



TOWN COUNCIL MINUTES

REGULAR MEETING

April 18, 2017

The Kure Beach Town Council held their regular meeting on Tuesday, April 18, 2017 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 Joseph Whitley
Commissioner Jim Dugan

COUNCIL MEMBERS ABSENT

Commissioner David Heglar

STAFF PRESENT

Building Inspector – John Batson
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 MPT Bloszinsky delivered the opening invocation and led everyone in the Pledge of Allegiance.

VOTE TO EXCUSE COMMISSIONER HEGLAR FROM MEETING

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

SECOND – Commissioner Whitley

VOTE – Unanimous

APPROVAL OF CONSENT AGENDA ITEMS

1. Approve Budget Amendment 17-06 to increase the Storm Water Fund budget by \$175,206 for replacement of Hurricane Matthew-damaged storm water outfalls and record the estimated FEMA reimbursement.
2. Approve Budget Amendment 17-07 to increase the budget for transfer from the Water/Sewer Fund (\$30,731) and SERF (\$150,000) to the Kure Beach Pump Station #1 Capital Project Fund.
3. Building Inspections Report – March 2017
4. Fire Department Report – March 2017
5. YTD Finance Report Meeting
6. Minutes:
 - March 10, 2017 Public Hearing
 - March 15, 2017 Special Meeting
 - March 21, 2017 Regular Meeting
 - March 21, 2017 Closed Session (sealed)



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MOTION – Commissioner Dugan moved to approve the Consent Agenda Items, as presented.
SECOND – MPT Bloszinsky
VOTE – Unanimous

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

ADOPTION OF THE AGENDA

Mayor Swearingen asked that Second Annual Law Enforcement Appreciation Event be added as Item 2 under Old Business, and that Adoption of Resolution to Oppose Repeal of Ban on Plastic Bags be added as Item 2 under New Business.

MOTION – MPT Bloszinsky moved to adopt the meeting agenda, as amended by Mayor Swearingen.
SECOND – Commissioner Whitley
VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL ***PROPOSED KURE BEACH DEVELOPMENT LINE***

Inspector Batson reviewed information pertaining to the proposed Kure Beach Development Line. He said CAMA staff realized in their final review that a portion of the development line on the map was removed during editing, but the map wasn't able to be fixed quickly enough to be presented at the upcoming Coastal Resources Commission (CRC) meeting. He said he will come back to council with a revised map and, if approved, he will present the map at the June meeting of the CRC in Atlantic Beach.

Mayor Swearingen said she talked with a woman who was worried about how the line would affect Ocean Dunes.

Inspector Batson said he had a lengthy conversation with her this morning, and she asked him if she needed to be at the meeting. He said he told her that was completely up to her.

Bill Moore, Ocean Dunes resident, said he extended the same invitation to the board of Ocean Dunes.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Debbie Leonard, 226 S. 4th Ave. – Irrigation Meter and Parking on I Avenue

Ms. Leonard said she likes to keep her property looking nice, so she irrigates her lawn which pushes her water bill to over \$600 per month. She was told by a friend from Carolina Beach (CB) to get an irrigation meter installed so that she only has to pay for the water she uses. She found that Kure Beach charges \$4,500 for an irrigation meter, as opposed to CB's \$705 fee. She asked council to consider lowering the cost of the meter.



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Inspector Batson said he has heard complaints about the cost of an irrigation meter from other property owners, and this came to council several years ago but nothing ever changed.

FO Copenhaver said the town has been charging that amount for about 10 years.

MPT Bloszinsky asked to table this matter until it can be discussed with Director Beeker and Commissioner Heglar.

Ms. Leonard also talked about public parking on I Avenue, near her home, and asked council if they could have the area patrolled. She added that there are some days when she can't even get out of her own driveway because of all the cars. She asked why the town doesn't install parking meters.

Mayor Swearingen said there aren't enough parking spaces in town for paid parking to pay for itself. She explained the cost of equipment and maintenance, stating the town may actually lose money on paid parking, in the long run. She said other avenues are being examined, and council will review the results of a recent town survey to see if there is still interest in paid parking.

2. Janet Carrol 302 S. 4th Ave. – Privacy Fences

Ms. Carrol said that privacy fences on Kure Beach properties can't be any taller than four feet, and she would like council to consider allowing them to be taller.

Inspector Batson said that the Planning and Zoning Commission is going to propose that the town allow 6-foot privacy fencing to be installed in the rear of properties.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Planning & Zoning Commission (P&Z)

- a. Request to adopt Exotic Animals and Livestock Ordinances: Definitions and Section 4.20-4.29 of Town Code

Chairman Ellen said P&Z has spent the last few months discussing this proposed ordinance.

Commissioner Dugan said that one section of the ordinance states that no one can keep an exotic animal in the town, then another part of the ordinance seems to say people with exotic animals can apply for a permit.

Chairman Ellen explained that P&Z put a grace period in the ordinance so people who have exotic animals won't be breaking the law if council adopts the ordinance. He said that an exotic animal would have to be removed from town within the 30-day period.

Mayor Swearingen said there are pocket pets, birds, reptiles, fish, amphibians, primates, kangaroos, pot-belly pigs, rabbits, ferrets, hamsters, guinea pigs, insects, spiders, crabs, etc. She



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said it's usually common to categorize them as exotic pets since they're not as common as dogs and cats, and not all small animal veterinarians are willing or able to care for them. She asked if P&Z considered the enormous amount, and variations, of animals.

Chairman Ellen said there are many variations of what is and what isn't considered an exotic animal, which is why the definition lists specific examples as well as the criteria of an exotic.

Mayor Swearingen said the ordinance needs to state who the "Town Inspector" would be to enforce the ordinance.

MPT Bloszinsky said he is concerned with how the ordinance would be enforced, too. He said, if we need a definitive list of exotic animals, we can make it and give it to the person responsible for enforcing the ordinance.

Michelle Collins, 822 Cutter Court

Ms. Collins stated that she owns two capuchin monkeys and she and her husband, Chris, picked Kure Beach to live in because there are no laws in town or with the NC Wildlife Management against them. She said no one has complained about the monkeys, and they live next to the mayor. She listed the safety measures they follow and asked council to table the ordinance for the next 60 days to give P&Z members time to educate themselves further. She asked P&Z to exempt capuchin monkeys, as well as other small monkeys, or include them in the livestock ordinance for indoor caging.

Dennis Panicali, 217 Marquesa Way

Mr. Panicali asked council if they were going beyond what was necessary in trying to legislate what people can keep in the privacy of their own homes. He said he understands the need for a livestock ordinance because they are kept outside and affect neighborhoods. He said people are allowed to have dangerous weapons in their homes without government interference.

MPT Bloszinsky said a weapon doesn't have a mind of its own, whereas animals have instincts of their own and can't necessarily be controlled.

Chris Collins read a portion of *Pet Primates in North Carolina*, written by the NC Primate Owners United. He said that they lived in Florida where there was a whole department dedicated to maintaining laws regarding exotic animals. He said their laws are extensive and fair, and he would be happy to provide that information to P&Z.

Mayor Swearingen asked Mr. Collins to provide P&Z with the information and asked P&Z to work on the ordinance more, using the information they receive.



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Commissioner Whitley told everyone the date and time of the next P&Z meeting and invited them to attend.

b. Fence Heights

Chairman Ellen said that he plans to present P&Z's recommendation at the May council meeting to amend the fence ordinance. He said P&Z is going to recommend that 6-foot tall fencing be allowed in the back of the property.

2. Shoreline Access and Beach Protection Committee

Chairman Panicali said his committee is still working on signage recommendations to present to council.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

a. FEMA Meetings

Town Clerk Avery gave an update on the FEMA Resilient Redevelopment Plan meetings she has been attending, regarding rebuilding counties and towns after Hurricane Matthew. She said there was little to no damage to the county's housing, but there was infrastructure and environmental damage. She said she submitted a list of needs from Kure Beach, including the remaining \$30K+ for replacing the town's storm water outfalls and the Dow intake structures. She said the plan will be submitted on May 1st to NC Emergency Management.

b. DOT

Town Clerk Avery said that the DOT plans to pave the parking and road area that surrounds the Fort Fisher Historic Site's monument.

c. Project Manager for Facilities Expansion

Town Clerk Avery gave each council member a memo regarding the project manager for the expansion of town facilities.

Mayor Swearingen said that she, Commissioner Dugan and the town clerk have been working with Attorney Lee Crouch on the contract from Oakley Collier Architects. She reviewed their concerns and said that Attorney Crouch feels strongly that a third-party project manager should be hired to perform duties that the architects aren't interested in doing. She said they talked about doing an RFQ for a manager, interviewing candidates and getting their cost estimates in order to decide if it's something the town can afford. She said, if the third-party candidates are too expensive, maybe the architects can perform these duties at an additional cost.

CONSENSUS – Council directed the Town Clerk to draft an RFQ for a Project Manager to oversee the town facilities expansion project. Council is to review the draft and provide feedback to the clerk on any changes they want to make to the RFQ before it is made public



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DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Town Participation in Special Olympics Torch Run and Donation

Mayor Swearingen said the town needs at least one person from the Police Department to take part in the run, but she will check to see if the Fire Department can participate. She also asked if council would approve making a donation to the event.

FO Copenhaver asked Attorney Canoutas if this would meet the public purpose requirement for use of town funds, to which Attorney Canoutas said it wouldn't. With that information, no action was taken by council.

2. Second Annual Law Enforcement Appreciation Event

Mayor Swearingen said that this event is taking place on Saturday, September 16th, with the town's police department being recognized this year. She said Chief Bowden will be there and his department will select one of its own to be recognized during the event. She asked council members to consider attending the event, as she plans to go.

Commissioner Dugan said he will be going, too.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Downtown Parking Lot Rental for 2017 Season

MPT Bloszinsky said that council has worked over the last three seasons with the owner of the empty lot next to the Islander Kwik Mart to lease it for public parking at a total of \$7,500/season, with the town contributing \$2,599 and local business owners paying the rest. He said the business owners paid their share in 2014 and 2015, but not all business owners participated last year, so the lot owner took less money. He said, if council doesn't want to support leasing the lot again this year, he will tell the lot owner to do whatever he wants with his property.

Commissioner Dugan said he doesn't like to use tax dollars for visitors to park for free, but he's willing to see if the business owners will support the effort for one more season. He said the leased public parking lot benefits the businesses more than the residents.

Mayor Swearingen said there have been problems with bad behavior in the lot over the years and asked if the business owners could pay the entire amount themselves. She also suggested the lot owner could hire someone, himself, to collect a parking fee, but the town could continue to provide trash pickup, upkeep and law enforcement.

MOTION – MPT Bloszinsky moved to pursue the opportunity to lease the downtown parking lot again this year, with the town's portion of the lease set at \$2,599; the stipulation being that council reserves the right to cancel the contract and have the money returned to the town if the downtown business owners don't support the remainder of the funds needed to lease the lot.



TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R17-07

OPPOSING REPEAL OF THE BAN ON PLASTIC BAGS

WHEREAS, the North Carolina General Assembly enacted a ban on the use of plastic bags by Outer Banks stores in 2010; and

WHEREAS, this ban was initially instituted for larger retailers from Corolla to Ocracoke in 2009; and

WHEREAS, banning plastic bags promoted a new shopping culture on the Outer Banks where the delicate ecosystem is particularly vulnerable to excessive trash; and

WHEREAS, plastic bags are known to harm marine life, especially sea turtles; and


WHEREAS, House Bill 271 has been filed in the North Carolina House of Representatives that would repeal the ban; and

WHEREAS, Senate Bill 539, filed in the North Carolina Senate, contains provisions to repeal the ban; and

WHEREAS, banning plastic bags has improved the visual aesthetics on the Outer Banks by reducing litter, adding protection to the fragile marine ecosystems, and keeping tons of plastic out of landfills;

NOW, THEREFORE, BE IT RESOLVED THAT the Kure Beach Town Council supports the Dare County Board of Commissioners and opposes House Bill 271 and the provisions of Senate Bill 539 that would repeal the ban on the use of plastic bags.

Adopted by the Kure Beach Town Council this 18th day of April, 2017.


Emilie Swearingen, Mayor




Attest: Nancy Hewitt, CMC, NCCMC
Deputy Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2017

AMENDMENT DATE: 04/10/2017

Budget Amendment No.: 17-07

DESCRIPTION/PURPOSE OF AMENDMENT

The Kure Beach Pump Station #1 Amended Capital Project Budget Ordinance includes an additional transfer from the Water/Sewer Fund of \$30,731 and a transfer from the Sewer Expansion Reserve Fund (SERF) of \$150,000. As a result, this Budget Amendment is to increase the Water/Sewer Fund transfer budget with the offset being tap and connection fees that have been received in excess of the budget and to increase the budget for transfers from SERF with the offset being user fee revenue earned in excess of the budget and an appropriation of fund balance.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
30-999-00-00	Transfers Out	\$30,731	
30-373-00-00	Tap & Connection Fees		\$15,366
30-373-00-01	Sewer Tap & Connection Fees		\$15,365
31-870-00-00	Transfer to Sewer Projects	\$150,000	
31-310-00-00	Appropriate SERF Fund Balance		\$132,500
31-377-00-00	User Fees Collected		\$17,500

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

Requested By: Arlen Copenhaver, Finance/Budget Officer

Date: 04/10/17

Approved By: Arlen Copenhaver, Finance/Budget Officer

Date: 04/10/17

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



Approved by Council 04/18/17

Emilie Swearingen

Emilie Swearingen, Mayor

Nancy Avery

Nancy Avery, Town Clerk

BUDGET AMENDMENT
FISCAL YEAR ENDING JUNE 30, 2017
AMENDMENT DATE: 03/28/2017

Budget Amendment No.: 17-06

DESCRIPTION/PURPOSE OF AMENDMENT

As a result of Hurricane Matthew in October 2016, 13 beach front storm water outfalls were either significantly damaged or completely destroyed. The repairs and/or replacement of the outfalls totaled \$175,206 and were eligible for reimbursement from FEMA. The reimbursement rate is 75% of the costs incurred (\$131,404). As a result, this Budget Amendment is to increase the budget for capital outlay – improvements for the amount of the repairs with the offset being the reimbursement to be received from FEMA and appropriation of fund balance

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
32-610-74-01	Capital Outlay - Improvements	\$175,206	
32-343-00-00	Hurricane Reimbursement		\$131,404
32-310-00-00	Appropriated Fund Balance		\$43,802

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

Requested By: Arlen Copenhaver, Finance/Budget Officer Date: 03/28/17

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 03/28/17

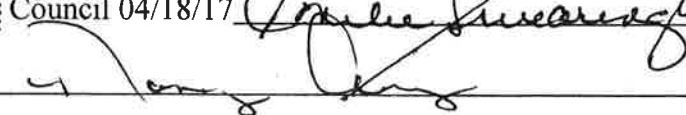
(Copies of actions/directives from Council Meeting to be attached, if required as per NOTE



Approved by Council 04/18/17



Emilie Swearingen, Mayor


Nancy Avery, Town Clerk



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SECOND – Commissioner Whitley
VOTE – Unanimous

2. Adoption of Resolution to Oppose Repeal of the Ban on Plastic Bags
Mayor Swearingen said that the Dare County Board of Commissioners has asked other municipalities to support their effort to prevent legislation that would repeal their ban on plastic bags, which they have had in place for eight years.

MPT Bloszinsky said it's quite evident that the municipalities in Dare County know what is better for them than the state legislature.

Commissioner Dugan said that, even if he wasn't in favor of the resolution, he would vote for it because this is just another example of the big guys in Raleigh stepping on the communities.

MOTION – MPT Bloszinsky moved to adopt Resolution R17-07, opposing the repeal of the ban on plastic bags.

SECOND – Commissioner Whitley
VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

Mayor Swearingen asked the deputy clerk to send a copy of the resolution to the legislators whose names are on the bills, our legislative delegation and Dare County's town manager.

CLOSED SESSION


MPT Bloszinsky asked that the closed session be moved to council's May meeting so that all of the commissioners can be present at the meeting.

ADJOURNMENT

MOTION – Mayor Swearingen moved to adjourn.
SECOND – Commissioner Dugan
VOTE – Unanimous

The meeting adjourned at 8:14 p.m.


Emilie Swearingen, Mayor


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.

