



TOWN COUNCIL AGENDA

REGULAR MEETING

November 15, 2016 @ 6:30 p.m.

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

Call to Order – Mayor Swearingen

Invocation & Pledge of Allegiance – Pastor Dan Keck, Kure Memorial Lutheran

RECOGNITION

Certificate of Appreciation to Pastor Dan Keck

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
6. *Accept resignation from Sarah Smith with the Parks and Recreation Advisory Board
7. *Fire Department Report – October 2016
8. *YTD Finance Report Meeting
9. Minutes:
 - *October 18, 2016 regular meeting
 - October 18, 2016 closed session (*sealed)

ADOPTION OF THE AGENDA

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Orville Powell, Parking Focus Group

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Sign up at podium (3-minute limit)

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

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



TOWN COUNCIL AGENDA

REGULAR MEETING

November 15, 2016 @ 6:30 p.m.

6. Shoreline Access, Beach Protection and Parking Committee
7. Non-town Committee Reports

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 (Avery)
 - b. *Proposed Dates for 2017 OFP Summer Programs (Keely)
2. Finance Department
 - a. *Proposed Changes to Vehicle Decal Program (Copenhaver)
3. Building Department
4. Fire Department
5. Police Department
6. Public Works Department

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. *Proposed language for Annex B–Appendix 6 for the Emergency Operations Plan (Heglar)
2. *Proposed new ordinance: Section 4-8.-Specific regulations for hens (revisit)
3. *Approval of five parking spaces to be re-marked by DOT (revisit)

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. *Review of Parking Ordinances (Dugan)

MAYOR UPDATES (no action required)

COMMISSIONER ITEMS (no action required)

CLOSED SESSION, if needed

ADJOURNMENT

Certificate of Appreciation

Presented to

Pastor Dan Keck

*for dependable service to the Town of Kure Beach
in conducting the opening prayer at council meetings*

November 15, 2016



Signed _____

Mayor Emilie Swearingen

Nancy Hewitt

From: Emilie Swearingen
Sent: Monday, November 07, 2016 9:52 AM
To: Nancy Hewitt
Cc: Nancy Avery; Craig Bloszinsky; David Heglar; Joseph Whitley; Jim Dugan; Arlen Copenhaver
Subject: FW: RTCC Annual Meeting follow-up - November 7, 2016

NH, please complete the "short membership form" and add it to our consent agenda for approval of the \$100 membership dues. Council, if you disagree, please let Nancy know by Wednesday, so she can remove it from the consent agenda.

Thank you,
Emilie

Funds Available - Dues, Subscripx + Membersh
10-410-53-00 | 30-410-53-00
\$51.05 \$51.05

From: Cin Brochure, RTCC President [mailto:cinbrochure@gmail.com]
Sent: Monday, November 7, 2016 9:30 AM
To: Emilie Swearingen <e.swearingen@townofkurebeach.org>
Subject: RTCC Annual Meeting follow-up - November 7, 2016

*If approved, balance of
\$1.05 left in each
acct.*

North Carolina
Resort Towns & Convention Cities



Hello RTCC members,

I am honored to serve as the president of the N.C. Association of Resort Towns and Convention Cities for this next year. Thank you for placing your trust in me to lead this group in a time of renewed energy and interest. The Board of Directors and I are already hard at work to develop priority projects for us to pursue as an association this year, including efforts to raise the profile of RTCC. So far, we have received media coverage of the new board selection, and a website design is not far on the horizon. Drawing on ideas we discussed at the annual meeting a few weeks ago (read these meeting minutes for a more complete report), we'll soon have more projects with which we will ask you to be involved.

Most immediately, there are two things you can do now to move our organization forward. First, the League has generated dues invoices (\$100/municipality) and mailed

them to each RTCC member. Please look for those invoices and ensure that they are paid promptly. Second, please take a moment to call a neighboring town that you think may be interested in joining RTCC (here is [a list of current members](#)). Please let them know that RTCC plans to take a more active role in tourism-based issues in the upcoming legislative session, and that the group would really benefit from their involvement. Ask them to fill out [this short membership form](#) to sign up.

Finally, I wanted to make sure you all had a copy of the [updated RTCC bylaws](#), which we approved at the annual meeting. They contain much-needed changes to modernize and streamline our organization, and they will help us be even more laser-focused on achieving good outcomes for all our state's tourist communities. Thanks for all you do as local leaders, and if you have any questions about RTCC, please either [respond to me](#) or our League affiliate liaison, [Erin Wynia](#).

Regards,
Mayor Cin Brochure, Oak Island
President, N.C. Association of Resort Towns and Convention Cities

NORTH CAROLINA ASSOCIATION of RESORT TOWNS & CONVENTION CITIES

Mission Statement

To unite the resources of Resort Towns and Convention Cities as a means to enhance the economies of towns, cities and the state of North Carolina by seeking support for the travel and tourism industries.

The Association of Resort Towns and Convention Cities is a coalition of cities and towns that are sustained or specifically affected by travel and tourism.

Seasonal residents, tourists, conference and convention attendees and visitors to historical or special interest sites all have a tremendous impact upon their host towns and cities. Although visitors add to the shared sales tax, they also place an increased demand on the infrastructures, increasing the financial burden on the cities and towns and the full-time residents.

The association was established in 1983 as a means of networking with each other and providing a united voice concerning legislative issues that affect the membership.

To join, complete the enclosed application form or contact the Association of Resort Towns and Convention Cities at 308 W. Jones St., Raleigh, NC 27603. (919) 715-4126.

Goals

- Promote statewide legislative support for travel and tourism.
- Ensure equitable distribution of resources for communities with travel and tourism-based economies.
- Create new and refine existing links between resort towns and convention cities.

Strategies

- Partner with state decision-makers on travel and tourism investments.
- Increase local authority for funding travel and tourism services, promotions, and capital projects
- Work collaboratively to efficiently deliver heightened services for travel and tourism economies
- Build coalitions among RTCC communities to advance areas of mutual interest and concern

MEMBERSHIP APPLICATION

N.C. Association of Resort Towns
& Convention Cities

TOWN/CITY

Kure Beach

NAME/TITLE OF CONTACT PERSON

Emilie Swearingen
Mayor

MAILING ADDRESS

117 Settlers Lane

CITY/STATE/ZIP

Kure Beach, NC 28449

TELEPHONE

910-458-8216

FAX

910-458-7421

EMAIL ADDRESS

e.swearingen@tobb.org

Annual membership fee: \$100.00

RETURN TO:

N.C. Association of Resort Towns
and Convention Cities
308 W. Jones St.
Raleigh, NC 27603

Attention: Erin Wynia

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

Mayor Emilie Swearingen
Town of Kure Beach

My name is Susan Walters. I am the Chair of the Shoreline Access Beach Protection & Parking Committee for the Town of Kure Beach. I was out of town at the time of the most recent town council meeting, and my Co-Chair Dennis Panicali agreed to attend to represent our committee.

I spoke with my Co-Chair the morning after the council meeting and was shocked when he shared what had happened at council. I immediately began to listen to the audio of the council meeting that is available on the Town of Kure Beach website.

Mayor, you stated that you were "so excited to have someone from SLABPP here that you jumped over the representative from the P & Z Committee. You then began your dialogue with my Co-Chair stating that you had been "waiting 5 days for this". All throughout the almost 35 minutes that you spent attacking our committee I kept asking myself why did you not reach out to myself or my co-chair during those 5 days to clarify any questions or concerns that you had regarding SLABPP?

5 Parking Spaces on Ft.Fisher Blvd.

My understanding, based on the audio of the Town Council meeting on October 18, 2016 is that your original cause for concern was the SLABPP request to approve the remarking of the 5 parking spaces on Ft.Fisher Blvd. This was sent with a copy of the email from Stoney Mathis at DOT requesting final approval from council. This has been an agenda item and in our minutes since Ft.Fisher Blvd was repaved. This was also brought before council by the previous chair Tony Gonzalves and approved during your time on council as as both Commissioner Heglar & Commissioner Bloszinsky reminded you. Commissioner Bloszinsky even shared with you that he was present when he & Tony Gonzalves & Chief Cooper looked at these spaces.

Our previous representative at DOT had left, so Tony Gonzalves gave committee member Jim Smith the name of our new contact so that he could continue to follow up on reclaiming these parking spaces. You stated at council that you were "a little miffed & disappointed didn't say anything to council in advance". The 5 parking spaces have been an agenda item since May 2015. Our previous liaison Steve Pagely was present at more than one committee meeting when this item was discussed. There has never been any question until now our involvement in this agenda item. It is in the public record that this was approved. Our committee was thrilled when we found that our new DOT representative Stoney Mathis was very responsive and eager to work with

us to finalize this project. As he was new to the project, he just wanted council to sign off on the previously approved item and we would have these spaces re-marked.

Jim Smith forwarded the email from Stoney Mathis to Nancy Hewitt with a request to be put on the October agenda. That email also included a paragraph regarding Jim's discussion about whether or not we could have a crosswalk at the intersection of Ft. Fisher Blvd and K Avenue. As my Co-chair explained to council, this question arose because of concerns brought to us about the danger of crossing at that intersection. Stoney stated that he could give us several options/quotes to consider and the quotes would be done at no cost to the Town of Kure Beach.

Mayor, it is my understanding that you spoke with Stoney Mathis after receiving a copy of the email mentioned above. Our August 2016 minutes clearly state what was discussed with Stoney Mathis. The story you shared at the council meeting is not correct. Once again, if our minutes were read, and this was a concern I could have answered your questions regarding both the 5 spaces and our inquiry about a crosswalk. As Dennis Panicali pointed out to you at council, the crosswalk was just in the discovery phase.

I would also like to clarify one very important thing. Mayor, you continued to admonish my Co-Chair & Jim Smith (in emails to me) stating that "No citizen is allowed to contact any Federal, State or County government official on Town business without first coming to council and no one on staff except department heads and the Mayor & council members". Sometime during the first month after I was elected Chair of SLABPP I received a copy of "Committee/Board Chairperson Responsibilities" in my box at KB Town Hall. Nowhere in this document does it state what you said above. However, it does state. #12-No Committee/Board has the authority to financially or legally obligate the Town without prior approval either through the establishment of a budget or a specific funding allocation. No committee/board member has the authority to sign a contract on behalf of the town. If there is other information that is the same as what you stated in the council meeting, it should have been shared with me when I became Co-chair in May 2016 and Chair in June 2016. Based on the above, no one on my committee has acted inappropriately as you repeatedly implied at the council meeting.

The information that we would have received from Stoney Mathis about the crosswalk would have been brought to council as "show & tell". As Commissioner Bloszinsky requested regarding our Signage project, we also agree that the more we can show council the better you will be able to understand what we are bringing for consideration.

Our discussion regarding the need for a crosswalk was accidentally omitted from our September minutes, but was brought up at our October meeting and our October minutes were amended to include the crosswalk and were mailed to council on October 16th.

As to your email to me dated 10/17/16 where you say that "I might be surprised at how much "research" has been going on that neither you or I knew about, or maybe it is the way the minutes are written". First, I am not surprised at all by how much research has been going on. I was well aware that Jim Smith was working with Stoney Mathis on the 5 parking spaces, and also that he was going to raise the crosswalk question. As to how the minutes are written, I approve all minutes before they are sent out. I missed the fact that the crosswalk discussion was not on our September minutes but that was caught by another committee member and the minutes were amended.

Adopt-A-Beach

The topic of certificates for the Adopt-A-Beach program was also raised. You asked that we run them by Nancy Hewitt & Nancy Avery before we finalize them to be sure that they are consistent with the ones that the town normally gives out. As our committee began to design the Adopt-A-Beach website we were in contact with both Nancy Hewitt & Nancy Avery and the town attorney to be sure everything was as the town would want. We met with both Nancy Avery and Nancy Hewitt in council chambers to let them preview our website and welcomed their input. We made each and every change that they suggested. We have worked with them in the past on a certificate for service hours and had every intention of doing the same with this certificate before we brought this to council for approval in November. Our committee member who designed the entire website for free was working on a certificate to share at our November committee meeting. Once approved by SLABPP we would have forward this to Nancy Avery and Nancy Hewitt for approval, and planned to present at the November council meeting and share our plan to honor the amazing individuals and groups who have made this such a successful endeavor. We have never taken a step in this project without full approval from both counsel and Nancy Avery & Nancy Hewitt. They have been invaluable to this project.

TDA

This project has been in our minutes since the Beach Protection Committee & the SLAP committee merged in November 2013, and I gather it was on the SLAP agenda for much longer than that. Regarding your statement "Please don't tell me that this stands for Tourism Development Authority. I can't imagine that SLABPP does anything that has anything to do with this." The tone of this statement is insulting. Well, yes, it does stand

for that. One of the P's in our committee name is for Parking, and we are to make TDA aware of any additional parking spaces so that they can update the website. Our previous liaison never mentioned a concern about this being on our agenda.

Signage at the Beach

This was originally brought up as a concern because we constantly have people asking about the inconsistency or lack of our signs. This has been an ongoing agenda item since June 2016. Our minutes also reflect that two of our committee members have been working on this and reporting to us each month. A tremendous amount of work has gone into researching this project including a spreadsheet about the signage at all of our access points. As Dennis Panicali stated at counsel, the intent was to bring this to counsel as a full report for you to consider when it was ready.

With regards to your comments about our budget, or lack thereof, I would have appreciated it if someone would have contacted me regarding budget once I was made Chair in June. Many of your comments were directed at our committee under our previous chair. As Dennis Panicali made very clear, it was never our intention that these projects come out of our existing budget. Our intent was to do as much research on them as we could so that council would have all the information they needed to decide if they wanted to move forward.

Commissioner Bloszinsky's comments about all of the creative work our committee of volunteers do is very appreciated. We come from varied backgrounds, and work countless hours to do everything we can to make Kure Beach a better place to live and visit.

Sea Oats

I joined the Beach Protection Committee in 2012. Mike Bledsoe had been a member of our committee since 2007. Mike is our source for the sea oats that are planted in Kure Beach, always obtaining the healthiest plants and the most reasonable price for our town. Our committee organizes volunteers and plants those sea oats. For many years Mike Bledsoe, Tony Gonzalves & Andy Barnard (previous Chair of Beach Protection Committee) rode the beach in the bobcat belonging to the KB Fire Department to determine where and how many sea oats were needed to help protect our dunes. I find it incredibly sad that you do not recognize the dedication that Mike has shown for almost a decade to protecting our dunes.

Storm Water

Exactly as Dennis stated. In conversation with Sonny about signage, he raised the question about stormwater and received an answer. We appreciate Commissioner Heglar sharing his insights with us.

Invitation to Police Chief Bowden

Our intent was to introduce ourselves and have an open dialogue with Chief Bowden regarding the challenges that he faces with enforcing our town ordinances. Our committee also met with Chief Cooper several years ago. We had hoped to determine what we might do as a committee and as citizens of Kure Beach to aid in any way that we could.

Mayor, to reduce our concern for the cleanliness of the beach and the safety of our citizens and guests to "poop on the beach" is highly offensive to me, and also to our committee.

We are committee that designed, implemented and maintains the very successful Adopt-A-Beach program for Kure Beach and who also year after year designs, updates, publishes and distributes the "Welcome to Kure Beach" and "Bicycle Safety" brochures located in the foyer at Town Hall. It was very condescending to speak in that way about our concerns. Regarding your suggestion that we come up with a way that we can educate our community, please refer to our flagship Adopt-A-Beach program that has been hugely successful with all points on our beach covered by multiple citizens for close to a year now, and to the brochures mentioned above. Each year we distribute these brochures to all of the hotels and motels located in Kure Beach, and to all of the real estate companies located on Pleasure Island that rent property in Kure Beach to share with their guests, as well as many of the HOA's in Kure Beach to share with their homeowners. We are concerned with much more than poop on the beach. We have many ordinances on the books that are there to protect not only the beach, but the sea turtles and our dunes & also keep our citizens and guests safe. The BP in our committee name SLABPP stands for beach protection which is why we organize beach sweeps, plant sea oats, and work very hard to educate both our citizens and the guests in Kure Beach.

Joseph Whitley

I cannot speak to whether our previous chair had contact with Joseph, but I do know that he has never attended a SLABPP meeting, and until last week when I invited him to join us at our November meeting he had not reached out to me. In your email dated 10/17/16 you also stated that someone from our committee needs to attend every

council meeting and give a report and Joseph needs to attend every committee meeting even if it means changing our meeting date & time to accommodate him. I responded that either myself or my co-chair would be at council meetings and I also stated that I looked forward to working with Joseph. We would be happy to work with him and his schedule, but I have 11 volunteer committee members who also have jobs, families and commitments and we would need to be sure that changing our meeting date/time wouldn't hinder the success of our committee. He quickly responded that he did receive our minutes/emails and followed them and shared that he worked full time and juggles family and council responsibilities and he would try to attend our meetings. I let him know that I completely understood and I gave him the date and time of our next meeting. I am sure that Joseph Whitley would be a great liaison to our committee for all the insight and guidance he can share with us, and not because "he looks like he is on the beach" as you stated at council.

Mayor, you responded again that he was appointed in January and you were "surprised" I had never met him and I should be in contact with him regularly. You also stated that "Council Members do not always have time to read committee minutes and also council might have a question about the minutes".

Mayor Swearingen, if it is true as you stated that council members don't always have time to read committee minutes then I must say that I find that very discouraging. All town committees are volunteers who work tirelessly for the betterment of the Town of Kure Beach and its citizens and deserve at the very least a quick look at their minutes. Most, if not all of the items you brought forward at the council meeting have been in our minutes for some time. Many of these items are long standing agenda items so I am very curious why no one had a concern until now. If those minutes had been read many of your questions could have been answered by our minutes or a simple phone call to me, rather than the scenario that you chose.

For you, as Mayor of Kure Beach to choose a very public forum to blindside a committee co-chair and systematically admonish our committee, refuse to listen to his valid clarifications or to those of your own Commissioners is at the very least unprofessional. Your condescending tone used throughout was unacceptable and I commend my Co-chair for his patience and composure during your 35 minute attack on our committee. You began by saying that nothing you had to say should be taken personally.

I would like to be very clear. I take it very personally, as I imagine many on my committee will when they listen to the public recording of the meeting.

Jim Smith & Dennis Panicali along with the rest of the SLABPP committee deserve a personal and public apology from you Mayor. Your unprofessional treatment of Dennis during the meeting, rarely giving him a moment to speak and then continuing on your monologue was very inappropriate. Jim Smith deserves an apology for the implication of impropriety that was laced throughout, and our committee deserves an apology for your choice of a very public forum to chastise us and all the hard work we are doing as volunteers.

As of this date, October 27, 2016 I am resigning as Chair from the KB SLABPP committee for all of the reasons stated above and the knowledge that it would be impossible to work in cooperation with someone who would deliberately and repeatedly belittle the efforts of the very people that are working to make Kure Beach a better place to live. This is not a decision that I make lightly. I have been very proud to serve on the committee and to serve as Chair. I am extremely proud of all of our accomplishments. I have worked with incredible people who have made a real difference in the town of Kure Beach. Not one of us deserved the sarcastic tone and uninformed tirade against our efforts.

Susan Walters

Chair- Shoreline Access Beach Protection & Parking Committee for the Town of Kure Beach

Kerry Garrigan



910-458-7894
kagmbg@gmail.com

10/27/2016

Town of Kure Beach-SLABPP Committee Members & Co-Chair,

Please accept my resignation from the Committee effective today, October 27, 2016.

I have enjoyed serving on the Committee for the last 5 years and especially in the last 2 years as the members have worked so hard together and we have accomplished so much. It has been a pleasure to work with people who truly care about the town of Kure Beach and have no hidden agendas.

We should all be proud of what has been done recently and how successful the Adopt A Beach Program has been.

I cannot continue in view of Susan's resignation and what happened at the Council meeting. It is such a loss. She was a terrific and dedicated leader. I shall miss her and the rest of you.

I hope I will be able to serve again someday and wish you all the best.

Warm regards,
Kerry Garrigan



October 28, 2016

Kure Beach Town Council and SLABP&P Committee Members,

Please accept this letter as my resignation from the SLABP&P Committee effective today, October 28, 2016.

I have served as a volunteer on this committee for about two years and feel fortunate to have worked directly with many of the initiatives that Susan Walters mentioned in her letter to Mayor Swearingen. All of our committee members have spent countless hours to develop programs and services to improve the quality of life for our citizens and visitors. We never should have been exposed to the open-forum ridicule that occurred at the recent Town Council meeting.

I, like Kerry, cannot continue to serve on SLABP&P in light of that meeting and the resignation of Susan Walters. Susan gave her heart and soul to this committee and its initiatives for many years.

Sincerely,

Sara Smith

October 28, 2016

To: SLABPP Chair, Co-Chair and committee members;

After thoughtful consideration, I am submitting my resignation as committee member of the Shoreline Access, Beach Protection & Parking Committee for the Town of Kure Beach, effective today.

I've been a committee member for over 2 years and have been very proud of the work that has been accomplished through this all volunteer committee. After hearing the October Council audio minutes it is rather apparent that our efforts have not been well received. I personally would have hoped that a positive and constructive dialogue would have come from Council rather than the very public reprimand that was made by our Mayor.

I will continue to volunteer for our community as I am very proud of who we are. There are, however, many other ways I can volunteer and continue to make positive and constructive contributions to our community without being subjected to the very condescending, public ridicule that came from our Mayor in those minutes.

I look forward to working with many of you again.

Best Regards,

Ann Hughes

November, 2016

I have been out of Town for the past week and a half. Upon returning, I have reviewed with amazement the October Council Meeting

Being a Kure Beach Town Volunteer for more than Ten Years, I respectfully tender my resignation in full agreement with those who have already resigned.

Jim Smith

November 4, 2016

I have just returned from a family reunion/birthday celebration in Nashville. Being aware that I would miss the November meeting of the SLABP&P committee I have reached out to my friends and fellow volunteers to catch up on any developments in town.

I was aware of the fiasco regarding the unmarked parking spaces along Ft. Fisher Blvd. I was appalled by the attitude of the Mayor and her ignorance regarding what our committee was doing. I send her and all the Council, as well as all the committee members and both Nancy's the minutes of our meeting as I have done in the past for Beautification, the original Beach Protection and SLAP. The minutes are usually quite terse. They require very little time to read them and they do show what the committee(s) are doing,

I have been volunteering in Kure Beach since the late 1990's when the Beautification committee was started by Mayor Medlin. Joined Beach Protection when it was started and was an alternate on SLAP.

I have been a volunteer working with Mayor Medlin, Mayor Fuller, Mayor Mac, Mayor Lambeth, and now Mayor Swearinger and have never encountered, heard of, experienced the type of self righteous babble from any until now.

For starters, regarding the parking spaces on Ft. Fisher. These spaces have been in use since I came to Kure Beach in 1987. When the road was repaved these spaces were not remarked and for the past two years the committee has been working with DOT to get them remarked. THERE IS NO COST INVOLVED FOR THE TOWN. As to the crossing at K Ave and Ft. Fisher, the committee was asked to see if there was anything we could do to create a safer crossing. We were in contact with DOT and asked if they could help. The thought the idea for a crossing was a good one and volunteered to help us. This is not unusual. The DOT did advise us that a four way crossing would be costly and require moving several items. They would give us an idea of what a single cross would cost, what a double cross would cost and the four way cross. NO CHARGE. The committee would then send the information to the council for their comments. THIS IS INVESTIGATING THE FEASIBILITY OF IMPROVING LIFE IN KURE BEACH.

Over the years our committees have come up with ways to make Kure Beach pretty with plantings of flora, live Oak trees, the boardwalk along Atlantic Avenue, Parking at the playground, upgrading the beach accesses, creating and distribution of brochures advising what can and cannot be done in Kure Beach; brochures on bike safety, etc. These are just a drop in the bucket of projects done by town volunteers.

Sadly, with the present acrimony from the mayor, I can no longer volunteer. Hopefully in the future things will change and I can again work for my wonderful Town.

Respectfully submitted

Priscilla Smith, Secretary

October 28, 2016

Nancy Avery
Town of Kure Beach
117 Settlers Lane
Kure Beach, North Carolina 28449

Nancy,

Please accept this letter as my resignation from the Parks and Recreation Advisory Board effective October 28, 2016.

Sincerely,

Sara Smith

KURE BEACH FIRE DEPARTMENT

FIRE CHIEF'S REPORT OCTOBER, 2016

DATE	PURPOSE
10/01/16	FALSE ALARM
10/02/16	WATER RESCUE
10/03/16	DRILL
10/08/16	MUTUAL AID Cbfd
10/08/16	WIRE DOWN
10/08/16	FALSE ALARM
10/08/16	TRANSFORMER
10/08/16	TRANSFORMER
10/08/16	WIRE DOWN
10/08/16	WIRE DOWN
10/08/16	WIRE DOWN
10/10/16	WIRE DOWN
10/10/16	WIRE ARCHING
10/13/16	FALSE ALARM
10/13/16	FALSE ALARM
10/13/16	EMS
10/16/16	EMS
10/17/16	VEHICLE FIRE
10/17/16	DRILL
10/20/16	EMS
10/20/16	EMS
10/21/16	FALSE ALARM
10/21/16	FALSE ALARM
10/22/16	EMS
10/22/16	EMS
10/24/16	DRILL
10/27/16	EMS
10/28/16	EMS
10/29/16	WATER RESCUE
10/30/16	EMS
10/31/16	ASSIST PUBLIC

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 NOVEMBER 8, 2016

REVENUES

	2017 Initial Bud.	2017 Amend. Bud.	Actual 11/08/2016	% Collected
GENERAL FUND				
Property Taxes (Cur. & PY)	\$ 2,328,500	\$ 2,328,500	\$ 652,079	28.0%
Local Option Sales Tax	\$ 800,075	\$ 800,075	\$ 280,451	35.1%
Franchise & Utility Tax	\$ 249,000	\$ 249,000	\$ 47,590	19.1%
TDA Funds	\$ 204,517	\$ 204,517	\$ -	0.0%
Garbage & Recycling	\$ 343,375	\$ 343,375	\$ 120,837	35.2%
ABC Revenue	\$ 12,300	\$ 12,300	\$ 8,360	68.0%
Bldg. Permit & Fire Inspect. Fees	\$ 56,800	\$ 56,800	\$ 38,025	66.9%
Communication Tower Rent	\$ 77,408	\$ 77,408	\$ 33,611	43.4%
Motor Vehicle Tags	\$ 12,000	\$ 12,000	\$ 4,515	37.6%
Com Ctr/Parks & Rec/St Festival	\$ 26,350	\$ 26,350	\$ 8,641	32.8%
Town Facility Rentals	\$ 11,000	\$ 11,000	\$ 5,234	47.6%
Beer & Wine Tax	\$ 10,000	\$ 10,000	\$ -	0.0%
OPF - Bluefish Purchases	\$ 13,200	\$ 13,200	\$ 2,860	21.7%
Sales Tax Refund	\$ 47,500	\$ 47,500	\$ 48,902	103.0%
CAMA & Impact Fees	\$ 3,200	\$ 3,200	\$ 895	28.0%
All Other Revenues	\$ 3,145	\$ 61,125	\$ 2,306	3.8%
Other Financing Sources	\$ 290,000	\$ 290,000	\$ 216,623	74.7%
Total Revenues	\$ 4,488,370	\$ 4,546,350	\$ 1,470,929	32.4%

EXPENDITURES

	2017 Initial Bud.	2017 Amend. Bud.	Actual 11/08/2016	% Spent
GENERAL FUND				
Governing Body	\$ 35,517	\$ 35,517	\$ 24,815	69.9%
Committees	\$ 4,300	\$ 12,280	\$ 11,505	93.7%
Finance	\$ 151,889	\$ 151,889	\$ 69,572	45.8%
Administration	\$ 397,192	\$ 397,192	\$ 161,545	40.7%
Community Center	\$ 23,300	\$ 23,300	\$ 6,048	26.0%
Emergency Management	\$ 100	\$ 100	\$ 2	2.0%
Tax Collections	\$ 25,000	\$ 25,000	\$ 2,945	11.8%
Legal	\$ 28,900	\$ 28,900	\$ 8,323	28.8%
Police Department	\$ 1,265,716	\$ 1,265,716	\$ 399,640	31.6%
Fire Department	\$ 685,845	\$ 685,845	\$ 189,983	27.7%
Lifeguards	\$ 192,217	\$ 192,217	\$ 76,817	40.0%
Parks & Recreation	\$ 146,114	\$ 146,114	\$ 44,345	30.3%
Bldg Inspection/Code Enforcement	\$ 124,763	\$ 124,763	\$ 37,304	29.9%
Streets & Sanitation	\$ 988,011	\$ 988,011	\$ 462,698	46.8%
Debt Service	\$ 316,626	\$ 316,626	\$ 102,878	32.5%
Transfer to Other Funds	\$ 50,000	\$ 100,000	\$ 100,000	100.0%
Contingency	\$ 52,880	\$ 52,880	\$ -	0.0%
Total Expenses	\$ 4,488,370	\$ 4,546,350	\$ 1,698,420	37.4%

WATER & SEWER FUND

Water Charges	\$ 791,800	\$ 791,800	\$ 353,964	44.7%
Sewer Charges	\$ 1,110,100	\$ 1,110,100	\$ 480,430	43.3%
Tap, Connect & Reconnect Fees	\$ 27,900	\$ 27,900	\$ 30,420	109.0%
All Other Revenues	\$ 187,375	\$ 187,375	\$ 3,114	1.7%
Other Financing Sources	\$ 102,500	\$ 102,500	\$ -	0.0%
Total Revenues	\$ 2,219,675	\$ 2,219,675	\$ 867,928	39.1%

WATER & SEWER FUND

Governing Body	\$ 15,017	\$ 15,017	\$ 6,592	43.9%
Legal	\$ 28,900	\$ 28,900	\$ 8,323	28.8%
Finance	\$ 178,238	\$ 178,238	\$ 66,413	37.3%
Administration	\$ 248,806	\$ 248,806	\$ 126,154	50.7%
Operations & Transfer	\$ 1,748,714	\$ 1,748,714	\$ 592,950	33.9%
Total Expenses	\$ 2,219,675	\$ 2,219,675	\$ 800,432	36.1%

STORM WATER FUND

Total Revenues	\$ 690,373	\$ 690,373	\$ 98,831	14.3%
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STORM WATER FUND

Total Expenses	\$ 690,373	\$ 690,373	\$ 164,855	23.9%
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POWELL BILL FUND

Total Revenues	\$ 65,050	\$ 65,050	\$ 32,562	50.1%
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POWELL BILL FUND

Total Expenses	\$ 65,050	\$ 65,050	\$ 3,588	5.5%
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SEWER EXPANSION RESERVE FUND (SERF)

Total Revenues	\$ 180,000	\$ 180,000	\$ 20,103	11.2%
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SEWER EXPANSION RESERVE FUND (SERF)

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

Total Revenues	\$ 50,440	\$ 50,440	\$ 50,199	99.5%
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BEACH PROTECTION FUND

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

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

Total Expenses	\$ 50,000	\$ 50,000	\$ 18,712	37.4%
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**TOWN OF KURE BEACH
CASH AND INVESTMENTS
AS OF OCTOBER 31, 2016**

<u>FUND</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>	<u>TOTAL CASH & INVESTMENTS</u>
General	\$1,910,912	\$342,160	\$2,253,072
Water/Sewer	\$1,418,227	\$585,418	\$2,003,645
Storm Water	\$657,683	\$240,544	\$898,227
SERF	\$347,886	\$91,346	\$439,232
Powell Bill	\$264,284	\$19,945	\$284,229
Beach Protection	\$111,640	\$175,491	\$287,131
Federal Asset Forfeiture	\$75,861	\$0	\$75,861
Capital Project Fund	\$24,500	\$0	\$24,500
TOTAL	\$4,810,993	\$1,454,904	\$6,265,897
	<u>INSTITUTION</u>		
BB&T	\$4,810,993	\$0	
First Bank - Certificates of Deposit	\$0	\$963,347	
NCCMT Term Portfolio	\$0	\$482,216	
NCCMT Cash Portfolio	\$0	\$9,341	
TOTAL	\$4,810,993	\$1,454,904	

**TOWN OF KURE BEACH
SUMMARY OF CONTINGENCY FUND AND COMMITTEE
EXPENDITURE ACTIVITY
07/01/2016 - 11/08/2016**

CONTINGENCY FUND

Fiscal Year 2017 Budget	\$52,880.00
Less:	
No activity	<u>\$0.00</u>
Remaining Budget as of 11/08/2016	<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 11/08/2016	<u><u>\$775.00</u></u>

**TOWN OF KURE BEACH
DEBT LISTING
NOVEMBER 15, 2016**

LOAN PURPOSE/DESCRIPTION	FUND	LENDER	DATE OF LOAN	AMOUNT FINANCED	INTEREST RATE	LOAN TERM (YRS)	DATE PAID OFF	BALANCE AT 11/15/16	PAYMENT FREQUENCY	PAYMENT AMOUNT	NEXT PAY DATE	INT. EXPENSE LIFE OF LOAN
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. Water Tower & Well House & Town Hall Expansion (b)	G, W/S	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
2016 John Deere Backhoe (c)	W/S, SW	BB&T	04/11/2007	\$1,187,187	3.92%	15	05/07/2022	\$517,106.22	Semi-annual	\$52,716.71	05/07/2017	\$394,314.33
2017 Freightliner Garbage Truck	G	BB&T	11/09/2016	\$105,273	1.87%	5	11/09/2021	\$105,273.00	Annual	\$22,250.35	11/09/2017	\$5,978.75
(2) 2016 Police Dodge Chargers	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	11/09/2016	\$63,500	1.60%	4	11/09/2020	\$63,500.00	Annual	\$16,515.04	11/09/2017	\$2,560.16
2016 Chevrolet Silverado	G	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
Cutter Court Drainage Project	SW	B of A	07/26/2016	\$36,867	1.60%	4	07/26/2020	\$36,867.00	Annual	\$9,593.55	07/26/2017	\$1,486.39
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	\$16,456.90	Annual	\$8,499.73	10/24/2017	\$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 11/15/2016:

General Fund \$ 1,996,735.38
Water/Sewer Fund \$ 715,773.67
Storm Water Fund \$ 350,433.88
Total \$ 3,062,942.93

NOTES

LOAN PAYMENTS DUE (Next 12 Months):

11/16/2016 - 12/31/2016 \$ 104,916.24
01/01/2017 - 03/31/2017 \$ 117,094.76
04/01/2017 - 06/30/2017 \$ 91,173.70
07/01/2017 - 11/15/2017 \$ 277,943.32
Total \$ 591,128.02

- (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.

TOWN OF KURE BEACH
BYPASS FORCE MAIN CAPITAL PROJECT BUDGET STATUS
AS OF 11/08/2016

	APPROVED BUDGET	REVISED BUDGET (1)	FY 2016 ACTUAL	FY 2017 ACTUAL	TOTAL ACTUAL
<u>EXPENDITURES</u>					
<u>ENGINEERING SERVICES, PA</u>					
Land Surveying Fees	\$2,600	\$2,600	\$2,600.00	\$0.00	\$2,600.00
Engineering Design	\$15,800	\$15,800	\$7,900.00	\$7,900.00	\$15,800.00
Informal Bid Assistance	\$2,800	\$2,800	\$0.00	\$2,800.00	\$2,800.00
Construction Administration	\$6,725	\$6,725	\$0.00	\$5,380.00	\$5,380.00
Construction Observation	\$10,400	\$10,400	\$0.00	\$8,320.00	\$8,320.00
Total Engineering Services, PA	\$38,325	\$38,325	\$10,500.00	\$24,400.00	\$34,900.00
<u>T&H CONSTRUCTION OF NC</u>					
Construction	\$132,494.22	\$156,494.22	\$0.00	\$58,773.46	\$58,773.46
GRAND TOTAL EXPENDITURES	\$170,819.22	\$194,819.22	\$10,500.00	\$83,173.46	\$93,673.46
<u>PROJECT REVENUE SOURCES</u>					
FY 2016 Water/Sewer Fund Operating Revenue	\$10,500.00	\$10,500.00	\$10,500.00	\$0.00	\$10,500.00
Transfer From Sewer Expansion Reserve Fund to Water/Sewer Fund	\$160,319.22	\$180,000.00	\$0.00	\$83,173.46	\$83,173.46
FY 2017 Water/Sewer Fund Operating Revenue	\$0.00	\$4,319.22	\$0.00	\$0.00	\$0.00
GRAND TOTAL PROJECT REVENUE SOURCES	\$170,819.22	\$194,819.22	\$10,500.00	\$83,173.46	\$93,673.46

(1) - Revised budget includes Change Order No. 1 that adds an emergency bypass pump connection totaling \$24,000.

TOWN OF KURE BEACH
TOWN HALL EXPANSION AND NEW FIRE STATION
CAPITAL PROJECT BUDGET STATUS
AS OF 11/08/2016

	APPROVED BUDGET	ACTUAL AS OF 11/08/16
<u>EXPENDITURES</u>		
Architectural Services	\$28,500	\$25,500.00
Topographical Survey & Other Planning Costs	\$21,500	\$3,250.00
Total Expenditures	\$50,000	\$28,750.00
<u>PROJECT FINANCING SOURCES</u>		
Transfer From General Fund	\$50,000	\$50,000.00



TOWN COUNCIL MINUTES

REGULAR MEETING

October 18, 2016

The Kure Beach Town Council held their regular meeting on Tuesday, October 18, 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

Police Chief – Mike Bowden
Finance Officer – Arlen Copenhaver
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 Cathy Chester from Carolina Coastal Vineyard Church delivered the opening invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. Adopt Resolution R16-14 approving financing terms with BB&T for Public Works backhoe
2. ~~Approve KBPD Policy Manual (moved to Department Head Business)~~
3. Approve closing Town Hall at 12:00 p.m., for the remainder of the day on Wednesday, November 23rd for the annual employee luncheon
4. Renew five-year term for Kenneth Richardson on the Planning and Zoning Commission
5. Accept Ken and Paula Withrow's resignations from the Parks and Recreation Advisory Board (added)
6. Fire Department Report – September 2016
7. Building Inspections Report – September 2016
8. YTD Finance Report
9. Meeting Minutes:
 - September 20, 2016 public hearing
 - September 20, 2016 regular, continued on 9/21/16 & 9/22/16
 - September 20, 2016 closed, personnel and legal consultation (sealed)
 - September 21, 2016 closed, personnel (sealed)
 - September 22, 2016 closed, personnel (sealed)
 - October 6, 2016 emergency



TOWN COUNCIL MINUTES

REGULAR MEETING

October 18, 2016

Mayor Swearingen asked that the resignation of Ken and Paula Withrow from the Parks and Recreation Advisory Board be added for approval under Consent Agenda Items. She said they've been fantastic volunteers for years, but they have decided to spend the majority of their time traveling the world.

Commissioner Dugan asked that the PD Policy Manual Approval be moved out from under Consent Agenda Items and placed under Old Business as Item 6.

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

SECOND – Commissioner Heglar

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

ADOPTION OF THE AGENDA

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

SECOND – Commissioner Whitley

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Bernard Robinson & Co., Victor Blackburn, presentation of FY2015-2016 audit

Mr. Blackburn said the town received an unqualified opinion which is the cleanest opinion an audit can produce. He said he appreciates the hard work that Finance Officer Copenhaver put in to make the audit as smooth as possible for the auditors. He said the town's net position has grown over the last three years from a little over \$13 million to almost \$15 million and reviewed a breakdown of the Governmental and Business-type activities.

Commissioner Heglar commended Finance Officer Copenhaver for only being 2.5 percent off on the forecasted revenues. He also commended the department heads for being almost 10 percent under-spent on their budgets.

Mr. Blackburn also reviewed a detailed breakdown of the Water and Sewer Fund, which was a net increase of a little over \$200,000 this past year.

Commissioner Heglar asked the finance officer how close that amount is to what he forecasted.

Finance Officer Copenhaver said that he was a little conservative when he forecasted, so it was a little more in revenue, but that calculation includes the Sewer Expansion Reserve Fund without which the change in net position would have been about \$110,000.

MPT Bloszinsky asked the finance officer what percent the town has grown, year to year.



TOWN COUNCIL MINUTES

REGULAR MEETING

October 18, 2016

The finance officer said that the trend has been about five percent increase in expenses and about two percent increase in revenue.

MPT Bloszinsky asked Mr. Blackburn if he saw any areas council should be concerned about.

Mr. Blackburn said that nothing came to their attention during the audit, there was adequate segregation of duties and everyone did what they were supposed to do as required by the policy manuals and state statutes. He said a lot of towns the size of Kure Beach don't have separate finance officers, but between the finance officer being a CPA and having received training at the School of Government, Kure Beach is in the top 10 percent due to the town's appropriate controls.

MPT Bloszinsky said that, as liaison to the finance officer, he is happy with what the finance officer has accomplished.

Mayor Swearingen thanked Mr. Blackburn and said she is glad that the finance officer is conservative in his approach to the town's finances.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Planning & Zoning (P&Z) Commission

a. Draft Ordinance for Chickens in Kure Beach

Chairman Ellen explained that council asked P&Z to work on detailed regulations regarding the subject of chickens in Kure Beach for the town's code. He presented council with language that P&Z is recommending to be added to the code as Section 4-5.-Specific Regulations for Hens. He said it's similar to the language that was enacted by Carolina Beach, but they added that no roosters would be allowed and they recommended structural requirements for the coop.

Commissioner Dugan asked about the restriction against using the hens or their eggs for commercial use.

Chairman Ellen said that people shouldn't be raising the hens to sell them or their eggs.

CONSENSUS – Council requested that P&Z's proposed new ordinance for Section 4-5. "Specific regulations for hens," be put on next month's council meeting agenda so that citizens know council is considering passing the ordinance.

b. Livestock and Exotic Animals

Chairman Ellen said that P&Z also drafted three pages of language regarding livestock and exotic animals. He said the draft states that people who own livestock and/or exotic animals in the town should be required to have a permit. He asked council if they wanted the commission to



TOWN COUNCIL MINUTES

REGULAR MEETING

October 18, 2016

continue working on this. He said this draft is patterned after what was actually enacted by the Town of Belville.

CONSENSUS – Council requested P&Z’s chairman to email a copy of the language regarding livestock and exotic animals to the deputy clerk to forward to council and for the subject to be placed on next month’s council agenda.

6. Shoreline Access, Beach Protection and Parking Committee

a. Approval of five parking spaces to be re-marked by DOT

Dennis Panicali, member of the SLABPP Committee, asked council to approve a request to re-mark five parking spaces along Fort Fisher Boulevard (FFB) which the DOT forgot to line after they repaved the street. He said that there were actually six spaces that were missed, but it was determined by the DOT representative that one of them was illegal to begin with. He said that the DOT asked the committee to get council’s approval before they would repaint the spaces.

Mayor Swearingen instructed Mr. Panicali that he shouldn’t take anything she is about to say, personally. She said that DOT didn’t recommend repainting the spaces, but rather one or two of the committee members contacted the DOT themselves about it. She said the DOT didn’t identify those spaces as ones that were lined before but, instead, they were told to survey the town and find any spaces along FFB that could be used for parking. She said there would have been six spaces, but the owner of the home in front of one of the spaces got upset with the DOT representative, so he took it off his list.

Commissioner Heglar argued that the spaces were in those locations, previously.

Mayor Swearingen said they could have been there before, but she talked to the DOT representative, Stoney Mathis, who told her that he was asked to identify any spaces the town could have on FFB, not necessarily former spaces. She said that she was disappointed that the gentleman on the committee who started this didn’t get permission from council in advance and contacted the DOT, himself. She requested that no Kure Beach citizen or person on town staff, except department heads, contact any federal, state or county government official regarding town business without getting permission from council, first. She said the SLABPP member also didn’t talk to the police chief, public works director, or any other staff member to get their opinions on this. She said that she went to the police department and they requested that two of the spaces on South FFB (#4 & #5) be removed from the list. She requested that one or more of the committee members talk to the people who live in front and on each side of these spaces to see if the spaces would create a problem for them pulling out of their driveways onto FFB. She said a few of the parking spaces that were put back have made it extremely difficult for people to see in either direction onto FFB in order to pull out of their driveways safely.



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Commissioner Heglar asked if the five spaces listed are the spaces that the former chairperson of the committee, Tony Gonsalves, talked to council and the department heads about back in early 2016.

Mayor Swearingen said Mr. Gonsalves gave council the block the spaces were missing from, but he never gave council the actual addresses where they were located.

Commissioner Heglar said that Mr. Gonsalves actually brought a map to the council meeting and showed council the spaces.

MPT Bloszinsky agreed and said he recalls Mr. Gonsalves bringing this issue forward to council, and he even accompanied Mr. Gonsalves where he was shown the missing spaces. He said a DOT representative came to Town Hall to discuss the spaces, and he remembers that Dennis Cooper, the former police chief, came and looked at the spaces, too.

Mayor Swearingen said that council has lost the communication that council once had with the committee when Mr. Gonsalves was chairperson.

Mr. Panicali said that, before Mr. Gonsalves left the committee, he asked member Jim Smith to follow up on the parking spaces with the DOT. He said that the former DOT representative who was responsible for the parking spaces left the department and Mr. Mathis with the DOT is relatively new to this particular project.

MPT Bloszinsky said that Mr. Gonsalves was actually using DOT's guidelines to determine whether a space was acceptable or not. He said there was a lot of work done and there was a map produced that needs to be found, if council desires to have those parking spaces.

Commissioner Heglar said that council won't take action tonight. He said he wants to go back through the records to see what Mr. Gonsalves brought to council and then go back to the department heads to get their concerns. He said that the DOT doesn't want to wait forever for an answer from council, so they will discuss this further at the November council meeting.

Commissioner Dugan said that all of the town committees are under the restriction that they aren't allowed to contact anyone about town business without contacting council first.

MPT Bloszinsky said that Mr. Gonsalves brought this issue forward to council and council gave him permission to do this.

Mayor Swearingen said that was then, but these spaces have come out in the last three months, according to Mr. Mathis from the DOT.



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Mr. Panicali reiterated that the spaces are new to Mr. Mathis because he is new to the project, but they are not new to the committee which had the understanding they had permission to have the spaces remarked.

CONSENSUS – Council requested that the subject of marking five additional parking spaces on Fort Fisher Boulevard be put on next month's council agenda.

Mayor Swearingen asked Mr. Panicali to have the committee put it at the top of their list to have someone from the committee attend every regular council meeting to let council know what they are working on. She said there is a two-page list of items the committee is working on and it would be nice for council to know where the committee is on the list. She added that it would be nice for all of the town committees to come and talk to council each month. She asked Mr. Panicali to clarify the list of items the committee is working, reviewing them, as follows:

ITEM 1: Traffic Light and Pedestrian Crosswalk at K Avenue and Fort Fisher Boulevard (FFB)

Mayor Swearingen said that there is a state law that if there is a crosswalk at two major state roads, the municipality is required to have a push-button system to stop all the street lights to allow pedestrians to cross. She said that the DOT has a problem with the southwest corner of the intersection because of the pole that is there, so it would be impossible to put a crosswalk there. Mayor Swearingen asked if Mr. Panicali had any idea how much it would cost to do this.

Mr. Panicali said that he is new to the committee, but it is his understanding that the question of crosswalks has come up numerous times to the committee. He said that, while Mr. Smith was on the phone with the DOT about the parking spaces, he asked what the chances were of putting a crosswalk there to which Mr. Mathis responded that there was no reason why a crosswalk couldn't be put there and he would look into it and try and get an estimate of cost. Mr. Mathis told Mr. Smith that the town would be responsible for the cost, and Mr. Smith said to go ahead and look into it. He said he's not sure if DOT has done any assessment on it, yet.

Mayor Swearingen said that they haven't done an assessment yet and that it's not just a matter of looking at the cost of the light, but they also have to do surveys and onsite assessments. She said she has asked Mr. Mathis to put that off until she gets back to him. She said she would have liked Mr. Smith to talk to the police department about it and then come to council to see whether or not we want it or can afford to do it. She said she understands the expense is in the thousands of dollars. She said if the town has tourists all summer long pushing the buttons to stop the traffic to cross at that intersection, there could be traffic problems.

Chief Bowden agreed that it would cause traffic problems during the tourist season.



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Commissioner Heglar said that you can have a timed light and still have the crosswalk, it is just timed on its own and not on a push-button system. He said he would never advocate to let pedestrians have control of the town's only main traffic light and the DOT probably wouldn't allow it either.

Mr. Panicali said that a number of people have inquired about crosswalks at that intersection because people feel it's a dangerous intersection.

Mayor Swearingen said it would have been good if the committee had come to council to let them know they had received complaints from the citizens about the issue. She said there was also a citizen who suggested having crosswalks at all of the intersection along FFB, from K Avenue going south, noting that crosswalks give a false sense of security to pedestrians since most times motorists don't stop for pedestrians waiting to cross at them.

Chief Bowden said that crosswalks at every intersection would cause a traffic nightmare during the tourist season.

ITEM 2: Certificates for Adopt-a-Beach Volunteers

Mr. Panicali said that the committee will bring the certificates to the November council meeting for council approval, and then they would like to give them to the Adopt-a-Beach volunteers during the January council meeting.

Mayor Swearingen said she thinks it's wonderful they are going to do this but asked him to bring the certificates to the town clerks first, to be sure the certificates are consistent with ones that are normally given out.

ITEM 3: TDA Project

Mayor Swearingen asked Mr. Panicali if he knew what "TDA" project is on the list, because she can't imagine that anything the committee does has anything to do with the Tourism Development Authority.

Mr. Panicali said he doesn't know what the TDA stands for, but he knows that it is a long-standing activity for the committee.

Mayor Swearingen asked him to find out what it is and let her know.



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ITEM 4: E & I Beach Access

Mayor Swearingen asked Town Clerk Avery to tell Mr. Panicali about a letter the town received today from the state approving one of the town's grants.

Town Clerk Avery said the state approved a grant for paving the E and I Avenue beach access parking lots.

Commissioner Heglar said the committee's September minutes note that information and state that the projected time for the start of the project is November, and that John Batson will be overseeing the project.

Mayor Swearingen said that their October minutes state that they're waiting to hear when the grant is finalized. She said that it has now been finalized and it will probably start in November.

Town Clerk Avery said that the town has to get the contracts, then they have to be brought before council, and then council has to approve the funding.

ITEM 5: Signage at the Beach

Mr. Panicali said that he talked to Director Beeker about adding more signs on the beach. He said that the committee did a survey of the current signs to make sure that they were consistent and were still in their location. He said that a few signs were missing and some signs were not placed in the best position. He said there was no signage on the beach access walkways about dogs, which people are complaining about. He said he asked Director Beeker about making the signage similar to Carolina Beach's signage to see if that had ever been considered and Director Beeker told him the committee could make a proposal to council to consider. He said they talked with Carolina Beach to obtain their information and were told the signs were about \$350 each, they measure about 4'x4' and contain all of their beach regulations, and they have worked out well for the town. He said that Director Beeker informed him that there is a fair amount of maintenance on the Kure Beach signs, making sure they haven't been knocked over or stolen, but Carolina Beach told them that they have had no vandalism, theft or need for repairs to their large signs.

MPT Bloszinsky asked Mr. Panicali what Carolina Beach does if they have to make a change to the signs if there are changes to their rules.

Mr. Panicali said they have a five-piece sign that has sections that can be changed out.



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Mayor Swearingen said it would be nice if council could see a sample of this sign. She note that 23 signs at \$350 apiece comes to \$8,000. She asked Mr. Panicali if he knew how much was in their committee budget.

Mr. Panicali said they are not proposing to do this, they are simply researching the issue and, when they have the information, they thought it would be worthwhile to bring to the council.

Mayor Swearingen said that the committee has \$775 in their budget until July 1, 2017. She said most of it has been spent on the parking lots. She said that only 60 percent of the crossovers have been paid for and there's another 40 percent to go, making the committee way over budget if it considers this. She said if the committee is really serious about this, they need to bring one of the signs to council for further discussion. She said if council likes it, then they'll discuss it further during the budget meetings whether or not to put more money in the committee budget next year. She said that, even if the committee has really good ideas, they need to prepare the information to be ready for the budget sessions so they can have the money put in their budget at the beginning of the fiscal year.

Mr. Panicali said that is what they are attempting to do. He said they are in the discovery process to see if any of this is feasible before bringing it to council. He said they know it's not in their budget and didn't anticipate it coming out of their budget.

Commissioner Whitley asked Mr. Panicali to get a photo of someone standing in front of one of the Carolina Beach signs to give council an idea of the size and design.

MPT Bloszinsky said that the point is not to stop being creative or stop thinking of things that could add value to the town or improve the beach or parking; but, if the committee gets to the point of execution, they need to bring council whatever information they have so council can have a heads up. He said that the committee is an inventive group of people and he wouldn't want to see them stop inventing. He said that sometimes council says no to a project because the town doesn't have the money for it; it doesn't mean their ideas aren't worthy.

Mayor Swearingen said that council has had difficulty in the past getting this committee to bring a budget for the whole year with all of their ideas included; but, rather, the committee starts asking council for things after the budget year starts causing council to have to find other places from which to get the money. She asked Mr. Panicali to help the committee understand that.

ITEM 6: Sea Oats

Mayor Swearingen read the item that stated member Mike Bledsoe recommended reviewing the beach after the storm to ascertain what needs to be done to repair damage. She said this item is Inspector Batson's job to work with Layton Bedsole, Spencer Rodgers and the Corps of Engineers. She said that, if Mr. Bledsoe would talk to Inspector Batson, he wouldn't have to



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review the beach for damage and Inspector Batson could tell Mr. Bledsoe if and when the town needs to plant sea oats.

Mr. Panicali said that Mr. Bledsoe speaks with Inspector Batson on a regular basis.

ITEM 7: Storm Water

Mayor Swearingen asked Mr. Panicali what their ideas were on storm water.

Mr. Panicali said that some of the older committee members remembered when there was a study done about 10-15 years ago researching the possibility of having the storm water pumped over to the Cape Fear River side of the island. He said that he asked Director Beeker about it and was informed of the difficulties and huge expense of this endeavor.

Commissioner Heglar said that it will be a huge expense for the town to repair the outfalls that are currently sitting exposed on the beach as a result of the recent storm. He explained that the only way to get the storm water from Fort Fisher Boulevard to the Cape Fear River is to pump it, and the town doesn't own the property for those pumping stations nor can the town really afford to pump the storm water to the river. He said that turning the storm water in a different direction would require doubling or tripling the storm water fees for the citizens. He said that council has put money in the budget to maintain and improve the storm water system and multiple storm water drains have been put in the old part of town where there are low-lying properties. He said that he and Director Beeker would be glad to talk to the committee about storm water.

ITEM 8: Problems with enforcing the ordinances regarding the beach (dogs, dunes).

Mayor Swearingen read from their recent minutes that stated the committee should invite the police chief to a spring meeting, prior to the start of the season. She suggested that the committee also ask Assistant Fire Chief Kennedy to come to their meeting, since the lifeguards help watch the dunes and tent situation. She said the town has an extremely small police department and there may be only one or two police officers on duty at a time. She asked if the committee would rather have the police look for dog poop and tell people to take their cigarette butts and plastic bags home with them, or would they rather them watch after their life and property. She said that, in the six years she has been on council, the biggest complaints she hears are against the people who live in Kure Beach during the off-season who walk their dogs on the beach and make no attempt to clean up after them. She said that it's more of an issue of educating the town's own residents on why they should be cleaning up after their dogs and it would be good if the committee could come up with a suggestion on how to educate them on this issue.



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Police Chief Bowden said his officers try to patrol the beach when they get the opportunity and the lifeguards try to help them out. He said it has been difficult but is something they continue to work on.

Mayor Swearingen said that one of the focus groups has been talking about having ambassadors in the town to educate tourists on regulations or answer their questions. She said that Commissioner Whitley is the liaison to the SLABPP Committee, but he works full time and doesn't get to attend every meeting. She asked the committee to talk with him to see what they can do to help him make it to the meetings, even if that means changing the date and time of their meetings. She thanked Mr. Panicali for attending the meeting and said she looks forward to seeing the chairman or co-chairman at the council meeting next month.

There was a brief discussion on parking and the legality of parking in unmarked spaces, and Chief Bowden said that the way Kure Beach's ordinance is written, the vehicle would have to be parked within a marked space to not be ticketed.

Mayor Swearingen said the Parking Focus Group will attend next month's council meeting to give a presentation on paid parking. She told Mr. Panicali that someone from the SLABPP Committee may want to hear what is said.

Mr. Panicali said that he believed some of the committee members are in the focus group.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

Town Clerk Avery announced that there will be a flu clinic on Thursday, October 20th, from 2:30-6:30 p.m. in the council room. She added that there is also a Toys-for-Tots collection box in the lobby for anyone interested in donating toys to the charity.

a. Medical Insurance

Town Clerk Avery said the State Health Plan (SHP) the town participates in for employee health insurance has made some changes. She said that the General Assembly recently mandated that anyone participating in the SHP must charge employees a portion of the monthly premium if they choose not to do their wellness credits. She said the three wellness credits required from an employee are 1) to choose a primary care physician, 2) to complete an online health assessment and 3) to participate in a smoking cessation program or give attestation that he/she is not a tobacco user. She said, if an employee doesn't complete these, he/she will have to pay a certain amount out-of-pocket, per month, depending on how many and which credits aren't completed. She said this impacts full-time employees and gave an overview of the employees this could affect stating that the biggest hit of \$40 goes to those who are tobacco users. She said that council has always paid 100 percent of the employee's health plan and several employees who



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may not comply will take a hit to their paycheck, beginning January 1, 2017, if council decides not to do anything.

MPT Bloszinsky asked if the town has offered employees the option of not taking the insurance, to which the town clerk said the town hasn't offered it in the past but can do that with this plan; however, employees can't be paid to opt-out.

Commissioner Heglar said he can't, in good conscience, pay for someone's increased health insurance because they won't try to quit tobacco. He said the town shouldn't pay for someone who isn't willing to sign-up online to find out how to quit.

Discussion ensued about the options of employees opting out of town-paid insurance and all of the options that are available to them, as well as how that could affect the budget.

MPT Bloszinsky said that council shouldn't reward an employee for doing bad things, but maybe they can do something that would be equitable to all employees. He said it would help pay the penalty for the tobacco-users while it would be extra money, a kind of reward, for those who complete the credits.

Finance Officer Copenhaver said the budget can absorb about \$75 per person/per month, if council were to do this, but it would be considered compensation. He said it can be given pre-tax so that it's not subject to social security and Medicare taxes, but it will have to be factored into the 401K and retirement calculation.

Discussion ensued about tobacco users and what would be required of them to not be assessed the non-participation fee. It was stated that tobacco users would have to go through the program in order to not be penalized, but that doesn't necessarily mean they would quit smoking.

MOTION – Commissioner Heglar moved to pay a net of \$20, per employee/month, grossed up, to help full-time employees pay for their health insurance, effective January 1, 2017.

SECOND – Commissioner Whitley

VOTE – PASSED FOUR TO ONE, as follows: Mayor Swearingen, MPT Bloszinsky and Commissioners Heglar and Whitley FOR; and Commissioner Dugan AGAINST.

The town clerk said the town has four retirees who are not eligible yet for Medicare so they are still on the town's plan. She said that the policy says the town will pay for 100 percent of their health benefits, but there's no way to pay them the extra \$20. She said she will try to come up with language to tell them they must comply with the three requirements. She said that she thinks the town will have to pay the lower percentage if they don't comply, and they will have to pay the difference in order to be in compliance with the SHP.



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MOTION – Commissioner Heglar moved to approve moving the 70th Anniversary Celebration update to the next item of business on the meeting agenda.

SECOND – Commissioner Whitley

VOTE – Unanimous

b. 70th Anniversary Celebration

Lisa Lowery, Chairman of the celebration planning group, said they put together the sponsorship packet in hopes that council would approve it so they can start work on gaining funds for the event in order to finalize their budget and begin advertising their plans and getting volunteers. She said the group plans to meet once a month until January 2017 and they want to get started on the commercial and arts & crafts vendor lists. She said they are requesting local beer and wine vendors for tasting and are preparing to present a fun, safe and well thought-out event. She said they would like to bring 1947 back to Kure Beach by having classic car and bike clubs display their vehicles from the 40's, they may have the Cape Fear Roller Derby Girls attend, they would like to have local, strolling models wearing 40's beach attire, they would like to have sports tournaments and would also do some things at the KB Community Center. She said they would like to use the trolley and do a historical "circle tour" with the driver sharing the town's history.

1. Sponsorship Packet to solicit Event Sponsors on Town's behalf

MOTION – Commissioner Heglar moved to approve the Sponsorship Packet to solicit event sponsors on the Town's behalf.

SECOND – MPT Bloszinsky

VOTE – Unanimous

2. Close K Avenue (east of FFB) and Atlantic Avenue (between K and L Avenues) to vehicle traffic from the early morning hours through 7:00 p.m. on Saturday, April 29, 2017

MOTION – Commissioner Heglar moved to approve closing K Avenue (east of FFB) and Atlantic Avenue (between K and L Avenues) to vehicle traffic from the early morning hours through 7:00 p.m. on Saturday, April 29, 2017.

SECOND – Commissioner Dugan

VOTE – Unanimous

3. Allow participation of commercial vendors at event sites as follows:

- Food Truck/Vendors
- Beer/Wine Vendors (sampling product and selling closed containers for offsite consumption – only at Ocean Front Park event area)
- Arts/Crafts Vendors (only at Ocean Front Park event area)
- Local Nonprofit Organizations



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Commissioner Heglar said that council has previously approved beer and wine for other events in the past and he likes the sampling idea.

Commissioner Whitley asked if it was samples or sales of alcohol, to which Commissioner Heglar said it is for onsite sampling, with sales for offsite consumption.

Ms. Lowery said that, if Good Hops offers something like a commemorative sampler tumbler, they may ask for a donation which they always pass along to a current charity. She added that all of the beer and wine servers are "Safe Certified" and it would be a very "by the book" event in accordance with the ABC.

MOTION – Commissioner Heglar moved to approve the participation of commercial vendors at the event, as presented, and for the event planning committee to come back to council in the next three months for approval of a detailed plan.

SECOND – Commissioner Dugan

VOTE – Unanimous

2. Finance Department

- a. Finance Officer Copenhagen explained the need for council to adopt Resolution R16-15 for two police vehicles, adding that this was already budgeted but this is just the financing part of it. He said the interest rate on the loan is 1.6 percent for four years.

MOTION – Commissioner Heglar moved to adopt Resolution R16-15 to approve financing terms with First Bank for Two 2016 Dodge Chargers.

SECOND – Commissioner Whitley

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

MOTION – Commissioner Dugan moved to approve moving the KBPD Policy Manual Approval out from under Old Business to the next item of business on the agenda under Police Department.

SECOND – Commissioner Heglar

VOTE – Unanimous

3. Police Department

- a. Approve KBPD Policy Manual

Chief Bowden said former Police Chief Cooper began working on the policy over the last two years. He said it goes along with the state laws and constitution. He said the town attorney reviewed and approved it and asked for council to approve the policy so they can start



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implementing it. He said the policy manual is a good insurance policy for the town, and it deals with body and car cameras, use of force, how the police are to dress, etc.

Mayor Swearingen said that she understands that, as of October 1st, the town doesn't have to release body camera film, to which Chief Bowden said the town doesn't have to release any film unless it is subpoenaed.

MOTION – Commissioner Dugan moved to approve the Kure Beach Police Department Policy Manual, as presented.

SECOND – Commissioner Heglar

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Letter and notice regarding ROT rentals to Island Gazette and Property Owners

Commissioner Heglar asked for council to approve the notice and the letter regarding ROT short rentals and recommended that the notice be put on the town website to go out to the email distribution list, and that it also be placed in the Island Gazette. He recommended that the letter be mailed to all property owners, with the letter from New Hanover County attached to it.

MPT Bloszinsky said that the letter is consistent with everything they have done and he likes the explanation.

MOTION – Commissioner Heglar moved to approve the letter and public notice regarding ROT rentals, as presented, and directed staff to mail a letter to all Kure Beach homeowners and to post the notice on the town's website and in the Island Gazette.

SECOND – MPT Bloszinsky

VOTE – Unanimous

1. Discussion of Hurricane Matthew by Emergency Manager

Commissioner Heglar said that Hurricane Matthew wasn't really a hurricane by the time it got to our area and asked council to make sure they tell people this if they get complimented on how well the town handled the storm. He said the town is very fortunate that the rainfall measurement wasn't the 12 inches that was predicted. He said that the actual cost of labor and rental of equipment came close to \$35,000 and said there is an outstanding \$63,000 estimate to fix all the outfalls. He said there were 15 outfalls that were impacted at \$4,200 each and, by the time the town gets everything back to where it was before the storm, the town will probably have spent about \$110,000, most of it from the Public Works budget.

Mayor Swearingen asked if they planned on asking the DOT to help the town with it because of DOT's involvement at the beginning when the outfalls were first put on the beach.



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Commissioner Heglar said he would ask Director Beeker and the finance officer to check with the DOT, but part of the deal with them was that the outfalls are ours to maintain with the beach renourishment.

Mayor Swearingen asked if they will ask FEMA for reimbursement on the town's damages.

Commissioner Heglar said he shared the information with New Hanover County, but they haven't done anything with it, and we'll follow their guidance.

2. Emergency Operations Plan proposed strategy for sewage spills

Commissioner Heglar asked council to review and provide feedback to him regarding his proposed addition to the town's Emergency Operations Plan which he will put under Annex B-Appendix 6, titled Significant Sewage/Storm Water System Issue. He said the plan is for a sewage or storm water spill that is bigger than Public Works can handle. He said it names Public Works as the responsible department, and then moves forward with other departmental responsibilities. He said, with the bypass that council approved at the last meeting and the new pipe to cross-connect the system and send the water to the lagoon, there were no problems with overflow during the storm. He asked council to review it and it will be put on next month's council agenda for approval.

3. NCLM Biennium Advocacy Goals 2017-2018

Mayor Swearingen asked council to review the goals in their agenda packets and let her know within the next few days if there are any that they would like her to vote "no" on.

Commissioner Heglar said he liked Goal #3, "to seek legislation to allow room occupancy tax revenues to be used to fund municipal service and infrastructure costs in order to support travel and tourism," and said she should vote "yes" on that.

MPT Bloszinsky said he didn't see anything in the goals that he didn't agree with.

Mayor Swearingen said that the league's committees did a good job going through the goals in detail and testing them. She said that Goal #23, "to seek legislation to increase state-level funding for municipal infrastructure needs," was originally for beach nourishment and inlet dredging, but the committee thought some municipalities may have other needs.

MAYOR UPDATES

1. Entertainment Venue Proposal

Mayor Swearingen said that several years ago, a Mr. Blocher came to Carolina Beach officials wanting approval to do some sort of entertainment business, but their council voted it down. She said that Mr. Blocher was supposed to meet recently with Carolina Beach's mayor, but the meeting was canceled due to the storm. She said Mr. Blocher just met with her and discussed his



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idea about building a huge entertainment center somewhere on Pleasure Island, similar to a Disney or Universal Studios park. When she asked him on what land he proposed to build the center, he replied that he has been in negotiations with Sunny Point and they are willing to talk to him about what land he would like to have.

Commissioner Dugan suggested waiting until Carolina Beach approves his idea.

MPT Bloszinsky said he'd like to see a traffic study done before he would consider supporting anything like that.

Mayor Swearingen said Mr. Blocher wouldn't leave any of the information with her but he had beautiful drawings of a whole indoor water complex with restaurants and venues. She said he told her that the design work is being done by David Lisle with Lisle Architects.

2. Fort Fisher Letter

Mayor Swearingen said she got a letter from Fort Fisher that said they had 872,000 visitors this past year, which doesn't include the people who went to the aquarium without stopping by Fort Fisher. She said that means close to one million people came through Kure Beach's stop light intersection this past year.

COMMISSIONER ITEMS

Commissioner Dugan commended all of the town departments for all the work they did during the storm. He said the storm was a good reminder of what can potentially happen but, fortunately, everyone did their due diligence and we weren't really put to the test.

CLOSED SESSION

MOTION – At 8:28 p.m., Commissioner Heglar moved to go into Closed Session for the purpose of discussing personnel matters per N.C.G.S. 143-318.1(a)(6), and for MPO legal matters that concern the town per N.C.G.S. 143-318.1(a)(3)

SECOND – Commissioner Whitley

VOTE – Unanimous

RETURN TO OPEN SESSION

MOTION – MPT Bloszinsky moved to return to open session at 9:17 p.m.

SECOND – Commissioner Heglar

VOTE – Unanimous

MOTION – MPT Bloszinsky moved to approve hiring Michael Heglar for the Public Works department.

SECOND – Commissioner Whitley

The mayor called for a vote, to which Commissioner Heglar said he abstained from voting.



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Attorney Canoutas advised council that there needs to be a vote from council approving Commissioner Heglar's abstinence from voting, before they can vote.

MOTION – Commissioner Heglar moved for council to excuse him from voting on the hiring of his brother.

SECOND – MPT Bloszinsky

VOTE – Unanimous

MOTION – MPT Bloszinsky moved to approve the hiring of Michael Heglar for the Public Works department.

SECOND – Commissioner Whitley

VOTE – Unanimous, with Commissioner Heglar excused from voting.

MOTION – Commissioner Heglar moved to direct the personnel officer to review a climate study for all of the departments in the town.

SECOND – Commissioner Dugan

VOTE – Unanimous

MOTION – MPT Bloszinsky moved to have council take a look at the personnel policy regarding department liaisons.

SECOND – Commissioner Whitley

VOTE – Unanimous

ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn the meeting.

SECOND – MPT Bloszinsky

VOTE – Unanimous

The meeting adjourned at 9:19 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.



MEMO

TO: Town Council *Curry*
FROM: Nancy Avery, Town Clerk
RE: Agenda item 1 under Admin & Rec Department Head business
DATE: 10/31/16

Background

At the October meeting, the Town Council voted to hire the brother of Commissioner Heglar in the Public Works Department. Commissioner Heglar is also the Council liaison for this department. As per subsection D of Section 5 of the Personnel Policy states 'Should an immediate family member of an employee be elected to the Town Council, that Commissioner shall not be assigned as the Liaison to the department in which the immediate family member is employed'. Council chose to have Commissioner Heglar remain as the liaison and is now out of compliance with its Personnel Policy.

Action requested by staff

Amend Article V, Section 5, subsection D, second line of the Personnel Policy by replacing the words "shall not" with the word "may"

Policy currently reads:

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

Amended policy would read:

Should an immediate family member of an employee be elected to the Town Council, that Commissioner may be assigned as the Liaison to the department in which the immediate family member is employed. Additionally, for personnel actions regarding that employee, which are specific to that employee, the Commissioner is required to abstain from any Council actions.

Funding required

None

Comments for consideration

An amendment is necessary to be in compliance with Personnel Policy

Entire section of policy as amended August 16, 2106 for reference

Section 5. Employment of Relatives

- A. The Town of Kure Beach encourages, and stresses the importance of, the recruitment, selection, and advancement of employees on the basis of demonstrated work, knowledge, skills, and abilities. If relatives meet the established requirements for job vacancies based on their qualifications and performance, then they are eligible for employment with the Town of Kure Beach with certain restrictions as stated in this section. Hiring within the same department normally is prohibited for individuals of the immediate family. Exceptions to this requirement will be reviewed and approved by the appropriate Department Head and Town Council. Additionally, to avoid a conflict of interest or an appearance of conflict of interest between a Department Head and his or her immediate family member working in that department, all decisions regarding a direct benefit, e.g., initial hire or rehire, promotion, salary, performance appraisals, work assignments or other working conditions will be reviewed by the Department Head and the Council Liaison for appropriateness, and recorded in the employee's personnel file.
- B. The term "immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, guardian, various combinations of step, half and in-law, and adopted relationships of the employee, and others living in the same household.
- C. The Town also recognizes that the employment of any person into a position, who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro-Tem, Commissioner, Town Attorney or Department Head, presents the potential of a conflict of interest or appearance of conflict of interest and requires additional safeguards. All employment decisions regarding the immediate family of elected officials and Department Heads require discussion of the employment decision by Council with approval by a majority vote in an open meeting with the related member abstaining from the vote (if the relationship is a Council member). The discussion may be in a closed session as desired by the Council – but the decision to hire requires a majority vote in open session.
- D. Should an immediate family member of an employee be elected to the Town Council, that Commissioner shall not be assigned as the Liaison to the department in which the immediate family member is employed. Additionally, for personnel actions regarding that employee, which are specific to that employee, the Commissioner is required to abstain from any Council actions.

- E. All applicants for employment with the town are required to disclose the names of relatives currently employed by the town, as indicated on the employment application. If an employee is hired, and it is discovered the employee failed to provide this information during the hiring process, this may be grounds for termination of employment.



MEMO

TO: Town Council
FROM: Nikki Keely, Recreation Manager
RE: Proposed Dates for 2017 OFP Programs
DATE: November 7, 2016

For the past few years, we have tried to maintain consistency with the schedule of summer programs at the Ocean Front Park. Consistency of schedule not only helps in preparing the budget for summer programs, but also aids with marketing and establishing a brand identity. The Boogie in the Park concert series is loved by locals and visitors alike. Finding a niche in the live music scene was difficult, as events of this nature are plentiful during the summer months. Working with the 1st and 3rd Sundays of May through October has allowed us to extend the concerts into the shoulder season and offer live music on the weekends opposite the Town-sponsored concerts at Forth Fisher. One downside to following this schedule is the potential for a concert the weekends of July 4th and Labor Day. Thus far, we have not had any issues and have sought input from the Police Department prior to making this recommendation. In an attempt to maintain consistency yet not exacerbate the traffic/congestion issues on holiday weekends, we look to schedule smaller, local acts without the same draw as some of the other well known bands booked. In addition, we will skip whatever event falls on the day of the 4th of July.

The other weekly programs run between the second week of June and the end of August - when our crowds tend to be the biggest. Those programs are directed more towards tourist, although we do get locals in attendance. Private rental of the Ocean Front Park and/or availability of our partner organizations can impact the overall schedule of these weekly programs, but the final schedule will not expand beyond these proposed dates.

The Proposed Dates for 2017 Ocean Front Park Programs await Town Council approval prior to confirmation and publication. Council has the option to either accept the 2017 schedule as written or make changes as needed.

In addition, we would like Council to consider allowing bands to set up a merchandise sales table during our Boogie in the Park concert series. This type of activity has been restricted thus far due to the Town's soliciting/peddling ordinance. When programs were first being scheduled at Ocean Front Park, permission was granted for vending to take place during Market events and we are seeking that same blanket approval for the concert series. Many bands have expressed interest in selling their merchandise during concerts. If allowed, the performance agreement could be amended to permit merchandise sales by bands so long as a certain percentage (ex. 20%) is shared back with the Town.

nk

Enclosure: Proposed Dates for 2017 Ocean Front Park Programs

Proposed Dates for 2017 Ocean Front Park Programs:

Boogie in the Park Concert Series

1st & 3rd Sunday, May—October, 5-7 PM (12 dates)

Free concert series at Kure Beach's Ocean Front Park. Bring your beach chair or blanket and enjoy the music!

5/7

5/21

6/4

6/18 Father's Day

7/2 July 4th Weekend (4th is on Tuesday)

7/16

8/6

8/20

9/3 Labor Day Weekend

9/17

10/1

10/15

Turtle Talk

Mondays, June 12th – August 28th, 7-8 PM (12 dates)

Learn about local nesting sea turtles with the Pleasure Island Sea Turtle Project

Kure Beach Market

Tuesdays, June 13th – August 29th, 8 AM-1 PM, skips July 4th (11 dates)

Shop for locally grown produce and hand crafted goods while enjoying beautiful ocean views.

Story Time by the Sea

Wednesdays, June 14th – August 30th, 10-11:30 AM (12 dates)

Join the Princess and her fairytale friends from Fairytales and Dreams by the Sea at Kure Beach's Ocean Front Park for stories, crafts and games. Fun activities for both boys and girls. Don't forget your camera to get a picture taken with the Princess!

Up and Active!

Thursdays, June 29th – August 17th, 6:30-7:30 PM (8 dates)

Move your body – move your mind. Join Lynne and the Wave for an hour of music, games, and fun for everyone in the Ocean Front Park lawn. Face painting provided by P3 Planning.

Memo



To: Emilie Swearingen, Craig Bloszinsky, David Heglar,
Jim Dugan and Joseph Whitley

From: Arlen Copenhaver

Date: November 9, 2016

Re: Proposed Changes to the Vehicle Decal Program

In the past, the Town vehicle decals served two purposes: (1) to show that the \$5 motor vehicle tax had been paid by Town residents, and (2) to be used as an aid to identify property owners for them to regain entry to the Town in the event of a natural disaster.

Beginning July 1, 2016, the \$5 motor vehicle tax is being billed and collected via the Tag & Tax Together Program administered by the NC DMV. This ensures that the \$5 tax is paid on all motor vehicles registered in Kure Beach. In order for a vehicle registration to be renewed, the personal property taxes and the motor vehicle tax must be paid.

Since the decal is no longer needed to show that the motor vehicle tax has been paid, the decal now only serves as an aid to allow entry to the Town. As a result, I am proposing the following changes to the vehicle decal program effective January 1, 2017:

1. Completely separate the payment of the motor vehicle tax from the purchase of a vehicle decal.
2. Vehicle decals (Re-entry Decal) will be sold to residents and non-resident property owners to be used solely for re-entry to the Town in the event of a natural disaster.
3. Revise the FY 2017 Fee Schedule to reflect the following fees for the Re-entry Decal:
 - a. \$5, if purchased between January 1 and March 31.
 - b. \$15, if purchased after March 31.

A copy of the applicable section of the current and proposed fee schedule is attached.

Even though the \$5 tax is paid via the Tag & Tax Together Program, if a resident or non-resident property owner would like to have a Re-entry Decal for use in the event of an emergency, they must purchase a decal at the rates indicated above. There will be no difference between the fees paid by residents and non-resident property owners. Previously, the fee for a non-resident property owner was \$5 no matter when the decal was purchased.

The lower cost for the decal between January and March is to encourage the purchase of decals prior to storm season.

Finally, the Town Attorney is reviewing the Town Ordinances relating to the motor vehicle tax and vehicle decals. Proposed changes will be provided to Town Council.

Please let me know if you have any questions or require additional information.

A handwritten signature in cursive script, appearing to read "A. L. ...".

CURRENT

WATER TAP FEE

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

SEWER TAP FEE

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

USER FEE Sect 17-127 of Code

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

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

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

RECYCLE FEE - per bin monthly (residential)

	\$4.88
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GARBAGE COLLECTION FEES

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

TRASH PICKUP FEE

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

PRIVILEGE LICENSE FEES

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

VEHICLE DECAL FEES

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

PROPOSED



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

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

AD VALOREM TAX RATE per \$100 \$0.285

MOTOR VEHICLE LICENSE TAX (per vehicle registered in Kure Beach) \$5.00

WATER FEES

Residential (monthly minimum - up to 2,500 gallons) \$13.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:
 2,501 gallons to 7,000 gallons \$0.45
 Over 7,000 gallons \$0.675

Commercial (monthly minimum - up to 2,500 gallons) \$18.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum \$0.694

Out of Town (ETJ) (monthly minimum - up to 2,500 gallons) \$23.00
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum \$0.7875

SEWER FEES

Residential (monthly minimum - up to 2,500 gallons) \$23.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:
 2,501 gallons to 7,000 gallons \$0.58
 Over 7,000 gallons \$0.87

Commercial (monthly minimum - up to 2,500 gallons) \$25.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum \$0.7125

Out of Town (ETJ) (monthly minimum - up to 2,500 gallons) \$40.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum \$1.0125

OTHER WATER & SEWER FEES

Water Service Fee - nonrefundable fee for service technician site visit \$30.00

Additional Water Service Fee - fee for each additional visit if customer fails to meet technician at site \$10.00

Water Service Meter Check Fee - customer request that a meter be read, checked, or turned on or off. If problem found with meter, fee can be waived at discretion of the Public Works Director \$30.00

Water Cut-ons Outside Working Hours \$25.00

Special Meter Tests - if customer requests meter test and the meter is found to be defective, charge will be refunded \$50.00

Reconnection Fee - if water is cut-off due to non-payment \$60.00

Returned Check Fee \$25.00

Account Past Due Charge - per month \$10.00



PROPOSED

WATER TAP FEE

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

SEWER TAP FEE

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

USER FEE Sect 17-127 of Code

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

IMPACT FEE

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

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

RECYCLE FEE - per bin monthly (residential)

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

GARBAGE COLLECTION FEES

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

TRASH PICKUP FEE

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

PRIVILEGE LICENSE FEES

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

RE-ENTRY DECAL FEES

Resident or non-resident property owner, January 1 to March 31	\$5.00
Resident or non-resident property owner, after March 31	\$15.00



ANNEX B – Appendix 6
KURE BEACH EMERGENCY OPERATIONS PLAN
SIGNIFICANT SEWAGE / STORM WATER SYSTEM ISSUE

- A. **PURPOSE.** This operations plan supports the KB-EOP and outlines sewage/ storm water specific actions and coordination procedures the Town of Kure Beach will take and follow when a significant spill occurs in Kure Beach.
- B. **SITUATION.** A large system failure or power outage has resulted in significant spillage of sewage from the system. The Public Works Department has accessed the issue and has determined that additional support is required.
- C. **ASSUMPTIONS:** The spill is of such a size or continues and has the potential to cause a health risk to people. The Public Works Department is responding to the spill using its Standard Operating Procedures – however due to the size of the spill, the large impact or other factors – additional support from other departments is required.
- D. **MISSION:** For purposes of this plan, the mission is to define and support local government efforts during large spills and to coordinate recovery operations in the town of Kure Beach.
- E. **ORGANIZATION:** The specific response personnel are listed here and this plan is compatible with the National Incident Management System (NIMS). The Mayor of Kure Beach and the Town Council have delegated direction and control responsibilities to the Public Works Director. This authority is defined in the State Emergency Management Act, G.S. 166-A.
1. **ERC – Responsibilities**
 - a. **Preparedness**
 - i. Ensure that all Public Works personnel understand the Standard Operating Procedures of the department and their responsibilities during a sewage spill.
 - ii. Ensure other Department Heads have briefed their departments on how to support public works.
 - b. **Response**
 - i. Perform as the Incident Commander (IC) or recommend a substitute if unavailable.
 - ii. As IC – prioritize response actions based on the following priority:
 1. Life Safety – ensuring that responders and the public remain aware of the issue and out of the spill.
 2. Containing the spill.
 3. Restoration of services – return the system to normal operations.
 4. Ensuring private property is protected.

- iii. Request specific support from the New Hanover County Emergency Management if necessary.
- iv. Maintain communications throughout the event with Council and other Department Heads.
- v. Work with Department Heads to get any additional resources for public safety, area isolation.
- c. Recovery
 - i. Complete all required reporting to County, State, Federal governments.
 - ii. Maintain tracking of time and costs for the event.
- 2. Police Chief
 - a. Preparedness
 - i. Determine departmental standard operational procedures (SOP's) for supporting public works.
 - ii. Ensure adequate supplies to support plan – barricades and all necessary departmental supplies.
 - b. Response
 - i. Support Public Works as requested to inform public and isolate area.
 - c. Recovery
 - i. Track departmental time and spending for submission to Finance Officer.
- 3. Fire Chief
 - a. Preparedness
 - i. Determine departmental standard operational procedures (SOP's) for supporting Public Works.
 - ii. Ensure adequate supplies to support plan – barricades and all necessary departmental supplies.
 - b. Response
 - i. Support Public Works as requested to inform public and isolate area.
 - c. Recovery
 - i. Track departmental time and spending for submission to Finance Officer.

F. CONCEPT OF OPERATIONS

Response to a large sewage spill in the town requires recognition of the issue, informing the personnel in the area and keeping the public out of the sewage as the town stops the spill, cleans up the spill and restores the system.



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 _____, 2016.

Emilie Swearingen, Mayor

ATTEST: _____
Nancy Hewitt, CMC, NCCMC
Deputy Clerk

This is Carolina Beach's new ordinance.

Sec. 4-8. 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 1500 square feet. The maximum number of hens shall in no instance exceed 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:

(i) Zoning setback requirements for the principal structure

(ii) The combined size of the coop and run shall be limited to 60 square feet in area.

(iii) Located behind the principal structure

(4) Hens shall not be utilized for commercial purposes.



MEMO

TO: Town Council
FROM: Nancy Avery, Town Clerk
RE: Agenda item under Old Business – parking spaces on FFB
DATE: 11/9/16

Background

In January 2016, Council approved re-marking parking spaces as follows:

1. Three spaces and extend one on FFB between L and I Avenues
(Addresses are 213 N FFB, 214 N FFB, 306 S FFB, 202 N FFB)
2. One 20-foot space on South FFB at G Avenue
(Address is 510 S FFB)
3. One new space on south FFB at F Avenue
(Address is 621 S FFB)

These spaces were not re-marked after the paving of FFB.

For some reason, since January, DOT has only added the parking spaces at 306 S FFB and 202 N FFB. Parking spaces were never added at 213 N FFB, 214 N FFB, 510 S FFB and 621 S FFB.

At the October Council meeting, the SLABPP committee requested Council approve re-marking parking spaces at the following locations:

1. 213 N FFB
2. 214 N FFB
3. Between 617 & 621 S FFB
4. 510 S FFB
5. 636 S FFB

Items 1, 2 and 3 were approved by Council in January but never done. Items 4 and 5 are new requests.

After reviewing the areas, Police Chief Bowden is not in favor of re-marking parking spaces at any of the above locations (213 N FFB, 214 N FFB, between 617 & 621 S FFB, 510 S FFB or 636 S FFB) due to safety and visibility issues. He particularly is concerned about re-marking spaces at 213 or 214 N FFB. The others are safety issues, but not as much as these two are.

In the 200 block of N FFB, there are already 2 parking spaces. This is also the block where the post office is located.

In the 500 block of S FFB, there are 8 existing parking spaces.

In the 600 block of S FFB, there are 6 existing parking spaces.

Action requested by staff

Vote to instruct DOT to not re-mark parking spaces at:

1. 213 N FFB
2. 214 N FFB
3. Between 617 & 621 S FFB
4. 510 S FFB
5. 636 S FFB

A vote to not re-mark parking spaces will override an earlier decision of Council to re-mark them.

Funding required

None

Comments for consideration

None



MEMO

TO: Town Council
FROM: Nancy Avery, Town Clerk
RE: Agenda item under New Business – Review of Parking Ordinances
DATE: November 9, 2016

Background

Chief Bowden expressed concern about the vagueness of language in Chapter 10, Section 222 of the Code of Ordinances regarding manner of parking and definition of what is a defined parking space. He worked with Attorney Jim Eldridge in drafting clearer language. Mr. Eldridge had previously researched this same section of the Code when Council assigned a similar matter to P&Z regarding parking. Chief Bowden also reviewed the proposed language with Town Attorney Canoutas, who approved it.

Action requested by staff

Consider adopting the text amendment to Chapter 10, Section 222, as presented.

Funding required

None

Comments for consideration

This does not legally require a public hearing, although you may choose to have one.

PROPOSED TEXT AMENDMENT TO CHAPTER 10 (Motor vehicles & traffic), ARTICLE VI (Stopping, Standing and Parking), DIVISION 2 (Parking Rules), SECTION 222 (Manner of Parking)

Amend to delete current language and replace with proposed language

SECTION 222 CURRENTLY READS

All vehicles, when parked on all streets where parallel parking is designated and required, shall be so parked that the wheels of the same nearest the curb shall not be more than twelve (12) inches from the curb

REPLACE WITH THIS PROPOSED LANGUAGE

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.

From: Mike Bowden
Sent: Tuesday, November 8, 2016 10:00 AM
To: Jim Dugan
Subject: Fwd: Parking Amendment

Begin forwarded message:

From: AA Canoutas <aa.canoutas@yahoo.com>
Date: November 8, 2016 at 9:53:08 AM EST
To: Mike Bowden <m.bowden@townofkurebeach.org>
Subject: Re: Parking Amendment

I appreciate your inquiry regarding designated parking in Kure Beach. The proposed parking language to section 10-222 is sufficient legally. Should you need more information please call me anytime.

On Nov 8, 2016, at 8:45 AM, Mike Bowden <m.bowden@townofkurebeach.org> wrote:

Begin forwarded message:

From: Nancy Avery <n.avery@townofkurebeach.org>
Date: November 4, 2016 at 11:56:57 AM EDT
To: Mike Bowden <m.bowden@townofkurebeach.org>
Cc: Tammy Earnhardt <t.earnhardt@townofkurebeach.org>
Subject: FW: Parking Amendment
Chief Bowden, see email below

Nancy Avery
Town Clerk
Town of Kure Beach
910-458-8216 (work)
910-443-0410 (cell)
townclerk@tokb.org
117 Settlers Lane
Kure Beach, NC 28449
www.townofkurebeach.org

From: James Eldridge [<mailto:jee@ec.rr.com>]
Sent: Friday, November 04, 2016 11:52 AM
To: Nancy Avery <n.avery@townofkurebeach.org>
Subject: RE: Parking Amendment

11/04/2016

Nancy:

Please review with the Chief the revised proposed text amendment to Sec. 10-222 attached hereto and let me know if it works. Please also recall the following provisions from my March 2015 memorandum to PZC re parking. I read those provisions as saying you can prohibit parking on any portion of a State Highway and that DOT is responsible for appropriately worded signage re the same once they get a copy of the ordinance. Again, the authority for these findings is from DOT's 2011 Traffic Manual. You may want to contact DOT to confirm the same and advise council accordingly when they consider the text amendment.

A municipality may, by an ordinance enacted in the interest of public safety and welfare, regulate parking in particular places as a valid exercise of the police power delegated to it by statute. *Britt v. City of Wilmington*, 236 N.C. 446, 73 S.E.2d 289 (1952). With respect to public roads within a municipality, the statutory authority to regulate parking is under G.S. 160A-301(a) providing, in pertinent part, that a “city may by ordinance regulate, restrict, and prohibit the parking of vehicles in the public streets, alleys, and bridges within the city.”

While this authority clearly includes those streets within the municipal street system, it also extends to streets and highways within the State Highway System (“SHS”) as set forth in North Carolina Department of Transportation’s (“NCDOT”) Traffic Procedure Manual (Nov. 2011) (hereinafter cited as “Manual”):

1. NCDOT permission or concurrence is not required if parking is *prohibited* by ordinance on any portion of the SHS within a municipality. If parking is prohibited, then a “copy of the ordinance should be provided to NCDOT since there is no other venue for [it] to have knowledge of the ordinance.” Manual at p. 2-2.

2. If parking is *prohibited* on a portion of the SHS within a municipality by either a state or municipal ordinance, then installing and maintaining the signage is NCDOT’s responsibility and a copy of the municipal ordinance is required prior to the installation of the signage. *Id.*

Thanks, James E. Eldridge

From: Nancy Avery [<mailto:n.avery@townofkurebeach.org>]
Sent: Thursday, November 3, 2016 3:54 PM
To: Jim Eldridge <jee@ec.rr.com>
Cc: Tammy Earnhardt <t.earnhardt@townofkurebeach.org>
Subject: Fwd: Parking Amendment

Hi Jim - please review the attachment draft amendment as per your discussion with Police Chief Bowden.

Thanks!

Nancy Avery
Town Clerk
117 Settlers Lane
Kure Beach, NC 28449
910-458-8216 office
910-458-7421 fax
910-707-2016 direct
910-443-0410 cell
n.avery@tokb.org
www.townofkurebeach.org

Begin forwarded message:

From: Tammy Earnhardt <t.earnhardt@townofkurebeach.org>
Date: November 3, 2016 at 2:50:43 PM EDT
To: Nancy Avery <n.avery@townofkurebeach.org>
Subject: Parking Amendment

Jim Eldridge asked that this come from you. Please forward to him for his review and edit.

Thanks,
Tammy