

KURE BEACH TOWN COUNCIL
REGULAR MEETING
OCTOBER 21, 2008
6:30 pm

MINUTES

The Kure Beach Town Council held its regular meeting on Tuesday, October 21, 2008 at 6:30 pm.

COUNCIL MEMBERS PRESENT:

Mayor	Mac Montgomery
Mayor Pro Tem	Jim Dugan
Commissioner	Dean Lambeth
Commissioner	Barry Nelder
Commissioner	Jim Vartt

COUNCIL MEMBERS ABSENT:

STAFF PRESENT:

Town Administrator	Michelle James
Fire Department	Harold Heglar
Building Department	John Batson
Town Clerk	Nancy Avery

Town Attorney A. A. Canoutas was in attendance. There was a quorum of the Town Council present.

CALL TO ORDER

Mayor Montgomery called the meeting to order at 6:30 pm, delivered the invocation and led in the Pledge of Allegiance.

Chief Harold Heglar stated that on August 11 and 12th, the Kure Beach Fire Department completed its routine inspection and received a Five Rating. This is a substantial improvement from the Seven Rating maintained prior to the inspection. This higher rating can significantly lower homeowners' insurance rates in the Kure Beach Fire District. The new rate goes into effect on February 1, 2009.

PERSONS TO ADDRESS COUNCIL

1. Gabby Krause, member Parks & Recreation committee:

- Reviewed changes in the schedule of fall classes.
- Stated there are two openings on the committee to be advertised.

Consensus – the clerk is to advertise vacancies on the Parks and Recreation committee.

2. Tony Gonsalves, Shoreline Access and Parking committee, stated:

- The committee is asking Council to find money to start the design process for a permanent bathroom facility. The plan is to use the design for any and all bathrooms the Town may install.

ACTION – consensus – staff to look for the money and look at grants to build a bathroom.

3. Ken Withrow, Beautification committee, stated:

- The committee unanimously approved revised plans for the Atlantic Avenue walkway.
- The committee is asking Council to approve the revised plans and submit them to CAMA.

APPROVAL OF CONSENT AGENDA

1. Building Department report: September 2008
2. Fire Department report: September 2008
3. Police Department report: September 2008
4. Finance report: September 2008
5. Appointment of Jerome Belcastro to the ADA committee
6. Reappointment of Francis Regan to the Community Center committee
7. Sick leave applied to retirement for finance director Parks & Rec committee
8. Sea Watch HOA electricity bill agreement
9. Accept resignation of Bryan Strickland from the Request for Proposal – design services for the Ocean Front Park
10. Town Clerk Job Description
11. Town Administrator Job Description
12. Reappoint Jackie Phillips and Pat Slachetka to the Community Center Committee.
13. Appoint Irene Barber to the Community Center committee
14. Council minutes:
 - 9/16/08 regular meeting continued to 9/25/08, 9/29/08 and 10/2/08
 - 9/16/08 closed meeting continued to 9/25/08, 9/29/08 and 10/2/08
15. Acceptance of bids for two ATV's declared surplus – bid of \$1500

ACTION – Commissioner Vatr MADE THE MOTION to add three items to the consent agenda and remove one item as follows:

1. Reappoint Jackie Phillips and Pat Slachetka to the Community Center committee
2. Appoint Irene Barber to the Community Center committee
3. Acceptance of bids for two ATV's declared surplus – bid of \$1500.
4. Remove item # 7 Ocean Front Park to old business

Mayor Pro Tem Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ADOPTION OF THE AGENDA

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to accept the agenda with no changes. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

OLD BUSINESS

1. Update on Ocean Front Park

Mayor Pro Tem Dugan stated:

- The committee discussed a request for proposal that outlines a list of items from the committee members that were positive and negative and is written with enough scope for suggestions.
- One of the grant applications has the requirement to have a small area set aside as a playground for children up to age 6 years. Input from citizens was that a playground or equipment for children should not be a part of the park. The committee discussed ways to have a play area as part of the park and not be obtrusive.

ACTION – Mayor Pro Tem Dugan MADE THE MOTION to submit the request for proposal to the public to receive input from design firms for a design for the Ocean Front Park. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL CARRIED BY A VOTE OF FOUR TO ONE:

Mayor Montgomery, Mayor Pro Tem Dugan, Commissioners Nelder and Vatrtr in the affirmative. Commissioner Lambeth in the negative.

2. Review and approval of 35 foot height exception application and amendment to zoning ordinance – public hearing held 10/21/08.

ACTION – Mayor Pro Tem Dugan MADE THE MOTION to accept the ordinance for the 35 foot height exception application as recommended by the committee.

Commissioner Nelder seconded the motion.

THE VOTE OF APPROVAL CARRIED BY A VOTE OF FOUR TO ONE

Mayor Montgomery, Mayor Pro Tem Dugan, Commissioners Nelder and Vatrtr in the affirmative. Commissioner Lambeth in the negative.

Said ordinance is herein included as part of these minutes.

Mayor Montgomery called for a ten minute recess at 8:05 pm.

Mayor Montgomery resumed the meeting at 8:15 pm.

3. Update on Atlantic Avenue boardwalk project

- Commissioner Nelder stated that the committee has presented a revised plan and he wants Council to approve submitting the plan to CAMA for permit approval. The revised plan calls for a 6 foot wide, raised, semi pervious walkway, at existing grade with 48 inch wide native plant strip between curb and raised walk, 8x8 continuous curb, new sand fencing, and new remedial dune planting. Raised walk on grade is to be ADA compliant and not provide space for vermin and other animals to live.

- ACTION – consensus - submit the revised plan for the Atlantic Avenue walkway to CAMA as is without the 8x8 continuous curb. Said revised plan is herein included as part of these minutes.

4. Competitive bid for financing for water/sewer rehab project on Fort Fisher Boulevard
Town Administrator James stated:

- The Town has contracted with Engineering Services to administer the grant and do construction on the sewer rehab project on Fort Fisher Boulevard- the Town's matching funds for grants are \$609,000.
- She is recommending Council allow the finance department to competitively bid for this project and prepare the Local Government Commission packet.

ACTION - Commissioner Vatr MADE THE MOTION to authorize the finance department to accept competitive bids for financing with no obligation to the Town and begin paperwork to the Local Government Commission. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

5. Review and Approval of FACT ACT Ordinance required by FCC on November 1, 2008

Town Administrator James stated:

- The ordinance establishes a privacy committee to establish and oversee committee.
- It is required by law that the ordinance be adopted.
- She is asking Council to adopt the ordinance.

ACTION – Commissioner Nelder MADE THE MOTION to adopt the FACT ACT ordinance as presented. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said ordinance is herein included as part of these minutes.

6. Update on Town Hall addition

Commissioner Lambeth stated:

- The final approval was received on the addition to Town Hall.
- Before the November 18, 2008 meeting at 6 pm there will be a reception for the daughters of former Mayor Betty Medlin and a plaque will be installed in memory of Mayor Medlin.

NEW BUSINESS

1. Review and Approval of Pleasure Island Trolley RFP

Town Administrative James stated:

- She has been working with a Pleasure Island Trolley committee since February of 2008.
- The committee decided a request for proposal was needed to determine if the island could support a trolley.

- This is in conjunction with the Town of Carolina Beach. The Carolina Beach Town Council approved the proposal October 2008.
- The cost to the Town of Kure Beach is the expense to advertise.

ACTION – Commissioner Vatrt MADE THE MOTION to approve the request for proposal (RFP) for the Pleasure Island Trolley as presented. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said RFP is herein included as part of these minutes.

2. Discussion of No Discharge Resolution R08-09

ACTION – Commissioner Lambeth MADE THE MOTION to adopt resolution R08-09 petitioning the NC Department of Environment and Natural Resources to establish a no discharge zone in the estuarine water within the Town of Kure Beach jurisdiction. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. Said resolution is herein included as part of this resolution.

3. Discussion of public access to climate study

Commissioner Lambeth stated he thinks the climate study document should be released to the public as all the items in the document have been addressed.

ACTION – Commissioner Lambeth MADE THE MOTION to release the workplace climate study to department heads and the public prior to the November meeting.

The motion died due to lack of a second.

4. NC League of Municipalities letter of recommendations

Commissioner Vatrt stated:

- The NC League of Municipalities issued a letter regarding the economic downturn and recommendations for the future.
- The Town is watching all funds invested in Certificates of Deposit and watching budgeting for all projects.
- The Town is working with our primary lender to ensure they are competitive with other banks and pricing.

CLOSED SESSION - consultation with attorney - legal matter

ACTION – Mayor Pro Tem Dugan MADE THE MOTION to go into closed session at 9:14 pm for a consultation with the Town Attorney regarding a legal matter. Commissioner Vatrt seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

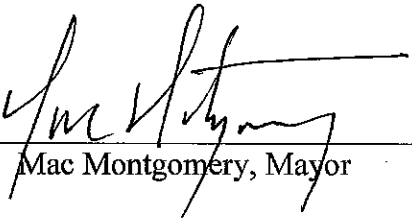
ACTION – Commissioner Vatrt MADE THE MOTION to return to open session at 9:52 pm. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION- Commissioner Nelder MADE THE MOTION to direct the attorney to file an intervening motion in the petition for judicial review filed against the Coastal Resource Commission. Commissioner Vatrtr seconded the motion.

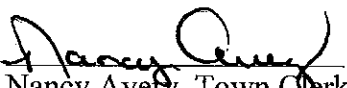
THE VOTE OF APPROVAL CARRIED WITH A VOTE OF FOUR TO ONE

ADJOURNMENT

ACTION – Commissioner Nelder MADE THE MOTION to adjourn the meeting at 9:55 pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Mac Montgomery, Mayor

ATTEST: 
Nancy Avery, Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.

Add to Consent
Agenda

TOWN OF KURE BEACH - BID LIST

DATE: 10-21-08 - 3:00 p.m

ITEM: 2 ATV's

	VENDOR	LICENSE #	BID BOND AMOUNT	REMARKS
1	G. Teague		100.00	1500.00 Both
2	R. Gordy		5.50	110.00 Both
3	E. Dineen		10.00	30.00 Both
4				
5				
6				
7				
8				
9				
10				

SIGNED Susan G. Suggs

WITNESS Gina Dineen

Nancy Avery

From: Michelle James [townadministrator@townofkurebeach.org]
Sent: Wednesday, October 15, 2008 8:42 AM
To: 'Nancy Hewitt'; 'Nancy Avery'
Subject: Parks and Rec

Bryan Strickland has resigned from the committee. He is working in Raleigh full-time. Clifton Carroll is involved in Cub Scouts and will take the alternate position.

Michelle James

Town Administrator

Town of Kure Beach

117 Settlers Lane

Kure Beach, NC 28449

910.458.8216 - office

910.458.9711 - mobile

910.458.7421 - fax

townadministrator@townofkurebeach.org

Mac Montgomery
Mayor
Dean Lambeth
Commissioner
Jim Vairt
Commissioner



Jim Dugan
Mayor Pro Tem
Barry Nelder
Commissioner
Michelle James
Town Administrator

Town of Kure Beach

117 Settlers Lane • Kure Beach, NC 28449
(910) 458-8216 • (910) 458-7421 Fax
www.townofkurebeach.org

October 16, 2008

Seawatch Homeowners Association
122 Seawatch Way
Kure Beach, North Carolina 28448

Dear Seawatch Homeowners Association:

According to our records, Seawatch is currently paying for the following:

- High pressure sodium lights, 46 kwh, 9500 lumens, post fixtures
15 lights @ \$11.70/month

The Town is paying for similar high pressure sodium lights in other subdivisions at the following price:

- High pressure sodium lights, 46 kwh, 9500 lumens, enclosed
12 lights @ \$9.21/month
- High pressure sodium lights, 46 kwh, 9500 lumens, enclosed cut-off
57 lights @ \$9.21/month

Therefore, the Town agrees to pay for the Seawatch electricity bill at the same rate as other subdivisions in Kure Beach at \$9.21. The Town will not pay for the cost of the lampposts as they are decorative and dissimilar to the lamps used throughout the Town.

The Town will conduct a meeting between Progress Energy and Seawatch to work out the details and division of the expenses on the electrical bill. The Town will contact your president to make arrangements for the meeting.

We look forward to working with you going forward on these expenses.

Sincerely,



Mayor Mac Montgomery

Cc: Town Council

MEMORANDUM

Date: October 14, 2008

To: Town Council

From: Jim Vatr, Finance Commissioner
Michelle James, Town Administrator 

Re: Recommendation to approve sick leave

We recommend Town Council approve a total of 1290.16 sick leave hours for Finance Director Susan Suggs to use with the NC Retirement System.

Please see the enclosed request from the Finance Director. This item is on the Consent Agenda for your approval. If you have any questions, please contact one of us prior to the Council meeting on Tuesday, October 21.

Memorandum

TO: Michelle James, Town Administrator

FROM: Susan Suggs, Finance Officer *Susan Suggs*

DATE: October 14, 2008

SUBJ: Sick Leave

I am requesting the following accumulation of sick leave to be forwarded to the retirement system at 12/31/08.

Current balance 744.75

Earn for Oct. 7

Earn for Nov. 7

Earn for Dec. 7

Carried from the Town of Leland 188.41

Forfeited 1996-2001 336

Total 1290.16 hours

*Draft
Consent agenda*

Kure Beach Ocean Front Park Request for Proposal

INTRODUCTION

The Town of Kure Beach is seeking qualified design professional of Architectural Services for the design of the Kure Beach Ocean Front Park.

This Request for Proposals (RFP) is intended to establish the specifications, terms and conditions governing the selection of a firm to provide Architectural Services to the Town of Kure Beach. All proposals shall be in the form and format specified in the RFP section entitled "Proposal Form and Content."

BACKGROUND

- The Town of Kure Beach was incorporated in 1947. Under the Mayor-Council Form of Government, the Town Council consists of three commissioners, a mayor and mayor pro tem. The Town Council purchased the former Rolling Surf Motel property for the purpose of constructing an Ocean Front Park in December, 2007. Town Council borrowed \$3.6 million to acquire the park and has been awarded over \$2 million in grant funds for its acquisition and utilization. A citizen committee was created to recommend park utilization criteria. Council approved their plans in September and authorized the Town to seek architectural services based on the guidelines set forth in this RFP.
- The Town of Kure Beach is seeking to recruit a design services team which shares the Town's spirit for innovativeness, creativity and a green design philosophy. The qualified design team will look beyond the criteria and guidelines set forth in the Scope of Work and prepare a model proposal which demonstrates their own unique approach to the development of the Ocean Front Park.
- The project site is located at 105 Atlantic Avenue in Kure Beach, NC.

SCOPE OF WORK

The exact scope of services required by the Town of Kure Beach will be set forth in the agreement between the Town and the selected design professional firm.

The scope of work for the design professional firm shall include, but is not limited to, the following phases of work and tasks:

Design Phase

1. Design professional firm will work with the town to develop a design concept and schematic design to include a nautical, old-time town theme, specific structural components, green design philosophy and eco-friendly materials as follows:

PAVILION where movies, concerts, shows, educational presentations and other events can be showcased from a stage. Structure shall be wired for electricity, lighting and sound. Open-air design and locked storage area. One or two level structure. (roof optional)

PUBLIC RESTROOMS located in an inconspicuous area of the park, but viewable by law enforcement officers. A small and unobtrusive securable structure designed with roof and walls, without opening door entering the separated restrooms for men and women. Constructed with solid, vandal-detering, easy to clean and maintain materials.

STORMWATER INFILTRATION SYSTEM design will be provided by the town's engineer, Engineering Services, in collaboration with the design firm and approved design concept.

GAMES AREA, such as table-top games, integrated and connected to overall park design

PLAYGROUND AREA FOR CHILDREN UP TO AGE SIX. A minimal area which is integrated to overall park design yet has separated boundary.

AMENITIES and GREEN, ECO-FRIENDLY FEATURES

- Open-space feel of overall park design to connect a spirit and sense of place and history for residents and visitors
- Multi-use area for temporary arts & crafts and/or farmers market vendors
- Space for removable bleachers and/or dance floor area near pavilion
- Flagpole(s)
- Porch-type swings, as seen at Southport Riverfront Park, as well as benches
- Fort Fisher Battle Monument (relocated from Fort Fisher Boulevard)
- Bike rack(s) and electric car charging station along boardwalk
- Rough material for pathway(s) to deter skaters from riding on them
- Aesthetically pleasing trash and recycling receptacles

- Turtle-friendly lighting
- Indigenous plants
- Signage
- Fast-growing shade trees, sail-type structure to shade areas or other shade options such as pergolas
- Cistern for water conservation or other “green” features
- Permeable pavers on Atlantic Avenue and beach access improvements to denote “park is ocean front” (See attached diagram.)

2. Firm sets the concept for design to include: the study and identification of site, zoning, code, and regulatory issues impacting design; the implementation of these items into a schematic design.

3. Firm presents concept to Town in an understandable manner to include: site plan; plans for individual structures such as restrooms, pavilion, etc; elevations or perspective renderings of each structure; outline specifying and describing type of materials utilized; and preliminary cost estimates.

Personnel employed or otherwise retained by design professional firm shall be properly certified and licensed under the laws and regulations of the State of North Carolina to provide the architectural design services solicited herein.

The firm or firms that provide architectural design services will not be permitted to bid for the construction of the project or propose to provide construction management services.

PROPOSAL, FORMAT & CONTENT

Qualifying proposals must address all of the following points, in the following order:

1. **Cover/Transmittal Letter.** This letter must be signed by a member of the firm with the authority to commit to a contract on behalf of the firm offering the proposal. Please acknowledge the receipt of any addenda received, if applicable.
2. **Scope of Work.** Describe the plan that you intend to use to complete the tasks listed in the Scope of Work to include conceptual drawings, recommended materials and overall design philosophy to be used.
3. **Responsible Personnel.** List the principal-in-charge, and others who will be directly involved with the project. Provide a concise statement of qualifications and experience of each person who may be committed to the projects.

4. **Architectural Intent.** Provide a brief statement explaining how proposed structures may be blended with existing topography to minimize visual impact or contrast to current structures.
5. **Related Experience.** Include:
 - a. All projects in progress or completed in the last five years that are comparable to these projects.
 - b. References with names addresses and phone numbers.
6. **Corporate Documentation and Financial Information.** Provide relevant information regarding organizational stability and strength. This includes a statement of organizational structure (e.g., sole proprietorship, partnership, corporation, joint venture, etc.), information regarding the make-up of that structure (e.g., owner, partners, board of directors joint venture partners, etc.), a listing of financial references, a current annual report or audited profit and loss statement and a statement of stability.
7. **Provide amounts and carriers** of both general liability and professional liability insurance.
8. **Provide a statement of the firm's philosophy** with respect to cost and budget control during the design phase of the projects, demonstrating experience and ability to design within a given budget.

CONSULTANT FEES

Provide a listing of consultant fees. Break down the fee into labor, subcontractor fees, if any, and expenses. Fees shall include all tax, mark-ups, overhead, and profit. The cost estimate should be broken out into the time estimates and costs for each task identified in the scope of work.

PROPOSAL SUBMITTALS

Pages in the proposal shall be typed and single sided with the maximum number of pages of proposal information (excepting cover sheet, index sheet, blank pages, and table of contents) to be limited to forty pages. Only the specifically requested information shall be submitted.

The design professional shall submit an original, unbound, and seven copies of the proposal in a sealed envelope or box clearly marked Kure Beach Ocean Front Park.

The proposals shall be delivered to the Kure Beach Town Hall at the following address not later than 4:00 pm on November 17.

Michelle James, Town Administrator

Town of Kure Beach

117 Settlers Lane

Kure Beach, NC 28449

Late proposals will not be accepted.

Potential applicants are requested to direct comments or questions only to Michelle James, Town Administrator.

EVALUATION & SELECTION

Proposals will be screened for technical merit by a committee of the Kure Beach Town Council, Town staff and Utilization Committee members prior to interviews being scheduled. The committee will review the written proposals and make recommendations for oral interviews.

The professional design firms identified by the committee will be invited to attend a meeting of the Town Council at which they will be individually interviewed in random order. The interviews will be conducted in public session; however, the firms are requested not to be present during the interviews of the other firms.

In addition to the specific factors addressed in the Request for Proposal, the interviews are intended to provide the Council with information regarding other factors about the firm important to their decision. These factors include, but are not limited to, its ability to communicate effectively with Council, Town staff, and others who will be involved in the project; its ability to work creatively and cooperatively with the Council, Town staff, and others who will be involved in the project; and its proposed methods for furnishing the required services to ensure that the project is completed on time, on or under budget, and to the Council's satisfaction.

The Town shall award a contract to the firm which presents the proposal that, in the judgment of the Town, best accomplishes the desired result. The Town is not obligated to accept any of the proposals submitted or to enter into an agreement with any of the applicants.

SCHEDULE OF ACTIVITIES

The following schedule has been established by the Town for the selection of an architectural firm.

Proposals accepted	11/17/08 by 4:00 p.m.
Staff/Committee evaluation	11/17/08 – 11/24/08
Notification of firms to be Interviewed	11/25/08
Interview of selected firms by Town Council	12/2/08
Selection of firm by Town	12/4/08

Contact Person

Michelle James, Town Administrator

117 Settlers Lane

Town of Kure Beach

Kure Beach, NC 28449

910.367.9711

CLERK TO THE BOARD Town of Kure Beach

Title:	Clerk to the Board
Department:	Administration
Work Type:	Full Time, Salaried
Approved by Town Council:	_____
Pay Grade:	14
Salary Range:	\$30,946.30 - \$48,265.22

GENERAL STATEMENT OF DUTIES

Performs supervisory and specialized work for the Kure Beach Mayor and Board of Commissioners.

DISTINGUISHING FEATURES OF THE CLASS

An employee in this class is responsible for performing the duties of Clerk to the Board of Mayor and Board of Commissioners as provided in the North Carolina General Statutes. Work also involves a variety of duties concerned with the recording, publishing, filing and indexing of official actions of the Board of Commissioners. Duties also include performing secretarial functions for the Board of Commissioners as assigned. Work is characterized by its variety and complexity requiring considerable organizational and analytical ability. Employee must exercise considerable independent judgment, discretion, and initiative in completing assignments. Employee must exercise tact and courtesy in handling difficult public contact situations. This employee shall be appointed by and perform work under the general supervision of the Town Board of Commissioners and is evaluated through observation and review of completed work for accuracy, completeness and adherence to instructions, policies, and procedures.

ILLUSTRATIVE EXAMPLES OF WORK

- Oversees clerical functions of Governing Body office.
- Is the official corporate secretary for the Town and custodian of the official Town Seal, ensuring the use of same meets full compliance with NC General Statutes.
- Coordinates travel and lodging arrangements for Mayor and Board of Commissioners and prepares travel expense reports.
- Prepares agendas for the Board of Commissioners meetings; notifies the Commissioners, appropriate town staff, the news media and other interested parties of the date and time of the Commissioners meetings;

- takes notes, records minutes, transcribes and logs minutes into minutes book and maintains Board records for public examination.
- Performs secretarial work as requested by the Board of Commissioners.
 - Performs a wide variety of clerical and administrative detail work accomplished in the office of the Mayor and Board of Commissioners.
 - Prepares and maintains Town's Official Ordinance Book; maintains and administers records retention and disposition policies for Town departments.
 - General Custodian with specific responsibility for tracking Board Committee appointments and proceedings.
 - Attests to actions taken by the Board by providing certified copies of minutes, resolutions and other documents; attests to the signatures of various Town officials on contracts, resolutions, proclamations, etc.
 - Performs other related work as assigned by Governing Body
 - Acts as the official historian for the Town.
 - Supports Advisory and Standing Committees of the Town.
 - Notarizes documents for public, staff and Governing Body as official Notary of Public for the Town.
 - Works cooperatively with Town Administrator and other department directors on day-to-day activities impacting Governing Body.

KNOWLEDGE, SKILLS AND ABILITIES

- Considerable knowledge of the principles and practices of modern office management, including knowledge of popular computer-driven word processing, spreadsheet and file maintenance programs.
- General knowledge of the organization and operation of the Town government.
- General knowledge of state and local statutes pertaining to Town Government.
- Thorough knowledge of state public records and open meetings laws.
- Working knowledge of the standard accepted practices of bookkeeping.
- Ability to research program documents and narrative materials and to compile reports from information gathered.
- Ability to compose effective correspondence.
- Ability to speak clearly and distinctly and to give information to the public in a pleasant courteous manner.
- Ability to secure the cooperation of others in difficult work situations and promote cohesion within the workforce as a team player.
- Ability to type accurately at an average rate of speed.
- Ability to maintain a variety of clerical records and to compile data for reports from such records.
- Ability to deal tactfully and courteously with the general public.

- Ability to establish and maintain effective working relationships as necessitated by work assignments.

DESIRABLE EXPERIENCE AND TRAINING

Graduation from high school, supplemented by college-level course work in secretarial science, business or public administration, and considerable progressively responsible secretarial, clerical or administrative experience, preferably involving public contact; or an equivalent combination of experience and training. Completion of Municipal Clerk Certification Classes desired. Notary preferred.

Grade:
FSLA Exempt



JOB DESCRIPTION – TOWN OF KURE BEACH

Title: TOWN ADMINISTRATOR

Department: Administration

Work Type: Full Time, salaried

Pay Grade: 23

Status: Exempt

Approved by Town Council

Date: _____

General Statement of Duties

Under general direction of the Board of Commissioners the Town Administrator performs highly responsible administrative and executive functions in coordinating all Administrative activities for the Town; serves as Budget Officer, Grants Administrator, Personnel Officer and performs special projects for the BOC as required.

Supervision

The Town Administrator serves at the pleasure of the Mayor and Board of Commissioners subject to a mutually approved employment contract.

Primary Duties and Responsibilities

- Supports the operations and functions of all departments to ensure the smooth and effective municipal government operation
- Consults with department heads, governing body members, legal staff, and state officials as required.
- Acts as an agent of the Town Board of Commissioners in developing, interpreting, and implementing public policy.
- Serves as the principal staff spokesperson for the Town on a day-to-day basis. Acts as the Town's Public Information Officer. Prepares media news releases as required by the Mayor and/or Town Board.
- Researches and develops policy alternatives, in coordination with Department Directors, for presentation to the Town Board
- Coordinates departmental budgetary transfers as well as any unbudgeted items as requested by department directors pursuant to Town Policy, ensures Governing Board and Department Heads receive monthly budget reports and other fiscal information necessary to manage their Departments.
- As the Town's Budget Officer, provides necessary oversight of Finance staff to ensure compliance with the provisions of NCGS 159 Fiscal Control Act, GASB rules, and the NC Local Government Commissions general accepted accounting practices.
- Assists in the management of the overall audit process with the finance department.

- Develops and administers the annual budget to include reviewing departmental funds requests, performing budget analyses, developing and presenting budgetary recommendations, and ensuring the satisfying of all legal requirements
- Serves as the principal grants administrator for the Town by locating grant sources, preparing grant application packages and/or coordinating grant efforts with other Departments as requested, monitors grant status/compliance, and ensures timely dissemination of required grant information to the governing Board ahead of mandatory deadlines.
- Acts as senior advisor to Town Clerk. Mentors when necessary on day to day activities. Works closely with the position to schedule meetings for staff, and support all scheduled meetings of the Town Board and its appointed subordinate Boards and Committees. Assists position with Board requests as needed.
- Administers the Town's Personnel Policy, assists Department Heads with processing of their new hires and terminations; serves as a resource for personnel issues; employee relations and events; and policy as set forth in the personnel manual. Oversees workers' compensation and property claims. Coordinates with department heads and recommends various personnel actions to the Board of Commissioners for their approval and action.
- Coordinates activities with other public agencies and governments as directed by BOC.
- Represent the Town as directed at various social and business functions within the Town as well as across the state as directed by BOC.
- Serves as directed on various community boards as the Town of Kure Beach designee.
- Acts as the principal staff liaison to select standing committees; serves BOA and P&Z as requested on policy and planning issues with the Zoning Administrator.
- Coordinates and facilitates scheduled meetings with department heads.
- Serves as primary assistant for Incident Commander in the event of a declared emergency backfilling critical functions as directed.

Training, knowledge and experience requirements

- Working knowledge of local government practices within the State of North Carolina.
- Working knowledge of principles and practices of budgeting for local governments included in NCGS 159 and GASB.
- Working knowledge of the principles of planning and zoning in the State of North Carolina and the administration/enforcement thereof.

- Knowledge of public water, sewer, and storm water systems management, distribution, infrastructure planning and development, and financing.
- Knowledge of federal, state, and private grants administration and procurement
- Knowledge of economic development processes in NC and ability to promote economic opportunities for growth and development in Town of Kure Beach.
- Ability to plan, coordinate, and implement a wide variety of projects
- Knowledge of common office procedures and practices
- Ability to cultivate team spirit and promote equality in a diverse workplace.
- Ability to communicate effectively, both oral and written.
- Ability to work with a variety of community, volunteer, and other organizations.
- Ability to build consensus among various stakeholders for support of Board Policies and mandates
- Ability to work effectively with a variety of elected and appointed officials including local, state, and national levels
- Working knowledge of computer applications including word, excel, and power point.
- Working knowledge of general principles of supervision, organizations, and administration.
- Must take initiative on projects and work under pressure to produce results.
- Ability to research, read, and interpret general statutes.

Education and Experience

- Four year degree in public administration, business administration or related field. MPA preferred.
- Three years of demonstrated progressively responsible upper level supervisory experience in municipal or town administration or a combination of education and work related experience.
- Demonstrated experience in municipal planning administration and development of long range plans.
- Training and/or experience with facilitating diverse groups to achieve results.
- Proficiency in using standard Microsoft Office applications
- Demonstrated experience in budgeting, planning, administration, personnel functions, and overall general knowledge of local government.

Hiring salary range is \$48,265.22 to \$75,277.31. This job description does not create an employment contract, implied or otherwise. The Town of Kure Beach is an Equal Opportunity Employer

ATLANTIC AVENUE PROJECT

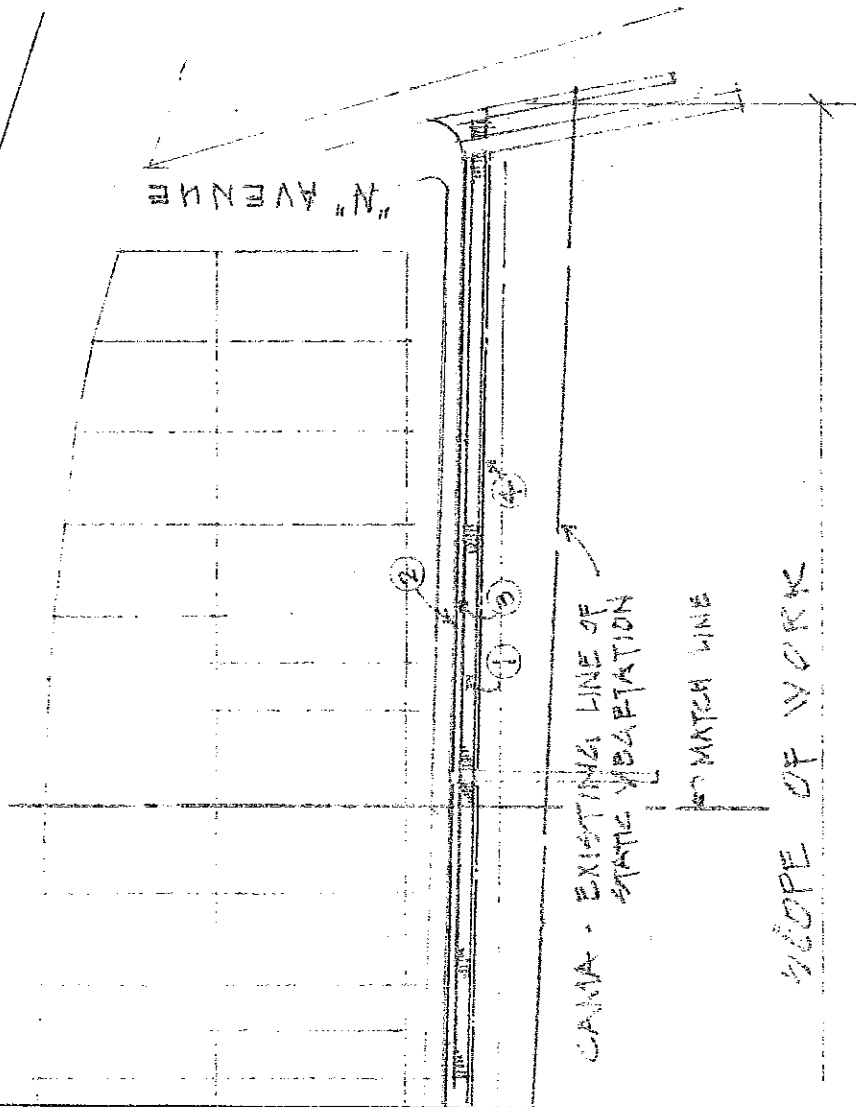
- ① New 6' wide, raised, semi pervious walkway, at existing grade.
construction per attached detail
- ② New 8x8 ~~continuous~~ curb at existing road (see attached detail)
- ③ New 48" wide native plant strip between curb and raised walk
- ④ New Sand fence to protect existing dunes
- ⑤ New remedial dune planting as required
- ⑥ Raised Walk on grade will be A.D.A. compliant
- ⑦ Raised walk on grade will not provide space for vermin and other animals to live

Notes / Issues / Questions

TOWN OF KURE BEACH
ATLANTIC AVENUE IMPROVEMENTS

FORT FISHER BLVD.

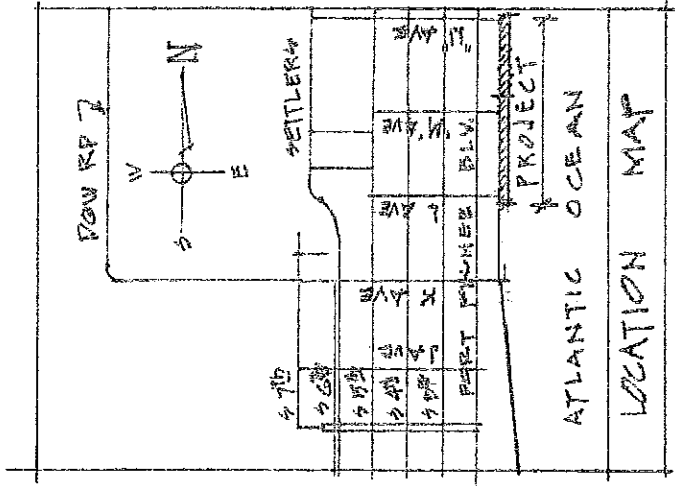
"N" AVENUE



CAMA - EXISTING LINE OF STATE VEGETATION

MATCH LINE

SCOPE OF WORK



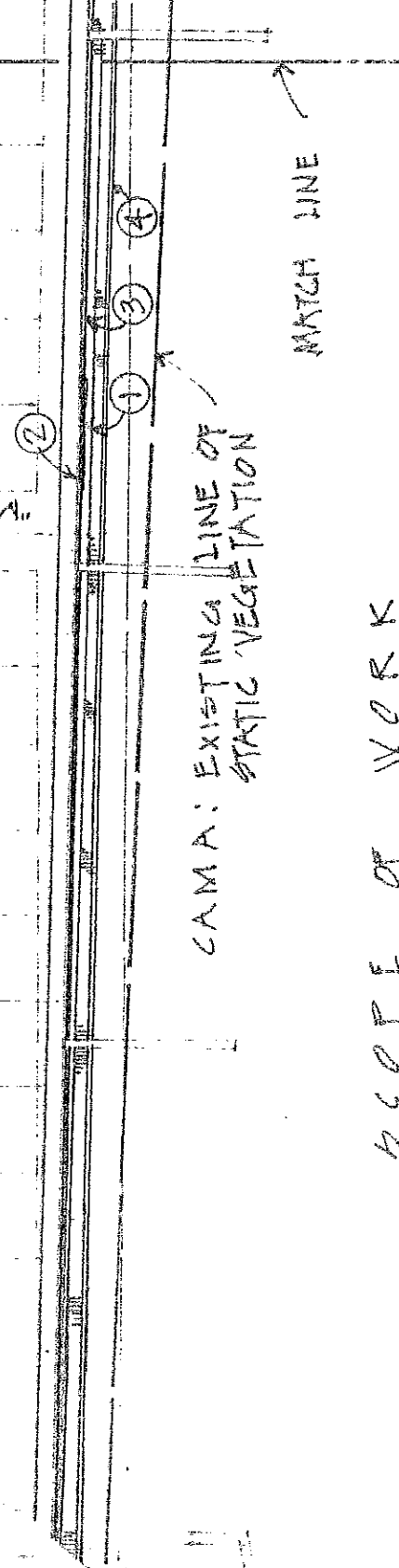
TOWN OF KURE BEACH
 ATLANTIC AVENUE IMPROVEMENTS

S I T E P L A N 's

FORT FISHER BLV. (SR 421)

L. AVE

M. AVE



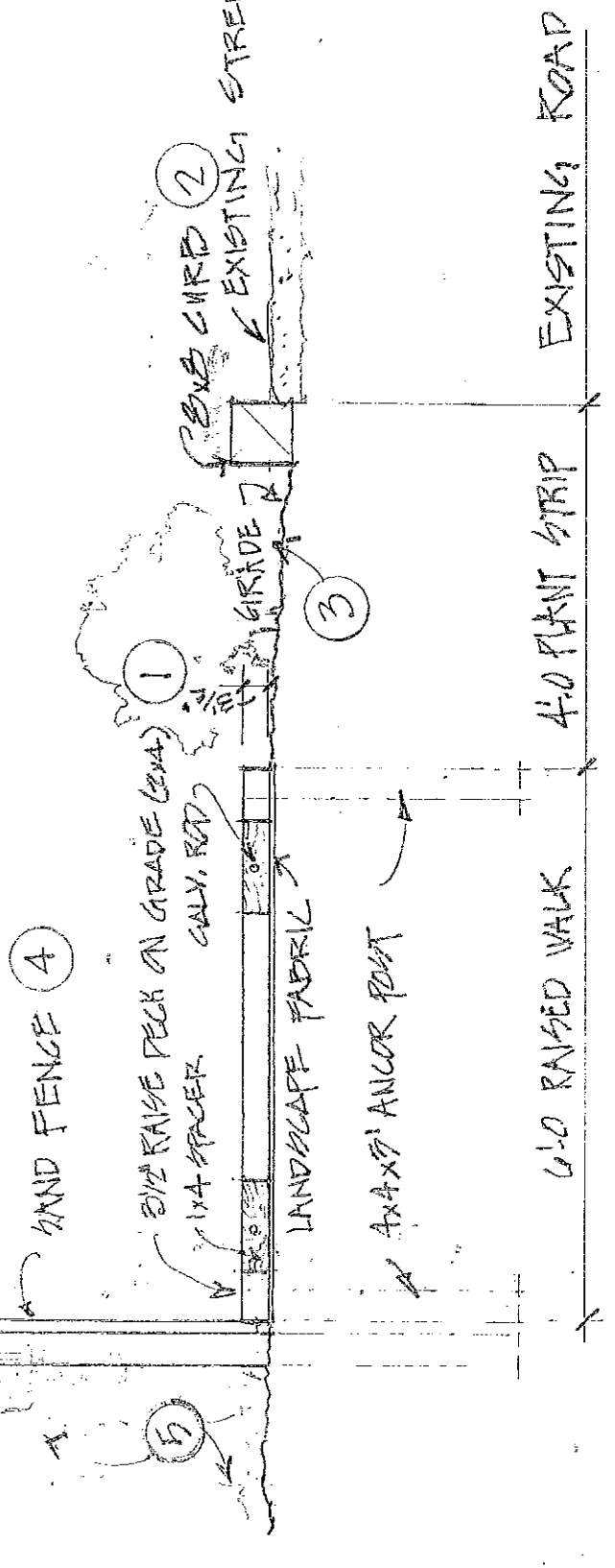
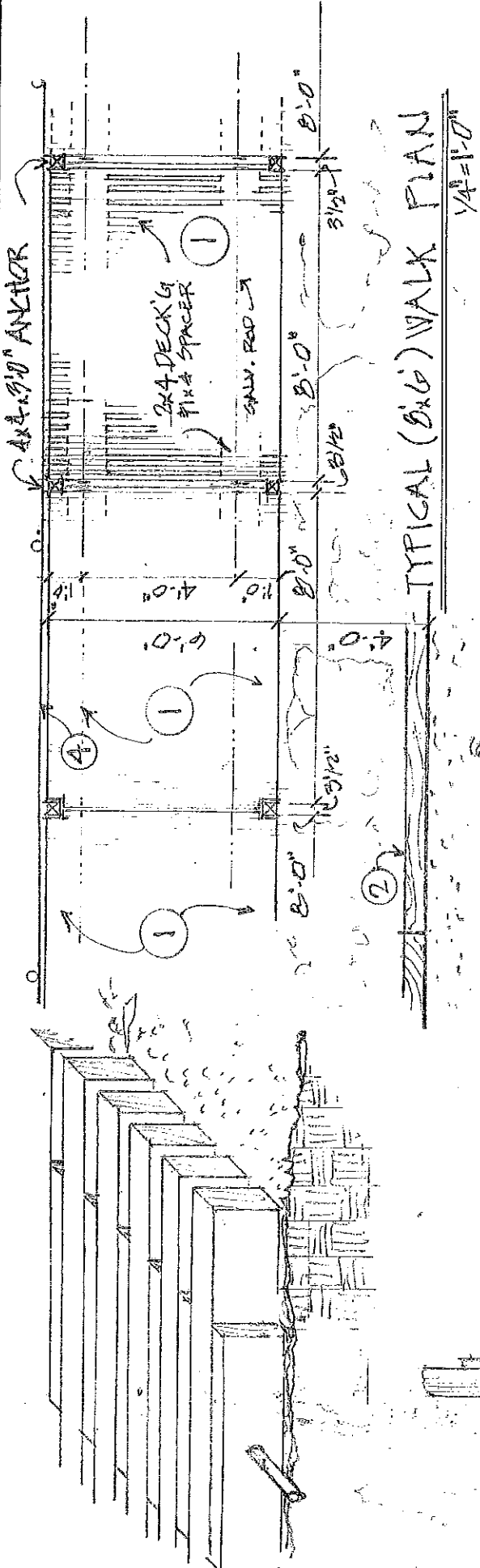
CAMA: EXISTING LINE OF STATIC VEGETATION

MATCH LINE

SCOPE OF WORK

TOWN OF KURE BEACH ATLANTIC AVENUE IMPROVEMENTS

S I T E P L A N



**35 FOOT
HEIGHT
EXCEPTIONS**

PLANNING AND ZONING COMMISSION ACTION ITEMS – OCTOBER 7, 2008

- Rescheduled November meeting from November 4 to November 11 at 7:30pm (November 4, 2008 election day)
- Tabled further review of draft amendments to sign ordinance until November meeting pending input from Beautification committee.
- Voted to approve and recommend to Council the draft ordinance 19-333.1 Height Exception Requirements as presented.



Nancy Avery
Town Clerk
Town of Kure Beach
117 Settlers Lane
Kure Beach, NC 28449
910-458-8216 (office)
910-443-3858 (cell)
910-458-7421 (fax)
townclerk@townofkurebeach.org

MEMORANDUM

Date: October 2, 2008

To: Planning & Zoning Commissioner

From: Michelle James, Town Administrator
John Batson, Code Enforcement Officer
Jim Schutta, P&Z Commissioner Chair
Alan Votta, P&Z Commission Member

Re: Revised draft/height exceptions/zoning ordinance

We met today and revised the draft ordinance, Section 19-333.1 Height Exceptions Requirements. The revisions were made based on direction from the Kure Beach Town Council. Our team was requested to:

- Set criteria for height exceptions in residential districts separate from the commercial districts.
- Compare the proposed application fee to other coastal towns.
- Re-evaluate the percentages used in the criteria for commercial buildings.

We appreciate your review and comments of the enclosed revised draft. The revisions are highlighted in red. If you need additional information, please do not hesitate to contact one of us.

ORDINANCE _____

That the Code of the Town of Kure Beach, North Carolina is hereby amended by adding section 19-333.1 entitled Height Exception Requirements which shall read as follows:

Section 19-333.1 Height Exception Requirements

- (a) The exceptions to the 35 foot height limit of structures allowed by the state law applies to spires, belfries, copulas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; therefore, any person desiring to construct such an exception must first apply for the permission to construct such exception before the Technical Review Committee (TRC).
- (b) The TRC shall be the Planning and Zoning Committee of the Town of Kure Beach who shall review height exceptions provided that the applicant for same can show the exception is architecturally and economically necessary, consistent with the current zoning district regulations and consistent with the neighborhood in which the exception is located.
- (c) It is required to resubmit application for approval if applicant changes approved plan or materials/ product substitutions are made. Regular application fees apply.
- (d) The following shall be guidelines for the TRC when considering exceptions in commercially zoned districts.
 - 1. Chimneys must meet state and local building codes & remain ventless where applicable.
 - 2. Electronic communication antennas must meet any provisions regulating such installations.
 - 3. Parapet firewalls must meet state and local building codes as determined by building use.
 - 4. Architectural details and screening may exceed the height limit by not more than 7 percent of the building height.
 - 5. Ventilation hoods, HVAC equipment and any mechanical appurtenance required for building operation shall be considered by the TRC. Manufacturer's standards apply. Substitutions or changes will require second review of the TRC.
 - 6. Elevator bulkheads and roof access stairways shall be considered by the TRC. Minimum manufacturer's height standards for maintenance access shall apply.
 - 7. No appurtenance shall be considered if the area allowed is used for human occupancy.
 - 8. Belfries are bell towers attached to commercial buildings and shall not exceed 7 percent of the building height. These items are for architectural aesthetics only. (Example: Clock Tower)

9. Spires are steeply pointed terminations to a tower, a roof or a church steeple. Spires shall not exceed 7 percent of the building height.
10. Cupolas are ornamental structures located on top of a larger roof used to admit light or provide ventilation. Cupolas may be constructed on commercial buildings. They should not exceed 150 square feet and shall not exceed 7 percent of the building height.

(e) The following shall be guidelines for the TRC when considering exceptions in residentially zoned districts.

1. Chimneys must meet state and local building codes & remain ventless where applicable.
2. Electronic communication antennas must meet any provisions regulating such installations.
3. Ventilators required for building operation shall be considered by the TRC. Manufacturer's standards apply. Substitutions or changes will require second review of the TRC.
4. No appurtenance shall be considered if the area allowed is used for human occupancy.
5. Belfries are bell towers attached to buildings and shall not exceed proposed building height. These items are for architectural aesthetics only and usually reserved for commercial use.
6. Spires are steeply pointed terminations to a tower or roof and are usually reserved for churches.
7. Cupolas are ornamental structures located on top of a larger roof used to admit light or provide ventilation. Cupolas may be constructed and should not exceed 100 square feet and 3 percent of the building height.
8. Any appurtenance not listed in the residential section of this ordinance shall not be considered by the TRC for approval.

(f) Information required, fee, meetings, and appeal process are as follows:

Application Information

Application Fee:

\$250.00 (increase is not necessary after comparing fees of other coastal communities)

Application, Plans & Number of Copies:

Provide two completed applications with original signatures. Provide seven copies of the completed application packet, for the TRC and staff, which include site plans, elevations, drawings, surveys, support letters and other supporting documents. Accepted plans are prepared by licensed design professionals.

Public Notice

The Town will prepare appropriate legal notices announcing the exception request and an announcement of the scheduled TRC meeting.

Submittal of Application

Application packets must be submitted for review to the Building Code Enforcement Officer, 117 Settlers Lane, Kure Beach, NC 28449, 20 days prior to the first Tuesday of the month.

Meeting Schedule

Applicants will be notified of the TRC's meeting schedule. TRC meetings are usually held on the first Tuesday of every month at 7:00 p.m. The TRC will render its opinion on the issue at the meeting in which they hear the issue. Hearing dates are subject to change pending holidays.

Appeal Process

Appeals of the TRC's final decisions are made to the Kure Beach Town Council.

Submittal Date: _____
Commercial _____ Residential _____

**Town of Kure Beach
Height Exception Application
Commercial and Residential Zoned Districts**

Provide two completed applications with original signatures. Provide seven copies of the completed application packet, for the TRC and staff, which include site plans, elevations, drawings, surveys, support letters and other supporting documents. Accepted plans are prepared by licensed design professionals for commercial buildings.

Application packet must be submitted to the Building Code Enforcement Officer
117 Settlers Lane, Kure Beach, NC 28449,
20 days prior to the first Tuesday of the month.

Property Owner(s)

Name: _____
Address: _____
Phone Number: _____

Applicant

Name: _____
Address: _____
Phone Number: _____

Type of Exception Requested: _____

Signature of Applicant: _____

FOR OFFICIAL USE ONLY

Accepted for Review _____ Date _____
Building Code Enforcement Officer _____
Fees Paid _____

TRC Status/Action _____ Date _____
Conditions of Approval _____

Appeal Status/Action _____ Date _____
Conditions of Appeal _____

General Information

Project Name: _____
Project Location: _____
Property Identification Number (PIN): _____
Existing Zoning: _____
Existing Use of Property: _____
Proposed Use of Property: _____
Total Site Area (Square Footage or Acres): _____
Total Square Footage of Building: _____
Number of Buildings: _____
Number of Rooms: _____
Number of Seats (restaurants): _____

A height exception is requested relative to Chapter 19, Section 333 of the Kure Beach Zoning Ordinance. Define the height exception.

All plans must be approved by the building code enforcement officer prior to issuance of building permit.

Justification Statement

1. Explain how the height exception is architecturally and economically necessary to your building or building plan.

2. How is this height exception consistent with the Town's Zoning Ordinance?

3. How is this height exception consistent with the existing uses in the district?

4. Explain how the height exception will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare?

5. Explain how sufficient evidence has been presented to justify the need for a height exception.

Adopted this the day of _____, 2008.

Mayor, Town of Kure Beach

ATTEST:

Town Clerk

FACT ACT ORDINANCE

MEMORANDUM

Date: October 15, 2008

To: Town Council

From: Michelle James, Town Administrator
Erin Dineen, Receptionist

Re: Identity Theft & Fraud Detection and Prevention Program

As required by the Federal Trade Commission's Fair and Accurate Credit Transactions Act, we propose the Town Council approve the enclosed Identity Theft & Fraud Detection and Prevention Program for the Town of Kure Beach. It is required that this program be in place by November 1, 2008.

The program contains the following and is still being reviewed by staff:

- The establishment of a Privacy Committee to create, drive and monitor the program
- Definitions of sensitive and confidential information
- Responsibilities of departments
- Managing, maintaining and storing sensitive and confidential information
- Identifying the risks of theft and fraud
- Preventing and mitigating theft and fraud
- Updating the program annually

We will also create an application for utility accounts which require customers to provide proof of identification. Once established, the privacy committee will begin meeting in December, 2008.

If you have any immediate questions, please contact one of us directly prior to the Council meeting.

DRAFT

TOWN OF KURE BEACH IDENTITY THEFT & FRAUD DETECTION AND PREVENTION PROGRAM

SECTION 1. Purpose

In accordance with the Federal Trade Commission’s Fair and Accurate Credit Transactions Act of 2003, the Identity Protection Act of 2005, North Carolina General Statutes (N.C.G.S) 75-60 of the Identity Theft Protection Act, N.C.G.S 14-113.20 Identity Theft, and N.C.G.S 132-1.10 of the Public Records Act (together, the “Act”), the Town of Kure Beach recognizes the responsibility to safeguard certain information of customers, vendors, employees, and other individuals who provide information within all the Town of Kure Beach branches and workplace that is covered by the Act. The purpose of this policy is to communicate to employees their responsibility for protecting sensitive and confidential information pursuant to the Act and a response plan in the event that there is a breach of information subject to the Act.

SECTION 2. Scope

This policy applies to management and all personnel of the Town of Kure Beach. The following represents a policy for the development of the identity theft detection and prevention program. Any part or the whole of policies and procedures written and developed will be incorporated into the program where appropriate. This does not replace, but rather supplements, any of the Town of Kure Beach standing policies.

SECTION 3. Privacy Committee

The Town of Kure Beach’s Privacy Committee is established to create, drive and monitor the program. A Privacy Officer functions as the head of committee, reports to a member of Senior Management or Town Administrator regarding the outcomes and need of The Identity Theft & Fraud Detection and Prevention Program.

Department	Role
Senior Management	Supplying resources to establish proactive identity theft program
Accounting	Billing, Collections, Expert in the flow of funds

IT	Data and Network Security, Expert in SCADA/Network administration
Human Resources	Personnel information, Identity theft training
Customer Service	Day to day processes in opening new accounts and monitoring activity on existing accounts
Law Enforcement	Knowledge of identity theft
General Counsel	Provide insights in legal ruling and State Statutory clarifications
Privacy Officer	Coordinates audit studies and reviews pattern of incidents

SECTION 4. Definitions

Identity theft is a term used to refer to fraud that involves stealing money or getting other benefits by pretending to be someone else. The term is relatively new and is actually a misnomer, since it is not inherently possible to steal an identity, only to use it. The person whose identity is used can suffer various consequences when they are held responsible for the perpetrator's actions. Specific laws make it a crime to use another person's identity for personal gain.

Fraud is the crime or offense of deliberately deceiving another in order to damage them – usually, to obtain property or services unjustly. [1] Fraud can be accomplished through the aid of forged objects. In the criminal law of common law jurisdictions it may be called "theft by deception," "larceny by trick," "larceny by fraud and deception" or something similar. Fraud can be committed through many methods, including mail, wire, phone, and the Internet (computer crime and Internet fraud). The difficulty of checking identity and legitimacy online, the ease with which hackers can divert browsers to dishonest site and steal credit card details, the international dimensions of the Web and ease with which users can hide their location, all contribute to making Internet fraud the fastest growing area of fraud.

Sensitive Information – Information that is identifying information according to the Act and through contractual obligations related to merchant services (credit card acceptance). The following are specifically identified as sensitive information:

1. Social security and employer taxpayer identification numbers
2. National and international identification
3. Drivers license, State identification card, or passport numbers
4. Credit card and debit card numbers (Pending Future Applications)
5. Savings and checking account numbers
6. Personal Identification (PIN) Code (Pending Future Applications)
7. Passwords

8. Electronic identification numbers, electronic mail names or addresses, internet account numbers, or internet identification names (Pending Future Applications)
9. Customer credit information (credit history, pay arrangements, and financial transactions)
10. Any other numbers or information that can be used to access a person's financial resources.
11. A persons first name or first initial and last name in combination with identifying information

Confidential Information – Under State statute (N.C.G.S 132-1), the Town of Kure Beach also has an obligation to secure and limit access to other information involving customers and employees. The following are identified as confidential information, although this is not a complete listing:

1. Communication with legal counsel
2. State and local tax information that contain information about a taxpayer's income or receipts except as provided in G.S. 153A-148.1 and G.S. 160A-208.1.
3. Public enterprise billing information (utility customer data)
4. Records of criminal investigations conducted by public law enforcement agencies
5. Emergency response plans
6. Economic development incentives

Security Breach – A breach is considered to have taken place if any sensitive or confidential information is suspected to have been stolen, viewed, copied, or otherwise compromised by an unauthorized individual or if it is suspected that information has been lost and could be accessed by unauthorized individual(s). A breach of information can occur physically or virtually via technology. Access and use of sensitive or confidential information by an employee or agent of the Town of Kure Beach for a legitimate purpose is not a security breach, provided that the sensitive or confidential information is not used for a purpose other than a lawful purpose and is not subject to further unauthorized disclosure.

SECTION 5. Responsibilities of Departments

- 5.1 Each department will develop and maintain a standard procedure to provide staff with specific guidance on the protection of sensitive and confidential information applicable to the department. Departmental procedures will supplement, but not supersede this policy or applicable laws.
- 5.2 Department heads are responsible for determining which employees are authorized to access and handle sensitive and confidential information and the department head must ensure that the authorized employees are trained to handle such information in accordance with this policy.
- 5.3 All employees who manage and work with sensitive and confidential information are required to read and sign the Identity Theft Detection and Prevention Program User Agreement which will be maintained in the employees personnel file.

SECTION 6. Managing, maintaining, and storing sensitive and confidential information

- 6.1 Employees who have access to sensitive and confidential information are required to create, handle, maintain, and dispose of such information with prudent care in order to ensure proper security. Access to sensitive and confidential information will be limited and only provided in order for authorized employees to perform essential tasks for Town of Kure Beach business.
- 6.2 The following procedures should be followed while creating, handling, maintaining, storing, and disposing of sensitive information.
1. Enter information directly to a final destination (i.e. computer system) and refrain from documenting the information in other areas.
 2. If sensitive information is written on paper for reference, shred immediately upon recording the information in the final destination.
 3. Electronic payment data should be handled by authorized personnel and only the last 4 digits of the customer's credit or debit account number should be visible on reports. (Pending Future Applications)
 4. Sensitive information should not be included on e-mails.
 5. Sensitive information should not be included on printed reports except as needed for the performance of essential tasks.
 6. Maintain documents that contain sensitive information in a secured location and limit access to the area.
 7. If possible, utilize encryption to secure information in the database or storage system.
 8. Do not leave a computer unattended if sensitive information could be accessed by unauthorized individuals. While away from the computer, log off or lock the workstation.
 9. Do not store files with sensitive information on laptops or on flash drives unless the information and the device can be secured and not accessible to unauthorized individuals.
 10. Take reasonable measures when destroying sensitive data that will prohibit the information from being read or reconstructed. Documents with sensitive data should be shredded by the individual who has authorized access to the data or by another employee while in the presence of the authorized employee. The Town of Kure Beach may enter into a written contract with a third party in the business of record destruction to destroy sensitive information in a manner consistent with this policy.
 11. Limit entry into Town Hall via locked door with authorized entry or official town key/key code.
- 6.3 In order to protect sensitive and confidential information, the Town of Kure Beach will only release sensitive information to the account holder or individual(s) who own the information upon confirmation of personal identifying information or a valid picture ID. The confirmed account holder or individual may authorize the release of sensitive

information to a third party. Confidential information will only be released in accordance with state statute. The only exception will be the release of specified information pursuant to a court order, warrant, subpoena or other requirement by law.

SECTION 7. Identify the Risks of Theft & Fraud

7.1 The Town of Kure Beach has a responsibility to define high risk areas for identity theft and identify potential threats for identity theft known under the Act as red flags. The red flags are indicators that sensitive information is being fraudulently used. This policy in combination with department specific guidelines should help to detect a potential for identify theft and unauthorized use of information.

7.2 The following are red flags that have been identified as indicators that sensitive information is being used fraudulently. Red flags are most commonly associated with activity on customer accounts (utilities, taxes, vendors). Other red flags may exist that are unique to a department and should be included in departmental guidelines.

1. The customer or individual provides notice that they are a victim of identify theft
2. A consumer reporting agency or service provider has provided an alert, notification, or other warning
3. Unusual number of recent and significant inquiries
4. Unusual or significant change in recently established credit or financial relationships
5. Conflicting names on identification and other documentation
6. Documents provided appear to have been altered or forged
7. Picture identification is not consistent with the appearance of the individual presenting the identification or the physical description on the identification does not match
8. Shortly after establishing an account, there is a request to change a mailing address or to add authorized users to the account
9. Personal identifying information provided is not consistent with other external information sources
 - a. Social security number does not match or is listed on the Social Security Administration's death master file
 - b. Address does not match or is fictitious, a mail drop, or prison
 - c. The phone number is invalid or associated with a pager or answering service
 - d. Authenticating information (i.e. PIN, password) provided is incorrect
 - e. Name on credit card or check does not match name on account or names associated with the account

7.3 Upon identification of a red flag indicating a potential risk of identify theft; staff should notify their immediate supervisor in person or by telephone to determine the validity of the red flag. Once an identify theft risk is confirmed, staff should respond in accordance with the breach response plan (Section 8).

SECTION 8. Preventing and Mitigating Identity Theft and Fraud

8.1 Identify theft and/or fraud has occurred.

Physical Breach - The following are indications that there has been unauthorized access to sensitive and confidential information via a physical breach. Other activities may occur that are also physical breaches that are not included in the listing.

1. Evidence of lock tampering on file cabinets or office doors
2. Evidence of unauthorized entry in an area where sensitive and confidential information is stored
3. Missing files or documents that contain sensitive information

Technology Breach - The following are indications that there has been unauthorized access to sensitive and confidential information via a technology breach. Other activities may occur that are also technological breaches that are not included in the listing.

1. Unknown or unauthorized name in the computer logon window
2. Disconnected computer cables or power cables
3. Missing computer equipment (desktop, laptop)
4. Evidence that electronic files have been accessed by unknown or unauthorized individuals or are missing
5. Devices or media attached to the computer that are not known or authorized
6. Unusual programs running, icons, or windows that appear that are not known and are not part of the normal work process
7. Any other suspicious activity which indicates an attempt to use technology without approval

8.2 Prevent and Mitigate

In the event personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag.

1. Continue to monitor an account for evidence of Identity Theft or Fraud.
2. Contact Police Investigator responsible for Identity Theft
3. Change any passwords or other security devices that permit access to accounts
4. Not open a new account
5. Close an existing account
6. Reopen an account with a new number
7. Notify the Privacy Committee for determination of the appropriate step (s) to take
8. Notify law enforcement if necessary
9. Determine that no response is warranted under the particular circumstances

8.3 Victim Record Request

Under the FACT Act, identity theft victims are entitled to a copy of the application or other business transaction records relating to their identity theft free of charge. The Town of

Kure Beach must provide these records within 30 days or sooner of receipt of the victim's request. We must also provide these records to any law enforcement agency which the victim authorizes. Before providing the records to the victim, the utility must ask victims for:

1. Proof of identity (which may be a government-issued ID card) or the same type of information the identity thief used to open or access the account, or the type of information the business is currently requesting from applicants or customers and
2. A police report and a completed affidavit, which may be either the FTC Identity Theft Affidavit (included) or the business's own affidavit.

8.4 IT Security

The system administrator and IT Director will conduct audits on an annual basis using the Identity Thief Prevention Program Checklist for Information Technology. All IT professionals shall sign agreements to not disclose private information.

Section 9. Program Updates

This program will be periodically reviewed and updated to reflect changes in risks to customers, vendors, employees and the soundness of the Town of Kure Beach from Identity Theft. At least every year, the Privacy Officer will consider the Town of Kure Beach's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detections and prevention methods, changes in types of accounts the Town of Kure Beach maintains and changes in the Town of Kure Beach's business arrangements with other entities. After considering these factors, the Privacy Officer will determine whether changes to the Program, including the listing of Red Flags, are warranted. The Privacy Committee will review all incidents of potential or actual security breaches and report findings and recommendation of changes to the City Council.

Section 10. Specific Program Confidentiality

For the effectiveness of Identity Theft & Fraud prevention programs, the Red Flag Rule envisions a degree of confidentiality regarding the Town of Kure Beach's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this program, knowledge of such specific practices are to be limited to the Privacy Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the program's general red flag detection, implementation and prevention practices are listed in this document.