



TOWN COUNCIL AGENDA

REGULAR MEETING

June 19, 2018 @ 6:30 p.m.

**Asterisks indicate documentation is included in agenda packet*

CALL TO ORDER – Mayor Bloszinsky

INVOCATION & PLEDGE OF ALLEGIANCE – Reverend Tommy Williams, Lay Pastor

APPROVAL OF CONSENT AGENDA ITEMS

1. *Appoint Jonathan Perrotto to the WMPO Bike Pedestrian committee
2. *Resolution 18-03 authorizing transfer of \$12,000 from the contingency fund.
Council voted to approve this at the May 15 meeting
3. *Budget amendment 18-08 transfer \$12,000 from GF contingency to PW Streets and Sanitation budget for design and engineering cost relating to installation of ADA ramp at beach access # 1004- 1/2 near Myrtle and Ocean View. Council voted to approve this at the May 15 meeting
4. *Budget amendment 18-09 increasing the legal expense budgets for both funds for additional legal fees incurred in the amount of \$7,000 using an offset of excess projected revenue
5. *Budget amendment 18-10 establishing a budget for grant proceeds received by the Police Department for purchase of body cameras in the amount of \$4,092
- 6.) *Minutes
 - *May 15, 2018 Public Hearing on parking code amendments
 - *May 15, 2018 Regular Meeting
 - *June 5, 2018 Special meeting
 - June 5, 2018 Closed Session personnel
 - *June 5, 2018 Public Hearing on proposed FY19 budget

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

Presentation and reception for retiring Public Works Director Sonny Beeker

Please join us for a 30-minute reception in the trailer next door

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Sign up at podium

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL



TOWN COUNCIL AGENDA

REGULAR MEETING

June 19, 2018 @ 6:30 p.m.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee
2. Marketing Committee
3. Planning & Zoning Commission
4. Non-town Committee Reports
5. Shoreline Access and Beach Protection Committee

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation
2. Finance Department
 - a. Proposed amendment to Chapter 7 (Garbage/Trash), Section 67 (Special pickups)
Of the Code of Ordinances by the addition of language to specify that items placed in ROW and picked up by PW shall be billed to property owner whether requested or not
Requires motion to amend Code of Ordinance, Chapter 7, Section 67, as presented
 - b. Federally required changes to policy:
 - *Resolution 18-04 authorizing the town to engage in electronic payments as defined by N.C.G.S. 159-28, as presented
 - Amend the Town's Purchasing Policy and Procedures by:
 - Adding a new Section IV (Pre-Audit Requirements)
 - Adding a new Section II (Uniform Guidance Procurement)
 - *Amend Section V E (Disbursements – Method of Disbursement) of the Town's Cash Management and Investment Policy, by adding additional language to specifically identify the review, verification and approval procedures to be followed for electronic payments
 - Adopt new Uniform Guidance Conflict of Interest Policy, as presented
Requires motion to adopt Resolution 18-04 and amendments to Purchasing Policy and Cash Management Policy, and adopt new Conflict of Interest policy, as presented
3. Fire Department
4. Building Department
5. Police Department
6. Public Works Department

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. *Adoption of the FY18-19 Proposed Budget Ordinance and Fee Schedule with changes to:
 - *Property, Liability and Workers Comp insurance premiums \$8,000
 - *Recycling increase from vendor \$65,500*Requires motion to adopt FY18-19 Budget Ordinance and Fee Schedule, as either presented or amended*



TOWN COUNCIL AGENDA

REGULAR MEETING

June 19, 2018 @ 6:30 p.m.

2. *Revised proposed amendments to Chapter 10 (Traffic) of the Code of Ordinances on parking
3. *Proposed amendments to Chapter 19 (Zoning) of the Code of Ordinances, Section 339, Subsection 1 and 2 regarding minimum parking requirements
Requires public hearing
4. *Adoption of NFIP ordinance and resolutions
Requires vote to adopt the following, as presented:
 - Resolution 18-05 flood maps
 - Resolution 18-06 flood ordinance
 - Consistency statement
5. Facility improvement project update – Oliver
6. Emergency Operations Plan update – Heglar
7. *Status of requirements for outside patio for business located at 108 K Avenue

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. *Possible state legislation on firefighter special separation allowance
2. *Adoption of Proclamation 18-02 Marsy's Law
3. Reinstate longevity benefit for all full time employees effective July 1, 2018 with no retroactive payments (*funding included in budget*)
Requires motion

MAYOR UPDATES (no action required)

COMMISSIONER ITEMS (no action required)

CLOSED SESSION, as per Personnel as per N.C.G.S. 143-318-11(a6)

ADJOURNMENT

CONSENT AGENDA

Jonathan Perrotto has applied to serve as the representative on the WMPO Bicycle and Pedestrian committee. Mr. Perrotto is a property owner, but is not a full time resident. At the February 20, 2018 meeting, council voted to make an exception to the committee policy to allow a non- full time resident to serve on the WMPO Bicycle and Pedestrian Committee – one time only exception.

+ Nancy King
Town Clerk



TOWN OF KURE BEACH
REQUEST FOR APPOINTMENT

Board/Commission/Committees

MUST BE A FULL-TIME RESIDENT TO SERVE

Rec'd 6/14/18
no indebtedness
T.C. Perry

Request for Appointment to: WMPO - Bike Committee

Name Jonathan Perrotto

KB Property Address 526 Ft. Fisher Blvd N, Kure Beach

Mailing Address 2232 Falcon Hill Place Lynchburg Va 24503

Contact PH# 540-246-6637 Email jon.perrotto@gmail.com

(You will receive the majority of correspondence via email)

Length of full-time residency in Kure Beach 2 1/2 yrs - full time in next 2-3 years

Employment Self employed

Job Title Commercial real estate development

Professional Activities A past President New Market Rotary Club, also Band member

Volunteer Activities Past President Lynchburg Road Runners club. Also current Band member.

Past Chairman of The Lynchburg 10 mile

Other committee work, past or present Served as planning commissioner for 7 year for The Town of New Market. Street clean up committee City of Lynchburg Va.

What is your understanding of the purpose of this committee? Safer streets for pedestrians/runners/cyclists

Why are you interested in serving on this committee? Avid cycle and runner

In what specific concerns or areas are you interested? Keeping streets safe

What days and/or times between 8am-8pm, Monday through Friday, are you unable to attend meetings? Very flexible

Signature [Handwritten Signature] Date 6/12/18

Thank you for your interest in serving the Town of Kure Beach

Please submit your application to:

Town Clerk, Kure Beach Town Hall, 117 Settlers Lane, Kure Beach, NC 28449

NOTE: All financial obligations to the town must be satisfied to be a Kure Beach committee member.

Town Use Only

Date Received _____ Initials _____ Financial Obligations Satisfied [] YES [] NO

Interview Date _____ (If applicable) Appointment Date _____

Term Length _____ Term Expiration _____



TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R18-03

DRAFT

**TRANSFERRING FUNDS FROM CONTINGENCY LINE ITEM
TO FY 17-18 STREETS AND SANITATION BUDGET
FOR DESIGN AND ENGINEERING OF BEACH ACCESS ADA RAMP**

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 17-18 Budget Amendment totaling \$12,000 for the design and engineering costs relating to a beach access ADA ramp at 1004-1/2 near Myrtle and Ocean View; and

NOW, THEREFORE, BE IT RESOLVED THAT the Kure Beach Town Council authorizes the Finance Officer to transfer funds in the amount of \$12,000 from the General Fund Contingency account to the Streets and Sanitation FY 17-18 Budget to cover the beach access ADA ramp design and engineering costs.

Adopted by the Kure Beach Town Council this 19th day of June, 2018.

Craig Bloszinsky, Mayor

Attest: Nancy Avery, Town Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2018

D R A F T

AMENDMENT DATE: 05/15/2018

Budget Amendment No.: 18-08

DESCRIPTION/PURPOSE OF AMENDMENT

At the 5/15/2018 Town Council meeting, Council directed the Finance Officer to prepare a Resolution to transfer \$12,000 from the General Fund Contingency to the Streets and Sanitation budget for design and engineering costs relating to the ADA ramp at the 1004-1/2 beach access near Myrtle and Ocean View. At the 6/19/2018 Town Council meeting, Council adopted Resolution R18-03 to transfer funds from the FY 2018 Contingency Fund to the Streets and Sanitation budget for design and engineering of the ADA ramp.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-550-74-01	Capital Outlay - Improvements	\$12,000	
10-490-00-00	General Fund Contingency		\$12,000

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: Kure Beach Town Council Date: 05/15/18

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 05/15/18

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

Approved by Council 06/19/18 _____ Craig Bloszinsky, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

Budget amendment 18-09 increasing the legal expense budgets for both funds for additional legal fees incurred using an offset of excess projected revenue.

We exceed budgeted amounts for the Planning and Zoning attorney due to additional work assigned regarding amendments to the code for parking, and additional work taken on by P&Z relating to setbacks and text amendments submitted by residents.



Nancy Avery

Town Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2018

D R A F T

AMENDMENT DATE: 05/30/2018

Budget Amendment No.: 18-09

DESCRIPTION/PURPOSE OF AMENDMENT

For FY 2018, the cost of using legal counsel, other than the Town Attorney, for legal-related matters is forecasted to exceed the approved FY 2018 legal budget. These legal expenses are shared equally amongst the General Fund and Water and Sewer Fund and were incurred for various issues relating to Board of Adjustments, Planning and Zoning, parking, personnel-related, etc. This Budget Amendment is to increase the legal expense budgets for both funds offset by revenue earned in excess of the FY 2018 budgeted amounts.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-470-04-03	Professional Legal Service	\$7,000	
10-355-00-00	Building Permit Fees		\$7,000
30-470-04-03	Professional Legal Service	\$7,000	
30-329-00-01	Interest Earned – CDs		\$3,300
30-353-00-00	New Account Setup Fees		\$1,700
30-373-00-00	Water Tap & Connection Fees		\$2,000

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 & Office Manager Date: 05/30/18

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 05/30/18

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

Approved by Council 06/19/18 _____ Craig Bloszinsky, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2018

D R A F T

AMENDMENT DATE: 06/07/2018

Budget Amendment No.: 18-10

DESCRIPTION/PURPOSE OF AMENDMENT

The Kure Beach Police Department received grant funds from the NC Department of Public Safety - Governor's Crime Commission for the purchase of body cameras. The funds received total approximately \$4,092. This amendment establishes a budget for the grant proceeds with a corresponding increase to the Police Department minor equipment budget.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-510-73-00	Minor Equipment	\$4,092	
10-335-06-00	NC Dept. of Public Safety Grant		\$4,092

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: Mike Bowden, Police Chief Date: 06/07/18

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 06/07/18

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

Approved by Council 06/19/18 _____ Craig Bloszinsky, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

MINUTES



TOWN COUNCIL MINUTES

PUBLIC HEARING

May 15, 2018 @ 5:45 p.m.

The Kure Beach Town Council held a special meeting on Tuesday, May 15, 2018 at 5:45 pm for the purpose of conducting a Public Hearing to receive comments on proposed amendments to Chapter 10 of the Code of Ordinances, Motor Vehicles and Traffic related to parking. The Town Attorney was present and there was a quorum of council members present.

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 5:45 pm.

COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky
Mayor Pro Tem (MPT) David Heglar
Commissioner Joseph Whitley
Commissioner Allen Oliver
Commissioner John Ellen

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Town Clerk – Nancy Avery
Deputy Town Clerk – Mandy Sanders
Police Chief – Mike Bowden

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 5:45 pm.

OPENING AND PURPOSE OF HEARING

Mayor Bloszinsky opened the public hearing stating:

The purpose of the public hearing is to receive public comments on proposed amendments to Chapter 10 on Motor Vehicles and Traffic of the Code of Ordinances. Official notice of this public hearing posted on the Town's website and bulletin board on May 2, and was advertised in the Island Gazette on May 9, 2018, to meet with public notification requirements per N.C.G.S. 159-12. Proposed amendments:

- Clarify language in the current code on ticketing and payment of fines
- Prohibit the parking of vehicles in the right of way (area where utility poles are located)
- Prohibit parking in the street unless in a clearly designated parking space
- Prohibit parking on Town utility easements
- Allow towing for any parking violation
- Restrict parking of unattached, non-passenger vehicles such as trailers

Mayor Bloszinsky added that proposed amendments include that in residential districts, owners can park in the front yard setback that they own.

Mayor stated the reason for these amendments is a lot of feedback about parking in town, in the streets and at the beach. If we do not manage parking, people will park where they want. Commissioner Whitley, the Police Chief and Planning and Zoning (P&Z) member Ken Richardson worked on this along with the P&Z attorney made a first attempt and will keep working until we get this right.

PUBLIC COMMENTS

Ron Triplett, 325 Fort Fisher Boulevard South, stated:

- His setback on his street is the sidewalk, there is no grassy area
- He has 12 feet of curb between his driveway and his neighbor which the town is taking away. There is no access on the other side
- In the 40 years he has lived here there has never been a problem, but now the police are telling him he cannot park across his driveway
- This will cause him a great problem
- It is obviously necessary to get parking under control
- Next door to him, people have nine bedrooms and there were twelve cars parked all over there last weekend
- Parking in the right of way (ROW) in neighborhoods is being taken away
- Do not prohibit him from parking across his driveway would help
- He would like equal access to his property with two spots for parking
- He needs eleven feet, three inches at the top of the curb
- Towing for any violation needs to have clear signage
- These changes could end up towing legally parked vehicles
- Problem only happens for three months out of the year
- Don't have problem the rest of the year
- Residents know where to park
- Visitors do not know where to park
- In one city block, there are 138 bedrooms with four parking spaces
- Is any of this going to be ironed out today

Council comments:

- It is correct that on your street, the setback would be the driveway
- There is a delicate balance with putting signage everyway and we do not want to litter the town with signs
- Towing is meant for repeat offenders and egregious problems
- Will consider input from this meeting and vote on this another time

Grace McGee, 803 Largo Way in Kure Beach Village, stated:

- She is speaking as a private owner, not HOA member
- The wording in section 205 on towing is too broad to state 'any car'. It should only be for an egregious situation or blocking a car
- The wording in section 207 about only having ten days to redeem a towed care is too restrictive, should maybe 30 days

- Section 222, parking within residential communities, will make a problem in our community much more severe. There are still 15 vacant lots. The lots are pie shaped with the narrow section at the road. This wording says parking would be allowed in front yard setback on property owned or leased. That will not work in our community because someone may end up parking in neighbors' yard
- Think there should be ability to park in ROWs and on streets in cul de sacs or common area ROWs in marked spaces
- There is no land for us to buy to provide for parking
- This wording takes away what is used now for parking and leaves us with no overflow parking
- Section 223 states only passenger vehicles can park. What about repair contractors? The language is too restrictive.
- Section 228 says no person shall park on the public ROW, and part G says overnight. This also creates a problem in my community.

Council comments:

Section 228 limits the size of vehicles to less than 16 feet

Steve Shumate, 107 Ocean View Avenue, commented:

- Section 203 states \$50 fine but in parenthesis, it says \$25. Which is it?
- Section 204 ticketing vehicles says when someone receives notice or ticket, they have to appear before the chief of police
- Section 222 he is ok with, but his neighbors will be impacted
- Some of this has been in effect for years, but not strongly enforced
- Section 222, section f, second sentence, should say 'nor' instead of 'or'
- Section 226 references signage will be installed but it does not say by who. This needs to be distinguished.
- Section 228 wording does not allow for circumstances when you might need to leave your car parked overnight on K Avenue
- Section 229, item 3 prohibits parking within 10 feet of ROW, but it should be 25 feet but if you enforce no parking in ROW it doesn't matter
- Towing wording says may be towed not shall be towed, so there is leeway
- Somewhere down the road the Town will have to lay out more parking places
- Lots of People Park in ROWs near where he lives to access the beach. If that is not allowed, it's a long walk to the beach

Council comments:

- The fine is \$25, not \$50 and has been corrected in the final version
- Section 204 also states ticket may be returned and paid by mail, not appearance
- Section 231 identifies the area where section 228 applies and it does not include K or Atlantic Avenue
- State law says you can't park in the ROW within 25 feet if there is a curb and within 15 feet if no curb

4. Kevin Thayer, 510 Kure Village Way, said:

- He understands that the town is now going to enforce parking
- More needs to be looked into before cutting people off
- What is the problem that needs to be fixed?
- A blanket statement doesn't necessarily address the problems
- There are communities where it is legal to park in front of residences. You cannot take parking away when there is no other parking available
- Cannot tell homeowners they cannot have folks over to play cards, have yard sales, have repair or construction trucks parked in front of house, or have a party
- Every street needs to be looked at rather than a blanket approach
- It is too far to make older folks that park at Joe Eakes Park to walk downtown
- Think people should be able to park in ROW where there is room on the street
- If this is starting point, warnings and tickets have to stop

Council comments:

- On south side of town, short term rental parking causes a problem
- The problem is different depending on which section of town you live in
- Many questions came up in four months of research
- 2500 homes are being built over the bridge and we expect them to come here, so we are looking at the future traffic and being proactive
- This sets guidelines for parking. We will have to determine number of parking spaces there will be, but we need to agree on rules before we can decide on future number of parking spaces.
- Have been told by residents that other peoples' renters are parking in their driveway
- Believe there will be more pressure in the future
- The police officers do not have the tools they need to help with parking issues
- Lots of citizens would want the police to be able to tow if their driveway is blocked
- Could provide parking for your visitors at Joe Eakes Park and have them walk down K Avenue
- Warnings and tickets are under current ordinances, not on proposed changes
- People are parking in ROW now and sometimes the garbage trucks and fire trucks cannot get through because there is not enough space and the police are getting calls about it.
- Police get calls about people parking on Settlers Lane. It would be better if everyone parked on the same side of the street for public safety issues

5. Alan Votta, 810 Fort Fisher Boulevard North, stated:

- His concerns are a lot of what has already been said
- He has been here 23 years and built houses here. He has always been told the street ROW is for parking and not to landscape
- If you take this away, you take away parking for landscaping vendors, construction materials, dumpsters, etc. Then where do they we park.
- Need to word the ordinance to state you could park on north or west side of street only. Specifying the side that can be parked on would help.

- There are a lot of vacant lots where there would be parking
- Sixth street where the church is could be designated as parking
He does not have a problem with towing and ticketing, but does have problem with having folks over for a cook out etc. and there is nowhere they can park
- Kure Beach Village will probably be hurt the most
- Would feel better if council put in bumpers for parking on 6th street in conjunction with ordinance change

Council comments:

- Council takes up things because we receive complaints. There are residents that are unhappy with folks parking all over the place.
- If council does not do anything, there will be more residents mad that police cannot do anything.

Kim Paisley, 617 3rd Avenue South, stated:

- He is black sheep of his neighborhood
- He has complained about town vehicles parked on private property
- Personal toys need to be on your own property
- See parking as three things: permanent parking, neighborhood parking and thoroughfare parking
- Police need to have some discretion
- He lives in a cottage with open space that people think is their personal property for going to the beach. Police said there is nothing they can do on my private property.
- He has contacted a towing company and will put signs in his yard and have cars towed from his property
- There is selective enforcement due to zoning changes and growth of town. Most properties being built are duplexes, which is doubling amount of parking needs that did not exist when the town was first laid out.
- Have to add controllable parking spaces on Sixth and E Avenues in the median. People are already parking there during peak season.
- Don't want to see parking meters in town because this is a gorgeous community
- He likes the idea of parking kiosks and numbered spaces but is concerned about the cost of labor the chief will need to do the job. It is so packed now with weekend warriors that entire police staff could spend all its time managing parking.
- Have to add permanent parking and have to find ways to fund this parking. Whatever we collect is more than we are collecting now.
- Won't cost as much using kiosks
- If you tow off 10 foot ROW, will you tow guys with paved parking lot that goes to street?
- Still have 25 foot lots with no driveways and the only place to park is on 10 foot ROW
- There has to be selective parking
- Real issue for him is putting up no trespassing signs next week
- Necessary to have additional parking before restricting what we have

David Garceau, 1038 Fort Fisher Boulevard South, stated:

- This public hearing ended up with lots of people objecting
- He is absolutely for this and completely supports the town, mayor and commissions and thank them for forward thinking
- He has lived in other towns where parking is a huge issue
- The real problem this town faces is the near future
- There are some differences in the two documents, one is the \$50 fee and the second is sections missing between 205 – 207
- Could have maintenance and service vehicles get special permit from town to park

David Sacks, 720 Fort Fisher Boulevard North, stated:

- We have a lot of rules already created with little enforcement such as garbage pails not being taken off street
- There seems to be two issues, resident parking and visitor parking
- We have an obligation to create parking spaces for residents first, then figure out how to attract visitors, but we have to have parking
- Carolina Beach has paid parking and designated residential parking
- We have to enforce what we have now

Mayor Bloszinsky read emails from Greg Connors at 1043 Fort Fisher Boulevard South, and Mario Paporozzi at 105 Seaward Court into public record. Said emails are herein incorporated as part of these minutes. The mayor stated that council would look at redefining the rules taking into consideration the comments made at this meeting.

CLOSING OF PUBLIC HEARING

Mayor Bloszinsky closed the public hearing at 6:51 pm.

ADJOURNMENT

MOTION – Mayor Pro Tem Heglar made the motion to adjourn at 6:52 pm.

SECOND – Commissioner Ellen

VOTE – Unanimous

ATTEST:

Nancy Avery, Town Clerk

Craig Bloszinsky, Mayor

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government, council.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 15, 2018 @ 6:30 p.m.

The Kure Beach Town Council held its regular meeting on Tuesday, May 15, 2018 at 6:30 p.m. The Town Attorney was present and there was a quorum of council members present.

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 6:30 pm. Pastor Dan Keck of Kure Memorial Lutheran Church gave the invocation and led the pledge of allegiance.

COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky
Mayor Pro Tem (MPT) David Heglar
Commissioner Joseph Whitley
Commissioner Allen Oliver
Commissioner John Ellen

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Deputy Town Clerk – Mandy Sanders
Police Chief – Mike Bowden
Fire Chief – Ed Kennedy
Utility Systems Operator/Crew Leader – Jimmy Mesimer

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 6:56 pm.

Mayor Bloszinsky read and presented a Proclamation in support of National Safe Boating Week to members of the Cape Fear Sail and Power Squadron.

APPROVAL OF CONSENT AGENDA ITEMS

1. Proclamation 18-01 in support of National Safe Boating Week
2. Budget amendment 18-06 in the amount of \$17,992 for repairs at the Ocean Front Park transferring funds from TDA revenue to PW maintenance
3. Budget amendment 18-07 in the amount of \$11,400 for the sale of Ocean Rescue surplus ATV's transferring revenue from the General Fund to the Ocean Rescue minor equipment purchases line item
4. TDA reimbursement request in the amount of \$22,343 for maintenance of the Ocean Front Park
5. Minutes
 - April 19, 2018 regular meeting continued to April 26, 2018
 - April 19, 2018 closed session
 - April 20, 2018 budget # 2 meeting



TOWN COUNCIL MINUTES

REGULAR MEETING

May 15, 2018 @ 6:30 p.m.

MOTION - Mayor Pro Tem Heglar made the motion to adopt the consent agenda as presented

SECOND – Commissioner Ellen

VOTE – Unanimous

ADOPTION OF THE AGENDA

MOTION - Mayor Pro Tem Heglar made the motion to adopt the agenda as presented

SECOND – Commissioner Ellen

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Kevin Beerman, 144 Seawatch Way, said:

- He moved here seven months ago
- He is retired from the military as an army engineer colonel
- He saw the Public Works and Utilities Director position
- He is excited about applying and wanted to take the opportunity to introduce himself

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Marketing Committee - presentation and direction on proposed FY18-19 marketing budget

Chairwoman Debbie Elliott stated:

- The main change in this year's budget is there is less print advertising and more digital, which is a better investment with a limited budget
- The committee is requesting approval of the \$186,305.80 budget

MOTION – Mayor Pro Tem Heglar made the motion to approve the budget for the Marketing Committee, as presented.

SECOND – Commissioner Oliver

VOTE – Unanimous

2. Shoreline Access and Beach Protection Committee

Pat Triplett, committee member, stated the new beach signs should be installed soon. They are waiting on the CAMA permit. The target date is by Memorial Day weekend.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Finance Department

Presentation of budget message, draft FY18-19 budget ordinance and fee schedule

Finance Officer Copenhaver gave an overview of the proposed FY18-19 budget. The presentation including the Budget Message, Budget Ordinance and Fee Schedule is herein included as part of these minutes.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 15, 2018 @ 6:30 p.m.

MOTION – Mayor Pro Tem Heglar made the motion to direct the Town Clerk to advertise the proposed FY18-19 budget for inspection, as presented, and to hold a public hearing on Tuesday, June 5, 2018 at 6:30 pm.

SECOND – Commissioner Ellen

VOTE – Unanimous

2. Fire Department

Proposed amendment to Chapter 6 (Fire protection and prevention), Article III (Fire code), Section 31 (Adopted)

Fire Chief Kennedy stated:

- The proposed amendment does not change the way we do business.
- It only states our code backs the fire code rather than giving the date of the fire code, which changes

MOTION – Mayor Pro Tem Heglar made the motion to adopt the amendment to Chapter 6, Article III, Section 31, as presented, and read the amendment.

SECOND – Commissioner Ellen

VOTE - Unanimous

3. Public Works Department

Crew Leader Mesimer stated the vendor, Engineering Services, quoted the cost for surveying, engineering and drawings for a proposed ADA ramp at access 10004 ½ is \$12,000 and he requested council approval for funds to move forward.

MOTION – Mayor Pro Tem Heglar made the motion to move \$12,000 from the contingency fund to have the work done for an ADA compliant ramp at the north end of town (access 1004-1/2 near Myrtle and Ocean View)

SECOND – Commissioner Allen

VOTE - Unanimous

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Proposed amendments to Code of Ordinances, Chapter 10 on Motor Vehicles and Traffic
Public hearing held May 15, 2018 at 5:45 pm

Council discussion points:

- The committee should re-form and discuss the comments from the public hearing
- The goal was to have amended ordinances ready by Memorial Day, which probably will not happen
- Good things were heard tonight to be considered and we do need to fast track this



TOWN COUNCIL MINUTES

REGULAR MEETING

May 15, 2018 @ 6:30 p.m.

Mayor Pro Tem Heglar asked the police chief if he has what he needs if people park on the pavement and if they park on the town's ROW blocking someone. Chief Bowden responded yes.

MOTION – Commissioner Whitley made the motion to reconvene the parking committee within the next 30 days and address issues discussed at the public hearing and invite some of those that spoke to attend.

SECOND – Mayor Pro Tem Heglar

VOTE - Unanimous

2. Schedule special meeting on Tuesday, June 5 before or after public hearing at 6:30 pm for closed session on personnel

MOTION – Mayor Pro Tem Heglar made the motion to hold a special meeting for a closed session on personnel on Tuesday, June 5, 2018 at 5 pm.

SECOND – Commissioner Whitley

VOTE – Unanimous

3. Review of proposed updated National Flood Insurance Plan ordinance

MOTION – Mayor Pro Tem Heglar made the motion to schedule a public hearing on adoption of the new National Flood Insurance Program ordinance and flood maps on Tuesday June 19, 2018 meeting at

6 pm.

SECOND – Commissioner Whitley

VOTE - Unanimous

4. Council goals and Joint Land Use Plan with Department of Defense update

Mayor Bloszinsky reviewed council goals and the Department of Defense Joint Land Use Plan with Military Operations Terminal at Sunny Point (MOTSU), which are:

Council goals

Work smarter to maintain and improve our quality of life in Kure Beach

- Improve parking situation
- Upgrade systems such as water meter and billing
- Work on Department of Defense Land Use Plan to retain assets

Ensure the integrity of Town financial data and maintain financial stability in all Town funds

- Bring in construction project on time and at cost
- Be fiscally responsible
- Improve long term planning
- Review ordinances for enforcement process



TOWN COUNCIL MINUTES

REGULAR MEETING

May 15, 2018 @ 6:30 p.m.

- ROT maintenance

Enable an optimum working environment for staff to produce high levels of service to the public

- Town Hall space (physical)
- Ensure policies are fair (morale)

Provide all departments with the support to maintain a safe working and living environment

- Support camera program
- Use technology to multiply abilities

Mayor Bloszinsky highlighted:

- We have a good running start on 2018 goals that were set in the budget session
- We are improving town hall so the whole town is ready for the next 25 years
- The budget includes 2% cost of living and 2% merit raise for employees and we reinstated the longevity program
- Room occupancy tax amount collected last year was increased by 13.5 percent because we identified people renting their property and reported it to the county
- We have a capital project to change out water meters to make them easier to read and more accurate
- We are on schedule and budget with the construction project
- We are locked on all four sides with only two ways out. We want to look at another option.
- We will have P&Z look at recommendations for future use of business district as buildings age out
- This review is to let you know that we, along with our committees, boards and partner agencies, are working for the future of the town

Military Operations Terminal Sunny Point (MOTSU) /Department Of Defense (DOD) Land Use

Plan goals and expectations – ranked in order of priority

1. Lagoon – ensure lease, current five year lease expires December of 2019
2. Water tower – ensure the lease, current lease expires April of 2019
3. Recreation area (JE Park), lease is \$1,000 for 6.5 acres
4. Water diversion – Camp Wyatt, keeping water out of the streets of Kure Beach
5. Garages – Public Works, replacement of the garages lost
6. New egress process – access to Dow Road
7. Bike path options – Carolina Beach is in the process of building bike path
8. Maintain good relations
9. Land behind fire station to be utilized for training and volunteer parking during calls



TOWN COUNCIL MINUTES

REGULAR MEETING

May 15, 2018 @ 6:30 p.m.

The mayor stated Commissioner Whitley is vice chair for the Joint Land Use Plan. He reviewed the items that Council thought were most important, as listed above, pointing out that the town never had to pay rental on any leases, but has to now.

Commissioner Whitley said the first meeting, a stakeholder meeting, is Monday, May 21, 2018, to get a better understanding of the relationship between the town and MOTSU and he and two staff members will attend. There are 15 other communities involved and this process is expected to take about a year to complete.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Encroachment request for 441 S. Fort Fisher Boulevard

Wes Hester stated he:

- Has lived here since 2004 and recently purchased property at 441 S FFB
- Purchased a home we didn't design or built – not enough room for deck around pool
- Is requesting approval for encroachment

MOTION – Mayor Pro Tem Heglar made the motion to approve moving forward and for the property owner to provide an encroachment agreement satisfactory to the town attorney.

SECOND – Commissioner Whitley

VOTE- Unanimous

2. Adoption of 2018 Emergency Operations Plan

Mayor Pro Tem Heglar stated he only wants to approve the annex for the hurricane plan, which directs the department heads to prepare for the season in June and he and the Fire Chief will continue to review the plan for updates to bring back to council.

MOTION – Mayor Pro Tem Heglar made the motion to approve Annex B, Appendix 1 as presented, and for him and Fire Chief Kennedy to review the rest and bring back to council for approval.

SECOND – Commissioner Whitley

VOTE - Unanimous

Mayor Pro Tem Heglar said he sent a copy of the letter we give to citizens yearly to council to review. A copy is sent out the last of May. He requested permission to schedule two sessions with the public as is done every year in late May and early June

CONSENSUS – move forward with scheduling two public sessions

3. Carolina Beach/Kure Beach Sewer Authority adoption of rates

Mayor Pro Tem Heglar stated he and Commissioner Whitley met with Carolina Beach about rates. The work Public Works did with diverting more sewer flow to our lagoon rather than sending to Carolina Beach for processing reduced the rate and cost. The authority meets once a



TOWN COUNCIL MINUTES

REGULAR MEETING

May 15, 2018 @ 6:30 p.m.

year to review final numbers and activity. The town received a check today for \$32,000, as a result of the diverted flow.

MOTION – Mayor Pro Tem Heglar made the motion to approve the Carolina Beach/Kure Beach rates as presented for variable and fixed costs for next fiscal year.

SECOND – Commissioner Whitley

VOTE – Unanimous

COMMISSIONER ITEMS

Commissioner Oliver stated the facility construction is moving along with trusses for the council room on site for installation. There have been some minor delays due to rain. It is getting to the point where we will start seeing the roof installed.

ADJOURNMENT

MOTION – Commissioner Oliver made the motion to adjourn at 8:23 pm

SECOND – Commissioner Whitley

VOTE – Unanimous

ATTEST: _____
Nancy Avery, Town Clerk

Craig Bloszinsky, Mayor

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government, council.



TOWN COUNCIL MINUTES

SPECIAL MEETING

Tuesday, June 5, 2018 @ 5:00 pm

The Kure Beach Town Council held a special meeting for the purpose of conducting a closed session on personnel on Tuesday, June 5, 2018 at 5 pm. Notice was posted at Town Hall and on the website on May 23, 2018 and advertised in the Island Gazette on May 30, 2018. There was a quorum of council present.

COUNCIL MEMBERS PRESENT
Mayor Craig Bloszinsky
Mayor Pro Tem (MPT) David Heglar
Commissioner Joseph Whitley
Commissioner Allen Oliver
Commissioner John Ellen

COUNCIL MEMBERS ABSENT
None

STAFF PRESENT
Town Clerk – Nancy Avery
Finance Officer – Arlen Copenhaver

CALL TO ORDER
Mayor Bloszinsky called the meeting to order at 5:01 pm stating the purpose of this special meeting is to conduct a closed session on a personnel matter as per N.C.G.S. §143-318.11 (a) (6).

MOTION – Commissioner Whitley made the motion to go into closed session as per N.C.G.S. §143-318.11 (a) (6)
SECOND – Mayor Pro Tem Heglar
VOTE - Unanimous

MOTION – Mayor Pro Tem Heglar made the motion to return to open session at 6:27 pm
SECOND – Commissioner Whitley
VOTE – Unanimous

MOTION - Mayor Pro Tem Heglar made the motion to schedule a special meeting on Monday, June 18, 2018 at 8 am to conduct a closed session on personnel to interview candidates for the position of the Public Works and Utilities Director and to administer evaluations to Department Heads.
SECOND – Commissioner Whitley
VOTE - Unanimous

ADJOURNMENT
MOTION – Commissioner Whitley made the motion to adjourn at 6:28 pm
SECOND – Commissioner Ellen
VOTE - Unanimous



TOWN COUNCIL MINUTES

SPECIAL MEETING

Tuesday, June 5, 2018 @ 5:00 pm

ATTEST:

Nancy Avery, Town Clerk

Craig Bloszinsky, Mayor

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under [government>council](#).



TOWN COUNCIL MINUTES

PUBLIC HEARING

June 5, 2018 @ 6:30 p.m.

The Kure Beach Town Council held a special meeting on Tuesday, June 5, 2018 at 6:30 pm to conduct a public hearing on the proposed budget for FY18-19. Notice of the hearing was posted at Town Hall and on the website on May 23, 2018 and advertised in the Island Gazette on May 30, 2018. There was a quorum of council present.

COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky
Mayor Pro Tem (MPT) David Heglar
Commissioner Joseph Whitley
Commissioner Allen Oliver
Commissioner John Ellen

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Town Clerk – Nancy Avery
Finance Officer – Arlen Copenhaver

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 6:30 pm.

OPENING AND PURPOSE OF HEARING

Mayor Bloszinsky opened the public hearing at 6:31 pm stating the purpose of this public hearing is to receive public comments on the proposed budget for fiscal year 2018-2019.

Official notice of this public hearing was posted on the town's website and bulletin board on May 18, 2018 and was advertised in the Island Gazette on May 30, 2018, thus meeting notification requirements.

Finance Officer Copenhaver provided a high-level presentation, stating the budget comprises the following:

- Seven funds with a grand total of a little over \$8 million
- Proposed tax increase of 4.5 cent per \$100
- Proposed increase in monthly residential garbage service of \$1 from \$6 to \$7 for the first cart and \$2 per month from \$12 to \$14 for after the first cart
- Proposed increase in monthly commercial garbage service of \$4.28 per cart from \$26.25 to \$30.63. The residential first cart and commercial rates have not changed in 5 years. This is necessary to cover associated costs that have increased.
- Proposed increase in recycling was proposed at 13 cent per cart but the recycling, however the vendor has informed us of a significant pending increase. There will be more information coming on this

- Changes to the water and sewer rate structure:
 - Residential –new rates for the portion of monthly usage over 12,000 gallons
 - Commercial and out of jurisdiction – new rates for the portion of monthly usage above 70,000 gallons
- An additional full time staff member in Administration and one in Recreation
- A 2% cost of living adjustment and a 2% merit pool for full time staff
- Contingency of \$9,850
- \$9,807 transfer to beach protection

A copy of the presentation is herein incorporated as part of these minutes.

PUBLIC COMMENTS

D. J. Peterson, 214 N. Fort Fisher Boulevard, stated:

- Town does a great job
- He had sewer line problem over the holiday weekend and Public Works was great
- The recycling issue is a big problem everywhere
- His only concern is that residents weren't given the option of voting on the expense before construction of town facilities began instead of after the fact

Mayor Bloszinsky said a past council voted on construction but this council did offer a tour of the old facility giving reasons why.

Questions from the audience:

- Is most of the increase in tax mainly for the fire station?
- Are there the same number of engines for the new station as for now?
- Did you consider other revenue sources that could be assets to town, such as paid parking?
- What is the cost of two full time employees?

Council comments on questions:

- There will be the same number of fire engines.
- The tax increase is going toward debt service for both the fire station and the expansion of town hall and police facilities. Debt payment is \$450,000 annually
- There are another 240 lots that may be built on and council has to determine how those new structures are supported for services.
- The current buildings were completed 25 years ago and there is a lack of evidence room for police, IT space, lack of fire fighter sleeping space, maintenance and office space for police officers, lack of space for administration record storage and overall lack of space in each department.
- The current space in town hall and police is expanded in an effort to reutilize existing space at the best cost.
- The town is well within state guidelines on debt, which is 8% of assessed property value. We are at 1 %.
- This has been a long term effort and has been talked about since 2005.
- Previous council in January of 2016 spent that year working with department heads on requirements, and then worked with the architect.

- The initial budget was much higher than council could stomach, so department heads were asked to pare down requirements.
- The plan has always been what is needed to support the needs of the citizens for the next 25 years.
- Council set the cap at \$5 million and the architect and department heads had to work within that budget.
- During the last election, all candidates except one said they supported construction process.
- As soon as this council came on, the vote was taken to move forward and fund.
- This does not mean there will not be another tax increase. Every 3 years or so, something seems to come up.
- County plans to reduce its tax by 1.5 cent and we are going up 4.5. Average impact per home is \$94 per year. No one likes to pay more.
- This council is responsible for providing the level of service that residents want.
- Your tax bill is combination of county and town taxes with 55% being county tax and the rest is the town.
- Previous councils have looked at paid parking many times and we do not have enough parking spaces (492) to generate income.
- The town did a pilot and did not generate enough revenue to pay costs.
- Paid parking may be possible in the future. We are working on control and ordinances to handle traffic. We want to protect property from visitors that do not respect it, but paid parking will not be a significant source of income to help the budget. Parking will be discussed again at the end of summer to see what needs to be done better. It is a work in progress.
- The recreation programs are growing and the rental of the Ocean Front Park and other town facilities has increased the workload.
- The new person in recreation will allow a cut back on number of temporary employees that used to help offset the cost. Rental revenue also helps with cost.
- Administration provides all up front services, answering phones and walk in traffic. An additional person is needed to provide support and to look toward a future retirement in that department.
- Administration has been requesting staffing for several years with it not being approved.

CLOSING OF PUBLIC HEARING

MOTION – Mayor Pro Tem Heglar made the motion to close the public hearing at 7:03 pm.

SECOND – Commissioner Whitley

VOTE - Unanimous

ADJOURNMENT

MOTION – Mayor Pro Tem Heglar made the motion to adjourn at 7:03 pm.

SECOND – Commissioner Whitley

VOTE – Unanimous

ATTEST:

Nancy Avery, Town Clerk

Craig Bloszinsky, Mayor

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government, council.

P & Z MINUTES
AND
DEPARTMENT
REPORTS



**KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
MAY 2, 2018**

The Kure Beach Planning and Zoning Commission did not hold their regular meeting on **Wednesday, May 2, 2018** due to a lack of quorum.

P&Z MEMBERS PRESENT

Vice Chair Bill Moore
Member Retha Deaton

Alternate Member Robert Young

P&Z MEMBERS ABSENT

Chair Craig Galbraith
Member John Cawthorne
Member Kenneth Richardson

STAFF PRESENT

John Batson – Building Inspections
Kathleen Zielinski – Secretary

~~~~~

Councilman Joseph Whitley, Liaison  
Attorney James E. Eldridge

**1. CALL TO ORDER**

Vice Chair Moore stated at 7:10 that, without a quorum, the meeting could not be held.

\_\_\_\_\_  
Craig Galbraith, Chairman  
Planning and Zoning Commission

\_\_\_\_\_  
Kathleen Zielinski, Secretary

NOTE: These are minutes reflecting items considered and actions taken by the Planning & Zoning Committee and should not be considered a transcript of the meeting.



**KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING  
APRIL 4, 2018**

The Kure Beach Planning and Zoning Commission held their regular meeting on **Wednesday, April 4, 2018**. A quorum of commission members was present.

**P&Z MEMBERS PRESENT**

Chair Craig Galbraith  
Vice Chair Bill Moore  
Member Kenneth Richardson  
Member John Cawthorne  
Alternate Member Robert Young

**P&Z MEMBERS ABSENT**

Member Retha Deaton

**STAFF PRESENT**

John Batson – Building Inspections  
Kathleen Zielinski – Secretary

Councilman Joseph Whitley, Liaison  
Attorney James E. Eldridge

**1. CALL TO ORDER**

Chairman Galbraith called the meeting to order at 7:00 p.m.

**2. APPROVAL OF AGENDA**

**MOTION** – Member Moore moved to place Item a. under New Business to Item a. under Old Business to accommodate the applicant for the text amendment, Mr. Lawler.

**SECOND** – Member Richardson

**VOTE** – Unanimous

**MOTION** – Member Richardson moved to approve the agenda as amended

**SECOND** – Member Moore

**VOTE** – Unanimous

**3. APPROVAL OF MEETING MINUTES – March 12, 2018**

**MOTION** – Member Richardson moved to approve the minutes from the March 12, 2018 meeting as submitted



**4. PUBLIC COMMENTS**

None

**5. OLD BUSINESS**

- a. Consideration of proposed text amendment from Robert Lawler concerning 629-B Fourth Avenue.

Inspector Batson introduced a text amendment application regarding Sec. 19-320, which regulates what is allowed within side, rear and front setbacks. He explained that the applicant, Mr. Lawler, was in the process of installing two decks on his home when Mr. Batson noticed he also had a shower enclosure installed which appeared to be encroaching into the side setback by about 18". After hearing his options for ameliorating the situation, Mr. Lawler chose to submit his application for a text amendment that, if approved, would bring his shower enclosure into compliance.

Mr. Lawler then stood to address the commission, starting with some background about his purchase of the house to include his inquisition about enclosing the outdoor shower that was already installed. He was informed by the contractor that the shower could be enclosed and there was no mention of any restrictions when he discussed it with the seller during the purchase proceedings. He said the outdoor shower was a selling point for him when considering his new home purchase, but upon investigation by Mr. Batson, he became aware that the shower should not have been installed in that location if it was to be enclosed at a future date.

Mr. Lawler's text amendment application addresses the fact that the shower was approved during the permitting process. He has noticed similar showers on nearby homes, but they are in the rear of the house where there is more space allowed outside of the setback. Mr. Lawler's faucet and shower would be useless to him and his wife if it could not be enclosed similar to the other showers in his vicinity.

Chairman Galbraith then asked the commissioners if they had any questions to which Member Richardson inquired if a builder should get a permit in a situation like this. Inspector Batson said that, while he gets requests frequently, this would not be approved for a permit. He considers the enclosures as fences, which are permitted in the setbacks, but the problem here is that the enclosure is on the side of the house where fence height is limited to four feet. If the enclosure was in the rear of the house, it could be built up to six feet high to be in compliance with the new fence height ordinance. However, in Mr. Lawler's case, there is no location in the rear of the house where an enclosed shower can fit. Mr. Lawler then distributed photos with measurements to elucidate his argument.

Several considerations were offered in the ensuing deliberation including:

- The definition of a structure
- What constitutes a temporary structure?
- Would furniture be permitted in a setback? (Yes)
- Some people require a shower enclosure for privacy, others do not see the need
- Emergency service personnel must have room between houses for access
- Tools are available to easily tear down a shower enclosure if needed
- Text amendments affect every property in town
- Request for a variance may be considered
- Creative design may be available for a temporary structure to enclose the shower

Chairman Galbraith then asked for a motion on the text amendment proposal.

**MOTION** –Member Moore moved that the commission not approve the submitted text amendment application

**SECOND** – Chairman Galbraith

**VOTE** - Unanimous

Attorney Eldridge distributed a consistency statement that he had drafted for the commission to send to council stating that the proposed text amendment is not consistent with Part 3, Section 2.B of the town's Land Use Plan.

**MOTION** – Member Moore moved to submit said Consistency Statement to council

**SECOND** – Member Cawthorne

**VOTE**– Unanimous

Mr. Lawler expressed his intention to follow up with Inspector Batson before moving forward with his proposal to council.

b. Report and recommendation for council regarding The Cove at Kure Beach

Attorney Eldridge prepared a document, as requested by the commission at their previous meeting, to recommend council approve the planned residential development on the condition that a declaration of covenants be included with site plan, driveways be incorporated into stormwater plan and a sound abatement fence be installed on the north and east sides of the pool area.

c. Text Amendments to Chapter 10, Article VI (Parking Regulations)

Member Richardson reported that he, Chief Bowden, Commissioner Whitley and Attorney Eldridge had met on several occasions to work on tightening up the rules on parking with a strong emphasis on safety. Some streets throughout the town are very narrow, parking can be a problem when it comes to emergency vehicles and traffic is an issue. They took a reasonable approach to tighten up current rules and bring town parking regulations up to that other beach towns. He added that Attorney Eldridge went through changing authorities, with a much stronger emphasis on safety.

Commissioner Whitley stated that this is a work in progress. The team is hopeful to have changes approved at the May council meeting so they will be in effect in time to go through the summer to see what works and doesn't. He said that Chief Bowden took the opportunity of the busy Easter weekend to start enforcement of rules already in place to give a good indication that change is coming. These changes are necessary for safety and aesthetic reasons, especially when looking toward the future with expanded development occurring over the bridge. Mr. Whitley also wanted to state for the record that many people said they would attend this meeting, but no one is here. The plan is to bring the recommendations to council in April for a public hearing in May, get feedback after the summer and review again in October. This is a start and a work in progress. Some people may not be happy, but we have to move forward.

Attorney Eldridge offered that there is nothing new substantively in the proposed amendments and summarized some of the issues that were discussed, which include:

- Ruled out paid and permit based parking policies. They will be addressed in the future. Focus is more on day-to-day issues.
- Current provisions are reorganized and grouped, being specific about the actions that were being regulated as accomplished by the definitions.

- Public right of way – not only the road but also land adjacent on either side. Some neighborhood streets setback amendments provide that you can park in your front yard setback.
- Enforcement was mentioned here and there with ambiguity – moved it up front with the provision on towing.
- Provide for no parking, restricted parking, commercial parking, etc.
- Passenger vehicle definition will include golf carts.
- Combined towing and impoundment – controlled by four or five detailed statutes.
- No overnight parking except in designated parking spaces
- Town property – 24-hour maximum
- Definitions provided
- Only passenger vehicles in designated spaces
- Moved enforcement up front so operators are aware to foster compliance

Debbie Leonard of 226 Fourth Avenue South rose to inquire if these changes will help those who have driveways onto I Avenue. She also asked if designated parking spaces and signage will be incorporated, and if this will help with big trucks to which she was given affirmative response. She expressed her frustration with Carolina Beach residents who come to Kure Beach for free parking but do not spend a dime while they are here and leave their litter everywhere. She thanked the members of the committee for their efforts.

Member Richardson went on to say that this is to be considered an experiment for the summer and will be revisited in October. Short-term rental parking and RV regulations will be addressed as part of step two.

Commissioner Whitley informed the group that council is considering a pamphlet of information to help educate the public.

**MOTION** – Member Richardson moved to send the text amendments to council with a positive recommendation

**SECOND** – Member Moore

**VOTE** - Unanimous

## 6. NEW BUSINESS

### a. Flood Damage Prevention Ordinance summary of changes

Inspector Batson provided the commission members with copies of a summary of changes to the Flood Damage Prevention Ordinance, which regulates construction in Special Flood Hazard Areas and influences flood insurance rates. Kure Beach began participating in the National Flood Insurance Program (NFIP) in 1982. As of May 31, 2017 Kure Beach residents had 939 policies with \$250,000,000 in coverage. The town enrolled in the Community Rating System as part of NFIP in May of 2015. By doing so, and holding a Class 8 rating, residents save approximately \$30,000 a year. If these ordinance changes are not accepted by August 28 the town risks probation with the NFIP, which would render all existing policies useless. Insurance rates and premiums will not change until August 28.

According to the FIRM flood maps, Kure Beach has two flood zones. The V zone, defined as being prone to experience wave action of at least three feet, encompasses 125 properties requiring flood insurance and the A zone, with waves under three feet, contains 255. When the new flood maps are adopted later this year 133 properties will be in the V zone and only 13 will remain in the A zone. The majority of properties will be better off, except for those that are oceanfront.

Mr. Batson went on to explain that while most of the new ordinances cannot be changed, there is some wording that is optional. He then reviewed the different options with the commission and informed them of his recommendations as to which portions he will suggest Town Council accept or reject. A public hearing will be held prior to adoption of the changes

During the discussion, it was noted that accepting or rejecting the optional wording can have an effect on both the insurance premiums and the property values and will involve potential tradeoffs for each.

- b. Special use permits (SUP) and conditional use permits (CUP)

**MOTION** – Member Richardson moved to table the discussion on special use and conditional use permits to the next meeting

**SECOND** – Member Moore

**VOTE** - Unanimous

## 7. MEMBER ITEMS

Next meeting will be held May 2

## 8. ADJOURNMENT

**MOTION** – Member Richardson moved to adjourn the meeting

**SECOND** – Member Cawthorne

**VOTE** – Unanimous

Meeting was adjourned at 8:47 p.m.



Craig Galbraith, Chairman  
Planning and Zoning Commission



Kathleen Zielinski, Secretary

NOTE: These minutes reflect items considered and actions taken by the Planning & Zoning Committee and should not be considered a transcript of the meeting.

NANCY AVERY

# KURE BEACH FIRE DEPARTMENT

## FIRE CHIEF'S REPORT MAY, 2018

| DATE     | PURPOSE           |
|----------|-------------------|
| 05/01/18 | CAR FIRE          |
| 05/02/18 | MUTUAL AID NHCDFD |
| 05/02/18 | EMS               |
| 05/05/18 | STUCK VEHICLE     |
| 05/06/18 | 2 EMS             |
| 05/09/18 | MUTUAL AIS CBFDF  |
| 05/09/18 | EMS               |
| 05/10/18 | ASSIST PUBLIC     |
| 05/10/18 | 2 EMS             |
| 05/11/18 | EMS               |
| 05/12/18 | EMS               |
| 05/12/18 | ASSIST POLICE     |
| 05/12/18 | ASSIST PUBLIC     |
| 05/13/18 | MUTUAL AID CBFDF  |
| 05/15/18 | EMS               |
| 05/15/18 | ASSIST PUBLIC     |
| 05/15/18 | WATERCRAFT RESCUE |
| 05/16/18 | FALSE ALARM       |
| 05/17/18 | EMS               |
| 05/17/18 | AUTO ACCIDENT     |
| 05/21/18 | DRILL             |
| 05/23/18 | EMS               |
| 05/25/18 | 2 EMS             |
| 05/25/18 | ASSIST PUBLIC     |
| 05/25/18 | MUTUAL AID CBFDF  |
| 05/26/18 | MUTUAL AID CBFDF  |
| 05/26/18 | ASSIST PUBLIC     |
| 05/26/18 | FALSE ALARM       |
| 05/26/18 | ELECTRICAL HAZARD |

# KURE BEACH FIRE DEPARTMENT

|          |                 |
|----------|-----------------|
| 05/27/18 | MUTUAL AID CBFD |
| 05/27/18 | EMS             |
| 05/28/18 | STRUCTURE FIRE  |
| 05/28/18 | ASSIST PUBLIC   |
| 05/28/18 | GAS LEAK        |
| 05/30/18 | MUTUAL AID CBFD |
| 05/30/18 | ASSIST PUBLIC   |
| 05/31/18 | ASSIST PUBLIC   |

All equipment checked and found to be in working order

Ed Kennedy  
Chief

A handwritten signature in black ink, appearing to read 'Ed Kennedy', is written below the printed name and title.

Kure Beach Inspections Dept.-All Permits Issue Date: 5/1/2018 - 5/31/2018

| PermitNo                 | Issue Date | Applicant                         | Owner                            | Project Addr              | Est Cost           | Fee                | Description              | Final |
|--------------------------|------------|-----------------------------------|----------------------------------|---------------------------|--------------------|--------------------|--------------------------|-------|
| <b>Building</b>          |            |                                   |                                  |                           |                    |                    |                          |       |
| 180071                   | 5/18/2018  | UPTON, TIMOTHY JOHN BARBARA       | UPTON, TIMOTHY JOHN BARBARA      | 653 SETTLERS LN           | \$2,200            | \$50.00            | Rot Repair               |       |
| 180072                   | 5/18/2018  | GEORGE, CHERYL                    | GEORGE, CHERYL                   | 1100 S FORT FISHER BLV    | \$13,514           | \$25.00            | Window replacement       |       |
| 180076                   | 5/23/2018  | OCEAN DUNES H O A INC,            | OCEAN DUNES H O A INC,           | 1 NEPTUNE PL              | \$800              | \$50.00            | 2303-A UNIT              |       |
| 180077                   | 5/23/2018  | OCEAN DUNES H O A INC,            | OCEAN DUNES H O A INC,           | 1 NEPTUNE PL              | \$800              | \$50.00            | UNIT 204                 |       |
| <b>Total 4</b>           |            |                                   |                                  |                           | <b>\$17,314</b>    | <b>\$175.00</b>    |                          |       |
| <b>R-3</b>               |            |                                   |                                  |                           |                    |                    |                          |       |
| 180067                   | 5/7/2018   | ATKIN, RICHARD W J CINDY A        | ATKIN, RICHARD W J CINDY A       | 857 S FORT FISHER BLV     | \$320,000          | \$1,960.00         | General Renovations      |       |
| 180069                   | 5/10/2018  | MCNEELY, RANDALL F SHEILA R ETAL  | MCNEELY, RANDALL F SHEILA R ETAL | 821 CUTTER CT             | \$7,000            | \$150.00           | New deck addition        |       |
| 180070                   | 5/10/2018  | DEVEREAUX, DEBORAH A PAUL J       | DEVEREAUX, DEBORAH A PAUL J      | 313 M AVE                 | \$500              | \$25.00            | Porch remodel            |       |
| 180073                   | 5/22/2018  | DUDLEY, GARY WENDY                | DUDLEY, GARY WENDY               | 1112 FORT FISHER BLV N    | \$5,000            | \$100.00           | New accessway and front  |       |
| 180074                   | 5/22/2018  | CRANFORD, BRADLEY C KRISTIE N     | CRANFORD, BRADLEY C KRISTIE N    | 314 FIFTH AVE N           | \$584,000          | \$10,872.00        | New SFD                  |       |
| 180075                   | 5/22/2018  | CONNELLY, MARGERY A BRUCE P DAMIA | CONNELLY, MARGERY A BRUCE P DAMI | 525 ANCHOR WAY            | \$528,236          | \$10,592.00        | New SFD                  |       |
| 180078                   | 5/29/2018  | GOLDEN SANDS MOTEL LLC,           | GOLDEN SANDS MOTEL LLC,          | 801 MISSISSIPPI AVE       | \$2,000            | \$50.00            | Install slab             |       |
| 180079                   | 5/29/2018  | MCCONNELL, JOHN MARYANN           | MCCONNELL, JOHN MARYANN          | 421 N FOURTH AVE          | \$42,000           | \$350.00           | Bathroom remodeling      |       |
| 180080                   | 5/30/2018  | RICHARD WALLACE BUILDER INC,      | RICHARD WALLACE BUILDER INC,     | 136 HANBY AVE             | \$374,000          | \$9,822.00         | New SFD                  |       |
| <b>Total R-3 9</b>       |            |                                   |                                  |                           | <b>\$1,862,736</b> | <b>\$33,921.00</b> |                          |       |
| <b>U</b>                 |            |                                   |                                  |                           |                    |                    |                          |       |
| 180068                   | 5/8/2018   | OCEAN DUNES H O A INC,            | OCEAN DUNES H O A INC,           | 1 NEPTUNE PL              | \$4,000            | \$100.00           | Surfrider Ct Swimming po |       |
| <b>Total U 1</b>         |            |                                   |                                  |                           | <b>\$4,000</b>     | <b>\$100.00</b>    |                          |       |
| <b>Total Building 14</b> |            |                                   |                                  |                           | <b>\$1,884,050</b> | <b>\$34,196.00</b> |                          |       |
| <b>Fence</b>             |            |                                   |                                  |                           |                    |                    |                          |       |
| 180011                   | 5/18/2018  | ARMSTRONG, JOHN D SUSAN F TR      | ARMSTRONG, JOHN D SUSAN F TR     | 417 LARGO WAY             | \$0                | \$25.00            | new 40" fence            |       |
| <b>Total 1</b>           |            |                                   |                                  |                           | <b>\$0</b>         | <b>\$25.00</b>     |                          |       |
| <b>Total Fence 1</b>     |            |                                   |                                  |                           | <b>\$0</b>         | <b>\$25.00</b>     |                          |       |
| <b>Landscape</b>         |            |                                   |                                  |                           |                    |                    |                          |       |
| 180012                   | 5/18/2018  | KURE ESTATES PH I II & III,       | KURE ESTATES PH I II & III,      | 704 FORT FISHER BLV N     | \$0                | \$25.00            | New landscaping          |       |
| <b>Total 1</b>           |            |                                   |                                  |                           | <b>\$0</b>         | <b>\$25.00</b>     |                          |       |
| <b>R-3</b>               |            |                                   |                                  |                           |                    |                    |                          |       |
| 180011                   | 5/7/2018   | KLEIN, ARTHUR J BARBARA C         | KLEIN, ARTHUR J BARBARA C        | 1012 OCEAN VIEW ESTATES * | \$0                | \$25.00            | New patio                |       |
| 180013                   | 5/23/2018  | TURNER, MICHAEL B                 | TURNER, MICHAEL B                | 1721 PINFISH LN           | \$0                | \$25.00            | New driveway             |       |
| <b>Total R-3 2</b>       |            |                                   |                                  |                           | <b>\$0</b>         | <b>\$50.00</b>     |                          |       |
| <b>Total Landscape 3</b> |            |                                   |                                  |                           | <b>\$0</b>         | <b>\$75.00</b>     |                          |       |
| <b>Total Permits: 18</b> |            |                                   |                                  |                           | <b>\$1,884,050</b> | <b>\$34,296.00</b> |                          |       |

**TOWN OF KURE BEACH**  
**REVENUE AND EXPENDITURE SUMMARY**  
**JULY 1, 2017 TO JUNE 12, 2018**

|                                            | <u>REVENUES</u>      |                     |                     |                |                                            | <u>EXPENDITURES</u>  |                     |                     |              |
|--------------------------------------------|----------------------|---------------------|---------------------|----------------|--------------------------------------------|----------------------|---------------------|---------------------|--------------|
|                                            | 2018<br>Initial Bud. | 2018<br>Amend. Bud. | Actual<br>6/12/2018 | %<br>Collected |                                            | 2018<br>Initial Bud. | 2018<br>Amend. Bud. | Actual<br>6/12/2018 | %<br>Spent   |
| <b>GENERAL FUND</b>                        |                      |                     |                     |                | <b>GENERAL FUND</b>                        |                      |                     |                     |              |
| Property Taxes (Cur. & PY)                 | \$ 2,491,300         | \$ 2,491,300        | \$ 2,515,619        | 101.0%         | Governing Body                             | \$ 38,505            | \$ 38,505           | \$ 35,290           | 91.7%        |
| Local Option Sales Tax                     | \$ 850,075           | \$ 850,075          | \$ 785,177          | 92.4%          | Committees                                 | \$ 120,010           | \$ 120,010          | \$ 14,100           | 11.7%        |
| Garbage & Recycling                        | \$ 382,350           | \$ 382,350          | \$ 365,573          | 95.6%          | Finance                                    | \$ 150,786           | \$ 150,786          | \$ 119,696          | 79.4%        |
| Franchise & Utility Tax                    | \$ 234,500           | \$ 234,500          | \$ 169,146          | 72.1%          | Administration                             | \$ 407,848           | \$ 583,848          | \$ 515,369          | 88.3%        |
| TDA Funds                                  | \$ 205,650           | \$ 223,642          | \$ 262,207          | 117.2%         | Community Center                           | \$ 23,300            | \$ 23,300           | \$ 18,053           | 77.5%        |
| CAMA Grants - Beach Access Paving          | \$ 89,332            | \$ 89,332           | \$ -                | 0.0%           | Emergency Mgmt./Elections                  | \$ 3,100             | \$ 3,100            | \$ 2,656            | 85.7%        |
| Communication Tower Rent                   | \$ 79,125            | \$ 79,125           | \$ 79,591           | 100.6%         | Tax Collections                            | \$ 27,000            | \$ 27,000           | \$ 20,747           | 76.8%        |
| Bldg. Permit & Fire Inspect. Fees          | \$ 59,300            | \$ 64,300           | \$ 98,245           | 152.8%         | Legal                                      | \$ 28,950            | \$ 33,950           | \$ 31,840           | 93.8%        |
| Sales Tax Refund                           | \$ 54,000            | \$ 54,000           | \$ 57,479           | 106.4%         | Police Department                          | \$ 1,308,960         | \$ 1,315,160        | \$ 1,135,833        | 86.4%        |
| Com Ctr/Parks & Rec/St Festival            | \$ 20,500            | \$ 20,500           | \$ 20,923           | 102.1%         | Fire Department                            | \$ 701,867           | \$ 695,667          | \$ 628,046          | 90.3%        |
| Motor Vehicle License Tax/Decals           | \$ 15,000            | \$ 15,000           | \$ 21,390           | 142.6%         | Lifeguards                                 | \$ 196,850           | \$ 208,250          | \$ 147,707          | 70.9%        |
| Town Facility Rentals                      | \$ 15,000            | \$ 15,000           | \$ 21,353           | 142.4%         | Parks & Recreation                         | \$ 146,027           | \$ 146,027          | \$ 118,627          | 81.2%        |
| ABC Revenue                                | \$ 14,600            | \$ 14,600           | \$ 18,303           | 125.4%         | Bldg Inspection/Code Enforcement           | \$ 135,201           | \$ 135,201          | \$ 119,960          | 88.7%        |
| OFP - Bluefish Purchases                   | \$ 11,000            | \$ 11,000           | \$ 12,170           | 110.6%         | Streets & Sanitation                       | \$ 863,848           | \$ 881,840          | \$ 739,131          | 83.8%        |
| Beer & Wine Tax                            | \$ 9,500             | \$ 9,500            | \$ 9,498            | 100.0%         | Debt Service                               | \$ 360,615           | \$ 564,530          | \$ 564,527          | 100.0%       |
| All Other Revenues                         | \$ 6,185             | \$ 478,459          | \$ 35,471           | 7.4%           | Transfer to Other Funds                    | \$ 46,450            | \$ 127,409          | \$ 127,409          | 100.0%       |
| Other Financing Sources                    | \$ 70,000            | \$ 70,000           | \$ 31,668           | 45.2%          | Contingency                                | \$ 48,100            | \$ 48,100           | \$ -                | 0.0%         |
| <b>Total Revenues</b>                      | <b>\$ 4,607,417</b>  | <b>\$ 5,102,683</b> | <b>\$ 4,503,813</b> | <b>88.3%</b>   | <b>Total Expenses</b>                      | <b>\$ 4,607,417</b>  | <b>\$ 5,102,683</b> | <b>\$ 4,338,991</b> | <b>85.0%</b> |
| <b>WATER &amp; SEWER FUND</b>              |                      |                     |                     |                | <b>WATER &amp; SEWER FUND</b>              |                      |                     |                     |              |
| Water Charges                              | \$ 805,000           | \$ 805,000          | \$ 676,455          | 84.0%          | Governing Body                             | \$ 17,505            | \$ 17,505           | \$ 16,787           | 95.9%        |
| Sewer Charges                              | \$ 1,155,000         | \$ 1,155,000        | \$ 954,673          | 82.7%          | Legal                                      | \$ 28,950            | \$ 33,950           | \$ 31,840           | 93.8%        |
| Tap, Connect & Reconnect Fees              | \$ 37,200            | \$ 37,200           | \$ 89,600           | 240.9%         | Finance                                    | \$ 186,200           | \$ 186,200          | \$ 172,014          | 92.4%        |
| All Other Revenues                         | \$ 8,455             | \$ 13,455           | \$ 13,467           | 100.1%         | Administration                             | \$ 260,170           | \$ 260,170          | \$ 221,241          | 85.0%        |
| Other Financing Sources                    | \$ 145,000           | \$ 145,000          | \$ 31,958           | 22.0%          | Operations                                 | \$ 1,657,830         | \$ 1,657,830        | \$ 1,228,337        | 74.1%        |
| <b>Total Revenues</b>                      | <b>\$ 2,150,655</b>  | <b>\$ 2,155,655</b> | <b>\$ 1,766,153</b> | <b>81.9%</b>   | <b>Total Expenses</b>                      | <b>\$ 2,150,655</b>  | <b>\$ 2,155,655</b> | <b>\$ 1,670,219</b> | <b>77.5%</b> |
| <b>STORM WATER FUND</b>                    |                      |                     |                     |                | <b>STORM WATER FUND</b>                    |                      |                     |                     |              |
| <b>Total Revenues</b>                      | <b>\$ 630,094</b>    | <b>\$ 630,094</b>   | <b>\$ 378,993</b>   | <b>60.1%</b>   | <b>Total Expenses</b>                      | <b>\$ 630,094</b>    | <b>\$ 630,094</b>   | <b>\$ 503,197</b>   | <b>79.9%</b> |
| <b>POWELL BILL FUND</b>                    |                      |                     |                     |                | <b>POWELL BILL FUND</b>                    |                      |                     |                     |              |
| <b>Total Revenues</b>                      | <b>\$ 65,070</b>     | <b>\$ 65,070</b>    | <b>\$ 65,640</b>    | <b>100.9%</b>  | <b>Total Expenses</b>                      | <b>\$ 65,070</b>     | <b>\$ 65,070</b>    | <b>\$ 10,900</b>    | <b>16.8%</b> |
| <b>SEWER EXPANSION RESERVE FUND (SERF)</b> |                      |                     |                     |                | <b>SEWER EXPANSION RESERVE FUND (SERF)</b> |                      |                     |                     |              |
| <b>Total Revenues</b>                      | <b>\$ 30,330</b>     | <b>\$ 30,330</b>    | <b>\$ 10,955</b>    | <b>36.1%</b>   | <b>Total Expenses</b>                      | <b>\$ 30,330</b>     | <b>\$ 30,330</b>    | <b>\$ -</b>         | <b>0.0%</b>  |
| <b>BEACH PROTECTION FUND</b>               |                      |                     |                     |                | <b>BEACH PROTECTION FUND</b>               |                      |                     |                     |              |
| <b>Total Revenues</b>                      | <b>\$ 47,090</b>     | <b>\$ 47,090</b>    | <b>\$ 48,436</b>    | <b>102.9%</b>  | <b>Total Expenses</b>                      | <b>\$ 47,090</b>     | <b>\$ 47,090</b>    | <b>\$ -</b>         | <b>0.0%</b>  |
| <b>FEDERAL ASSET FORFEITURE FUND</b>       |                      |                     |                     |                | <b>FEDERAL ASSET FORFEITURE FUND</b>       |                      |                     |                     |              |
| <b>Total Revenues</b>                      | <b>\$ 50,000</b>     | <b>\$ 50,000</b>    | <b>\$ -</b>         | <b>0.0%</b>    | <b>Total Expenses</b>                      | <b>\$ 50,000</b>     | <b>\$ 50,000</b>    | <b>\$ 18,154</b>    | <b>36.3%</b> |



**TOWN OF KURE BEACH  
CASH AND INVESTMENTS  
AS OF MAY 31, 2018**

| <u>FUND</u>              | <u>CASH IN BANK</u> | <u>INVESTMENTS</u> | <u>TOTAL CASH &amp;<br/>INVESTMENTS</u> |
|--------------------------|---------------------|--------------------|-----------------------------------------|
| General                  | \$2,720,139         | \$346,023          | \$3,066,162                             |
| Water/Sewer              | \$1,462,721         | \$592,028          | \$2,054,749                             |
| Storm Water              | \$88,255            | \$243,259          | \$331,514                               |
| SERF                     | \$34,858            | \$122,499          | \$157,357                               |
| Powell Bill              | \$274,422           | \$70,373           | \$344,795                               |
| Beach Protection         | \$33,090            | \$302,979          | \$336,069                               |
| Federal Asset Forfeiture | \$55,325            | \$0                | \$55,325                                |
| Capital Project Funds    | \$248,876           | \$0                | \$248,876                               |
| TOTAL                    | <u>\$4,917,686</u>  | <u>\$1,677,161</u> | <u>\$6,594,847</u>                      |

| <u>INSTITUTION</u>                   |                    |                    |
|--------------------------------------|--------------------|--------------------|
| BB&T                                 | \$4,917,686        | \$0                |
| First Bank - Certificates of Deposit | \$0                | \$916,056          |
| NCCMT Term Portfolio                 | \$0                | \$545,701          |
| NCCMT Governmental Portfolio         | \$0                | \$215,404          |
| TOTAL                                | <u>\$4,917,686</u> | <u>\$1,677,161</u> |

**TOWN OF KURE BEACH  
SUMMARY OF CONTINGENCY FUND AND COMMITTEE  
EXPENDITURE ACTIVITY  
07/01/2017 - 06/12/2018**

**CONTINGENCY FUND**

|                                                                                                             |                           |
|-------------------------------------------------------------------------------------------------------------|---------------------------|
| Fiscal Year 2018 Budget                                                                                     | \$48,100.00               |
| Less:                                                                                                       |                           |
| Pending Budget Amendment - Transfer<br>funds to Public Works (Beach Access ADA<br>Ramp) - Resolution R18-03 | <u>\$12,000.00</u>        |
| Remaining Budget as of 06/12/2018                                                                           | <u><u>\$36,100.00</u></u> |

**COMMITTEE (Shoreline Access and Beach Protection) EXPENDITURES**

|                                                                             |                        |
|-----------------------------------------------------------------------------|------------------------|
| Fiscal Year 2018 Budget                                                     | \$120,010.00           |
| Less Expenditures:                                                          |                        |
| Dune Signage                                                                | \$718.60               |
| Beach Access Signage                                                        | \$3,835.00             |
| CAMA permit for beach signs                                                 | \$100.00               |
| Sign installation expenses                                                  | \$198.62               |
| E & I Ave. Beach Access Parking - Design<br>& Engineering - Capital Project | \$2,000.00             |
| E & I Ave. Beach Access Parking - Deposit<br>on Lighting - Capital Project  | <u>\$7,248.00</u>      |
| Total Expenditures                                                          | \$14,100.22            |
| Projects Approved By Council But Not Yet<br>Expended:                       |                        |
| E & I Ave. Beach Access Parking Project -<br>Capital Project                | \$105,462.00           |
| Total Approved, Not Expended                                                | <u>\$105,462.00</u>    |
| Remaining Budget as of 06/12/2018                                           | <u><u>\$447.78</u></u> |

**TOWN OF KURE BEACH  
DEBT LISTING  
JUNE 19, 2018**

| <b>LOAN PURPOSE/DESCRIPTION</b>                    | <b>FUND</b> | <b>LENDER</b> | <b>DATE OF LOAN</b> | <b>AMOUNT FINANCED</b> | <b>INTEREST RATE</b> | <b>LOAN TERM (YRS)</b> | <b>DATE PAID OFF</b> | <b>BALANCE AT 6/19/18</b> | <b>PAYMENT FREQUENCY</b> | <b>PAYMENT AMOUNT</b> | <b>NEXT PAY DATE</b> | <b>INT. EXPENSE LIFE OF LOAN</b> |
|----------------------------------------------------|-------------|---------------|---------------------|------------------------|----------------------|------------------------|----------------------|---------------------------|--------------------------|-----------------------|----------------------|----------------------------------|
| Fire Station/Town Hall Project (a)                 | G, W/S      | BB&T          | 12/11/2017          | \$5,000,000            | 2.58%                | 15                     | 12/11/2032           | \$4,833,333.33            | Semi-annual              | \$229,016.67          | 12/11/2018           | \$999,750.00                     |
| Sewer Rehabilitation Project (b)                   | W/S         | Fed Gov       | 5/1/2010            | \$432,660              | 0.00%                | 20                     | 5/1/2030             | \$126,668.60              | Annual                   | \$10,555.72           | 5/1/2019             | \$0.00                           |
| Ocean Front Park (development)                     | G           | BB&T          | 7/12/2011           | \$347,000              | 4.39%                | 17                     | 7/12/2028            | \$224,529.44              | Annual                   | \$30,268.60           | 7/12/2018            | \$137,099.64                     |
| Ocean Front Park (acquisition)                     | G           | BB&T          | 12/19/2007          | \$3,600,000            | 4.28%                | 20                     | 12/19/2027           | \$649,038.55              | Annual                   | \$92,682.71           | 12/19/2018           | \$690,135.16                     |
| Kure Beach Pump Station #1                         | W/S         | 1st Bank      | 6/28/2017           | \$475,000              | 2.11%                | 10                     | 6/28/2027            | \$453,587.13              | Semi-annual              | \$26,507.64           | 6/28/2018            | \$55,152.80                      |
| 334 S. 4th, 402 H & 406 H Ave.                     | G           | BB&T          | 3/12/2015           | \$409,471              | 2.49%                | 10                     | 3/12/2025            | \$286,629.79              | Annual                   | \$48,084.20           | 3/12/2019            | \$56,077.07                      |
| Water Tower & Well House & Town Hall Expansion (c) | G, W/S      | BB&T          | 4/11/2007           | \$1,187,187            | 3.92%                | 15                     | 5/7/2022             | \$386,841.79              | Semi-annual              | \$52,716.71           | 11/7/2018            | \$394,314.33                     |
| 2016 John Deere Backhoe (d)                        | W/S, SW     | BB&T          | 11/9/2016           | \$105,273              | 1.87%                | 5                      | 11/9/2021            | \$84,991.26               | Annual                   | \$22,250.35           | 11/9/2018            | \$5,978.75                       |
| 2018 Police Dodge Durango                          | G           | 1st Bank      | 10/19/2017          | \$31,668               | 1.95%                | 4                      | 10/19/2021           | \$31,668.00               | Annual                   | \$8,312.14            | 10/19/2018           | \$1,558.73                       |
| 2017 Freightliner Garbage Truck                    | G           | 1st Bank      | 8/23/2016           | \$179,756              | 1.70%                | 5                      | 8/23/2021            | \$145,006.54              | Annual                   | \$38,303.62           | 8/23/2018            | \$9,270.57                       |
| Compact Excavator (d)                              | W/S, SW     | 1st Bank      | 7/28/2017           | \$63,915               | 1.80%                | 4                      | 7/28/2021            | \$63,915.00               | Annual                   | \$16,714.37           | 7/28/2018            | \$2,901.83                       |
| (2) 2016 Police Dodge Chargers                     | G           | 1st Bank      | 11/9/2016           | \$63,500               | 1.60%                | 4                      | 11/9/2020            | \$48,000.96               | Annual                   | \$16,524.00           | 11/9/2018            | \$2,560.16                       |
| O'Brien 7065 HydroJetter (d)                       | W/S, SW     | 1st Bank      | 8/13/2015           | \$81,485               | 1.70%                | 5                      | 8/13/2020            | \$49,712.69               | Annual                   | \$17,149.28           | 8/13/2018            | \$4,202.44                       |
| 2016 Chevrolet Silverado                           | G           | 1st Bank      | 7/26/2016           | \$36,867               | 1.60%                | 4                      | 7/26/2020            | \$27,868.52               | Annual                   | \$9,593.55            | 7/26/2018            | \$1,486.39                       |
| Cutter Court Drainage Project                      | SW          | B of A        | 7/23/2005           | \$875,000              | 4.40%                | 15                     | 6/23/2020            | \$153,043.08              | Monthly                  | \$6,677.76            | 7/23/2018            | \$326,995.49                     |
| FY 2016 Equipment & Vehicles (e)                   | G, W/S      | BB&T          | 9/14/2015           | \$186,000              | 2.01%                | 4                      | 9/14/2019            | \$94,850.52               | Annual                   | \$48,859.87           | 9/14/2018            | \$9,439.48                       |
| (2) 2015 Police Cars                               | G           | BB&T          | 3/27/2015           | \$48,359               | 2.19%                | 4                      | 3/27/2019            | \$12,485.40               | Annual                   | \$12,758.83           | 3/27/2019            | \$2,676.33                       |
| 2015 Ford F-250 Utility Truck                      | W/S         | BB&T          | 10/24/2014          | \$32,216               | 2.19%                | 4                      | 10/24/2018           | \$8,317.58                | Annual                   | \$8,499.73            | 10/24/2018           | \$1,782.92                       |

**FUND CODES**

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

**TOTAL OUTSTANDING DEBT AT 6/19/2018:**

|                  |                        |
|------------------|------------------------|
| General Fund     | \$ 5,816,307.76        |
| Water/Sewer Fund | \$ 1,611,827.86        |
| Storm Water Fund | <u>\$ 252,352.56</u>   |
| Total            | <u>\$ 7,680,488.18</u> |

**NOTES**

- (a) - 88% of loan is General Fund and 12% is Water/Sewer Fund.  
(b) - Total amount borrowed was \$432,660. As part of ARRA, the unpaid balance was immediately reduced by one-half of the loan amount  
(c) - 78% of loan is Water/Sewer Fund and 22% is General Fund.  
(d) - 50% of loan is Water/Sewer Fund and 50% is Storm Water Fund.  
(e) - 55.5% of loan is General Fund and 44.5% is Water/Sewer Fund.

**LOAN PAYMENTS DUE (Next 12 Months):**

|                         |                        |
|-------------------------|------------------------|
| 06/20/2018 - 09/30/2018 | \$ 207,430.21          |
| 10/01/2018 - 12/31/2018 | \$ 476,543.23          |
| 01/01/2019 - 03/31/2019 | \$ 80,876.31           |
| 04/01/2019 - 06/19/2019 | <u>\$ 310,172.38</u>   |
| Total                   | <u>\$ 1,075,022.13</u> |

**DEPARTMENT HEAD  
BUSINESS  
FINANCE**

# Memo



**To:** Craig Bloszinsky, David Heglar, John Ellen,  
Allen Oliver and Joseph Whitley

**From:** Arlen Copenhaver

*AC*

**Date:** June 13, 2018

**Re:** Special Trash Pick-up Ordinance

---

Over the past few months, we had a few instances where homeowners refused to pay for special trash pick-ups. Although they placed the items in the right-of-way, they had not called Public Works to schedule a pick-up. They refer to Section 7-67 (Special Pick-ups) of the Town Ordinance, which indicates that you must apply for a special pick-up.

Public Works' practice has been to pick-up items placed in the right-of-way even if the property owner did not schedule the pick-up. As a result, I am recommending we modify the Ordinance relating to special pick-ups to indicate that if items are placed in the right-of-way, they will be picked up by Public Works and the homeowner will be billed according to the rates contained in the Fee Schedule.

#### Current Wording – Section 7-67 – Special Pick-ups

Any person desiring collection of the materials specified in section 7-51 shall apply to the town for a special pick-up by the town truck for the purpose of disposing of the material by paying a fee which is on file in the town clerk's office per load for the use of the equipment and town employee.

#### Proposed Wording – Section 7-67 – Special Pick-ups

Any person desiring collection of the materials specified in section 7-51 shall either (1) contact the Public Works Department to schedule a special pick-up or (2) place the items to be picked up within the right-of-way in front of their property. The special pick-up will be billed to the property owner according to the rates contained in the Town's Fee Schedule. Furthermore, if any items specified in section 7-51 are placed in the right-of-way and picked up by the Public Works Department, the property owner will be billed for the special pick-up in accordance with the Town's Fee Schedule.

Sec. 7-51. - Preparation of tree trunks, boards, etc., for collection; limitation on size of tree trunks, etc.

Any person desiring collection of tree trunks, limbs, hedge cuttings, boards and similar articles shall have them bundled or placed in containers and shall have them cut in lengths of not more than four (4) feet in length and each bundle or container shall be not more than twenty (20) pounds in weight. In no case shall any individual limb, trunk or member larger than six (6) inches in diameter be collected or placed for collection.

(Code 1973, § 11-12)

Sec. 7-67. - Special pick-ups.

Any person desiring collection of materials specified in section 7-51 shall apply to the town for a special pick-up by the town truck for the purpose of disposing of the material by paying a fee which is on file in the town clerk's office per load for the use of the equipment and town employee.

(Code 1973, § 11-12.1)

FEDERALLY  
REQUIRED  
CHANGES

# Memo



**To:** Craig Bloszinsky, David Heglar, John Ellen,  
Allen Oliver and Joseph Whitley

**From:** Arlen Copenhaver

**Date:** June 12, 2018

**Re:** New and/or Revised Policies and Procedures

---

There are two new requirements, one state and one federal, that require us to develop two new procedures and to revise two existing procedures. The state requirements relate to electronic payments for goods and services. The federal regulations (Uniform Guidance Procurement Requirements) pertain to new procurement requirements when federal funds are being used (including funds received from FEMA).

## Electronic Payments

The new pre-audit and disbursement rules relating to electronic payments (credit cards, gas cards, electronic funds transfers, etc.) are included as part of the NC Administrative Code (20 NCAC 03.0409 and 20 NCAC 03.0410). At the time the new rules were first proposed in August 2016, the Town took steps to ensure compliance with the then proposed rules. With the finalization of the rules, we have revised our written policies and procedures to document our processes. Additionally, Town Council will need to adopt a Resolution authorizing the Town to engage in electronic payments.

### Resolution R18-04

Authorizes the Town to engage in electronic payments. Also directs the Finance Officer to develop policies and procedures.

### Purchasing Policy and Procedures

Section IV. (Pre-Audit Requirements) was added to the existing policy. This section describes the steps that are taken to ensure the pre-audit requirements are met. In regard to potential credit and gas card purchases, the credit limit of each card is encumbered at all times to ensure sufficient funds are available within the respective department's budget for any possible transactions.



## Cash Management and Investment Policy

Section V. E. (Disbursements – Method of Disbursement) was revised to specifically identify the review, verification and approval procedures to be followed for electronic payments.

## **Uniform Guidance Procurement Requirements**

The Uniform Guidance Procurement Requirements apply to the procurement of goods and services (as well as construction and repair contracts) that are paid or reimbursed from federal financial assistance. This includes public disaster grants and reimbursements from FEMA. The requirements are effective for all fiscal years beginning on or after 12/26/2017; for us that is 7/1/2018.

Several critical points regarding the requirements:

1. Applicability – The requirements are applicable to the purchase of both goods and services, as well as construction and repair projects. State laws primarily apply to only the purchase of goods and construction contracts.
2. Includes Loans and Grants – The requirements apply to all federal financial assistance.
3. Lower Dollar Thresholds – The procurement requirements start at purchases of \$3,500.
4. Written Policies and Procedures Required – The unit of government must have written policies and procedures that address the purchase of goods and services in accordance with the Uniform Guidance Requirements.
5. Standards of Conduct, Conflicts of Interest, and Gift Ban – There must be written standards of conduct that cover conflicts of interest and the gift ban, which is place for not only the elected board but all employees and agents of the unit.
6. Entities Subject to the Rules – The rules apply not only to direct recipients of federal financial assistance but also to all sub-recipients including the organization in final receipt of the funds.

The key elements of the Uniform Guidance Procurement Requirements that must be followed no matter the dollar amount of the purchase are:

1. The unit of government must use its own documented procedures which reflect applicable state and local laws and regulations, provided that the procurement conforms to applicable federal law and the Uniform Guidance Procurement Requirements.
2. The unit of government must maintain oversight to ensure that the contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
3. The unit of government must maintain written policies and procedures of conduct covering conflicts of interest and governing the action of its employees, officers, or agents engaged in the selection, award, and administration of contracts.
4. The unit of government must avoid acquisition of unnecessary or duplicative items. The unit should take advantage of the best procurement practices to ensure the most efficient and effective approach to purchases.
5. The unit of government must maintain records sufficient to detail the history of a procurement. These records will include, but are not necessarily limited to why or why not a particular method of procurement, contract type, contractor, or price was used.
6. All procurement transactions must be conducted in a manner that provides full and open competition consistent with the Uniform Guidance Procurement Standards.
7. The unit's contracts must include a number of provisions required under the Uniform Guidance.

Within the Town's Purchasing Policy and Procedures, a new section has been added relating to purchases funded with federal assistance. Section II states that in the event purchases will be funded with federal assistance, the Town's Uniform Guidance Procurement Policy must be followed.

The Town's Uniform Guidance Procurement Policy is a new policy that addresses the requirements and procedures that must be adhered to when federal funds are being used. Additionally, another new policy is the Town's Uniform Guidance Conflict of Interest Policy. Implementation of this policy will fulfill the requirements of the Uniform Guidance Procurement conflict of interest rules.

Town Council will need to approve these policies and procedures before July 1, 2018.



TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**R**ESOLUTION R18-04

**DRAFT**

**AUTHORIZING THE TOWN OF KURE BEACH  
TO ENGAGE IN ELECTRONIC PAYMENTS  
AS DEFINED BY G.S. 159-28**

**WHEREAS**, it is the desire of the Town Council that the Town of Kure Beach is authorized to engage in electronic payments as defined by G.S. 159-28; and

**WHEREAS**, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Town Council, to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03.0409; and

**WHEREAS**, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Town Council, to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03.0410; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the Kure Beach Town Council

1. Authorizes the Town of Kure Beach to engage in electronic payments as defined by G.S. 159-28; and
2. Authorizes the Finance Officer to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03.0409; and
3. Authorizes the Finance Officer to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03.0410.

Adopted by the Kure Beach Town Council this 19th day of June, 2018.

---

Craig Bloszinsky, Mayor

---

Attest: Nancy Avery, Town Clerk

**TOWN OF KURE BEACH  
PURCHASING POLICY AND PROCEDURES  
TABLE OF CONTENTS**

|                                                                       | <u>Page No.</u> |
|-----------------------------------------------------------------------|-----------------|
| I. INTRODUCTION.....                                                  | 2               |
| II. PURCHASES FUNDED WITH FEDERAL ASSISTANCE.....                     | 2               |
| III. GENERAL PURCHASING GUIDELINES.....                               | 3               |
| A. Buying Proper Quantity.....                                        | 3               |
| B. Buying Proper Quality.....                                         | 3               |
| C. Local Buying.....                                                  | 3               |
| IV. PRE-AUDIT REQUIREMENTS.....                                       | 3               |
| V. PURCHASING PROCEDURES.....                                         | 4               |
| A. Initiation of a Purchase of \$1,000 or More.....                   | 4               |
| B. Purchase Order.....                                                | 5               |
| C. Blanket Purchase Order.....                                        | 5               |
| D. Unbudgeted Purchases.....                                          | 5               |
| E. Emergency Purchases.....                                           | 6               |
| F. Committee Initiated Purchases.....                                 | 6               |
| G. Fiscal Year End Purchase Order Cut-off Date.....                   | 6               |
| VI. TOWN ISSUED CREDIT CARDS.....                                     | 7               |
| VII. AVAILABILITY AND TRANSFER OF BUDGETARY FUNDS...                  | 7               |
| VIII. ACCOUNTING ISSUES RELATING TO PURCHASES.....                    | 8               |
| IX. BIDDING REQUIREMENTS.....                                         | 8               |
| A. Formal Bidding Requirements.....                                   | 9               |
| B. Informal Bidding Requirements.....                                 | 11              |
| X. EXHIBITS                                                           |                 |
| Exhibit 1 – Purchase Order.....                                       | 12              |
| Exhibit 2 – Credit Card Log Sheet.....                                | 13              |
| Exhibit 3 – Dollar Thresholds In NC Public Contracting Statutes.....  | 14              |
| Exhibit 4 – Bidding Laws Summary – Purchase Contracts.....            | 15              |
| Exhibit 5 – Bidding Laws Summary –Construction & Repairs.....         | 16              |
| Exhibit 6 – Bidding Laws Summary – Building Construction & Repairs    | 17              |
| Exhibit 7 – Exceptions to State Competitive Bidding Requirements..... | 18 - 23         |

## I. INTRODUCTION

This purchasing policy and procedures manual is intended for use as a guide to the Town of Kure Beach's purchasing methods and practices. The policies and procedures established herein will enable the Town to obtain needed materials, equipment, supplies and services efficiently and economically.

The understanding and cooperation of all employees is essential if the Town is to obtain the maximum value for each tax and utility dollar spent. While this manual does not answer all questions related to purchasing, it does provide the foundation for a sound, decentralized purchasing system.

The basic goals of the Town's purchasing program are:

1. To comply with the legal and ethical requirements of public purchasing and procurement.
2. To assure vendors that impartial and equal treatment is afforded to all who wish to do business with the Town.
3. To receive maximum value for each dollar spent by awarding purchase orders to the lowest responsible bidder, taking into consideration quality, performance, technical support, delivery schedule, past performance and other relevant factors.
4. To provide Town departments the required goods, equipment, and services at the time and place needed and in the proper quantity and quality.
5. To promote good and effective vendor relations, cultivated by informed and fair buying practices and strict maintenance of ethical standards.

If the procedures and guidelines established in this manual are followed, each department can efficiently manage, control and plan its available resources to meet present and future departmental needs and help the Town to meet these goals.

## II. PURCHASES FUNDED WITH FEDERAL ASSISTANCE (e.g. FEMA) **In the event that purchases, including services and construction or repair work, will be funded with federal assistance (direct or reimbursed), the Town's Uniform Guidance Procurement Policy must be followed. The Uniform Guidance Procurement Policy must be adhered to in order to receive assistance from FEMA in the event of a disaster.**

### **III. GENERAL PURCHASING GUIDELINES**

#### **A. Buying Proper Quantity**

Planning for costly purchases should be done on a short-term and long-term basis, thereby minimizing unnecessary small orders and last minute purchases.

#### **B. Buying Proper Quality**

Quality and service are as important as price; and it is the duty of the requesting department to secure the best, and most economical, quality that will meet but not exceed the requirements for which the goods or services are intended. In some instances the lowest price does not necessarily mean the lowest cost.

#### **C. Local Buying**

The Town has a primary responsibility to its citizens to ensure that maximum value is obtained for each public dollar spent. While the Town cannot and will not make purchasing decisions solely on the basis of a vendor's residence, it will endeavor to encourage local vendors and suppliers to compete for Town business.

### **IV. PRE-AUDIT REQUIREMENTS**

North Carolina General Statutes, Section 159-28, mandates that obligations be subject to pre-audit by the Finance Officer or Deputy Finance Officer. This means that the Finance Officer or Deputy Finance Officer must certify that the obligation to be incurred is included in the department's authorized budget and that the unencumbered balance is sufficient to pay for the obligation in the current fiscal year.

If the proposed obligation is \$1,000 or greater, the procedures delineated in Section V regarding the use of Purchase Orders address compliance with the pre-audit requirements.

For obligations under \$1,000, the department head must verify that sufficient funds are available in the budget before incurring the obligation followed by review and approval of the Finance Officer or Deputy Finance Officer prior to disbursement of funds.

In regard to obligations that will be incurred by electronic payment (i.e., credit cards, debit cards, gas cards, procurement cards or electronic funds transfer), the obligation will not be accepted as pre-audited unless the following conditions are met (Per NC Administrative Code 20 NCAC 03 .0409):

1. A sufficient budgetary appropriation exists to cover the obligation.
2. Sufficient budgeted monies remain within the appropriation to cover the amount that is expected to be paid out during the current fiscal year.

3. The amount of the transaction is recorded in the Town's encumbrance system. To ensure potential electronic payments are completely encumbered, the full credit limit of each Town issued credit card and gas card will be included as an encumbrance against the respective department's budget at all times.
4. Department heads ensure that authorized personnel understand the policies and procedures that must be followed before undertaking an electronic payment.
5. Each month, the Town Council will be provided with a report showing budget-to-actual information for each department that includes the following:
  - a. Budgeted accounts
  - b. Actual payments made
  - c. Amounts encumbered, including electronic obligations
  - d. The amount of budget that is unobligated for all major funds

Refer to Section VI for additional procedures relating to the use of Town issued credit and procurement cards.

## **V. PURCHASING PROCEDURES**

This section outlines the Town's purchasing procedures. The procedures outlined are designed to take full advantage of a decentralized purchasing system. A Purchase Order must be used for purchases of supplies, materials, equipment, services or apparatus that are \$1,000 or more. Purchases under \$1,000 should be made by having the vendor submit an invoice for payment or by using a Town issued credit card.

The purchasing process is designed to provide a proper system of internal control over purchasing, to ensure that the proper authorizations are obtained before items are purchased, and to ensure that statutory requirements for purchasing are followed. Refer to Section IX of this procedure for Bidding Requirements.

### **A. Initiation of a Purchase of \$1,000 or More**

The purchasing process begins in the department requiring the purchase. After the department head ensures that sufficient budgetary appropriation exists to cover the obligation, a quote/estimate should be obtained from the vendor. The quote/estimate must show all information such as vendor name, description of items to be purchased, cost and any other pertinent information. The quote/estimate must be approved in writing by the department head and indicate the account where the purchase was budgeted and is to be charged. The quote/estimate should then be forwarded (via email or hard copy) to the Finance Specialist for preparation of the Purchase Order. (Note: If the department has access to the Purchase Order module in the accounting system, the required information can be entered directly into the system. The actual Purchase Order will then be printed by the Finance Specialist).

**B. Purchase Order**

The basic document in the purchasing process is the Purchase Order (**Exhibit 1**). A Purchase Order is a contract between the Town and a vendor and is not binding until approved by the Finance Officer and accepted by the vendor. The Finance Officer will not certify a Purchase Order unless sufficient unencumbered funds are available to pay the obligation when it is due. The Purchase Order will be prepared by the Finance Specialist from the information provided on the quote/estimate. The Purchase Order is a two-part form distributed as follows:

- Vendor / Department Head Copy (white) – Mailed to vendor by requesting department unless otherwise instructed.
- Finance Office Copy (gold) – Retained by Finance Specialist and will be matched with the vendor invoice prior to payment.

Obtaining supplies, materials, equipment or apparatus of \$1,000 or more without a Purchase Order will be classified as a personal expense. Personal expenses will not be paid by the Town.

**C. Blanket Purchase Order**

In certain instances where a department needs to repeatedly purchase the same supplies or materials (i.e., a specific item) from the same vendor, a Blanket Purchase Order may be issued. A Blanket Purchase Order must identify a specific vendor, the specific types of supplies/materials to be ordered, the amount to encumber and the individual(s) to whom the authority is given to utilize the Blanket Purchase Order. Blanket Purchase Orders may be issued for a time period that does not extend beyond the end of the current fiscal year. Encumbered funds remaining at the end of the fiscal year will not be carried forward to the new year. Both the Blanket Purchase Order and the remaining funds will be cancelled on June 30<sup>th</sup> and a new Blanket Purchase Order will need to be requested.

**D. Unbudgeted Purchases**

The purchase of any supplies, materials, equipment, services, etc., not included in a department's approved budget, must be approved by Town Council before the purchase can be initiated. It is the responsibility of the department head to identify these potential purchases and obtain Town Council approval accordingly.



**E. Emergency Purchases**

Supplies or services which qualify for emergency purchase are those for which immediate procurement is essential to prevent delays in work that may affect the life, health, or safety of Town of Kure Beach employees or citizens. In cases of emergencies, the department head or his/her designee may purchase directly from the vendor.

The user department shall exercise good judgment and use established vendors when making emergency purchases. The best possible price should be obtained and only essential, emergency related items purchased. A failure to anticipate needs does not constitute an emergency.

The following procedures should be followed for emergency purchases:

1. During working hours, contact the Finance Department (or input data to Purchasing module) and give all pertinent information to obtain a Purchase Order. The information needed will include vendor name, item(s) to be purchased with quantities, expenditure account to which the item(s) will be charged and the reason for the emergency purchase. After verifying available funds, a Purchase Order will be issued.
2. After working hours, vendors may be contacted and supplies/materials may be purchased using a Town issued credit card. Also, if the vendor is willing to directly bill the Town, the invoice should indicate the department head's approval, the account the purchase is to be charged to, and the reason for the emergency purchase.

**F. Committee Initiated Purchases**

The process for Committee initiated purchases (excluding the Community Center which follows the department purchasing process) is as follows:

1. Town Council must pre-approve the purchase. This includes informing Council of the nature and purpose of the proposed purchase, the cost, as well as any other pertinent information.
2. Once approved by Town Council, the vendor quote/estimate should be provided to the Finance Specialist for preparation of the Purchase Order.

**G. Fiscal Year End Purchase Order Cut-Off Date**

Purchase Orders for materials, supplies, services and equipment (not included in Blanket Purchase Orders or service contracts) for the current fiscal year must be submitted to the Finance Specialist no later than June 15<sup>th</sup>.

## **VI. TOWN ISSUED CREDIT CARDS**

Town issued credit cards are to be used when payment on account is not available. The following procedures must be followed for using a Town issued credit card:

- A. Purchase Order procedures apply to all credit card purchases \$1,000 and over, and, whenever feasible, must be completed before the purchase is made.
- B. The card should not be used for purchases that can be made on account.
- C. The applicable department head is ultimately responsible for all credit cards used in their department.
- D. Receipts must be kept for all credit card purchases. The employee may be personally liable for purchases not having a receipt.
- E. Monthly statements must have a Credit Card Log Sheet (**Exhibit 2**) and all receipts attached. The Credit Card Log Sheet must list each charge, indicate the purpose for the charge, specify the budgetary account where the purchase is to be recorded and be approved by the department head. Statements, Credit Card Log Sheets and receipts must be promptly submitted to the Finance Department to ensure the timeliness of payment.
- F. No personal expenditures are allowed by employees on Town issued credit cards, even if the intent is to re-pay the Town at a future point.
- G. Appropriate documentation should be acquired when making Internet purchases (e.g., order confirmation and invoice listing items purchased, including quantities and costs)
- H. Failure to comply with these procedures will result in losing your department's use of Town issued credit cards.
- I. An employee or official who is issued a Town credit card shall return the credit card to the Finance Department immediately upon termination of his or her employment.

## **VII. AVAILABILITY AND TRANSFER OF BUDGETARY FUNDS**

It is the policy of the Town of Kure Beach to require a Budget Amendment for any purchase or commitment of Town funds for which there are insufficient funds available in the budgetary account against which a purchase or commitment is to be applied. Budget Amendments are not allowed for the purpose of making it possible to spend all appropriations.

When necessary, the respective department head should consult with the Finance/Budget Officer to review the necessity of the Budget Amendment. After approval by the Finance/Budget Officer, a Budget Amendment form will be prepared by the Finance/Budget Officer. If the requested Budget Amendment exceeds \$10,000 or is a proposed transfer between funds, Town Council approval must be obtained prior to the Finance/Budget Officer processing the amendment in the accounting system. If the

amendment is less than \$10,000 and within the same fund, Town Council approval is not required, however, Town Council will be provided with a copy of the Budget Amendment for informational purposes.

## **VIII. ACCOUNTING ISSUES RELATING TO PURCHASES**

- A. Purchases must be coded to the correct accounts. Do not use an account simply because it has funds available. If a Budget Amendment needs to be made, refer to Section VII of this procedure for the steps to be followed. If a purchase needs to be recorded to an account that does not yet exist, contact the Finance Officer.
- B. Equipment purchases that are below the Town's capitalization threshold (currently \$5,000), must be coded to the department's "Minor Equipment Purchases" account (73-00). Equipment purchases of \$5,000 or more are considered to be capital expenditures and should be coded to a Capital Outlay account. Refer to the Town's Capital Asset Policy for further information.
- C. Repairs and maintenance should be coded as follows:
  - 1. Building related (15-00)
  - 2. Equipment related (16-00)
  - 3. Vehicle related (17-00)
- D. State and local sales taxes will be coded to accounts included in the Finance Department budget. This is done to facilitate the submission of our annual sales tax refund request.

## **IX. BIDDING REQUIREMENTS**

The main competitive bidding requirements for local government are contained in Article 8 of Chapter 143 of the North Carolina General Statutes (G.S.). Most of the formal bidding requirements can be found in G.S. 143-129, and the informal bidding requirements in G.S. 143-131. These statutes apply to the expenditure of public funds within established dollar limits and on certain types of contracts. Refer to **Exhibit 3** for a Summary of Dollar Thresholds in North Carolina Public Contracting Statutes.

Statutory bidding requirements generally apply to (1) contracts for the purchase of supplies, materials, equipment or apparatus and (2) contracts for construction or repair work. The first category is understood to include all types of personal property. The second category includes both horizontal construction (roads and other infrastructure) and vertical construction (buildings). Contracts that are not subject to bidding because they do not fall within either of these categories include (1) service contracts (special rules for contracts with architects, engineers, surveyors and construction managers at risk are discussed below), (2) contracts for the purchase of real property, and (3) contracts for the lease of personal property. Contracts that fall below the informal bidding limits are also not subject

to any bidding requirements. The following Exhibits contain summaries of bidding requirements by type of contract:

**Exhibit 4** - Bidding Laws Summary – Purchase Contracts

**Exhibit 5** - Bidding Laws Summary – Construction & Repairs (not involving buildings)

**Exhibit 6** - Bidding Laws Summary – Building Construction & Repairs.

In addition, **Exhibit 7** contains a summary of exceptions to state competitive bidding requirements.

The requirements for formal and informal bidding are listed below.

**A. Formal Bidding Requirements**

1. Formal bidding requirements are as follows:
  - a. Purchase of supplies, materials, equipment or apparatus (purchase contracts) of \$90,000 or more.
  - b. Construction or repair contracts expected to cost more than \$500,000.
2. Exceptions that apply to purchase contracts include:
  - a. Purchases from other governmental agencies
  - b. Competitive group purchasing
  - c. Gasoline, diesel fuel, alcohol fuel, motor oil fuel oil or natural gas
  - d. Sole sources (Governing Board approval required)
  - e. Information technology goods or services purchased through state Office of Information Technology or under request for proposal procedures authorized under G.S. 143-129
  - f. State contract purchases
  - g. Federal contract purchases
  - h. Used apparatus, supplies, materials, or equipment
  - i. Previously bid or piggybacking contracts (requires Governing Board approval at a regular meeting upon ten days public notice)
  - j. Purchase of goods and services from nonprofit work centers for the blind and severely disabled
3. Exceptions that apply to construction or repair contracts only include:
  - a. Change order work
  - b. Construction management at risk projects
  - c. Force account work
  - d. Projects using unemployment-relief labor paid for in whole or in part with state or federal funds
  - e. Contracts with NC Department of Transportation for street construction and repair

4. Exceptions that apply to both construction and purchase contracts:
  - a. Special emergency involving the health and safety of the people or their property
  - b. Guaranteed energy savings contracts
  - c. Solid waste management facilities
5. Advertising - Bidding opportunities must be advertised in a newspaper having general circulation in the jurisdiction that is seeking bids. The governing board may authorize the use of advertisement by electronic means instead of published notice. Action to authorize must be taken at a regular meeting of the governing board. The advertisement must appear at least one time and at least seven full days must lapse between the date on which the advertisement appears and the date of the opening of bids. The advertisement must state the time and place where plans and specifications may be had, state the time and place for opening the proposals and reserve to the governing board the right to reject any or all proposals.
6. Receipt and Opening of Bids – All proposals must be opened in public. Bids must be sealed and the opening of an envelope or package with knowledge that it contains a bid or the disclosure of exhibition of the contents of any bid by anyone without the permission of the bidder prior to the time set for opening shall constitute a Class 1 misdemeanor. Bids for purchase contracts may also be received electronically. Procedures for receiving bids electronically must be designed to ensure the security, authenticity and confidentiality of the bid to at least the same extent as is provided for sealed paper bids. Three bids are required only for construction or repair contracts. No minimum number of bids is required for purchase contracts. Where three bids are required, if at least three are not received, a second advertisement must be made, after which a contract may be awarded even if fewer than three bids are received. As required by public records law, bids are subject to public inspection once they are opened.
7. Bid Deposit or Bond – No bid for construction or repair work shall be considered or accepted unless at the time of its filing it is accompanied by a deposit equal to not less than 5% of the bid amount. No bid deposit is required for purchase contracts. The bid deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required by law.
8. Evaluating Bids – Bids must be responsive, which means that they substantially meet the requirements of the specifications and laws applicable to the contract. The unit may waive minor deviations, but it is legally prohibited from waiving variations that are material. In the event the lowest responsible bid is in excess of the funds available for the project or purchase, the governing board is authorized to enter into negotiations with the lowest responsible bidder making

reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to the bidder if the bidder agrees to the changes.

9. Standard and Procedures for Awarding the Contract – The award shall be made to the lowest responsible bidder, or bidders taking into consideration quality, performance and the time specified in the proposals for the performance of the contract. Contracts for construction or repair work in the formal bid range must be awarded by the governing body.
10. Contract Execution – All contracts that are subject to formal bidding requirements must be executed in writing. Where the sum of all contracts for a construction or repair project exceeds \$300,000, the successful bidder must provide performance and payment bonds for the full amount of each contract exceeding \$50,000.

**B. Informal Bidding Requirements**

The informal bidding requirements apply to contracts for construction or repair work and contracts for the purchase of supplies, materials, equipment or apparatus involving the expenditure of \$30,000 or more, but less than the limits for formal bidding. Informal bids must be secured. There are no specific requirements for the form of bids. They may be obtained verbally, or by electronic or written submission. No advertisement is required. No minimum number of bids is required. The unit must keep a record of all bids submitted and this record is not subject to public inspection until the contract has been awarded. The award shall be made to the lowest responsible bidder, taking into consideration quality, performance, and the time specified in the proposals for the performance of the contracts.

This policy shall remain in effect until amended by Town Council

Approved by Council 6/19/2018 \_\_\_\_\_ Craig Bloszinsky, Mayor

ATTEST: \_\_\_\_\_ Nancy Avery, Town Clerk

**TOWN OF KURE BEACH**

117 Settlers Lane  
 Kure Beach, N.C. 28449  
 (910) 458-8216 • Fax (910) 458-7421

**Exhibit 1**

|                |            |              |                           |                                                                          |
|----------------|------------|--------------|---------------------------|--------------------------------------------------------------------------|
| DATE           | DEPARTMENT | REQ.N NUMBER | <b>PURCHASE ORDER NO.</b> |                                                                          |
| <b>SHIP TO</b> |            |              | <b>BILL TO</b>            | <b>TOWN OF KURE BEACH</b><br>117 SETTLERS LANE<br>KURE BEACH, N.C. 28449 |
|                |            |              |                           | F.O.S. POINT<br>SHIP / DEL VIA<br>SHIP / DEL ON OR BEFORE<br>TERMS       |
| <b>VENDOR</b>  |            |              |                           |                                                                          |

|          |          |                     |            |        |
|----------|----------|---------------------|------------|--------|
| ITEM NO. | QUANTITY | PRODUCT DESCRIPTION | UNIT PRICE | AMOUNT |
|----------|----------|---------------------|------------|--------|

A MATERIAL SAFETY DATA SHEET (MSDS) IS REQUIRED FOR ANY CHEMICAL DELIVERED TO THE TOWN OF KURE BEACH.

IMPORTANT! THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKING LISTS AND PACKAGES.

**No.**

"THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT."

FINANCE OFFICER

PURCHASING AGENT

VENDOR





# Dollar Thresholds in North Carolina Public Contracting Statutes



UNC  
SCHOOL OF  
GOVERNMENT

Dollar limits and statutory authority current as of November 1, 2015

| Requirement                                                                                                       | Threshold                                                        | Statute                         |
|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|---------------------------------|
| <b>Formal bidding</b>                                                                                             |                                                                  |                                 |
|                                                                                                                   | <i>(estimated cost of contract)</i>                              |                                 |
| Construction or repair contracts                                                                                  | \$500,000 and above                                              | G.S. 143-129                    |
| Purchase of apparatus, supplies, materials, and equipment                                                         | \$90,000 and above                                               | G.S. 143-129                    |
| <b>Informal bidding</b>                                                                                           |                                                                  |                                 |
|                                                                                                                   | <i>(actual cost of contract)</i>                                 |                                 |
| Construction or repair contracts                                                                                  | \$30,000 to formal limit                                         | G.S. 143-131                    |
| Purchase of apparatus, supplies, materials, and equipment                                                         | \$30,000 to formal limit                                         | G.S. 143-131                    |
| <b>Construction methods authorized for building projects</b>                                                      |                                                                  |                                 |
|                                                                                                                   | Over \$300,000                                                   | G.S. 143-128(a1)                |
|                                                                                                                   | <i>(estimated cost of project)</i>                               |                                 |
| Separate Prime                                                                                                    |                                                                  |                                 |
| Single Prime                                                                                                      |                                                                  |                                 |
| Dual Bidding                                                                                                      |                                                                  |                                 |
| Construction Management at Risk (G.S. 143-128.1)                                                                  |                                                                  |                                 |
| Design-Build and Design-Build Bridging (G.S. 143-128.1A; G.S. 143-128.1B)                                         |                                                                  |                                 |
| Public Private Partnership (P3) (G.S. 143-128.1C)                                                                 |                                                                  |                                 |
| <b>Historically Underutilized Business (HUB) requirements</b>                                                     |                                                                  |                                 |
| Building construction or repair projects                                                                          |                                                                  |                                 |
| – Projects with state funding ( <i>verifiable 10% goal required</i> )                                             | \$100,000 or more                                                | G.S. 143-128.2(a)               |
| – Locally funded projects ( <i>formal HUB requirements</i> )                                                      | \$300,000 or more                                                | G.S. 143-128.2(j)               |
| – Projects in informal bidding range ( <i>informal HUB requirements</i> )                                         | \$30,000 to \$500,000*                                           | G.S. 143-131(b)                 |
| *Note: Formal HUB requirements should be used for informally bid projects costing between \$300,000 and \$500,000 |                                                                  |                                 |
| <b>Limit on use of own forces (force account work)</b>                                                            |                                                                  |                                 |
|                                                                                                                   | <i>(not to exceed)</i>                                           | G.S. 143-135                    |
| Construction or repair projects                                                                                   | \$500,000 (total project cost) or<br>\$200,000 (labor only cost) |                                 |
| <b>Bid bond or deposit</b>                                                                                        |                                                                  |                                 |
| Construction or repair contracts ( <i>at least 5% of bid amount</i> )                                             | Formal bids (\$500,000 and above)                                | G.S.143-129(b)                  |
| Purchase contracts                                                                                                | Not required                                                     |                                 |
| <b>Performance/Payment bonds</b>                                                                                  |                                                                  |                                 |
| Construction or repair contracts ( <i>100% of contract amount</i> )                                               | Each contract over \$50,000 of<br>project costing over \$300,000 | G.S. 143-129(c);<br>G.S. 44A-26 |
| Purchase contracts                                                                                                | Not required                                                     |                                 |
| <b>General contractor's license required</b>                                                                      |                                                                  |                                 |
|                                                                                                                   | \$30,000 and above                                               | G.S. 87-1                       |
| Exemption                                                                                                         | Force account work ( <i>see above</i> )                          |                                 |
| Owner-builder affidavit required                                                                                  | Force account work ( <i>see above</i> )                          | G.S. 87-14(a)(1)                |
| <b>Use of licensed architect or engineer required</b>                                                             |                                                                  |                                 |
| Nonstructural work                                                                                                | \$300,000 and above                                              | G.S. 133-1.1(a)                 |
| Structural repair, additions, or new construction                                                                 | \$135,000 and above                                              |                                 |
| Repair work affecting life safety systems                                                                         | \$100,000 and above                                              |                                 |
| <b>Selection of architect, engineer, surveyor, construction manager at risk, or design-build contractor</b>       |                                                                  |                                 |
| "Qualification-Based Selection" procedure (QBS)                                                                   | All contracts unless exempted                                    | G.S. 143-64.31                  |
| Exemption authorized                                                                                              | Only projects where estimated<br>fee is less than \$50,000       | G.S. 143-64.32                  |

From *A Legal Guide to Purchasing and Contracting for North Carolina Local Governments*, 2nd ed., by Frayda S. Bluestein, © 2004 by the School of Government, The University of North Carolina at Chapel Hill. All rights reserved.

**TABLE 2. Bidding Laws and Local Policies: Purchase Contracts**

("G.S." stands for the North Carolina General Statutes. Refer to the statutes for explanations, details, and exceptions.)

| <b>Contract amount:</b>                                                                           | <b>\$0 →</b>                                                                                                                           | <b>\$30,000 →</b>                                                                                                                                     | <b>\$90,000 →</b>                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Advertisement</b><br>(G.S. 143-129)                                                            | <i>G.S.</i> —no ads required<br><i>Local policies</i> —may require specific method/timing of ads                                       |                                                                                                                                                       | <i>G.S.</i> —newspaper or electronic ads for full 7 days before bid opening (advertising by electronic means only requires board approval)<br><i>Local policies</i> —may require extra time/locations for ads |
| <b>Minimum number of bids</b><br>(G.S. 143-132)                                                   | <i>G.S.</i> —no minimum<br><i>Local policies</i> —may require a minimum                                                                |                                                                                                                                                       |                                                                                                                                                                                                               |
| <b>Form of bids</b><br>(G.S. 143-129, 143-131)                                                    | <i>G.S.</i> —no specific form required (e-mail, phone, fax, mail all acceptable)<br><i>Local policies</i> —may require a specific form |                                                                                                                                                       | <i>G.S.</i> —bids must be sealed<br><i>Local policies</i> —must comply with G.S.                                                                                                                              |
| <b>Record of bids</b><br>(G.S. 143-131)                                                           | <i>G.S.</i> —not required<br><i>Local policies</i> —may require a record                                                               | <i>G.S.</i> —must keep a record of all bids received<br><i>Local policies</i> —must comply with G.S.                                                  | <i>G.S.</i> —because bids are public, no separate record is required<br><i>Local policies</i> —must comply with G.S.                                                                                          |
| <b>Bid opening</b><br>(G.S. 143-129, 143-129.9, 143-131)                                          | <i>G.S.</i> —public bid opening not required<br><i>Local policies</i> —may require public bid opening                                  |                                                                                                                                                       | <i>G.S.</i> —public bid opening required, but may use reverse auction or electronic bidding instead<br><i>Local policies</i> —must comply with G.S.                                                           |
| <b>Bid bonds</b><br>(G.S. 143-129)                                                                | <i>G.S.</i> —bonds not required<br><i>Local policies</i> —may require bonds                                                            |                                                                                                                                                       |                                                                                                                                                                                                               |
| <b>Performance/payment bonds</b><br>(G.S. 44A-26, 143-129)                                        | <i>G.S.</i> —bonds not required<br><i>Local policies</i> —may require bonds                                                            |                                                                                                                                                       |                                                                                                                                                                                                               |
| <b>Historically underutilized business (HUB) participation goals</b><br>(G.S. 143-128.2, 143-131) | <i>G.S.</i> —not required<br><i>Local policies</i> —may require good faith efforts/goals—check with local government attorney          |                                                                                                                                                       |                                                                                                                                                                                                               |
| <b>Board approval</b><br>(G.S. 143-129, 143-131)                                                  | <i>G.S.</i> —not required<br><i>Local policies</i> —may require board approval                                                         |                                                                                                                                                       |                                                                                                                                                                                                               |
| <b>Standard of award</b><br>(G.S. 143-129, 143-131)                                               | <i>G.S.</i> —no standard given<br><i>Local policies</i> —may require a specific standard                                               | <i>G.S.</i> —award to lowest responsive, responsible bidder<br><i>Local policies</i> —must comply with G.S.                                           |                                                                                                                                                                                                               |
| <b>Public records</b><br>(G.S. 132-1, 132-6, 143-131)                                             | <i>G.S.</i> —bids become public record when received<br><i>Local policies</i> —must comply with G.S.                                   | <i>G.S.</i> —record of bids not subject to public inspection until contract award<br><i>Local policies</i> —may permit public inspection before award | <i>G.S.</i> —bids become public record once opened<br><i>Local policies</i> —must comply with G.S.                                                                                                            |

**TABLE 3. Bidding Laws and Local Policies: Construction and Repair Contracts (Not Involving Buildings)**

("G.S." stands for the North Carolina General Statutes. Refer to the statutes for explanations, details, and exceptions.)

| <b>Contract amount:</b>                                                                           | <b>\$0 →</b>                                                                                                                                                      | <b>\$30,000 →</b>                                                                                                                                                      | <b>\$500,000 →</b>                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Advertisement</b><br>(G.S. 143-129)                                                            | <i>G.S.</i> —no ads required<br><i>Local policies</i> —may require specific method/timing of ads                                                                  |                                                                                                                                                                        | <i>G.S.</i> —newspaper or electronic ads for full 7 days before bid opening (advertising by electronic means only requires board approval)<br><i>Local policies</i> —may require extra time/locations for ads |
| <b>Minimum number of bids</b><br>(G.S. 143-132)                                                   | <i>G.S.</i> —no minimum<br><i>Local policies</i> —may require a minimum                                                                                           |                                                                                                                                                                        | <i>G.S.</i> —minimum of 3 bids is required<br><i>Local policies</i> —may require more than 3 bids                                                                                                             |
| <b>Form of bids</b><br>(G.S. 143-129, 143-131)                                                    | <i>G.S.</i> —no specific form required (e-mail, phone, fax, mail all acceptable)<br><i>Local policies</i> —may require a specific form                            |                                                                                                                                                                        | <i>G.S.</i> —bids must be sealed<br><i>Local policies</i> —must comply with G.S.                                                                                                                              |
| <b>Record of bids</b><br>(G.S. 143-129, 143-131)                                                  | <i>G.S.</i> —not required<br><i>Local policies</i> —may require a record                                                                                          | <i>G.S.</i> —must keep a record of all bids received<br><i>Local policies</i> —must comply with G.S.                                                                   | <i>G.S.</i> —because bids are public, no separate record is required<br><i>Local policies</i> —must comply with G.S.                                                                                          |
| <b>Bid opening</b><br>(G.S. 143-129, 143-131)                                                     | <i>G.S.</i> —public bid opening not required<br><i>Local policies</i> —may require public bid opening                                                             |                                                                                                                                                                        | <i>G.S.</i> —public bid opening required<br><i>Local policies</i> —must comply with G.S.                                                                                                                      |
| <b>Bid bonds/deposit</b><br>(G.S. 143-129)                                                        | <i>G.S.</i> —bid bonds not required<br><i>Local policies</i> —may require bid bonds                                                                               |                                                                                                                                                                        | <i>G.S.</i> —bid bond/deposit (5% of bid amount) is required<br><i>Local policies</i> —may require more than 5%                                                                                               |
| <b>Performance/payment bonds</b><br>(G.S. 44A-26, 143-129)                                        | <i>G.S.</i> —performance and payment bonds are not required<br><i>Local policies</i> —may require bonds                                                           | <i>G.S.</i> —performance and payment bonds are required (100% of bid amount) for contracts costing more than \$300,000<br><i>Local policies</i> —must comply with G.S. |                                                                                                                                                                                                               |
| <b>Historically underutilized business (HUB) participation goals</b><br>(G.S. 143-128.2, 143-131) | <i>G.S.</i> —not required<br><i>Local policies</i> —may require good faith efforts/goals—check with local government attorney                                     |                                                                                                                                                                        |                                                                                                                                                                                                               |
| <b>Separate specifications</b><br>(G.S. 143-128)                                                  | <i>G.S.</i> —separate specifications not required<br><i>Local policies</i> —may require separate specifications                                                   |                                                                                                                                                                        |                                                                                                                                                                                                               |
| <b>Licensed contractor</b><br>(G.S. 87-1, 87-1.1, 143-139.1)                                      | <i>G.S.</i> —must use a licensed general contractor if the contract is part of a project worth more than \$30,000<br><i>Local policies</i> —must comply with G.S. |                                                                                                                                                                        |                                                                                                                                                                                                               |
| <b>Construction methods</b><br>(G.S. 143-128)                                                     | <i>G.S.</i> —no specific methods must be used<br><i>Local policies</i> —may require specific methods                                                              |                                                                                                                                                                        |                                                                                                                                                                                                               |
| <b>Board approval</b><br>(G.S. 143-129, 143-131)                                                  | <i>G.S.</i> —not required<br><i>Local policies</i> —may require board approval                                                                                    |                                                                                                                                                                        | <i>G.S.</i> —board approval required; cannot be delegated<br><i>Local policies</i> —must comply with G.S.                                                                                                     |
| <b>Standard of award</b><br>(G.S. 143-129, 143-131)                                               | <i>G.S.</i> —no standard given<br><i>Local policies</i> —may require a specific standard                                                                          | <i>G.S.</i> —award to lowest responsive, responsible bidder<br><i>Local policies</i> —must comply with G.S.                                                            |                                                                                                                                                                                                               |
| <b>Dispute resolution</b><br>(G.S. 143-128(f1))                                                   | <i>G.S.</i> —dispute resolution process not required<br><i>Local policies</i> —may require a dispute resolution process                                           |                                                                                                                                                                        |                                                                                                                                                                                                               |
| <b>Public records</b><br>(G.S. 132-1, 132-6, 143-131)                                             | <i>G.S.</i> —bids become public record when received<br><i>Local policies</i> —must comply with G.S.                                                              | <i>G.S.</i> —record of bids not subject to public inspection until contract award<br><i>Local policies</i> —may permit public inspection before award                  | <i>G.S.</i> —bids become public record once opened<br><i>Local policies</i> —must comply with G.S.                                                                                                            |

**TABLE 4. Bidding Laws and Local Policies: Building Construction and Repair Contracts**

("G.S." stands for the North Carolina General Statutes. Refer to the statutes for explanations, details, and exceptions.)

| <b>Contract amount:</b>                                                                           | <b>\$0 →</b>                                                                                                                                                                                                                                                                                                                    | <b>\$30,000 →</b>                                                                                                                                                                                                            | <b>\$300,000 →</b>                                                                                                                                                                                                                                                      | <b>\$500,000 →</b>                                                                                                   |
|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Advertisement</b><br>(G.S. 143-129)                                                            | <i>G.S.</i> —no ads required<br><i>Local policies</i> —may require specific method/timing of ads                                                                                                                                                                                                                                |                                                                                                                                                                                                                              | <i>G.S.</i> —newspaper or electronic ads for full 7 days before bid opening (advertising by electronic means only requires board approval)<br><i>Local policies</i> —may require extra time/locations for ads                                                           |                                                                                                                      |
| <b>Minimum number of bids</b><br>(G.S. 143-132)                                                   | <i>G.S.</i> —no minimum<br><i>Local policies</i> —may require a minimum                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                              | <i>G.S.</i> —minimum of 3 bids is required<br><i>Local policies</i> —may require more than 3 bids                                                                                                                                                                       |                                                                                                                      |
| <b>Form of bids</b><br>(G.S. 143-129, 143-131)                                                    | <i>G.S.</i> —no specific form required (e-mail, phone, fax, mail all acceptable)<br><i>Local policies</i> —may require a specific form                                                                                                                                                                                          |                                                                                                                                                                                                                              | <i>G.S.</i> —bids must be sealed<br><i>Local policies</i> —must comply with G.S.                                                                                                                                                                                        |                                                                                                                      |
| <b>Record of bids</b><br>(G.S. 143-129, 143-131)                                                  | <i>G.S.</i> —not required<br><i>Local policies</i> —may require a record                                                                                                                                                                                                                                                        | <i>G.S.</i> —must keep a record of all bids received<br><i>Local policies</i> —must comply with G.S.                                                                                                                         |                                                                                                                                                                                                                                                                         | <i>G.S.</i> —because bids are public, no separate record is required<br><i>Local policies</i> —must comply with G.S. |
| <b>Bid opening</b><br>(G.S. 143-129, 143-131)                                                     | <i>G.S.</i> —public bid opening not required<br><i>Local policies</i> —may require a public bid opening                                                                                                                                                                                                                         |                                                                                                                                                                                                                              | <i>G.S.</i> —public bid opening required<br><i>Local policies</i> —must comply with G.S.                                                                                                                                                                                |                                                                                                                      |
| <b>Bid bonds/deposit</b><br>(G.S. 143-129)                                                        | <i>G.S.</i> —bid bonds not required<br><i>Local policies</i> —may require bid bonds                                                                                                                                                                                                                                             |                                                                                                                                                                                                                              | <i>G.S.</i> —bid bond/deposit (5% of bid amount) required<br><i>Local policies</i> —may require more than 5%                                                                                                                                                            |                                                                                                                      |
| <b>Performance/payment bonds</b><br>(G.S. 44A-26, 143-129)                                        | <i>G.S.</i> —performance and payment bonds are not required<br><i>Local policies</i> —may require bonds                                                                                                                                                                                                                         | <i>G.S.</i> —performance and payment bonds are required (100% of bid amount) for contracts costing more than \$50,000 that are part of a project costing more than \$300,000<br><i>Local policies</i> —must comply with G.S. |                                                                                                                                                                                                                                                                         |                                                                                                                      |
| <b>Historically underutilized business (HUB) participation goals</b><br>(G.S. 143-128.2, 143-131) | <i>G.S.</i> —not required unless part of state-funded project worth \$100,000 or more<br><i>Local policies</i> —may require good faith efforts/goals for other projects                                                                                                                                                         | <i>G.S.</i> —document good faith efforts; report to HUB Office<br><i>Local policies</i> —must comply with G.S.                                                                                                               | <i>G.S.</i> —good faith efforts to reach goals; bidders must submit affidavits so local government can verify bidders' good faith efforts; report to HUB Office<br><i>Local policies</i> —must comply with G.S.                                                         |                                                                                                                      |
| <b>Separate specifications</b><br>(G.S. 143-128)                                                  | <i>G.S.</i> —separate specifications not required<br><i>Local policies</i> —may require separate specifications                                                                                                                                                                                                                 |                                                                                                                                                                                                                              | <i>G.S.</i> —separate specifications required for plumbing, electrical, HVAC, and general work<br><i>Local policies</i> —may require additional specifications                                                                                                          |                                                                                                                      |
| <b>Licensed contractor</b><br>(G.S. 87-1, 87-1.1, 143-139.1)                                      | <i>G.S.</i> —must use a licensed general contractor if the contract is part of a project worth more than \$30,000<br><i>Local policies</i> —must comply with G.S.                                                                                                                                                               |                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                         |                                                                                                                      |
| <b>Construction methods</b><br>(G.S. 143-128)                                                     | <i>G.S.</i> —no specific methods must be used<br><i>Local policies</i> —may require specific methods                                                                                                                                                                                                                            |                                                                                                                                                                                                                              | <i>G.S.</i> —must use single-prime, separate-prime, dual-bidding, or construction-management-at-risk method; alternate methods may be used only if approved by the State Building Commission or authorized by local act<br><i>Local policies</i> —must comply with G.S. |                                                                                                                      |
| <b>Board approval</b><br>(G.S. 143-129, 143-131)                                                  | <i>G.S.</i> —not required<br><i>Local policies</i> —may require board approval                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                              | <i>G.S.</i> —board approval required; cannot be delegated<br><i>Local policies</i> —must comply with G.S.                                                                                                                                                               |                                                                                                                      |
| <b>Standard of award</b><br>(G.S. 143-129, 143-131)                                               | <i>G.S.</i> —no standard given<br><i>Local policies</i> —may require a specific standard                                                                                                                                                                                                                                        | <i>G.S.</i> —award to lowest responsive, responsible bidder<br><i>Local policies</i> —must comply with G.S.                                                                                                                  |                                                                                                                                                                                                                                                                         |                                                                                                                      |
| <b>Dispute resolution</b><br>[G.S. 143-128(f1)]                                                   | <i>G.S.</i> —must adopt own dispute resolution process (including mediation) or process adopted by the State Building Commission; available to all parties, with amount-in-controversy not less than \$15,000<br><i>Local policies</i> —must comply with G.S. (which permits adoption of unit's own dispute resolution process) |                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                         |                                                                                                                      |
| <b>Public records</b><br>(G.S. 132-1, 132-6, 143-131)                                             | <i>G.S.</i> —bids become public record when received<br><i>Local policies</i> —must comply with G.S.                                                                                                                                                                                                                            | <i>G.S.</i> —record of bids not subject to public inspection until contract award<br><i>Local policies</i> —may permit public inspection before award                                                                        |                                                                                                                                                                                                                                                                         | <i>G.S.</i> —bids become public record once opened<br><i>Local policies</i> —must comply with G.S.                   |

## Exceptions to State Competitive Bidding Requirements For North Carolina Local Governments

| Exception                                                            | Applies To:                                           | Description                                                                                                                                                                                  | Board Approval Required? | Other Requirements                                                                                            |
|----------------------------------------------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>Purchases</b>                                                     |                                                       |                                                                                                                                                                                              |                          |                                                                                                               |
| <b>Purchase from other units of Government</b><br>G.S. 143-129(e)(1) | Informal and formal purchases and leases              | Purchase directly from another unit of federal, state, or local government anywhere in the U.S.                                                                                              | No                       | None                                                                                                          |
| <b>Emergency</b><br>G.S. 143-129(e)(2)                               | Informal and formal purchases and construction/repair | Present, immediate, and existing special emergency involving public health and safety of people or property                                                                                  | No                       | None                                                                                                          |
| <b>Fuel Purchase</b><br>G.S. 143-129(e)(5)                           | Informal and formal purchases                         | Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas                                                                                                         | No                       | Informal bidding requirements apply to purchases costing \$30,000 or more (including purchases over \$90,000) |
| <b>Sole Source</b><br>G.S. 143-129(e)(6)                             | Informal and formal purchases                         | Available when (1) performance or price competition is not available; (2) product is available from only one source; or (3) standardization or compatibility is the overriding consideration | Yes                      | None                                                                                                          |
| <b>Group Purchasing Program</b><br>G.S. 143-129(e)(3)                | Informal and formal purchases                         | Competitive bidding process by a formally organized program offering discount prices to at least 2 public agencies                                                                           | No                       | None                                                                                                          |

**1** Note: Local Governments **should always** consult their local policies for additional procedural requirements.



## Exceptions to State Competitive Bidding Requirements For North Carolina Local Governments

| Exception                                      | Applies To:                   | Description                                                                                                                                                                                                                                            | Board Approval Required? | Other Requirements                                                                                                                                                                                    |
|------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>State Contract</b><br>G.S. 143-129(e)(9)    | Informal and formal purchases | Purchases from contracts established by State of NC if the contractor is willing to extend the same or more favorable prices, terms and conditions                                                                                                     | No                       | None                                                                                                                                                                                                  |
| <b>Federal Contract</b><br>G.S. 143-129(e)(9a) | Informal and formal purchases | Purchases from contracts established by a federal agency if the contractor is willing to extend the same or more favorable prices, terms and conditions                                                                                                | No                       | None                                                                                                                                                                                                  |
| <b>Used Goods</b><br>G.S. 143-129(e)(10)       | Informal and formal purchases | Purchase of used goods from a public or private entity; remanufactured, refabricated, or demo goods are not included under this exception                                                                                                              | No                       | None                                                                                                                                                                                                  |
| <b>Piggyback</b><br>G.S. 143-129(g)            | Formal purchases              | Purchases from contracts entered into by any federal, state, or local government in U.S. that have been competitively bid within the previous 12 months if the contractor is willing to extend the same or more favorable prices, terms and conditions | Yes                      | Board approval at a regular meeting after at least 10 days public notice (notice may be given by publication and electronic means; notice by electronic means only requires governing board approval) |



## Exceptions to State Competitive Bidding Requirements For North Carolina Local Governments

| Exception                                                                       | Applies To:                              | Description                                                                                                                                                                              | Board Approval Required? | Other Requirements                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Trade-In</b><br>G.S. 143-129.7                                               | Informal and formal purchases            | Units may include trade-in of used items as part of the specifications for purchases, and may award one contract for both the sale of the trade-in item and the purchase of the new item | No                       | Items sold as a trade-in under G.S. 143-129.7 are not subject to property disposal requirements of Article 12 of Chapter 160A                                                                                                                                         |
| <b>Transportation Authority Purchases</b><br>G.S. 143-129(h)                    | Informal and formal purchases and leases | Regional public transportation authorities (RPTA) and regional transportation authorities (RTA) may use RFP process for purchases                                                        | Yes                      | RFP process required by G.S. 143-129(h); governing board must approve use of RFP process at a regularly scheduled meeting before RFP is issued; governing board must certify that RFP process has been followed and approve contract at a regularly scheduled meeting |
| <b>Nonprofit Work Centers for Blind and Severely Disabled</b><br>G.S. 143-129.5 | Informal and formal purchases            | Purchases from a nonprofit work center for the blind and severely disabled as defined in G.S. 148-48                                                                                     | No                       | None                                                                                                                                                                                                                                                                  |
| <b>School Food Services</b><br>G.S. 115C-264                                    | Informal and formal purchases            | Local school unit purchase of supplies and food for food services (nutrition programs) at school                                                                                         | No                       | None; federal requirements will apply to food services that are federally funded                                                                                                                                                                                      |

## Exceptions to State Competitive Bidding Requirements For North Carolina Local Governments

| Exception                                                              | Applies To:                                                   | Description                                                                                                                                                                                                 | Board Approval Required?                            | Other Requirements                                                                                                                                      |
|------------------------------------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Construction and Repair</i></b>                                  |                                                               |                                                                                                                                                                                                             |                                                     |                                                                                                                                                         |
| <b>Change Order</b><br>G.S. 143-129(e)(4)                              | Informal and formal construction/repair                       | Construction/repair work undertaken during the progress of a competitively bid project that is within the scope of the original project                                                                     | No                                                  | None                                                                                                                                                    |
| <b>Emergency</b><br>G.S. 143-129(e)(2)                                 | Informal and formal purchases and construction/repair         | Present, immediate, and existing special emergency involving public health and safety of people or property                                                                                                 | No                                                  | None; FEMA procurement requirements will apply in Presidentially declared disasters                                                                     |
| <b>Force Account Work</b><br>G.S. 143-135                              | Construction/repair (within dollar limits)                    | Use of unit's own employees (on permanent payroll) and officers to perform construction work when either (1) total cost of the project is under \$125,000; or (2) total cost of the labor is under \$50,000 | Yes                                                 | Purchases of materials used on the project still subject to competitive bidding requirements; unit must keep accurate records of entire cost of project |
| <b>Guaranteed Energy Savings Contract (GESC)</b><br>G.S. 143-129(e)(8) | Informal and formal construction/repair and related purchases | GESC for improvements to existing facilities to achieve energy savings sufficient to pay for the costs of the improvements over the term of the contract                                                    | Yes if financing of project subject to LGC approval | RFP process required under Article 3B of Chapter 143                                                                                                    |





## Exceptions to State Competitive Bidding Requirements For North Carolina Local Governments

| Exception                                                            | Applies To:                                                     | Description                                                                                                                                                                                                                                                                                            | Board Approval Required? | Other Requirements                                                                                                                              |
|----------------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Construction Management at-Risk (CM@R)</b><br>G.S. 143-129(e)(11) | Informal and formal construction and repair                     | Construction or repair projects performed by a construction manager at-risk                                                                                                                                                                                                                            | No                       | CM@R hired under the Mini-Brooks Act QBS process (G.S. 143-64.31); contracts for construction project subject to requirements of G.S. 143-128.1 |
| <b>Solid Waste Management Facilities</b><br>G.S. 143-129.2           | Construction and operation of solid waste management facilities | Contract for the design, construction, operation, management and maintenance of highly complex and innovative solid waste management facilities and sludge management facilities; "ancillary facilities" (such as roads, water and sewer lines, and transfer stations) are excluded from the exemption | No                       | RFP process required under G.S. 143-129.1                                                                                                       |



### Exceptions to State Competitive Bidding Requirements For North Carolina Local Governments

| Exception                                               | Applies To:                                                                | Description                                                                                                                                                    | Board Approval Required? | Other Requirements                        |
|---------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------|
| <b><i>Information Technology Goods and Services</i></b> |                                                                            |                                                                                                                                                                |                          |                                           |
| <b>State ITS</b><br>G.S. 143-129(e)(7)                  | Informal and formal purchases of information technology goods and services | Purchases made through contracts established by the State Office of Information Technology Services ("information technology" defined under G.S. 147-33.81(2)) | No                       | None                                      |
| <b>IT goods and services</b><br>G.S. 143-129.8          | Informal and formal purchases of information technology goods and services | Contract for combination of information technology goods and services ("information technology defined under" G.S. 147-33.81(2))                               | No                       | RFP process required under G.S. 143-129.8 |

**TOWN OF KURE BEACH**  
**UNIFORM GUIDANCE PROCUREMENT POLICY**  
**(APPLICABLE WHEN FEDERAL FUNDS ARE BEING USED)**

**TABLE OF CONTENTS**

|                                                                       | <u>Page No.</u> |
|-----------------------------------------------------------------------|-----------------|
| I. PURPOSE.....                                                       | 3               |
| II. POLICY.....                                                       | 3               |
| A. Application of Policy.....                                         | 3               |
| B. Compliance With Federal Law.....                                   | 3               |
| C. Contract Award.....                                                | 3               |
| D. No Evasion.....                                                    | 3               |
| E. Contract Requirements.....                                         | 3               |
| F. Contractors’ Conflict of Interest.....                             | 4               |
| G. Approval and Modification.....                                     | 4               |
| III. GENERAL PROCUREMENT STANDARDS AND PROCEDURES....                 | 4               |
| A. Necessity.....                                                     | 4               |
| B. Clear Specifications.....                                          | 4               |
| C. Notice of Federal Funding.....                                     | 4               |
| D. Compliance By Contractors.....                                     | 4               |
| E. Fixed Price.....                                                   | 4               |
| F. Use of Brand Names.....                                            | 5               |
| G. Lease Versus Purchase.....                                         | 5               |
| H. Dividing Contract for M/WBE Participation.....                     | 5               |
| I. Documentation.....                                                 | 5               |
| J. Cost Estimate.....                                                 | 5               |
| K. Contract Requirements.....                                         | 5               |
| L. Debarment.....                                                     | 5               |
| M. Contractor Oversight.....                                          | 5               |
| N. Open Competition.....                                              | 5               |
| O. Geographic Preference.....                                         | 6               |
| IV. SPECIFIC PROCUREMENT PROCEDURES.....                              | 6               |
| A. Service Contracts & Purchase Contracts Less Than \$3,500.....      | 6               |
| B. Service Contracts & Purchase Contracts \$3,500 up to \$90,000..... | 6               |
| C. Service Contracts & Purchase Contracts \$90,000 and Above.....     | 6               |
| D. Service Contracts \$150,000 and Above.....                         | 7               |
| E. Construction & Repair Contracts Less Than \$3,500.....             | 7               |
| F. Construction & Repair Contracts \$3,500 up to \$150,000.....       | 7               |
| G. Construction & Repair Contracts \$150,000 up to \$500,000.....     | 8               |

**TOWN OF KURE BEACH**  
**UNIFORM GUIDANCE PROCUREMENT POLICY**  
**(APPLICABLE WHEN FEDERAL FUNDS ARE BEING USED)**

**TABLE OF CONTENTS**

|                                                                       | <u>Page No.</u> |
|-----------------------------------------------------------------------|-----------------|
| H. Construction & Repair Contracts \$500,000 and Above.....           | 8               |
| I. Construction or Repair Involving Building \$300,000 and Above      | 9               |
| J. Contracts for Architectural/Engineering Services Under \$150,000   | 9               |
| K. Contracts for Architectural/Engineering Services \$150,000 & Above | 9               |
| <br>                                                                  |                 |
| V. EXCEPTIONS.....                                                    | 10              |
| A. Sole Source.....                                                   | 10              |
| B. Public Exigency.....                                               | 10              |
| C. Inadequate Competition.....                                        | 10              |
| D. Federal Contract.....                                              | 10              |
| E. Awarding Agency Approval.....                                      | 10              |
| <br>                                                                  |                 |
| VI. EXHIBITS                                                          |                 |
| Exhibit 1 – Uniform Guidance Required Contract Provisions.....        | 11 - 14         |

**TOWN OF KURE BEACH**  
**UNIFORM GUIDANCE PROCUREMENT POLICY**  
**(APPLICABLE WHEN FEDERAL FUNDS ARE BEING USED)**

**I. PURPOSE**

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

**II. POLICY**

- A. Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any sub recipient of the funds.
- a. All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.
- B. Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The Town of Kure Beach will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the Town of Kure Beach have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- C. Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- D. No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II. Refer to Exhibit 1 for Uniform Guidance Required Contract Provisions.

- F. Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- G. Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

### **III. GENERAL PROCUREMENT STANDARDS AND PROCEDURES**

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The Purchasing Department and/or the Requesting Department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- C. Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.

- F. Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and “or equal” must be included in the description.
- G. Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. Dividing Contract for M/WBE Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. Documentation.** Documentation must be maintained by the Purchasing Department and/or the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor’s responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
- J. Cost Estimate.** For all procurements costing \$150,000 or more, the Purchasing Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- K. Contract Requirements.** The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II.E. of this Policy.
- L. Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder’s list.
- M. Contractor Oversight.** The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- N. Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for “or equal” products, or other unnecessary requirements that have the effect of restricting competition.

- O. Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.

#### **IV. SPECIFIC PROCUREMENT PROCEDURES**

Either the Purchasing Department or the Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- A. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing less than \$3,500** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, purchases must be distributed among qualified suppliers.

- B. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$3,500 up to \$90,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids.
4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
5. Award the contract to the lowest responsive, responsible bidder.

- C. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$90,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids.
2. Complete specifications or purchase description must be made available to all bidders.
3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.



5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for “sound documented reasons.”

**D. Service Contracts** (except for A/E professional services) **costing \$150,000 and above** may be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought. The procedures are as follows:

1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.
4. Consider all responses to the publicized RFP to the maximum extent practical.
5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.
7. Award the contract on a fixed-price or cost-reimbursement basis.

**E. Construction and repair contracts costing less than \$3,500** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, contracts must be distributed among qualified suppliers.

**F. Construction and repair contracts costing \$3,500 up to \$150,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
4. Award the contract on a fixed-price or not-to-exceed basis.
5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.

**G. Construction and repair contracts costing \$150,000 up to \$500,000** shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Publically advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”

**H. Construction and repair contracts costing \$500,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject any and all bids only for “sound documented reasons.”

- I. Construction or repair contracts involving a building costing \$300,000 and above** must comply with the following additional requirements under state law:
1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
  2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
  3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).
- J. Contracts for Architectural and Engineering Services costing under \$150,000** shall be procured using the state “Mini-Brooks Act” requirements (G.S. 143-64.31) as follows:
1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
  2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
  3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department.
  4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in state (but not local) firms.
  5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second best qualified firm.
  6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.
- K. Contracts for Architectural and Engineering Services costing \$150,000 or more** shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)(5)) as follows:
1. Publically advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
  2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
  3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.
  4. Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
  5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
  6. Consider all responses to the publicized RFQ to the maximum extent practical.
  7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided

that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.

8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successful, repeat negotiations with the second best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

## V. EXCEPTIONS

Non-competitive contracts are allowed *only* under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. Sole Source.** A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- B. Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

This policy shall remain in effect until amended by Town Council.

Approved by Council 6/19/2018 \_\_\_\_\_ Craig Bloszinsky, Mayor

ATTEST: \_\_\_\_\_ Nancy Avery, Town Clerk

## Uniform Guidance Required Contract Provisions

*Comment: This document provides contract provisions required under the Uniform Guidance, 2 C.F.R. Part 200, Appendix II. The text of Appendix II is reprinted below. Local governments should review their notice of award and confirm with their federal awarding agency regarding these provisions and any additional contract provisions required by the awarding agency. Local governments should consult with their attorneys in developing contract provisions.*

**Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards** [https://www.ecfr.gov/cgi-bin/text-idx?SID=04e61f4e0a8317140a9ec150bb2ac195&mc=true&node=pt2.1.200&rgn=div5#ap2.1.200\\_1521.i](https://www.ecfr.gov/cgi-bin/text-idx?SID=04e61f4e0a8317140a9ec150bb2ac195&mc=true&node=pt2.1.200&rgn=div5#ap2.1.200_1521.i)

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The

decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989

Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

#### **§200.322 Procurement of recovered materials.**

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]



## Sample Uniform Guidance Contract Provisions For North Carolina Local Governments

*Comment: Listed below is a “short form” sample contract provision listing all required provisions under the Uniform Guidance (2 C.F.R. Part 200, Appendix II). Local governments may wish to use this short form provision for transactions such as purchase orders and electronic purchases. Local governments should consult with their attorneys when preparing contract provisions. Local governments also should review their grant documents and consult with their grantor agency to determine if additional contract provisions are required by the granting agency.*

**FEDERAL FUNDS:** If the source of funds for this contract is federal funds, the following federal provisions apply pursuant to 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix II (as applicable):

Equal Employment Opportunity (41 C.F.R. Part 60); Davis-Bacon Act (40 U.S.C. 3141-3148); Copeland “Anti-Kickback” Act (40 U.S.C. 3145); Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708); Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387); Debarment and Suspension (Executive Orders 12549 and 12689); Byrd Anti-Lobbying Amendment (31 U.S.C. 1352); Procurement of Recovered Materials (2 C.F.R. § 200.322); and Record Retention Requirements (2 CFR § 200.324)



# TOWN OF KURE BEACH

## UNIFORM GUIDANCE CONFLICT OF INTEREST POLICY

### I. PURPOSE

The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under state law and local policy when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects paid for in part or whole by federal funds and required under 2 C.F.R. § 200.318(c)(1).

### II. POLICY

This policy applies when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with federal financial assistance (direct or reimbursed). This policy also applies to any sub recipient of the funds.

The employee responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including sub recipients, of the requirements of this policy and any additional prohibitions or requirements.

**A. Conflicts of Interest.** In addition to the prohibition against self-benefiting from a public contract under G.S. 14-234, no officer, employee, or agent of the Town of Kure Beach may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

1. the employee, officer, or agent involved in the selection, award, or administration of a contract;
2. any member of his or her immediate family;
3. his or her partner; or
4. an organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

**B. Gifts.** In addition to the prohibition against accepting gifts and favors from vendors and contractors under G.S. 133-32, officers, employees, and agents of the Town of Kure Beach are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value valued at less than \$25 which fall into one of the following categories may be accepted:

1. promotional items;
2. honorariums for participation in meetings; or
3. meals furnished at banquets.

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

**III. VIOLATION**

Employees violating this policy will be subject to discipline up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.

This policy shall remain in effect until amended by Town Council.

Approved by Council 6/19/2018 \_\_\_\_\_ Craig Bloszinsky, Mayor

ATTEST: \_\_\_\_\_ Nancy Avery, Town Clerk

**TOWN OF KURE BEACH  
CASH MANAGEMENT AND INVESTMENT POLICY  
TABLE OF CONTENTS**

|                                                         | <u>Page No.</u> |
|---------------------------------------------------------|-----------------|
| I. GOVERNING AUTHORITY.....                             | 2               |
| II. SCOPE.....                                          | 2               |
| III. AUTHORIZED FINANCIAL INSTITUTIONS AND DEPOSITORIES | 2               |
| A. Central Depository.....                              | 2               |
| B. Allocation of Interest Earned.....                   | 2               |
| C. Collateralization.....                               | 3               |
| D. Reconciliation.....                                  | 3               |
| IV. RECEIPTS.....                                       | 3               |
| A. Collection of Revenue.....                           | 3               |
| B. Methods of Collection.....                           | 3               |
| C. Handling of Receipts.....                            | 4               |
| V. DISBURSEMENTS.....                                   | 4               |
| A. Justification of Disbursement.....                   | 4               |
| B. Budgetary Appropriation Covering Disbursement.....   | 5               |
| C. Authorization of Disbursement.....                   | 5               |
| D. Timeliness of Disbursement.....                      | 5               |
| E. Method of Disbursement.....                          | 5               |
| F. Ordering and Securing Checks.....                    | 6               |
| G. Signature of Checks.....                             | 6               |
| H. Review and Approval of Payroll Direct Deposit.....   | 6               |
| I. Mailing or Distribution of Signed Checks.....        | 6               |
| J. Filing of Supporting Documentation.....              | 6               |
| VI. INVESTMENTS.....                                    | 7               |
| A. Investment Instruments.....                          | 7               |
| B. Maturity of Investments.....                         | 7               |
| C. Reconciliation of Investment Accounts.....           | 7               |

**I. GOVERNING AUTHORITY**

The cash management and investment programs of the Town of Kure Beach (the Town) shall be operated in conformance with Federal, North Carolina, and other legal requirements. These include provisions of the North Carolina General Statutes (G.S.), specifically The Local Government Budget and Fiscal Control Act, primarily G.S. 159-30 – Investment of Idle Funds; G.S. 159-31 – Selection of Depository & Deposits to be Secured; and G.S. 159-32 – Daily Deposits; and related statutes.

**II. SCOPE**

This policy applies to the management of cash and investments of all funds, excluding petty cash accounts. The Town will consolidate cash and reserve balances from all funds to maximize investment earnings. Income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles and G.S. 159-30(e).

**III. AUTHORIZED FINANCIAL INSTITUTIONS AND DEPOSITORIES**

A list will be maintained of financial institutions and depositories authorized by resolution of the Town Council pursuant to G.S. 159-31 to act as its official depositories and to provide banking services. In addition, a list will be maintained of security broker-dealers, if any, authorized by resolution of the Town Council to provide investment services.

**A. Central Depository**

The Town shall operate with a single depository/disbursement account, which will serve as the central depository for all moneys received, and serving all accounting funds maintained by the Town. This account will also serve as the Town’s sole disbursement account. The account shall be an interest-bearing account or an account with an earnings credit that is used to offset banking fees, whichever is more beneficial to the Town.

**B. Allocation of Interest Earned**

Interest earned on balances held in the central depository account shall be credited to each accounting fund proportionate to the amounts due to each fund, per G.S. 159-30(e).

**C. Collateralization**

All bank accounts must be properly collateralized in accordance with G.S. 159-31(b).

**D. Reconciliation**

All bank accounts shall be reconciled monthly following the receipt of the bank statement. Bank reconciliations will be prepared by the Finance Specialist and reviewed and approved by the Finance Officer.

**IV. RECEIPTS**

**A. Collection of Revenue**

1. Property Taxes – The Town shall contract with the New Hanover County Tax Department for the administration of property tax collections on its behalf.
2. Motor Vehicle License Taxes – This tax will be collected as part of the NC Division of Motor Vehicles annual vehicle registration and remitted to Kure Beach via the New Hanover Tax Department.
3. Intergovernmental Revenue – All required application forms, reports and other documents required for the collection of revenues to which the Town is legally entitled from Federal, State, or other local units of government shall be filed on a timely and accurate basis.
4. Permits and Fees – Charges for Building Permits, Water Taps, etc. shall be assessed and collected upon application and prior to performance of any related service.
5. Charges for Services and Fines – All charges for water, sewer, sanitation, recycling, storm water, public safety, or other services and all fines will be assessed in accordance with an adopted Fee Schedule or negotiated contract. All charges for services will be calculated and billed on a monthly basis. All fines shall be assessed when cited for a violation.

**B. Methods of Collection**

Payment of obligations to the Town by cash, personal check, cashier's check, money order, credit card or debit card will normally be acceptable. Should a personal check be returned for insufficient funds, the Town will assess a charge on the payee's account equal to the amount indicated on the current Fee Schedule.

### **C. Handling of Receipts**

1. Daily Collection and Opening of Mail – To maintain proper internal controls and safeguard, a person other than the Finance Officer shall normally be responsible for collecting and opening all incoming mail.
2. Remote Check Deposit – All checks should be immediately grouped by type of receipt and remotely deposited via the on-site check scanner. Any checks that will not be processed via the on-site check scanner should be immediately endorsed upon receipt. A standard endorsement stamp will be maintained for this purpose.
3. Receipt of Cash Payments – A person other than the Finance Officer should receive all cash payments. A receipt should be issued for each cash payment received.
4. Storage of Un-Deposited Checks and Cash – Checks or cash received prior to the processing of the next daily deposit must be stored in the vault.
5. Frequency and Time of Deposit – Deposits of received cash and checks shall normally be made on a daily basis. Should the amount of cash and checks be less than \$250, the Finance Officer may defer the deposit until the next business day, but in any event a deposit shall be made on the last business day of the month. Every reasonable effort should be made to complete the preparation of the daily deposit and to deliver it to the Town's bank prior to that bank's daily deposit deadline. A person other than the Finance Officer should normally be responsible for transporting the daily deposit to the bank.
6. Daily Deposit Documents – All daily collection reports, related copies of receipts, adding machine tapes, deposit slips, and other documentary evidence of receipts, shall be filed with the Town's accounting records.
7. Recording of Deposits to Accounting System – Deposits shall be posted to the Accounts Receivable and revenue accounts on a timely basis.

## **V. DISBURSEMENTS**

### **A. Justification of Disbursement**

No disbursement shall be made without documentary justification (e.g., invoices, statements of account, etc.) establishing the legality and appropriateness of the disbursement. Payment shall be only from original invoices or other justifying documents, not photocopies. The justifying documents shall be presented with checks for signature.

In regard to payroll disbursements, the Town Clerk shall maintain a personnel file for each person on the Town's payroll, documenting that person's authorization for hiring, salary history, hours authorized to work, tax withholding forms, payroll deduction

forms, etc. Where applicable, an approved time sheet shall be submitted for each employee for each time period.

**B. Budgetary Appropriation Covering Disbursement**

In compliance with G.S. 159-28, no disbursement shall be made unless a sufficient budgetary appropriation exists to cover the disbursement.

**C. Authorization of Disbursement**

No disbursement shall be made unless authorized as part of the annual Budget Ordinance, or if unbudgeted, with written authorization from Town Council. Department heads should sign or initial all invoices, etc. they submit for payment to document their authorization that the goods or services were received and the invoiced amounts are accurate and due.

**D. Timeliness of Disbursement**

The Town shall endeavor to discharge its obligations prior to their due date if at all possible, to avoid incurring any past due charges.

**E. Method of Disbursement**

The Town will normally pay by check. In addition, electronic payments, including credit cards, debit cards, gas cards, procurement cards, electronic funds transfer and direct deposit of payroll, have been authorized by a Resolution adopted by the Kure Beach Town Council. To ensure all electronic payments comply with North Carolina Administrative Code 20 NCAC 03 .0410, the following conditions must be met for each electronic payment:

1. The amount claimed must be payable.
2. There must be a budget appropriation authorizing the expenditure.
3. Monies remain within the appropriation to cover the amount that is due during the current fiscal year.
4. The Town has sufficient cash to cover the payment.

The respective department head is responsible for controlling the use of town issued credit cards and gas cards as detailed in Section VI of the Town of Kure Beach Purchasing Policy and Procedures. Prior to initiation of a credit card or gas card transaction, the department head must ensure that there is a budget appropriation authorizing the expenditure and that there are sufficient monies remaining within the appropriation to cover the expenditure.

Additionally, the Finance Officer or Deputy Finance Officer will review and approve all credit card and gas card transactions prior to payment of the monthly statement. In regard to disbursements by electronic funds transfer, the Finance Officer or Deputy Finance Officer will review and approve the transaction prior to the transfer of funds. Section IV of the Town of Kure Beach Purchasing Policy and Procedures delineates the pre-audit requirements relating to electronic payments.

**F. Ordering and Securing Checks**

All checks shall be pre-printed on bank safety paper with sequential numbers. The supply of unused checks shall be controlled and secured in a locked closet. Voided checks shall not be thrown away; voided checks shall be stamped "VOID" and filed in numeric order with all other check copies. Blank checks shall be destroyed only in the case of unused checks being rendered unusable due to a change in bank account number. Under such circumstance, the unusable blank checks shall be destroyed securely by shredder with a record maintained of the check numbers destroyed. The use of preprinted and pre-numbered check blanks as stubs for direct deposit payroll transactions is hereby authorized.

**G. Signature of Checks**

All checks shall be signed by two people, one of which shall be the Finance Officer (or the Deputy Finance Officer in the Finance Officer's absence) and the other an employee or member of Town Council who has been assigned check signing authority. Under no circumstances is a signature stamp to be used to sign checks.

**H. Review and Approval of Payroll Direct Deposit**

The payroll direct deposit file shall be reviewed and approved by the Finance Officer or his designee prior to final submission to the payroll processing company.

**I. Mailing or Distribution of Signed Checks**

Checks that have been signed shall not be returned to the Finance Officer after signing, but shall be sealed and mailed by the Finance Specialist or other designee.

**J. Filing of Supporting Documentation**

Once a check has been issued, signed and distributed, all supporting and justifying documentation shall be filed by date paid.



**VI. INVESTMENTS**

Authority to manage cash and the investment program is granted to the Finance Officer and derived from G.S. 159-30. Cash in excess of the amounts forecasted to be needed to cover upcoming obligations may and should be invested to earn the best available return.

**A. Investment Instruments**

All investment instruments utilized by the Town must comply with relevant North Carolina General Statutes, including collateralization requirements. Specific types of investments allowable by law are detailed in G.S. 159-30. For the Town, the investment of surplus funds in savings accounts, certificates of deposit, or money market deposit accounts with the same bank with which the central depository account is maintained, or other banking institutions approved by Town Council, is hereby authorized. Investment of surplus funds in the North Carolina Capital Management Trust or in obligations of the U.S. Government or its sponsored institutions is hereby authorized. Investments in other instruments permitted by G.S. 159-30 shall not be made without the prior approval of the Town Council.

**B. Maturity of Investments**

Investment instruments utilized by the Town shall not exceed a maturity term of one year without the prior authorization of Town Council.

**C. Reconciliation of Investment Accounts**

Each investment account shall be reconciled monthly.

This policy shall remain in effect until amended by Town Council.

Approved by Council 6/19/2018 \_\_\_\_\_ Craig Bloszinsky, Mayor

ATTEST: \_\_\_\_\_ Nancy Avery, Town Clerk

# OLD BUSINESS

# Memo



**To:** Craig Bloszinsky, David Heglar, John Ellen,  
Allen Oliver and Joseph Whitley

**From:** Arlen Copenhaver

*AC*

**Date:** June 15, 2018

**Re:** Revisions to the Proposed FY 2019 Budget

---

Subsequent to the presentation of the proposed FY 2019 budget at the 5/15/2018 Town Council meeting, we have received updated information that affects our General Fund and Water/Sewer Fund budgets.

First, we received final quotes for our property and liability and workers compensation insurance. This will require an additional \$8,000 of expenses in each fund (within the Administration budget).

Second, we received the quote for recycling service. There is a significant increase (51.6%) in the cost of recycling service. This increase is primarily due to the impact of China reducing the amount of recyclable material that they are allowing to be brought into their country.

The new proposal for recycling service translates into a rate of \$7.40 per cart per month. The current monthly rate is \$4.88, so this is an increase of \$2.52 (51.6%). The original FY 2019 proposed budget included an increase in monthly recycling fees of \$0.13 (from \$4.88 to \$5.01). As a result, proposed recycling expenses have increased a total of \$65,500. Also, the proposed recycling revenue has increased a total of \$63,680 by increasing the monthly fee to \$7.40.

The new proposal for recycling also allows Waste Management to revise the fees they charge us on a monthly basis to offset any increases they receive from the vendors they use for the recyclable materials. Therefore, we may need to revise the monthly fee charged to property owners at some point during FY 2019 above the proposed \$7.40 per month.

The attached worksheet summarizes the revisions to the proposed budgets.

**FY 2019 PROPOSED BUDGET  
CHANGES AFTER 5/15/2018 BUDGET PRESENTATION**

**GENERAL FUND**

|                                               |                 |                           |
|-----------------------------------------------|-----------------|---------------------------|
| Proposed FY 2019 Expenditures as of 5/15/2018 |                 | \$5,206,532               |
| Increases:                                    |                 |                           |
| Administration - P&L & WC Insurance           | \$8,000         |                           |
| Administration - Recycling Service            | <u>\$65,500</u> |                           |
| Total Expenditure Increases                   |                 | <u>\$73,500</u>           |
| Revised FY 2019 Expenditures                  |                 | <u><u>\$5,280,032</u></u> |
|                                               |                 |                           |
| Proposed FY 2019 Revenue as of 5/15/2018      |                 | \$5,206,532               |
| Increases:                                    |                 |                           |
| Recycling Service Fees                        | \$63,680        |                           |
| Appropriation of Fund Balance                 | <u>\$9,820</u>  |                           |
| Total Revenue Increases                       |                 | <u>\$73,500</u>           |
| Revised FY 2019 Revenue                       |                 | <u><u>\$5,280,032</u></u> |

**WATER/SEWER FUND**

|                                                            |                |                           |
|------------------------------------------------------------|----------------|---------------------------|
| Proposed FY 2019 Expenditures as of 5/15/2018              |                | \$2,196,085               |
| Increases:                                                 |                |                           |
| Administration - P&L & WC Insurance                        |                | \$8,000                   |
| Decreases:                                                 |                |                           |
| Operations - Potential Capital Outlay Improvement Projects |                | <u>(\$2,000)</u>          |
| Revised FY 2019 Expenditures                               |                | <u><u>\$2,202,085</u></u> |
|                                                            |                |                           |
| Proposed FY 2019 Revenue as of 5/15/2018                   |                | \$2,196,085               |
| Increases:                                                 |                |                           |
| Water Tap Fees                                             | \$3,000        |                           |
| Sewer Tap Fees                                             | <u>\$3,000</u> |                           |
| Total Revenue Increases                                    |                | <u>\$6,000</u>            |
| Revised FY 2019 Revenue                                    |                | <u><u>\$2,202,085</u></u> |



# MEMO

To: Town Council  
From: Town Clerk Avery  
Subject: Recycling increase  
Date: June 15, 2018

The Finance Officer will present increases from our recycling vendor, Waste Management, before adoption of next year's budget. The increase is significant.

When we began using the 65-gallon cart with weekly pickup in 2011, the monthly per cart charge was \$4.02. With annual increases based on CPI, the current per cart charge is \$4.88. That is an increase of 86 cents over a seven-year period.

Our vendor rep contacted us a few weeks ago that because China has decided to no longer take recycling, they were struggling to find another place for recycling. China's decision has thrown the marketplace for a loop. Waste Management provided us an option of a three-year contract at a rate of \$7.62 per cart with the caveat that as their prices increase that cost will be passed to us. We are currently on a year-to-year contract.

There are only two other vendors in the area that provide recycling, Waste Industries and Pink trash. Pink trash has only been in the recycling field for two years, whereas both Waste Management and Waste Industries have been providing this service for years.

I do not believe it is beneficial to price Waste Industries at this time as the China decision is also impacting them.

Council needs to decide if recycling service is a valuable service, and if so, whether to pass the entire cost directly to the citizens or not. Stopping recycling service only puts an additional cost and burden on the town because garbage will most likely double.

I suggest we ride this out with Waste Management for at least six months and see if the market stabilizes before making a major decision.

Waste Management has been an excellent vendor. We have little to no complaints. They always reschedule their pickup to match our when we are closed. The citizens are in a routine with recycling pickup.

The Finance Officer is suggesting a total monthly cost per cart to the citizens of \$7.40 from the proposed \$5.01 cent in the draft budget. The additional cost is to cover gas expenses, which also continue to rise and are based on CPI.

June 14, 2018

Ms. Nancy Avery  
Town Clerk  
Town of Kure Beach  
117 Settlers Lane  
Kure Beach, NC 28449

Dear Nancy,

Waste Management of Carolinas, Inc. appreciates the opportunity to provide a new recycling proposal to the Town as requested. We are privileged to service the Town of Kure Beach as we have done economically in a courteous and professional manner for many years.

We take great pride in our partnership with the Town of Kure Beach in our common focus on providing sustainable options. I am pleased to offer pricing based on a three-year agreement. The new rate is \$6.72 per cart per month for a 64 gallon recycle cart serviced once a week plus your current fuel surcharge. Your rate will be adjusted monthly based on Sunoco's monthly rate to Waste Management of Carolinas, Inc. The annual price increase will be based upon the U. S. Department of Labor, Bureau of Labor Statistics Consumer Price Index – CPI-WST Index (Wastewater, Sewer, & Trash). The CPI will be effective July 1<sup>st</sup> of each year after the initial year of the new agreement.

Waste Management of Carolinas, Inc. shall be entitled to an increase in compensation to offset any increase in processing, disposal or fuel costs should Waste Management pay such fees. Documentation of such increases shall be submitted to the Town at its request. Waste Management of Carolinas, Inc. also shall be entitled to an increase in its service rate to offset any increased costs associated with longer haul distance if it becomes necessary to transport the recyclable material to an alternate processing facility. In addition, in the event Waste Management of Carolinas, Inc. becomes liable for or is required to collect and/or pay any governmental tax or surcharge upon collection or processing of such recyclables, such tax or surcharge shall be the responsibility of the Town to be paid along with Waste Management of Carolinas, Inc.'s normal monthly compensation.

In addition, should the market for a recyclable material covered by the terms of the agreement collapse and render the product worthless (i.e. – local recycling processors will not accept the material without charge), the collection of such recyclable material shall be suspended until the markets improve unless the Town is willing to reimburse Waste Management of Carolinas, Inc. for marketing the materials at a negative value.

Again, Waste Management of Carolinas, Inc. appreciates the opportunity to service the Town of Kure Beach and looks forward to a long working partnership. If you have any additional questions, please do not hesitate to contact me @ 910-309-0476.

Respectfully,

Vickie Wittenburg  
Public Sector Account Manager III  
(910) 309-0476



Ordinance Number: FY 2018-19  
Date Adopted: June 19, 2018  
Effective Date: July 1, 2018

**BUDGET ORDINANCE FY 2018-2019  
KURE BEACH, NORTH CAROLINA**

Be it ordained by the Town Council of Kure Beach, North Carolina:

**Section I.** Budget Adoption: There is hereby adopted the following operating budget for the Town of Kure Beach for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019; the same being adopted by fund. Activity within each fund is listed as follows:

**GENERAL FUND**

**EXPENDITURES:**

|                                   |                           |
|-----------------------------------|---------------------------|
| Governing Body                    | \$ 38,994                 |
| Committees                        | 100,115                   |
| Finance                           | 157,937                   |
| Administration                    | 629,908                   |
| Community Center                  | 23,300                    |
| Elections                         | 1,000                     |
| Emergency Management              | 100                       |
| Tax Collections                   | 28,800                    |
| Legal Department                  | 29,850                    |
| Police Department                 | 1,372,757                 |
| Fire Department                   | 740,482                   |
| Lifeguards                        | 200,088                   |
| Parks & Recreation                | 187,268                   |
| Building Inspections              | 139,165                   |
| Streets & Sanitation              | 902,561                   |
| Debt Service                      | 708,050                   |
| Transfer to Beach Protection Fund | 9,807                     |
| Contingency                       | <u>9,850</u>              |
| <b>TOTAL EXPENDITURES</b>         | <b><u>\$5,280,032</u></b> |



**GENERAL FUND (continued)**

**REVENUES:**

|                                                             |              |
|-------------------------------------------------------------|--------------|
| Property Tax (current & prior years)                        | \$2,920,300  |
| Sales Tax                                                   | 886,000      |
| Garbage & Recycle Fees                                      | 493,580      |
| TDA Funds                                                   | 235,000      |
| Franchise & Utility Tax                                     | 225,000      |
| Motor Vehicle License Tax                                   | 9,750        |
| ABC Revenue                                                 | 15,900       |
| Building Permits/Impact Fees/<br>CAMA Fees/Fire Inspections | 76,750       |
| Communication Tower Rent                                    | 81,924       |
| Town Facility Rentals                                       | 18,000       |
| Parks & Rec/Community Center/<br>Street Festival            | 34,700       |
| Other Revenue                                               | 158,308      |
| Other Financing Sources                                     | 115,000      |
| Fund Balance Appropriated                                   | <u>9,820</u> |

**TOTAL REVENUES** **\$5,280,032**

**POWELL BILL FUND**

**EXPENDITURES:**

|                             |                   |
|-----------------------------|-------------------|
| Street Maintenance & Repair | <u>\$ 175,000</u> |
|-----------------------------|-------------------|

**TOTAL EXPENDITURES** **\$ 175,000**

**REVENUES:**

|                           |                |
|---------------------------|----------------|
| Powell Bill Allocation    | \$ 65,000      |
| Interest Income           | 830            |
| Fund Balance Appropriated | <u>109,170</u> |

**TOTAL REVENUES** **\$ 175,000**

**STORM WATER FUND**

**EXPENDITURES:**

Storm Water Operations                   \$ 358,380

**TOTAL EXPENDITURES                   \$ 358,380**

**REVENUES:**

Storm Water Monthly Fees               \$ 227,500

Storm Water Building Fees              48,000

Interest Income                           2,880

Other Financing Sources                 80,000

**TOTAL REVENUES                         \$ 358,380**

**BEACH PROTECTION FUND**

**EXPENDITURES:**

Beach Protection Reserves               \$ 13,397

**TOTAL EXPENDITURES                   \$ 13,397**

**REVENUES:**

Interest Income                          \$ 3,590

Transfer from General Fund              9,807

**TOTAL REVENUES                         \$ 13,397**

**FEDERAL ASSET FORFEITURE FUND**

**EXPENDITURES:**

Federal Asset Forfeiture Expenses      \$ 50,000

**TOTAL EXPENDITURES                   \$ 50,000**

**FEDERAL ASSET FORFEITURE FUND (continued)**

**REVENUES:**

|                           |                         |
|---------------------------|-------------------------|
| Fund Balance Appropriated | \$ 50,000               |
| <b>TOTAL REVENUES</b>     | <b><u>\$ 50,000</u></b> |

**WATER AND SEWER FUND**

**EXPENDITURES:**

|                           |                           |
|---------------------------|---------------------------|
| W/S Governing Body        | \$ 17,994                 |
| W/S Legal Department      | 29,850                    |
| W/S Finance               | 197,817                   |
| W/S Administration        | 317,187                   |
| W/S Operations            | <u>1,639,237</u>          |
| <b>TOTAL EXPENDITURES</b> | <b><u>\$2,202,085</u></b> |

**REVENUES:**

|                         |                           |
|-------------------------|---------------------------|
| Water Charges           | \$ 840,650                |
| Sewer Charges           | 1,174,500                 |
| Tap & Reconnection Fees | 67,500                    |
| Other Revenue           | 19,435                    |
| Other Financing Sources | <u>100,000</u>            |
| <b>TOTAL REVENUES</b>   | <b><u>\$2,202,085</u></b> |

**SEWER EXPANSION RESERVE FUND (SERF)**

**EXPENDITURES:**

|                           |                         |
|---------------------------|-------------------------|
| Sewer Reserve             | \$ 16,250               |
| <b>TOTAL EXPENDITURES</b> | <b><u>\$ 16,250</u></b> |

**SEWER EXPANSION RESERVE FUND (SERF) (continued)**

**REVENUES:**

|                         |                         |
|-------------------------|-------------------------|
| System Development Fees | \$ 14,800               |
| Interest Income         | <u>1,450</u>            |
| <b>TOTAL REVENUES</b>   | <b><u>\$ 16,250</u></b> |

|                     |                  |                           |
|---------------------|------------------|---------------------------|
| <b>EXPENDITURES</b> | <b>ALL FUNDS</b> | <b><u>\$8,095,144</u></b> |
| <b>REVENUES</b>     | <b>ALL FUNDS</b> | <b><u>\$8,095,144</u></b> |

**Section II.** Levy of Taxes: There is hereby levied, for the Fiscal Year 2018-2019, an Ad Valorem tax rate of 33 cents (\$0.33) per one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1, 2018. This rate shall be levied entirely in the General Fund.

The tax rate is based on an estimated total valuation of property for the purposes of taxation of eight hundred ninety-one million six hundred sixty-three thousand dollars (\$891,663,000) and an estimated collection rate of ninety-nine percent (99%).

**Section III.** Salaries and Staffing: The following shall govern salary and wage compensation for Fiscal Year 2018-2019:

A. Pay Plan. There is hereby adopted a pay plan that includes an across the board cost of living adjustment in the amount of 2% applicable to all Town employees.

B. Salary Adjustments. Each employee's salary shall be examined to ensure that the pay grade reflects the years of service, proficiency and quality of work. Merit raises are allotted at 2% this year for employees.

The number of full-time personnel is increased by two, one in Administration and one in Parks and Recreation.

**Section IV.** The Budget Officer hereby authorized to transfer appropriations within a fund as contained herein under the following conditions as specified in North Carolina General Statute Chapter 159.

A. The Budget Officer may transfer amounts 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 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.

**Section V. Restricted Revenues:** The Finance Officer is hereby directed to fund appropriations that have specified revenues prior to funding with General Fund monies. This is to include but not limited to Local, State and Federal grants.

**Section VI. Encumbrances:** All outstanding encumbrances from prior fiscal years are to be carried forward to Fiscal Year 2018-2019. All Project Ordinance appropriations are continued.

**Section VII. Budget Control:** The Town Council in approving the budget has utilized to the fullest extent possible its revenue sources. Over collections of revenues or unanticipated revenue sources cannot be expected during the year. It is therefore of utmost importance that Department Heads initiate steps to insure compliance with the budget as fixed herein and they are hereby directed to do so.

**Section VII.** The Town Council hereby authorizes the New Hanover County Tax Administrator to bill and collect taxes for the Town, including the annual five dollars (\$5) motor vehicle license tax.

**Section IX. Fees and Charges:** There is hereby established, for Fiscal Year 2018-2019, various fees and charges as contained in the attached Fee Schedule. Changes from the Fiscal Year 2017-2018 Fee Schedule are as follows:

|                                                                                   |                                   |
|-----------------------------------------------------------------------------------|-----------------------------------|
| Ad Valorem Tax Rate (per \$100 of valuation)                                      | Increase from \$0.285 to \$0.33   |
| Residential Garbage Collection – first cart per month                             | Increase from \$6.00 to \$7.00    |
| Residential Garbage Collection – after the first cart monthly                     | Increase from \$12.00 to \$14.00  |
| Commercial Garbage Collection – per cart monthly                                  | Increase from \$26.25 to \$30.63  |
| Recycling Service – per cart monthly                                              | Increase from \$4.88 to \$7.40    |
| Residential Water – per 100 gallons for monthly usage in excess of 12,000 gallons | Increase from \$0.675 to \$1.0125 |
| Residential Sewer – per 100 gallons for monthly usage in excess of 12,000 gallons | Increase from \$0.87 to \$1.305   |

|                                                                                         |                                      |
|-----------------------------------------------------------------------------------------|--------------------------------------|
| Commercial Water – per 100 gallons for monthly usage in excess of 70,000 gallons        | Increase from \$0.694 to \$0.8675    |
| Commercial Sewer – per 100 gallons for monthly usage in excess of 70,000 gallons        | Increase from \$0.7125 to \$0.890625 |
| Out of Town (EJT) Water – per 100 gallons for monthly usage in excess of 70,000 gallons | Increase from \$0.7875 to \$0.984375 |
| Out of Town (EJT) Sewer – per 100 gallons for monthly usage in excess of 70,000 gallons | Increase from \$1.0125 to \$1.265625 |

This ordinance being duly passed and adopted this 19<sup>th</sup> day of June, 2018.

---

Craig Bloszinsky, Mayor

---

Nancy Avery, Town Clerk



**TOWN OF KURE BEACH  
FEE SCHEDULE  
FISCAL YEAR 2018-2019**

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

|                                                                                                           |            |
|-----------------------------------------------------------------------------------------------------------|------------|
| <b><u>AD VALOREM TAX RATE per \$100</u></b>                                                               | \$0.33     |
| <b><u>MOTOR VEHICLE LICENSE TAX (per vehicle registered in Kure Beach)</u></b>                            | \$5.00     |
| <b><u>WATER FEES</u></b>                                                                                  |            |
| Residential (monthly minimum - up to 2,500 gallons)                                                       | \$13.50    |
| Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:                                  |            |
| 2,501 gallons to 7,000 gallons                                                                            | \$0.45     |
| 7,001 gallons to 12,000 gallons                                                                           | \$0.675    |
| Over 12,000 gallons                                                                                       | \$1.0125   |
| Commercial (monthly minimum - up to 2,500 gallons)                                                        | \$18.50    |
| Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:                                  |            |
| 2,501 gallons to 70,000 gallons                                                                           | \$0.694    |
| Over 70,000 gallons                                                                                       | \$0.8675   |
| Out of Town (ETJ) (monthly minimum - up to 2,500 gallons)                                                 | \$23.00    |
| Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:                                  |            |
| 2,501 gallons to 70,000 gallons                                                                           | \$0.7875   |
| Over 70,000 gallons                                                                                       | \$0.984375 |
| <b><u>SEWER FEES</u></b>                                                                                  |            |
| Residential (monthly minimum - up to 2,500 gallons)                                                       | \$23.50    |
| Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:                                  |            |
| 2,501 gallons to 7,000 gallons                                                                            | \$0.58     |
| 7,001 gallons to 12,000 gallons                                                                           | \$0.87     |
| Over 12,000 gallons                                                                                       | \$1.305    |
| Commercial (monthly minimum - up to 2,500 gallons)                                                        | \$25.50    |
| Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:                                  |            |
| 2,501 gallons to 70,000 gallons                                                                           | \$0.7125   |
| Over 70,000 gallons                                                                                       | \$0.890625 |
| Out of Town (ETJ) (monthly minimum - up to 2,500 gallons)                                                 | \$40.50    |
| Incremental rate per 100 gallons over the 2,500 gallons monthly minimum:                                  |            |
| 2,501 gallons to 70,000 gallons                                                                           | \$1.0125   |
| Over 70,000 gallons                                                                                       | \$1.265625 |
| <b><u>OTHER WATER &amp; SEWER FEES</u></b>                                                                |            |
| New Account Setup Fee                                                                                     | \$50.00    |
| Water Service Fee - nonrefundable fee for service technician site visit                                   | \$30.00    |
| Additional Water Service Fee - fee for each additional visit if customer fails to meet technician at site | \$10.00    |

**OTHER WATER & SEWER FEES (continued)**

|                                                                                                                                                                                                |         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Water Service Meter Check Fee - customer request that a meter be read, checked, or turned on or off. If problem found with meter, fee can be waived at discretion of the Public Works Director | \$30.00 |
| Water Cut-ons Outside Working Hours                                                                                                                                                            | \$25.00 |
| Special Meter Tests - if customer requests meter test and the meter is found to be defective, charge will be refunded                                                                          | \$50.00 |
| Reconnection Fee - if water is cut-off due to non-payment                                                                                                                                      | \$60.00 |
| Returned Check Fee                                                                                                                                                                             | \$25.00 |
| Account Past Due Charge - per month                                                                                                                                                            | \$10.00 |

**WATER TAP FEE**

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

**SEWER TAP FEE**

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

**SYSTEM DEVELOPMENT FEE**

|                        |          |
|------------------------|----------|
| Section 17-127 of Code | \$592.00 |
|------------------------|----------|

**IMPACT FEE**

|                                               |          |
|-----------------------------------------------|----------|
| Voluntary Annexation Only Sect 17-128 of Code | \$400.00 |
|-----------------------------------------------|----------|

**STORM WATER FEES**

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

**RECYCLE FEE - per cart monthly (residential & commercial)**

|  |        |
|--|--------|
|  | \$7.40 |
|--|--------|

**GARBAGE COLLECTION FEES**

|                                                                                                                              |         |
|------------------------------------------------------------------------------------------------------------------------------|---------|
| Residential - per cart monthly - 1st cart                                                                                    | \$7.00  |
| Residential - per cart monthly - after the 1st cart                                                                          | \$14.00 |
| Commercial - per can monthly                                                                                                 | \$30.63 |
| Garbage cart purchase                                                                                                        | \$80.00 |
| Additional Vacation Rental (Summer) Garbage Collection (June until Labor Day):<br>- Per cart per month (minimum of 2 months) | \$50.00 |

**TRASH PICKUP FEE**

|                            |          |
|----------------------------|----------|
| Minimum                    | \$15.00  |
| 1/4 load                   | \$45.00  |
| 1/2 load                   | \$90.00  |
| 3/4 load                   | \$135.00 |
| Full load                  | \$180.00 |
| Appliances (per appliance) | \$15.00  |

**CITY BEER AND WINE RETAIL LICENSE**

As stipulated in N.C. General Statute 105-113.77



**RE-ENTRY DECAL FEES**

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

**COPY/FAX FEES**

|                           |         |
|---------------------------|---------|
| Fax: 1 PAGE               | \$2.00  |
| Fax: Each additional page | \$1.00  |
| Zoning map - each         | \$5.00  |
| Copies: Per page          | \$0.10  |
| Copy of Zoning Ordinance  | \$10.00 |
| Copy of Town Code         | \$70.00 |
| Flood map - each          | \$5.00  |

**RENT COMMUNITY CENTER: DEPOSIT, PER HOUR FEES-2 HOUR MINIMUM (then hourly) & DAILY FEES**

|                                                                                 |                     |
|---------------------------------------------------------------------------------|---------------------|
| Deposit (refundable if center is cleaned, as instructed, and there's no damage) | \$250.00            |
| KB Resident/Property Owner & Non-Profit Organization                            | \$75.00 per hour    |
| KB Resident/Property Owner & Non-Profit Organization                            | \$675.00 daily rate |
| Non-resident & Commercial Organization for Profit                               | \$100.00 per hour   |
| Non-resident & Commercial Organization for Profit                               | \$900.00 daily rate |

**OTHER FEES COMMUNITY CENTER**

|                                                                                                                                              |         |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Service charge for cancellation of contract                                                                                                  | \$50.00 |
| Rental fee will not be refunded for cancellation of lease by lessee made within 30 days before the event. Security deposit will be refunded. |         |

**RENT OCEAN FRONT PARK PAVILION:DEPOSIT & PER HOUR FEES-\*4 HOUR MINIMUM (then hourly)**

**\*Exception: Can rent pavilion for 1 HOUR, if rented in conjunction with Community Center**

|                                                                       |                   |
|-----------------------------------------------------------------------|-------------------|
| Deposit (refundable if no damage to pavilion/grounds)                 | \$250.00          |
| KB Resident/Property Owner & Non-Profit Organization, Pavilion ONLY   | \$75.00 per hour  |
| Non-resident & Commercial Organization for Profit, Pavilion ONLY      | \$100.00 per hour |
| KB Resident/Property Owner & Non-Profit Organization, Pavilion & Lawn | \$125.00 per hour |
| Non-resident & Commercial Organization for Profit, Pavilion & Lawn    | \$150.00 per hour |

**PARKS AND RECREATION PROGRAM FEES**

|                                                                                                     |        |
|-----------------------------------------------------------------------------------------------------|--------|
| Fees for specific Parks and Recreation activities will be set prior to commencement of the activity | varies |
|-----------------------------------------------------------------------------------------------------|--------|

**SPECIAL EVENT FEES**

General Use Impact Fees:

|                                                                 |          |
|-----------------------------------------------------------------|----------|
| minimal use of public property - low impact - per day           | \$150.00 |
| includes intermittent traffic control - medium impact - per day | \$300.00 |
| includes closing of public streets - high impact - per day      | \$500.00 |

Personnel:

|                                                               |         |
|---------------------------------------------------------------|---------|
| Police - minimum of four hours - per hour (includes overhead) | \$40.00 |
| Sanitation - per hour (includes overhead)                     | \$40.00 |
| Street - per hour (includes overhead)                         | \$40.00 |
| Fireman - per hour (includes overhead)                        | \$40.00 |

Facilities Rental:

|                                |          |
|--------------------------------|----------|
| Council Chambers - per day     | \$100.00 |
| Public land per site - per day | \$100.00 |
| Public building - per day      | \$100.00 |

Equipment:

|                                                                               |         |
|-------------------------------------------------------------------------------|---------|
| Police/Fire/Lifeguard or other Town Vehicle - per hour                        | \$25.00 |
| Trash pickup - per cart per pickup                                            | \$15.00 |
| - minimum 2 carts required for recyclable materials and one for regular trash |         |

**PERMIT/CONSTRUCTION FEES**

|                                                                                  |            |                                 |
|----------------------------------------------------------------------------------|------------|---------------------------------|
| Fence                                                                            | \$25.00    |                                 |
| Window Replacement                                                               | \$25.00    |                                 |
| Prefab Shed                                                                      | \$25.00    |                                 |
| Handicap Ramp                                                                    | \$25.00    |                                 |
| Beach Access                                                                     | \$25.00    |                                 |
| Pool-residential                                                                 | \$300.00   |                                 |
| Pool -commercial                                                                 | \$2,000.00 |                                 |
| Landscape                                                                        | \$25.00    |                                 |
| House moved (plus any cost incurred by public works or police dept.)             | \$150.00   |                                 |
| House moved out of town (plus any cost incurred by public works or police dept.) | \$150.00   |                                 |
| Demolition (residence)                                                           | \$150.00   |                                 |
| Demolition (commercial)                                                          | \$300.00   |                                 |
| Building - New Construction - processing fee                                     | \$200.00   |                                 |
| Mobile Home Fee-set up (plus permit fee)                                         | \$200.00   |                                 |
| Mobile Home and Travel Trailer Park - \$5.00 space up to 100 spaces              | \$350.00   |                                 |
| Yard sale                                                                        | \$1.00     |                                 |
| Temporary structures in excess of 200 square feet - Sec. 12-45                   | \$250.00   | obtained 7 days prior           |
| Temporary structures in excess of 200 square feet - Sec. 12-45                   | \$500.00   | obtained less than 7 days prior |
| Replace permit card -Each                                                        | \$10.00    |                                 |
| Improvements, additions and renovations to include decks, garages, etc.:         |            |                                 |
| from \$0 to \$500                                                                | \$25.00    |                                 |
| from \$501 to \$2,500                                                            | \$50.00    |                                 |
| from \$2,501 to \$5,000                                                          | \$100.00   |                                 |
| from \$5,001 to \$10,000                                                         | \$150.00   |                                 |
| from \$10,001 to \$20,000                                                        | \$200.00   |                                 |
| from \$20,001 to \$30,000                                                        | \$250.00   |                                 |
| from \$30,001 to \$40,000                                                        | \$300.00   |                                 |
| from \$40,001 to \$50,000                                                        | \$350.00   |                                 |
| from \$50,100 and above + \$5.00 per \$1,000.00 over \$50,001                    | \$400.00   |                                 |
| Signs                                                                            |            |                                 |
| from \$0 to \$500                                                                | \$25.00    |                                 |
| from \$501 to \$2,500                                                            | \$40.00    |                                 |
| from \$2,501 to \$5,000                                                          | \$55.00    |                                 |
| from \$5,001 to \$10,000                                                         | \$70.00    |                                 |
| from \$10,001 to \$20,000                                                        | \$85.00    |                                 |
| from \$20,001 to \$40,000                                                        | \$95.00    |                                 |
| from \$40,001 to \$50,000                                                        | \$130.00   |                                 |
| from \$50,100 and above + \$3.00 per \$1,000.00 over \$50,000                    | \$155.00   |                                 |

**PLANNING/ZONING FEES**

|                                                                            |          |
|----------------------------------------------------------------------------|----------|
| Text amendment to Town Code                                                | \$100.00 |
| Advertisement for public notices                                           | \$50.00  |
| Application - minor subdivision (per lot)                                  | \$200.00 |
| Subdivision Appeal:                                                        |          |
| TRC to Planning Board                                                      | \$150.00 |
| TRC to Planning Board (Height Exception Application fee - Sec. 19-333.1)   | \$250.00 |
| TRC to BOA                                                                 | \$375.00 |
| Final plat approval submission (or 50 cents per lot, whichever is greater) | \$125.00 |
| Request for zoning change (plus \$5.00 fee for each notification mailed)   | \$100.00 |
| Chapter 19 Zoning violation - Sec. 19-401                                  | \$50.00  |

**BOARD OF ADJUSTMENT FEES**

|                 |          |
|-----------------|----------|
| Appeal/Variance | \$375.00 |
|-----------------|----------|

**FIRE INSPECTION AND PERMIT FEES**

Commercial New and Existing Construction Permit Fees:

A= Total gross building floor area of construction

B= Fee per Square Foot

0 - 5,000 sf

5,001-15,000 sf

Over 15,000 sf

AxB = Permit Fee

(AxBx.75)+(1250xB) = Permit Fee

AxBx.50) + (5000xB) + Permit Fee

Occupancy Type:

Residential

Storage

Assembly

Institutional

Business

Mercantile

Hazardous

Factory Indust

Education

Fee Per Square Foot

\$0.05

\$0.035

\$0.06

\$0.06

\$0.06

\$0.06

\$0.05

\$0.04

\$0.065

Construction Permits:

Sprinkler Systems

Fire Alarm Systems

Suppression Systems

Fire pump and related Equipment

Private Fire Hydrants

Standpipe Installation per Riser

\$85.00

\$85.00

\$85.00

\$85.00

\$85.00

\$85.00

Additions

Up Fits

Mobile Buildings

Accessory Structures

Commercial Inspection Fee

Occupancy Certification

Occupying building without CO

Working without Permit

Stop Order Removal

Failure to Obtain Final Inspection

Afterhours/Weekend/Holiday Inspections

ABC Permit

Fire Flow Test

Day Care State Inspection

Witness Fire Flow/Pump Test

Commercial Construction Inspection

Reinspection Fee

Scheduled Fire Inspection

Standpipe Test per Riser

Temporary Structures (Tents, Etc.)

Use Schedule or Min. \$45 + Inspection Fees

Use Schedule or Min. \$45 + Inspection Fees

\$45 + Inspection fee

\$45 + Inspection fee

\$45 Per Inspection per bldg. (Applies to all bldgs.)

\$25 + Inspection Fee

\$250

\$50 or 2x Permit Fee, whichever is greater

\$200

\$100

\$120

\$45

\$45

\$45

\$45

\$45

\$45

\$45

\$75

Revert to Building Permit Fee

**CIVIL CITATION PROGRAM FEES**Beach:

|                                                                                                                                                  | <u>1st Offense</u> | <u>2nd Offense</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|
| Dogs prohibited on beach strand Sec. 4-17                                                                                                        | \$150.00           | Misdemeanor        |
| Vehicles prohibited on beach strand Sec. 10-104                                                                                                  | \$25.00            | Misdemeanor        |
| Fire prohibited on beach strand Sec. 12-40                                                                                                       | \$100.00           | \$200.00           |
| Litter, glass & alcohol prohibited on beach Sec.12-35                                                                                            | \$150.00           | Misdemeanor        |
| Boats, jet skis prohibited w/in 300' from high tide mark Sec. 12-37                                                                              | \$25.00            | \$50.00            |
| Surfing regulations Sec. 12-33                                                                                                                   | \$25.00            | Misdemeanor        |
| Dune trespassing prohibited Sec. 12-39                                                                                                           | \$100.00           | Misdemeanor        |
| Digging holes in the beach/beach restoration Sec. 12-46                                                                                          | \$100.00           | Misdemeanor        |
| No items on beach between 7pm-8am/No beach equip. within 15 ft of turtles/No<br>-beach equip. within 25 ft of emergency access points Sec. 12-43 | \$50.00            | \$100.00           |
| Sleeping on beach after midnight prohibited Sec. 12-31                                                                                           | \$25.00            | Misdemeanor        |
| Nude bathing, including thong bathing suits or similar attire, prohibited Sec. 12-32                                                             | \$25.00            | Misdemeanor        |
| Leaping from commercial pier Sec. 12-34                                                                                                          | \$250.00           |                    |

Animals/Pets:

|                                      |          |             |
|--------------------------------------|----------|-------------|
| Dogs must be on a leash Sec. 4-16    | \$150.00 | Misdemeanor |
| Animal/Pet waste removal Sec. 4-16.1 | \$150.00 | Misdemeanor |

Vehicles/Parking:

|                                             |          |             |
|---------------------------------------------|----------|-------------|
| Parking Ticket Sec. 10-222 - 235            | \$25.00  |             |
| Parking in a handicap space                 | \$150.00 | Misdemeanor |
| Soliciting transportation Sec. 10-68        | \$10.00  |             |
| Vehicles prohibited certain areas Sec.10-60 | \$50.00  | Misdemeanor |

Miscellaneous:

|                                                                            |          |               |
|----------------------------------------------------------------------------|----------|---------------|
| Bicycle regulations Sec. 10-291-308                                        | \$25.00  | \$50.00       |
| Noise violations prohibited Sec. 11-31                                     | \$250.00 | Misdemeanor   |
| Alcohol consumption/open containers prohibited on public property Sec. 3-1 | \$50.00  | Misdemeanor   |
| Requirements for taverns and bars Sec. 3-2                                 | \$50.00  | G.S.18B-302.1 |
| Beach Vitex Prohibited Sec. 12-41                                          | \$25.00  | \$50.00       |
| Numbering of buildings Sec.5-121                                           | \$50.00  |               |
| Real estate signs on Town property Sec. 11-80                              | \$50.00  |               |

Adopted by Town Council on June 19, 2018.

**OLD BUSINESS**

**CHAPTER 10**

**PARKING**

**AMENDMENTS**

## ARTICLE VI. - STOPPING, STANDING AND PARKING

### DIVISION 1. GENERALLY

#### Sec. 10-201. Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Driveway.* An area allowing ingress and egress to private residences that is not open to public vehicular traffic.

*Intersection.* The lateral edge of roadway lines of two or more streets or highways which join one another at any angle regardless whether one such street or highway crosses the other.

*Motorcycle.* A vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including, motor scooters, and motor-driven bicycles but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds.

*Moped.* A non-passenger vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

*Owner.* A person holding legal title to a vehicle. For the purposes of this article, the lessee of a vehicle shall be considered the owner of the vehicle.

*Park.* The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

*Passenger Vehicle.* Registered golf carts, motorcycles, and four-wheel vehicles, including pick-up trucks, panel trucks, and vans which do not exceed 10,000 pounds, which are not used in a delivery or freight business and/or to carry passengers for a fee.

#### *Property-Hauling Vehicles.*

(a) Vehicles used for the transportation of property.

(b) Semitrailers. Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.

(c) Trailers. Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle.

*Public Right-of-Way.* A strip of land acquired for or dedicated to public transportation purposes over which is constructed a street or highway and which includes areas adjacent thereto which may be used for, without limitation, sidewalks, planting strips, traffic circles, utilities, and/or medians.

*Standing.* Any stopping of a vehicle, whether occupied or not.

*Street/Highway.* The entire width of a roadway between property or right-of-way lines when any part thereof is open to the use of the public for the purpose of vehicular traffic.

*Vehicle.* Every device in or upon which any person or property may be transported or drawn upon a street or highway excepting devices moved by human power or used exclusively upon stationary rails or tracks provided that, for the purpose of this chapter, a bicycle, moped, or a ridden animal shall be deemed a *Vehicle* but shall not be deemed a *Passenger Vehicle*.

**Sec. 10-202. Obedience to Police.**

No person shall refuse to comply with any lawful order or direction of a police officer.

**Sec. 10-203. Civil penalty for violations.**

(a) Any owner or operator of a vehicle violating the provisions of this article shall be subject to a civil penalty in the amount of twenty-five dollars (\$25.00) for each violation; provided that an owner or operator of a vehicle illegally parking in a designated handicapped parking space in violation of Sec. 10-229(j) herein shall be subject to a civil penalty in the amount of two hundred and fifty dollars (\$250.00).

(b) *Generally.* The owner or operator of any vehicle who has been notified of a violation of this article may, within the time specified in the notice, present himself or herself by mail or in person with the notice or ticket at the Police Department and answer the violations noted thereon by voluntarily paying the civil penalty specified on the notice or ticket. Any vehicle owner/operator receiving a notice or ticket hereunder shall be permitted to pay the civil penalty without contesting the violation by appearing in person at the Town of Kure Beach, 117 Settlers Lane, Kure Beach, NC 28449 within 15 days of issuance of the notice or ticket.

(c) *Construction.* The civil penalty provided for herein shall in no event be construed to be enforced fines or forfeitures and shall instead be construed as civil penalties which offenders may voluntarily pay for violations of this article. Such penalty shall be paid within 15 days of the issuance of the notice or ticket or the civil penalty shall be recovered by the town in a civil action in the nature of a debt.

(d) *Disposition of proceeds.* All civil penalties paid to the town for violations of this article shall be paid into the town's General Fund.

**Sec. 10-204. Ticketing of vehicles.**

(a) *Required.* Whenever an officer of the town's Police Department charged with enforcing this article finds that any of its provisions are being or have been violated by the owner

or operator of a vehicle, the officer shall notify the owner or operator of the violation by conspicuously attaching a notice or ticket, in such form as the Police Chief may determine, to the vehicle.

(b) *Contents.* The notice or ticket shall require the owner or operator to appear before the Police Chief or his or her designee within 15 days after such notice is given and answer to same or to return such ticket or notice by mail with the civil penalty provided for in Sec. 10-203 above. Failure to meet this deadline shall result in a twenty-five dollar (\$25.00) late fee.

(c) *Personal appearance.* The personal appearance of the owner or operator receiving a notice or ticket shall not be necessary provided that the payment of the civil penalty is received by the town within 15 days of the notice or ticket's issuance.

**Sec. 10-205. Towing and impoundment.**

(a) Any motor vehicle found parked in violation of this article may, in accordance with the provisions of N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62 of the Town Code of Ordinances, be deemed as an abandoned vehicle and be subject to towing and impoundment without prior notice to the owner.

(b) In the event a vehicle is towed and impounded under this section, post-hearing notice requirements, the owner's right to a probable cause hearing on the towing, redemption of the vehicle, and the sale and disposition of unclaimed vehicles shall be as set forth in Chapter 20, Article 7A of the North Carolina General Statutes and the provisions of Chapter 11, Secs. 11-63 through -66 of the Town Code of Ordinances.

**Secs. 10-206—10-221. Reserved.**

**DIVISION 2. PARKING RULES**

**Sec. 10-222. Parking in general and manner of parking.**

(a) Passenger vehicles shall be parked only in designated parking spaces excepting property owners and lessors in the town's residential districts who shall be permitted to park their vehicles within the front yard setback of the property they own or lease in accordance with the applicable provisions of chapter 19 of the town code.

(b) Passenger vehicles when parked in designated spaces for parallel parking shall be so parked that the curbside wheels of the vehicle shall not be more than twelve (12) inches from the curb.

(c) Passenger vehicles when parked in designated spaces for diagonal parking shall be so parked that the vehicle's front wheels are immediately adjacent to the curb or parking bumper.

(d) Passenger vehicles shall be parked in designated parking spaces such that the overall dimensions of the vehicle shall be entirely within the parking space as designated.



(e) Violations of this section shall subject the offender to the imposition of a civil penalty as provided for in Sec. 10-203 herein.

(f) The prohibitions in this article shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible not shall these prohibitions apply to vehicles belonging to or operated by employees of third-party vendors under contract with the town to provide a public service.

**Sec. 10-223. Non-passenger vehicles.**

Only passenger vehicles shall be permitted to park in the town's designated parking spaces and all other vehicles, including property-hauling vehicles, are prohibited from parking in the designated spaces.

**Sec. 10-224. Designation of parking spaces, areas, and zones.**

(a) The public works department shall, when authorized and directed to do so by town council, lay off and designate by appropriate signage and markings, parallel and diagonal parking spaces, limited parking spaces, reserved parking spaces, handicapped parking spaces, loading zones, and no parking areas.

(b) Parallel and diagonal parking spaces shall be marked on the ground and each space shall not exceed 20 feet in length.

**Sec. 10-225. Parking in time-limited spaces.**

Whenever a parking space is signed and marked as limiting the time or conditions under which a vehicle may be parked, no person shall park or let stand a vehicle in such space except in conformity with the signs and markings erected thereat.

**Sec. 10-226. No parking areas.**

Whenever signs or markings are placed, erected, or installed giving notice thereof, no person shall park a vehicle at any time in an area signed or marked as a no parking area.

**Sec. 10-227. Stopping in streets prohibited; exceptions.**

No vehicle shall stop in or on any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of emergency vehicles, the approach of a funeral or other procession which is given right-of-way, or by some other emergency. In all cases covered by these exceptions, the vehicle shall be stopped so as not to obstruct any pedestrian walkway, safety zone, bike or multi-use path, crosswalk or intersection if it can be avoided.

**Sec. 10-228. Parking for certain purposes prohibited.**

No person shall stand or park a vehicle on any part of a public right-of-way for the purpose of:

- (a) Displaying it for sale.
- (b) Washing, cleaning, waxing, greasing or repairing the vehicle, excepting repairs necessitated by an emergency.
- (c) Vehicle storage by a garage, mechanic, repair shop, dealer or some other person/entity.
- (d) Storage of any detached trailer or van, when the towing unit has been disconnected.
- (e) Transferring merchandise or freight from one vehicle to another.
- (f) Using the vehicle for advertising.
- (g) Overnight parking except in designated parking spaces or as otherwise provided for herein; "overnight" meaning, for the purpose of this sub-section, between the hours of sunset and sunrise.

**Sec. 10-229. Parking prohibited at certain places.**

Whether the vehicle is attended or unattended, no person shall stop, stand, or park any portion of any vehicle, except when conflict with other traffic is imminent or when directed to do so by a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk.
- (b) In a crosswalk.
- (c) In a bike or multi-use path.
- (d) Within an intersection.
- (e) Within 10 feet of an intersection.
- (f) In front of a driveway.
- (g) Within 10 feet of a fire plug or hydrant.
- (h) On any part of a public right-of-way facing opposing traffic.
- (i) Within 15 feet, on the seaward side, of any private or public beach access points.
- (j) In a designated Handicapped parking space without the proper license plate, placard, or other evidence showing that a handicapped permit has been issued to the vehicle's operator by the proper authority.

(k) Other than public right-of-ways as provided for herein, on any public property, including parking lots, parks, and recreational areas, except as permitted thereat, provided that, in accordance with N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62(2), any vehicle left on property owned by the town for longer than 24 hours will be deemed to have been abandoned and may be towed and impounded as provided for herein.

(l) On any part of a public right-of-way except by passenger vehicles in designated parking spaces as set forth in this article.

**Sec. 10-230. Beach access parking.**

It shall be unlawful for any person to park or leave standing in any public beach access parking area any passenger vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

|      |                      |            |
|------|----------------------|------------|
| 1342 | Fort Fisher Blvd. S. | Ocean Dune |
| 643  | Fort Fisher Blvd. S. | E Avenue   |
| 541  | Fort Fisher Blvd. S. | F Avenue   |
| 443  | Fort Fisher Blvd. S. | G Avenue   |
| 343  | Fort Fisher Blvd. S. | H Avenue   |
| 227  | Fort Fisher Blvd. S. | I Avenue   |
| 139  | Fort Fisher Blvd. S. | J Avenue   |
| 334  | Fort Fisher Blvd. S. | N Avenue   |

**Secs. 10-231—10-245. Reserved.**

**DIVISION 3. PARKING SPACES FOR COMMERCIAL VEHICLES**

**Sec. 10-246. Reserved.**

**Sec. 10-247. Loading zones.**

(a) There shall be no parking, standing, or storage of any vehicles used for commercial purposes except for the purpose of loading and unloading fuel, oil, goods, wares, or merchandise. Commercial vehicles stopped for such purposes shall be required to make all reasonable efforts to avoid the impediment of traffic flow. Unloading shall not exceed 30 minutes.

(b) Commercial vehicles may be parked horizontally for a period not exceeding 30 minutes for loading or unloading on any street where diagonal parking is designated.

(c) No more than two (2) commercial vehicles may be halted for the purpose of unloading in the unloading zone in front of the pier. Only vehicles which can safely be halted within the designated area of the unloading zone may be unloaded at this site.

**Secs. 10-248—10-260. Reserved.**

#### **DIVISION 4. - PARKING SPACES FOR THE DISABLED**

**Sec. 10-261. Designated.**

The first parking space on the eastern side of Atlantic Avenue next to the loading zone on the north side of Kure Pier and the first parking space on the eastern side of Atlantic Avenue on the south side of Kure Pier shall be designated as handicapped parking as defined and set out in G.S. section 20-37.6. The penalty for violation of handicapped parking shall be as set out in G.S. section 20-37.6(f).

**Secs. 10-262—10-275. Reserved.**

ARTICLE VI. - STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 10-201. ~~Parking for the purpose of making repairs.~~Definitions.

For the purposes of this chapter, the following definitions shall apply. ~~No person shall park any vehicle in the streets or public ways of the town for the purpose of repairing such vehicle, except in case of emergency, unless the context clearly indicates or requires a different meaning.~~

Driveway. An area allowing ingress and egress to private residences that is not open to public vehicular traffic.

Intersection. The lateral edge of roadway lines of two or more streets or highways which join one another at any angle regardless whether one such street or highway crosses the other.

Motorcycle. A vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including, motor scooters, and motor-driven bicycles but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds.

Moped. A non-passenger vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

Owner. A person holding legal title to a vehicle. For the purposes of this article, the lessee of a vehicle shall be considered the owner of the vehicle.

Park. The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

Passenger Vehicle. Registered golf carts, motorcycles, and four-wheel vehicles, including pick-up trucks, panel trucks, and vans which do not exceed 10,000 pounds, which are not used in a delivery or freight business and/or to carry passengers for a fee.

Property-Hauling Vehicles.

(a) Vehicles used for the transportation of property.

(b) Semitrailers. Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.

(c) Trailers. Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle.

Formatted: Font: (Default) Times New Roman, 12 pt, Italic

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Normal

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt, Italic

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font color: Auto

Formatted: Indent: First line: 0.5"

Formatted: Font: Italic

Formatted: Font color: Auto

Formatted: Indent: First line: 0.5"

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Public Right-of-Way. A strip of land acquired for or dedicated to public transportation purposes over which is constructed a street or highway and which includes areas adjacent thereto which may be used for, without limitation, sidewalks, planting strips, traffic circles, utilities, and/or medians.

Standing. Any stopping of a vehicle, whether occupied or not.

Street/Highway. The entire width of a roadway between property or right-of-way lines when any part thereof is open to the use of the public for the purpose of vehicular traffic.

Vehicle. Every device in or upon which any person or property may be transported or drawn upon a street or highway excepting devices moved by human power or used exclusively upon stationary rails or tracks provided that, for the purpose of this chapter, a bicycle, moped, or a ridden animal shall be deemed a Vehicle but shall not be deemed a Passenger Vehicle.

**Sec. 10-202. Parking on plaza Obedience to Police.**

It shall be unlawful for any person to park any vehicle upon any portion of any street in the town known or designated as a plaza; provided, however, that curbing has been erected. No person shall refuse to comply with any lawful order or direction of a police officer.

**Sec. 10-203. Parking on sidewalks Civil penalty for violations.**

(a) Any owner or operator of a vehicle violating the provisions of this article shall be subject to a civil penalty in the amount of twenty-five dollars (\$25.00) for each violation; provided that an owner or operator of a vehicle illegally parking in a designated handicapped parking space in violation of Sec. 10-229(j) herein shall be subject to a civil penalty in the amount of two hundred and fifty dollars (\$250.00).

(b) Generally. It shall be unlawful for any person to park any vehicle at any time on the sidewalk. owner or operator of any vehicle who has been notified of a violation of this article may, within the time specified in the notice, present himself or herself by mail or in person with the notice or ticket at the Police Department and answer the violations noted thereon by voluntarily paying the civil penalty specified on the notice or ticket. Any vehicle owner/operator receiving a notice or ticket hereunder shall be permitted to pay the civil penalty without contesting the violation by appearing in person at the Town of Kure Beach, 117 Settlers Lane, Kure Beach, NC 28449 within 15 days of issuance of the notice or ticket.

(c) Construction. The civil penalty provided for herein shall in no event be construed to be enforced fines or forfeitures and shall instead be construed as civil penalties which offenders may voluntarily pay for violations of this article. Such penalty shall be paid within 15 days of

Formatted: Font color: Auto

Formatted: Indent: First line: 0.5"

Formatted: Font color: Auto

Formatted: Font: Italic, Font color: Auto

Formatted: Font color: Auto

Formatted: Font: Italic, Font color: Auto

Formatted: Font color: Auto

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: (Default) Calibri, 11 pt

Formatted: Normal, Add space between paragraphs of the same style

Formatted: Tab stops: 3.25", Centered

Formatted: p0, Add space between paragraphs of the same style

Formatted: Indent: First line: 0.5"

Formatted: Font: Italic

Formatted: Font color: Auto



the issuance of the notice or ticket or the civil penalty shall be recovered by the town in a civil action in the nature of a debt.

(d) Disposition of proceeds. All civil penalties paid to the town for violations of this article shall be paid into the town's General Fund.

Formatted: Indent: First line: 0.5", Add space between paragraphs of the same style

Formatted: p0

**Sec. 10-204. Parking upon left side of street Ticketing of vehicles.**

(a) Required. Whenever an officer of the town's Police Department charged with enforcing this article finds that any of its provisions are being or have been violated by the owner or operator of a vehicle, the officer shall notify the owner or operator of the violation by conspicuously attaching a notice or ticket, in such form as the Police Chief may determine, to the vehicle.

Formatted: Font color: Auto

Formatted: Indent: First line: 0.5"

(b) Contents. The notice or ticket shall require the owner or operator to appear before the Police Chief or his or her designee within 15 days after such notice is given and answer to same or to return such ticket or notice by mail with the civil penalty provided for in Sec. 10-203 above. Failure to meet this deadline shall result in a twenty-five dollar (\$25.00) late fee.

(c) Personal appearance. The personal appearance of the owner or operator receiving a notice or ticket shall not be necessary provided that the payment of the civil penalty is received by the town within 15 days of the notice or ticket's issuance.

**Sec. 10-205. Towing and impoundment.**

(a) Any motor vehicle found parked in violation of this article may, in accordance with the provisions of N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62 of the Town Code of Ordinances, be deemed as an abandoned vehicle and be subject to towing and impoundment without prior notice to the owner.

Formatted: Font: Bold

Formatted: Indent: First line: 0"

Formatted: Font color: Auto

(b) In the event a vehicle is towed and impounded under this section, post-hearing notice requirements, the owner's right to a probable cause hearing on the towing, redemption of the vehicle, and the sale and disposition of unclaimed vehicles shall be as set forth in Chapter 20, Article 7A of the North Carolina General Statutes and the provisions of Chapter 11, Secs. 11-63 through -66 of the Town Code of Ordinances.

Formatted: Indent: First line: 0.5"

**It shall be unlawful for any person to park any vehicle upon the left side of any street except when permitted on one-way streets.**

Formatted: Font: Bold

Formatted: Indent: First line: 0"

Formatted: p0

**Secs. 10-206~~5~~—10-221. Reserved.**

**DIVISION 2. PARKING RULES**

**Sec. 10-222. Manner Parking in general and manner of parking.**

(a) ~~Passenger vehicles shall be parked only in designated parking spaces excepting property owners and lessors in the town's residential districts who shall be permitted to park their vehicles within the front yard setback of the property they own or lease in accordance with the applicable provisions of chapter 19 of the town code.~~

Formatted: Font: Not Bold  
Formatted: Indent: First line: 0.5"

(b) ~~A passenger vehicle, when parked in designated spaces for on all streets where parallel parking is designated and required, shall be so parked that the curbside wheels of the vehicle same nearest the curb shall not be more than twelve (12) inches from the curb.~~

Formatted: Font: Not Bold  
Formatted: Normal

(c) ~~Passenger vehicles when parked in designated spaces for diagonal parking shall be so parked that the vehicle's front wheels are immediately adjacent to the curb or parking bumper.~~

Formatted: Font color: Auto

(d) ~~Passenger vehicles shall be parked in designated parking spaces such that the overall dimensions of the vehicle shall be entirely within the parking space as designated.~~

(e) ~~Violations of this section shall subject the offender to the imposition of a civil penalty as provided for in Sec. 10-203 herein.~~

(f) ~~The prohibitions in this article shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible not shall these prohibitions apply to vehicles belonging to or operated by employees of third-party vendors under contract with the town to provide a public service.~~

**Sec. 10-223. ~~Non-passenger vehicles. Vehicles exceeding sixteen (16) feet in length.~~**

~~Only passenger vehicles shall be permitted to park in the town's designated parking spaces and all other No vehicles, including property-hauling vehicles, are prohibited from parking in the designated spaces. ~~exceeding sixteen (16) feet in length shall be parked upon any street in the town, except parallel with the curb. When any such vehicle is parked in any street it shall be so parked that the rear wheel next to the curb shall not be more than twelve (12) inches from the curb.~~~~

**Sec. 10-224. ~~Designation of parking spaces, areas, and zones~~ **Parking.****

(a) ~~The public works department shall, when authorized and directed to do so by town council, lay off and designate by appropriate signage and markings, parallel and diagonal parking spaces, limited parking spaces, reserved parking spaces, handicapped parking spaces, loading zones, and no parking areas.~~

Formatted: Indent: First line: 0.3"  
Formatted: Font: Not Bold

(b) ~~Parallel and diagonal parking spaces shall be marked on the ground and each space shall not exceed 20 feet in length, prohibited on all streets at all times for the following vehicles generally:~~

Formatted: Indent: Left: 0", First line: 0.3"  
Formatted: Font: Not Bold

~~No vehicle exceeding twenty-two (22) feet in length or any trailer, U-Haul trailer, utility trailer, mobile home or delivery truck shall be parked upon any streets, right-of-way or designated parking area, in the town except for the purpose of loading or unloading. It shall be~~



unlawful for any person to park or leave standing on the streets, right-of-way or designated parking area in the town any vehicle or trailer of dimension or description set forth in this section at night, except when it is necessary to load or unload such vehicle or trailer. For the purpose of this section the parking of such vehicle or trailer at night shall be construed to mean parking at any time between the hours of sunset and sunrise.

**Sec. 10-225. Parking where streets are marked for diagonal parking. Parking in time-limited spaces.**

~~No Whenever a parking space is signed and marked as limiting the time or conditions under which a vehicle may be parked, no person shall park or let stand a vehicle in such space except in conformity with the signs and markings erected thereat.~~

~~vehicle exceeding twenty (20) feet in length shall at any time be parked upon any of the streets in the town where such streets are marked by lines drawn on the same and which lines are drawn at an angle of approximately forty-five (45) degrees, and where parking is known as diagonal parking; however, commercial vehicles may be parked horizontally for a period not exceeding fifteen (15) minutes for loading or unloading on any street where diagonal parking is allowed.~~

**Sec. 10-226. Parking during daylight hours. No parking areas.**

~~Whenever signs or markings are placed, erected, or installed giving notice thereof, no person shall park a vehicle at any time in an area signed or marked as a no parking area.~~

**Sec. 10-227. Stopping in streets prohibited; exceptions.**

~~No vehicle shall stop in or on any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of emergency vehicles, the approach of a funeral or other procession which is given right-of-way, or by some other emergency. In all cases covered by these exceptions, the vehicle shall be stopped so as not to obstruct any pedestrian walkway, safety zone, bike or multi-use path, crosswalk or intersection if it can be avoided.~~

**Sec. 10-228. Parking for certain purposes prohibited.**

~~No person shall stand or park a vehicle on any part of a public right-of-way for the purpose of:~~

~~(a) Displaying it for sale,~~

~~(b) Washing, cleaning, waxing, greasing or repairing the vehicle, excepting repairs necessitated by an emergency,~~

~~(c) Vehicle storage by a garage, mechanic, repair shop, dealer or some other person/entity,~~

~~(d) Storage of any detached trailer or van, when the towing unit has been disconnected,~~

|                                                                                                      |
|------------------------------------------------------------------------------------------------------|
| Formatted: Indent: First line: 0.3"                                                                  |
| Formatted: p0                                                                                        |
| Formatted: p0, Add space between paragraphs of the same style                                        |
| Formatted: Indent: First line: 0"                                                                    |
| Formatted: p0                                                                                        |
| Formatted: p0, Add space between paragraphs of the same style                                        |
| Formatted: Indent: First line: 0.38"                                                                 |
| Formatted: Indent: First line: 0"                                                                    |
| Formatted: Font: Bold                                                                                |
| Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Auto                                  |
| Formatted: Normal, Indent: First line: 0.38"                                                         |
| Formatted ... [1]                                                                                    |
| Formatted: Normal                                                                                    |
| Formatted: Font: Bold, Font color: Auto                                                              |
| Formatted: Font color: Auto                                                                          |
| Formatted: Font: Times New Roman, Font color: Auto                                                   |
| Formatted: Indent: Left: 0", First line: 0.38". Don't add space between paragraphs of the same style |
| Formatted ... [2]                                                                                    |
| Formatted: Indent: First line: 0.38"                                                                 |
| Formatted ... [3]                                                                                    |
| Formatted: Font color: Auto                                                                          |
| Formatted: Font: Times New Roman, Font color: Auto                                                   |
| Formatted: Indent: First line: 0.38"                                                                 |
| Formatted ... [4]                                                                                    |
| Formatted: Font color: Auto                                                                          |
| Formatted: Font: Times New Roman, Font color: Auto                                                   |
| Formatted: Indent: First line: 0.38"                                                                 |
| Formatted ... [5]                                                                                    |
| Formatted: Font color: Auto                                                                          |
| Formatted: Font: Times New Roman, Font color: Auto                                                   |
| Formatted ... [6]                                                                                    |
| Formatted: Indent: First line: 0.38"                                                                 |

(e) Transferring merchandise or freight from one vehicle to another,

(f) Using the vehicle for advertising,

(g) Overnight parking except in designated parking spaces or as otherwise provided for herein; "overnight" meaning, for the purpose of this sub-section, between the hours of sunset and sunrise.

**Sec. 10-229. Parking prohibited at certain places.**

Whether the vehicle is attended or unattended, no person shall stop, stand, or park any portion of any vehicle, except when conflict with other traffic is imminent or when directed to do so by a police officer or traffic-control device, in any of the following places:

(a) On a sidewalk.

(b) In a crosswalk.

(c) In a bike or multi-use path.

(d) Within an intersection.

(e) Within 10 feet of an intersection.

(f) In front of a driveway.

(g) Within 10 feet of a fire plug or hydrant.

(h) On any part of a public right-of-way facing opposing traffic.

(i) Within 15 feet, on the seaward side, of any private or public beach access points.

(j) In a designated Handicapped parking space without the proper license plate, placard, or other evidence showing that a handicapped permit has been issued to the vehicle's operator by the proper authority.

(k) Other than public right-of-ways as provided for herein, on any public property, including parking lots, parks, and recreational areas, except as permitted thereat, provided that, in accordance with N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62(2), any vehicle left on property owned by the town for longer than 24 hours will be deemed to have been abandoned and may be towed and impounded as provided for herein.

(l) On any part of a public right-of-way except by passenger vehicles in designated parking spaces as set forth in this article.

|                                                    |
|----------------------------------------------------|
| Formatted: Font color: Auto                        |
| Formatted: Font: Times New Roman, Font color: Auto |
| Formatted: Font color: Auto                        |
| Formatted: Font: Times New Roman, Font color: Auto |
| Formatted: Indent: First line: 0.38"               |
| Formatted: Font color: Auto                        |
| Formatted: Font: Times New Roman, Font color: Auto |
| Formatted: Font color: Auto                        |
| Formatted: Font: Times New Roman, Font color: Auto |
| Formatted: Indent: First line: 0.38"               |
| Formatted: Font color: Auto                        |
| Formatted: Font: Times New Roman, Font color: Auto |
| Formatted: Font color: Auto                        |
| Formatted: Font color: Auto                        |
| Formatted: Font color: Auto                        |
| Formatted: Font: Bold, Font color: Auto            |
| Formatted: Font color: Auto                        |
| Formatted: Font: Bold, Font color: Auto            |
| Formatted: Font color: Auto                        |

~~shall be unlawful for any person to park or leave standing on the streets in the town any motor vehicle, or other vehicle the dimensions of seven (7) feet wide and an over-all length of twenty-five (25) feet during the daylight hours from sunrise to sunset, unless such vehicle is parked parallel to the curb and not more than one (1) foot therefrom, and is parked at least thirty (30) feet from the property line at any street intersection. Any such vehicle when necessity requires may be parked nearer an intersection when required for the purpose of loading and unloading.~~

Formatted: Indent: First line: 0"

**Sec. 10-23027. Beach access parking.**

(a) It shall be unlawful for any person to park or leave standing ~~on any public beach public~~ access parking area any ~~passenger motor~~ vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

Formatted: p0

Formatted: p0, Add space between paragraphs of the same style

|      |                      |            |
|------|----------------------|------------|
| 1342 | Fort Fisher Blvd. S. | Ocean Dune |
| 643  | Fort Fisher Blvd. S. | E Avenue   |
| 541  | Fort Fisher Blvd. S. | F Avenue   |
| 443  | Fort Fisher Blvd. S. | G Avenue   |
| 343  | Fort Fisher Blvd. S. | H Avenue   |
| 227  | Fort Fisher Blvd. S. | I Avenue   |
| 139  | Fort Fisher Blvd. S. | J Avenue   |
| 334  | Fort Fisher Blvd. S. | N Avenue   |

~~(b) Penalty: Any person violating this section shall pay a fifty-dollar (\$50.00) fine.~~

**Sec. 10-228. Parking at night.**

~~It shall be unlawful for any person to park or leave standing on the streets in the town any vehicle of the dimensions set forth in section 10-226 at night, except when it is necessary to load or unload such vehicle. For the purpose of this section the parking of such vehicle at night shall be construed to mean parking at any time between sunset and sunrise.~~

**Sec. 10-229. Parking prohibited on certain streets at all times.**

~~It shall be unlawful for any person at any time to park or leave standing any vehicle in the last parking space, or the western most parking space, in the 100 block of K. Avenue (N.E. corner of Fort Fisher Boulevard S. & K. Avenue) which shall be marked POLICE PARKING~~

~~ONLY. This space shall be designated as a tow-away zone where expense shall be borne by the operator or owner of such vehicle who violates this parking provision as well as receiving an appropriate parking violation.~~

**Sec. 10-230. -- Marking off of parking spaces.**

~~The chief of police is hereby authorized and directed to cause to be marked off and provided on the ground parking spaces, each not exceeding twenty-one (21) feet, in the public streets of the town.~~

**Sec. 10-231. Signs or markers.**

~~The chief of police shall cause suitable signs and markers to be erected or placed at the locations designated in this division to notify the public of the restrictions imposed by the provisions of this division.~~

**Sec. 10-232. Designation and marking off of spaces.**

~~The chief of police shall designate and mark off on the ground upon such property and the streets leading to and from the same the spaces and portions thereof which are set apart for the parking of vehicles.~~

**Sec. 10-233. Parking or blocking bike path prohibited.**

~~It shall be unlawful for any person at any time to park or leave standing any vehicle in or upon or within two (2) feet of any bike path (bicycle lane) so designated and marked appropriately. Violation of this section shall subject the offender to receiving a parking citation and the vehicle shall be towed away at the offender's cost.~~

**Sec. 10-234. Time limit parking B2 and B3 districts only.**

~~(a) Any business owner desiring time limit parking within the designated business districts in the town shall first make an application to the shoreline access and parking committee and coordinate with the chief of police who shall forward their recommendation to town council. The requested time limited parking spaces shall be contiguous to the requested business property and the adjacent property owners to the business requesting the time limit shall be notified of their request.~~

~~(b) The designated areas shall have limited parking for the time limits designated which shall be displayed by appropriate signs placed along the roadways.~~

**Sec. 10-235. Size of vehicles.**

~~Parking between 3rd Avenue and Fort Fisher Blvd. on the south curb side of K Avenue, it shall be unlawful for any person to park or leave standing any motor vehicle or other vehicle, the dimensions of which equal or exceed the painted lines on the street delineating a diagonal parking space. Appropriate signs shall be posted.~~



**Sec. 10-236. Parking on public property prohibited.**

(a) ~~It shall be unlawful for any person to park a motor vehicle as defined in this chapter for the purpose of habitation overnight upon any public property within the corporate limits of the town, including but not limited to, public streets and street right-of-way, sidewalks, parking lots, and any other public areas.~~

(b) ~~Penalty: Fifty-dollar (\$50.00) fine.~~

**Sec. 10-237. Penalty.**

~~Any person violating the provisions of sections 10-222—10-236 shall be subject to a civil citation in the amount of fifty dollars (\$50.00) for the first offense; second offense shall subject the offender to a civil citation in the amount of fifty dollars (\$50.00).~~

**Secs. 10-2318—10-245. Reserved.**

**DIVISION 3. PARKING SPACES FOR COMMERCIAL VEHICLES**

**Sec. 10-246. Reserved.**

~~**Editor's note**—An ordinance adopted June 15, 1993, repealed § 10-246, pertaining to designated parking spaces, as it derived from § 1 of an ordinance adopted Mar. 20, 1984.~~

**Sec. 10-247. Loading zones.**

(a) ~~There shall be no parking, standing, or storage of any vehicles used for commercial purposes except for the purpose of loading and unloading fuel, oil, goods, wares, or merchandise. Commercial vehicles stopped for such purposes shall be required to make all reasonable efforts to avoid the impediment of traffic flow. Unloading shall not exceed 30 minutes.~~

(b) ~~Commercial vehicles may be parked horizontally for a period not exceeding 30 minutes for loading or unloading on any street where diagonal parking is designated.~~

(c) ~~No more than two (2) commercial vehicles may be halted for the purpose of unloading in the unloading zone in front of the pier. Unloading shall not exceed thirty (30) minutes. Only vehicles which can safely be halted within the designated area of the unloading zone may be unloaded at this site.~~

Formatted: Font color: Auto

Formatted: Indent: First line: 0.5"

**Secs. 10-248—10-260. Reserved.**

**DIVISION 4. - PARKING SPACES FOR THE DISABLED**

**Sec. 10-261. Designated.**

The first parking space on the eastern side of Atlantic Avenue next to the loading zone on the north side of Kure Pier and the first parking space on the eastern side of Atlantic Avenue on the south side of Kure Pier shall be designated as handicapped parking as defined and set out in G.S. section 20-37.6. The penalty for violation of handicapped parking shall be as set out in G.S. section 20-37.6(f).

**Secs. 10-262—10-275. Reserved.**

## **ARTICLE VI. - STOPPING, STANDING AND PARKING**

### **DIVISION 1. GENERALLY**

#### **Sec. 10-201. Parking for the purpose of making repairs.**

No person shall park any vehicle in the streets or public ways of the town for the purpose of repairing such vehicle, except in case of emergency.

#### **Sec. 10-202. Parking on plaza.**

It shall be unlawful for any person to park any vehicle upon any portion of any street in the town known or designated as a plaza; provided, however, that curbing has been erected.

#### **Sec. 10-203. Parking on sidewalks.**

It shall be unlawful for any person to park any vehicle at any time on the sidewalk.

#### **Sec. 10-204. Parking upon left side of street.**

It shall be unlawful for any person to park any vehicle upon the left side of any street except when permitted on one-way streets.

#### **Secs. 10-205—10-221. Reserved.**

### **DIVISION 2. PARKING RULES**

#### **Sec. 10-222. Manner of parking.**

All vehicles, when parked on any street or highway within the Town's jurisdictional limits where parallel parking is permitted within designated parking spaces, shall be parked such that the wheels of the vehicle are entirely within one designated parking space. Vehicles are prohibited from parking on said streets and highways in any space that is not a designated parking space. For the purposes of this section, a "designated parking space" shall mean and be construed as a rectangular space designated on the pavement with painted white lines; provided that, however, diagonal lines on the pavement adjacent to a handicap parking space do not constitute a designated parking space.

#### **Sec. 10-223. Vehicles exceeding sixteen (16) feet in length.**

No vehicle exceeding sixteen (16) feet in length shall be parked upon any street in the town, except parallel with the curb. When any such vehicle is parked in any street it shall be so parked that the rear wheel next to the curb shall not be more than twelve (12) inches from the curb.

**Sec. 10-224. Parking prohibited on all streets at all times for the following vehicles generally.**

No vehicle exceeding twenty-two (22) feet in length or any trailer, U-Haul trailer, utility trailer, mobile home or delivery truck shall be parked upon any streets, right-of-way or designated parking area, in the town except for the purpose of loading or unloading. It shall be unlawful for any person to park or leave standing on the streets, right-of-way or designated parking area in the town any vehicle or trailer of dimension or description set forth in this section at night, except when it is necessary to load or unload such vehicle or trailer. For the purpose of this section the parking of such vehicle or trailer at night shall be construed to mean parking at any time between the hours of sunset and sunrise.

**Sec. 10-225. Parking where streets are marked for diagonal parking.**

No vehicle exceeding twenty (20) feet in length shall at any time be parked upon any of the streets in the town where such streets are marked by lines drawn on the same and which lines are drawn at an angle of approximately forty-five (45) degrees, and where parking is known as diagonal parking; however, commercial vehicles may be parked horizontally for a period not exceeding fifteen (15) minutes for loading or unloading on any street where diagonal parking is allowed.

**Sec. 10-226. Parking during daylight hours.**

It shall be unlawful for any person to park or leave standing on the streets in the town any motor vehicle, or other vehicle the dimensions of seven (7) feet wide and an over-all length of twenty-five (25) feet during the daylight hours from sunrise to sunset, unless such vehicle is parked parallel to the curb and not more than one (1) foot therefrom, and is parked at least thirty (30) feet from the property line at any street intersection. Any such vehicle when necessity requires may be parked nearer an intersection when required for the purpose of loading and unloading.

**Sec. 10-227. Beach access parking.**

(a) It shall be unlawful for any person to park or leave standing on any beach public access parking area any motor vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

|      |                      |            |
|------|----------------------|------------|
| 1342 | Fort Fisher Blvd. S. | Ocean Dune |
| 643  | Fort Fisher Blvd. S. | E Avenue   |
| 541  | Fort Fisher Blvd. S. | F Avenue   |
| 443  | Fort Fisher Blvd. S. | G Avenue   |



|     |                      |          |
|-----|----------------------|----------|
| 343 | Fort Fisher Blvd. S. | H Avenue |
| 227 | Fort Fisher Blvd. S. | I Avenue |
| 139 | Fort Fisher Blvd. S. | J Avenue |
| 334 | Fort Fisher Blvd. S. | N Avenue |

(b) Penalty: Any person violating this section shall pay a fifty-dollar (\$50.00) fine.

**Sec. 10-228. Parking at night.**

It shall be unlawful for any person to park or leave standing on the streets in the town any vehicle of the dimensions set forth in section 10-226 at night, except when it is necessary to load or unload such vehicle. For the purpose of this section the parking of such vehicle at night shall be construed to mean parking at any time between sunset and sunrise.

**Sec. 10-229. Parking prohibited on certain streets at all times.**

It shall be unlawful for any person at any time to park or leave standing any vehicle in the last parking space, or the western most parking space, in the 100 block of K. Avenue (N.E. corner of Fort Fisher Boulevard S. & K. Avenue) which shall be marked POLICE PARKING ONLY. This space shall be designated as a tow away zone where expense shall be borne by the operator or owner of such vehicle who violates this parking provision as well as receiving an appropriate parking violation.

**Sec. 10-230. - Marking off of parking spaces.**

The chief of police is hereby authorized and directed to cause to be marked off and provided on the ground parking spaces, each not exceeding twenty-one (21) feet, in the public streets of the town.

**Sec. 10-231. Signs or markers.**

The chief of police shall cause suitable signs and markers to be erected or placed at the locations designated in this division to notify the public of the restrictions imposed by the provisions of this division.

**Sec. 10-232. Designation and marking off of spaces.**

The chief of police shall designate and mark off on the ground upon such property and the streets leading to and from the same the spaces and portions thereof which are set apart for the parking of vehicles.

**Sec. 10-233. Parking or blocking bike path prohibited.**

It shall be unlawful for any person at any time to park or leave standing any vehicle in or upon or within two (2) feet of any bike path (bicycle lane) so designated and marked

appropriately. Violation of this section shall subject the offender to receiving a parking citation and the vehicle shall be towed away at the offender's cost.

**Sec. 10-234. Time limit parking B2 and B3 districts only.**

(a) Any business owner desiring time limit parking within the designated business districts in the town shall first make an application to the chief of police who shall forward their recommendation to town council. The requested time limited parking spaces shall be contiguous to the requested business property and the adjacent property owners to the business requesting the time limit shall be notified of their request.

(b) The designated areas shall have limited parking for the time limits designated which shall be displayed by appropriate signs placed along the roadways.

**Sec. 10-235. Size of vehicles.**

Parking between 3rd Avenue and Fort Fisher Blvd. on the south curb side of K Avenue, it shall be unlawful for any person to park or leave standing any motor vehicle or other vehicle, the dimensions of which equal or exceed the painted lines on the street delineating a diagonal parking space. Appropriate signs shall be posted.

**Sec. 10-236. Parking on public property prohibited.**

(a) It shall be unlawful for any person to park a motor vehicle as defined in this chapter for the purpose of habitation overnight upon any public property within the corporate limits of the town, including but not limited to, public streets and street right-of-way, sidewalks, parking lots, and any other public areas.

(b) Penalty: Fifty-dollar (\$50.00) fine.

**Sec. 10-237. Penalty.**

Violations of the provisions of this chapter shall subject the offender to a civil penalty as hereinafter enumerated. These ordinances shall be referred to as parking ordinances. Civil penalties may be recovered by the town in a civil action in the nature of debt, if the offender does not pay the penalty within the prescribed period of time after being cited for violation of the ordinance. In accordance with G.S. 160A-175(b), a violation of the parking ordinances shall not be subject to the penalty provision of G.S. 14-4 and shall not be considered an infraction or a breach of the penal laws of the state. The civil penalty shall be in the amount of \$25.00.

**Secs. 10-238—10-245. Reserved.**

**DIVISION 3. PARKING SPACES FOR COMMERCIAL VEHICLES**

**Sec. 10-246. Reserved.**

**Sec. 10-247. Loading zones.**

No more than two (2) commercial vehicles may be halted for the purpose of unloading in the unloading zone in front of the pier. Unloading shall not exceed thirty (30) minutes. Only vehicles

which can safely be halted within the designated area of the unloading zone may be unloaded at this site.

**Secs. 10-248—10-260. Reserved.**

#### **DIVISION 4. - PARKING SPACES FOR THE DISABLED**

**Sec. 10-261. Designated.**

The first parking space on the eastern side of Atlantic Avenue next to the loading zone on the north side of Kure Pier and the first parking space on the eastern side of Atlantic Avenue on the south side of Kure Pier shall be designated as handicapped parking as defined and set out in G.S. section 20-37.6. The penalty for violation of handicapped parking shall be as set out in G.S. section 20-37.6(f).

**Secs. 10-262—10-275. Reserved.**

OLD BUSINESS

CHAPTER 19

PARKING  
AMENDMENTS

**Sec. 19-339**  
**(proposed amendments - redline)**

Sec. 19-339. - Minimum parking requirements.

The number of off-street parking spaces required by this section shall be provided on the same or contiguous lot with the principal use of this section and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter. For purpose of this chapter an off-street parking space shall be no less than nine (9) feet in width and twenty (20) feet in length in an area within a minimum ten (10) feet ingress and egress provided for the off-street parking area.

| <i>Residential and related uses</i>                                  | <i>Required parking</i>                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Any residential use consisting of one (1) or two dwelling units. | Two (2) parking spaces for up to three (3) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit; <b>provided that no more than eight (8) vehicles shall be parked on the property at any one time.</b>                                                                                                                                     |
| (2) Multiple family dwelling                                         | Two (2) parking spaces for up to two (2) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit; <b>provided that no more than eight (8) vehicles shall be parked on the property at any one time.</b>                                                                                                                                       |
| (3) Rooming or boarding-houses, and tourist homes.                   | One (1) parking space for each one (1) room to be rented, plus two (2) for management.                                                                                                                                                                                                                                                                                                 |
| (4) Motels and hotels.                                               | One point two (1.2) parking spaces per unit in which each space must be unobstructed, plus two (2) spaces for management, of which one may be obstructed. Any hotel or motel hereafter constructed or any existing hotel or motel which hereafter expands if there is a structural change to accommodate additional capacity shall have designated area for employees on duty to park. |
|                                                                      | Zero (0)—twenty (20) units must have one (1) additional parking space for employees.                                                                                                                                                                                                                                                                                                   |
|                                                                      | Twenty (20)—forty (40) units shall have two (2) additional parking spaces for employees and every twenty (20) units thereafter shall one (1) additional space for employees.                                                                                                                                                                                                           |
| (5) Home occupation in operator's residence.                         | Parking spaces in addition to residential requirements as per approval by the building inspector.                                                                                                                                                                                                                                                                                      |

**Sec. 19-339**  
**(proposed amendments - redline)**

|                                                                                                 |                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (6) Professional office in home.                                                                | Parking spaces in addition to residential requirements as per approval by the building inspector.                                                                                                                                                                                                                                                |
| <i>[Clinics, churches, auditoriums, etc.]</i>                                                   | <i>Required parking</i>                                                                                                                                                                                                                                                                                                                          |
| (7) Medical clinic or doctor's office.                                                          | Six (6) parking spaces for each doctor plus one (1) for each employee.                                                                                                                                                                                                                                                                           |
| (8) Church.                                                                                     | One (1) parking space for each ten (10) feet of pew space.                                                                                                                                                                                                                                                                                       |
| (9) Municipal auditoriums and recreational buildings.                                           | One (1) parking space for each eight (8) single fixed seats or one (1) parking space for each one hundred and fifty (150) square feet of gross floor area without fixed seats. Should the building be a combination of these two (2) definitions; then and in that event, the number of parking spaces shall be the sum of each of the formulas. |
| (10) Restaurants.                                                                               | One (1) parking space for each four (4) seats inside or outside, plus one (1) parking space for each employee. Every two (2) feet of bench space equals one (1) seat.                                                                                                                                                                            |
| (11) Restaurant or conference center within a hotel or motel.                                   | One (1) extra parking space for each eight (8) single seats in restaurant and conference center plus requirements for (4) above.                                                                                                                                                                                                                 |
| (12) General or professional offices other than medical doctors, including real estate offices. | Three (3) parking spaces for each individual or professional in business.                                                                                                                                                                                                                                                                        |
| (13) Banks                                                                                      | One (1) parking space for each two hundred (200) square feet plus one (1) for each employee on duty.                                                                                                                                                                                                                                             |
| (14) <i>Reserved.</i>                                                                           |                                                                                                                                                                                                                                                                                                                                                  |
| <i>Public and semipublic uses</i>                                                               | <i>Required parking</i>                                                                                                                                                                                                                                                                                                                          |
| (15) Theaters.                                                                                  | One (1) parking space for each four (4) single seats.                                                                                                                                                                                                                                                                                            |

**Sec. 19-339**  
**(proposed amendments - redline)**

|                              |                                                                                                                              |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| (16) Retail uses not listed. | One (1) parking space for each two hundred (200) sq. ft. of gross floor space plus one (1) for each employee and/or manager. |
| (17) Real estate parking     | Two (2) spaces per agent plus one (1) for each employee.                                                                     |

*Unlisted uses*

(18) Any item not listed in above categories shall derive its parking requirements from the occupancy capacity of the building as determined by either the state or municipal fire code, whichever is applied to the rating building capacity. One (1) parking space per four (4) persons and an additional parking space for any fraction over shall be required. The capacity for the building shall be posted in plain view in the main entrance. The fire marshal shall determine the occupancy capacity.

(Ord. of 8-19-03; Ord. of 5-18-04; Ord. of 10-16-07(2), §§ 1, 2; Ord. of 4-16-13)





**Sec. 19-339**  
**(current)**

Sec. 19-339. - Minimum parking requirements.

The number of off-street parking spaces required by this section shall be provided on the same or contiguous lot with the principal use of this section and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter. For purpose of this chapter an off-street parking space shall be no less than nine (9) feet in width and twenty (20) feet in length in an area within a minimum ten (10) feet ingress and egress provided for the off-street parking area.

| <i>Residential and related uses</i>                                  | <i>Required parking</i>                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Any residential use consisting of one (1) or two dwelling units. | Two (2) parking spaces for up to three (3) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit.                                                                                                                                                                                                                                           |
| (2) Multiple family dwelling                                         | Two (2) parking spaces for up to two (2) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit.                                                                                                                                                                                                                                             |
| (3) Rooming or boarding-houses, and tourist homes.                   | One (1) parking space for each one (1) room to be rented, plus two (2) for management.                                                                                                                                                                                                                                                                                                 |
| (4) Motels and hotels.                                               | One point two (1.2) parking spaces per unit in which each space must be unobstructed, plus two (2) spaces for management, of which one may be obstructed. Any hotel or motel hereafter constructed or any existing hotel or motel which hereafter expands if there is a structural change to accommodate additional capacity shall have designated area for employees on duty to park. |
|                                                                      | Zero (0)—twenty (20) units must have one (1) additional parking space for employees.                                                                                                                                                                                                                                                                                                   |
|                                                                      | Twenty (20)—forty (40) units shall have two (2) additional parking spaces for employees and every twenty (20) units thereafter shall one (1) additional space for employees.                                                                                                                                                                                                           |
| (5) Home occupation in operator's residence.                         | Parking spaces in addition to residential requirements as per approval by the building inspector.                                                                                                                                                                                                                                                                                      |
| (6) Professional office in home.                                     | Parking spaces in addition to residential requirements as per approval by the building inspector.                                                                                                                                                                                                                                                                                      |

**Sec. 19-339  
(current)**

| <i>[Clinics, churches, auditoriums, etc.]</i>                                                   | <i>Required parking</i>                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (7) Medical clinic or doctor's office.                                                          | Six (6) parking spaces for each doctor plus one (1) for each employee.                                                                                                                                                                                                                                                                           |
| (8) Church.                                                                                     | One (1) parking space for each ten (10) feet of pew space.                                                                                                                                                                                                                                                                                       |
| (9) Municipal auditoriums and recreational buildings.                                           | One (1) parking space for each eight (8) single fixed seats or one (1) parking space for each one hundred and fifty (150) square feet of gross floor area without fixed seats. Should the building be a combination of these two (2) definitions; then and in that event, the number of parking spaces shall be the sum of each of the formulas. |
| (10) Restaurants.                                                                               | One (1) parking space for each four (4) seats inside or outside, plus one (1) parking space for each employee. Every two (2) feet of bench space equals one (1) seat.                                                                                                                                                                            |
| (11) Restaurant or conference center within a hotel or motel.                                   | One (1) extra parking space for each eight (8) single seats in restaurant and conference center plus requirements for (4) above.                                                                                                                                                                                                                 |
| (12) General or professional offices other than medical doctors, including real estate offices. | Three (3) parking spaces for each individual or professional in business.                                                                                                                                                                                                                                                                        |
| (13) Banks                                                                                      | One (1) parking space for each two hundred (200) square feet plus one (1) for each employee on duty.                                                                                                                                                                                                                                             |
| (14) <i>Reserved.</i>                                                                           |                                                                                                                                                                                                                                                                                                                                                  |
| <i>Public and semipublic uses</i>                                                               | <i>Required parking</i>                                                                                                                                                                                                                                                                                                                          |
| (15) Theaters.                                                                                  | One (1) parking space for each four (4) single seats.                                                                                                                                                                                                                                                                                            |
| (16) Retail uses not listed.                                                                    | One (1) parking space for each two hundred (200) sq. ft. of gross floor space plus one (1) for each employee and/or manager.                                                                                                                                                                                                                     |

**Sec. 19-339  
(current)**

|                          |                                                          |
|--------------------------|----------------------------------------------------------|
| (17) Real estate parking | Two (2) spaces per agent plus one (1) for each employee. |
|--------------------------|----------------------------------------------------------|

*Unlisted uses*

- (18) Any item not listed in above categories shall derive its parking requirements from the occupancy capacity of the building as determined by either the state or municipal fire code, whichever is applied to the rating building capacity. One (1) parking space per four (4) persons and an additional parking space for any fraction over shall be required. The capacity for the building shall be posted in plain view in the main entrance. The fire marshal shall determine the occupancy capacity.

(Ord. of 8-19-03; Ord. of 5-18-04; Ord. of 10-16-07(2), §§ 1, 2; Ord. of 4-16-13)



**Sec. 19-339**  
**(proposed amendments – blackline)**

Sec. 19-339. - Minimum parking requirements.

The number of off-street parking spaces required by this section shall be provided on the same or contiguous lot with the principal use of this section and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this chapter. For purpose of this chapter an off-street parking space shall be no less than nine (9) feet in width and twenty (20) feet in length in an area within a minimum ten (10) feet ingress and egress provided for the off-street parking area.

| <i>Residential and related uses</i>                                  | <i>Required parking</i>                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Any residential use consisting of one (1) or two dwelling units. | Two (2) parking spaces for up to three (3) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit; provided that no more than eight (8) vehicles shall be parked on the property at any one time.                                                                                                                                            |
| (2) Multiple family dwelling                                         | Two (2) parking spaces for up to two (2) bedrooms and one (1) additional parking space for each bedroom thereafter per each dwelling unit; provided that no more than eight (8) vehicles shall be parked on the property at any one time.                                                                                                                                              |
| (3) Rooming or boarding-houses, and tourist homes.                   | One (1) parking space for each one (1) room to be rented, plus two (2) for management.                                                                                                                                                                                                                                                                                                 |
| (4) Motels and hotels.                                               | One point two (1.2) parking spaces per unit in which each space must be unobstructed, plus two (2) spaces for management, of which one may be obstructed. Any hotel or motel hereafter constructed or any existing hotel or motel which hereafter expands if there is a structural change to accommodate additional capacity shall have designated area for employees on duty to park. |
|                                                                      | Zero (0)—twenty (20) units must have one (1) additional parking space for employees.                                                                                                                                                                                                                                                                                                   |
|                                                                      | Twenty (20)—forty (40) units shall have two (2) additional parking spaces for employees and every twenty (20) units thereafter shall one (1) additional space for employees.                                                                                                                                                                                                           |
| (5) Home occupation in operator's residence.                         | Parking spaces in addition to residential requirements as per approval by the building inspector.                                                                                                                                                                                                                                                                                      |

**Sec. 19-339  
(proposed amendments – blackline)**

|                                                                                                 |                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (6) Professional office in home.                                                                | Parking spaces in addition to residential requirements as per approval by the building inspector.                                                                                                                                                                                                                                                |
| <i>[Clinics, churches, auditoriums, etc.]</i>                                                   | <i>Required parking</i>                                                                                                                                                                                                                                                                                                                          |
| (7) Medical clinic or doctor's office.                                                          | Six (6) parking spaces for each doctor plus one (1) for each employee.                                                                                                                                                                                                                                                                           |
| (8) Church.                                                                                     | One (1) parking space for each ten (10) feet of pew space.                                                                                                                                                                                                                                                                                       |
| (9) Municipal auditoriums and recreational buildings.                                           | One (1) parking space for each eight (8) single fixed seats or one (1) parking space for each one hundred and fifty (150) square feet of gross floor area without fixed seats. Should the building be a combination of these two (2) definitions; then and in that event, the number of parking spaces shall be the sum of each of the formulas. |
| (10) Restaurants.                                                                               | One (1) parking space for each four (4) seats inside or outside, plus one (1) parking space for each employee. Every two (2) feet of bench space equals one (1) seat.                                                                                                                                                                            |
| (11) Restaurant or conference center within a hotel or motel.                                   | One (1) extra parking space for each eight (8) single seats in restaurant and conference center plus requirements for (4) above.                                                                                                                                                                                                                 |
| (12) General or professional offices other than medical doctors, including real estate offices. | Three (3) parking spaces for each individual or professional in business.                                                                                                                                                                                                                                                                        |
| (13) Banks                                                                                      | One (1) parking space for each two hundred (200) square feet plus one (1) for each employee on duty.                                                                                                                                                                                                                                             |
| (14) <i>Reserved.</i>                                                                           |                                                                                                                                                                                                                                                                                                                                                  |
| <i>Public and semipublic uses</i>                                                               | <i>Required parking</i>                                                                                                                                                                                                                                                                                                                          |
| (15) Theaters.                                                                                  | One (1) parking space for each four (4) single seats.                                                                                                                                                                                                                                                                                            |

**Sec. 19-339**  
**(proposed amendments – blackline)**

|                              |                                                                                                                              |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| (16) Retail uses not listed. | One (1) parking space for each two hundred (200) sq. ft. of gross floor space plus one (1) for each employee and/or manager. |
| (17) Real estate parking     | Two (2) spaces per agent plus one (1) for each employee.                                                                     |

*Unlisted uses*

(18) Any item not listed in above categories shall derive its parking requirements from the occupancy capacity of the building as determined by either the state or municipal fire code, whichever is applied to the rating building capacity. One (1) parking space per four (4) persons and an additional parking space for any fraction over shall be required. The capacity for the building shall be posted in plain view in the main entrance. The fire marshal shall determine the occupancy capacity.

(Ord. of 8-19-03; Ord. of 5-18-04; Ord. of 10-16-07(2), §§ 1, 2; Ord. of 4-16-13)





**OLD BUSINESS**

**NFIP ORDINANCE**



To: Town Council

From: John Batson

Re: 2018 Flood Ordinance

Date: May 10, 2018

Commissioners,

I apologize, the second portion of the class I am taking at School of Government falls on a Council Meeting also. Please excuse my absence.

Before you, is the new 2018 Flood Damage Prevention Ordinance. We have to adopt this, along with the new flood maps by August 28<sup>th</sup>.

In the new flood maps, most of the Town's oceanfront properties will remain located with a regulated flood zone. There are only 3 properties that are not oceanfront, located within a regulated flood plain.

Most of the ordinance is dictated by the federal government and on May 3, 2018, I met with Heather Keefer, NFIP Planner, and my contact from the state for all flood related issues. We sat down and went through the ordinance line by line, struck what wasn't applicable, and kept OPTIONAL language that was feasible for us in Kure Beach.

As stated, some of the language wasn't necessary and ensured more restrictive guidelines that historically have not been something Kure Beach has done. Additional workload and recording keeping would accompany it. We adapted the language to be as similar as we could to our old ordinance.

New OPTIONAL changes to the ordinance are:

**Flood Proofing buildings:** This usually only applies to Commercail buildings, and is very expensive to do. I don't foresee this happening in Kure Beach any time soon, especially since the only commercial building in Kure Beach in a flood zone is the Pier.

**Enforcing Limwa Line:** We kept this in the ordinance because it comes with 650 CRS points, even though the only area this could be enforced is in ETJ down near the ferry. So it's a boost for us, but a nonissue!

**1FT Freeboard:** Up until 2 years ago we were enforcing this because the building code required it. Building code changed, so it's not required now. Having this 1ft Freeboard will help us maintain the CRS rating we have. It will make having heated space on the bottom floor of oceanfront homes more difficult, but based on elevation, most new houses on the oceanfront will not be allowed to have it anyways according to the new flood maps.

**Requiring 3 elevation certificates during new construction, and requiring final as-built certification from design professional:** We are already doing part of this. This just makes it ordinance. The last part is requiring the engineer to lay eyes on the final product, and certify that it was installed the way he intended.

My opinion is that this ordinance works for us. I am presenting to you for approval.





KURE BEACH TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**R**ESOLUTION R18-05

**A RESOLUTION TO ADOPT THE EFFECTIVE FLOOD INSURANCE STUDY (FIS)  
AND ITS ACCOMPANYING FLOOD INSURANCE RATE MAPS (FIRM)**

**WHEREAS**, the Town of Kure Beach has enacted a Flood Damage Prevention Ordinance control land development within both the Special Flood Hazard Area; and,

**WHEREAS**, in order to comply with the minimum criteria of the National Flood Insurance Program (NFIP) 44 CFR 60.3(d) and (e) and NC Session Law 2000-150, Senate Bill 134 (NCGS 143.215.51-.61) the Town of Kure Beach must adopt the effective Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM); and,

**WHEREAS**, at the duly held meeting on June 6, 2018, the Planning and Zoning Commission recommended approval of the proposed adoption of the new flood maps; and

WHEREAS, the Town of Kure Beach conducted a duly advertised public hearing on the draft amendment to the effective Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM) at the Regular Meeting of the Town Council on June 19, 2018.

**NOW, THEREFORE BE IT RESOLVED** by the Kure Beach Town Council that the effective Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate maps (FIRM) is hereby amended.

Adopted by the Kure Beach Town Council this 19th day of June, 2018.

---

Nancy Avery, Town Clerk

---

Craig Bloszinsky, Mayor





KURE BEACH TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**R**ESOLUTION R18-06

**A RESOLUTION TO AMEND THE FLOOD DAMAGE PREVENTION ORDINANCE**

**WHEREAS**, the Town of Kure Beach has enacted a Flood Damage Prevention Ordinance control land development within both the Special Flood Hazard Area; and,

**WHEREAS**, in order to comply with the minimum criteria of the National Flood Insurance Program (NFIP) 44 CFR 60.3(d) and (e) and NC Session Law 2000-150, Senate Bill 1341 (NCGS 143.215.51-.61) the Town of Kure Beach must amend the Flood Damage Prevention Ordinance; and,

**WHEREAS**, at the duly held meeting on June 6, 2018, the Planning and Zoning Commission recommended approval of the proposed adoption of the Flood Damage Prevention Ordinance; and

WHEREAS, the Town of Kure Beach conducted a duly advertised public hearing on the draft amendment to the Flood Damage Prevention Ordinance at the Regular Meeting of the Town Council on June 19, 2018.

**NOW, THEREFORE BE IT RESOLVED** by the Kure Beach Town Council that the Flood Damage Prevention Ordinance is hereby amended.

Adopted by the Kure Beach Town Council this 19th day of June, 2018.

---

Nancy Avery, Town Clerk

---

Craig Bloszinsky, Mayor







KURE BEACH  
TOWN COUNCIL

Council Meeting Date:  
June 19, 2018 at 6:30 pm

Date(s) Public Hearing(s) held:  
June 19, 2018 at 6 pm

Council agenda Item # 2 Old Business

ZONING CONSISTENCY STATEMENT 18-02

The Kure Beach Town Council hereby approves the proposed flood damage prevention ordinance and finds that it is (i) consistent with the comprehensive plan's goal of natural hazard reduction by conserving and maintaining flood plains for their natural storm protection and (ii) that it is in the public interest because it will promote public health, safety, and general welfare in our community by establishing provisions to minimize public and private losses due to flood conditions within flood prone areas.

Attest:

---

Nancy Avery, Town Clerk

---

Craig Bloszinsky, Mayor





**KURE BEACH  
PLANNING & ZONING COMMISSION**

PZC Meeting Date: 06/06/2018

PZC Agenda Item No.: 5.a.

**ZONING CONSISTENCY STATEMENT  
N.C.G.S. 160A-383**

- X Consideration of proposed text amendments and associated maps as set forth in the 2017 NC Model Flood Damage Prevention Ordinance (“2017 FDP Ordinance”), a copy of which is attached hereto and incorporated herein by reference.
- X The proposed text amendments are CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan (“LUP”).
- X The proposed text amendments are CONSISTENT WITH Part 3, Section 2.B. of the LUP.

\_\_\_\_\_ The proposed text amendments are NOT CONSISTENT WITH Part \_\_\_\_\_, Section \_\_\_\_\_ of the LUP.

The Planning and Zoning Commission requests Town Council’s consideration of the 2017 FDP Ordinance and associated maps, recommends that Council adopt the ordinance, and considers its recommendation to be reasonable and in the public interest based on the following:

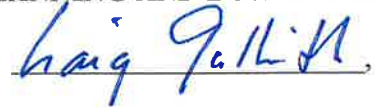
1. The stated purpose of the 2017 FDP Ordinance is to “promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas.”
2. The FDP Ordinance intends to meet this purpose with provisions designed to:
  - A. Restrict/prohibit uses dangerous to health, safety, and property due to water or erosion hazards.
  - B. Require that uses vulnerable to floods be protected against such damage at the time of initial construction.
  - C. Control the alteration of natural floodplains and natural protective barriers accommodating floodwaters.
  - D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage.
  - E. Prevent/regulate construction of flood barriers which unnaturally divert flood waters or increase hazards.
3. Adopting the 2017 FDP Ordinance is consistent with the land use compatibility goals set forth in Part 3, Section 2.B of the LUP which provides, in pertinent part, as follows:



Kure Beach desires to ensure that future development will be consistent with the historic small town nature of the community...and will work to...ensure that any uses of the land and water minimize negative environmental impacts and avoid risks to public health, safety and welfare.... The Flood Damage Prevention Ordinance also mitigates the negative impact of storms.

*See also*, Kure Beach Code, Sec. 15-137(c) (suitability of land for subdivision purposes determined, in part, by the minimum floodplain management standards established under the National Flood Insurance Program for flood prone communities).

**TOWN OF KURE BEACH  
PLANNING AND ZONING COMMISSION:**

 , Chairman



- (1) **That the Code of Ordinances is hereby amended by adding a new chapter 20 with the following language.**

## **CHAPTER 20 FLOOD DAMAGE PREVENTION ORDINANCE**

### **Coastal Regular Phase**

#### **ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

##### **SECTION 20-1 STATUTORY AUTHORIZATION.**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of the Town of Kure Beach, North Carolina, does ordain as follows:

##### **SECTION 20-2 FINDINGS OF FACT.**

- (1) The flood prone areas within the jurisdiction of the Town of Kure Beach are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

##### **SECTION 20-3. STATEMENT OF PURPOSE.**

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

##### **SECTION 20-4. OBJECTIVES.**

The objectives of this ordinance are to:





- (1) Protect human life, safety, and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

## **ARTICLE II. DEFINITIONS.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.



“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Coastal Area Management Act (CAMA)” means North Carolina’s Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

“Coastal A Zone (CAZ)” means an area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))

“Coastal Barrier Resources System (CBRS)” consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

“Coastal High Hazard Area” means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.

“Design Flood”: See “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before January, 6 1982.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas



from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.



“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

“Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a





vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

“Limit of Moderate Wave Action (LiMWA)” means the boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Otherwise Protected Area (OPA)” see “Coastal Barrier Resources System (CBRS)”.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after, January 6, 1982, the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before, January 6, 1982, the effective date of the initial Flood Insurance Rate Map.

“Primary Frontal Dune (PFD)” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE,



AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus 1 foot freeboard*. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least 1 foot above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Sand Dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Shear Wall” means walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which



have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### **ARTICLE 3. GENERAL PROVISIONS.**

#### **SECTION 20-5 LANDS TO WHICH THIS ORDINANCE APPLIES.**

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of Kure Beach.

#### **SECTION 20-6 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated August 28, 2018 for New Hanover County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Kure Beach are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

#### **SECTION 20-7 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.



**SECTION 20-8 COMPLIANCE.**

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

**SECTION 20-9 ABROGATION AND GREATER RESTRICTIONS.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION 20-10 INTERPRETATION.**

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

**SECTION 20-11 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Kure Beach or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**SECTION 20-12. PENALTIES FOR VIOLATION.**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. . Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Kure Beach from taking such other lawful action as is necessary to prevent or remedy any violation.

**ARTICLE IV ADMINISTRATION.**

**SECTION 20-13 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

The Building Inspector, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community’s overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

**SECTION 20-14 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.**

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall





be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
  - (i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  - (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
  - (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
  - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
  - (v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
  - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
  - (vii) The boundary and designation date of the Coastal Barrier Resource System (CBRS) area or Otherwise Protected Areas (OPA), if applicable; and
  - (viii) The certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
  - (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
  - (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
  - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
  - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
  - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
  - (iii) The following, in Coastal High Hazard Areas, in accordance with the provisions of Article 5, Section B(4)(e) and Article 5, Section G and (Article 5, Section H if applicable):
    - (1) V-Zone Certification with accompanying plans and specifications verifying the engineered structure



and any breakaway wall designs; In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.

- (2) Plans for open wood latticework or insect screening, if applicable; and
- (3) Plans for non-structural fill, if applicable. If non-structural fill is proposed, it must be demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the BFE or otherwise cause adverse impacts by wave ramping and deflection on to the subject structure or adjacent properties.

- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 5, Section F have been met.
- (g) The flood openings requirements, if in Zones A, AE, AH, AO, A99.

(3) **Certification Requirements.**

- (a) Elevation Certificates
  - (i) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or



failure to make required corrections shall be cause to deny a floodplain development permit.

- (ii) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (iii) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

(b) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
  - (ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- (c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).



- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
  - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
  - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
  - (iii) Accessory Structures that are 150 square feet or less or \$3000 or less and meeting requirements of Article 5, Section B(8).
- (f) A V-Zone Certification with accompanying design plans and specifications is required prior to issuance of a Floodplain Development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the Floodplain Administrator said certification to ensure the design standards of this ordinance are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this ordinance. This certification is not a substitute for an Elevation Certificate. In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.

(4) **Determinations for existing buildings and structures.**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

**SECTION 20-15 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33





U.S.C. 1334.

- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. However, if the property is to be removed from the V Zone it must not be located seaward of the landward toe of the primary frontal dune. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the



work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

#### **SECTION 20-16 CORRECTIVE PROCEDURES.**

- (1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
  - (a) That the building or property is in violation of the floodplain management regulations;
  - (b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  - (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than least one hundred and eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or



revoke the order.

- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

#### **SECTION 20-17 VARIANCE PROCEDURES.**

- (1) The Board of Adjustment as established by the Town of Kure Beach, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
- (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
  - (b) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
  - (c) Any other type of development provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) The danger that materials may be swept onto other lands to the injury of others;
  - (b) The danger to life and property due to flooding or erosion damage;
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) The importance of the services provided by the proposed facility to the community;
  - (e) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
  - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (g) The compatibility of the proposed use with existing and anticipated development;
  - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.



- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:
  - (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
  - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
  - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (d) Variances shall only be issued prior to development permit approval.
  - (e) Variances shall only be issued upon:
    - (i) A showing of good and sufficient cause;
    - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
    - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
  - (a) The use serves a critical need in the community.
  - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
  - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
  - (d) The use complies with all other applicable federal, state and local laws.
  - (e) The Town of Kure Beach has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

## **ARTICLE V PROVISIONS FOR FLOOD HAZARD REDUCTION,**

### **SECTION 20-18 GENERAL STANDARDS.**





In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
  - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
  - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.



- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (15) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

**SECTION 20-19 SPECIFIC STANDARDS.**

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section I (2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes.
  - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
  - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
  - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
  - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor or below the lowest horizontal structural member in VE zones:
  - (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
  - (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation;



and

- (d) Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
  - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
  - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- (e) Shall, in Coastal High Hazard Areas (Zone VE), either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
  - (i) Material shall consist of open wood or plastic lattice having an opening ratio of at least 40 percent or insect screening; or
  - (ii) Breakaway walls shall meet the following design specifications:
    - (1) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
    - (2) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - (i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and *must not be any more non-conforming than the existing structure.*
  - (ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or



the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
  - (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
    - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
    - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
  - (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 1 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
    - (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
    - (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (6) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
  - (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
  - (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
  - (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
  - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (7) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or





restroom areas);

- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
- (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(d).

An accessory structure with a footprint less than 150 or that is a minimal investment of \$3000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

- (8) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
  - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

- (9) Other Development.

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.



- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

**SECTION 20-20 RESERVED.**

**SECTION 20-21 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.**

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
  - (a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
  - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.
  - (c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
  - (d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

**SECTION 20-22 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.**

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.



## **SECTION 20-23 FLOODWAYS AND NON-ENCROACHMENT AREAS.**

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
  - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
  - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
  - (a) The anchoring and the elevation standards of Article 5, Section B(3); and
  - (b) The encroachment standards of Article 5, Section F(1).

## **SECTION 20-24 COASTAL HIGH HAZARD AREA (ZONE VE).**

Coastal High Hazard Areas are Special Flood Hazard Areas established in Article 3, Section B, and designated as Zones VE. These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the provisions of Article 5, Sections A and B:

- (1) All new construction and substantial improvements shall:
  - (a) Be located landward of the reach of mean high tide;
  - (b) Comply with all applicable CAMA setback requirements.
- (2) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements.
- (3) All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor free of obstruction so as not to impede the flow of flood waters, with the following exceptions:
  - (a) Open wood or plastic latticework or insect screening may be permitted below the lowest floor for aesthetic purposes only and must be designed to wash away in the event of wave impact and in accordance with the provisions of Article 5, Section B(4)(e)(i). Design plans shall be submitted in accordance with the provisions of Article 4, Section B(1)(d)(iii)(2); or
  - (b) Breakaway walls may be permitted provided they meet the criteria set forth in Article 5, Section B(4)(a),(b),(c)&(e)(ii). Design plans shall be submitted in accordance with the provisions of Article 4, Section



B(1)(d)(iii)(1).

- (4) All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
  - (a) Water loading values used shall be those associated with the base flood.
  - (b) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.
- (5) For swimming pools and spas, the following is required:
  - (a) Be designed to withstand all flood-related loads and load combinations.
  - (b) Be elevated so that the lowest horizontal structural member is elevated above the RFPE; or
  - (c) Be designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure; or
  - (d) Be sited to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.
  - (e) Registered design professionals must certify to local officials that a pool or spa beneath or near a VE Zone building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.
  - (f) Pool equipment shall be located above the RFPE whenever practicable. Pool equipment shall not be located beneath an elevated structure.
- (6) All elevators, vertical platform lifts, chair lifts, etc., the following is required:
  - (a) Elevator enclosures must be designed to resist hydrodynamic and hydrostatic forces as well as erosion, scour, and waves.
  - (b) Utility equipment in Coastal High Hazard Areas (VE Zones) must not be mounted on, pass through, or be located along breakaway walls.
  - (c) The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counter weight and roller guides, hoist cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel are all required to be above RFPE. When this equipment cannot be located above the RFPE, it must be constructed using flood damage-resistant components.
  - (d) Elevator shafts/enclosures that extend below the RFPE shall be constructed of reinforced masonry block or reinforced concrete walls and located on the landward side of the building to provide increased protection from flood damage. Drainage must be provided for the elevator pit.
  - (e) Flood damage-resistant materials can also be used inside and outside the elevator cab to reduce flood damage. Use only stainless steel doors and door frames below the BFE. Grouting in of door frames and sills is recommended.





- (f) If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system that will activate during a flood and send the elevator cab to a floor above the RFPE.
- (7) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Article 4, Section B and Article 5, Section G(3) and (4), on the current version of the North Carolina V-Zone Certification form or equivalent local version. In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction
- (8) Fill/Grading
  - (a) Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
  - (b) The fill material must be similar and consistent with the natural soils in the area.
  - (c) The placement of site-compatible, non-structural fill under or around an elevated building is limited to two (2) feet. Fill greater than two (2) feet must include an analysis prepared by a qualified registered design professional demonstrating no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures.
  - (d) Nonstructural fill with finished slopes that are steeper than five (5) units horizontal to one (1) unit vertical shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures.
- (9) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
- (10) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this Section have been satisfied.
- (11) Recreational vehicles may be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Article 5, Section B(6)(a).
- (12) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the Regulatory Flood Protection Elevation and any supporting members that extend below the Regulatory Flood Protection Elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck. The increased loads must be considered in the design of the primary structure and included in the V-Zone Certification required under Article 4, Section B, (3)(f).
- (13) A deck or patio that is located below the Regulatory Flood Protection Elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (14) In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also



authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.

## **SECTION 20-25 STANDARDS FOR COASTAL A ZONES (ZONE CAZ) LiMWA**

Structures in CAZs shall be designed and constructed to meet V Zone requirements, including requirements for breakaway walls. However, the NFIP regulations also require flood openings in walls surrounding enclosures below elevated buildings in CAZs (see Technical Bulletin 1, *Openings in Foundation Walls and Walls of Enclosures*). Breakaway walls used in CAZs must have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads. Openings also function during smaller storms or if anticipated wave loading does not occur with the base flood.

- (1) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal A Zones to satisfy the regulatory flood protection elevation requirements.
- (2) All new construction and substantial improvements shall have the space below the lowest horizontal structural member free of obstruction so as not to impede the flow of flood waters, with the following exceptions:
  - (a) Open wood latticework or insect screening may be permitted below the lowest floor for aesthetic purposes only and must be designed to wash away in the event of wave impact and in accordance with the provisions of Article 5, Section B(4)(e)(i). Design plans shall be submitted in accordance with the provisions of Article 4, Section B(1)(d)(iii)(2); or
  - (b) Breakaway walls may be permitted provided they meet the criteria set forth in Article 5, Section B(4)(e)(ii). Design plans shall be submitted in accordance with the provisions of Article 4, Section B(1)(d)(iii)(1).
- (3) All new construction and substantial improvements shall include, in Zones CAZ, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the design criteria in Article 5, Section B(4)(d).
- (4) All new construction and substantial improvements shall meet the provisions of Article 5, Section G(3)
- (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Article 4, Section B and Article 5, Section G(3) and (4), on the current version of the North Carolina V-Zone Certification form or a locally developed V-Zone Certification form.
- (6) Recreational vehicles may be permitted in Coastal A Zones provided that they meet the Recreational Vehicle criteria of Article 5, Section B(6)(a).
- (7) Fill/Grading must meet the provisions of Article 5, Section G(11)



- (8) Decks and patios must meet the provisions of Article 5 Section G(15) and (16).
- (9) In coastal high hazard areas, development activities other than buildings and structures must meet the provisions of Article 5, Section G(17)

**ARTICLE 20-26. LEGAL STATUS PROVISIONS.**

**SECTION 20-27 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.**

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted May 15, 1979 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Kure Beach enacted on May 15, 1979, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for New Hanover County is July 17, 1978.

**SECTION 20-28. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.**

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

**SECTION 20-29 SEVERABILITY.**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**SECTION 20-30 EFFECTIVE DATE.**

This ordinance shall become effective August 28, 2018.



**SECTION 20-31            ADOPTION CERTIFICATION.**

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Town Council of the, Town of Kure Beach North Carolina, on the 28th day of August, 2018.

WITNESS my hand and the official seal of Nancy Avery, Town Clerk, this the 19 day June, 2018.

\_\_\_\_\_  
*(signature)*





**OLD BUSINESS**

**BUD AND JOES**



## BUD AND JOE'S OUTDOOR PATIO

Text amendment approved by Council with the following requirements:

- Patio area not to exceed 300 feet from property
- No alcohol after 11:00 p.m. within the patio area
- A barrier put in place separating the public from the patio at the discretion of the Building Inspector
- Outdoor lighting provided
- Adequate signage to remain within the patio area
- Staffing in place within the patio area



# NEW BUSINESS



## Nancy Avery

---

**From:** Nancy Avery  
**Sent:** Friday, June 8, 2018 1:27 PM  
**To:** 'Tony McEwen'  
**Subject:** RE: Firefighter Special Separation Allowance

k

Nancy Avery  
Town Clerk  
Town of Kure Beach  
117 Settlers Lane  
Kure Beach, NC 28449  
[www.townofkurebeach.org](http://www.townofkurebeach.org)  
910-458-8216 office  
910-707-2016 direct  
910-443-0410 cell  
[n.avery@tokb.org](mailto:n.avery@tokb.org)

**From:** Tony McEwen <[Tony.McEwen@wilmingtonnc.gov](mailto:Tony.McEwen@wilmingtonnc.gov)>  
**Sent:** Friday, June 8, 2018 1:13 PM  
**To:** Nancy Avery <[n.avery@townofkurebeach.org](mailto:n.avery@townofkurebeach.org)>  
**Subject:** Re: Firefighter Special Separation Allowance

Please let them know that the City of Wilmington may be looking to form an effort to communicate as a region to our delegation on this issue.

Tony McEwen

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Nancy Avery <[n.avery@townofkurebeach.org](mailto:n.avery@townofkurebeach.org)>  
**Date:** 6/8/18 1:10 PM (GMT-05:00)  
**To:** Tony McEwen <[Tony.McEwen@wilmingtonnc.gov](mailto:Tony.McEwen@wilmingtonnc.gov)>, Timothy Owens <[towens@towb.org](mailto:towens@towb.org)>, "michael.cramer@carolinabeach.org" <[michael.cramer@carolinabeach.org](mailto:michael.cramer@carolinabeach.org)>  
**Subject:** RE: Firefighter Special Separation Allowance

Tony – my council will discuss this at the June 19 meeting

Nancy Avery  
Town Clerk  
Town of Kure Beach  
117 Settlers Lane  
Kure Beach, NC 28449  
[www.townofkurebeach.org](http://www.townofkurebeach.org)





910-458-8216 office  
910-707-2016 direct  
910-443-0410 cell  
[n.avery@tokb.org](mailto:n.avery@tokb.org)

**From:** Tony McEwen <[Tony.McEwen@wilmingtonnc.gov](mailto:Tony.McEwen@wilmingtonnc.gov)>  
**Sent:** Monday, June 4, 2018 1:49 PM  
**To:** Timothy Owens <[towens@towb.org](mailto:towens@towb.org)>; 'michael.cramer@carolinabeach.org' <[michael.cramer@carolinabeach.org](mailto:michael.cramer@carolinabeach.org)>  
**Cc:** Nancy Avery <[n.avery@townofkurebeach.org](mailto:n.avery@townofkurebeach.org)>  
**Subject:** FW: Firefighter Special Separation Allowance

Tim, Michael, and Nancy:

Please see below regarding possibility of some pension reform legislation coming this week/session that may include a provision for local govts to have to fund a Special Separation Allowance for firefighters to be funded wholly by local govts. Below is a very good write up by NCLM lobbying staff. Please let me know if you are interested in doing anything jointly with City of Wilmington to voice our concern on this to our legislative delegation. In the interim, I strongly recommend your Mayor's reach out to our Senator and House Reps asking them to oppose without a funding source to pay for what amounts to an unfunded mandate.

### **Tony McEwen**

Asst. to the City Manager for Legislative and Intergovernmental Affairs  
City of Wilmington  
305 Chestnut Street  
Wilmington, NC 28402  
phone: 910-341-4665 fax:910-341-3264  
[tony.mcewen@wilmingtonnc.gov](mailto:tony.mcewen@wilmingtonnc.gov)

**From:** Sarah Collins [<mailto:scollins@NCLM.ORG>]  
**Sent:** Monday, June 04, 2018 10:32 AM  
**To:** [adonovan@kilpatricktownsend.com](mailto:adonovan@kilpatricktownsend.com); [chris@policygroup.net](mailto:chris@policygroup.net); [chrismclure@brookspierce.com](mailto:chrismclure@brookspierce.com); [cmcdowell@kilpatrickstockton.com](mailto:cmcdowell@kilpatrickstockton.com); Dana Fenton ([dfenton@charlottenc.gov](mailto:dfenton@charlottenc.gov)) <[dfenton@charlottenc.gov](mailto:dfenton@charlottenc.gov)>; [dbheath@mwcllc.com](mailto:dbheath@mwcllc.com); [emma@policygroup.net](mailto:emma@policygroup.net); Fred Baggett ([fredpbaggett@gmail.com](mailto:fredpbaggett@gmail.com)) <[fredpbaggett@gmail.com](mailto:fredpbaggett@gmail.com)>; Jack Cozort ([jlcozort@gmail.com](mailto:jlcozort@gmail.com)) <[jlcozort@gmail.com](mailto:jlcozort@gmail.com)>; [jacksoncozort@gmail.com](mailto:jacksoncozort@gmail.com); [jcooper@connectc.org](mailto:jcooper@connectc.org); [jcw@hopperhickswrenn.com](mailto:jcw@hopperhickswrenn.com); [john@policygroup.net](mailto:john@policygroup.net); Johnny Tillet ([jtillett@mwcllc.com](mailto:jtillett@mwcllc.com)) <[jtillett@mwcllc.com](mailto:jtillett@mwcllc.com)>; [katie.jobe@smithmoorelaw.com](mailto:katie.jobe@smithmoorelaw.com); [michelle.frazier@smithmoorelaw.com](mailto:michelle.frazier@smithmoorelaw.com); [nfreeman@kilpatricktownsend.com](mailto:nfreeman@kilpatricktownsend.com); [pisley@bmlilaw.com](mailto:pisley@bmlilaw.com); [sbridges1@nc.rr.com](mailto:sbridges1@nc.rr.com); [steve@policygroup.net](mailto:steve@policygroup.net); [swolfe@mwcllc.com](mailto:swolfe@mwcllc.com); Tony McEwen <[Tony.McEwen@wilmingtonnc.gov](mailto:Tony.McEwen@wilmingtonnc.gov)>; [tsevier@mwcllc.com](mailto:tsevier@mwcllc.com)  
**Cc:** Erin Wynia <[ewynia@NCLM.ORG](mailto:ewynia@NCLM.ORG)>; Rose Williams <[rwilliams@NCLM.ORG](mailto:rwilliams@NCLM.ORG)>  
**Subject:** Firefighter Special Separation Allowance

Hi fellow city lobbyists,

At the end of last week, we heard a rumor that firefighter special separation allowance ([HB 340](#)) may be brought up in the Senate this week. It is currently in Senate Rules, but that could change.

While Sen. Rabon has indicated to a member of ours this weekend that he does not have plans to bring it out of Rules we are hoping for as much help as possible to ensure this bill doesn't get a committee hearing.

This bill passed the House last session without a funding mechanism to support the significant added cost to local governments despite the discussion by many legislators in House committees of the substantial cost to local government employers and the need for there to be a way to fund the benefit.



A similar benefit was legislatively mandated for law enforcement officers (LEO) in the 1980s, and in 2017 municipal employers paid almost \$30 million in LEO special separation allowance benefits that year. The actuarial note for HB 340 states that the present value of the additional payments to current local employees is \$298 million.

Here are basics of the bill:

- The bill would provide firefighters with a post retirement benefit called a “special separation allowance”
- A special separation allowance is a benefit that would be in addition to the firefighters pension and would serve as a gap-filler from the time of retirement until the age of social security eligibility.
- The cost of this benefit is paid solely by the last employer.
- All our public safety officials, including firefighters provide a tremendous service to our communities, but as the bill is written this benefit is an unfunded mandate.
  - The actuarial note for HB 340 states that the present value of the additional payments to current local employees is \$298 million.
  - A similar benefit was legislatively mandated for law enforcement officers in the 1980s, and in 2017 municipal employers paid almost \$30 million in LEO special separation allowance benefits that year.
- The special separation allowance model that was created for law enforcement officers has unintended consequences, it creates a disincentive for a local government to hire a late in career officer (since it is paid by the last employer), creating a professional mobility barrier. It is likely the same issue will be created with this benefit for firefighters.
- Additionally, a special separation allowance is a benefit that causes an employer to treat classes of employees differently. Example - Electric linemen and sanitary sewer workers also start their careers at young ages and work dangerous jobs, but they do not get this benefit.
- Since pension reform is likely to be considered by the Senate soon, this issue should be studied to see if there is a better way to provide the postemployment benefit.

While it’s not an apples to apples comparison, I have attached a spreadsheet that has listed what all local governments paid in 2015, 2016, and 2017 in law enforcement officer SSA.

Please let me know if you have any questions and appreciate you all letting us know what you are hearing!

Best,  
Sarah

**Sarah W. Collins**

Legislative and Regulatory Counsel

NC League of Municipalities

150 Fayetteville St., Ste. 300

Raleigh, NC 27601

O: 919.715.2919 | M: 919.368.1269

[scollins@nclm.org](mailto:scollins@nclm.org)



**From:** Sarah Collins

**Sent:** Friday, June 1, 2018 3:58 PM

**To:** Ben Brown <[bbrown@NCLM.ORG](mailto:bbrown@NCLM.ORG)>; Caitlin Saunders <[csaunders@nclm.org](mailto:csaunders@nclm.org)>; Chris Nida <[cnida@NCLM.ORG](mailto:cnida@NCLM.ORG)>; Erin Wynia <[ewynia@NCLM.ORG](mailto:ewynia@NCLM.ORG)>; Karen Waddell <[kwaddell@NCLM.ORG](mailto:kwaddell@NCLM.ORG)>; Rose Williams <[rwilliams@NCLM.ORG](mailto:rwilliams@NCLM.ORG)>; Sarah Collins <[scollins@NCLM.ORG](mailto:scollins@NCLM.ORG)>; Scott Mooneyham <[smooneyham@NCLM.ORG](mailto:smooneyham@NCLM.ORG)>; Vickie Miller <[vmiller@NCLM.ORG](mailto:vmiller@NCLM.ORG)>; William Brooks <[wbrooks@NCLM.ORG](mailto:wbrooks@NCLM.ORG)>

**Subject:** Firefighter Special Separation Allowance



Dana Fenton has heard from Charlotte's fire chief (?) that FF Special Separation Allowance (HB 340) might be heard next week in the Senate. It is still assigned to Senate Rules, so it could all be rumor. Dana has Ches McDowell doing some leg work in the Senate to see if that's true. I assume Senate Pensions and Retirement would be the committee to hear the bill.

All that to say, that I wanted to pass along my talking points on the subject:

- The bill would provide firefighters with a post retirement benefit called a "special separation allowance" (SSA)
- A special separation allowance is a benefit that would be in addition to the firefighters pension and would serve as a gap-filler from the time of retirement until the age of social security eligibility.
- The cost of this benefit is paid solely by the last employer.
- All our public safety officials, including firefighters provide a tremendous service to our communities, but as the bill is written this benefit is an unfunded mandate.
  - The actuarial note for HB 340 states that the present value of the additional payments to current local employees is \$298 million.
  - A similar benefit was legislatively mandated for law enforcement officers in the 1980s, and in 2015 municipal employers paid almost \$27 million in LEO special separation allowance benefits that year
  - Since municipalities typically employ more firefighters than police officers, it is likely that the benefit for firefighters will be more costly.
- Cities and towns need a revenue mechanism to pay for this benefit ... or the state could provide an appropriation to support firefighters and this benefit. Otherwise, the cost of this mandate is passed to local citizens.
- The special separation allowance model that was created for law enforcement officers has unintended consequences, it creates a disincentive for a local government to hire a late in career officer (since it is paid by the last employer), creating a professional mobility barrier. It is likely the same issue will be created with this benefit for firefighters.
- Additionally, a special separation allowances is a benefit that causes an employer to treat classes of employees differently. Example - Electric linemen and sanitary sewer workers also start their careers at young ages and work dangerous jobs, but they do not get this benefit.
- This issue should be studied to see if there is a better way to provide the benefit (could there be a pool of funds, similar to how pension benefits are funded?).

Here is history on the bill:

- HB 340 passed the House without a funding mechanism to support the significant added cost to local governments.
- Actuarial note for HB 340 states that the present value of the additional payments to current local employees is \$298 million.
- There was discussion by many legislators in House committees of the substantial cost to local government employers and the need for there to be a way to fund the benefit.
- The League continually expressed its concern over this bill, asking for a funding mechanism to be put in the bill
  - We talked to many legislators and testified in multiple House committees, explaining that without a funding mechanism this benefit is an unfunded legislative mandate on the local government employer, coming at a time when there have been many recent legislative constraints on municipalities' revenue authority.
- Union groups for the FF have tried to state that the 1983/1986 sales tax authorities (article 40 and 42) should have provided enough funding for the benefit – we believe it's a stretch to site those revenues as being able to support this benefit after they have been used to keep property taxes low and invest in other projects, additionally League memos from the 80s noted that those sales tax revenues were to make up for other municipal losses. (More details on that below if curious)



Chris has sent me update LEO SSA numbers for 2016/2017. We could add them all up though and say “over the last 3 years local government have paid over \_\_\_ in LEO SSA.” All that is to say we have what a particular municipality paid in LEO SSA in 2015, 2016, and 2017.

Background on 1983/1986 sales tax authority (Article 40 and 42):

- The argument we have heard is that the Article 40 and 42 sales taxes that passed in the early to mid-1980s provided a new source of revenue that supported the LEO SSA and should also support a newly implemented FF SSA.
- A League discussion paper from the 1980s ([linked here](#)) on page 4 under the header “But wasn’t funding provided for these new mandates?” debunks the argument that the sales taxes support the benefit. It states that ...
  - “The N.C General Assembly in 1986 also granted local governments an additional one-half percent local option sales tax. Municipal officials are very grateful for this important new revenue. One of the reasons for this additional sales tax was to help offset the loss of General Revenue Sharing, a federal program. Recent figures have indicated that if all 100 counties adopt the one-half cent local option sales tax, it would generate \$45 million in revenues for municipalities. Cities and towns received \$47.8 million in General Revenue Sharing funds for the federal fiscal year ending September 1985.
  - However, 40 percent (approximately \$18 million) of the municipal proceeds from this additional sales tax were earmarked for water and sewer capital needs by the General Assembly.
  - In addition, municipalities lost revenues (approximately \$9 million each year) with the elimination of the ad valorem tax on household personal property.
  - Therefore, the 1986 one-half cent local option sales tax had already been “spent” nearly one and two-thirds times before it could be used to ‘pay for’ the new retirement benefits for law enforcement officers.”
- The session law from 1986 that provided the special separation allowance for LEOs and in the “whereas” clauses the bill does cite the 1983 and 1986 sales tax authorities, stating that “local governments would raise over three hundred fifty million dollars (\$350,000,000) annually from those two taxes.”
  - John Phelps has noted that the sales tax authorities passed in 1983 and 1986 were definitely used as a justification by LEO’s for the passage of the benefit.
  - However, I like the arguments that:
    - ❖ Those sales tax revenues have since been used to keep property taxes low and invest in other projects, and
    - ❖ the points from the discussion paper that explain those sales tax revenues (at least the 1986 one) were to make up for other losses.

#### Other research

- I did some research during the interim on supplemental/additional retirement benefits for public safety officials and discovered that the “special separation allowance” is not something that other states provide; it is unique to NC.
  - There is a report from 1992 that the NCGA’s “Government Performance Audit Committee” produced that cited a 1991 NCSL study of general state employee and public safety personnel retirement benefits. The report found that many states provide a higher pension benefit (higher factor/percent of annual salary for law enforcement) than NC, but do not provide a special additional benefit
  - Additionally, Sam Watt’s confirmed that in other states it typical to see entirely different/separate retirement system for public safety workers with more generous benefits and less stringent eligibility requirements. However, many of those systems across the country are facing significant financial challenges. It is also common to see higher benefit formulas/lower eligibility requirements for public safety workers if they are in the same retirement system as other workers.

**Sarah W. Collins**

Legislative and Regulatory Counsel

NC League of Municipalities





PROCLAMATION

18-02

MARSY'S LAW





TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**P**ROCLAMATION P18-02

IN SUPPORT FOR HB 551/SB 595 (MARSY'S LAW)

**WHEREAS**, Marsy's Law For North Carolina and advocacy organizations statewide are dedicated to guaranteeing victims' rights and providing a voice; and

**WHEREAS**, Marsy's Law For North Carolina supporters agree victims should always be treated with fairness and respect throughout the criminal justice process, protected from the defendant, reasonably heard at public proceedings regarding their case, and given a voice through the process of the case; and

**WHEREAS**, per the Federal Bureau of Investigation's (FBI) most recent "Crime in the United States" report, in 2013 a total of 33,700 North Carolinians were the victim of Violent "Index Crimes" including: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson; and

**WHEREAS**, Marsy's Law for North Carolina will ensure that victim's receive the same rights that are afforded to criminals and have rights to notification of release, hearings, appropriate restitution, and the right to speak at during criminal proceedings; and

**WHEREAS**, Victims' Rights is a non-partisan, non-political issue, and Marsy's Law is a common sense approach to ensuring Victims' Rights.

**NOW, THEREFORE, BE IT PROCLAIMED**, that the Kure Beach Town Council hereby proclaims support for HB 551/SB 595 (Marsy's Law) in and for the state of North Carolina, and encourage all of our citizens to join in the commitment to protect the rights of North Carolina crime victims.

Proclaimed this the 19th day of June 2018.

Signed: \_\_\_\_\_  
Craig Bloszinsky, Mayor

\_\_\_\_\_  
Attest: Nancy Avery, Town Clerk

