



TOWN COUNCIL AGENDA

REGULAR MEETING

April 18, 2017 @ 6:30 p.m.

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

Call to Order – Mayor Swearingen

Invocation & Pledge of Allegiance – Rev. Tommy Williams: Williams Gospel Ministries

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)

Consent agenda items are voted on as one item. If a member of Council wishes to discuss an individual item, a motion must be made and approved to move the item to the agenda.

ADOPTION OF THE AGENDA

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

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL **GENERAL ITEMS**

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Board of Adjustment
2. Community Center Committee
3. Marketing Committee
4. Parks & Recreation Advisory Board
5. Planning & Zoning Commission
 - a. *Request to adopt Exotic Animals and Livestock Ordinances: Definitions and Section 4.20-4.29 of Town Code (Ellen)
6. Shoreline Access, Beach Protection and Parking Committee



TOWN COUNCIL AGENDA

REGULAR MEETING

April 18, 2017 @ 6:30 p.m.

7. Non-town Committee Reports

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation
2. Finance Department
3. Building Department
4. Fire Department
5. Police Department
6. Public Works Department

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Town Participation in Special Olympics Torch Run and Donation (Swearingen)

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Downtown Parking Lot Rental for 2017 Season (Bloszinsky)

MAYOR UPDATES (no action required)

COMMISSIONER ITEMS (no action required)

CLOSED SESSION

Personnel, per N.C.G.S. 143-318.11(a)(6)

ADJOURNMENT

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 above).

Approved by Council 04/18/17 _____ Emilie Swearingen, Mayor

ATTEST: _____ Nancy Avery, Town 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 above).

Approved by Council 04/18/17 _____ Emilie Swearingen, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

Kure Beach Inspections Dept.-Building Permits Issue Date: 3/1/2017 - 3/31/2017

PermitNo	Issue Date	Owner	Project Addr	ParcelID	Est Cost	Fee
Building addition						
Active						
170023	3/30/2017	HEGLAR JERRY WAYNE	402 DAVIS RD	R09308-003-009-000	\$0.00	\$25.00
170022	3/28/2017	OBRIEN SAFRONA R SHAWN T	782 SETTLERS LN	R09205-015-071-000	\$17,500.00	\$200.00
170019	3/27/2017	HUGHES PATRICK J ANN L	762 SLOOP POINTE LN	R09205-020-019-000	\$3,500.00	\$100.00
170018	3/17/2017	YODER ANNE D	210 PRESIDENT DAVIS AVE	R09312-001-009-000	\$29,000.00	\$250.00
170020	3/27/2017	ANTOR MARY MACGILL SANDY JO	501 SANDMAN DR	R09213-022-007-000	\$22,000.00	\$250.00
170021	3/27/2017	RAY DONALD F EMILY LEE	425 S FOURTH AVE	R09217-022-006-000	\$0.00	\$100.00
Total addition 6					\$72,000.00	\$925.00
New Construction						
Active						
170017	3/8/2017	BEYRER SCOTT AND ANDREA	430 ANCHOR WAY	R09200-001-002-049	\$315,500.00	\$8,935.00
Total New Construction 1					\$315,500.00	\$8,935.00
Renovations						
Active						
170015	3/1/2017	ARENA JAMES M MEGAN S	822 FORT FISHER BLV N	R09205-017-012-000	\$26,000.00	\$250.00
Total Renovations 1					\$26,000.00	\$250.00
Replacement						
Active						
170016	3/3/2017	SEVEN SEAS INN LLC	130 FORT FISHER BLV N	R09213-014-001-000	\$6,500.00	\$150.00
Total Replacement 1					\$6,500.00	\$150.00
Total Building 9					\$420,000.00	\$10,260.00
Total Permits: 9					\$420,000.00	\$10,260.00

Kure Beach Inspections Dept.-Building Permits Issue Date: 3/1/2017 - 3/31/2017

PermitNo	Issue Date	Applicant	Owner	Project Addr	Est Cost	Fee	Description	Final
170016	3/3/2017	Sox & Turner Construction LLC, Dean Sox	SEVEN SEAS INN LLC,	130 FORT FISHER BLV N	\$6,500	\$150.00	Rebuilding existing landin	
R-3				Total 1	\$6,500	\$150.00		
170015	3/1/2017	ARENA, JAMES M MEGAN S	ARENA, JAMES M MEGAN S	822 FORT FISHER BLV N	\$26,000	\$250.00	renovation	
170017	3/8/2017	BEYRER, SCOTT AND ANDREA	BEYRER, SCOTT AND ANDREA	430 ANCHOR WAY	\$315,500	\$8,935.00	New SFD	
170018	3/17/2017	YODER, ANNE D	YODER, ANNE D	210 PRESIDENT DAVIS AVE	\$29,000	\$250.00	New screen porch etc.	
170019	3/27/2017	HUGHES, PATRICK J ANN L	HUGHES, PATRICK J ANN L	762 SLOOP POINTE LN	\$3,500	\$100.00	Deck Additions	
170020	3/27/2017	ANTOR, MARY MACGILL SANDY JO	ANTOR, MARY MACGILL SANDY JO	501 SANDMAN DR	\$22,000	\$250.00	Deck Additions	
170021	3/27/2017	RAY, DONALD F EMILY LEE	RAY, DONALD F EMILY LEE	425 S FOURTH AVE	\$0	\$100.00	Enclose bottom	
170022	3/28/2017	OBRIEN, SAFRONA R SHAWN T	OBRIEN, SAFRONA R SHAWN T	782 SETTLERS LN	\$17,500	\$200.00	Screen porch addition	
170023	3/30/2017	HEGLAR, JERRY WAYNE	HEGLAR, JERRY WAYNE	402 DAVIS RD	\$0	\$25.00	Shed	
				Total R-3 8	\$413,500	\$10,110.00		
				Total Building 9	\$420,000	\$10,260.00		
				Total Permits: 9	\$420,000	\$10,260.00		

KURE BEACH FIRE DEPARTMENT

FIRE CHIEF'S REPORT MARCH, 2017

DATE	PURPOSE
03/02/17	EMS
03/03/17	EMS
03/03/17	LIFT STATION
03/03/17	MUTUAL AID Cbfd
03/05/17	LIFT STATION
03/05/17	EMS
03/06/17	OCEAN RESCUE
03/06/17	DRILL
03/11/17	EMS
03/11/17	EMS
03/12/17	EMS
03/12/17	EMS
03/13/17	EMS
03/13/17	DRILL
03/13/17	EMS
03/14/17	EMS
03/14/17	EMS
03/16/17	ASSIST PUBLIC
03/18/17	EMS
03/18/17	EMS
03/19/17	CAR FIRE
03/19/17	EMS
03/20/17	DRILL
03/22/17	ASSIST PUBLIC
03/26/17	MUTUAL AIS Cbfd
03/28/17	SMOKE IN AREA
03/28/17	EMS

KURE BEACH FIRE DEPARTMENT

03/29/17	ASSIST POLICE
03/29/17	ASSIST PUBLIC
03/30/17	EMS

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 APRIL 11, 2017

REVENUES

EXPENDITURES

	2017 Initial Bud.	2017 Amend. Bud.	Actual 4/11/2017	% Collected	2017 Initial Bud.	2017 Amend. Bud.	Actual 4/11/2017	% Spent
GENERAL FUND								
Property Taxes (Cur. & PY)	\$ 2,328,500	\$ 2,328,500	\$ 2,340,921	100.5%	\$ 35,517	\$ 35,517	\$ 31,142	87.7%
Local Option Sales Tax	\$ 800,075	\$ 800,075	\$ 626,074	78.3%	\$ 4,300	\$ 12,280	\$ 11,505	93.7%
Franchise & Utility Tax	\$ 249,000	\$ 249,000	\$ 174,144	69.9%	\$ 151,889	\$ 151,889	\$ 127,515	84.0%
TDA Funds	\$ 204,517	\$ 204,517	\$ 173,088	84.6%	\$ 397,192	\$ 397,192	\$ 295,352	74.4%
Garbage & Recycling	\$ 343,375	\$ 343,375	\$ 271,537	79.1%	\$ 23,300	\$ 23,300	\$ 14,836	63.7%
ABC Revenue	\$ 12,300	\$ 12,300	\$ 13,072	106.3%	\$ 100	\$ 100	\$ 10	10.0%
Bldg. Permit & Fire Inspect. Fees	\$ 56,800	\$ 56,800	\$ 73,015	128.5%	\$ 25,000	\$ 25,000	\$ 19,205	76.8%
Communication Tower Rent	\$ 77,408	\$ 77,408	\$ 65,841	85.1%	\$ 28,900	\$ 28,900	\$ 19,304	66.8%
Motor Vehicle License Tax/Decals	\$ 12,000	\$ 12,000	\$ 12,535	104.5%	\$ 1,265,716	\$ 1,265,716	\$ 915,650	72.3%
Corn Ctr/Parks & Rec/St Festival	\$ 26,350	\$ 26,350	\$ 19,355	73.5%	\$ 685,845	\$ 685,845	\$ 446,868	65.2%
Town Facility Rentals	\$ 11,000	\$ 11,000	\$ 13,228	120.3%	\$ 192,217	\$ 200,309	\$ 107,405	53.6%
Beer & Wine Tax	\$ 10,000	\$ 10,000	\$ -	0.0%	\$ 146,114	\$ 146,114	\$ 93,868	64.2%
OFF - Bluefish Purchases	\$ 13,200	\$ 13,200	\$ 6,700	50.8%	\$ 124,763	\$ 124,763	\$ 85,892	68.8%
Sales Tax Refund	\$ 47,500	\$ 47,500	\$ 48,902	103.0%	\$ 988,011	\$ 988,011	\$ 759,511	76.9%
CAMA & Impact Fees	\$ 3,200	\$ 3,200	\$ 4,315	134.8%	\$ 316,626	\$ 316,626	\$ 297,159	93.9%
All Other Revenues	\$ 3,145	\$ 69,217	\$ 90,524	130.8%	\$ 50,000	\$ 100,000	\$ 100,000	100.0%
Other Financing Sources	\$ 290,000	\$ 290,000	\$ 280,123	96.6%	\$ 52,880	\$ 52,880	\$ -	0.0%
Total Revenues	\$ 4,488,370	\$ 4,554,442	\$ 4,213,374	92.5%	\$ 4,488,370	\$ 4,554,442	\$ 3,325,222	73.0%
WATER & SEWER FUND								
Water Charges	\$ 791,800	\$ 791,800	\$ 589,759	74.5%	\$ 15,017	\$ 15,017	\$ 10,706	71.3%
Sewer Charges	\$ 1,110,100	\$ 1,110,100	\$ 846,736	76.3%	\$ 28,900	\$ 28,900	\$ 19,304	66.8%
Tap, Connect & Reconnect Fees	\$ 27,900	\$ 27,900	\$ 64,380	230.8%	\$ 178,238	\$ 178,238	\$ 134,245	75.3%
All Other Revenues	\$ 187,375	\$ 187,375	\$ 216,391	115.5%	\$ 248,806	\$ 248,806	\$ 198,839	79.9%
Other Financing Sources	\$ 102,500	\$ 102,500	\$ 52,637	51.4%	\$ 1,748,714	\$ 1,748,714	\$ 1,422,908	81.4%
Total Revenues	\$ 2,219,675	\$ 2,219,675	\$ 1,769,903	79.7%	\$ 2,219,675	\$ 2,219,675	\$ 1,786,002	80.5%
STORM WATER FUND								
Total Revenues	\$ 690,373	\$ 1,117,511	\$ 292,380	26.2%	\$ 690,373	\$ 1,117,511	\$ 971,156	86.9%
POWELL BILL FUND								
Total Revenues	\$ 65,050	\$ 65,050	\$ 65,135	100.1%	\$ 65,050	\$ 65,050	\$ 18,748	28.8%
SEWER EXPANSION RESERVE FUND (SERF)								
Total Revenues	\$ 180,000	\$ 180,000	\$ 43,255	24.0%	\$ 180,000	\$ 180,000	\$ 180,000	100.0%
BEACH PROTECTION FUND								
Total Revenues	\$ 50,440	\$ 50,440	\$ 50,489	100.1%	\$ 50,440	\$ 50,440	\$ -	0.0%
FEDERAL ASSET FORFEITURE FUND								
Total Revenues	\$ 50,000	\$ 50,000	\$ 1,145	2.3%	\$ 50,000	\$ 50,000	\$ 17,286	34.6%

**TOWN OF KURE BEACH
CASH AND INVESTMENTS
AS OF MARCH 31, 2017**

<u>FUND</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>	<u>TOTAL CASH & INVESTMENTS</u>
General	\$3,062,469	\$342,726	\$3,405,195
Water/Sewer	\$1,420,581	\$586,388	\$2,006,969
Storm Water	\$42,752	\$240,942	\$283,694
SERF	\$190,386	\$91,497	\$281,883
Powell Bill	\$281,663	\$19,978	\$301,641
Beach Protection	\$111,640	\$175,781	\$287,421
Federal Asset Forfeiture	\$78,433	\$0	\$78,433
Capital Project Funds	\$24,500	\$0	\$24,500
TOTAL	\$5,212,424	\$1,457,312	\$6,669,736
<u>INSTITUTION</u>			
BB&T	\$5,212,424	\$0	
First Bank - Certificates of Deposit	\$0	\$964,137	
NCCMT Term Portfolio	\$0	\$483,819	
NCCMT Cash Portfolio	\$0	\$9,356	
TOTAL	\$5,212,424	\$1,457,312	

**TOWN OF KURE BEACH
SUMMARY OF CONTINGENCY FUND AND COMMITTEE
EXPENDITURE ACTIVITY
07/01/2016 - 04/11/2017**

CONTINGENCY FUND

Fiscal Year 2017 Budget	\$52,880.00
Less:	
No activity	<u>\$0.00</u>
Remaining Budget as of 04/11/2017	<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>\$0.00</u>
Total Approved, Not Expended	<u>\$0.00</u>
Remaining Budget as of 04/11/2017	<u><u>\$775.00</u></u>

**TOWN OF KURE BEACH
DEBT LISTING
APRIL 18, 2017**

LOAN PURPOSE/DESCRIPTION	FUND	LENDER	DATE OF LOAN	AMOUNT FINANCED	INTEREST RATE	LOAN TERM (YRS)	DATE PAID OFF	BALANCE AT 04/18/17	PAYMENT FREQUENCY	PAYMENT AMOUNT	NEXT PAY DATE	INT. EXPENSE LIFE OF LOAN
Sewer Rehabilitation Project (a)	W/S	Fed Gov	5/1/2010	\$432,660	0.00%	20	5/1/2030	\$147,780.03	Annual	\$10,555.72	5/1/2017	\$0.00
Ocean Front Park (development)	G	BB&T	7/12/2011	\$347,000	4.39%	17	7/12/2028	\$244,941.20	Annual	\$31,164.68	7/12/2017	\$137,099.64
Ocean Front Park (acquisition)	G	BB&T	12/19/2007	\$3,600,000	4.28%	20	12/19/2027	\$713,942.41	Annual	\$95,460.60	12/19/2017	\$690,135.16
334 S. 4th, 402 H & 406 H Ave. Water Tower & Well House & Town Hall Expansion (b)	G, W/S	BB&T	3/12/2015	\$409,471	2.49%	10	3/12/2025	\$327,576.91	Annual	\$49,103.79	3/12/2018	\$56,077.07
		BB&T	4/11/2007	\$1,187,187	3.92%	15	5/7/2022	\$517,106.22	Semi-annual	\$52,716.71	5/7/2017	\$394,314.33
2016 John Deere Backhoe (c)	W/S, SW	BB&T	11/9/2016	\$105,273	1.87%	5	11/9/2021	\$105,273.00	Annual	\$22,250.35	11/9/2017	\$5,978.75
2017 Freightliner Garbage Truck	G	1st Bank	8/23/2016	\$179,756	1.70%	5	8/23/2021	\$179,756.00	Annual	\$37,805.31	8/23/2017	\$9,270.57
(2) 2016 Police Dodge Chargers	G	1st Bank	11/9/2016	\$63,500	1.60%	4	11/9/2020	\$63,500.00	Annual	\$16,515.04	11/9/2017	\$2,560.16
O'Brien 7065 Hydroletter (c)	W/S, SW	1st Bank	8/13/2015	\$81,485	1.70%	5	8/13/2020	\$65,732.71	Annual	\$17,149.28	8/13/2017	\$4,202.44
2016 Chevrolet Silverado	G	1st Bank	7/26/2016	\$36,867	1.60%	4	7/26/2020	\$36,867.00	Annual	\$9,593.55	7/26/2017	\$1,486.39
Cutter Court Drainage Project	SW	B of A	7/23/2005	\$875,000	4.40%	15	6/23/2020	\$236,221.30	Monthly	\$6,677.76	5/23/2017	\$326,995.49
FY 2016 Equipment & Vehicles (d)	G, W/S	BB&T	9/14/2015	\$186,000	2.01%	4	9/14/2019	\$140,878.73	Annual	\$48,859.87	9/14/2017	\$9,439.48
(2) 2015 Police Cars	G	BB&T	3/27/2015	\$48,359	2.19%	4	3/27/2019	\$24,703.23	Annual	\$12,758.83	3/27/2018	\$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	1/17/2014	\$117,000	1.93%	4.5	6/17/2018	\$48,308.45	Annual	\$24,719.00	1/17/2018	\$6,595.00
2013 Ford F-150 Police Truck	G	BB&T	1/15/2014	\$32,000	2.18%	4	1/15/2018	\$8,260.62	Annual	\$8,440.70	1/15/2018	\$1,762.80
2013 Ford Police Utility	G	BB&T	6/28/2013	\$29,836	2.17%	4	6/28/2017	\$7,700.88	Annual	\$7,867.99	6/28/2017	\$1,635.96

FUND CODES

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

TOTAL OUTSTANDING DEBT AT 04/18/2017:

General Fund	\$ 1,847,507.76
Water/Sewer Fund	\$ 715,773.67
Storm Water Fund	\$ 321,724.16
Total	\$ 2,885,005.59

NOTES

- (a) - Total amount borrowed was \$432,660. As part of ARRA, the unpaid balance was immediately reduced by one-half of the loan amount.
(b) - 78% of loan is Water/Sewer Fund and 22% is General Fund.
(c) - 50% of loan is Water/Sewer Fund and 50% is Storm Water Fund.
(d) - 55.5% of loan is General Fund and 44.5% is Water/Sewer Fund.

LOAN PAYMENTS DUE (Next 12 Months):

04/19/2017 - 06/30/2017	\$ 84,495.94
07/01/2017 - 09/30/2017	\$ 164,605.97
10/01/2017 - 12/31/2017	\$ 215,475.71
01/01/2018 - 04/18/2018	\$ 121,733.36
Total	\$ 586,310.98

TOWN OF KURE BEACH
KURE BEACH PUMP STATION #1
CAPITAL PROJECT FUND
AS OF 04/11/2017

	APPROVED BUDGET	ACTUAL AS OF 04/11/17
<u>EXPENDITURES</u>		
<u>ENGINEERING SERVICES, PA</u>		
Land Surveying Fees	\$4,000	\$4,000.00
Engineering Planning	\$5,000	\$0.00
Engineering Design	\$47,000	\$35,250.00
Bidding Assistance	\$6,500	\$3,250.00
Construction Administration	\$25,000	\$0.00
Construction Inspection	\$28,500	\$0.00
Total Engineering Services, PA	\$116,000	\$42,500.00
<u>T&H CONSTRUCTION OF HAMPSTEAD, NC</u>		
Construction	\$589,731	\$0.00
<u>GRAND TOTAL EXPENDITURES</u>	\$705,731	\$42,500.00
<u>PROJECT REVENUE SOURCES</u>		
Transfer From Water/Sewer Fund to H Avenue Lift Station Capital Project Fund	\$80,731	\$50,000.00
Transfer From Sewer Expansion Reserve Fund (SERF) to H Avenue Lift Station Capital Project Fund	\$150,000	\$0.00
Installment Financing	\$475,000	\$0.00
<u>GRAND TOTAL PROJECT REVENUE SOURCES</u>	\$705,731	\$50,000.00

TOWN OF KURE BEACH
TOWN HALL EXPANSION AND NEW FIRE STATION
CAPITAL PROJECT BUDGET STATUS
AS OF 04/11/2017

	APPROVED BUDGET	ACTUAL AS OF 04/11/17
<u>EXPENDITURES</u>		
Architectural Services	\$28,500	\$28,500.00
Topographical Survey & Other Planning Costs	\$21,500	\$3,250.00
Legal - Contract Review	\$0	\$6,240.75
Total Expenditures	\$50,000	\$37,990.75
 <u>PROJECT FINANCING SOURCES</u>		
Transfer From General Fund	\$50,000	\$50,000.00



TOWN COUNCIL MINUTES

PUBLIC HEARING

March 10, 2017

The Kure Beach Town Council held a Public Hearing on Friday, March 10, 2017 at 6:00 p.m. for the purpose of receiving public comments on the notice of intent to finance an amount not to exceed \$475,000 for the construction of a new pump station. Notice of the public hearing was posted at Town Hall and on the town's website February 23rd at 10:16 a.m., and was published as legally required by N.C.G.S. 160A-20 in the Star News newspaper on February 28, 2017. The Town Attorney was present and there was a quorum of council.

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

Town Clerk – Nancy Avery

CALL TO ORDER

Mayor Swearingen called the public hearing to order.

PUBLIC COMMENTS

Ruthie Bloszinsky, 509 N. Fort Fisher Boulevard, stated she had no problem with the Town financing the project.

CLOSING OF PUBLIC HEARING

MOTION – Commissioner Whitley made the motion to close the public hearing at 6:01 p.m.

SECOND – Mayor Pro Tem Bloszinsky

VOTE - Unanimous

DISCUSSION AND CONSIDERATION

Commissioner Heglar asked if we would take the difference in financing and the higher bid from cash. The Town Clerk stated that was correct.

SPECIAL MEETING TO AWARD CONTRACT

MOTION – Commissioner Heglar moved to hold a special meeting on Wednesday, March 15th at 5:30 p.m. to award a contract for construction of the new pump station.

SECOND – Commissioner Dugan

VOTE – Unanimous



TOWN COUNCIL MINUTES

PUBLIC HEARING

March 10, 2017

ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn the meeting at 6:09 p.m.

SECOND – Commissioner Whitley

VOTE – Unanimous

Emilie Swearingen, Mayor

ATTEST: Nancy Avery, Town Clerk

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

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TOWN COUNCIL MINUTES

SPECIAL MEETING

March 15, 2017

The Kure Beach Town Council held a special meeting on Wednesday, March 15, 2017 at 5:30 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

COUNCIL MEMBERS ON CONFERENCE CALL

Commission David Heglar
Commissioner Jim Dugan

STAFF PRESENT

Public Works Director – Sonny Beeker
Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Deputy Clerk – Nancy Hewitt

CALL TO ORDER

Mayor Swearingen called the meeting to order at 5:30 p.m., stating that its purpose is to consider a bid recommendation and award of contract from Engineering Services for replacement of pump station #1. Notice of this meeting was posted at Town Hall and on the town's website on Friday, March 10th.

BID RESULTS

Mayor Swearingen said that she has the bid results and asked for a recommendation to award the contract.

MPT Bloszinsky asked Finance Officer Copenhaver if he saw anything in his review of the documents that he is concerned about.

Finance Officer Copenhaver stated that there wasn't anything in the information that seemed questionable.

Commissioner Heglar said that the bidder is currently doing other work for the town and the public works director and the town's engineer are both happy with their work, which Director Beeker concurred.

Mayor Swearingen said the bid is for \$676,274.53, contingent upon approval of a deduct cost in the amount of \$86,544 resulting in the revised contract amount of \$589,730.53. She said this is the lowest bid.

Director Beeker said he is comfortable with what was pulled out of the original bid in order to reduce the cost of the project.



TOWN COUNCIL MINUTES

SPECIAL MEETING

March 15, 2017

Staff recommended accepting the recommendation of Engineering Services and award the contract to T&H Construction.

MOTION – Commissioner Heglar moved to award the project contract to T&H Construction at a bid of \$676,274.53, contingent upon final approval of a deduct change order in the amount of \$86,544 resulting in a revised contract amount of \$589,730.53, finance approvals, and approval of the contract documents by the attorney and staff.

SECOND – Commissioner Dugan

VOTE – Unanimous

ADOPTION OF RESOLUTION R17-06

MOTION – Commissioner Whitley moved to adopt Resolution 17-06, approving financing terms with First Bank, in accordance with the proposal dated February 28, 2017, with the amount to be financed not to exceed \$475,000.00, with the annual interest rate not to exceed 2.11%, and with the financing term not to exceed 10 years from closing.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Finance Officer Copenhaver said, based on awarding the contract, we need to revise the capital project ordinance that was approved a few months ago, which was based on different estimates. He said this adjusts the construction for the contract that council just awarded and also increases the transfer from the Water and Sewer Fund.

MOTION – Commissioner Heglar moved to approve the change to the capital project ordinance, as recommended by the finance officer, in order to support the capital project.

SECOND – Commissioner Whitley

VOTE – Unanimous

ADJOURNMENT

MOTION – MPT Bloszinsky moved to adjourn.

SECOND – Commissioner Heglar

VOTE – Unanimous

The meeting adjourned at 5:37 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.



TOWN COUNCIL MINUTES

REGULAR MEETING

March 21, 2017

The Kure Beach Town Council held their regular meeting on Tuesday, March 21, 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 David Heglar
Commissioner Joseph Whitley
Commissioner Jim Dugan

STAFF PRESENT

Building Inspector – John Batson
Finance Officer – Arlen Copenhaver
Fire Chief – Harold Heglar
Town Clerk – Nancy Avery
Deputy Clerk – Nancy Hewitt

CALL TO ORDER

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

AWARDS AND RECOGNITION

Mayor Swearingen awarded Certificates of Appreciation to Johnathan Lanier, a part-time employee with the Kure Beach Fire Department, and Taylor Jones, a volunteer with the department, for their participation in a rescue that occurred on March 6, 2017. The certificates acknowledged that they both acted in a manner that reflected the finest tradition of the firefighting profession and the Kure Beach Fire Department by rendering outstanding service to their fellow man as they attempted the rescue of one person and successfully rescued another; all the while, swimming in frigid Atlantic waters.

APPROVAL OF CONSENT AGENDA ITEMS

1. Approve contract with Engineering Services in the amount of \$116,000 for surveying and engineering services for the replacement of pump station No.1
2. Approve travel to NCBIWA annual meeting in Nags Head, NC, from 4/2-4/4/17 for Mayor Swearingen and MPT Bloszinsky, at a cost of approximately \$1,450 from the Council Travel and Training Budget
3. Renew three-year term for Harry Humphries on Board of Adjustment
4. Accept Dennis Moore's resignation from the Cape Fear Disability Commission
5. Appoint Pat Triplett to the SLABPP committee as per committee's recommendation



TOWN COUNCIL MINUTES

REGULAR MEETING

March 21, 2017

6. Building Inspections Report – February 2017
7. Fire Department Report – February 2017
8. YTD Finance Report Meeting
9. Minutes:
 - February 21, 2017 regular meeting
 - March 10, 2017 public hearing
10. Appoint Sarah Barham as an alternate member on the Community Center Committee

MOTION – MPT Bloszinsky moved to approve adding the appointment of Sarah Barham as an alternate member on the Community Center Committee as Item 10 under Consent Agenda Items.

SECOND – Commissioner Heglar

VOTE – Unanimous

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

SECOND – Commissioner Whitley

VOTE – Unanimous

ADOPTION OF THE AGENDA

Mayor Swearingen asked to move Item 4 under Old Business to Item 1.

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

SECOND – MPT Bloszinsky

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee

David Sack, co-Chair, said the committee is having a plaque made in memory of Ron Griffin who conducted the weekly line dance classes for years at the center; he passed away last year. He said, with people working full time and trying to balance work and family life, it's hard to find volunteers. He said, in trying to boost volunteerism, the committee is suggesting that council occasionally recognize its current volunteers by putting articles about the committees in the Island Gazette. He said the articles could include committee mission statements and a list of the volunteers. He also suggested that some committees may want to think about moving their meeting times to accommodate people who want to volunteer but have daytime jobs.

Mayor Swearingen said the Island Gazette charges \$250 for advertisements. She said she likes the idea of the first ad being half a page listing all the committees, their mission statements and their volunteers; then, putting subsequent ads in the paper for one committee at a time.



TOWN COUNCIL MINUTES

REGULAR MEETING

March 21, 2017

MPT Bloszinsky said council should look at this idea because the town's volunteers are important and should be recognized.

Mr. Sack updated council that the weeds around the town's welcome sign on Fort Fisher Boulevard have been cleaned up by them to make the area look nicer.

Mayor Swearingen stated that public works should now be able to paint the welcome sign to make the entrance even nicer looking.

Commissioner Heglar said that the request to have council put ads in the newspaper should be considered during the budget process.

2. Parks & Recreation Advisory Board

Mayor Swearingen said there are only three people on the board, currently, and two of them have work that occasionally keeps them from attending meetings, so they haven't been able to get a quorum to meet which has kept them from accomplishing their mission statement. She said there was no quorum at the last meeting, but the two members that came discussed disbanding the board and agreed it would be okay and seemed relieved. She said Nikki Keely, Recreation Manager, has taken over the board's responsibilities, a separate committee is planning the 70th Anniversary, and the board's chairman is also head of the Disc Golf Association and can update council every quarter, if they'd like.

MOTION – Commissioner Heglar moved to disband the Parks and Recreation Advisory Board.

SECOND – Commissioner Whitley

VOTE – Unanimous

3. Shoreline Access, Beach Protection and Parking Committee

Chairman Panicali said Spencer Rogers, with NC Sea Grant, inspected the sand dunes and said the town is in good shape, and he didn't see a need to plant sea oats this year. He said there are suggestions about putting up rope fences to protect the dunes from people skirting around the crossover stairs and access points. He said there was a question about the Hatteras ramp at Davis Road; they may recommend building the ramp up so it's not a low point through the dunes.

Inspector Batson said Mr. Rogers has mentioned in the past that the elevation of some of the crossovers is withholding the dune from growing larger at Davis Road and at the lifeguard shack. He suggested building the dune up and then building the ramp over the dune to enable the surrounding dunes to continue to grow.

Mayor Swearingen asked Mr. Panicali to have his committee look into having the work done.



TOWN COUNCIL MINUTES

REGULAR MEETING

March 21, 2017

Commissioner Whitley asked Mr. Panicali if it was still the committee's desire to not do parking, to which Mr. Panicali acknowledged this desire.

MOTION – Commissioner Whitley moved to remove parking responsibilities and the word “parking” from the committee's name, to be named the Shoreline Access and Beach Protection Committee, since they will no longer be in charge of parking.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Commissioner Heglar said 471 surveys were completed, but about 80 of them may be duplicates; so they are still collating the surveys to make sure there aren't repeats. He asked that the subject be added to the April council meeting agenda, at which time the survey results will be ready for review.

4. Non-town Committee Reports

a. Cape Fear Disability Commission January 2017 Meeting Minutes

Mayor Swearingen confirmed that the town's representative was still active on the commission and said she may have someone interested in taking the alternate spot, asking that the clerk remind her about this.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Finance Department

Finance Officer Copenhaver asked council to approve a budget amendment related to storm water that goes along with what was discussed at the council retreat to not finance part of the big project that is going on right now. He said this will take additional funds out of the town's fund balance and reallocate funds that had been designated to be transferred to the capital outlay improvements account.

MOTION – Commissioner Heglar moved to approve Budget Amendment 17-05 to appropriate additional fund balance for the storm water pipe lining project, as well as reallocate amounts originally designated as a transfer to the capital outlay-improvements account; total amount being amended is \$650,000.

SECOND – Commissioner Dugan

VOTE – Unanimous

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

2. Building Department

Inspector Batson said the county sent out an RFQ for permitting and building software services, and they found a company that has great reviews; Energov. He said the county invited him to hear more about it to see if he was interested in participating, which he is. He said he was assured there is no



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cost to the town and the plan is to implement the software in July 2018. He said Energov would network with the town's IT group to figure everything out. He explained that one of the main goals of the software is to create an online portal for the public to use in order to streamline the process and deliver better customer service.

3. Public Works Department

Commissioner Heglar said he sent a memo to council to make them aware that Public Works is down by two people and Director Beeker is going to hire one person now. He said it won't impact the budget this year since there are two people out on disability. He said they will talk about hiring a second person during the budget planning process.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Consideration of project manager for town facility expansion and new fire station project

CLOSED SESSION

MOTION – Commissioner Heglar moved to go into Closed Session for the purpose of consulting with an attorney, per N.C.G.S. 143-318.11(a)(3) at 7:05 p.m.

SECOND – Commissioner Dugan

VOTE – Unanimous

RETURN TO OPEN SESSION

MOTION –MPT Bloszinsky moved to return to open session at 8:03 p.m.

SECOND – Commissioner Whitley

VOTE – Unanimous

2. Request approval for amendments to Code of Ordinance Chapter 5 Buildings and Building Regulations, Article II Administration, Division 4 Permits, Section 5-61 Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.; for Development Line

Inspector Batson said, if council wants him to go to the Coastal Resources Commission (CRC) to ask for enactment of a Development Line (DL) for the town, he needs council to approve the proposed ordinance language. He reviewed the map of the coastline showing the existing easement, the existing Static Line, and the proposed DL. He said, if this goes through, he doesn't think there will be a lot of extra development except maybe from people who want to put a pool in. He said 95 percent of the people who buy oceanfront property want to rent it out weekly, and they can rent it out for more money if they have a pool. He said that an important piece of changing to a DL is the business (B-1) district will benefit. He said that the corner lot adjacent to the pier that is currently not buildable would become buildable if the DL is approved. He added that the B-1's oceanfront hotels, south of K Avenue, could have a larger footprint to build within, or they could build vertically and use the extra footprint for providing the required parking for their patrons. He said council can make the DL part of the ordinance and, if they don't like it, they can revert it back to how it is now. He said, if any pools get washed away in the DL, property owners would have to ask



TOWN COUNCIL MINUTES

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council for special permission to rebuild them; they can't rebuild the pools automatically. Going back to the map, he said he needs to physically draw in the DL near the end of Ocean Dunes and The Riggings because the town's easements don't go down that far; that is the end of the town's project jurisdiction. He said he will have Mr. Richardson, a specialist with the CRC, propose a DL for that area, and he will decide whether or not he likes it.

Commissioner Heglar said, it is good that there is land to build across from The Riggings since, if 50 percent or more of a building at The Riggings gets damaged by the surf, CAMA won't let them rebuild on the same spot.

MPT Bloszinsky said the proposed DL helps everyone except the people who can't be helped to begin with, and he doesn't see anyone getting harmed by the DL.

Commissioner Dugan said that the town's ongoing problem is where to get the money to support the town, year after year. He said the only thing that is left is the possibility of our commercial district improving, and this allows for that.

Commissioner Heglar said he thinks this is a good change and will make it easier for councils to deny property owners the ability to build beyond the DL.

MOTION – Commissioner Heglar moved to have the Building Inspector go to the Coastal Resources Commission (CRC) to ask for the approval of his recommendation to switch to a Development Line model for the town.

SECOND – MPT Bloszinsky

VOTE – Unanimous

When asked if a public hearing was necessary to amend an ordinance that isn't a zoning ordinance, Attorney Canoutas said that a public hearing isn't required, but it would benefit town residents to give them a chance to give council their input.

Discussion ensued on the best way to handle public notice of this amendment.

Town Clerk Avery suggested adopting the amendment and then holding a public meeting to explain it; then, if there's too much controversy, council can pull it before it goes to the CRC.

Commissioner Heglar reviewed the proposed amendments to the ordinance and said, if a public hearing isn't required, he agrees with the town clerk's suggestion.

MOTION – Commissioner Heglar moved to adopt the amendments to Code of Ordinance Chapter 5 Buildings and Building Regulations, Article II Administration, Division 4 Permits, Section 5-61 "Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.," as presented.



TOWN COUNCIL MINUTES

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Town staff is to advertise about the change so that concerned citizens can give their input at the April council meeting, as the first item of business.

SECOND – MPT Bloszinsky

VOTE – Unanimous

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

3. Approve CAMA contract No. 7136 in the amount of \$53,827 for paving of the parking area and installation of solar lighting on the beach crossover at the E Avenue access with work to occur in the fall of 2017, and authorize the finance officer to include a cash match of \$11,257 in the proposed FY17-18 budget. (voted upon together with Item 4)
4. Approve CAMA contract No. 7135 in the amount of \$65,283 for paving of the parking area and installation of solar lighting on the beach crossover at the I Avenue access with work to occur in the fall of 2017, and authorize the finance officer to include a cash match of \$14,121 in the proposed FY17-18 budget.

Town Clerk Avery said CAMA awarded the grants with its contracts to become effective April 1st. She said the mayor wanted to have the solar lights put in before summer, but public works would prefer to do all the work in the fall, which keeps the work within the same budget year.

MOTION – Commissioner Heglar moved to approve CAMA contract numbers 7135 and 7136, as presented, with the work occurring in the fall of 2017, and to authorize the finance officer to include the cash matches in the proposed FY17-18 budget.

SECOND – Commissioner Whitley

VOTE – Unanimous

Said approved CAMA contracts are herein incorporated as part of these minutes.

NEW BUSINESS

None

MAYOR UPDATES

Mayor Swearingen said the Special Olympics Committee would like to hold their annual Polar Plunge in Kure Beach from now on. She said they are a non-profit and the police and public works departments are fine with it, and only some parking issues need to be worked out.

COMMISSIONER ITEMS

MPT Bloszinsky said the last storm damage construction project went quite a few days beyond the original schedule, with significant costs associated with that, but the Corps of Engineers was able to negotiate with the contractor to recover \$1.1 million of it. He said half of the money will go to the



TOWN COUNCIL MINUTES

REGULAR MEETING

March 21, 2017

state and half will go back to ROT. He also asked council to start thinking if they want to contract for use of the downtown parking area again so he can notify the property owner.

Mayor Swearingen asked that Downtown Parking Lot Rental be added to the April council meeting agenda for further discussion and consideration.

Finance Officer Copenhaver said it needs to be included in the first budget workshop numbers.

Mayor Swearingen suggested having a teenager monitor the parking lot and collect money from people who use it instead of using tax payer money, to which MPT Bloszinsky said the main contributors of the parking lot expense are the business owners.

The finance officer said the town lost some of its business participation last year, to which MPT Bloszinsky said this is true, but the property owner took less money for the lease last year.

Commissioner Dugan commended the Police Department for their actions during the water rescue incident on March 6th. He said that, besides handling the investigation, they also handled all of the family matters.

The mayor said she met with the family of the man who died, and they were very complimentary about the town's police officers.

Commissioner Dugan commended the mayor and staff on doing a great job on the Beach Towns breakfast.

Mayor Swearingen said Mayor Saffo with the City of Wilmington said he would like the city to sponsor one of the next breakfasts.

ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn.

SECOND – MPT Bloszinsky

VOTE – Unanimous

The meeting adjourned at 8:43 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: Members of Town Council
From: Planning & Zoning Commission
CC: Nancy Avery
Date: April 18, 2017
Re: Request for approval to add definitions to Chapter 1 and insert a new Article regulating livestock and exotic animals

1 - Approval requested for amendments to Chapter 1 *General Provisions* Sec. 1-2 *Definitions and Rules of Construction* as follows:

Sec. 1-2

- Insert definition for exotic animal
- Insert definition for livestock
- Insert definition for livestock enclosure

2 - Approval requested for addition of Chapter 4 *Animals* Article III *Livestock and Exotic Animals* as follows:

ARTICLE III Sec. 4.20 through 4.29

- See attachment



PROPOSED NEW ORDINANCE

Chapter 4 *Animals*

That the following ordinances are hereby added to Chapter 1 *General Provisions*, Sec. 1-2 *Definitions and Rules of Construction* and Chapter 4 *Animals* as follows:

1. *Insert new definitions in Chapter 1 General Provisions, Sec. 1-2 Definitions and Rules of Construction, as follows:*

Exotic Animal. An animal that: i) is typically found in a non-domesticated state and that, because of its size, vicious propensity, toxicity, or otherwise, reasonably poses a potential danger to persons, property, or other animals; ii) is classified as a wild animal by the North Carolina Wildlife Commission; or iii) is deemed to be an endangered or protected species under any federal, state, or local statute, regulation, ordinance, policy, or program. Exotic animals shall include, without limitation, apes, bears, monkeys, raccoons, wild cats, wolves, venomous reptiles, and venomous amphibians.

Livestock. Poultry (ducks, geese, turkeys, roosters), horses, mules, cows, pigs, goats, sheep, rabbits, and all other animals which are generally kept primarily for productive or useful purposes rather than as pets; provided that, however, chickens shall not constitute livestock as defined herein.

Livestock Enclosure. a space enclosed on all sides and overhead by wire, metal bars, wood, or a combination thereof, designed to hold and shelter livestock and prevent them from running free. While the specific type and design of an enclosure will vary depending on the animal species being confined and the materials used, common examples of livestock enclosures include: hutches; coops; yards; kennels; and pens. All livestock enclosures shall be designed and used in such a manner so as to prevent the occurrence of a related public nuisance, ensure the humane care and handling of livestock, and provide a favorable environment for animal growth.

2. *Insert a new, ARTICLE III in Chapter 4. Animals*

ARTICLE III. LIVESTOCK AND EXOTIC ANIMALS

Sec. 4.20.-Purpose.

To establish standards for exotic animals and for the keeping of livestock within the Town's jurisdictional limits.

Sec. 4.21.-Interlocal Agreements.

Any applicable inter-local agreements made and entered into by the Town shall take precedence over the provisions contained within this section.

Sec. 4.22.- Exotic animals.

No person or entity may keep an exotic animal within the Town's jurisdictional limits.

Sec. 4.23.-Running at large.

It shall be unlawful for the owner or keeper of any livestock to permit the livestock to be or run at large within the Town's jurisdictional limits. All permitted livestock shall be kept in livestock enclosures and no livestock enclosure shall be erected or maintained within the front or side yard.

Sec. 4.24.-Permits.

- (a) Permit Required. Keeping livestock within the Town's jurisdictional limits shall be allowed in accordance with the following:
- (1) A permit obtained from the Town Inspector in conformity with the provisions of this article;
 - (2) Compliance with the provisions of any applicable federal, state or local statute, regulation, ordinance, rule, policy, program or inter-local agreement including, in particular, provisions regulating animal cruelty and the prevention and abatement of public nuisances; and
 - (3) No permit shall be issued until the appropriate application has been filed with the Town Inspector.
- (b) No permit may be issued for any livestock unless the applicant shall demonstrate that the livestock will be kept on a property complying with the standards set forth in Table 4.1 and that the locations and sizes of livestock enclosures shall be depicted on a site plan to be included with the permit application; provided that, however, the Town Inspector is authorized to:
- (1) Accept, review, and issue permits for livestock animal types not enumerated in Table 4.1 which could be reasonably kept within the Town's jurisdictional limits; and
 - (2) In the event such a permit is issued, set forth therein the maximum number of and the minimal enclosure size for the permitted livestock.
- (c) Waste generated from the keeping of livestock (manure, etc.) must be properly managed so as not to create a public nuisance (e.g. noise, odor complaints) and properly handled so as not to result in surface water or groundwater degradation. An owner or keeper of livestock must strictly comply with all federal, state, and local statutes, regulations, ordinances, and rules governing waste management, pollution prevention and abatement, and public health and safety.

- (d) Subject to the provisions of G.S. 106-701, the requirements of this section apply to exotic animals and livestock present within the Town's jurisdictional limits on the effective date of these provisions as well as livestock brought into the Town thereafter; provided that, however, owners of exotic animals or livestock within the Town on the effective date of these provisions shall not be deemed in violation of this section until thirty (30) days after the effective date and have either failed to apply for the required permit during that time or upon application, have been denied a permit and failed to remove the livestock or exotic animals within thirty (30) days after the denial.
- (e) A permit issued in accordance with this section may be revoked by the Town Inspector for any violation of this article or for any reason justifying denial of an application as set forth herein. If a permit is revoked, the applicant shall be given a written explanation of the reasons for the revocation. Upon the determination of a violation, the Town Inspector shall notify the owner or keeper of livestock or an exotic animal of the violation in writing with instructions to remedy the violation, which may include a specified time frame to bring the property or condition into compliance, or remove the livestock/exotic animals from the premises.

Sec. 4-25.-Application Denial Procedure.

- (a) The Town Inspector shall deny, within ten (10) business days after receipt of an application, any application that is incomplete or inaccurate, contains false material statements or omissions, or includes elements in violation of any standard herein. An application denied for one (1) or more of the reasons set forth herein shall be returned to the applicant, along with a written notice setting forth the reasons why the application was denied.
- (b) The Town Inspector shall process all complete and accurate livestock permit applications within ten (10) business days of the Town's receipt of the same. The Town Inspector shall provide written notice to the applicant of his/her decision provided that an application meeting the standards of this article shall be granted and a permit issued.
- (c) An application that has been denied and later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission and shall comply with all applicable provisions for original applications.

Sec. 4-26.-Permit Revocation.

- (a) Following a determination that a permit was issued under an application containing a false material statement or omission, the Town Inspector shall revoke said permit and the subject livestock shall be removed within thirty (30) days after the revocation. The permittee shall be notified in writing of the revocation and the notice shall state the grounds upon which the revocation is based.
- (b) The violation of any provision of this article shall be sufficient grounds upon which to revoke a permit.

- (c) Revoking a permit does not in any way preclude or limit the Town from taking any action provided by the Code or any other applicable legal authority to enforce, remedy, or abate the any underlying violation of this article.

Sec. 4-27.-Appeal of Permit Denial or Revocation.

The denial of a livestock permit application or the revocation of a livestock permit may be reviewed in accordance with the provisions for administrative hearings as set forth in Sec. 1-15(f) of Chapter 1 *General Provisions* of the Code.

Sec. 4-28.-Persons/Entities Liable.

The owner, tenant, or occupant of any structure or property, or part thereof, and/or the authorized agents or representative(s) of the same, who create(s), maintain(s), or allow(s) for the existence of any situation constituting a violation of this article may be held jointly or severally liable for the violation and be subjected to the enforcement remedies and penalties set forth herein.

Sec. 4-29.-Violations, Enforcement and Penalties.

- (a) The following, without limitation, shall constitute violations of this article:
 - (1) The keeping of livestock or exotic animals in violation of the standards set forth herein; and
 - (2) The keeping of livestock without first obtaining a permit from the Town.
- (b) Enforcement
 - (1) Violations of this article shall be enforced in accordance with the provisions of Secs. 1-14; -15 of Chapter 1 *General Provisions* of the Code.
 - (2) In addition, violations of this article shall be deemed to constitute a public nuisance such that the provisions of Article II of Chapter 11, *Nuisances* of the Code shall be fully applicable.

Table 4.1 Permitted Livestock.

Animal Type	Maximum Number	Minimal Enclosure Size per Animal (sq ft)
Cow	0	NA
Goat	0	NA
Horse	0	NA
Duck	4	327
Turkey	0	NA
Rabbit	6	109
Sheep	0	NA
Swine	0	NA

Ordinances adopted by Kure Beach Town Council on _____, 2017.

Emilie Swearingen, Mayor

ATTEST: _____
Nancy Hewitt, CMC, NCCMC
Deputy Clerk