



# TOWN COUNCIL MINUTES

## REGULAR MEETING

November 15, 2016

The Kure Beach Town Council held their regular meeting on Tuesday, November 15, 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  
Commissioner Jim Dugan

### STAFF PRESENT

Building Inspector – John Batson  
Finance Officer – Arlen Copenhaver  
Police Chief – Mike Bowden  
Recreation Manager – Nikki Keely  
Town Clerk – Nancy Avery  
Deputy Clerk – Nancy Hewitt

### CALL TO ORDER

Mayor Swearingen called the meeting to order at 6:30 p.m., and Pastor Dan Keck from Kure Memorial Lutheran Church delivered the opening invocation and led everyone in the Pledge of Allegiance.

### RECOGNITION

Council presented Pastor Keck with a Certificate of Appreciation and thanked him for his faithful service in delivering the opening prayer at council meetings.

### APPROVAL OF CONSENT AGENDA ITEMS

1. Authorize closure of K Avenue (east of FFB) and Atlantic Avenue (between K and L Avenues) to vehicle traffic from the early morning hours on Saturday, December 31, 2016 through the early morning hours on Sunday, January 1, 2017 for the Island of Lights New Year's Eve event.
2. Approve \$100 expense for membership with the NC Association of Resort Towns & Convention Cities, to be paid for out of the Government Body Dues, Subscriptions and Membership account
3. Adopt Resolution for Designation of Applicant's Agent – Hurricane Matthew
4. Renew three-year term for Peter Boulter on the Board of Adjustment
5. ~~Accept resignations from Susan Walters, Kerry Garrigan, Sarah Smith, Ann Hughes, Jim Smith and Priscilla Smith with the SLABPP Committee (moved)~~
6. Accept resignation from Sarah Smith with the Parks and Recreation Advisory Board
7. Fire Department Report – October 2016



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8. YTD Finance Report Meeting

9. Minutes:

- October 18, 2016 regular meeting
- October 18, 2016 closed session (sealed)

MOTION – Commissioner Whitley moved to move Item 5 under Consent Agenda Items to Committee Business as Item 1.

SECOND – MPT Bloszinsky

VOTE – Unanimous

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

SECOND – Commissioner Dugan

VOTE – Unanimous

## ADOPTION OF THE AGENDA

Mayor Swearingen asked that “Kure Beach Community Survey” be added as Item 2 under New Business.

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

SECOND – MPT Bloszinsky

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Orville Powell, Parking Focus Group

Mr. Powell gave a presentation on paid parking, stating that the group worked on the subject to provide council with enough raw information to enable them to decide whether they want to do paid parking or not. He said that, over the July 4<sup>th</sup> holiday, the group examined how much of a problem parking is in Kure Beach with each person choosing an area to visit and monitor two times per day. He said they found that, if the lots next to Islander Quik Mart and Beach House Burgers get developed, there is going to be a parking problem in Kure Beach during the season. Regarding the subject of paid parking, he said that council could decide to do nothing, or they could decide to establish a combination of pay-to-park and free parking areas, or they could design their own parking program to create maximum revenues for the town. He presented the number of potential parking spaces available in Kure Beach, the fees that could be charged per hour, the cost of the meter equipment and installation and how a parking pass could be worked into the equation. He said that 85 percent of the parking project would pay for the equipment and operation, leaving the rest as revenue. He reviewed the estimated revenues and expenses.



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Commissioner Heglar said that the success of this is all dependent on the lifespan of the equipment. He said that there could be unintended consequences if paid parking is instituted, including visitors parking in residential areas to avoid paying for parking.

MPT Bloszinsky said the group did a great job on the math and council has something very difficult to consider. He said we can be a rich town, but that doesn't necessarily mean a happy town. He added that the SLABPP Committee has also done tremendous work giving council ideas about parking options.

Mr. Powell said they didn't feel private companies need to be brought in to consult unless council decides to look further into paid parking. He added that they didn't project parking ticket revenues in their information, but that would need to be instituted and monitored.

Commissioner Dugan said the collection of the fines would also need to be considered, not just the issuing of the parking ticket.

Mayor Swearingen said that the Town of Beaufort decided not to purchase its parking meter equipment but, rather, it got lease-to-purchase financing which allowed them to, at any point, stop paid parking and sell the equipment back. She said Beaufort is in their third year of paid parking, and it has been successful. She said that their council votes each year whether or not they want to continue with it.

Discussion ensued on who would sell parking passes and how a parking ticket could be paid for over the weekend when Town Hall is closed.

Mr. Powell said that he had a great group of people to work with on the focus group. He said the responses he got from the business community on the parking meter idea, especially from the restaurants, weren't always favorable.

Council discussed the positives and negatives of paid parking and their thoughts on parking in general in Kure Beach, and they made no conclusions and took no action.

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Shoreline Access, Beach Protection and Parking Committee
  - a. Accept resignations from Susan Walters, Kerry Garrigan, Sarah Smith, Ann Hughes, Jim Smith and Priscilla Smith with the SLABPP Committee

Commissioner Whitley said he'd like to wait until the December council meeting to vote on accepting the six SLABPP Committee resignations. He said he'd like the number of members required on the committee to be lowered so that that the committee would have a quorum.



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Mayor Swearingen asked Mr. Panicali to come to the podium, and she apologized to him for her behavior at the last council meeting.

Mr. Panicali said that he hadn't been a committee member for very long, but there were many on the committee who have been members for a long time, and the mayor should apologize to them, not him. He said the committee has worked very hard to serve its community, and the grilling and admonition he received at the meeting was directed at the committee.

Mayor Swearingen said she offers her apologies to the committee and said there is still a need for communication between council and the committee.

Mr. Panicali said that he and Commissioner Whitley have talked and will continue to talk. He said the committee members were present if the mayor wanted to address them.

Mayor Swearingen invited the committee members who were present to come to the podium to speak, if they desired to do so.

MOTION – Commissioner Whitley moved to hold off on accepting the resignations of six SLABPP members from the committee to give them time to reconsider, and he moved to reduce the number of regular members needed on the committee to seven.

SECOND – Commissioner Heglar

VOTE – Unanimous

MPT Bloszinsky said that there is a blessing in the level of passion that is felt by council and the committees for the town. He said he hopes council can restore the passion within the SLABPP Committee and asked the members to reconsider their resignation.

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

### 1. Administration and Recreation

- a. Draft amendment to the Personnel Policy: Article V. Conditions of Employment, Section 5. Employment of Relatives, Subsection D regarding Council liaison

Town Clerk Avery presented the proposed amendment and discussion ensued about the language therein.

Commissioner Heglar asked the town attorney if he should recuse himself from voting on this, stating the ordinance impacts him, to which the town attorney said it would be good for him to do so in order to avoid the appearance of impropriety.

MOTION – MPT Bloszinsky moved to allow Commissioner Heglar to recuse himself from voting on the subject.



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SECOND – Commissioner Whitley  
VOTE – Unanimous

Commissioner Dugan asked if the proposed policy was something they want to keep, whether it is a benefit to the town, or if council wants to get rid of it entirely.

MPT Bloszinsky said that it is a benefit to the town to keep the policy and that Commissioner Heglar is the most capable individual to be council liaison to the Public Works department. He asked the town attorney what he thought about the policy.

Town Attorney Canoutas said the proposed amendment to the policy that was prepared by the town clerk is appropriate.

MOTION – Commissioner Whitley moved to adopt the amendment to the Personnel Policy, as presented.

SECOND – MPT Bloszinsky

VOTE – PASSED three to one, as follows: Mayor Swearingen, MPT Bloszinsky and Commissioner Whitley FOR; Commissioner Dugan AGAINST.

### b. Clean Water Management Trust Fund (CWMTF) Grant

Town Clerk Avery said that the CWMTF grant cycle begins in February, and there is \$25 million in the fund. She said they are no longer doing water and sewer infrastructure grants, but they are doing grants for storm water projects. She said she spoke with the representative from NC State who designed the town's infiltration systems as well as a CWMTF grant representative, the mayor and Director Beeker. She said that Director Beeker had the idea of looking at some sort of storm water holding tanks at the southern beach areas which could be located in the beach access parking lot areas. She said the holding tanks would more slowly release the storm water into the ocean. She said the grant representative is very encouraging about a collaborative effort with NC State and the DOT to see if there's a way to possibly do away with the outfalls on the beach.

Council agreed that this would be a great thing to pursue and Mayor Swearingen thanked the town clerk for attending the grant training session and for connecting that with the town's needs. The mayor asked if there would be some sort of engineering fee to put the grant together.

Town Clerk Avery said that the grant representative seemed to think it was possible for the town to study what it could do with some sort of innovative storm water system in that area. She said we may not be able to get anything together by February; it may have to wait until next year. She said the town would be committed to moving forward with whatever recommendation came out of the planning study.



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A brief discussion ensued about the 19 storm water outfalls that were damaged during Hurricane Matthew and how they will need to be repaired.

Finance Officer Copenhaver said that, currently, the repair of the outfalls is not being considered for funding by FEMA, but he will give council a breakdown of damages in his presentation.

### c. Proposed Dates for 2017 OFP Summer Programs

Recreation Manager, Nikki Keely, reviewed the proposed dates of the summer recreation programs. She said the chamber is getting ready to print their 2017 calendar, so it would be good to get Kure Beach's activities on it in order to take advantage of the free advertising.

A brief discussion ensued about the concert scheduled at the Ocean Front Park on July 2<sup>nd</sup> with council concluding that it wouldn't present a problem.

Mayor Swearingen commented that it was going to be a busy time for the Recreation Department with Kure Beach hosting the New Year's Eve fireworks this year, the Polar Plunge in February 2017 and Island Day in September 2017.

Ms. Keely said that the town will also be recognizing its 70<sup>th</sup> Anniversary with a big celebration.

MOTION – Commissioner Heglar moved to approve the proposed dates for the 2017 OFP Summer Programs, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

## 2. Finance Department

### a. FEMA Funds for Hurricane Matthew

Finance Officer Copenhaver gave council a written summary of where Kure Beach stands in damages from Hurricane Matthew, stating he attended a FEMA meeting yesterday with the county. He said the purpose of the meeting was to see if there was enough permanent damage sustained to be able to receive funds from FEMA. He said the estimate to fix the 19 damaged outfalls is \$93,000, and there may not be money coming from FEMA to fix those. He said the items on his summary under Debris Removal and under Emergency Protective Measures may be covered by FEMA. He said he received a form from FEMA that he hopes to complete and submit before Thanksgiving and, if it is approved, the town should be getting about 75 percent of the amount, which would be \$51,800. He said all of the department heads did a great job getting him their information quickly.

### b. Proposed Changes to Vehicle Decal Program

Finance Officer Copenhaver stated that the vehicle decal used to be an indication that one paid his/her vehicle tax. He said that, starting July 1<sup>st</sup>, the \$5 tax will be billed as part of the county's



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vehicle registration process. He asked council if they wanted to rename the vehicle decal a “re-entry decal” and offer it to Kure Beach residents and non-resident property owners to facilitate reentry onto the island after an emergency. He said the town would still sell the decal for \$5 between January 1-March 31 and \$15 for the remainder of the year. He said that the order for the decals must be placed before Thanksgiving. He said that it would be optional and, if someone decided not to purchase the reentry decal, they could just show proof of residency or property ownership to the police officers manning the bridge for island access.

**MOTION** – Commissioner Heglar moved to approve changes to the Vehicle Decal Program, as presented, effective January 1, 2017.

**SECOND** – Commissioner Dugan

**VOTE** – **PASSED** four to one, as follows: Mayor Swearingen, MPT Bloszinsky, and Commissioners Heglar and Dugan **FOR**; Commissioner Whitley **AGAINST**.

### 3. Fire Department – State Inspection

Commissioner Dugan said that, a couple months ago, the Fire Department was inspected by the state on its paperwork, equipment, vehicles, etc., to make sure it was maintaining minimum standards. He said that they received a letter from the state saying the minimum standards were met and the department went through with flying colors because of the extra manpower council approved during this budget cycle. He pointed out that there are five fire departments in the area that didn’t attain the minimum standards because they didn’t have enough manpower.

### 4. Police Department – Review of Parking Ordinances

Commissioner Dugan said when the police chief took on the topic of parking ordinances, it was generic on where one can and can’t park. He said the problem with the simplified language is it doesn’t declare whether or not there can be parking on the state’s road, Route 421. He said that the state told the town that they would put No Parking signs on the road, but the town needed language in its ordinances to back up its position on parking in marked spaces, only.

Commissioner Heglar said the proposed ordinance applies on Atlantic Avenue, K Avenue, 3<sup>rd</sup> Avenue and Route 421, stating parking will be allowed in designated parking spaces, only.

Police Chief Bowden said the proposed ordinance defines what a designated parking space is and states that one can’t park on the road unless it is in a designated parking space.

Discussion ensued on the places where parking should and should not be allowed.

**MOTION** – Commissioner Heglar moved to adopt the text amendment to the town’s code under Chapter 10. Motor Vehicles and Traffic, Article VI. Stopping, Standing and Parking, Division 2 Parking Rules, Section 10-222. Manner of Parking, as presented.



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SECOND – MPT Bloszinsky  
VOTE – Unanimous

Said ordinance amendment is herein incorporated as part of these minutes.

### DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Proposed language for Annex B–Appendix 6 for the Emergency Operations Plan  
Commissioner Heglar said he presented the proposed language to council at last month’s meeting and he received no recommendations from council to change the language.

MOTION – Commissioner Heglar moved to approve the addition of Annex B–Appendix 6 of the town’s Emergency Operations Plan, as presented.

SECOND – Commissioner Whitley  
VOTE – Unanimous

2. Proposed new ordinance: Section 4-5. Specific regulations for hens  
Deputy Clerk Hewitt explained that council asked to have the proposed ordinance put on their November council meeting agenda to allow the public to see it listed on the agenda in case they wanted to address the item.

MOTION – Commissioner Heglar moved to adopt the addition of Chapter 4. Animals, Article I. In General, Section 4-5. Specific regulations for hens, to the town’s code, as presented.

SECOND – Commissioner Whitley  
VOTE – Unanimous

Said ordinance is herein incorporated as part of these minutes.

3. Approval of five parking spaces to be re-marked by DOT  
MPT Bloszinsky said that council needs to go out and look at the spaces that were proposed by SLABPP to be marked by the DOT.

Commissioner Dugan said that the police chief is requesting to meet with the committee to share with them why he feels the spaces should not be re-marked.

CONSENSUS – Council decided to hold off on their decision on marking five parking spaces along Fort Fisher Boulevard until their January meeting, to allow the police chief time to talk with the SLABPP Committee.

Mr. Panicali from the SLABPP Committee said that the committee defers to the police chief and, if he decides the spaces should be eliminated, that’s fine. He said that the committee will not meet in December, but he will try to arrange for the chief to come to their January meeting.





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### DISCUSSION AND CONSIDERATION OF NEW BUSINESS

#### 1. Kure Beach Community Survey

Mayor Swearingen presented council with a survey put together by Susan Sinclair, a professor at UNCW. She said Ms. Sinclair proposed this be presented to the town's citizens via Survey Monkey, which she will put together. She said that doing it this way will keep it from being labor intensive for town staff. She asked the other council members if they had questions or changes to the survey.

Discussion ensued about the mode of survey distribution with Commissioner Heglar asking how it would keep people from filling out the survey more than once.

Town Clerk Avery said they talked about using Survey Monkey but she doesn't know the details about having a unique ID to keep people from filling out the survey multiple times in order to manipulate the results.

Mayor Swearingen said she'd get Ms. Sinclair's contact information to Commissioner Heglar so that he can get the information he needs. She said that she will find out whether the survey will be distributed before or after the Christmas holiday and let council know.

CONSENSUS – Council didn't have any changes to the Kure Beach Community Survey.

### COMMISSIONER ITEMS

#### a. Update on NC Beach, Inlet and Waterway Association (NCBIWA) Meeting

After being asked by Mayor Swearingen to share his thoughts on the NCBIWA meeting, MPT Bloszinsky said that he was disappointed that there wasn't more representation from elected officials of the county and surrounding communities. He said that the information presented during the meeting was very scientific, and some of it was regarding the use of terminal groins.

Commissioner Whitley said that they also talked about the ownership of getting tax dollars for beach nourishment.

Mayor Swearingen said Senator Lee had a good presentation on three studies; one being where the visitors and second-home owners come from. She said that Kure Beach has a very high number of them coming from all around the state and the country. She said that the other studies had to do with the economics of tourism and coastal issues.

#### b. Storm Fencing

MPT Bloszinsky said the storm fencing along the boardwalk suffered serious damage from the hurricane, and some of it needs to be removed as soon as possible. He said it doesn't reflect on the beauty of the town.



ORDINANCE AMENDMENT

That the following ordinance in Chapter 10 - Motor Vehicles and Traffic, ARTICLE VI. Stopping, Standing and Parking, DIVISION 2. - Parking Rules, SECTION 222. - Manner of Parking is hereby amended as follows:

Sec. 10-222. - Manner of Parking

All vehicles, when parked on any street or highway within the Town's jurisdictional limits where parallel parking is permitted within designated parking spaces, shall be parked such that the wheels of the vehicle are entirely within one designated parking space. Vehicles are prohibited from parking on said streets and highways in any space that is not a designated parking space.

For the purposes of this section, a "designated parking space" shall mean and be construed as a rectangular space designated on the pavement with painted white lines; provided that, however, diagonal lines on the pavement adjacent to a handicap parking space do not constitute a designated parking space.

Ordinance adopted by Kure Beach Town Council on November 15, 2016.

  
Emilie Swearingen, Mayor

ATTEST:   
Nancy Hewitt, CMC, NCCMC  
Deputy Clerk





## ORDINANCE AMENDMENT


That the following ordinance is hereby added to Chapter 4. Animals, Article I. In General, Sec. 4-5.- Specific regulations for hens, as follows:

Sec. 4-5.-Specific regulations for hens.

- (a) No person shall keep hens unless they will be on a tract of land maintained as follows:
- (1) No more than one hen per 1,200 square feet. The maximum number of hens shall in no instance exceed four (4).
  - (2) The tract of land shall be developed with only one single-family residence.
- (b) Coop and Run Standards
- (1) A coop is a roofed-housing structure where hens are kept. The coop shall be fully contained.
  - (2) A run is an enclosed pen located in conjunction with the coop structure.
  - (3) A coop and run are required to enclose hens and shall meet the following criteria:
    - a. Zoning setback requirements for the principal structure.
    - b. The combined size of the coop and run shall be limited to sixty (60) square feet in area.
    - c. The coop shall be finished in a manner similar to the principal structure, located behind the principal structure and not visible to the public.
- (c) Hens shall not be utilized for commercial purposes.
- (d) Roosters are prohibited.

Ordinance adopted by Kure Beach Town Council on November 15, 2016.

  
Emilie Swearingen, Mayor

ATTEST:   
Nancy Hewitt, CMC, NCCMC  
Deputy Clerk





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Commissioner Whitley said that the fence is used more for the purpose of keeping people off of the dunes.

Commissioner Heglar said he will find out from Director Becker whether or not it is required to see if it needs to be removed or replaced.

**c. Sink Hole on Settlers Lane Property**

Commissioner Heglar said that he met with the homeowners at 741 Settlers Lane who have a big sinkhole in their back yard. He said that the piping company has delayed their work several times because of flooding from the hurricane, but they are currently scheduled to get back to work on November 30<sup>th</sup>. He said the homeowners are trying to be understanding, but it has been a long wait and, if the company puts it off again, Public Works will step in and attempt to put a temporary pipe in to fill in the sink hole. He added that some people are upset about storm water issues in multiple places, but Director Becker is actually ahead of schedule on his two year plan. He said Director Becker is focused on the storm water issues that have threatened houses with flooding, currently.

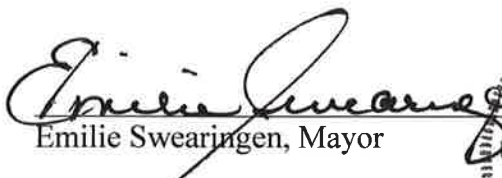
**ADJOURNMENT**


**MOTION** – Commissioner Heglar moved to adjourn.

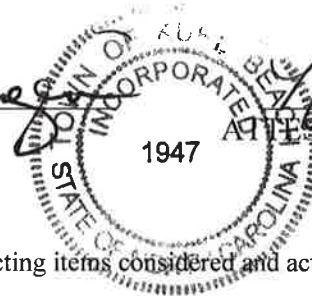
**SECOND** – MPT Bloszinsky

**VOTE** – Unanimous

The meeting adjourned at 9:57 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.