



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 16, 2017

The Kure Beach Town Council held their regular meeting on Tuesday, May 16, 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
Public Works Crew Leader – Jimmy Mesimer
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 Keck from Kure Memorial Lutheran Church delivered the opening invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. Approve Mayor's travel to Raleigh on May 24, 2017 to attend the NC Association of Resort Towns and Convention Cities Legislative Breakfast, at an approximate cost of \$324 from council's Travel & Training budget
2. Adopt Proclamation P17-01, declaring May 20-26, 2017 National Safe Boating Week
3. Appoint David Garceau as a member of the Shoreline Access and Beach Protection Committee
4. Adopt amended ordinance to Section 12-50, 12-51 and 12-52, increasing the number of Community Center Committee members from seven to nine.
5. Appoint Linda Brett-Kell as a member of the Community Center Committee.
6. Building Inspections Report – April 2017
7. Fire Department Report – April 2017
8. YTD Finance Report Meeting
9. Minutes:
 - April 7, 2017 – budget workshop
 - April 18, 2017 – regular meeting
 - April 21, 2017 – budget workshop

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



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SECOND – Commissioner Whitley
VOTE – Unanimous

PROCLAMATION P17-01 READING

Mayor Swearingen read Proclamation 17-01, declaring next week National Safe Boating Week. She introduced Peter Spark, Public Safety Officer of the Cape Fear Sail and Power Squadron.

ADOPTION OF THE AGENDA

MOTION – Commissioner Whitley moved to adopt the meeting agenda, as presented.
SECOND – Commissioner Heglar
VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Sign up at podium

1. Vern Herrington, 120 Hanby Avenue – Fence Ordinance

Mr. Herrington said he is in support of the proposed ordinance to increase the fence height. He said his home backs up to the town's pumping station and storage shed, so it will be a welcome change to have a barrier between it.

2. Teresa Browning, 108 Hanby Avenue – Fence Ordinance

Ms. Browning said she is in support of the proposed ordinance to increase the fence height. She said her home backs up to a condominium building, so it will help provide privacy in her backyard.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Marketing Committee

- a. Presentation of FY17-18 Proposed Marketing Budget for Approval

Committee member, Robin Nalepa, reviewed the Marketing Committee's proposed FY17-18 which is a four percent increase from their FY16-17 budget. She said the Wilmington and Beaches CVB website is the first destination area in the country to offer SkyNav technology, which provides 3D, 360-degree online navigation of the area. She invited everyone to view the SkyNav for Kure Beach. She said the committee's total budget is \$212,131, which includes a ten percent Contingency held back as requested by council, leaving \$190,918 for the total working budget.

MPT Bloszinsky said the committee did a great job on their budget and asked if she knew how much increase from January to February there was in ROT collection.

Ms. Nalepa said she wasn't sure, but she knows it was an exceptionally large increase.



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Commissioner Heglar said he thinks the word has gotten out to those who rent their homes short-term about paying their ROT, and MPT Bloszinsky said he can't wait to see what June does.

MOTION – MPT Bloszinsky moved to approve the Marketing Advisory Committee's FY17-18 budget, as presented.

SECOND – Commissioner Heglar

VOTE – Unanimous

2. Planning & Zoning Commission (P&Z)

a. Request to Adopt Amended Ordinances in Sections 5-141(a) and (b), regarding fences
Chairman Ellen said P&Z would like the allowable fence height in backyards to be six feet from the current four-foot limit. He said that some HOA's have a four-foot fence height limit, so homeowners in those neighborhoods would still need to abide by their HOA's rules.

Mayor Swearingen asked why the fence height was set at four feet to begin with, to which Attorney Canoutas replied the purpose was for airflow back in the days when there was no air conditioning in homes.

Commissioner Heglar asked what caused the recommendation to eliminate metal fences on residential properties, asking if anyone had complained about them.

Chairman Ellen said no residents attended the P&Z meetings when fence heights were discussed, but P&Z members feel it looks better, aesthetically, to not have metal fences in town.

Inspector Batson said, during the time that P&Z began looking at the fence height ordinance, he had just issued a permit for a chain link fence to go around an entire backyard on Fort Fisher Boulevard, which sparked a discussion.

Attorney Canoutas was asked if a public hearing is required for this subject, to which he replied it isn't since it isn't in the zoning ordinance.

MOTION – Commissioner Heglar moved to accept the height change presented to amend Section 5-141(a) of the town's code, to increase the fence height limit to six feet.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Commissioner Heglar asked if he could make a motion to vote against the elimination of metal fences or if someone wanted to make a motion in favor of it.

Mayor Swearingen said, if we don't have a motion, then we don't vote on it and it doesn't pass. She asked if there was a motion anyone wanted to make.



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MOTION – MPT Bloszinsky moved to adopt Section 5-141(b) of the town’s code, to restrict wire fences, entirely.

SECOND – Commissioner Dugan

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

- b. Request to Adopt New Definitions and Ordinances in Sections 1-2 and 4.20-4.29 of the Code, regarding livestock and exotic animals

Chairman Ellen said P&Z took the proposed ordinance back to the table after last month’s council meeting and made the following changes: removed monkeys from the definition of exotic animals and listed the Building Inspector as the permitting and enforcing officer. He said Attorney Eldridge told P&Z that the word “reasonable” as put in the exotic animal definition, “... or otherwise, reasonably poses a potential danger to persons, property or other animals,” is used in legal framework to hold up in a court of law. He said, for instance, reasonable people would say that a 20-foot python would pose a reasonable threat.

Inspector Batson said he can reasonably say a 20-foot python would make him feel threatened.

Discussion ensued on expanding the list of exotic animals in the definition, to which MPT Bloszinsky said there is no way to make a definitive list of exotic animals and the “reasonably poses” statement made in the definition gives the ordinance logic that can be applied to the law.

Commissioner Heglar said that this issue probably won’t come up unless someone complains, since the Building Inspector won’t be going to every home in town to search for exotic animals.

MOTION – Commissioner Whitley moved to adopt the new definitions in Section 1-2 and the new ordinances in Sections 4.20-4.29 of the town’s code, regarding livestock and exotic animals.

SECOND – Commissioner Heglar

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Public Works Department

Crew Leader Mesimer said the new lift station project is under way, and H Avenue will be closed between 4th and 5th Avenues for the next 100 days. He said the police department was informed and a notice was placed on the town’s website.

2. Administration and Recreation

- a. Proposal for use of privately owned lots for town paid parking

Town Clerk Avery shared the following information:

- Kure Beach business owners, Sam Khatib and Mike Robertson, offered three of their lots to be used by the town for paid parking, if the town would split the profits with them.



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- Mr. Robertson's lots are located next to Bud & Joe's Bar and behind Big Daddy's, and Mr. Khatib's lot is next to his convenience store.
- The owners don't want to be responsible for managing the parking lots and getting into the parking lot business.
- She requested and received a quote from the parking vendor that Carolina Beach uses and the only things not included in their quote are the layout of the lots and parking bumpers.
- The lots would each have one, central pay kiosk in operation from 8:00 a.m. to 6:00 p.m.
- Looking at a partial year of paid parking in 2017, projected net revenue after sales tax and credit card fees would be a little over \$40K, minus payroll, operating expenses and management fees of \$29.5K. This should yield a net operating income of about \$10.7K to split between the town and the lot owners.
- The second year would be a full year and could bring in a net income of about \$35.5K to be split the same way. The numbers are based on what the parking vendor sees in Carolina Beach.
- No free passes will be given to residents, but parking would still be free in town-owned lots and spaces.

Mr. Robertson said he feels like an arrow is going through his heart to have paid parking, but he got into this after realizing how this could help Mr. Katib pay his property tax on the lot. He said that Mr. Khatib is a hard-working man and it should be done, if it will help him out.

Mayor Swearingen asked why Mr. Katib doesn't just run his lot, himself, to which Mr. Robertson said he didn't want to have to hire and manage employees to run it.

Commissioner Dugan said he talked to the police chief before this program came up and was asked to do everything he could to not get involved with parking if the police department would have to do all of the ticketing.

Mayor Swearingen said it sounds like the company would do all of that.

Commissioner Dugan said that was good, but council still has to consider Public Works.

Discussion ensued with the following comments and considerations:

- Although the town will not make a lot of money at first, this will be an investment to understand how paid parking will affect the town.
- It needs to be determined if there are enough parking bumpers for the spaces.
- If the business owners are saying it's okay with them, then we should do it and monitor it closely so we can bail out if it looks like we will lose money.
- It needs to be determined who will be responsible for cleaning up the lots after 6:00 p.m.
- More information could be gathered during contract negotiations.



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- There's no liability to the town since it isn't town property.

MPT Bloszinsky said, based on the net operating income, everyone would have to pull out of this venture together, to avoid someone being financially hurt.

Commissioner Heglar suggested monitoring it on a monthly basis to decide if, or when, everyone should pull out. He suggested that MPT Bloszinsky negotiate a better deal with the vendor.

MOTION – Commissioner Heglar moved to give permission for MPT Bloszinsky and Town Clerk Avery to work with the two business owners of the parking lots to engage in contract negotiations with SP+ Municipal Services and, assuming all three entities are in favor of paid parking, to sign a contract with a 30-day “out” clause.

SECOND – Commissioner Dugan

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

Mayor Swearingen asked the town clerk to let council know if negotiations don't work out.

- b. Request consideration of holding a special meeting for the purpose of holding a closed session per N.C.G.S. 143-318.11(a)(6) to perform department head evaluations

MOTION – Commissioner Heglar moved to hold a special meeting at Town Hall on June 20th at 2:00 p.m., preceding the regular council meeting, for the purpose of holding a closed session per N.C.G.S. 143-318.11(a)(6) to perform department head evaluations.

SECOND – Commissioner Whitley

VOTE – Unanimous

- c. Replacement of Community Center roof

Town Clerk Avery shared the following information:

- There have been multiple leaks from the roof in the last year. Half of the roof is 10 years old and half of it is 20 years old.
- NCLM, the property insurer, will pay \$5,574 towards replacement costs. There were leaks in the roof due to damage from a neighbor's tree limbs rubbing on it, which were recently cut back, so it can't be considered wind damage which would have been covered by the policy.
- Out of the three contractors contacted to give an estimate on replacing the roof, only Carolina Building Specialists showed up, and they presented four options, all of which include gutters and downspouts over the front and rear doors:
 1. \$11,450 to replace with a similar shingled roof (5-year warranty)
 2. \$17,455 to overlay the existing roof with a metal roof (5-year warranty)
 3. \$19,760 to take off existing roof and replace with metal roof (5-year warranty)



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4. \$20,770 to take off existing roof and replace with metal roof (10-year warranty with ice and water shield)
 - Director Becker prefers a metal roof for maintenance reasons.
 - Inspector Batson prefers a shingled roof because he'd rather see one tab of the shingle blow off of the roof than an entire metal sheet, if storm winds get high enough.
 - A standing seam metal roof would be good, but it is a lot more expensive.
 - She recommends Option 4 for long-term maintenance.
 - Council approved getting the roof replaced this fiscal year during a budget workshop
 - This will require a resolution to transfer funds from contingency to the center's budget; no funds have been used from the contingency fund so far this fiscal year.

MOTION – Commissioner Heglar moved to replace the Community Center roof with a metal roof that has a 10-year warranty and to approve the transfer of \$15,196 from the General Fund Contingency account, as requested in Budget Amendment 17-08.

SECOND – Commissioner Whitley

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

MOTION – Commissioner Heglar moved to adopt Resolution R17-08, transferring funds from the Contingency Line Item to FY16-17 Community Center budget for roof replacement.

SECOND – Commissioner Whitley

VOTE – Unanimous

Mayor Swearingen directed the town clerk to ask public works to keep the trees trimmed back from the community center roof.

Town Clerk Avery questioned if this was something that the town could control, to which Inspector Batson said if vegetation is affecting someone's property, the town can ask the property owner to fix it.

d. Draft RFQ for Project Manager Services

Town Clerk Avery read the draft RFQ and discussion ensued about the timeline listed in the RFQ.

Mayor Swearingen said that 6-1/2 weeks seems like a long time before the proposal submission deadline and asked if it was the architect's request not to receive it until the end of June.

Town Clerk Avery said that was her timeline. He said the architect isn't looking to go out to bid for a contractor until September, and she thought council would want to bring the project manager in by the beginning of August so that he/she will be on board in time to meet with the



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architect and be prepared for the bid process. She said council can certainly revise the timeline and she can bring the proposal submissions to council's June meeting.

Commissioner Heglar said that the town clerk's timeline is on track. He said it gives council July to interview and choose someone so he/she can start in August. He also liked that it says council may or may not choose someone. He commended those who worked on the RFQ.

Town Clerk Avery said that she had the attorney review it because it is her understanding that we have to be careful with where the responsibility falls.

Commissioner Dugan said he is looking at this as three, separate projects going on simultaneously, which seems like a lot for one firm to handle. He said it will be worth every penny to have someone manage the project, even if it's just to keep all of the projects on schedule. He said once there's a problem with one project, it can snow ball to the other projects.

MOTION – Commissioner Heglar moved to accept the Request for Project Manager Services proposal submitted by staff for the town's facilities expansion project, and to move forward with advertising.

SECOND – Commissioner Dugan

VOTE – Unanimous

e. Street Light Shields

Town Clerk Avery said she received a complaint from a homeowner about the brightness of a streetlight. She contacted Duke Energy and they will install streetlight shields on an individual basis, upon request from the town, for a one-time fee of \$150 per light. She said the homeowner is willing to pay the fee to the town and the town will pay Duke. She said the shield can only go on the front or back of the light, so she will talk further with the homeowner to make sure it will work. If it is installed and the homeowner is still not satisfied, no refunds will be given. She said the responsibility for handling these transactions will fall on the finance staff, not public works.

MOTION – Commissioner Heglar moved to allow staff to work with town property owners and Duke Energy to have shields put on streetlights, when requested by the property owner, who will be responsible for paying for the shield.

SECOND – Commissioner Whitley

VOTE – Unanimous

f. Clarification of Committee Membership Policy for Residency Status: Sections 1.01 - B.1 and B.2.b.

Deputy Clerk Hewitt said that she received a request from a non-resident Kure Beach property owner to apply to be on one of the town committees. She said that the Committee Policy isn't



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clear whether only a full-time resident or both residents and property owners can serve on a committee and asked council to clarify the two, conflicting policies.

The mayor stated the committee policy needs a total overhaul.

Deputy Clerk Hewitt suggested that two council members go through the policy to make revisions rather than have staff revise it and then council not be happy with the revisions.

Attorney Canoutas said the policy was put together by a former mayor.

Mayor Swearingen said there are a lot of revisions that need to be made and she would be glad to take it on, if the rest of council will review it and tell her what areas they have an issue with.

MOTION – MPT Bloszinsky moved to allow volunteers from outside of town to participate in town projects, if the town committee members agree, but non-resident volunteers should not be able to hold a voting position on a town committee.

SECOND – Commissioner Dugan

VOTE – Unanimous

3. Finance Department

a. Presentation of budget message, draft FY17-18 budget ordinance and fee schedule

Finance Officer Copenhaver presented the draft budget and fee schedule for council's review and consideration. He reviewed the county's property revaluation showing that the town increased by 6.08 percent in value compared to the countywide increase in value of 9.78 percent. He reviewed all of the town's funds and pointed out the following significant changes in the overall proposed budget:

- 1) Tax rate remains at its current rate of \$0.285, which is \$0.0137 greater than the revenue-neutral tax rate
- 2) Monthly fee per residential garbage cart increases from \$6 to \$12 for all carts after the first cart. The first garbage cart remains the same at \$6 per month.
- 3) Trash pickup fees, which haven't been increased in over 10 years, would increase as follows:
 - minimum truck load: current \$10 charge increases to \$15 charge
 - ¼ truck load: current \$30 charge increases to \$45 charge
 - ½ truck load: current \$60 charge increases to \$90 charge
 - ¾ truck load: current \$90 charge increases to \$135 charge
 - full truck load: current \$120 charge increases to \$180 charge
 - appliances: current \$10/appliance charge increases to \$15/appliance
- 4) Cost of Living adjustment of 1.5 percent for employees
- 5) Merit increase of 2.5 percent to reward employees who are performing above expectation



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Mayor Swearingen said the town's governing body has the lowest paid council on the east coast and probably in the state. She said council decided to not increase their salaries but decided to have the option of accepting a vehicle allowance of \$75 per month and a cell phone allowance of \$25 per month for council members that don't have a town cell phone.

MPT Bloszinsky said the vehicle allowance equals out to about one round trip to Wilmington, per week.

The finance officer thanked everyone who participated in developing the budget. He said it can be a difficult process, but they helped it go smoothly.

MPT Bloszinsky summarized that the budget is balanced, it is slightly lower than the current budget and the tax rate is comparable.

Finance Officer Copenhaver said, if you take into consideration Kure Beach's tax rate and the proposed revenue-neutral tax rate from New Hanover County, town-wide, property taxes will pretty much break even.

MOTION – Commissioner Heglar moved to direct the town clerk to advertise a budget public hearing to be held at Town Hall on Tuesday, June 6th at 6:30 p.m., and to allow for public inspection of the proposed FY17-18 budget.

SECOND – MPT Bloszinsky

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Adopt 2017 Emergency Operations Plan

Commissioner Heglar said he doesn't have any changes to propose to the plan.

MOTION – Commissioner Heglar moved to adopt the 2017 Emergency Operations Plan, as presented.

SECOND – Commissioner Dugan

VOTE – Unanimous

2. CB/KB Sewer Authority Update

Commissioner Heglar said the CB/KB Sewer Authority met on May 8th, at which time they set the rate Kure Beach will be required to pay Carolina Beach for treating the majority of its wastewater. He reviewed the rate changes, as follows:

- Variable Costs: decrease of 1.18 cents per 1,000 gallons (from 77.66 to 76.48)
- Fixed Costs: \$2,955.97 per month increase (from \$13,671.31 to \$16,627.28)
- Capital Recovery: No change (\$3,746.25 per month)



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MOTION – Commissioner Heglar moved to approve the new rates set by the Carolina/Kure Beach Sewer Authority, and to direct the finance officer to send a check to Carolina Beach for \$28,217.33 out of the water/sewer fund.

SECOND – Commissioner Whitley

VOTE – Unanimous

3. Review Town Survey

Commissioner Heglar reviewed the town’s survey, which was emailed via the distribution list and was posted on the town’s website in December. He said council members can decide how they want to interpret the data. He shared the following information:

- There were 473 responses to the survey: 315 from the website and 158 from the email link.
- About 75 percent of the respondents own or rent their residence, and 55 percent live in Kure Beach year-round.
- There were slightly more women respondents than men, and most of the respondents are aged 45 or older.
- Over 78 percent are concerned with the projected population growth in New Hanover County.
- About 64 percent think day-trippers are a moderate problem.
- Most somewhat or strongly support economic development in Kure Beach, including expanding mixed-use opportunities, adopting more stringent architectural codes for businesses and providing economic incentives to business owners to improve their business’ external appearance.
- Not many people want an increase in property taxes unless it is to improve infrastructure.
- More people support paid parking than not, but believe it should be free to residents and that tourists shouldn’t be allowed to park in neighborhoods except in designated areas.
- Over 45 percent somewhat or strongly support a shuttle service from a parking lot outside of town that would bring people into town and to the Fort Fisher tourist attractions.
- People feel safe in town but think bicycle and pedestrian safety is a moderate problem.
- People are evenly split over the issue of dogs on the beach in the summer.
- People see litter on the beach, storm water drainage and beach erosion as a concern.
- People strongly agree that pedestrian and bicycling facilities need to expand in Kure Beach.
- Most people agree that the town’s recreational offerings should be expanded.
- People support the idea of a Town Ambassador Program.

Mayor Swearingen said that, at some point, council needs to discuss if any of this will help them make decisions about paid parking, and if they want to try and discourage day-trippers.



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Commissioner Heglar said we can't and shouldn't discourage day-trippers from coming here, but we can increase the cost for them coming here with paid parking. He said that council should work with P&Z if it is decided to institute paid parking.

Mayor Swearingen discussed WAVE transit providing a shuttle service on the island.

Commissioner Heglar said, if council is going to make it easier for people from all over Wilmington to come to Kure Beach, he personally thinks it should be put on the ballot as a referendum, if that could be done.

Mayor Swearingen said she doesn't think it is to bring people from Wilmington to the island, but to provide service for people on the island to go to stores and activities without having to deal with finding a parking space during the crowded months. She said she will take some of the information on the survey to WAVE's five-year planning committee to see if they can explain what a shuttle service would mean for the whole island and see if they can locate a good place for a Park-and-Ride service.

Commissioner Whitley said it seems like people were split 50/50 on the big issues listed on the survey.

Commissioner Dugan said he imagines that most of those issues can't be solved by any one of the two towns on the island without affecting the other town.

MPT Bloszinsky said that there may be some things the town wants, but they may not be supportable.

Commissioner Heglar said he doesn't know what council wants to do with the data, but he feels it reinforces some of the things council is doing, and nothing in the survey was a mandate to do anything different than what we're doing

MAYOR UPDATE

Mayor Swearingen reported on the following meetings she attended:

- WMPO Board meeting - They discussed proposals for a third bridge over the Cape Fear River, mainly for economic development to help transport things to and from Wilmington's port. She said they narrowed the 12 options down to 4 options, but there are still about 10 or so agencies that have to weigh-in on this.
- DOT meeting on mass transit - People from the western area of the state were talking about the same issues we have on the coast.
- MOTSU – She met with representatives, and they talked about cutting back brush near the intersection of Ocean Boulevard and Dow Road to allow for better visibility for cars turning onto Dow Road. She said no bike path will happen and they aren't going to put

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2017

AMENDMENT DATE: 05/09/2017

Budget Amendment No.: 17-08

DESCRIPTION/PURPOSE OF AMENDMENT

Earlier in 2017, issues with the 20 plus year old Community Center roof became apparent. Upon inspection by roofing specialists, the recommendation was that the roof should be replaced. The estimate to replace the roof totals \$20,770. Adjusters from the Town's insurance company also examined the roof and agreed to pay \$5,574 towards replacement of the roof. Since this expenditure was not anticipated when the FY 2017 Budget was prepared and approved, this Budget Amendment increases the capital outlay budget for the Community Center by \$20,770 with the funding sources being \$5,574 of insurance proceeds and \$15,196 from the General Fund Contingency account. At the May 16, 2017 Town Council meeting, Council adopted Resolution 17-08 to transfer funds from the FY 2017 Contingency account to the Community Center Budget for the additional expenses.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-421-74-00	Community Center Capital Outlay	\$20,770	
10-340-00-00	Insurance Claims Paid		\$5,574
10-490-00-00	General Fund Contingency		\$15,196

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: Nancy Avery, Town Clerk

Date: 05/09/17

Approved By: Arlen Copenhaver, Finance/Budget Officer

Date: 05/09/17

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

Approved by Council 05/16/17 Emilie Swearingen Emilie Swearingen, Mayor

ATTEST Nancy Avery Nancy Avery, Town Clerk





TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R17-08

**TRANSFERRING FUNDS FROM CONTINGENCY LINE ITEM
TO FY 16-17 COMMUNITY CENTER BUDGET
FOR ROOF REPLACEMENT**

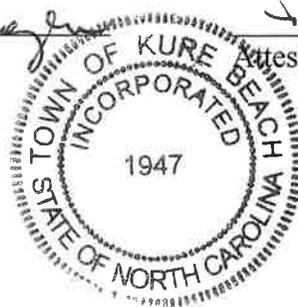
WHEREAS, it is a policy of the Town of Kure Beach that the Kure Beach Town Council adopt a resolution any time funds need to be transferred out of the General Fund Contingency account; and

WHEREAS, the Kure Beach Town Council has approved a FY 16-17 Budget Amendment totaling \$20,770 for replacement of the Community Center roof requiring \$15,196 from the Contingency account; and

NOW, THEREFORE, BE IT RESOLVED THAT the Kure Beach Town Council authorizes the Finance Officer to transfer funds in the amount of \$15,196 from the General Fund Contingency account to the Community Center FY 16-17 Budget to cover a portion of the costs of replacing the roof.

Adopted by the Kure Beach Town Council this 16th day of May, 2017.


Emilie Swearingen, Mayor




Attest: Nancy Avery, Town Clerk



NEW ORDINANCE

That the following ordinance is hereby added to Chapter 4 *Animals* as follows:

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 Building 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 Building 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 Building 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 Building 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 Building 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 Building 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 Building Inspector shall process all complete and accurate livestock permit applications within ten (10) business days of the Town's receipt of the same. The Building 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 Building 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.

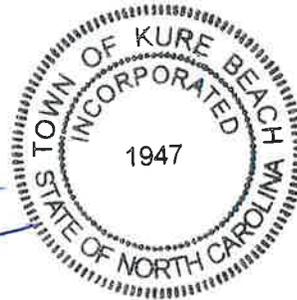
Table 4.1 Permitted Livestock.

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 May 16, 2017.


Emilie Swearingen, Mayor

ATTEST: 
Nancy Hewitt, CMC, NCCMC
Deputy Clerk





ORDINANCE AMENDMENT

That Chapter 12, Parks and Recreation, Article III Community Center, Sections 12-50, 12-51 and 12-52 of the Code of the Town of Kure Beach, is hereby amended as follows:

Sec. 12-50. - Community Center Committee.

The Community Center Committee shall consist of ~~seven (7)~~ nine (9) members of the community at large all of whom shall be permanent residents of Kure Beach. The committee members shall hold no other public office under the town government and shall be appointed by the town council.

Sec. 12-51. - Terms, removal and filling of vacancies.

- (a) Community Center Committee members shall have no term limits.
- (b) Members may be removed by the appointing authority for inefficiency, neglect of duty, or malfeasance in office.
- (c) Vacancies occurring for reasons other than expiration of term shall be filled as they occur.
- (d) Faithful attendance at meetings of the committee is considered a prerequisite for the maintenance of membership on the committee. The ~~seven (7)~~ nine (9) committee members shall have equal voting powers on all matters which come before the committee.

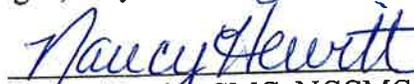
Sec. 12-52. - Organization, meetings and quorum.

- (a) The committee as soon as practicable after the annual appointment shall meet and organize by electing officers as deemed necessary. The term of officers shall be one (1) year with eligibility for reelection.
- (b) The committee shall meet at least once a month. Regular meetings shall be open to the public. The committee shall adopt rules for transaction of its business and shall keep a record of its members attendance and of its resolutions, findings and recommendations, which records shall be part of the public record.
- (c) There shall be a quorum of ~~four (4)~~ five (5) members for the purpose of taking any official action.
- (d) All members of the committee shall serve without compensation.

Ordinance amendments adopted by Kure Beach Town Council on May 16, 2017.


Emilie Swearingen, Mayor

ATTEST:


Nancy Hewitt, CMC, NCCMC
Deputy Clerk





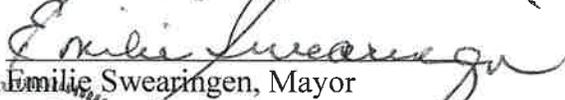
AMENDED FENCE ORDINANCE

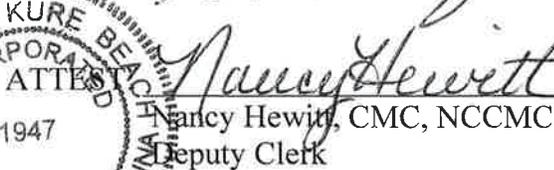
That Section 5-141 of Chapter 5, *Building and Building Regulations*, Article VII, *Fences* is hereby amended as follows:

Sec. 5-141. – Restrictions; exemptions.

- (a) Fences shall be defined as construction of any solid barriers or fence, including wire fences containing any type of webbing or weaving which creates a solid appearance, erected and designed for the purpose of privacy or designation of property lines. Any such type of fence constructed within the jurisdiction of the town shall not exceed four (4) feet in height, provided that, however, a fence in the rear yard shall not exceed six (6) feet in height. For the purposes of this section, “rear yard” shall have the meaning ascribed to it in Section 19-1, Definitions in Chapter 19 of this Code.
- (b) A wire fence other than defined herein which is erected or constructed shall not exceed five (5) feet in height.
- (c) This section shall apply to such barriers and fences which are constructed on or within five (5) feet of the side lines of property, or ten (10) feet of the rear of the owner's property line. It shall be unlawful for any person to erect, construct or maintain on any premises along any street of the town, any barbed wire or barbed-wire fences.
- (d) Fences further than five (5) feet of the side lines of property, or ten (10) feet of the rear of the owner's property line shall not exceed six (6) feet in height.
- (e) Exemptions. This section shall not apply to any utility company or governmental agency which must maintain fences around their utility equipment and property, which are by nature enclosed to protect the general public from safety hazards and which are classified by law as an attractive nuisance.

Ordinance adopted by Kure Beach Town Council on May 16, 2017.


Emilie Swearingen, Mayor


Nancy Hewitt, CMC, NCCMC
Deputy Clerk





TOWN COUNCIL
TOWN OF KURE BEACH, NC

*P*ROCLAMATION P17-01

IN SUPPORT OF NATIONAL SAFE BOATING WEEK

WHEREAS, year-round, people continue to enjoy all that our natural environment has to offer through the joy of boating; and

WHEREAS, National Safe Boating Week is observed to bring attention to important life-saving tips for recreational boaters so that they can have a safer, more fun experience out on the water; and

WHEREAS, on average, 650 people die each year in boating-related accidents in the U.S. with approximately three-fourths of these being fatalities caused by drowning; and

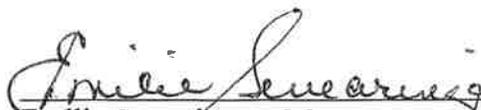
WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

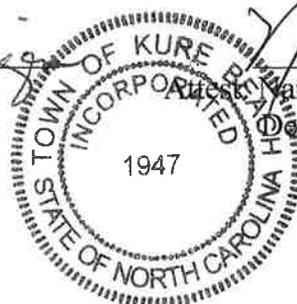
WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

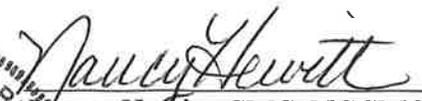
WHEREAS, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past;

NOW, THEREFORE, BE IT PROCLAIMED that Kure Beach Town Council hereby supports the goals of the North American Safe Boating Campaign (Wear It!) and proclaim May 20-26, 2017 as National Safe Boating Week and the start of the year-round effort to promote safe boating.

Proclaimed this 16th day of May, 2017.


Emilie Swearingen, Mayor




Nancy Hewitt, CMC, NCCMC
Deputy Clerk



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 16, 2017

up any fences, although they wanted her to know they will protect their property from trespassers. They are interested in seeing DOD's Land Use Study but the local application to receive planning money still hasn't been submitted and may cause us to lose that money if it isn't submitted soon. She said it would be good if the planning agency tasked with submitting the application would hurry up, but it will probably be December before the main committee is put together.

- She will attend a breakfast in Raleigh next week with the Resort Towns and Convention Cities committee to try to get legislators to continue to support beach nourishment.

COMMISSIONER ITEMS

Commissioner Dugan

- He attended a meeting of regional hubs for truckers where engineers from around the state met. He said they are setting up the traffic patterns of the existing major highways.
- He went to the ribbon cutting at the new bathroom at the state park, which is one of the most interesting ribbon cutting he's ever attended.

Commissioner Heglar said that Commissioner Dugan will represent him at the emergency management meeting this coming Friday, while he is out of town.

MPT Bloszinsky

- The Port, Waterway and Beach Commission is still on path. Senate Bill 273 has some language in it for money, but things aren't finished yet so we'll continue to work with Ruth Ravitz-Smith and our county lobbyists to do our surveys and studies with the corps (USACE). He said it's not in the budget yet, but should get in there next year, if not this year.

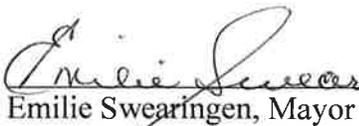
ADJOURNMENT

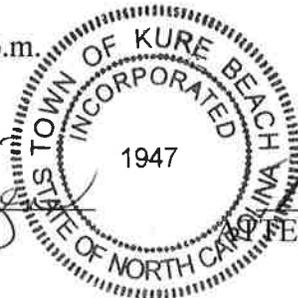
MOTION – Commissioner Dugan moved to adjourn.

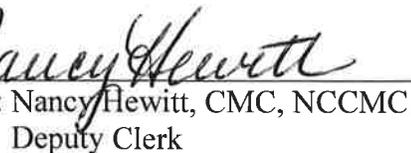
SECOND – MPT Bloszinsky

VOTE – Unanimous

The meeting adjourned at 9:28 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.