



TOWN COUNCIL AGENDA

 ORIGINAL

REGULAR MEETING

August 16, 2016 @ 6:30 p.m.

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

Call to Order – Mayor Swearingen
Invocation – Pastor Dan Keck, Kure Memorial Lutheran
Pledge of Allegiance – Mayor Swearingen

RECOGNITION of Retired Police Chief Dennis Cooper
RECEPTION (30 min)

AWARDS
2016 Pelican Award, NC Coastal Federation (Swearingen)

APPROVAL OF CONSENT AGENDA ITEMS

1. *Adopt Resolution R16-13 approving financing terms with First Bank for a garbage truck
2. *Approve Budget Amendment 17-02 totaling \$7,980 for H Avenue beach access solar lighting
3. *Authorize closure of part of K Avenue (between Dow Road and Settlers Lane) and intermittent traffic control on Settlers Lane and Mackerel Lane from 7 a.m. to 1 p.m. on Sunday, October 16, 2016 for a Marathon/Half Marathon race
4. *Authorize closure of Atlantic Avenue to vehicle traffic between K and L Avenue from the early morning hours through 10 p.m. on Friday, October 7, 2016 for the Kure Beach Jazz Funeral
5. *Authorize closure of Atlantic Avenue to vehicle traffic between K and L Avenue from the early morning hours through 5 p.m. on Saturday, November 19, 2016 and Saturday, November 26, 2016 for the Kure Beach Holiday Market.
6. *Authorize the participation of food truck vendors during event hours on Friday, October 7th, Saturday, November 19th, and Saturday, November 26th
7. *Building Inspections Report – July 2016
8. *Fire Department Report – July 2016
9. *YTD Finance Report Meeting
10. Minutes:
 - *July 19, 2016 special
 - *July 19, 2016 regular
 - *July 19, 2016 closed (sealed)

ADOPTION OF THE AGENDA

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL
Sign up at podium (3-minute limit)



TOWN COUNCIL AGENDA

REGULAR MEETING

August 16, 2016 @ 6:30 p.m.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Board of Adjustment
2. Community Center Committee
3. Marketing Committee
4. Parks & Recreation Advisory Board
5. Planning & Zoning Commission
 - a. *Beach Safety and Conservation Standards ordinance
6. Shoreline Access, Beach Protection and Parking Committee
7. Non-town Committee Reports

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation
2. Finance Department
 - a. *Adopt Capital Project Ordinance for Town Hall Expansion and New Fire Station
 - b. *Approve Budget Amendment 17-01 to transfer \$50,000 from the General Fund to the Capital Project Fund for Town Hall Expansion and New Fire Station
3. Building Department
4. Fire Department
5. Police Department
6. Public Works Department
 - a. Cost to Install and Light Decorative and Solar Lights on Atlantic Avenue

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. *Adopt amended Article V of the Personnel Policy (Heglar/Avery)

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

- 1.

MAYOR UPDATES (no action required)

COMMISSIONER ITEMS (no action required)

CLOSED SESSION, if needed

ADJOURNMENT



TOWN COUNCIL
TOWN OF KURE BEACH, NC

*R*ESOLUTION R16-13

**APPROVING FINANCING TERMS WITH FIRST BANK
FOR GARBAGE TRUCK**

WHEREAS, The Town of Kure Beach (“Town”) has previously determined to undertake a project for a garbage truck (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project;

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Town hereby determines to finance the Project through First Bank, in accordance with the proposal dated August 3, 2016. The amount financed shall not exceed \$182,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.7% and the financing term shall not exceed five (5) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary, or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document’s final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment



TOWN COUNCIL
TOWN OF KURE BEACH, NC

*R*ESOLUTION R16-13

obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the First Bank financing described above. The Town intends that funds that have been advanced, or that may be advanced from the Town's general fund, or any other Town fund related to the project for project costs, may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted by the Kure Beach Town Council this 16th day of August, 2016.

Emilie Swearingen, Mayor

Attest: Nancy Avery, Town Clerk

FIRST BANK

201 Market Street
Wilmington, NC 28401
910-343-0181 phone
910-251-9965 fax

August 03, 2016

Town of Kure Beach
117 Settlers Lane
Kure Beach, NC 28449

Dear Mr. Copenhaver:

Thank you for allowing First Bank the opportunity to submit a proposal for a loan of \$182,000 secured by a garbage truck (Heil 5000-25 / Freightliner M2-106).

The following terms and conditions for this loan are contingent upon final loan approval:

1. Amount: \$182,000.
2. Rate: One point seven (1.70%) percent per annum; tax exempt. The stated interest rate is subject to this loan being qualified for tax-exempt financing. Borrower agrees to file Form 8038G (or 8038GC for loans less than \$100,000) each year with the Internal Revenue Service, with a copy of such filings also provided to First Bank. First Bank reserves the right to revoke this Commitment Letter or to negotiate a mutually acceptable interest rate if the financing is not a qualified tax-exempt financing.
3. Collateral: Security Agreement for the purchase of a garbage truck, specifically a Heil 5000-25 / Freightliner M2-106.
4. Term: Five annual principal and accrued interest payments.
5. Loan Fee: None.
6. Other Fees: None.
7. Financials: Must provide most current year end audit.
8. Other: Must provide tax exempt qualification.

This is a proposal not a commitment. The commitment will be based on the bank's satisfactory review of current financials or above audit. This proposal letter will be Valid for sixty (60) days. Thank you, again, for allowing First Bank this opportunity. I sincerely hope that you find these proposed terms and conditions to your satisfaction. If any questions, please feel free to call me. I know you will be happy with the relationship.

Sincerely,

First Bank



Donna Gurganus
Business Development Officer

BUDGET AMENDMENT
FISCAL YEAR ENDING JUNE 30, 2017
AMENDMENT DATE: 08/16/2016

Budget Amendment No.: 17-02

DESCRIPTION/PURPOSE OF AMENDMENT

In FY 2016, Kure Beach was awarded a grant from the NC Dept. of Environmental Quality (Division of Coastal Management – NC Public Beach & Coastal Waterfront Access Program) for construction of an ADA compliant handicapped dune cross over and beach access with viewing platform at H Avenue. The total project cost, per the grant contract, was \$56,494. The total cost was funded as follows: \$42,370 – grant funds, \$11,924 – Town’s matching cash contribution and \$2,200 – Town’s in-kind costs (non-cash) for project oversight. The construction costs were included in the FY 2016 budget; however, the work relating to solar lighting was not performed until July 2016 (FY 2017). This Budget Amendment increases the Committee budget for the solar lighting costs and the related grant proceeds.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-412-74-00	Committees Capital Outlay	\$7,980	
10-335-12-00	NC Dept. of Environmental Quality Grant		\$7,980

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: Arlen Copenhaver, Finance/Budget Officer Date: 08/16/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 08/16/16

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

Approved by Council 08/16/16 _____ Emilie Swearingen, Mayor

ATTEST: _____ Nancy Avery, Town Clerk



MEMO

TO: Town Council
FROM: Nikki Keely, Recreation Manager
RE: Road Closures for Half Marathon – Sunday, October 16, 2016
DATE: 8/1/16

Town Hall has received a Special Event Application for a Marathon/Half Marathon Race on Sunday, October 16, 2016. The race will begin and end in Carolina Beach, only passing through Kure Beach. The impacted roads within Kure Beach are as follows:

- Dow Road
- K Avenue (between Dow and Settlers)
- Settlers Lane
- Mackerel Lane

The race begins at 7:30am, with all roads reopened by 1pm or earlier. Dow Road and a small section of K Avenue will be closed for the duration of the event, except to our Emergency Vehicles. Settlers Lane and Mackerel Lane will be open to vehicle traffic, but Police and Event Volunteers will be stationed throughout to assist runners and vehicles.

The requesting party is Butch Robertson with NC Races, a professional event and race planner. This is the third year he has planned this race; however last year's event was cancelled due to inclement weather. The full marathon aspect of this event is new for this year, extending the overall time of the event. The addition of the full marathon route will also impact traffic flow in Carolina Beach, Snow's Cut Bridge, and River Road. Mr. Robertson is working with all involved organizations to gain approval and implement the event.

He has requested assistance from the Police Department in implementing the road closures. Upon approval from Council and Department Heads, we will create an invoice that meets the needs of our Police in ensuring safe execution of the event for participants and residents. He has already provided us with a Certificate of Insurance for the event. He also has a plan in place to inform residents along the race route of the road closures and place signage along the race route prior to the event.

Action required by Town Council at this time is a decision regarding the closure of part of K Avenue (between Dow Road and Settlers Lane; except for our Emergency Vehicles) and intermittent traffic control/closure of Settlers Lane and Mackerel Lane from 7am through 1pm on Sunday, October 16, 2016.

nk

Attachment
2016 Kure Beach Race Route Documents

Carolina Beach Marathon and Half Marathon

October 16, 2016

Race begins in Carolina Beach at 7:30 AM.

Runners should reach Kure Beach by 7:40 AM

Marathon Route 7:40 AM - 11:30 AM

- K Ave
- Left on Settlers Lane
- Left on Mackerel Lane
- Let on Ocean Blvd

We expect 200 marathons, so this part of the course will not be crowded at any time.

Half Marathon Route

- K Ave
- Left on Settlers Lane
- Left on Mackerel Lane
- Left of Ocean Blvd

Volunteers stationed along route

All residents will receive a postcard in mail regarding race course and times

Signs will be placed along route 10 days before race



Choose map location

Address or Zip/Postal

SEARCH

Import (/workout/import/dashboard/) Use Route Genius (/maps/auto_route/) Help ?

Route Details

Carolina Beach Half Marathon

Run

Send to Phone SAVE ROUTE

More

- Log as a Workout
- Directions / Notes

Try Route Genius for fresh local routes of your target distance (/maps/auto_route/)



Google

(https://maps.google.com/maps?ll=34.014476,-77.997262&zoom=14&crowd=1&gl=US&hl=en&mapdata=072528,14z/data=!0m1!1e1!12b17s0e0&dir=0026 Google

Support

(http

Elevation



MEMO

TO: Town Council
FROM: Nikki Keely, Recreation Manager
RE: Fall Events
DATE: 8/8/16

The time has come to start preparing for our fall events in Kure Beach. Last year, with Council approval, we implemented changes to the setup and content of the Farewell Summer Jazz Funeral and the Kure Beach Holiday Market. We closed Atlantic Avenue between K Avenue and L Avenue and allowed for the addition of food trucks at each event. The purpose behind these changes was to increase the overall appeal and size of each event, increase revenue with the collection of additional vendor fees, and to increase public safety by eliminating vehicle traffic on Atlantic Avenue during each event.

The changes to each event were well received by those participating in and attending each event. To this date, we have not received any negative feedback regarding the road closures and/or food trucks. With Council permission, we would like to execute both events in the same manner in 2016. In order to do so, Council action is required on the following items:

- Close Atlantic Avenue to vehicle traffic between K and L Avenue from the early morning hours through 10 p.m. on Friday, October 7, 2016 for the Kure Beach Jazz Funeral.
- Close Atlantic Avenue to vehicle traffic between K and L Avenue from the early morning hours through 5 p.m. on Saturday, November 19, 2016 and Saturday, November 26, 2016 for the Kure Beach Holiday Market.
- Allow for the participation of food truck vendors during event hours on Friday, October 7th, Saturday, November 19th, and Saturday, November 26th.

nk

Kure Beach Inspections Dept.-Building Permits Issue Date: 7/1/2016 - 7/31/2016

PermitNo	Issue Date	Owner	Project Addr	Descript	Fee
Building					
160070	7/20/2016	COHEN JORDAN R NANCY E	209-A FOURTH AVE N	Townhouse conversion	\$25.00
160071	7/20/2016	GEISEL RICHARD H RHONDA S	209-B FOURTH AVE N	Townhouse conversion	\$25.00
Total 2					\$50.00
Deck					
160069	7/19/2016	MELVIN PATRICK S	110 S THIRD AVE	Front porch repair	\$50.00
Total Deck 1					\$50.00
New Construction					
160065	7/7/2016	MILHOLLAND JOHN ALEXANDRA	738 CUTTER CT	New SFD	\$9,665.00
160067	7/12/2016	PEDDLE GLENN SUSAN	224 MARQUESA WAY	New SFD	\$7,900.00
160066	7/7/2016	CENTER CITY DEVELOPMENT INC	1728 SEARAY LN	New SFD	\$10,905.00
Total New Construction 3					\$28,470.00
Renovations					
160073	7/26/2016	JOHNSTON MARY	644 S THIRD AVE	Interior Renovation	\$685.00
160072	7/20/2016	PAPAROZZI MARIO A JUDI	105 SEAWARD CT	General Renovations	\$550.00
Total Renovations 2					\$1,235.00
Replacement					
160068	7/14/2016	HOOKER BARRY M CHARLOTTE T	812 BOCA CT	Stabilize Foundation	\$50.00
160075	7/29/2016	ARMSTRONG GREGORY N ROSEANN	926 S FORT FISHER BLV	Window replacement	\$25.00
Total Replacement 2					\$75.00
Total Building 10					\$29,880.00
Total Permits: 10					\$29,880.00

KURE BEACH FIRE DEPARTMENT

FIRE CHIEF'S REPORT JULY, 2016

DATE	PURPOSE
07/01/16	EMS
07/02/16	EMS
07/02/16	WATER RESCUE
07/03/16	EMS
07/04/16	AUTO ACCIDENT
07/04/16	FALSE ALARM
07/04/16	AUTO ACCIDENT
07/04/16	EMS
07/06/16	EMS
07/06/16	EMS
07/06/16	WATER RESCUE
07/06/16	EMS
07/06/16	FALSE ALARM
07/07/16	EMS
07/07/16	FALSE ALARM
07/09/16	EMS
07/10/16	EMS
07/10/16	OCEAN RESCUE
07/10/16	MUTUAL AID Cbfd
07/11/16	FIREFIGHTER I&II CLASS
07/12/16	EMS
07/12/16	LIGHTNING STRIKE
07/12/16	EMS
07/12/16	EMS
07/12/16	EMS
07/13/16	EMS
07/14/16	EMS
07/14/16	WATER RESCUE
07/15/16	AUTO ACCIDENT

KURE BEACH FIRE DEPARTMENT

07/16/16	EMS
07/18/16	FALSE ALARM
07/19/16	MUTUAL AID CBFD
07/20/16	EMS
07/20/16	EMS
07/20/16	EMS
07/20/16	EMS
07/23/16	EMS
07/23/16	EMS
07/23/16	SMOKE SMELL
07/25/16	OCEAN RESCUE
07/27/16	EMS
07/27/16	MUTUAL AID CBFD
07/27/16	EMS
07/27/16	EMS
07/30/16	MUTUAL AID CBFD
07/30/16	WATER RESCUE
07/30/16	EMS
07/31/16	EMS

All equipment checked and found to be in working order

Harold Heglar
Chief

**REVENUE AND EXPENDITURE SUMMARY
JULY 1, 2016 TO AUGUST 9, 2016**

REVENUES

	2017 Budget	Actual 08/09/2016	% Collected
<u>GENERAL FUND</u>			
Property Taxes (Cur. & PY)	\$ 2,328,500	\$ 6,755	0.3%
Local Option Sales Tax	\$ 800,075	\$ 71,380	8.9%
Franchise & Utility Tax	\$ 249,000	-	0.0%
TDA Funds	\$ 204,517	-	0.0%
Garbage & Recycling	\$ 343,375	\$ 30,992	9.0%
ABC Revenue	\$ 12,300	\$ 3,347	27.2%
Bldg. Permit & Fire Inspect. Fees	\$ 56,800	\$ 9,905	17.4%
Communication Tower Rent	\$ 77,408	\$ 11,626	15.0%
Motor Vehicle Tags	\$ 12,000	\$ 185	1.5%
Com Ctr/Parks & Rec/St Festival	\$ 26,350	\$ 1,356	5.1%
Town Facility Rentals	\$ 11,000	\$ 1,614	14.7%
Beer & Wine Tax	\$ 10,000	-	0.0%
OFF - Bluefish Purchases	\$ 13,200	\$ 1,100	8.3%
Sales Tax Refund	\$ 47,500	-	0.0%
CAMA & Impact Fees	\$ 3,200	\$ 200	6.3%
All Other Revenues	\$ 3,145	\$ 2,838	90.2%
Other Financing Sources	\$ 290,000	\$ 36,867	12.7%
Total Revenues	\$ 4,488,370	\$ 178,165	4.0%

EXPENDITURES

	2017 Budget	Actual 08/09/2016	% Spent
<u>GENERAL FUND</u>			
Governing Body	\$ 35,517	\$ 21,441	60.4%
Committees	\$ 4,300	\$ 525	12.2%
Finance	\$ 151,889	\$ 18,845	12.4%
Administration	\$ 397,192	\$ 79,845	20.1%
Community Center	\$ 23,300	\$ 305	1.3%
Emergency Management	\$ 100	-	0.0%
Tax Collections	\$ 25,000	\$ 202	0.8%
Legal	\$ 28,900	\$ 3,284	11.4%
Police Department	\$ 1,265,716	\$ 80,730	6.4%
Fire Department	\$ 685,845	\$ 33,971	5.0%
Lifeguards	\$ 192,217	\$ 36,623	19.1%
Parks & Recreation	\$ 146,114	\$ 15,468	10.6%
Bldg Inspection/Code Enforcement	\$ 124,763	\$ 8,340	6.7%
Streets & Sanitation	\$ 988,011	\$ 83,217	8.4%
Debt Service	\$ 316,626	\$ 32,061	10.1%
Transfer to Other Funds	\$ 50,000	-	0.0%
Contingency	\$ 52,880	-	0.0%
Total Expenses	\$ 4,488,370	\$ 414,857	9.2%

WATER & SEWER FUND

Water Charges	\$ 791,800	\$ 100,635	12.7%
Sewer Charges	\$ 1,110,100	\$ 131,190	11.8%
Tap, Connect & Reconnect Fees	\$ 27,900	\$ 9,180	32.9%
All Other Revenue	\$ 187,375	\$ 645	0.3%
Other Financing Sources	\$ 102,500	-	0.0%
Total Revenues	\$ 2,219,675	\$ 241,650	10.9%

WATER & SEWER FUND

Governing Body	\$ 15,017	\$ 3,941	26.2%
Legal	\$ 28,900	\$ 3,284	11.4%
Finance	\$ 178,238	\$ 16,814	9.4%
Administration	\$ 248,806	\$ 78,932	31.7%
Operations & Transfer	\$ 1,748,714	\$ 80,892	4.6%
Total Expenses	\$ 2,219,675	\$ 183,863	8.3%

STORM WATER FUND

Total Revenues	\$ 690,373	\$ 26,667	3.9%
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STORM WATER FUND

Total Expenses	\$ 690,373	\$ 23,825	3.5%
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POWELL BILL FUND

Total Revenues	\$ 65,050	\$ 5	0.0%
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POWELL BILL FUND

Total Expenses	\$ 65,050	\$ -	0.0%
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SEWER EXPANSION RESERVE FUND (SERF)

Total Revenues	\$ 180,000	\$ 7,523	4.2%
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SEWER EXPANSION RESERVE FUND (SERF)

Total Expenses	\$ 180,000	\$ -	0.0%
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BEACH PROTECTION FUND

Total Revenues	\$ 50,440	\$ 45	0.1%
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BEACH PROTECTION FUND

Total Expenses	\$ 50,440	\$ -	0.0%
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FEDERAL ASSET FORFEITURE FUND

Total Revenues	\$ 50,000	\$ -	0.0%
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FEDERAL ASSET FORFEITURE FUND

Total Expenses	\$ 50,000	\$ 7,507	15.0%
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**TOWN OF KURE BEACH
CASH AND INVESTMENTS
AS OF JULY 31, 2016**

<u>FUND</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>	<u>TOTAL CASH & INVESTMENTS</u>
General	\$2,145,561	\$341,860	\$2,487,421
Water/Sewer	\$1,336,412	\$584,905	\$1,921,317
Storm Water	\$740,971	\$240,334	\$981,305
SERF	\$335,386	\$91,266	\$426,652
Powell Bill	\$235,332	\$19,927	\$255,259
Beach Protection	\$61,640	\$175,337	\$236,977
Federal Asset Forfeiture	\$91,580	\$0	\$91,580
TOTAL	\$4,946,882	\$1,453,629	\$6,400,511
	<u>INSTITUTION</u>		
BB&T	\$4,946,882	\$0	
First Bank - Certificates of Deposit	\$0	\$962,873	
NCCMT Term Portfolio	\$0	\$481,422	
NCCMT Cash Portfolio	\$0	\$9,334	
TOTAL	\$4,946,882	\$1,453,629	

TOWN OF KURE BEACH
SUMMARY OF CONTINGENCY FUND AND COMMITTEE
EXPENDITURE ACTIVITY
07/01/2016 - 08/09/2016

CONTINGENCY FUND

Fiscal Year 2017 Budget	\$52,880.00
Less:	
No activity	<u>\$0.00</u>
Remaining Budget as of 08/09/2016	<u><u>\$52,880.00</u></u>

COMMITTEE (Shoreline Access, Beach Protection & Parking) EXPENDITURES

Fiscal Year 2017 Budget	\$4,300.00
Less Expenditures:	
Grant Writer Fees (E & I Avenue)	<u>\$525.00</u>
Total Expenditures	\$525.00
Projects Approved By Council But Not Yet Expended:	
No activity	<u>\$0.00</u>
Total Approved, Not Expended	<u>\$0.00</u>
Remaining Budget as of 08/09/2016	<u><u>\$3,775.00</u></u>

**TOWN OF KURE BEACH
DEBT LISTING
AUGUST 16, 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 08/16/16</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	\$244,941.20	Annual	\$31,164.68	07/12/2017	\$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	\$65,732.71	Annual	\$17,149.28	08/13/2017	\$4,202.44
2016 Chevrolet Silverado	G	1st Bank	07/26/2016	\$36,867	1.60%	4	07/26/2020	\$36,867.00	Annual	\$9,593.55	07/26/2017	\$1,486.39
Cutter Court Drainage Project	SW	B of A	07/23/2005	\$875,000	4.40%	15	06/23/2020	\$281,858.25	Monthly	\$6,677.76	09/23/2016	\$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

- G - General Fund
- W/S - Water/Sewer Fund
- SW - Storm Water Fund

TOTAL OUTSTANDING DEBT AT 08/16/2016:

General Fund	\$ 1,819,241.31
Water/Sewer Fund	\$ 723,756.08
Storm Water Fund	\$ 314,724.61
Total	\$ 2,857,722.00

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):

08/17/2016 - 09/30/2016	\$ 87,640.16
10/01/2016 - 12/31/2016	\$ 179,488.20
01/01/2017 - 03/31/2017	\$ 117,094.76
04/01/2017 - 08/16/2017	\$ 162,436.73
Total	\$ 546,659.85



TOWN COUNCIL MINUTES

SPECIAL MEETING

July 19, 2016

The Kure Beach Town Council held a special meeting on Tuesday, July 19, 2016. The Town Attorney was present and there was a quorum of Council members.

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Commissioner Joseph Whitley

STAFF PRESENT

Building Inspector – John Batson
Town Clerk – Nancy Avery
Deputy Town Clerk – Nancy Hewitt

CALL TO ORDER

Mayor Swearingen called the special meeting to order at 5:08 p.m. and stated that its purpose is to interview architectural firms for the proposed Town Hall/Fire Station project. Notice of this meeting was posted at Town Hall and on the town's website on June 23, 2016.

MOTION TO EXCUSE COUNCIL MEMBER

MOTION – MPT Bloszinsky moved to excuse Commissioner Whitley from the meeting.

SECOND – Commissioner Dugan

VOTE – Unanimous

INTERVIEW SCHEDULE OF ARCHITECTURAL FIRMS

1. Oakley Collier Architects – 5:00 p.m.

Mr. Tim Oakley, principal owner of the firm, introduced co-owner Anne Collier and other members of the firm. The following points were made during the presentation:

- Oakley Collier works in a lot of different municipalities and is experienced with renovations and new buildings including town halls, police departments and fire stations.
- They are experienced at working along the coast and have completed several jobs in the Outer Banks area.
- They can work with any budget configuration and never subcontract out their responsibilities.
- They took over a job in Havelock after the original contractor was dismissed by the client, and they were able to complete the project on time and within budget to the client's satisfaction.
- During the planning phase, they will meet with town officials and can even hold a public input session, if council would like.



TOWN COUNCIL MINUTES

SPECIAL MEETING

July 19, 2016

- They will bring special recommendations that work for each department, including any special security and technology needs relating to buildings, and will present multiple solutions for any concerns.
- They have a strong following of contractors who like to bid on their jobs.
- Their engineers work out of Wilmington, although the firm is based in Rocky Mount.
- They will provide a project manager who will be responsible for overseeing the project, and he has the ability to identify contractor problems. If there is an unforeseen situation, the project manager will write a field directive that includes instructions to the contractor to fix the work along with the budget (not to exceed) he has to work with. Contractors are tracked on a time and money basis.
- If they miss a piece of hardware that was needed for the project, they will either write the town a check out of their own pocket or provide the hardware.
- They design spaces that are multi-functional for growth and expansion.
- They will tell the client if something doesn't fit in the budget but, ultimately, the client has control over the money.

Discussion ensued about LEED certification which Mr. Oakley said can be an expensive and complicated process just to receive a plaque at the end of it all, and the certification cost is about two to five percent more added to the project.

Mr. Oakley presented a schematic of how the facilities would fit on the available site. He noted that there are some property line and right-of-way issues that need to be address to keep within the codes currently in place. He recommended one story buildings to be cost effective but said they are good at maximizing the space available to them.

2. Becker Morgan Group – 5:30 p.m.

Mr. Ernest Olds, VP of the firm, introduced his team which included an interior designer. The following points were made during the presentation:

- Becker Morgan Group has done work from Delaware, down the coast to Florida and over to Louisiana, and specializes in designing public safety buildings in hurricane and flood-prone zones.
- They have been in business for 33 years and are active members of the National Fire Prevention Association (NFPA).
- Their business is located on Randall Parkway near Hanover Center in Wilmington.
- They use the same team of people for all of their projects.
- They work on durability and elevation issues and talked about the need for exhaust systems in fire department buildings.
- Their interior designer talked about the importance of a “homey” design in the areas of the fire station to be used by employees during down-time.



TOWN COUNCIL MINUTES

SPECIAL MEETING

July 19, 2016

- Their designs are based on the budget they are given, maximizing the use of space wherever possible.
- They use modeling software that helps them change the building structures in real-time to allow the client to see the changes during the design phase.
- They also design and build pre-engineered metal buildings to hold down costs.
- They have built buildings requiring high security and technology systems.
- Energy codes are getting more stringent, so they design their systems to be energy efficient and maintainable while, at the same time, maintaining high performance.
- A feasibility study will be part of the process.
- Change orders are typically about one to two percent of the work on a job, but only for anomalies, and the project manager will keep a strict eye on them.

When asked about LEED certification, Mr. Olds said that it could cost the town another \$50,000 to \$75,000 for the certification, when their uncertified buildings are just as good as those that are LEED certified.

Mr. Olds said the first step of their process is to have a Charrette where their whole team meets with town reps for the “dreamwork” phase of the project, after which they will quantify the plans to calculate the approximate cost of the project. He said they can modify the dream plan to meet the town’s budget and needs. The team showed how pre-cut “footprints” of the buildings could be used to figure out how a building should fit into the available space.

ADJOURNMENT

MOTION – Commissioner Dugan moved to adjourn.

SECOND – MPT Bloszinsky

VOTE – Unanimous

The meeting adjourned at 6:40 p.m.

Emilie Swearingen, Mayor

ATTEST: Nancy Hewitt, CMC, Deputy 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

July 19, 2016

The Kure Beach Town Council held their regular meeting on Tuesday, July 19, 2016. Town Attorney Canoutas and Planning and Zoning Commission Attorney James Eldridge were present, and there was a quorum of council members.

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Commissioner Joseph Whitley

STAFF PRESENT

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

CALL TO ORDER

Mayor Swearingen called the meeting to order at 6:45 p.m. MPT Bloszinsky gave the opening invocation and led everyone in the Pledge of Allegiance.

VOTE TO EXCUSE COUNCIL MEMBER

MOTION – Commissioner Heglar moved to excuse Commissioner Whitley from the meeting.

SECOND – MPT Bloszinsky

VOTE – Unanimous

APPROVAL OF CONSENT AGENDA ITEMS

1. Adopt Resolution R16-11, approving financing terms with First Bank for 2016 Chevrolet Silverado 2500 for Public Works
2. Approve Dennis Panicali's move from an alternate member position to a regular member position on the Shoreline Access, Beach Protection and Parking Committee
3. Fire Department Report – June 2016
4. Building Inspections Report – June 2016
5. YTD Finance Report Meeting
6. Minutes:
 - June 9, 2016 public hearing
 - June 9, 2016 special
 - June 9, 2016 closed
 - June 21, 2016 regular
 - June 21, 2016 closed

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



TOWN COUNCIL MINUTES

REGULAR MEETING

July 19, 2016

SECOND – Commissioner Heglar
VOTE – Unanimous

ADOPTION OF THE AGENDA

Mayor Swearingen asked to add MPO as Item 4 and add Crosswalks as Item 5 under Mayor Updates.

MPT Bloszinsky asked to add Lock for Community Center as Item 1 and add Room Occupancy Tax as Item 2 under Commissioner Items.

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

SECOND – MPT Bloszinsky

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Non-town Committee Reports

- a. Cape Fear Disabilities Commission – Mayor Swearingen read information she received from Deborah McKenna, the town’s liaison to the commission. The information announced local, upcoming events for special needs and handicapped individuals.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

- a. Federal Transportation Alternatives Program (TAP) funding to bring Fort Fisher Boulevard (FFB) at M Avenue in compliance with current ADA standards

Town Clerk Avery said there are \$7 million dollars in TAP funds available through the end of September and the DOT wants to know if council is interested in applying for funding. She said that half of funds has to be used on towns with a population of less than 5,000.

Mayor Swearingen said that she doesn’t see any mention of M Avenue at FFB in the letter from DOT and wanted to know where the Town Clerk got her information.

Town Clerk Avery said that the request stemmed from years ago when the town had the DOT put a crosswalk at that location without there being a sidewalk, which is why that location was the first to come to her mind when she received the letter.

Mayor Swearingen said Director Becker can do an inventory of the streets along FFB to see which improvements are needed.



TOWN COUNCIL MINUTES

REGULAR MEETING

July 19, 2016

MOTION – MPT Bloszinsky moved to direct Director Beeker to look at additional opportunities for ADA sidewalks and come up with the best solution for the town in time to allow town clerk Avery to try and obtain some of the available funding.

SECOND – none; died for lack of second

Commissioner Heglar asked if the DOT gave the town any guidelines to follow when choosing the crosswalks that need funding, to which Town Clerk Avery said there were no specific guidelines given.

Commissioner Heglar said he would like to define a process that needs to be followed to identify the crosswalks that need the funding.

MOTION – Commissioner Heglar moved to have Director Beeker identify the two worst handicapped access issues on Fort Fisher Boulevard and give the information to the town clerk to submit to the state, with the mayor's signature, to apply for Federal TAP funding.

SECOND – Commissioner Dugan

VOTE – Unanimous

2. Finance Department

Finance Officer Copenhaver said he received a request to provide civil support for a training exercise the Marines are planning to hold at the Fort Fisher National Guard Training Center at the end of October. He explained what the activity involved and said they would need five Fire Department personnel and a boat for four to five hours and, two days later, they will need two police officers and two police cars for crowd and traffic control during a simulated assault. He said the military offered to pay and asked if council wanted to bill them for the services at an estimated cost of \$1,900, based on the town's current fee schedule.

Commissioner Dugan said that he's okay with not charging them anything, with the exception of paying for the volunteer firefighters.

Commissioner Heglar said he agrees it would be okay not to charge the military.

Mayor Swearingen said that the Police and Fire departments provide 24/7 services for the state, for the Department of Cultural and Environmental Resources, and for the DOT, and they also patrol the Air Force Recreation Area. She added that the Public Works department cleans up the trash along Dow Road for the military for free. She said that the town is already doing a lot for so many other government agencies and now has an opportunity to be reimbursed for this service. She said it would be nice of council to accept their offer to pay.

MPT Bloszinsky said that the town should support the Marine Corps.



TOWN COUNCIL MINUTES

REGULAR MEETING

July 19, 2016

The finance officer suggested only charging them for the employees' time instead of everything on the list.

MOTION – Commissioner Heglar moved to waive the fees for providing support for a training exercise that the Marines are planning to hold at the Fort Fisher National Guard Training Center in the fall.

SECOND – Commissioner Dugan

VOTE – MOTION PASSED three to one as follows: MPT Bloszinsky and Commissioners Heglar and Dugan voted FOR, and Mayor Swearingen voted AGAINST.

Addressing the item on the Consent Agenda regarding the financing of a truck, Mayor Swearingen asked the finance officer why he went to First Bank instead of BB&T for a loan, to which he responded that he has also used First Bank in the past and they are willing to do smaller loans, and they have a very good lending rate.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Architectural Firms for Town Hall expansion/Fire station

Commissioner Dugan said that, based on his discussions with the clients who had work done by the two firms being considered, he finds no fault with either; the only difference being that one is located in Wilmington and the other isn't. He said that they both offer oversight of the project.

MPT Bloszinsky said that even the cost structures were somewhat similar and he asked for Inspector Batson's view.

Inspector Batson said that both firms' presentations were good and agreed that council chose the two best firms to interview.

Commissioner Heglar said Oakley Collier Architects (OCA) is less expensive if the town moves forward with them, and they talked project-by-project on their estimate versus their actual construction cost. He said that both firms had great processes and an understanding of the code requirements for the town's needs, but he leans toward OCA because of their budget information.

Mayor Swearingen said she also leans toward OCA because they stayed within two percent of the budget on their previous jobs, and 85 percent of their business is from repeat customers. She said they talked about working with the same, special group of contractors, so they know their backgrounds and past building experiences. She said she liked the variety in their designs and knew they must be adept at building along the coast when they said the town would be required to have soil borings.



TOWN COUNCIL MINUTES

REGULAR MEETING

July 19, 2016

MPT Bloszinsky noted that OCA said they would write checks to the town if a problem stemmed from their design issue. He reminded council that OCA took over a troubled project in Havelock and wrote checks of their own to the client to cover overages in order to stay within budget.

MOTION – Commissioner Heglar moved to award the contract to provide architectural services for the proposed Town Hall expansion and new Fire Station to Oakley Collier Architects.

SECOND – MPT Bloszinsky

VOTE – Unanimous

The town clerk asked council to give the finance officer direction on funding the services, since there is no budget currently for it.

Mayor Swearingen said she thought council had set aside money to pay for an architect a few months ago.

Finance Officer Copenhaver explained that the money that was originally set aside was in last year's budget which ended on June 30th, so he will bring a proposal back to council to set up a capital project fund for it.

MOTION – Commissioner Heglar moved to transfer \$28,500 from the General Fund to a capital project fund, to be set up by the finance officer, to pay Oakley Collier Architects their quoted price.

SECOND – Commissioner Dugan

VOTE – Unanimous

2. Legalities of Emergency Services in Brunswick County Jurisdiction

Attorney Canoutas said that the KB Fire Department accepted the responsibilities of the Federal Point Fire Department when they relocated off the island, through an agreement with the county, so whenever anyone gets in trouble on the rocks, the County 911 contacts the town. He said that council could ask Brunswick County to allow Kure Beach to collect a fine and could ask Colonel Landers at the U.S. Army Corps of Engineers (USACE) to post a “no trespassing” sign at the rocks.

MPT Bloszinsky said that even if USACE puts up a sign, if someone disobeys the sign and walks on the rock wall and needs assistance, the town still has to respond to the emergency. He said council should talk to Brunswick County about creating a fine.

Attorney Canoutas recommended that town representatives talk with Colonel Landers about the issue and said that Brunswick County should come along, as well.



TOWN COUNCIL MINUTES

REGULAR MEETING

July 19, 2016

Commissioner Dugan said the average amount of volunteer firefighters that respond to emergency calls at the rocks is nine, which costs the town \$90 each time, plus the cost of fuel for the boat used to rescue stranded people.

Commissioner Heglar said that we're not spending that much, cost-wise, but the Air Force Recreation Area and the Fort Fisher Aquarium pay the town for emergency services and pay double for water. He said he doesn't think the town isn't going to help people, but he is okay with charging a fine.

Mayor Swearingen said that no matter how low the fine is, the town is currently providing a lot of emergency services for free and there comes a time when we need to say they should pay for some of those services. She said that the town provides emergency services for people who hurt themselves on the ocean-side rocks at Fort Fisher when they walk on them, even though there are signs posted to not walk on the rocks. She said we should take advantage of the opportunity to offset any costs.

CONSENSUS – Commissioner Swearingen will get together with Commissioner Dugan and Attorney Canoutas to meet with Colonel Landers at the Corps of Engineers to talk about possible solutions to rescue issues occurring at the Fort Fisher rocks that lead to Zeke's Island.

3. Amendment to Article V of the Personnel Policy

Commissioner Heglar reviewed the suggested amendments he received from council members for Article V of the Personnel Policy. Discussion ensued on one amendment that stated a discussion to hire a candidate, as well as "approval by a majority vote of council," to hire a candidate could be taken during a closed meeting.

Attorney Canoutas said council can discuss a personnel issue that involves an employee or candidate in a closed meeting, but any vote to hire needs to be done in an open meeting. He distinguished that discussions regarding general personnel policies that do not involve the discussion of a town employee should always be done in an open meeting.

Commissioner Heglar said that if, during a discussion of an employee or candidate during a closed meeting, it is consensus of council not to hire a candidate, then council can just state in the open meeting that no hiring decision was made.

Attorney Eldridge said that council needs to stay away from the word "consensus," because that implies an action was taken on a personnel matter during a closed meeting. He said that council can discuss all of the conditions, qualifications, abilities and concerns about a candidate in a closed meeting, but then council needs to come to consensus and vote in an open meeting.



TOWN COUNCIL MINUTES

REGULAR MEETING

July 19, 2016

Attorney Canoutas said that North Carolina law allows small towns the exception of hiring relatives since there may not be a large enough pool of candidates to fill a vacancy without hiring someone related to another employee.

Mayor Swearingen questioned the need in the proposed policy to have a personnel officer in on the hiring decision, along with the council liaison and the department head. She said the town doesn't have a personnel officer and asked that the wording be removed from the proposed amendments.

Town Clerk Avery pointed out that she is the personnel officer for the town, as stated in her job description.

Mayor Swearingen said she didn't think the department heads would be very happy to need the personnel officer's approval of the candidate they wished to hire.

Commissioner Heglar stated he will email the amended policy back to council with a request for them to review it one more time and supply their suggested changes to him, then he will bring the proposal to the August council meeting for further discussion and consideration.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Support Letter for Hampstead Bypass

Mayor Swearingen asked council to approve Resolution R16-12 to support the Hampstead Bypass.

MOTION – Commissioner Heglar moved to adopt Resolution R16-12, supporting the Regional Point Allocation for Specific Projects Included in Prioritization 4.0 (Hampstead Bypass).

SECOND – Commissioner Dugan

VOTE – Unanimous

2. Vote to award the contract to T & H Construction for the Water & Sewer Department's Bypass Force Main project, at a cost of \$132,494.22, contingent upon the Town Attorney's approval of the contract language

Commissioner Heglar explained that this is the project that allows the town to redirect its sewage to the lagoon.

MOTION – Commissioner Heglar moved to award the contract for the Water & Sewer Department's Bypass Force Main project to T & H Construction, at a cost of \$132,494.22, contingent upon the Town Attorney's approval of the contract language.

SECOND – MPT Bloszinsky

VOTE – Unanimous



TOWN COUNCIL MINUTES

REGULAR MEETING

July 19, 2016

3. Request to travel to Beaufort, NC to attend the 2016 Pelican Awards
Mayor Swearingen asked council approve her travel to Beaufort, NC on August 8th to attend the annual Pelican Awards dinner. She said she is using her hotel rewards points to reduce the price of her hotel room, and she will also need gas reimbursement.

MOTION – Commissioner Heglar moved to approve Mayor Swearingen’s travel on August 8th to Beaufort, NC, at a cost of \$169 from council’s budget, in order to accept a Pelican Award being presented to the town at the 2016 Pelican Award banquet.

SECOND – Commissioner Dugan

VOTE – Unanimous

MAYOR UPDATES

1. NHC Ribbon Cutting

Mayor Swearingen said she participated in the ribbon cutting for the county’s Construction and Demo Debris Recycling Facility. She explained that a \$1.8 million dollar machine the county now owns takes construction material and separates it out; the county estimates that 60,000 tons of this debris will be kept out of the landfill, annually. She said between the county’s household hazardous waste and electronic equipment recycling, their community battery recycling, their yard waste recycling, and their new waste water treatment plant, the life of the landfill has been increased by 98 years while reducing the tipping fee by 15 percent.

2. DOT Public Meeting

Mayor Swearingen said she went to a public comment meeting with the DOT last week where concerns were voiced about the dangers of the intersection at Dow Road and Ocean Boulevard. A speed study might be done on several places along Dow Road this summer and again in January.

3. Crosswalks

Mayor Swearingen said she had a request from a resident about installing a crosswalk at J Avenue and Fort Fisher Boulevard, so she talked to Public Works and the PD about it, and they said they would not want to put one there.

4. NCLM Legislative Committee Meeting

Mayor Swearingen reviewed items the league sent to the NC Legislation for support, listing those items that passed and those items that didn’t pass.

5. MPO Transportation Authority Committee (TAC)

Mayor Swearingen listed the six priorities of the MPO’s TAC: 1) Hampstead Bypass, 2) rail realignment, 3) Cape Fear River Crossing (skyway), 4) Independence Boulevard extension, 5) reestablish freight rail service from Wilmington to Raleigh, and 6) support ILM’s efforts to support flights to major airports.



TOWN COUNCIL MINUTES

REGULAR MEETING

July 19, 2016

COMMISSIONER ITEMS

1. Lock for Community Center Storage Closet

MPT Bloszinsky said that the Community Center Committee complained that some things are missing from their storage closet at the center, so they would like to have a combination lock put on the closet door.

CONSENSUS – Council approved the request to install a combination lock on the storage room door at the center, to be paid out of the Committee budget.

2. Room Occupancy Tax (ROT)

MPT Bloszinsky said they are close to coming up with some good data relative to the ROT; the number of accounts versus the number of potential accounts. He said it significantly impacts beach nourishment funds as well as Ad Valorem taxes. He said he will set up a meeting for data review to determine if council wants to go to the next step which would be for him, Commissioner Heglar and Mayor Swearingen to meet with the county finance director and the county manager to show them the data. He said, if they think the info has value, we can decide if we want to show it to the county commissioners. He suggested talking to the editor of the Island Gazette to give him the information to share with the public.

Commissioner Heglar agreed that council should put a public announcement in the Island Gazette stating we have a list of short term rental homes that aren't paying ROT, to urge the homeowners to start paying it before the information is reported to the tax office.

Mayor Swearingen said that she is on NCLM's Tax and Finance Committee, and two towns submitted goals that asked the legislation to support an amendment to require the county's share of sales tax distributions under Article 40 to be distributed from counties to municipalities on a Per Capita basis, only. She said that, when she heard this, she told them every reason in the world why this would hurt small towns. She said that others agreed with her and they voted it down.

CLOSED SESSION

MOTION – At 8:28 p.m., Commissioner Heglar moved to go into closed session to consult with the attorney per N.C.G.S. 143-318.11(a)(3).

SECOND – Commissioner Dugan

VOTE – Unanimous

RETURN TO OPEN SESSION

MOTION – At 9:05 p.m., Commissioner Heglar moved to return to open session.

SECOND – MPT Bloszinsky

VOTE – Unanimous



TOWN COUNCIL MINUTES

REGULAR MEETING

July 19, 2016

Mayor Swearingen stated that council had a discussion about possible ordinance amendments to address beach safety and conservation standards.

MOTION – Commissioner Heglar moved to forward beach safety and conservation standards information to the Planning and Zoning Commission for them to discuss and give their feedback to council.

SECOND – Commissioner Dugan

VOTE – Unanimous

ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn.

SECOND – Commissioner Dugan

VOTE – Unanimous

The meeting adjourned at 9:08 p.m.

Emilie Swearingen, Mayor

ATTEST: Nancy Hewitt, CMC, Deputy Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting.



NEW ORDINANCE

That the following ordinances are hereby added to Chapter 12 Parks and Recreation, Article 2. Recreation, Division 2. Beach, (new) Subdivision A. Beach Safety and Conservation Standards, as follows:

Sec. 12-47. Policy.

It is the policy of the Town of Kure Beach to encourage and promote the recreational use of its beach while **protecting human safety and** conserving and sustaining the sensitive ecosystems **of the beach** found there including, but not being limited to, the stabilizing system of sand dunes, sea turtle nesting sites, the nests and young of local and migratory bird species, and the habitats of other maritime plant and wildlife communities. In achieving the purposes of this policy, all actions not otherwise provided for in the Code which occur on or are requested to occur on the beach, including the frontal dune, beach strand, and prohibited areas, shall be evaluated **by pertinent Department Heads** under and conform to the safety and conservation standards set forth below.

Sec. 12-48. Safety and Conservation Standards.

(a) The following safety and conservation standards shall be used to evaluate the occurrence of actions on the beach not otherwise provided for in the Code. In conforming **to** ~~with~~ these standards, all such actions shall not:

- (1) Pose a direct or indirect threat to human safety.
- (2) Impede, obstruct, disrupt, or hinder the provision of law enforcement, ocean rescue, and other emergency services.
- (3) Unreasonably interfere with the public's use and enjoyment of the beach by emitting loud, disturbing, or unnecessary noise or by discharging fuel or other hazardous materials onto the beach surface or in ocean waters.
- (4) Involve a vehicle being operated on the beach at night which, for purposes of this sub-section, shall be construed to mean the time from one (1) hour before sunset to one (1) hour after sunrise.
- (5) Have the potential of damaging the system of sand dunes.
- (6) Have the potential of damaging or destroying vegetation.
- (7) Have the potential of damaging or destroying sensitive maritime ecosystems.
- (8) Have the potential of increasing beach erosion.

(9) Have the potential of resulting in the harassment, injury, and/or death of local or migratory bird species or their young.

(10) Have the potential of resulting in the harassment, injury, and/or death of sea turtle eggs and/or hatchlings.

(11) Have the potential of resulting in the harassment, injury, and/or death of adult female sea turtles attempting to nest on the beach.

In addition, any such actions shall comply with all applicable Federal, State, and local statutes, codes, regulations, rules, policies, and ordinances.

Sec. 12-49. Exceptions.

The provisions of this division do not apply to authorized personnel performing designated functions including, without limitation, the following: policing and maintaining the beach; ocean rescue and other emergency services; code enforcement; and beach nourishment projects. The Town may also close the beach or restrict activities thereon to eliminate or reduce an immediate threat to human or habitat safety during a state of emergency, natural disaster, or other unforeseen circumstances.

These ordinances are hereby adopted by Kure Beach Town Council on _____, 20__.

Emilie Swearingen, Mayor

ATTEST: _____
Nancy Hewitt, Deputy Clerk

*— Eldridge revisions
to first draft given
to council.*

DIVISION 2A: BEACH SAFETY AND CONSERVATION STANDARDS

Sec. 12-47. Policy.

It is the policy of the Town of Kure Beach to encourage and promote the recreational use of its beach while protecting human safety and conserving and sustaining the sensitive ecosystems of the beach including, but not being limited to, the stabilizing system of sand dunes, sea turtle nesting sites, the nests and young of local and migratory bird species, and the habitats of other maritime plant and wildlife communities. In achieving the purposes of this policy, all actions not otherwise provided for in the Code which occur on or are requested to occur on the beach, including the frontal dune, beach strand, and prohibited areas, shall be evaluated by pertinent Department Heads under and conform to the safety and conservation standards set forth below.

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(a) The following safety and conservation standards shall be used to evaluate the occurrence of actions on the beach not otherwise provided for in the Code. In conforming to these standards, all such actions shall not:

- (1) Pose a direct or indirect threat to human safety.
- (2) Impede, obstruct, disrupt, or hinder the provision of law enforcement, ocean rescue, and other emergency services.
- (3) Unreasonably interfere with the public's use and enjoyment of the beach by emitting loud, disturbing, or unnecessary noise or by discharging fuel or other hazardous materials onto the beach surface or in ocean waters.
- (4) Involve a vehicle being operated on the beach at night which, for purposes of this sub-section, shall be construed to mean the time from one (1) hour before sunset to one (1) hour after sunrise.
- (5) Have the potential of damaging the system of sand dunes.
- (6) Have the potential of damaging or destroying vegetation.
- (7) Have the potential of damaging or destroying sensitive maritime ecosystems.
- (8) Have the potential of increasing beach erosion.
- (9) Have the potential of resulting in the harassment, injury, and/or death of local or migratory bird species or their young.
- (10) Have the potential of resulting in the harassment, injury, and/or death of sea turtle eggs and/or hatchlings.
- (11) Have the potential of resulting in the harassment, injury, and/or death of adult female sea turtles attempting to nest on the beach.

In addition, any such actions shall comply with all applicable Federal, State, and local statutes, codes, regulations, rules, policies, and ordinances.

Sec. 12-49. Exceptions.

The provisions of this division do not apply to authorized personnel performing designated functions including, without limitation, the following: policing and maintaining the beach; ocean rescue and other emergency services; code enforcement; and beach nourishment projects. The Town may also close the beach or restrict activities thereon to eliminate or reduce an immediate threat to human or habitat safety during a state of emergency, natural disaster, or other unforeseen circumstances.



CAPITAL PROJECT ORDINANCE

TOWN HALL EXPANSION AND NEW FIRE STATION

Be it ordained by the Town Council of Kure Beach, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the expansion of Town Hall and construction of a new fire station to be financed by a transfer from the General Fund and installment financing. The initial phase of the project is for architectural and related service fees.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the installment financing agreements and the budget contained herein. This budget will be amended subsequent to the completion of the initial phase when an estimate of construction costs can be determined.

Section 3. The following amounts are appropriated for the initial phase of the project:

Architectural Services	\$28,500
Topographical Survey & Other	
Planning Costs	<u>21,500</u>
Total Initial Project Costs	<u>\$50,000</u>

Section 4. The following revenue sources are anticipated to be available to complete the initial phase of this project:

Transfer from the General Fund	<u>\$50,000</u>
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Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of any installment financing agreements and State and Federal regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues related to this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Town Clerk, the Budget Officer and the Finance Officer for direction in carrying out this project.

This ordinance being duly passed and adopted this 16th day of August, 2016.

Emilie Swearingen, Mayor

Nancy Avery, Town Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2017

AMENDMENT DATE: 08/16/2016

Budget Amendment No.: 17-01

DESCRIPTION/PURPOSE OF AMENDMENT

At the 8/16/2016 Town Council meeting, Council adopted a Capital Project Ordinance for expansion of Town Hall and construction of a new fire station. The estimated costs of the initial phase of the project pertaining to architectural and related services are to be funded by a transfer from the General Fund to the Capital Project Fund. This amendment appropriates General Fund balance for the amount of the transfer.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-310-00-00	Appropriate General Fund Balance		\$50,000
10-580-99-99	Transfer to Capital Project Fund	\$50,000	

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: Arlen Copenhaver, Finance/Budget Officer Date: 08/16/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 08/16/16

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

Approved by Council 08/16/16 _____ Emilie Swearingen, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

Street Light Progress

We are currently having to go through a new procedure to obtain information/pricing on street lights.

In the past we have simply contacted a representative and they would arrange a site visit.

Recently (Aug. 1) we contacted Patty Pollard and were told we would need to go through customer service so they could initiate the request. We called the Customer Service Center to make the request and learned that it would take several days to receive a call to schedule a site visit.


Hoping that it might be faster to go through the website, we also submitted a request for a site visit and pricing online. It takes up to five business days for a response. It took the full five business days to receive the response in which they requested our tax id number before they could proceed. We immediately sent that information and received a reply that they were unable to process the request as they could not verify the company with the NC Department of the Secretary of State. We explained that we had existing accounts and simply wanted to get pricing/recommendations for changing the lights on Atlantic Avenue.

Progress Energy finally submitted the request for a site visit with a time line of 1-3 business days for an engineer to contact us to set it up. At this time, we are waiting for the engineer to set up that visit.

We have made every effort to set up a site visit to get the information for changing out the street lights on Atlantic Avenue. The process has involved several delays in order to provide additional information not originally requested and to clarify the request. Hopefully we will hear from the engineer this week to schedule the site visit.



MEMO

TO: Town Council
FROM: Nancy Avery, Town Clerk 
RE: Agenda item 1 under Old Business
DATE: 8/9/16

Background

In June of this year, I presented an amendment to Article V (Conditions of Employment of Relatives) of the Personnel Policy for your consideration. Commissioner Heglar submitted a different amendment and Council members have since provided input.

In your agenda packets you will find a spreadsheet that shows three things:

- How the policy currently reads
- Commissioner Heglar's original draft amendment
- The latest draft amendment incorporating Council input

Action requested by staff

None

Funding required

None

Comments for consideration

None

CURRENT PERSONNEL POLICY

COMMISSION HEGLAR DRAFT

REVISION WITH INPUT FROM COUNCIL

<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:</p> <ol style="list-style-type: none"> 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>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 fulltime 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 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 Department Head and the Council Liaison for appropriateness and recorded in the employee's personnel file.</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 fulltime 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 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 Department Head and the Council Liaison for appropriateness and recorded in the employee's personnel file.</p> <p>Initial hire, rehire or discharge will be reviewed by the appropriate Department Head, Personnel Officer and Town Council in closed session with action only taken without discussion in open session. Material such as hiring qualifications, town and department policies and procedures discipline and or discharge material shall be</p>
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CURRENT PERSONNEL POLICY

COMMISSION HEGLAR DRAFT

REVISION WITH INPUT FROM COUNCIL

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.

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 recognizes that the employment of any person into a fulltime 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 require:

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);
2. The approval in the same open meeting of all Town department heads on the record (with the exception of the related

considered. Additionally, to avoid a conflict of interest or an appearance of conflict of interest all decisions regarding a direct benefit e.g., promotion, salary, performance appraisals, work assignments or other working conditions for immediate family members within a department shall 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.

C. The Town also recognizes that the employment of any person into a fulltime position, who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro-Tem, Commissioner, 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 elected officials and Department Heads require:

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); and~~

CURRENT PERSONNEL POLICY

COMMISSION HEGLAR DRAFT

REVISION WITH INPUT FROM COUNCIL

department head, if the relationship is a department head). *(Mayor indicates this is not a complete sentence)* If a department head is unable to attend; approval in writing of the hiring decision is sufficient.

3. Both conditions (a) and (b) above require majorities for the person in question to be employed by the town.

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 that employee, which are specific to that employee, the Commissioner is required to abstain from any Council actions.

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 termination of employment.

~~2. Approval in the same open meeting of all 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.~~

~~3. Both conditions (a) and (b) above require a Council majority for the person in questions to be employed by the town:~~

a discussion in closed meeting with a majority vote without discussion in open meeting with the related member abstaining from the vote if the relationship is a Council member.

D. Should an immediate family member of an employee be elected to the Town Council, that Commissioner shall not be assigned as the Liaison to the department in which the immediate family member is employed. Additionally, for personnel actions regarding that employee, which are specific to that employee, the Commissioner is required to abstain from any Council actions.

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

CURRENT PERSONNEL POLICY

COMMISSION HEGLAR DRAFT

REVISION WITH INPUT FROM COUNCIL

		<p>information may be grounds for termination of employment.</p>
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