



# TOWN COUNCIL AGENDA

**REGULAR MEETING**

**September 20, 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

\*Mayor Swearingen to read Proclamation 16-02 to support Constitution Week

## APPROVAL OF CONSENT AGENDA ITEMS

1. \*Adopt Proclamation 16-02 in support of Constitution Week, September 17-23, 2016
2. \*Approve Mayor Swearingen's travel to the 2016 NCLM City Vision Annual Conference in Raleigh, NC on 10/23-10/25/16 at an estimated cost of \$1,109
3. \*Approve Commissioner Whitley's attendance at Power Breakfast in Wilmington on 9/30/16 at cost of \$38 registration fee
4. \*Approve closing K Avenue east of Fort Fisher Boulevard and Atlantic Avenue between K and L Avenue to vehicle traffic from the early morning hours through 5 p.m. on Saturday, February 11, 2017
5. \*Allow a 5K race to be held on Kure Beach streets in conjunction with the event
6. \*Allow three to five food trucks vendors to park within the closed portion of Atlantic Avenue with other event vendors
7. \*Waive the Special Event fees associated with this event due to the Non-profit status of Special Olympics New Hanover County
8. \*Appoint Randy Bock and Pamela O'Quinn as members of the Shoreline Access, Beach Protection and Parking Committee
9. Renew five-year term for John Ellen on the Planning and Zoning Commission
10. \*Building Inspections Report – August 2016
11. \*Fire Department Report – August 2016
12. \*YTD Finance Report Meeting
13. Minutes:
  - \*August 16, 2016 regular meeting

## ADOPTION OF THE AGENDA

## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. David Garceau, 1038 S Fort Fisher Blvd – \*Request to waive \$4,000 sewer tap and user fee due to special circumstances

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Board of Adjustment
2. Community Center Committee
3. Marketing Committee
4. Parks & Recreation Advisory Board



# TOWN COUNCIL AGENDA

## REGULAR MEETING

September 20, 2016 @ 6:30 p.m.

5. Planning & Zoning Commission
  - a. \*Council's Intent for Commission's Alternate Position (Ellen)
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
3. Building Department
  - a. Required changes to code to allow cleanup of undeveloped lots in Kure Beach due to health/public safety concerns
4. Fire Department
5. Police Department
6. Public Works Department

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. \*Proposed New Ordinance 12-47, 12-48 and 12-49: Beach Safety and Conservation Standards
2. Letter to Property Owners of Short-term Rentals for publishing in Island Gazette (Heglar)

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

MAYOR UPDATES (no action required)

COMMISSIONER ITEMS (no action required)

CLOSED SESSION, if needed

ADJOURNMENT



TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**P**ROCLAMATION P16-02

IN SUPPORT OF CONSTITUTION WEEK

**WHEREAS**, September 17, 2016 marks the two hundred twenty-ninth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

**WHEREAS**, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America, designating September 17th through the 23rd as Constitution Week;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Kure Beach Town Council does hereby proclaim September 17 through 23, 2016 to be CONSTITUTION WEEK in the Town of Kure Beach, NC, and does ask our citizens to reaffirm the ideals that the Framers of the Constitution had in 1787.

Proclaimed this 20<sup>th</sup> day of September, 2016.

---

Emilie Swearingen, Mayor

---

Attest: Nancy Hewitt, CMC, Deputy Clerk

**2016 NCLM CITY VISION ANNUAL CONFERENCE**

**RALEIGH, NC**

**10/23-10/25/16**

	<b>Amount</b>	<b>Quantity</b>	<b>Total</b>
<b>Registration Fee*</b>	\$500	1	\$500
<b>Hotel 10/23-25 @ \$201/nt</b>	\$201	2	\$402
<b>Meals Per Diem (1B,1L,1D)</b>	\$51	1	\$51
<b>Gas Allow: 288 miles, roundtrip @ .54/mile</b>	\$156	1	\$156
<b>TOTAL ESTIMATED COST</b>			<b>\$1,109</b>

**Mayor Swearingen attending**

**\*Registration fee includes two breakfasts, one lunch and one dinner**

**General Options**

---

**Name:**

Emilie Swearingen

**Email:**

emilieswearingen@tokb.org

**Title:**

Mayor

**Municipality/Company Name:**

Kure Beach

**Address:**

Town Hall

117 Settlers Lane

Wilmington, North Carolina 28449

**Number of People Registered:**

1

**Confirmation Number:**

**VZNNGYWQ8Z3** (needed to modify your registration)

**Event Title:**

CityVision 2016 Annual Conference

**Location:**

Raleigh Convention Center

500 Salisbury Street

Raleigh, North Carolina 27601

USA

**Phone:**

919-996-8500

**Date:**

10/23/2016

**Time:**

11:00 AM

**Current Registration Details**

---

**Emilie Swearingen**

**Agenda Items**

**Registration Item**

Municipal Official or COG Official

**Cost**

\$350.00

**Meals/Functions**

**Date and Time**

10/23/2016 11:00 AM

10/23/2016 5:00 PM

10/24/2016 7:15 AM

10/24/2016 5:15 PM

10/24/2016 6:30 PM

10/25/2016 7:30 AM

10/25/2016 9:00 AM

**Session**

Advocacy Goals Conference 2017-18 Biennium

Exhibit Hall Reception

Mayors Breakfast Meeting

Monday Presidents' Reception

NCLM Monday Night Dinner and Celebration

NC Women in Municipal Government Breakfast Meeting

Economic Development for Elected Officials (LELA)

**Cost**

\$40.00

\$30.00

\$50.00

\$30.00

**Order Summaries**

---

**For questions or inquiries regarding this registration, please contact [events@ncilm.org](mailto:events@ncilm.org)**

**Order**

<b>Date</b>	<b>Type</b>	<b>Amt Ordered</b>	<b>Amt Paid</b>	<b>Amt Due</b>
07/28/2016 3:15 PM ET	online order	\$500.00	\$500.00	\$0.00
<b>Total:</b>		<b>\$500.00</b>	<b>\$500.00</b>	<b>\$0.00</b>

**Payment Details**

If paying by check, please make check payable to **North Carolina League of Municipalities (NCLM)** and mail to:

**NCLM**  
 Attn: Finance Department  
 PO Box 742106  
 Atlanta, GA 30374-742106

**Details**

<b>Date</b>	<b>Type</b>	<b>Reference #</b>	<b>Amt Paid</b>
07/28/2016	Visa	7574	\$500.00

## Preliminary Schedule



### SATURDAY, OCTOBER 22

11:00 am - 7:00 pm

#### 16th Annual NCLM Golf Tournament, Dinner and Awards

Eagle Ridge Golf Course (registration required)



### SUNDAY, OCTOBER 23

8:00 am - 6:30 pm

10:00 am - 12:00 pm  
 10:00 am - 12:00 pm  
 11:00 am - 4:00 pm  
 1:00 pm - 6:00 pm  
 4:00 pm - 5:00 pm  
 5:00 pm - 6:00 pm  
 6:00 pm - 9:00 pm

Conference & Exhibit Hall Registration Open  
 NCLM/RMS Service Center  
 LINC Center and Voting Desk Open  
 NCLM Board of Directors Meeting  
 NC Resort Towns & Convention Cities Board Meeting  
 Advocacy Goals Conference w/lunch (2017-18) (registration required)  
 Exhibit Hall Open  
 NCLM Nominating Committee Public Hearing  
 NCLM Exhibit Hall Reception  
 Host City Event - "Pump Boys and Dinettes"  
 (registration required)



### MONDAY, OCTOBER 24

7:15 am - 6:30 pm

7:15 am - 2:00 pm  
 7:15 am - 8:45 am  
 7:15 am - 8:45 am  
 7:15 am - 8:45 am  
 7:15 am - 8:45 am  
 10:00 am - 11:00 am  
 11:00 am - 11:15 am  
 11:15 am - 11:45 am  
 12:00 pm - 1:00 pm  
 1:00 pm - 2:00 pm  
 2:00 pm  
 2:15 pm - 2:45 pm  
 2:45 pm - 3:00 pm  
 3:00 pm - 4:00 pm  
 4:15 pm - 5:15 pm  
 5:15 pm - 6:30 pm  
 6:30 pm

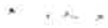
Conference/Exhibit Hall Registration Open  
 NCLM/RMS Service Center Open  
 LINC Center and Voting Desk Open  
 Exhibit Hall Open  
 NCLM Exhibit Hall Networking Continental Breakfast  
 North Carolina Black Elected Municipal Officials Breakfast & Business Meeting (registration required)  
 Mayors Breakfast Meeting (registration required)  
 NC Military Association Meeting  
 Opening General Session followed by - (2) Economic Development Keynote Speakers  
 Economic Development Concurrent Sessions  
 Exhibit Hall Networking AM Break  
 General Session with (2) Communications Keynote Speakers  
 Communications Concurrent Sessions  
 Exhibit Hall Networking Lunch (registration required)  
 Exhibit Hall Closes  
 Cultural & Demographic General Session with (2) Keynote Speakers  
 Monday Afternoon Beverage Break  
 Cultural & Demographic Concurrent Sessions  
 Business Meeting  
 President's Reception  
 NCLM Dinner and Awards Celebration (registration required)



### TUESDAY, OCTOBER 25

7:30 am - 11:00 am  
 7:30 am - 8:45 am  
 7:30 am - 8:45 am  
 7:30 am - 8:45 am  
 7:30 am - 8:45 am

Conference Registration Open - LINC Center Open  
 North Carolina Women In Municipal Government Breakfast Meeting (registration required)  
 North Carolina Municipal Clerks Breakfast Meeting (registration required)  
 Manager's Breakfast Meeting (registration required)  
 NCLM Membership Floating Continental Breakfast



9:00 am - 11:00 am  
9:00 am - 11:00 am  
9:00 am - 12:00 pm  
9:30 am - 11:00 am

**All training cost is included in the registration fee!**

**Ethics Training** *(registration required)*

**Strategic Planning Training for Managers** *(registration required)*

**Economic Development for Elected Officials (LELA)** *(registration required)*

Continuous Morning Break



# Power Breakfast - Election 2016

*Commissioner Whitley*

You have purchased 1 ticket for this event.

[See Your Tickets](#)

[Order History \(/settings#history\)](#)

Share This Event!



Tweet

Share

41

G+1 0

**WHEN** Friday Sep 30, 2016

7:30 AM to 9:45 AM

Add to Calendar  
(<http://example.com/link-to-your-event>)

**WHERE** Wilmington Convention Center

515 Nutt Street  
Wilmington, NC 28401

**Buy Tickets**

[Event Details](#)

[Buy Tickets](#)

[Discussion](#)

## POWER BREAKFAST SERIES GREATER WILMINGTON BUSINESS JOURNAL

### ELECTION 2016: NORTH CAROLINA'S CHOICE

North Carolina's race for governor is among the most competitive and watched gubernatorial contests in the country. Both Governor Pat McCrory, the Republican incumbent, and Attorney General Roy Cooper, the Democratic challenger, will share remarks and take audience questions at the Sept. 30 Power Breakfast.



**ATTORNEY GENERAL ROY COOPER**  
Democratic Challenger



**GOVERNOR PAT MCCRORY**  
Republican incumbent

**Friday, September 30, 2016**

**7:30 a.m. - 9:45 a.m.**

**Wilmington Convention Center, 515 Nutt Street**

*+\$3 service fee*

Cost: \$35 per seat or \$350 for a table of ten. Seats must be purchased in advance. To Reserve your seat or table click on the Buy Ticket tab above. Contact Maggi Apel with questions about this event. [Mapel@WilmingtonBiz.com](mailto:Mapel@WilmingtonBiz.com) ([mailto:mapel@wilmingtonbiz.com?subject=Power%20Breakfast](mailto:mailto:mapel@wilmingtonbiz.com?subject=Power%20Breakfast)) or 910-343-8600

**PRESENTING SPONSORS:**



greene resources  
RECRUITING WITH PURPOSE

(<http://www.greeneresources.com>)



(/wilmington/)  
(<http://pwcpath.com/>)

**CORPORATE SPONSOR:**



(<http://atlantichay.com/>)



(<https://www.bankofamerica.com>)

**Blinds**

(<http://www.budgetblinds.com>)



(/Wilmington/)

(<http://cfcc.edu/>)  
(<http://www.cloudwyze.com/>)



# MEMO

**TO:** Town Council

**FROM:** Nikki Keely, Recreation Manager

**RE:** Council Actions for Special Olympics Polar Plunge – Saturday, 2/11/2017

**DATE:** 9/12/16

Kure Beach has been approached by Special Olympics New Hanover County to host the Polar Plunge and 5K event on Saturday, February 11, 2017. They are requesting use of the Ocean Front Park, K Avenue east of Fort Fisher Boulevard, Atlantic Avenue, and portions of the Boardwalk and Beach for the event.

Event details, outlined in the following pages, mirror the exact event they held in Kure Beach in 2015. In addition, all aspects of the event will be reviewed by each Kure Beach Department for their input and approval.

Before event planning can progress further, Council action is required on the following items:

- Close K Avenue east of Fort Fisher Boulevard and Atlantic Avenue between K and L Avenue to vehicle traffic from the early morning hours through 5 p.m. on Saturday, February 11, 2017.
- Allow for a 5K race to be held on Kure Beach streets in conjunction with the event.
- Allow 3-5 food trucks vendors to be parked within the closed portion of Atlantic Avenue with other event vendors.
- Waive the Special Event fees associated with this event due to the Non-Profit status of Special Olympics New Hanover County.

Enclosure

## **Special Olympics New Hanover County Polar Plunge and 5K Run**

**Date:** Saturday, February 11, 2017

**Time:** 11 a.m. – 3:30 p.m. (8 a.m. – 5 p.m. including setup and breakdown)

### **Schedule of Events:**

8 a.m.	Site set up begins
11 a.m.	Event opens to the public
12:30 p.m.	Costume contest
1:30 p.m.	5K race begins
3:05 p.m.	Plunge
3:30 p.m.	Event concludes and breakdown begins
5:00 p.m.	Breakdown complete and all streets reopen to public

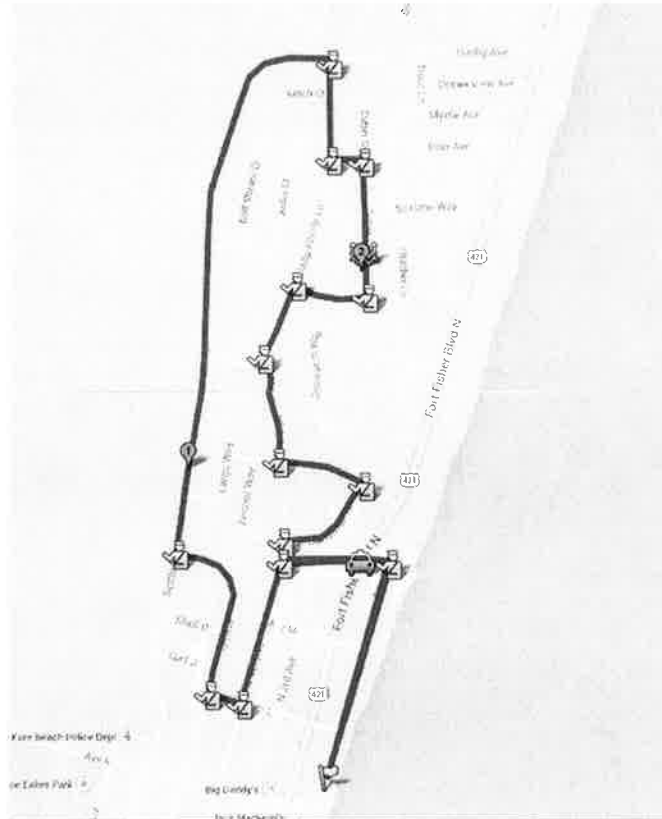
### **Components of Event:**

Vendors	<p>A variety of 10-15 vendors participate in the event. The types of vendors vary, but usually include Special Olympics NHC, Island Women, Knights of Columbus, and other non-profit groups and businesses. They are allowed to hand out information and sell their goods/services during the event. Depending upon the number participating, they will be lined along Atlantic Avenue, under the Pavilion, and possibly a few in the lawn area of Ocean Front Park.</p> <p>Special Olympics NHC would like 3-5 food trucks to be included with the other vendors for this event. The trucks would park along Atlantic Avenue and sell product throughout the event. Each participating truck would be required to display proper Health Department permits.</p>
Music	<p>Exact bands and/or DJ have not yet been determined, but music will play on the Ocean Front Park stage during the 11 a.m. to 3 p.m. timeframe and a band will play at the Ocean Front Park beach access for the plunge.</p>
Car Show	<p>Sun Coast Cruisers (family oriented car club out of Wilmington) usually comes out for the event. They typically have 10-15 cars on</p>

site. If they are going to participate in 2015, possible placement would be the along the closed portion of K Avenue.

#### Race

The race is a 5K, which is 3.2 miles, and will begin at 1:30 p.m. The race will be implemented by a professional event management company that specializes in races. They hope to use the same route as in 2015, which is outlined as such: head north on Atlantic Avenue, cross Fort Fisher Boulevard at N Avenue, weave through the neighborhoods west of Fort Fisher Boulevard, cross back over Fort Fisher Boulevard at N Avenue, and head south on Atlantic Avenue towards Ocean Front Park.



The only portion of the race route that would be completely closed to vehicle traffic is Atlantic Avenue between K and L Avenue. Volunteers would be stationed at each intersection along the race route to direct runners. Police assistance would be needed to direct traffic at the Fort Fisher Boulevard crossing.

#### Plunge

The plunge will take place from the beach area north of the Pier. Sections will be blocked off for those plunging, with spectators lined along the perimeter and on the Pier. In the past, the event has drawn crowds of between 1,000-1,500 people, including participants. A portable PA system may need to be used on the beach for the announcement and countdown to plunge.

**Provisional Needs:**

- Insurance      Special Olympics NHC has been made aware of the need to provide the Town proof of general liability insurance, listing the Town as additionally insured, with limits no less than 1 (one) million dollars.
  
- Restrooms      Public restrooms will need to be opened, as well as the restrooms under the Pavilion. This will provide 8 total toilet stalls. In the past, Special Olympics NHC has only provided 6 portable toilets. The event draws a large crowd, but many are only on site for a short period of time during the Plunge.
  
- Trash            The Town’s onsite trash receptacles will be used, along with additional cans located in storage at Ocean Front Park. The additional cans will be setup in the food area, as that will be the biggest producer of trash at the event.
  
- Parking         All public parking throughout Town will be available for use. Being off season with many local businesses closed, competition for those public parking spaces will be decreased.
  
- Electricity      Sufficient electrical outlets are available in the Pavilion. Should the food trucks be approved and need electricity, there are now outlets available along Atlantic Avenue as well.
  
- Medical         New Hanover County Sherriff’s Department is on site during the event. They also provide in-water assistance during the plunge. Kure Beach Fire Department may be asked to assist during event.

**Potential Special Event Fees to Be Waived:**

Below are the applicable special events fees that Special Olympics New Hanover County is asking be waived. The grand total is dependent upon the number of personnel needed and overall length of time, which is still being determined.

General Use Impact Fee	
High Impact (includes closing of public streets)	\$500
Personnel	
Police (4 hour minimum)	\$40/hour
Sanitation	\$40/hour
Volunteer Fireman	\$40/hour
Facility Rental	
Ocean Front Park (Pavilion & Lawn, Non-Profit)	\$125/hour



TOWN OF KURE BEACH  
 REQUEST FOR APPOINTMENT  
 Board/Commission/Committees

Kes'd 8/4/16  
 TC Andy  
 cc: Susan Walters

MUST BE A FULL-TIME RESIDENT TO SERVE ON TOWN COMMITTEES

Request for Appointment to: Shoreline Access  
 Name: Randy Bock  
 Address: 213 Marguessa Way  
 Telephone: \_\_\_\_\_ Cell: 508-277-6202  
 Email: Randyb86@gmail.com (You will receive the majority of correspondence via email)  
 Length of permanent residence in Kure Beach: 3 yrs, 9 mo  
 Employment: Retired, McDonald's Corporation  
 Job Title: Facilities Leasing Manager  
 Professional Activities: \_\_\_\_\_

Volunteer Activities: \_\_\_\_\_

Other committee work, past or present: Past President of Live Oak Village HOA

What is your understanding of the purpose of this committee?  
Improve/maintain shore line access and beach protection

Why are you interested in serving on this committee?  
get involved in community

What specific concerns or areas are you interested in?  
 \_\_\_\_\_

Are there any time blocks from 8am-8pm, Monday through Friday, when you cannot attend meetings?  
 \_\_\_\_\_

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature: Randy Bock Date: 7/29/16

Thank you for your interest in serving the Town of Kure Beach

Please return ORIGINAL to: Town Clerk - Town of Kure Beach 117 Settlers Lane, Kure Beach, NC 28449

Date Received	<u>8/4/16</u>	Town Use Only	Utilities Current	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Interview Date	<u>9/6/16</u>	Initials	Appointment Date	<u>9/20/16</u>
Term Length	_____	(If applicable)	Term Expiration	_____



TOWN OF KURE BEACH  
REQUEST FOR APPOINTMENT  
Board/Commission/Committees

MUST BE A FULL-TIME RESIDENT TO SERVE ON TOWN COMMITTEES

Request for Appointment to: Shareline access, Beach Protection + Parking Committee

Name Pamela O'Quinn

Address 636 Settlers Lane, Kure Beach, 28449

Telephone \_\_\_\_\_ Cell (384) 627-4460

Email ledtifo@yahoo.com (You will receive the majority of correspondence via email)

Length of permanent residence in Kure Beach 6 mos

Employment Retired

Job Title \_\_\_\_\_

Professional Activities \_\_\_\_\_

Volunteer Activities Island Women, Pleasure Island Sea Turtle Project

Other committee work, past or present Durham County ACH Community Advisory Committee

What is your understanding of the purpose of this committee?

Identify access and parking needs for the town and educate the community

Why are you interested in serving on this committee?

would like to become more involved in my community! aka. my little slice of paradise

What specific concerns or areas are you interested in?

Shareline access & beach protection

Are there any time blocks from 8am-8pm, Monday through Friday, when you cannot attend meetings?

no

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature P. O'Quinn

Date 8/6/16

Thank you for your interest in serving the Town of Kure Beach

Please return ORIGINAL to: Town Clerk - Town of Kure Beach 117 Settlers Lane, Kure Beach, NC 28449

Town Use Only

Date Received	<u>9/6/16</u>	Initials	<u>MSH</u>	Utilities Current	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Interview Date	<u>9/6/16</u>	(If applicable)		Appointment Date	<u>9/20/16</u>
Term Length	<u>                    </u>			Term Expiration	<u>                    </u>

Kure Beach Inspections Dept.-Building Permits Issue Date: 8/1/2016 - 8/31/2016

PermitNo	Issue Date	Owner	Project Addr	Descript	Fee
<b>Building addition</b>					
160090	8/26/2016	RAY DONALD F EMILY L	521 FIFTH AVE S	Enclose porch area	\$250.00
160086	8/22/2016	BARBER DANIEL GREGORY	130 MYRTLE AVE	deck	\$50.00
160084	8/17/2016	MAHER ERIN M	330 S THIRD AVE	New Pool	\$300.00
<b>Total addition 3</b>					<b>\$600.00</b>
<b>Deck</b>					
160077	8/3/2016	RIVER TO SEA ENTERPRISES LL	326 N FORT FISHER BLV	New deck additlon	\$150.00
<b>Total Deck 1</b>					<b>\$150.00</b>
<b>New Construction</b>					
160087	8/22/2016	HARRIS FRANCIS	1713 BONITO LN	New SFD	\$1,035.00
160081	8/9/2016	STUART ELIZABETH AND JAY	742 CUTTER CT	New SFD	\$9,330.00
160080	8/8/2016	TEEL DENNIS G DIANE E	306 E AVE	New SFD	\$7,360.00
160078	8/3/2016	SHAW RUEL C BARBARA S	510 J AVE	New SFD	\$7,180.00
160089	8/26/2016	PENSCO TRUST CO ETAL	321 S FORT FISHER BLV	New SFD	\$13,035.00
160085	8/17/2016	FEHER MAUREEN	1731 SPOT LN	New SFD	\$10,885.00
<b>Total New Construction 6</b>					<b>\$48,825.00</b>
<b>Renovations</b>					
160076	8/2/2016	SACK DAVID J ROBIN L	720 FORT FISHER BLV N	renovation	\$150.00
160091	8/31/2016	PERNELL RONNIE W DIANA	118 S FORT FISHER BLV	renovation	\$50.00
160079	8/8/2016	GRAVES RANDOLPH PHYLLIS ETA	617 THIRD AVE S	General Renovations in UNIT B	\$250.00
<b>Total Renovations 3</b>					<b>\$450.00</b>
<b>window replacement</b>					
160088	8/24/2016	EBBERTS STEVE SUSANN	805 KURE VILLAGE WAY	Window replacement	
<b>Total window replacement 1</b>					<b>\$0.00</b>
<b>Total Building 14</b>					<b>\$50,025.00</b>
<b>Total Permits: 14</b>					<b>\$50,025.00</b>



# KURE BEACH FIRE DEPARTMENT

## FIRE CHIEF'S REPORT AUGUST, 2016

DATE	PURPOSE
08/01/16	EMS
08/01/16	DRILL
08/05/16	WATER RESCUE
08/06/16	EMS
08/07/16	EMS
08/07/16	EMS
08/08/16	MUTUAL AID CBFD
08/08/16	DRILL
08/09/16	FALSE ALARM
08/10/16	EMS
08/11/16	FALSE ALARM
08/12/16	MUTUAL AID CBFD
08/12/16	FALSE ALARM
08/15/16	FIREFIGHTER I&II CLASS
08/16/16	WATER RESCUE
08/17/16	MUTUAL AID CBFD
08/19/16	AUTO ACCIDENT
08/20/16	EMS
08/22/16	EMS
08/22/16	OCEAN RESCUE
08/24/16	EMS
08/30/16	ASSIST PUBLIC
08/31/16	MUTUAL AID CBFD

All equipment checked and found to be in working order

Harold Heglar  
Chief

**TOWN OF KURE BEACH**  
**REVENUE AND EXPENDITURE SUMMARY**  
**JULY 1, 2016 TO SEPTEMBER 13, 2016**

**REVENUES**

	2017 Initial Bud.	2017 Amend. Bud.	Actual 09/13/2016	% Collected
<b>GENERAL FUND</b>				
Property Taxes (Cur. & PY)	\$ 2,328,500	\$ 2,328,500	\$ 22,029	0.9%
Local Option Sales Tax	\$ 800,075	\$ 800,075	\$ 141,174	17.6%
Franchise & Utility Tax	\$ 249,000	\$ 249,000	\$ -	0.0%
TDA Funds	\$ 204,517	\$ 204,517	\$ -	0.0%
Garbage & Recycling	\$ 343,375	\$ 343,375	\$ 62,337	18.2%
ABC Revenue	\$ 12,300	\$ 12,300	\$ 4,487	36.5%
Bldg. Permit & Fire Inspect. Fees	\$ 56,800	\$ 56,800	\$ 20,760	36.5%
Communication Tower Rent	\$ 77,408	\$ 77,408	\$ 19,988	25.8%
Motor Vehicle Tags	\$ 12,000	\$ 12,000	\$ 745	6.2%
Com Ctr/Parks & Rec/St Festival	\$ 26,350	\$ 26,350	\$ 5,273	20.0%
Town Facility Rentals	\$ 11,000	\$ 11,000	\$ 3,399	30.9%
Beer & Wine Tax	\$ 10,000	\$ 10,000	\$ -	0.0%
OFF - Bluefish Purchases	\$ 13,200	\$ 13,200	\$ 1,760	13.3%
Sales Tax Refund	\$ 47,500	\$ 47,500	\$ -	0.0%
CAMA & Impact Fees	\$ 3,200	\$ 3,200	\$ 495	15.5%
All Other Revenues	\$ 3,145	\$ 61,125	\$ 1,226	2.0%
Other Financing Sources	\$ 290,000	\$ 290,000	\$ 216,623	74.7%
<b>Total Revenues</b>	<b>\$ 4,488,370</b>	<b>\$ 4,546,350</b>	<b>\$ 500,296</b>	<b>11.0%</b>

**EXPENDITURES**

	2017 Initial Bud.	2017 Amend. Bud.	Actual 09/13/2016	% Spent
<b>GENERAL FUND</b>				
Governing Body	\$ 35,517	\$ 35,517	\$ 22,959	64.6%
Committees	\$ 4,300	\$ 12,280	\$ 11,505	93.7%
Finance	\$ 151,889	\$ 151,889	\$ 33,716	22.2%
Administration	\$ 397,192	\$ 397,192	\$ 111,104	28.0%
Community Center	\$ 23,300	\$ 23,300	\$ 3,156	13.5%
Emergency Management	\$ 100	\$ 100	\$ -	0.0%
Tax Collections	\$ 25,000	\$ 25,000	\$ 264	1.1%
Legal	\$ 28,900	\$ 28,900	\$ 5,223	18.1%
Police Department	\$ 1,265,716	\$ 1,265,716	\$ 189,292	15.0%
Fire Department	\$ 685,845	\$ 685,845	\$ 89,010	13.0%
Lifeguards	\$ 192,217	\$ 192,217	\$ 65,864	34.3%
Parks & Recreation	\$ 146,114	\$ 146,114	\$ 26,245	18.0%
Bldg Inspection/Code Enforcement	\$ 124,763	\$ 124,763	\$ 20,766	16.6%
Streets & Sanitation	\$ 988,011	\$ 988,011	\$ 344,607	34.9%
Debt Service	\$ 316,626	\$ 316,626	\$ 91,281	28.8%
Transfer to Other Funds	\$ 50,000	\$ 100,000	\$ 100,000	100.0%
Contingency	\$ 52,880	\$ 52,880	\$ -	0.0%
<b>Total Expenses</b>	<b>\$ 4,488,370</b>	<b>\$ 4,546,350</b>	<b>\$ 1,114,992</b>	<b>24.5%</b>

**WATER & SEWER FUND**

Water Charges	\$ 791,800	\$ 791,800	\$ 213,144	26.9%
Sewer Charges	\$ 1,110,100	\$ 1,110,100	\$ 274,033	24.7%
Tap, Connect & Reconnect Fees	\$ 27,900	\$ 27,900	\$ 21,180	75.9%
All Other Revenues	\$ 187,375	\$ 187,375	\$ 1,377	0.7%
Other Financing Sources	\$ 102,500	\$ 102,500	\$ -	0.0%
<b>Total Revenues</b>	<b>\$ 2,219,675</b>	<b>\$ 2,219,675</b>	<b>\$ 509,734</b>	<b>23.0%</b>

**WATER & SEWER FUND**

Governing Body	\$ 15,017	\$ 15,017	\$ 5,315	35.4%
Legal	\$ 28,900	\$ 28,900	\$ 5,223	18.1%
Finance	\$ 178,238	\$ 178,238	\$ 34,221	19.2%
Administration	\$ 248,806	\$ 248,806	\$ 99,726	40.1%
Operations & Transfer	\$ 1,748,714	\$ 1,748,714	\$ 239,016	13.7%
<b>Total Expenses</b>	<b>\$ 2,219,675</b>	<b>\$ 2,219,675</b>	<b>\$ 383,501</b>	<b>17.3%</b>

**STORM WATER FUND**

<b>Total Revenues</b>	<b>\$ 690,373</b>	<b>\$ 690,373</b>	<b>\$ 78,455</b>	<b>11.4%</b>
-----------------------	-------------------	-------------------	------------------	--------------

**STORM WATER FUND**

<b>Total Expenses</b>	<b>\$ 690,373</b>	<b>\$ 690,373</b>	<b>\$ 78,455</b>	<b>11.4%</b>
-----------------------	-------------------	-------------------	------------------	--------------

**POWELL BILL FUND**

<b>Total Revenues</b>	<b>\$ 65,050</b>	<b>\$ 65,050</b>	<b>\$ 3,588</b>	<b>5.5%</b>
-----------------------	------------------	------------------	-----------------	-------------

**POWELL BILL FUND**

<b>Total Expenses</b>	<b>\$ 65,050</b>	<b>\$ 65,050</b>	<b>\$ 3,588</b>	<b>5.5%</b>
-----------------------	------------------	------------------	-----------------	-------------

**SEWER EXPANSION RESERVE FUND (SERF)**

<b>Total Revenues</b>	<b>\$ 180,000</b>	<b>\$ 180,000</b>	<b>\$ 15,051</b>	<b>8.4%</b>
-----------------------	-------------------	-------------------	------------------	-------------

**SEWER EXPANSION RESERVE FUND (SERF)**

<b>Total Expenses</b>	<b>\$ 180,000</b>	<b>\$ 180,000</b>	<b>\$ -</b>	<b>0.0%</b>
-----------------------	-------------------	-------------------	-------------	-------------

**BEACH PROTECTION FUND**

<b>Total Revenues</b>	<b>\$ 50,440</b>	<b>\$ 50,440</b>	<b>\$ 50,098</b>	<b>99.3%</b>
-----------------------	------------------	------------------	------------------	--------------

**BEACH PROTECTION FUND**

<b>Total Expenses</b>	<b>\$ 50,440</b>	<b>\$ 50,440</b>	<b>\$ -</b>	<b>0.0%</b>
-----------------------	------------------	------------------	-------------	-------------

**FEDERAL ASSET FORFEITURE FUND**

<b>Total Revenues</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 13,959</b>	<b>27.9%</b>
-----------------------	------------------	------------------	------------------	--------------

**FEDERAL ASSET FORFEITURE FUND**

<b>Total Expenses</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 13,959</b>	<b>27.9%</b>
-----------------------	------------------	------------------	------------------	--------------

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

<u>FUND</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>	<u>TOTAL CASH &amp; INVESTMENTS</u>
General	\$1,886,239	\$341,963	\$2,228,202
Water/Sewer	\$1,441,870	\$585,082	\$2,026,952
Storm Water	\$713,840	\$240,406	\$954,246
SERF	\$342,886	\$91,294	\$434,180
Powell Bill	\$235,332	\$19,933	\$255,265
Beach Protection	\$111,640	\$175,390	\$287,030
Federal Asset Forfeiture	\$82,849	\$0	\$82,849
Capital Project Fund	\$43,000	\$0	\$43,000
TOTAL	<u>\$4,857,656</u>	<u>\$1,454,068</u>	<u>\$6,311,724</u>
<u>INSTITUTION</u>			
BB&T	\$4,857,656	\$0	
First Bank - Certificates of Deposit	\$0	\$963,031	
NCCMT Term Portfolio	\$0	\$481,701	
NCCMT Cash Portfolio	\$0	\$9,336	
TOTAL	<u>\$4,857,656</u>	<u>\$1,454,068</u>	

**TOWN OF KURE BEACH  
SUMMARY OF CONTINGENCY FUND AND COMMITTEE  
EXPENDITURE ACTIVITY  
07/01/2016 - 09/13/2016**

**CONTINGENCY FUND**

Fiscal Year 2017 Budget	\$52,880.00
Less:	
No activity	<u>\$0.00</u>
Remaining Budget as of 09/13/2016	<u><u>\$52,880.00</u></u>

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

Amended Fiscal Year 2017 Budget	\$12,280.00
Less Expenditures:	
Grant Writer Fees (E & I Avenue)	\$525.00
H Ave. Beach Access Solar Lighting	\$7,980.00
E Ave. Parking 60% of Design & Eng.	\$1,500.00
I Ave. Parking 60% of Design & Eng.	<u>\$1,500.00</u>
Total Expenditures	\$11,505.00
Projects Approved By Council But Not Yet Expended:	
No activity	<u>                    </u>
Total Approved, Not Expended	<u>\$0.00</u>
Remaining Budget as of 09/13/2016	<u><u>\$775.00</u></u>

**TOWN OF KURE BEACH  
DEBT LISTING  
SEPTEMBER 20, 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 09/20/16</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
2017 Freightliner Garbage Truck	G	1st Bank	08/23/2016	\$179,756	1.70%	5	08/23/2021	\$179,756.00	Annual	\$37,805.31	08/23/2017	\$9,270.57
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	\$276,248.42	Monthly	\$6,677.76	10/23/2016	\$326,995.49
FY 2016 Equipment & Vehicles (d)	G, W/S	BB&T	09/14/2015	\$186,000	2.01%	4	09/14/2019	\$140,878.73	Annual	\$48,859.87	09/14/2017	\$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

**FUND CODES**

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

**TOTAL OUTSTANDING DEBT AT 09/20/2016:**

General Fund	\$ 1,942,423.22
Water/Sewer Fund	\$ 703,677.12
Storm Water Fund	\$ 309,114.78
<b>Total</b>	<b>\$ 2,955,215.11</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):**

09/21/2016 - 12/31/2016	\$ 179,488.20
01/01/2017 - 03/31/2017	\$ 117,094.76
04/01/2017 - 06/30/2017	\$ 91,173.70
07/01/2017 - 09/20/2017	\$ 164,605.97
<b>Total</b>	<b>\$ 552,362.63</b>



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 16, 2016

The Kure Beach Town Council held their regular meeting on Tuesday, August 16, 2016 at 6:30 p.m. 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 Joseph Whitley

### COUNCIL MEMBERS ABSENT

Commissioner Jim Dugan

### STAFF PRESENT

Fire Chief – Harold Heglar  
Police Chief – Mike Bowden  
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 6:30 p.m., Pastor Dan Keck from Kure Memorial Lutheran gave the opening invocation and led everyone in the Pledge of Allegiance.

### AWARDS

1. Recognition of Retired Police Chief Dennis Cooper  
Mayor Swearingen presented Ret. Chief Cooper with an appreciation plaque from the town and proceeded to read a letter written on behalf of the town by Officer Joe Miljenovic which extolled Ret. Chief Cooper's accomplishments. She said that the letter was used in an application for a very special award and then introduced Steve Keene, State Director of Regional Field Operations for Governor McCrory's office and State Representative Ted Davis, Jr.

Mr. Keene presented Ret. Chief Cooper with the Order of the Long Leaf Pine Society award and Rep. Davis praised him for his faithful service to the town, the region and the state.

Ret. Chief Cooper thanked everyone and said the best gift he could receive is for everyone to hold the police officers up in prayer. He said he prays that God will hold them tight and give them guidance and wisdom during these tough times. He thanked the town for the opportunity he was given to serve and said he couldn't ask for a better place to live and raise his family than Kure Beach. He thanked the town and the Governor's office for the awards.

Mr. Keene then recited a portion of the society's toast:

"Here's to the land of the long leaf pine; the summer land where the sun doth shine;



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 16, 2016

Where the weak grow strong and the strong grow great. Here's to 'Down Home,' the Old North State!"

### MEETING RECESS

The mayor invited everyone to the Beach Walk clubhouse to attend a public reception held in Ret. Chief Cooper's honor. The meeting recessed at 7:00 p.m. and resumed at 7:30 p.m.

### VOTE TO EXCUSE COMMISSIONER DUGAN

MOTION – Commissioner Heglar moved to excuse Commissioner Dugan from the council meeting.

SECOND – MPT Bloszinsky

VOTE – Unanimous

### AWARDS continued

2. Mayor Swearingen said she attended the NC Coastal Federation's annual banquet in Beaufort, NC, last week. She said that Bruce Holstein from Carolina Beach received an award for "advancing advocacy efforts to ensure a healthy coast." She said Kure Beach was awarded a 2016 Pelican Award for "exercising leadership in protecting our coast from offshore oil." She said that Wilmington and Carolina and Wrightsville beaches also received the award.

### 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



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 16, 2016

- July 19, 2016 closed

Commissioner Heglar thanked the finance officer for finding a low interest rate on the truck loan.

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

SECOND – Commissioner Whitley

VOTE – Unanimous

Said resolution and budget amendment are herein incorporated as part of these minutes.

## ADOPTION OF THE AGENDA

Mayor Swearingen asked that the following be added to the meeting agenda:

- Under Department Heads for Public Works, add Lift Station Funding as Item B and Asset Management Program as Item C
- Under Commissioner Items, add Room Occupancy Tax for MPT Bloszinsky to present

MOTION – Commissioner Heglar moved to approve the meeting agenda, as amended by Mayor Swearingen.

SECOND – MPT Bloszinsky

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

### 1. Planning & Zoning (P&Z) Commission

#### a. Beach Safety and Conservation Standards ordinance

P&Z Chairman, John Ellen, said the commission reviewed the proposed beach safety and conservation standards ordinance at their August meeting, given to them by council, and he presented the changes they recommend.

Town Attorney Canoutas recommended that, although the proposed new ordinance is in Chapter 12 and isn't a zoning ordinance under Chapter 19, council should schedule a Public Hearing for public input since the proposed ordinance could have future legal implications for the town.

MOTION – Commissioner Heglar moved to hold a Public Hearing at Town Hall on Tuesday, September 20<sup>th</sup> at 6:00 p.m., or soon thereafter, for the purpose of receiving public input on the proposed new ordinance under Chapter 12 Parks and Recreation, Article 2 Recreation, Division 2 Beach, Subdivision A Beach Safety and Conservation Standards, as follows: Sections 12-47 Policy, 12-48 Safety and Conservation Standards and 12-49 Exceptions.

SECOND – Commissioner Whitley

VOTE – Unanimous





# TOWN COUNCIL MINUTES

**REGULAR MEETING**

**August 16, 2016**

Chairman Ellen said there will be a Beach Inlet Management Plan (BIMP) meeting on September 8<sup>th</sup> from 6:00-8:00 p.m. at the NHC Government Center to receive public input. Commissioner Whitley said that he planned to attend the meeting.

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

### 1. Finance Department

- a. Adopt Capital Project Ordinance and Approve Budget Amendment 17-01 to transfer \$50,000 from the General Fund to the Capital Project Fund for the proposed Town Hall Expansion and New Fire Station

Finance Officer Copenhagen said council directed him to transfer \$28,500 to a Capital Project Fund for architectural fees for the proposed Town Hall expansion and new Fire Station during their July council meeting. He said he rounded up that amount to \$50,000 to cover related expenses so that he doesn't have to come back to council for approval every time a related expense comes up, giving the example of a \$3,000+ topographical survey expense.

MOTION – Commissioner Heglar moved to adopt the Capital Project Ordinance and to approve Budget Amendment 17-01, to transfer \$50,000 from the General Fund to the Capital Project Fund; both for the proposed Town Hall Expansion and New Fire Station.

SECOND – Commissioner Whitley

VOTE – Unanimous

Said budget amendment and ordinance are herein incorporated as part of these minutes.

### 2. Public Works Department

- a. Cost to Install and Light Decorative and Solar Lights on Atlantic Avenue

Mayor Swearingen said Director Beeker was able to meet with Ms. Pollard from Duke Energy and she sees no problem replacing the lights. She said Director Beeker will give council the information as soon as he gets it. She read an article from the American Medical Association (AMA) regarding health problems that LED lights can potentially cause. She said she'd like to schedule a meeting for Duke Energy and the NC Wildlife Resources Commission to address council and the public on this subject.

MOTION – Mayor Swearingen moved to hold a Special Meeting at Town Hall on Tuesday, September 20<sup>th</sup> at 5:00 p.m., or soon thereafter, for Duke Energy and the NC Wildlife Resources Commission to provide information to council and the public on LED street lights.

SECOND – Commissioner Heglar

VOTE – Unanimous

Commissioner Heglar said the meeting should be limited to one hour in length.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 16, 2016

### b. Lift Station Funding

Mayor Swearingen said she attended a training session with the NC Department of Environmental Quality (NC DEQ) regarding their application process for funding. She said the town wouldn't qualify for their grant but could qualify to have 100 percent of the project cost financed in a 20-year state loan through the Clean Water State Revolving Fund (CWSRF). She gave a cost scenario of getting the state's loan versus a bank loan and noted that the state loan could save them town around \$60,000. She added the following information regarding the state loan:

- The six-page application needs to be completed and submitted by September 30<sup>th</sup>.
- Per Brian Cox, Engineering Services would need to do an Environmental Assessment in order to complete the state's complicated set of forms, for which they would charge the town an additional \$15,000.
- The town would need to do an Asset Assessment Review to be considered for the loan.
- The town wouldn't know until January 31<sup>st</sup> if it received the loan.
- The project would need to be completed within two years and any engineering costs incurred before September 30<sup>th</sup> wouldn't be included in the loan.
- The mayor spoke with a representative from the CWSRF during the session, and he said he would be willing to work with the town to do as many things the state would allow between September 30<sup>th</sup> and January 31<sup>st</sup>, and the town may be able to have the permitting process be fast-tracked.
- She and Mr. Cox would like to meet with the CWSRF representative again to review what he told her and see if he thinks the town has a real chance to get the loan.

Mayor Swearingen reviewed the pump station site comparison that was completed by Engineering Services stating that Director Becker would like to put the lift station next to the one already there.

Commissioner Heglar said the town has \$1.9 million dollars in cash for utility infrastructure, so that we could pay for the entire project without taking out a loan. He said he doesn't want to pay interest to anyone if the town doesn't have to. He said the process of applying for the loan will take up a lot of staff time, and the environmental study will eat up a lot of the purported savings.

Finance Officer Copenhaver said he doesn't recommend the town pay all cash for the project since the town is already paying for the Bypass Force Main project and a couple of other things. He said that, for the past few years, the town has basically been bringing in what it needs for operating expenses versus bringing in reserves, so he will need to weigh everything out before making a recommendation to council.

Commissioner Heglar said the town could pay for some of the cost of the project up front and then get a shorter loan term.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 16, 2016

Finance Officer Copenhaver said that a shorter term would definitely carry a lower interest rate.

Mayor Swearingen said that Mr. Cox hasn't given real figures on what he thinks the extra costs for the project would be.

MPT Bloszinsky said council needs solid numbers and more financing options on which to base a decision. He said he agrees with Director Beeker's opinion to not use the land on H Avenue across from Public Works, because the town could lose the potential value of that land and its tax value if used for the lift station. He said he also agrees with Commissioner Heglar on not borrowing money if the town doesn't have to.

Mayor Swearingen said she agrees with the finance officer's recommendation to not pay cash for the entire project.

Commissioner Heglar said he will probably do whatever the finance officer recommends, but Kure Beach has historically paid for large Public Works projects without taking out huge loans; the town would save enough money ahead of time to pay for the projects in cash. He said, if the town takes out a large, long-term loan to build a utility infrastructure system and it gets wiped away in a storm, the town will continue paying on a loan for a system that is no longer viable.

### c. Asset Management Program

Mayor Swearingen said another grant from the NCDEQ is for an Asset Management Program. She told council that she would like them to decide between now and next spring if it would be of any benefit to the town. She said Carolina Beach received a grant to do this and it helped them with their Capital Investment Plan.

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

### 1. Adopt amended Article V of the Personnel Policy

Commissioner Heglar reviewed the changes he made to the draft amendments from the recommendations he received from council.

Town Clerk Avery said she was concerned that the policy specifically addresses "full-time" positions. She asked if council wanted the policy to pertain to only full-time positions or to part-time and temporary positions, too.

MPT Bloszinsky said council should just have one policy for all of the positions, and council agreed with him.

Town Clerk Avery said she will delete the word "full-time" in Sections A and C of the draft.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 16, 2016

MOTION – Commissioner Heglar moved to adopt the amendments to Article V of the Personnel Policy, deleting the wording “full-time” in Sections A and C of the policy.

SECOND – MPT Bloszinsky

VOTE – Unanimous

## NEW BUSINESS

None

## COMMISSIONER ITEMS

### 1. Room Occupancy Tax (ROT) Collection from Short-term Rental Properties

MPT Bloszinsky referred council to a spreadsheet showing Kure Beach properties that are currently being rented on a short-term basis and made the following points:

- The town needs to sustain the “in season” infrastructure and add more space for an aging Town Hall and Fire Department, and there is also a lack of committed financial resources for coastal storm damage resources from federal and state levels.
- While investigating options to make town reserves grow, council found a number of short-term rental properties in Kure Beach that are not paying ROT.
- Property owners who report and pay ROT deserve council support because they bring in tourists, businesses, jobs and entertainment, and they are responsible for a significant piece of the town’s economy.
- The town’s gross ROT revenues for FY15-16 were \$880,290.
- He, Mayor Swearingen and Town Clerk Avery will meet with county officials on Wednesday, August 24<sup>th</sup> at 10:00 a.m. to discuss how to handle the issue of unreported ROT for short-term rental properties.

Commissioner Heglar said council should work on a letter, which should include the ROT ordinance requirements, to be brought to the next council meeting. He said the letter should be mailed to all suspected, non-paying, short-term rental property owners, recommending that they read the ordinances, and stating that council will be encouraging the county tax office to contact them. He said, at the same time, the town should put something in the Island Gazette about this.

MPT Bloszinsky said it’s logical to think that, if we can get all of the short-term rental property owners to pay the ROT, town revenues could actually double.

The mayor mentioned that some of the HOAs in Kure Beach have their own covenants that don’t allow short-term rentals in their communities.

MPT Bloszinsky said there were some HOAs that declined to provide their list of short-term renters to him. He said he thinks that the HOAs may be willing to provide the information after the meeting with the county tax office.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 16, 2016

Mayor Swearingen said she asked MPT Bloszinsky to write up a report on the steps that were taken to obtain their information. She said other beach communities along the NC coast may like to know our process so they can do something similar.

Commissioner Whitley said that the Planning and Zoning Commission started the conversation about this almost two years ago.

MPT Bloszinsky said he doesn't care how hard the work is in dealing with this issue as long as it gets good results.

## ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn.

SECOND – Commissioner Whitley

VOTE – Unanimous

The meeting adjourned at 8:50 p.m.

---

Emilie Swearingen, Mayor

---

ATTEST: Nancy Hewitt, CMC, NCCMC  
Deputy Clerk

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

**Nancy Hewitt**

---

**From:** Nancy Avery  
**Sent:** Friday, September 02, 2016 3:41 PM  
**To:** Nancy Hewitt  
**Subject:** Fwd: Septic Issue / 1038 S. Fort Fisher Blvd

Nancy - please add the email below to the September Council agenda under New Business as 'Request from property owner at 1038 SFFB to waive \$4,000 sewer tap and user fee due to special circumstances'.

Also print sections 17-127 User Fees and 17-128 Impact Fee in the code and include in the packet.

Attached

Thanks!

Nancy Avery  
Town Clerk  
117 Settlers Lane  
Kure Beach, NC 28449  
910-458-8216 office  
910-443-0410 cell  
[townclerk@townofkurebeach.org](mailto:townclerk@townofkurebeach.org)  
[www.townofkurebeach.org](http://www.townofkurebeach.org)

Begin forwarded message:

**From:** David Garceau <[David@Lykicare.com](mailto:David@Lykicare.com)>  
**Date:** August 30, 2016 at 6:35:50 PM EDT  
**To:** Nancy Avery <[townclerk@townofkurebeach.org](mailto:townclerk@townofkurebeach.org)>  
**Subject:** RE: Septic Issue / 1038 S. Fort Fisher Blvd

Ms. Avery,

Thank you for your quick response. I do plan on attending the next town meeting and appreciate that you confirmed the date as Tuesday Sept 20<sup>th</sup>. (I had thought that it might be on the 13<sup>th</sup> but wasn't really sure).

Please let me know if there are any questions I can answer before the meeting.

David Garceau  
Cell (704) 941-0921

**From:** Nancy Avery [<mailto:townclerk@townofkurebeach.org>]  
**Sent:** Tuesday, August 30, 2016 5:56 PM  
**To:** David Garceau <[David@Lykicare.com](mailto:David@Lykicare.com)>  
**Subject:** Re: Septic Issue / 1038 S. Fort Fisher Blvd

Hi Mr. Garceau - I will put your request on the agenda for the Town Council to consider at the September 20th meeting. Will you be attending the meeting?

Nancy Avery  
Town Clerk  
117 Settlers Lane  
Kure Beach, NC 28449  
910-458-8216 office  
910-443-0410 cell  
[townclerk@townofkurebeach.org](mailto:townclerk@townofkurebeach.org)  
[www.townofkurebeach.org](http://www.townofkurebeach.org)

On Aug 30, 2016, at 4:52 PM, David Garceau <[David@Lykicare.com](mailto:David@Lykicare.com)> wrote:

Ms Avery,

Re: 1038 S. Fort Fisher Blvd

I would like to request council consideration and the appropriate Department heads consideration of waiving any potential sewer tap fee for the following reasons:

- Home was sold as being on water and sewer
- Research shows that in 1983 and again in 1999 it was required to be hooked up to the towns system
- Bills state that there has been over \$3800.00 in sewer fees collected since 1999 (prior billing was not available)
- There may have been other fees paid at some point but I have not been able to confirm that through the records available, I think they may have already been collected but I as the new owner cannot confirm that. Your assistance here would be helpful.
- The price to take out the current tank and have it filled properly is \$7900.00 of which I the owner will have to take care of in other ways.
- It is a hardship for sellers too as it was an inherited property so therefore the sellers had no knowledge of the septic tank and drain field being there. They have paid years of bills prior to the sale of the property for they had no knowledge of it still being connected to a septic any more than I.
- We have confirmed that it is hooked to town water. Mr. Beeker and his staff with Public Works were kind enough to check and confirm. If hooked to water then why not sewer? Was there a fee paid at the time of that tap?
- We had two other independent plumbers come and give me quotes for the process, they also confirmed that it is not hooked to sewer at this time and indeed is hooked to a septic tank.

In doing the research for this it may have just been a misstep however the additional expense was not expected and with wanting to very much be in compliance I am looking for any and all input. I would like to know if there were any checks and balances as to what was required and if this has happened before in the town?

I want and look forward to working with the town and answering any questions. I want to very much be in compliance for we are adding on to the home and it was in the process of preparing for the expansion of our home when we discovered this is an issue. Please consider adding me for the towns next meeting and being added to the agenda to see what we can do to work together for a solution.

Respectfully,

David Garceau  
Cell (704) 941-0921

[david@lykicare.com](mailto:david@lykicare.com)



**Sec. 17-127. - User fees.**

- (a) The user's fee for water and sewer shall be on file in the town clerk's office.
  - (b) The user's fees shall apply to all services whether inside or outside of corporate limits and shall be payable upon the issuance of a building permit.
  - (c) All of the user's fees shall apply to individual, residential, duplex, motels, or multifamily units, excepting therefrom any property owner within the corporate limits who wishes to replace or upgrade his premises shall not be subject to those fees unless or until he replaces more units than he originally had on his property and the additional units placed thereon over and above the original units shall be charged per unit under the schedule hereinabove set out. Further, any owner who has torn down or removed his dwelling prior to March 1, 1982 shall not be exempted.
  - (d) All user fees shall be accrued to the benefit of the sewer expansion reserve fund and all user fees collected by the water fund shall be appropriated to the sewer expansion reserve fund.
- (Ord. of 11-15-83, § 25-29.2; Ord. of 12-20-83, § 25-29.2)

**Sec. 17-128. - Impact fees.**

On all voluntary annexations there shall be charged an impact fee per unit on all single and multifamily residential units which is on file in the town clerk's office, which shall be payable upon the issuance of a building permit. Any voluntary annexation which occurs which as a single family unit or multifamily units located upon the land shall pay a fee per unit which is on file in the town clerk's office which shall be payable upon annexation.

(Ord. of 11-15-83, § 25-29.3)

**From:** Nancy Avery <[townclerk@townofkurebeach.org](mailto:townclerk@townofkurebeach.org)>  
**Date:** September 8, 2016 at 3:37:00 PM EDT  
**To:** John Ellen <[67jellen@gmail.com](mailto:67jellen@gmail.com)>  
**Cc:** Joseph Whitley <[josephwhitley@townofkurebeach.org](mailto:josephwhitley@townofkurebeach.org)>, David Heglar <[davidheglar@townofkurebeach.org](mailto:davidheglar@townofkurebeach.org)>, Craig Bloszinsky <[craigbloszinsky@townofkurebeach.org](mailto:craigbloszinsky@townofkurebeach.org)>, Emilie Swearingen <[emilieswearingen@townofkurebeach.org](mailto:emilieswearingen@townofkurebeach.org)>, Jim Dugan <[jimdugan@townofkurebeach.org](mailto:jimdugan@townofkurebeach.org)>, James Eldridge <[jee@ec.rr.com](mailto:jee@ec.rr.com)>  
**Subject: Re: Swearing in alternate for Planning and Zoning**

Town Council voted to add an alternate position to the P&Z Commission on March 23, 2015. On April 21st of the same year, Town Council adopted an ordinance to the Code to allow an alternate position on P&Z. Also on the the 21st, Council appointed Kenneth Richardson as an alternate on P&Z.

All town committees and the Board of Adjustment have alternate members. The purpose of an alternate is to allow town business to be conducted in the event there is not a quorum of regular members.

Definition of an alternate is "a person authorized to fill the position, exercise the duties etc., of another who is temporarily absent; substitute".

Section 2-41 of the Code regarding P&Z reads: " one alternate may be appointed by the Town Council who shall be seated as a regular member, automatically, in the event a member of the Commission resigns or becomes incapacitated and unable to serve".

On April 21st, 2016, Town Council appointed John Cawthorne as an alternate on P&Z.

P&Z requested this topic be on Council's September agenda as the Commission is not in favor of allowing an alternate to have voting rights.

Council members, if you choose to do away with an alternate on P&Z, you will need to let Mr. Cawthorne know his appointment is no longer valid. Since the Code reads 'may' appoint, I don't think it would need to be repealed, unless you decide to never have an alternate on P&Z. In that event, you should vote to repeal section 2-41 of Chapter 2, Article III, of the Code.

Nancy Avery  
Town Clerk  
117 Settlers Lane  
Kure Beach, NC 28449  
910-458-8216 office  
910-443-0410 cell  
[townclerk@townofkurebeach.org](mailto:townclerk@townofkurebeach.org)  
[www.townofkurebeach.org](http://www.townofkurebeach.org)

On Sep 8, 2016, at 8:04 AM, John Ellen <[67jellen@gmail.com](mailto:67jellen@gmail.com)> wrote:

Thanks Joseph, good summation.  
John Ellen

On Wednesday, September 7, 2016, Joseph Whitley <[josephwhitley@townofkurebeach.org](mailto:josephwhitley@townofkurebeach.org)> wrote:

Tonight at the P&Z meeting, the alternate was to be sworn, but he was not in attendance. This started the discussion on the viability of swearing in an alternate on P&Z and allowing them voting rights. If they are granted voting rights in the absence of a standing member, then that means they would have to attend every meeting to be up to date with current issues before the board. We all know sometimes things move slowly on P&Z as research and revisions can take months to hammer out. The Board was not in favor of swearing in an alternate and allowing voting rights. There was no precedence for this action, and having come off three years on P&Z, I have to concur with their decision. Any input from rest of council?

Joseph Whitley  
Commissioner, Town of Kure Beach

Sent from my iPhone



# TOWN COUNCIL MINUTES

## REGULAR MEETING

**March 23, 2015 @ 6:30 p.m., or soon thereafter**

- **Kenneth Richardson**

Mr. Richardson said he has lived in Kure Beach for five years, served on the Kure Keys HOA for three years and was their HOA President for one year. He said he worked for the Department of Energy where he was in charge of planning and production of many projects. He said the DOE was like a small city in itself where they had a fire, police and utility department. He said if they planned anything, they had to look at the whole process and all of the ins and outs. He said he wants to serve on P&Z to figure out what the Town wants to be in the future; he would like to see it stay residential. He wants to keep the 35 foot height limit.

Council gave their consensus on which candidate would be best suited, as follows:

- MPT Bloszinsky leaned toward Mr. Moore who is a member of the Citizens Advisory Group and has also attended meetings where he isn't even a member, which demonstrates his interest in the Town.
- Commissioner Swearingen said she likes Mr. Richardson because he has background working in a large Federal agency that is pretty much like a small city, giving him experience in trying to balance ideas with requirements.
- Commissioner Pagley said he liked Mr. Moore's answers the most.
- Mayor Lambeth said he would have to go with Mr. Moore.
- Commissioner Heglar said he likes both candidates: Mr. Moore for his military background and Mr. Richardson because he has lived in Kure Beach for five years.

MOTION – Commissioner Pagley made the motion to appoint William Moore as a member of the Planning and Zoning Commission.

SECOND – Commissioner Heglar

VOTE PASSED 4 to 1, as follows: Mayor Lambeth, MPT Bloszinsky and Commissioners Heglar and Pagley FOR, Commissioner Swearingen AGAINST

Commissioner Pagley asked why Mr. Richardson couldn't be made an alternate on the commission. He said that the commission is very important, and he doesn't think it's good for them to sit with an empty seat if someone resigns. He said if someone leaves, the alternate can step right into that seat the very next month to fill the gap.

MOTION – Commissioner Pagley made the motion to have the Town Attorney work with staff to amend the Town's ordinance to add an alternate member position on the Planning and Zoning Commission, to be presented for Council approval at their April meeting.

SECOND – Commissioner Swearingen

VOTE – Unanimous



# TOWN COUNCIL MINUTES

**REGULAR MEETING**

**March 23, 2015 @ 6:30 p.m., or  
soon thereafter**

**MOTION** – Commissioner Pagley made the motion to automatically appoint Kenneth Richardson as an alternate member on the Planning and Zoning Commission, if Council adopts the amended ordinance to add an alternate member position to the commission.

**SECOND** – Commissioner Swearingen

**VOTE** – Unanimous

2. Shoreline Access, Beach Protection & Parking Committee

- a. Approval to pay \$470.80 for three signs for the Beach Sweep from the Committee Budget.

Chairperson Tony Gonsalves said that the three banners he wants to order have “2<sup>nd</sup> Saturday in April” printed on them, so they can be used year after year. He said two of the signs will be posted at the entrances to Kure Beach on Dow Road and on Fort Fisher Boulevard, and the third sign will be posted near the Kure Beach Fishing Pier. He said that they need the signs so that people who don’t have computers or receive emails will know about the event.

Commissioner Swearingen questioned if it was wise to advertise the event too much; she is afraid there will be too many people at the event and they will trample the dunes.

Mr. Gonsalves reassured her that the more help they can get, the better it will be. He said that people will be given instructions on which parts of the beach to clean and there shouldn’t be any damage to the dunes.

**MOTION** – Commissioner Heglar made the motion to approve spending \$470.80 to pay for three Beach Sweep signs out of the Committee budget.

**SECOND** – Commissioner Pagley

**VOTE PASSED** 4 to 1, as follows: Mayor Lambeth, MPT Bloszinsky and Commissioners Heglar and Pagley FOR, Commissioner Swearingen AGAINST

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation Department

- a. Cell Tower Lease Renewal

The Town Clerk asked Council to approve renewing the Cell Tower lease for the tower located behind Town Hall. She said we are currently on the fourth amendment to the lease which started in 1998, and it will expire April 30, 2016. She said the fifth amendment to the lease has the Town getting a three percent increase, per year, just like the current lease. The new lease will begin May 1, 2016.

**MOTION** – Commissioner Heglar made the motion to approve renewing the Cell Tower lease with Crown Castle/AT&T, as presented.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

April 21, 2015

MOTION – Commissioner Heglar made the motion to adopt the proposed On the Job Training policy and the revised Tuition Reimbursement policy, as presented.

SECOND – Commissioner Pagley

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Revised job description for the Finance/Budget Officer and the Town Clerk

Town Clerk Avery said these job descriptions were on the March Council agenda. She said that Council was instructed to give her their input and that a final decision would be made at this meeting. She said she only heard from the Mayor and the Mayor Pro Tem, and they were fine with the job descriptions, as written.

MOTION – Commissioner Heglar made the motion to approve the revised job descriptions for the Finance/Budget Officer and the Town Clerk, as presented.

SECOND – Commissioner Pagley

VOTE – Unanimous

2. Proposed ordinance amendment to add one alternate member position to the Planning and Zoning Commission

Town Attorney Canoutas read the proposed amended ordinance to Council.

MOTION - Commissioner Heglar made the motion to adopt the proposed amendment to Town ordinance Section 2-41, (1) and (2), as presented.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Said ordinance is herein incorporated as part of these minutes.

4. Beach Nourishment Interlocal Agreement

Mayor Lambeth explained that the Town, along with other municipalities, signed an emergency proclamation several years ago agreeing to pick up 17.5 percent of the cost of beach renourishment in order to help Carolina Beach that year. He said that the three local beach mayors don't think it's fair to continue to tax their citizens an extra 17.5 percent to pay for any shortfall that the County has. He said that the local beach mayors are very upset that the County didn't put any line item in their budget to address beach nourishment. He said that the interlocal agreement stated it was a "one-time deal" that would go away whenever the mayors gave the County enough notice, so the mayors are meeting tomorrow to discuss this. He asked Council's permission to vote against keeping the 17.5 percent in the Town's budget. He said he explained to the County Commission chairman that, if the Town has to pay the percentage, it will cost every man, woman and child in Kure Beach about \$500 each; but the chairman still didn't see any reason to drop the percent.

**Kure Beach, North Carolina, Code of Ordinances >> PART II - CODE >> Chapter 2 - ADMINISTRATION >> ARTICLE III. - BOARDS, COMMISSIONS, COMMITTEES >> DIVISION 2. - PLANNING AND ZONING COMMISSION >>**

**DIVISION 2. - PLANNING AND ZONING COMMISSION** [5]

- Sec. 2-41. - Composition; terms of office.
- Sec. 2-42. - Terms; removal; filling of vacancies.
- Sec. 2-43. - Extraterritorial jurisdiction.
- Sec. 2-44. - Organization; meetings; quorum.
- Sec. 2-45. - Compensation.
- Sec. 2-46. - Expenditures.
- Sec. 2-47. - Employees.
- Sec. 2-48. - Powers and duties generally.
- Sec. 2-49. - Basic and special studies.
- Sec. 2-50. - Comprehensive plan.
- Sec. 2-51. - Designated as zoning commission; preparation and submission of zoning ordinance for adoption.
- Sec. 2-52. - Preparation and submission of subdivision ordinance.
- Sec. 2-53. - Recommendations relative to public facilities.
- Sec. 2-54. - Street naming.
- Sec. 2-55. - Submission of recommendations, etc.
- Sec. 2-56. - Reserved.
- Secs. 2-57—2-70. - Reserved.

**Sec. 2-41. - Composition; terms of office.**

The planning and zoning commission shall consist of five (5) members and shall be citizens and residents of the town.

(Code 1973, § 2-26; Ord. of 8-15-78, § 2-26; Ord. of 3-20-01)

*Amended 2-41  
on 4/21/15 see Attached*

**Sec. 2-42. - Terms; removal; filling of vacancies.**

- (a) The members of the planning and zoning commission shall be appointed for terms of five (5) years.
- (b) The members of the commission may after a public hearing, be removed by the appointing authority for inefficiency, neglect of duty or malfeasance in office.
- (c) Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the period of the unexpired term.
- (d) Faithful attendance at the meetings of the commission is considered a prerequisite for the maintenance of membership on the commission. The five (5) commission members shall have equal voting powers on all matters which come before the commission.

(Code 1973, § 2-26; Ord. of 8-15-78, § 2-26)

**Sec. 2-43. - Extraterritorial jurisdiction.**

The planning and zoning commission may exercise extraterritorial jurisdiction in accordance with the provisions of the General Statutes of North Carolina.

(Code 1973, § 2-27)

*Editor's note—*

The extraterritorial jurisdiction of the city is from the northern boundary of Kure Beach to the centerline of Alabama Avenue in Wilmington Beach as depicted on the official zoning map of the Town of Kure Beach, North Carolina.

**Sec. 2-44. - Organization; meetings; quorum.**

- (a) The planning and zoning commission as soon as practicable after the annual appointment shall meet and organize by electing one (1) of its members chairman, and shall elect a vice-chairman and secretary who may be a member of such commission. The term of the chairman and other officers shall be one (1) year with eligibility for re-election.
- (b) The commission shall meet at least once each month. Regular meetings shall be open to the public. The commission shall adopt rules for transaction of its business and shall keep a record of its members attendance and of its resolution discussions, findings and recommendations, which record shall be a public record.
- (c) There shall be a quorum of three (3) members for the purpose of taking any official action required by this article.

(Code 1973, § 2-28)

**State law reference**— *Public meetings*, G.S. § 143-318.10.

**Sec. 2-45. - Compensation.**

All members of the planning and zoning commission shall serve without compensation.

(Code 1973, § 2-29)

**Sec. 2-46. - Expenditures.**

The expenditures of the planning and zoning commission, exclusive of gifts, shall be within the amount appropriated for the purpose by the town council. No indebtedness for which the town shall be liable shall be contracted or incurred by such commission unless an appropriation is made by the town council for such purpose, as authorized by law, and then only to the extent of such appropriation. The commission shall have the right to accept gifts and donations for the exercise of its functions and for giving publicity to its work. It may expend the money received from such donations and gifts, as in its judgment may appear best, in the exercise of its proper functions.

(Code 1973, § 2-30)

**Sec. 2-47. - Employees.**

The planning and zoning commission is authorized and empowered to employ such clerks and subordinates, including technical and expert advisor, and to incur such expenses as in its judgment may be necessary. The total amount of expenditures made by such commission shall not exceed in the aggregate, the amount set apart in the budget for such purpose. The town council shall include in the annual budget of the town an item in such amount as may be deemed necessary to defray the expenses and carry on the operation of the commission. The commission may request of the town council additional service for special survey work. The town council shall at his discretion assign members of the staff of any administrative department to the commission, or direct such department to make special studies requested by the commission.

(Code 1973, § 2-30)

**Sec. 2-48. - Powers and duties generally.**

It shall be the duty of the planning and zoning commission:

- (1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions;
- (2) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;
- (3) To establish principles and policies for guiding action in the development of the area;
- (4) To prepare and recommend to the town council ordinances promoting orderly development along the lines indicated in the comprehensive plan;
- (5) To determine whether specific proposed developments plan for the orderly growth and improvement of the area;
- (6) To keep the town council and the general public informed and advised as to these matters;
- (7) To perform any other duties which may lawfully be assigned to it.

(Code 1973, § 2-31)



**Sec. 2-49. - Basic and special studies.**

- (a) As background for its comprehensive plan and any ordinances it may prepare, the planning and zoning commission may gather maps and aerial photographs of manmade and natural physical features of the area, statistics on past trends and present conditions with respect of population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.
- (b) In addition, the commission may make, cause to be made, or obtain special studies on the location and adequacy of specific facilities, and condition, which may include, but are not limited to, studies of housing, commercial and industrial facilities, schools, parks, playgrounds, recreational facilities public and private utilities, and traffic, transportation and parking facilities.
- (c) All town officials shall, upon request, furnish to the commission such available records or information as it may require in its work. The commission or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

(Code 1973, § 2-32)

**Sec. 2-50. - Comprehensive plan.**

- (a) The comprehensive plan, with the accompanying maps, plats, charts and descriptive matter, shall show the planning and zoning commission's recommendation to the town council for the development of such territory, including, among other things, the general location, character and extent of streets, bridges, boulevards, parkways, grounds and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication power and other purposes; also, the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities or terminals.
- (b) The plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and environs which will, in accordance with present and future needs, best promote health, safety, morals and the general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public services and other public requirements.

(Code 1973, § 2-33)

Cross reference— Zoning, Ch. 19.

**Sec. 2-51. - Designated as zoning commission; preparation and submission of zoning ordinance for adoption.**

- (a) The planning and zoning commission is hereby designated as the zoning commission for the town and its environs. It shall prepare and submit to the town council for its consideration and possible adoption a zoning ordinance for the control of the height, area, bulk, location and use of buildings and premises in the area, in accordance with the provisions of the G.S. section 160A-381 et seq. Such proposed zoning ordinance, when adopted by the town council, will supplant the zoning ordinance and amendments now in effect.
- (b) The commission may initiate, from time to time, proposals for amendment of the zoning ordinance, based upon its studies and comprehensive plan. In addition, it shall review and make recommendations to the town council concerning all proposed amendments to the zoning ordinance.

(Code 1973, § 2-34)

**Sec. 2-52. - Preparation and submission of subdivision ordinance.**

The planning and zoning commission shall prepare and submit to the town council for its consideration and possible adoption reasonable rules and regulations governing streets and street locations, plats for new subdivisions, plats for resubdivision, size of lots, property lines, placing of houses on lots, width of streets and all other rules or regulations pertaining to subdivisions and in accordance with the provisions of G.S. section 160A-371 et seq.

(Code 1973, § 2-35)

**Sec. 2-53. - Recommendations relative to public facilities.**

The planning and zoning commission shall review and report as recommendations to the town council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, on the establishment of building lines, mapped street lines and proposals to change existing street lines. In the absence of a recommendation from the commission, the town council may, if it deems wise, after the expiration of thirty (30) days from the date on which the question has been submitted in writing to the planning and zoning commission for review and recommendation, take final action.

(Code 1973, § 2-36)

#### **Sec. 2-54. - Street naming.**

The planning and zoning commission may recommend to the town council names for streets not heretofore named, may approve or reject names proposed by owners of additions or developments, may recommend changes of names of streets where names are found to be duplicated and may recommend changing the designation of streets where misapplications are found to exist.

(Code 1973, § 2-37)

**Cross reference—** Streets, sidewalks and other public places, Ch. 14.

#### **Sec. 2-55. - Submission of recommendations, etc.**

All acts, findings, decisions and determinations of the planning and zoning commission shall be submitted in the form of recommendations to the town council and such recommendations, when approved by the town council, shall have the force and effect of ordinances.

(Code 1973, § 2-38)

#### **Sec. 2-56. - Reserved.**

*Editor's note—*

An ordinance adopted Feb. 16, 2010, repealed § 2-56, which had pertained to advisory council, special committees; and derived from § 2-39 of the 1973 Code.

#### **Secs. 2-57—2-70. - Reserved.**

---

#### **FOOTNOTE(S):**

<sup>(5)</sup> **Cross reference—** Subdivisions Ch. 15; zoning, Ch. 19. ([Back](#))

<sup>(5)</sup> **State Law reference—** Planning and regulation of development, G.S. N 160A-360 et seq.; planning agency, G.S. § 160A-361. ([Back](#))



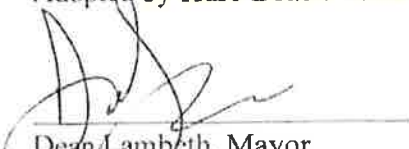
## ORDINANCE AMENDMENT

That Section 2-41 of the Code of the Town of Kure Beach, North Carolina, is hereby amended to read as follows:


Sec. 2-41. - Composition; terms of office.

- (1) The Planning and Zoning Commission shall consist of five (5) regular members who shall be citizens and residents of the town.
- (2) One (1) alternate may be appointed by the Town Council who shall be seated as a regular member, automatically, in the event a member of the Commission resigns or becomes incapacitated and unable to serve.

Adopted by Kure Beach Town Council on Tuesday, April 21, 2015.

  
Dean Lambeth, Mayor



  
Nancy Hewitt, Deputy Town Clerk



## PROPOSED NEW ORDINANCE

Chapter 12 Parks and Recreation, Article 2. Recreation, Division 2. Beach, (new) Subdivision A. 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.

### **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 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.