plan</i></p> <p>The salary banding compensation plan shall be adopted by the Town Council and shall be on file with the Personnel Officer. Copies will be available to all Town employees for review upon request. New full time positions shall be established upon the approval of the Town Council.</p>	<p>Removes references to position classification plan and replaces with salary banding language.</p> <p>Clarifies council approves full time positions. Traditionally, department heads have added part-time and temporary staff as needed without council approval.</p> <p>Deletes section stating Council will allocate new position to salary band. As referenced in section 4, department heads do the allocation, as they do in real practice.</p> <p>New positions info moved to section 4</p>

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 6. Request for Reclassification</i></p> <p>Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Town Commissioners.</p> <p>Upon receipt of such request, the Town Commissioners shall study the request, determine the merit of the reclassification, and make a decision to revise the classification and pay plan where necessary</p>	<p><i>Section 6. Request for Reclassification</i> <b>Reassignment</b></p> <p><i>Section 6. Request for Reassignment</i> <b>Re-banding</b></p> <p>Any employee who considers the <b>assigned salary band position</b> <del>which classified</del> to be improper shall submit a request in writing for <del>reclassification</del> <b>re-banding with justification</b> to such employee's his or her immediate supervisor, who shall immediately transmit the request through the department head for <b>consideration. The department head shall make a decision and respond accordingly, in writing, to the employee in a timely manner.</b></p> <p><b>**The employee may appeal the decision of the department head to the Personnel Officer.</b></p>	<p><i>Section 6. Request for Reassignment</i></p> <p>Any employee who considers the assigned salary band to be improper shall submit a request in writing for reassignment with justification to his or her immediate supervisor, who shall transmit the request through the Department Head for consideration. The Department Head shall make a decision and respond accordingly, in writing, to the employee in a timely manner.</p> <p>*The employee may appeal the decision of the Department Head to the Personnel Officer.</p>	<p>Changes reference to position &amp; classification and replaces with banding.</p> <p>Removes Town Council as decider and gives that authority to department head as it happens in real practice.</p> <p><b>*Discussion point -</b> the Personnel Does council want the Personnel Officer to hear the appeal and decide whether to involve Town Council or not or does council want to retain that authority?</p>
---	--	--	---

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p>ARTICLE III. THE PAY PLAN <i>Section 1. Definition</i></p> <p>The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades and Ranges" adopted by the Council. The salary schedule consists of steps for minimum or beginning, maximum, and intervening rates of pay for all classes of positions, and a designation of the standard hours in the work week for each position</p>	<p>ARTICLE III. THE PAY PLAN <i>Section 1. Definition</i></p> <p><del>The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades and Ranges" adopted by the Council. The salary schedule consists of steps for minimum or beginning, maximum, and intervening rates of pay for all classes of positions, and a designation of the standard hours in the work week for each position</del></p>	<p>ARTICLE III. THE PAY PLAN <i>Section 1. Definition</i></p> <p>The pay plan includes three salary bands each with a trainee, minimum, market mid-point, and maximum salary.</p> <p>a) Market mid-point is the current market rate of pay for employees with all of the required experience and credentials for the position as per the job description.</p> <p>b) Minimum salary is 15% below the market mid-point.</p> <p>c) Maximum salary is 50% above the market mid-point.</p> <p>d) Trainee in Bands IA &amp; B, and bands II and III is 20% below market mid-point. Trainee in Band IC &amp; D is 25% below market mid-point.</p> <p>Trainee, minimum, market mid-point &amp; maximum shall be adjusted with every cost of living increase (COLA).</p>	<p>Deletes existing section to remove references to classes, grades &amp; steps and replaces with salary banding language.</p> <p>Defines salary band trainee, minimum, market mid-point, and maximum amounts.</p> <p>Clarifies that trainee, minimum, market mid-point, and maximum amounts adjust with each COLA.</p>



CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 2. Administration and Maintenance</i></p> <p>The Town Commissioners shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, from time to time the Town Commissioners may make comparative studies of all factors affecting the level of salary ranges and will make such changes in salary ranges as appear to be pertinent. Such assignments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class.</p>	<p><i>Section 2. Admin and Maintenance</i></p> <p>The Town Commissioners <del>Clerk</del> shall be responsible for the administration and maintenance of the pay plan <del>and may make recommendations to the Town Council on appropriate or necessary amendments</del>. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, from time to time the Town Commissioners Council may make comparative studies of all factors affecting the level of salary ranges compensation and will make such changes in salary ranges as appear to be pertinent. Such assignments adjustments will impact the employee be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class and the assigned salary band range.</p>	<p><i>Section 2. Administration and Maintenance</i></p> <p>*The Personnel Officer shall be responsible for the administration and maintenance of the pay plan and may make recommendations to the Town Council on appropriate or necessary amendments.</p> <p>From time to time the Town Council may make comparative studies of all factors affecting the level of compensation and make such changes as appear to be pertinent. Such adjustments may impact the employee rate of pay and the assigned salary band range.</p>	<p>Replaces 'commissioners' with 'council'</p> <p>Deletes repetitive wording and items covered in other sections</p> <p>*Clarifies Personnel Officer administers and maintains the pay plan as in real practice.</p>
---	--	--	--

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 3. Starting Salaries</i></p> <p>All persons employed in positions approved in the position classification plan shall be employed at the minimum salary for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum of the established salary range upon approval of the Town Commissioners</p>	<p><i>Section 3. Starting Salaries</i></p> <p>All persons employed in positions approved in the position <del>classification</del> <b>salary banding compensation</b> plan shall be employed at the minimum salary for the <del>classification</del> <b>band</b> in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum of the established salary <del>band</del> <b>range</b> upon approval of the <del>Town Commissioners</del> <b>at the discretion of the department head.</b></p>	<p><i>Section 3. Starting Salaries</i></p> <p>All persons employed in positions approved in the salary banding compensation plan shall be employed at the minimum salary for the band in which they are employed. Exceptionally well qualified applicants may be employed above the minimum of the established salary band range at the discretion of the Department Head.</p>	<p>Removes references to position classification plan and replaces with salary banding compensation plan.</p> <p>Replaces 'commissioners' with 'council'.</p> <p>Clarifies Department Heads make salary decisions, not Town Council, as is real practice.</p>
--	--	--	---

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 4. Trainee Designation and Provisions</i></p> <p>Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries may be no more than two grades below the minimum salary established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as a probationary employee.</p> <p>If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.</p>	<p><i>Section 4. Trainee Designation and Provisions</i></p> <p>Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries may be no less than the trainee salary listed in the respective salary band <del>more</del> <b>respective salary band</b> <del>than two grades below the minimum salary established for the position for which the person is being trained.</del> A new employee designated as "trainee" shall be regarded as a probationary employee.</p> <p>If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.</p>	<p><i>Section 4. Trainee Designation and Provisions</i></p> <p>Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head. "Trainee" salaries may be no less than the trainee salary listed in the respective salary band. A new employee designated as "trainee" shall be regarded as a probationary employee.</p> <p>If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.</p>	<p>Deleted 'more than two grades below the minimum salary established for the position for which the person is being trained'.</p>
--	--	---	--

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 5. Probationary Pay Increases</i></p> <p>Employees hired, promoted, or reclassified into the minimum rate of the pay range shall receive a salary increase within the range of approximately 6% upon successful completion of the probationary period, upon completion of six months of satisfactory service if the employee is not on probation. Employees serving a one-year probationary period shall be eligible for the pay increase upon successful completion of six months of employment. Employees hired or promoted into a pay rate 6% or more above the minimum of the salary range are not eligible for a probationary increase.</p>	<p><i>Section 5. Probationary Pay Increases</i></p> <p>Employees hired, promoted, or reclassified into the minimum rate of the <b>pay salary band</b> range shall receive a salary increase within the range of approximately 6% upon successful completion of the probationary period, upon <del>completion of six months of satisfactory service if the employee is not on probation.</del> Employees serving a one-year probationary period shall be eligible for the pay increase upon successful completion of six months of employment. Employees hired or promoted into a pay rate 6% or more above the minimum of the salary range are not eligible for a probationary increase.</p>	<p>Section 5. Probationary Pay Increases</p> <p>Employees hired, promoted, or reassigned into the minimum rate of the salary band range shall receive a salary increase within the range of approximately 6% upon successful completion of the probationary period. Employees serving a one-year probationary period shall be eligible for the pay increase upon successful completion of six months of employment. Employees hired or promoted into a pay rate 6% or more above the minimum of the salary range are not eligible for a probationary increase.</p>	<p>Deleted reference to reclassified – replaced with reassigned.</p> <p>Deleted pay and Replaced with salary band</p> <p>Deleted reference to ‘if not on probation’ – states earlier in policy that all trainee positions are probationary.</p>
--	--	--	---

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 6. Performance Evaluation</i></p> <p>The Hiring Authority shall conduct Performance Evaluation conferences with each employee at least once a year. The performance evaluation conferences shall consist of two-way discussions between employee and supervisor. The discussions shall cover areas of accomplishment and performance strengths, areas for improvement, training needs, and goals for the upcoming year. The overall purpose of performance evaluation will be to improve the employee's performance. A summary of these performance evaluation conferences shall be documented in writing</p>	<p><i>Section 6. Performance Evaluation</i></p> <p>The <del>Hiring Authority</del> department head shall conduct performance evaluation conferences with each employee at least once a year. The performance evaluation conference shall consist of two-way discussions between employee and <del>supervisor</del> <b>Department Head</b>. The discussions shall cover areas of accomplishment and performance strengths, areas for improvement, training needs, and goals for the upcoming year. The overall purpose of performance evaluations will be to improve the employee's performance. A summary of these performance evaluation conferences shall be documented in writing.</p> <p><b>Town Council shall conduct performance evaluation conferences with each department head at least once a year as outlined above.</b></p>	<p><i>Section 6. Performance Evaluation</i></p> <p>The Department Head shall conduct performance evaluation conferences with each full time employee at least once a year. The performance evaluation conference shall consist of two-way discussions between employee and Department Head. The discussions shall cover areas of accomplishment and performance strengths, areas for improvement, training needs, and goals for the upcoming year. The overall purpose of performance evaluations will be to improve the employee's performance. A summary of these performance evaluation conferences shall be documented in writing <b>and filed in the employee's personnel file.</b></p> <p>Town Council shall conduct performance evaluation conferences with each Department Head at least once a year as outlined above.</p>	<p>Replaces 'hiring authority' and 'supervisor' with 'department head' for consistency purposes.</p> <p>Clarifies town council conducts evaluations for Department Heads.</p>
---	---	---	---

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p><i>Section 7. Merit Pay</i></p> <p>Employees may be considered for advancement within the established salary range based on the quality of their overall work. Employees with performance rated as meets basic requirements will earn the cost of living increase, if any. Employees with performance rated “good” will receive a 2.5% merit increase in addition to the cost of living raise, if any. Employees with performance rated “excellent” will receive a merit raise of 5% in addition to any approved cost of living raise.</p>	<p><i>Section 7. Merit Pay—Salary Adjustments</i></p> <p><del>Employees may be considered for advancement within the established salary range based on the quality of their overall work. Employees with performance rated as meets basic requirements will earn the cost of living increase, if any. Employees with performance rated “good” will receive a 2.5% merit increase in addition to the cost of living raise, if any. Employees with performance rated “excellent” will receive a merit raise of 5% in addition to any approved cost of living raise.</del></p>	<p><i>Section 7. Salary Adjustments</i></p> <p>As part of each annual budget session, the Town Council shall determine whether funds will be available for salary adjustments for all full time employees as well as define the type of adjustment, and amount or percentage.</p> <p>Adjustments shall be effective the first day of the new budget year.</p> <p>As part of each budget session, Department Heads may budget for individual salary adjustments for the purpose of compensating an employee for obtaining certifications or for the purpose of promotion. Department Heads should also budget for the 6% increase for any full time employee with a probation period ending that year.</p>	<p>Deletes entire section. The 2.5% and 5% increases were tied to the paygrade and classification system.</p> <p>This amendment also deletes current wording in section 8 on Merit Pay Bonus.</p> <p>Changes section to define each type of adjustment and the process.</p> <p>Gives Department Heads authority to increase compensation through-out the year. This is common practice but is not documented.</p>

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 8. Merit Pay Bonus</i></p> <p>Employees who are at the top step of the salary range for their position classification are eligible to be considered for a merit bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay</p>	<p><i>Section 8. Merit Pay Bonus</i></p> <p><del>Employees who are at the top step of the salary range for their position classification are eligible to be considered for a merit bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay</del></p>	<p><i>Section 8. Types of Salary adjustments</i></p> <p>Salary adjustments may consist of:</p> <ol style="list-style-type: none"> <li>1. Cost of Living Adjustment (COLA) which is added to the employee's base salary. COLA is applied to all full time employee salaries without regard to performance. COLA increases adjust each salary band.</li> <li>2. Merit which is added to the employee's base salary and is determined by Department Heads based on the performance evaluation conducted in June of each year. A merit is not mandatory. A merit adjustment does not impact salary bands.</li> <li>3. Bonus which is an amount that is a one-time payout not added to the employee's base salary, but is used to calculate overtime pay for non-exempt employees. *A bonus in lieu of merit may be given to an employee at the maximum salary in the respective salary band. A bonus is based on performance evaluation, but at no time will an employee receive both a merit and a bonus adjustment at the same time. A bonus adjustment does not impact salary bands.</li> <li>4. Any other sort of adjustment the Town Council may elect.</li> </ol>	<p>Deletes entire section. Terminology is confusing and not consistent with DOL &amp; IRS definitions of merit &amp; bonus.</p> <p>Merit bonus pay is addressed in section 7 on salary adjustments.</p> <p>Used this section for Salary Adjustment definitions</p> <p>*Discussion point – does council want employees at the maximum of the salary band to receive a bonus rather than a merit?</p>
--	---	---	---

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 9. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications</i></p> <p><b>Promotions.</b> When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion; provided, however, that the new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility</p> <p><b>Demotions.</b> When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides the smallest decrease in pay if action is not for cause. If the current salary is within the new range, the employee's salary may be retained at the previous rate. If the demotion is for cause, the salary shall be decreased at least approximately 5%, or to the maximum of the new range.</p>	<p><i>Section 9. Salary Effect of Promotions, Demotions, Transfers, and Reassignments Temporary and Interim Appointments</i></p> <p><b>Promotions.</b> When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position, or to a salary which provides an increase of to at least approximately 5% over the employee's salary before the promotion; provided, however, that the new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility</p> <p><b>Demotions.</b> When an employee is demoted to a position for which qualified, the salary shall not be changed be set at the rate in the lower pay range which provides the smallest decrease in pay if action is not for cause. If the current salary is within the new range, the employee's salary may be retained at the previous rate. If the demotion is for cause, the salary shall be decreased at least</p>	<p><i>Section 9. Salary Effect of Promotions, Demotions, Transfers, Temporary and Interim Appointments</i></p> <p><b>Promotion in the same salary band or to a higher band.</b> When an employee is promoted within the same salary band, the Department Head will determine the increase in salary. The new salary may not exceed the maximum rate of the salary band.</p> <p><b>Demotion or reassignment in the same salary band or to a lower salary band.</b> When an employee is demoted (involuntary) or reassigned (voluntary) to a position, the Department Head may reduce the salary to appropriately reflect the responsibilities of the new position and the department budget.</p>	<p>Rewrote this section— authorizes department head to make salary decision rather than designate certain %.</p> <p>Changes language to reflect salary bands.</p> <p>Removes % and leaves it to Department Head discretion</p>
--	---	---	--



CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

**Transfers.** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

**Reclassifications.** An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5%. The employee shall receive a greater increase if necessary to advance the employee to the hiring step of the new range if probation has not been completed or to the probation completion step of the new pay range if probation has been completed. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary

~~approximately 5%, or to the maximum of the new range.~~

**Transfers.** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary band range shall not be changed by the reassignment.

**Reclassifications.** An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5%. The employee shall receive a greater increase if necessary to advance the employee to the hiring step of the new range if probation has not been completed or to the probation completion step of the new pay range if probation has been completed. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary

**Transfers.** The salary of an employee reassigned to a position in the same salary band range shall not be changed by the reassignment.

**Temporary and Interim Appointments.** Should an employee be asked to take on additional responsibilities for a period of time not to exceed 180 days, the Department Head may compensate the employee with a one-time payment or an increase in base salary for the duration of the appointment only.

New language – also added to Article IV, new Section 8

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

*Section 10. Salary Effect of Salary Range Revisions*

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least approximately 5%. The employee shall receive a greater increase if necessary to advance the employee to the hiring step of the new range if probation has not been completed or to the probation completion step of the new pay range if probation has been completed. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum step established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

*Section 10. Salary Effect of Salary Range Revisions*

~~When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least approximately 5%. The employee shall receive a greater increase if necessary to advance the employee to the hiring step of the new range if probation has not been completed or to the probation completion step of the new pay range if probation has been completed. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum step established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.~~

Deleted this section – it doesn't apply to salary banding.

Doesn't apply

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 11. Transition to a New Salary Plan</i></p> <p>The following principles shall govern the transition to a new salary plan:</p> <ol style="list-style-type: none"> <li>1.No employee shall receive a salary reduction as a result of the transition to a new salary plan.</li> <li>2. All employees being paid at a rate lower than the minimum rate established shall have their salaries raised to the new minimum for their classes if the employee has not completed probation and to the probation completion rate, if probation has been completed.</li> <li>3. All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule; all employees not at a listed rate shall have their salaries raised to a listed rate.</li> <li>4.All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employee's salary range is increased above the employees' current salary.</li> </ol>	<p><i>Section 11. Transition to a New Salary Plan</i></p> <p>The following principles shall govern the transition to a new salary plan:</p> <ol style="list-style-type: none"> <li>1.No employee shall receive a salary reduction as a result of the transition to a new salary plan.</li> <li>2. All employees being paid at a rate lower than the minimum rate established shall have their salaries raised to the new minimum for their classes if the employee has not completed probation and to the probation completion rate, if probation has been completed.</li> <li>3.All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule; all employees not at a listed rate shall have their salaries raised to a listed rate.</li> <li>4.All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employee's salary range is increased above the employees' current salary</li> </ol>	<p><i>Section 11. Transition to a New Salary Plan</i></p> <p>The following principles shall govern the transition to a new salary plan:</p> <ol style="list-style-type: none"> <li>1. No employee shall receive a salary reduction as a result of the transition to a new salary plan</li> <li>2. All employees being paid at a rate lower than the minimum rate established may have their salaries raised to the new minimum at the determination of the Town Council.</li> <li>3. All employees being paid at a rate above the maximum rate established shall be maintained at that salary level until such time as the employees' salary range is increased above the employees' current salary.</li> </ol>	<p>Changed some wording to clarify.</p> <p>Deleted item 3 – doesn't apply because we don't pay employees below minimum</p> <p>Discussion point – is this how council wants it to read or do you want it more generic, that council shall determine impact to employees of a transition to a new salary plan.</p>
--	--	---	--

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p>ARTICLE IV Recruitment &amp; Employment  <i>Section 5 Promotion</i>                      Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited for all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except in rare situations where previous Town experience is essential, or exceptional qualifications of an internal candidate so indicate, the Town will consider other applicants rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Candidates shall apply for promotions using the same application process as external candidates.</p>	<p>ARTICLE IV Recruitment &amp; Employment  <i>Section 5 Promotion</i>                      Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited for all applicants, that applicant shall <del>may</del> be appointed to that position. The Town will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except in rare situations where previous Town experience is essential, or exceptional qualifications of an internal candidate so indicate, the Town will consider other applicants rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Candidates shall apply for promotions using the same application process as external candidates.</p>	<p>ARTICLE IV Recruitment &amp; Employment  <i>Section 5 Promotion</i>                      It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited for all applicants, he or she may be appointed to that position. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Candidates shall apply for promotions using the same application process as external candidates.</p> <p>An in-band promotion occurs when additional responsibilities of some significance are added to a job without changing the core job responsibilities and does not qualify for the next higher salary band.</p> <p>Promotion to a higher salary band occurs when the employee takes on additional responsibilities that are incorporated in a higher salary band or takes on a higher level of authority.</p>	<p>Deleted language found in other parts of policy.</p> <p>Defines in band promotions and promotion to a higher band.</p>
--	---	---	---

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

records. Candidates shall apply for promotions using the same application process as external candidates.

An in band promotion occurs when additional responsibilities of some significance are added to a job without changing the core job responsibilities and does not qualify for the next higher salary band.  
  
Promotion to a higher salary band occurs when the employee takes on additional responsibilities that are incorporated in a higher salary band or takes on a higher level of authority.

CURRENT POLICY	PROPOSED CHANGE	NEW POLICY	PURPOSE
<p><i>Section 6 Demotion</i> Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this policy.</p>	<p><i>Section 6 Demotion</i> A Demotion <b>may be voluntary or involuntary</b>. <del>is the movement of an employee from one position to a position in a class assigned to a lower salary range.</del> An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this policy. <b>An in-band demotion occurs when additional responsibilities are removed from an employee's position and replaced with those of lesser impact without changing the core job responsibilities.</b> <b>Demotion to a lower salary band occurs when additional responsibilities or a higher level of authority is removed from an employee's position which changes the core job responsibilities. The Department Head may adjust the salary to the new level of duties.</b></p>	<p><i>Section 6 Demotion</i> An employee whose work in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. If involuntary, such demotion shall follow the disciplinary procedures outlined in this policy. An in-band demotion occurs when additional responsibilities are removed from an employee's position and replaced with those of lesser impact without changing the core job responsibilities.</p>	<p>Adds that demotion may be voluntary on the part of the employee. Defined in band demotion and demotion to a lower salary band.</p>

CURRENT POLICY

PROPOSED CHANGE

NEW POLICY

PURPOSE

<p><i>Section 7 Transfer</i> Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department shall make a recommendation to the Town Commissioners with the consent of the receiving department head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully without serving another probationary period</p>	<p><i>Section 7 Transfer</i> <del>Transfer is the movement of an employee from one position to a position in a class within the same salary or sub-band range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or band classification shall make a recommendation to the Town Commissioners Clerk with the consent of the receiving department head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification salary band without serving another probationary period.</del></p>	<p><i>Section 7 Transfer</i> A transfer occurs when an employee moves from one position to another similar position within the same salary band. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or band shall make a recommendation to the * Town Clerk with the consent of the receiving department head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification salary band without serving another probationary period.</p>	<p>Replaces position &amp; class with salary band info  *Discussion point - Changed approval of transfer from one department to another to town clerk rather than Council. Is Council ok with this or do you want to be involved at this level?</p>
---	--	---	---



# MEMO

TO: Town Council  
FROM: Nancy Avery, Town Clerk *Nancy Avery*  
RE: Agenda item 4 under new business  
DATE: 6/14/16

## *Background*

The Town of Emerald Isle is involved in litigation over public use of the 'dry sand' beach located between the foot of the dunes or first line of vegetation and the mean high tide line. Emerald Isle is asking for support from the other beach municipalities and counties since this potentially impacts all coastal communities in North Carolina.

The Town Attorney will explain the implications at the Council meeting. Attached is the email from the Emerald Isle Town Manager and an explanation of the litigation.

As of this memo, several municipalities and one county have agreed to participate. Each is contributing \$2,000 towards legal costs. They are:

- Dare County
- Duck
- Indian Beach
- Nags Head
- North Topsail Beach
- Pine Knoll Shores
- Southern Shores
- Wrightsville Beach

## *Action requested by staff*

If Council wants to participate, it should be done by motion and vote.

## *Funding required*

\$2,000 from Governing Body & Volunteer Relations line item

## *Comments for consideration*

None



## Joint Amicus Brief - NC Oceanfront Counties and Towns - Nies v. Emerald Isle - Please Join Us!

Frank Rush [frush@emeraldisle-nc.org]

**Sent:** Monday, June 06, 2016 11:37 AM  
**To:** debbie@kdhnc.com; David Walker [townmanager@atlanticbeach-nc.com]; Brian Kramer [Manager@townofpks.com]; Bryan Chadwick [admin@indianbeach.org]; Larry Bergman [lbergman@townofsurfcity.com]; Timothy Owens [towens@towb.org]; Michael Cramer [michael.cramer@carolinabeach.org]; Nancy Avery; David Hewett [david.hewett@hbtownhall.com]; Daisy Ivey [daisy@oibgov.com]; Susan Parker [srparker@atmc.net]; Russell Overman [RussellO@cartercountync.gov]; Robert Outten [outten@darenc.com]; andy.stewart@kittyhawktown.net; townmanager@topsailbeach.org; Jeff\_Hudson@onslowcountync.gov; ccoudriet@nhcgov.com; administration@brunswickcountync.gov; rwoodruff@pendercountync.gov; manager@southernshores-nc.gov; cmccall@villagebhi.org; lstites@ci.oak-island.nc.us  
**Cc:** Brian Edes [briane@cmclawfirm.com]; edeslaw71@gmail.com; Chris Layton [clayton@townofduck.com]; Cliff Ogburn [ogburn@townofnagshead.net]; Stuart Turille [townmanager@ntbnc.org]; Roessler, Todd [TRoessler@kilpatricktownsend.com]  
**Attachments:** NIES - Summary of Litigat~1.docx (38 KB) ; Court of Appeals Ruling - ~1.pdf (183 KB)

---

NC Managers in Oceanfront Counties and Towns –

I have spoken to many of you on the phone or in person, and/or have left voicemails last week. We continue to work on lining up amicus briefs for this case, which is of critical importance to all of us, and all of North Carolina.

The Town of Emerald Isle has retained an attorney (Kilpatrick Townsend) to draft a joint amicus brief on behalf of all NC oceanfront counties and towns interested in participating. We are seeking your county's / town's agreement to sign on to the amicus brief, and if possible, to provide a token contribution (maybe \$2,000, or whatever you feel comfortable with to indicate your support) to this effort.

In a nutshell, the case will answer the following questions:

1. Is the public entitled to use only the wet sand beach (below mean high water) OR is the public entitled to use the wet sand beach and the dry sand beach (up to the base of the dunes, as has been historical practice since time immemorial)?  
  
and
2. Does an oceanfront property owner have the right to exclude the public (in whatever form of access they pursue – sunbathing, swimming, surfing, surf fishing, driving, playing, walking, etc.) from the dry sand beach in front of their home?

The Town obviously contends that the public is entitled to use the entire beach --- wet sand and dry sand. If we lose, and the public is only entitled to use the wet sand beach, it will completely turn NC law upside down and will have devastating impacts on the tourism and real estate economies along the entire NC coast, in addition to depriving many individuals the opportunity to enjoy the beach for a variety of recreational pursuits. Additionally, such a ruling may very well foster and perpetuate a perception all over the eastern US that "North Carolina's beaches are private, so we can't go there for vacation....."

We are working hard to secure support from **all 21 NC beach towns and all 7 oceanfront counties**, and would really like to have your county and town signing on to the amicus brief to show solidarity. (We also have excellent support from Governor McCrory's administration, and they will be submitting their own brief(s).) **We have tried to make it very easy for you – we just need to know that your county or town is willing to sign on, and, if possible, provide a token contribution. We'll do the rest for you.** I had previously noted that our

deadline for filing briefs was June 22, and that deadline has now been extended to July 27, so we've got a little more time to pull everything together. We'd obviously like to have your county's or town's support sooner rather than later, and hopefully firm everything up in the next couple of weeks.

Thus far, the governing bodies in Nags Head, Duck, and North Topsail Beach have approved participation in this effort. I have spoken to several more of you, and I understand that this is being scheduled for discussion at your governing body's next meeting. Thank you!

Please note that a new 1.5 page summary is attached to provide a quick review for you, your staff, and elected officials. I have also again attached the NC Court of Appeals ruling. Please give me a call at the numbers below if you'd like to discuss further. I can also put our attorneys in touch with your county or town attorney if that's helpful.

Thanks for your consideration!

Frank

---

Frank A. Rush, Jr.  
Town Manager  
Town of Emerald Isle  
7500 Emerald Drive  
Emerald Isle, NC 28594

252-354-3424 Office  
252-241-6995 Mobile  
252-354-5068 Fax

[frush@emeraldisle-nc.org](mailto:frush@emeraldisle-nc.org)  
[www.emeraldisle-nc.org](http://www.emeraldisle-nc.org)



Nice Matters!

*NIES V. TOWN OF EMERALD ISLE*  
**No. 409PA15**

In 2001, the plaintiffs, Gregory and Diane Nies, acquired an oceanfront lot located in Emerald Isle. According to the deed, their title extended to the mean high water mark, which meant that it included the “dry sand” beach located between the foot of the dunes or first line of vegetation and the mean high tide line.

The plaintiffs filed a lawsuit against the Town of Emerald Isle (the “Town”) contending that the public did not have a right to use the dry sand beach to which they held title. In other words, the plaintiffs claim that they have the right to exclude the public from the dry sand beach. The plaintiffs further contend that the public only has the right to use the area seaward of the mean high tide line known as the “wet sand” beach.

The Superior Court of Carteret County granted the Town’s motion for summary judgment, which was unanimously affirmed by the North Carolina Court of Appeals. The North Carolina Supreme Court has granted discretionary review, and the Town’s brief (and any amicus briefs supporting the Town’s position) is currently due June 22. We intend to file an unopposed motion for a thirty-day extension in the near future.

The decision of the North Supreme Court in this case will have vast implications to the State of North Carolina and its citizens. The public beach is our State’s most important asset and not only protects valuable investments in property and infrastructure, but provides recreational benefits, enhances habitat for wildlife, and is the foundation that supports our tourism industry and economy.

The custom of the dry sand beaches open to public trust uses has a long history in North Carolina. In deciding in favor of the Town, the North Carolina Court of Appeals recognized “that public right of access to dry sand beaches in North Carolina is so firmly rooted in the custom and history of North Carolina that it has become a part of the public consciousness. Native-born North Carolinians do not generally question whether the public has the right to move freely between the wet and dry sand portions of our ocean beaches.”

The public’s right to access and use the dry sand beach does not infringe on private property rights. Because of the public’s customary use of the dry sand beach, the plaintiffs never had the right to exclude the public from this portion of the beach. Further, the public’s rights to use the dry sand beach are limited to “public trust uses” and include sunbathing, fishing, volleyball and even beach driving in some areas. If an activity does not qualify as a public trust use, the public has no right to engage in that activity on the dry sand beach, and the property owner may exclude and stop that activity. Private property landward of the toe of primary dune or the first line of stable, natural vegetation remains private property, including the right to exclude the public.

If the public’s rights to access and use the ocean beach is confined to areas seaward of the mean high tide line, this would radically alter the way that North Carolina’s citizens and visitors

have used our ocean beaches. Beachfront property owners would potentially have the right to exclude the public from the dry sand beach. Depending on the time of day, on many days, beach walkers would have to walk in the water to be on the “public trust beach.” There would be no place where the public could legally put down a blanket or put up a beach umbrella and enjoy the seashore recreational activities. Even at times of low tide, the public might not be able to use all the area of the wet sand beach. If there is a wind pushing the waves up the beach, some or much of the wet sand beach would be the result of wave run up and the area under water might be above the mean high tide line. Because the mean high tide line is not a visible boundary, ordinary citizens and visitors would not be able to tell whether they were on the “public trust beach” or on private dry sand beach and liable for trespassing.

A decision in favor of the plaintiffs’ position would not only radically alter the way our beaches may be used, but would have devastating economic impacts on our tourism industry. With the possible exception of beachfront property homes, property values at the coast would significantly decrease. The public would be less likely to visit the coast, and vacation rentals and hotel stays would significantly decrease. Coastal towns and counties rely on occupancy tax revenue to fund and implement shore damage reduction projects, including beach renourishment. If vacation rentals and hotel stays decrease, local governments will receive less revenue from the occupancy tax, which could adversely impact their ability to conduct beach renourishment projects resulting in loss of the public beach and further impacting visitation to our coast and our economy. Further, not only would there likely be less funds to conduct beach renourishment projects, publicly funded beach renourishment projects may not be possible. In Texas, the state took the position that it could not conduct a beach renourishment project because it would be spending public money to benefit private land to which the public would not have access.

The potential implications of this case to the State of North Carolina and its citizens are significant and it is critical that oceanfront counties and municipalities weigh in and sign on to an amicus brief in support of the Town’s position that the beaches of North Carolina, including the dry sand portion, are a public resource open to all for public resource uses.