

MINUTES



TOWN OF KURE BEACH TOWN COUNCIL

117 Settlers Lane ■ Kure Beach, NC 28449

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

Michelle James, Town Administrator ■ Kaysie Pralle, Town Clerk

REGULAR MEETING

June 16, 2009 6:30 pm

COUNCIL MEMBERS PRESENT:

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

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator	Michelle James
Building Inspector	John Batson
Public Works	Sonny Beeker
Town Clerk	Kaysie Pralle

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

CALL TO ORDER AND WELCOME

Mayor Montgomery called the meeting to order at 6:31 pm. Mayor Montgomery delivered the invocation and led in the Pledge of Allegiance.

RECOGNITION AND AWARDS

- ∞ Recognition of Michael McGowan, Michael's Seafood, Scheweppes Seafood Chowder Cook-off Winner, Newport, Rhode Island

- ∞ Recognition by The Cape Fear Disabled Sportsman's Fishing Tournament and the Got-Em-On Live Bait Club for the Town of Kure Beach for their contribution to this event.

- ∞ Resolution recognizing Representative Bonner Stiller for service in NC House of Representatives

ACTION – Mayor Pro Tem Dugan MADE THE MOTION to approve a resolution to Bonner Stiller. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

PRESENTATIONS TO COUNCIL

∞ Kathleen Reily, Governmental Affairs Director for Wilmington Regional Association of Realtors – Insurance Lawsuit Update

Kathleen distributed to Council a Base Rate Chart and a contract between the coalition and Stephen Coggins. Her concern is the equitable distribution of insurance rates in North Carolina. She formed the Cape Fear Coalition of Concerned Citizens. Right now the main issue for this coalition is insurance rates for coastal communities.

CONSENSUS – Council will consider joining this coalition at a cost of \$1,000.00 at the June 29 Budget meeting.

The Base Rate Chart and contract are incorporated by reference and are added as a part of the agenda packet.

∞ Paula Withrow, Debbie Price and Ann Doran, Street Festival Committee presentation for next year's festival

Paula presented her ideas for the next year's festival to include a car show and shirts to be designed from students at Carolina Beach Elementary School.

Debbie discussed the budget handout for the 2009 Street Festival. Possible revenue streams include a race/walk, sponsorship for fireworks, marketing fee for advertising, commercial booths, using TDA funds to cover budget gap and raffle artwork for shirts. Committee to return to Council when they have details about fundraising.

This handout is incorporated by reference and made a part of these minutes.

ACTION – Commissioner Lambeth MADE THE MOTION to approve the 2010 Street Festival with the existing committee. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

∞ Ken Withrow, Beautification Committee presentation for landscaping Atlantic Avenue (this item was tabled from the May meeting)

Ken presented plans for landscaping Atlantic Avenue. One plan was from RTM Landscaping, the other he drew to show the overall look of the landscaping at the plants maturity. His request is for Council to look at these plans, discuss the options and give their recommendation.

CONSENSUS - Council to review RTM Landscaping plans submitted by Ken Withrow to decide if this is an option to consider for Atlantic Ave. Council to submit a timeline to the Beautification Committee for completing this project.

☞ Bob Fitzsimons, Parks & Recreation Committee along with members of the New Hanover Disc Golf Association to present on Disc Golf at Joe Eakes Park
Bob stated the estimated cost would be around \$10,000.00. At least half of that would come from park funds from New Hanover County. The New Hanover Disc Golf Association has volunteered to help maintain the course. The course would be an 18 hole tournament course. Income could be achieved by selling the discs here at Town Hall and/or sponsorships on top of the baskets along the course.
Mayor Montgomery questioned the timeline to get plans for this course. Bob confirmed that the plans could be submitted very quickly.
Bob introduced Dave George from the New Hanover Disc Golf Association. Dave suggests putting the advertisements from sponsors on the Tee sign.
Mayor Montgomery stated that the committee needs to designate a portion of the 26 acres at Joe Eakes Park they plan to use for this course. A letter to Sonny Point will need to be completed requesting use of the acres.
Bob stated that he will have the plans showing which part of Joe Eakes Park will be used for the course to Council next week.

ACTION – Commissioner Nelder MADE THE MOTION to approve the preliminary plans for a disc golf course at Joe Eakes Park. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

PERSONS TO ADDRESS COUNCIL

(3 minutes- please sign in with the clerk before the meeting)

☞ Debbie Price discussion of Katie B. Hines Senior Center
She wanted to publicly recognize Alan Votta for supplying the supplies and labor to repair rotten wood at the Katie B. Hines Senior Center.

☞ Karen Vatrtr discussed the timing of garbage can removal
She feels that the trash cans are unsightly to the Town.
Mayor Montgomery suggested calling the Wilmington Association of Realtors to solicit help with this issue.
Building Inspector Batson explained that he typically mails out a warning for the first violation and after that he mails out a \$50.00 citation.
Commissioner Vatrtr questioned if the Town has trash cans on Fort Fisher at the Public Beach Access points, are we encouraging this problem?
Building Inspector Batson agreed this could contribute to the problem.

CONSENSUS - Administrator James to post, ASAP on the listserv, a memo reminding/informing everyone of the Ordinance regarding trash can removal and the applicable fines.

☞ Building Inspector Batson discussion of sand fence at Atlantic Avenue boardwalk

His concern is that if the sand fence were placed up against the boardwalk it could cause a safety hazard if someone were to fall on it. He suggests moving the fence further east away from the walkway.

Mayor Montgomery clarified the purpose of the fence is to keep people off the dunes. He recommends erecting a post every eight feet along the boardwalk and to string a rope made of cotton or hemp along the posts to signify a boundary line.

Commissioner Vatrtr questioned the Town Attorney about the liability of having someone sitting/swinging on the rope and falling.

Attorney Canoutas stated that anyone can sue for anything these days. Whether it is a wood railing or a rope, it is a potential liability.

ACTION - Commissioner Nelder **MADE THE MOTION** to accept rope railing concept pending John's plans to Council. Mayor Pro Tem Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

☞ Lee Hartsell, Hamby Beach, Lifeguard Program - This item was removed from the agenda.

APPROVAL OF CONSENT AGENDA

1. Building Department report: May 2009
2. Finance report: May 2009
3. Fire Department report: May 2009
4. Police Department report: May 2009
5. Approval of Updated Municipal Records Retention and Disposition Schedule
6. Approval of Beach Protection Committee to use Town Seal on T-shirts
7. Approval of Michael L. Jones and Christopher Richards to join Parks and Recreation Committee

ACTION - Commissioner Nelder **MADE THE MOTION** to remove Items 5 & 7 from the Consent Agenda. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ACTION - Commissioner Nelder **MADE THE MOTION** to approve the amended Consent Agenda. Mayor Pro Tem Dugan seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ADOPTION OF THE AGENDA

ACTION - Commissioner Nelder **MADE THE MOTION** to move Item# 5, Updated Policy & Procedures for committees to Item #10 under New Business and move Item #7, Discussion of policy for agenda items in writing to Item #11 under New Business. Commissioner Lambeth seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

ACTION - Commissioner Lambeth MADE THE MOTION to add as Item #4 under New Business the Resolution to accept a loan/grant from the NC DENR for the Sewer Rehab Project. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Commissioner Nelder MADE THE MOTION to add as Item #12 the discussion of Pleasure Island Library hours. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Commissioner Nelder MADE THE MOTION to move Item #9 under New Business to Item #4 under New Business. Commissioner Lambeth seconded the motion. THE ACTION FAILED WITH A VOTE OF THREE TO TWO. Mayor Montgomery, Mayor Pro Tem Dugan and Commissioner Varrt voted no.

ACTION - Commissioner Nelder MADE THE MOTION to approve the amended Agenda. Commissioner Varrt seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

The meeting was recessed at 8:30 pm.
The meeting resumed at 8:40 pm.

OLD BUSINESS

1. Discussion and Consideration of Golf Cart Ordinance (Cooper)

This item is removed from the agenda. Chief Cooper will be addressing this issue at the July or August Council meeting.

Chief Cooper reminded everyone that the Fourth of July falls on a Saturday this year. He expressed that even though he feels he has the amount of officer's necessary for this holiday weekend, they will do their best to keep pyrotechnics off the beach.

2. Discussion of Hall of Fame Committee (Lambeth)

Commissioner Lambeth read memorandum written by the Town Clerk and approved by the committee.

ACTION - Commissioner Lambeth MADE THE MOTION to move forward with the mural project. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Commissioner Nelder MADE THE MOTION to allocate \$900.00 of the FY2009-10 budget to support the efforts of the Hall of Fame Committee. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

CONSENSUS - Mayor Montgomery is appointed as the liaison for the Hall of Fame Committee.

3. Economic Development Study Committee Update (Vatrt)

Commissioner Vatrt presented Council with a PowerPoint presentation showing the update of the Economic Development Study Committee.

The presentation slides are incorporated by reference and are added to the agenda packet.

4. Discussion of a Resolution to accept a loan/grant from the NC DENR for the Sewer Rehab Project

The project is estimated to cost 1.21 million dollars. The Town was awarded a loan/grant from the ARRA in the amount of \$619,432.00. Fifty percent of that money is a grant, the other half is a 0% interest loan to be repaid over the next 20 years.

ACTION - Commissioner Vatrt MADE THE MOTION to approve the Resolution to accept a loan/grant from the NC DENR for the Sewer Rehab Project. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

NEW BUSINESS

1. Discussion and Consideration of FY 2009-10 Budget (James)

Commissioner Vatrt explained that for the first time in many years the Town will be able to put money into the Fund Balance at the end of the FY2008-09 Budget cycle.

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to set a meeting time of 6:30 pm on Monday, June 29, 2009 to have final budget approval. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Administrator James discussed the highlights of the budget distributed to Council. She distributed a handout of the proposed garbage plan and current collection ordinances.

These handouts are incorporated by reference and made a part of these minutes.

Mayor Pro Tem Dugan expressed that Town Council need to establish a set amount for the Fund Reserve.

ACTION - Commissioner Vatrt MADE THE MOTION to approve the preliminary FY2009-10 Budget. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

2. Discussion and Consideration of the following (Batson):

- A. Recommendation from Planning & Zoning Commission for Political Signs - Chapter 19 ZONING, ARTICLE VI. SIGNS, Sec. 19-373. Exceptions.

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to adopt this ordinance amendment with the wording in subsection 7, line 7 to read, "Political signs may be erected within 100 yards of the Town Hall or Polling Place twenty-four (24) hours prior to the scheduled election subject to limits imposed by the New Hanover County Board of Elections. Commissioner Nelder seconded the motion. THE MOTION PASSED WITH A VOTE OF FOUR TO ONE. Commissioner Lambeth voted no.

B. Recommendation from Planning & Zoning Commission for Prohibitive Signs - Chapter 19 ZONING, ARTICLE VI. SIGNS, Sec. 19-375. Prohibited Signs.

Commissioner Lambeth would like a provision added to this amendment in the event of a natural disaster.

Administrator James suggested adding to the beginning of section D "Except in a State of Emergency, any permitted or nonconforming sign or sign structure which has been damaged may not be repaired and used as before, provided all repairs are initiated within 30 days and completed within 90 days of such damage."

ACTION - Commissioner Lambeth MADE THE MOTION to adopt this ordinance amendment with an addition at the beginning of section D to read, "Except in a State of Emergency,..." Commissioner Vattr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS. (3:10)

C. Recommendation from Planning & Zoning Commission Chapter 19 ZONING, ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS, Sec. 19-333.1. Height exception requirements.

Commissioner Lambeth would like to change the signature line to read "Signature of Owner or Owner's Agent"

ACTION - Commissioner Nelder MADE THE MOTION to adopt this ordinance amendment as recommended by Planning & Zoning with no changes from Council. Mayor Pro Tem Dugan seconded the motion. THE MOTION PASSED WITH A VOTE OF FOUR TO ONE. Commissioner Lambeth voted no.

3. Discussion of Beautification Committee (Dugan) (3:18)

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to pay bills in the amount of \$895.00 and \$300.00 for landscaping and plans provided by RTM Landscaping Incorporated. Commissioner Vattr seconded the motion. Mayor Pro Tem Dugan and Commissioner Vattr withdrew their motion and second.

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to pay RTM Landscaping Incorporated \$895.00 for landscaping in the Town. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Mayor Pro Tem Dugan MADE THE MOTION to disband the Beautification Committee. Commissioner Vatrtr seconded the motion. After much discussion, Mayor Pro Tem Dugan and Commissioner Vatrtr withdrew their motion and second.

ACTION - (4:00) Mayor Montgomery MADE THE MOTION to hold a Workshop after July 1, 2009, date to be determined, with Council and the Beautification Committee for the purpose of discussing the committee's mission and direction. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4. Discussion and Consideration of policy for Naming Town Assets (James)

Administrator James discussed the policy recommendation handout that was distributed to Council.

This handout is incorporated by reference and made a part of these minutes.

ACTION - Commissioner Lambeth MADE THE MOTION to adopt the Naming of Public Facilities Policy with the amendment of "streets" to read "new streets." Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

5. Discussion of Guidelines for contributions to a non-profit organization (Lambeth)

ACTION - (4:15:45) Commissioner Vatrtr MADE THE MOTION to direct the Town Administrator to return with a policy specifically tailored for Kure Beach. Mayor Pro Tem Dugan seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

6. Discussion of Interpretation of minutes to pay bills (Lambeth)

CONSENSUS - This issue has been resolved.

7. Discussion of Correct procedure for re-visiting a tie vote (Lambeth)

CONSENSUS - This issue has been resolved for Commissioner Lambeth after discussion with Town Attorney.

8. Discussion and consideration of renaming Economic Development Study Committee (Nelder)

ACTION - M Nelder MADE THE MOTION to remove this item from the agenda. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

9. Discussion of Council and Management attitudes toward volunteer input (Nelder)

CONSENSUS - This issue has been resolved.

10. Discussion of Updated Policies & Procedures for Committees

ACTION - Commissioner Lambeth MADE THE MOTION to approve the updated Policies & Procedures for Committees. Commissioner Vattr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

11. Discussion of policy for Agenda items in writing

ACTION - Commissioner Vattr MADE THE MOTION to adopt the policy with the amendment of "If the Council member wishes to call with an agenda request, the Clerk, at the councilman's request, will write down the agenda item and place it in the commissioner's box. The Council member would then sign and date the form then return it to the Clerk. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

12. Discussion of Pleasure Island Library hours of operation (Nelder)

Commissioner Nelder explained that due to funding issues the Carolina Beach Public Library reduced its operating hours.

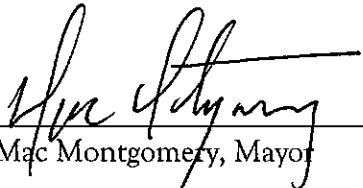
CONSENSUS - Council directed the Town Administrator to prepare a letter to the New Hanover County Commissioners. The letter is to state that the Town Council supports the operations of the Carolina Beach Public Library. This library provides a vital service to children and senior citizens of Kure Beach and Carolina Beach. The library is viewed as a distinct asset to all residents of Pleasure Island. The Town Council requests that the library funding be restored at the Carolina Beach Public Library to maintain a reasonable operating schedule.

A copy of this letter is to be forwarded to the Town of Carolina Beach.

EXECUTIVE SESSION (If necessary)

ADJOURNMENT

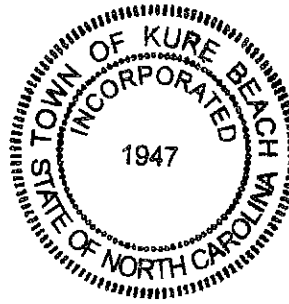
ACTION - Commissioner Vattr MADE THE MOTION to adjourn the meeting at 11:11 pm. Commissioner Nelder seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Mac Montgomery, Mayor



Kaysie Pralle, 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.

ITEMS
INCORPORATED BY REFERENCE
AND MADE A PART OF THESE
MINUTES

OR

SIGNED AND SEALED
ORDINANCE
RESOLUTION
PROCLAMATION
CONTRACT

Certificate of Recognition

Presented to

Michael's Seafood

The Mayor and the Town Council of the Town of Kure Beach are proud to recognize Michael's Seafood for taking first place in the Seafood Chowder Category at the 28th Annual Schweppes Great Chowder Cook-Off held on Saturday, June 6, 2009 in Newport, Rhode Island.



Signed

Mayor Mac Montgomery



TOWN COUNCIL
TOWN OF KURE BEACH

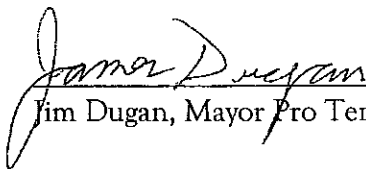
*R*ESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF KURE BEACH

WHEREAS, Bonner Stiller has served in the North Carolina House of Representatives with honor and distinction representing not only his constituents but the people of North Carolina with dignity, honor and fairness; and

WHEREAS, Bonner Stiller has always been attentive to the requests of the Town of Kure Beach by being supportive of our needs in the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KURE BEACH, that the Council and the citizens of the Town wish you well in all your endeavors and you carry our thanks and well wishes always.

Adopted this the 16th day of June, 2009, at Kure Beach, North Carolina.

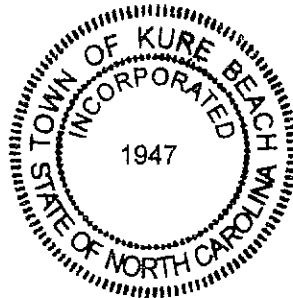


Jim Dugan, Mayor Pro Tem

ATTEST:



Kaysie Pralle, Town Clerk



Street Festival Committee 2009

Council is requested to review the following:

- Determine if the Festival will again be sponsored by the town
 - If so, will the Festival be promoted by the Festival Committee volunteers with council liaison or will the Town use employees
- Funding
 - 2009 Revenues were approximately
 - Vendor fees of \$3900
 - Sales of logo items (2009 t-shirts sold \$1930 plus inventory of \$1,000)
 - Town contribution for fireworks \$2000.
 - Total \$7830
 - Fully burdened cost of 2009
 - 4 bands, \$1975
 - Fireworks, \$4000
 - T-shirt start up, \$1550
 - Marketing, \$370
 - Kids kornor materials, \$300
 - Miscellaneous materials \$315 (???)
 - Town associated expenses of \$5200 **excluding Public Works**
 - Total \$13,710 (**Excluding donated Inflatables, (\$350)**)

Leaving a short fall of at least \$6,000 for the town to absorb or find other means of funding... based on 2009.

- 2010 Budget request submitted May 6 requested \$10,600 for items under committee control
 - Bands, \$2000
 - Fireworks, \$4000
 - Advertising, \$2,000
 - Kids Kornor, \$350
 - Inflatables, \$650
 - Advance for t-shirt printing \$1600
- Funding Suggestions with Councils input/approval
 - Council find sponsorship for Fireworks – i.e. BBT Bank
 - Sponsor Race/Walk as in 2007 – also can be sponsored by another entity with Town receiving part of entry fee
 - Ask for donations from Pleasure Island businesses
 - Charge a fee for Businesses to hang banner promoting their business in Park area
 - Allow commercial booths in new park area with fee
 - Create excitement for higher sales of souvenir type items with artwork by high school including Green Bags.
 - Use TDA funds

6/15
DP

Robert Fitzsimons

From: Russell Schwarz [rschwarz@innovadiscgolf.com]
Sent: Thursday, June 04, 2009 2:57 PM
To: bobfitzsimons@earthlink.net
Subject: Disc Golf Course Project- Kure Beach-Joe Eakes park

Bob,

Just got your email.

Thanks for the opportunity to work with you on the new course. I really appreciate it. It sounds like an ideal site.

If you look on page 15 of the "Disc Golf Course Design & Equipment" brochures (coming via UPS) you will find various course equipment packages that give a reasonable estimate of the cost of various levels of courses.

The basic costs are:

18 DISCatcher Pro Permanent Targets @ \$300.00 each-----	\$5400.00
Course Design Fee @\$300.00 per hole.....	\$5400.00
Target Freight (estimated).....	\$550.00
Total.....	\$11,335.00

Please give me a call if you have any questions.

I look forward to working with you on building a First Class Disc Golf facility.

Take Care,

RS

--


Russell Schwarz
Director of Special Projects
INNOVA Disc Golf
800-476-3968
russell@innovadiscgolf.com

All email from this address is to be considered confidential

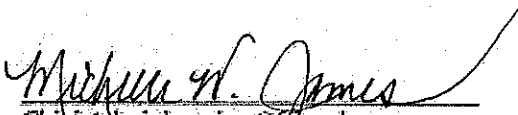
**MUNICIPAL
Records Retention and Disposition Schedule**

The records retention and disposition schedule and retention governing the records series listed herein are hereby approved. In accordance with the provision of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

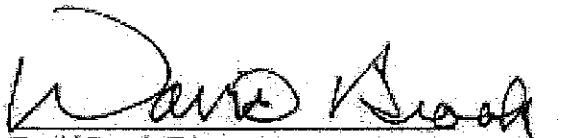
APPROVAL RECOMMENDED



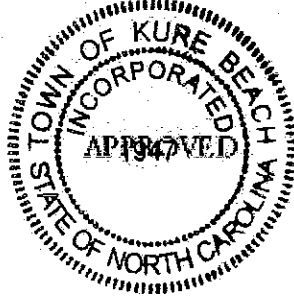
City/Town Clerk

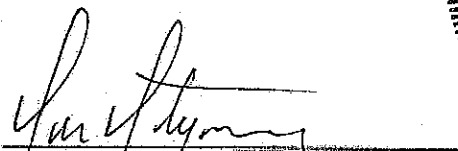


Chief Administrative Officer
City Manager




David Brook, Director
Division of Historical Resources





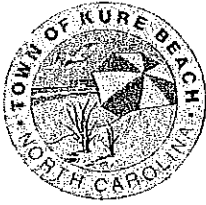
Mayor



Linda A. Carlisle, Secretary
Department of Cultural Resources

May 19, 2009

Municipality: Town of Kure Beach



TOWN COUNCIL
TOWN OF KURE BEACH

*R*ESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF KURE BEACH

TO ACCEPT A LOAN/GRANT FROM THE NC DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES FOR THE SEWER REHABILITATION PROJECT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a Loan/Grant in the amount of \$619,432.00 for the construction of the sewer rehabilitation project in Kure Beach; and

WHEREAS, the Town of Kure Beach intends to construct said project in accordance with the approved plans and specifications.

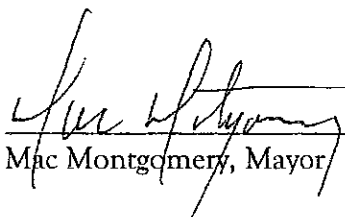
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KURE BEACH, that the Town of Kure Beach does hereby accept the Loan/Grant offer of \$619,432.00.

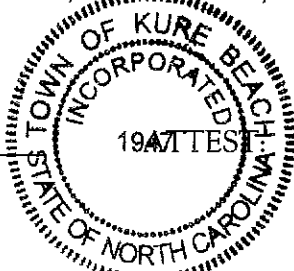
That the Town of Kure Beach does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan/grant offer, Section II - Assurances, will be adhered to.

That Mayor Mac Montgomery and Town Administrator Michelle James, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

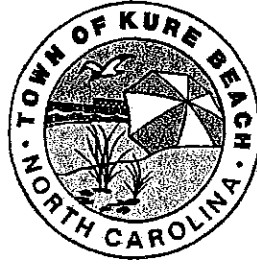
The Town of Kure Beach has substantially complied, or will substantially comply, with all Federal, State and local laws, rules, regulations and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 16th day of June, 2009, at Kure Beach, North Carolina.


Mac Montgomery, Mayor




Kaysie Pralle, Town Clerk



Ordinance Number: 09-10

Date Adopted:

Effective Date: July 1, 2009

**BUDGET ORDINANCE FY 2009 - 2010
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, 2009 and ending June 30, 2010; the same being adopted by fund. Activity within each fund is listed as follows.

GENERAL FUND

EXPENDITURES:

Governing Body	41,857
Town Clerk	59,062
Committees	31,100
Finance Department	108,126
GF Administration	234,108
Community Center	15,440
Elections	8,520
Emerg. Management	500
Tax Collections	35,000
Legal Department	29,800
Police Department	949,507
Fire Department	262,080
Lifeguards	146,567
Building Inspections	102,973
Streets & Sanitation	836,765
TOTAL	\$2,861,404

REVENUES:

Ad Valorem Tax	1,560,092
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Ad Valorem Tax-Prior	10,000
Motor Vehicle Tax	28,180
Motor Vehicle License	8,500
Privilege License	7,000
Interest Income	40,000
Franchise & Utility Tax	126,710
Beer & Wine	8,600
Local Optional Sales Tax	494,900
TDA Funds	151,297
ABC Revenue	15,424
Garbage & Recycling Fees	244,201
Building Permit Fees	28,000
Other Revenues	138,500
Fund Balance Appropriated	0
TOTAL	\$ 2,861,404

POWELL FUND

EXPENSES:

Street Maintenance & Repair	55,800
TOTAL	\$ 55,800

REVENUES:

Powell Fund	55,800
TOTAL	\$ 55,800

STORM WATER

EXPENSES:

Storm Water Maintenance & Repair	136,914
TOTAL	\$ 136,914

REVENUES:

Storm Water Monthly Fees	120,814
Storm Water Building Fees.	5,000
Interest Income	10,200
Fund Balance Appropriated	0
Other Revenues	900
TOTAL	\$ 136,914

WATER /SEWER FUND

EXPENSES:

Water Fund Adm./Finance/Town Clerk	195,942
Water Fund Operations	2,401,988

TOTAL	\$ 2,597,930
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REVENUES:

Water & Sewer Charged	1,259,767
Tap & Reconnection Fees	0
Interest Income	12,000
CWMTF Grants Sewer Rehab	591,000
ARRA Funding Sewer Rehab	619,432
Other Revenues	115,731
Fund Balance Appropriated	0
TOTAL	\$ 2,597,930

Total W/S Reserve Fund \$115,731

Total All Funds \$5,652,048

SECTION II. Levy of Taxes: There is hereby levied, for Fiscal Year 09-10, an Ad Valorem Tax Rate of thirteen & one half cents (.135¢) per one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1, 2009. 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 one million five hundred sixty thousand ninety two dollars (\$1,560,092) and an estimated collection rate of ninety-eight percent (98%).

SECTION III. Fees and Charges: There is hereby established, for Fiscal Year 2009-10 various fees and charges as contained in the attached Fee Schedules.

SECTION IV. Schedule B (Privilege) Licenses shall be levied in accordance with the North Carolina Revenue Act.

SECTION V. Fees shall be levied at the following rates:

- A. Recycling Fees shall be levied at a rate of Four dollars fifty-two cents (\$4.52) per household per month.
- B. Storm Water Fees shall be levied at a .09 cents increase per household per month.
- C. A flat rate will be levied for both commercial and residential customers. Residential rate will be levied at four dollars (\$4.00) per can per month and the Commercial rate will be levied at seventeen dollars and fifty cents (\$17.50) per can per month.

SECTION VI. Salaries: The following shall govern salary and wage compensation for Fiscal Year 2009-10:

- A. Pay Plan. There is hereby adopted a pay plan that includes an across the board cost of living adjustment in the amount of 0% percent from the June 2007 Pay Plan and is 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 0% this year for employees with performance rated above the basic requirements.

SECTION VII. The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions as specified in North Carolina General Statute §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/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.

SECTION VIII. 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 IX. Encumbrances: All outstanding encumbrances from prior fiscal years are to be carried forward to Fiscal Year 2009-10. All Project Ordinance appropriations are continued.

SECTION X. Budget Control: The Town Council in approving the Budget has utilized to the fullest extent possible its revenue sources. Over collections of revenue or unanticipated revenue sources cannot be expected to materialize during the year. It is therefore, of utmost importance, and the Department Heads are hereby directed to initiate steps to insure compliance with the Budget, as fixed herein.

SECTION XI. The Town Council hereby authorized the New Hanover County Tax Administrator to bill and collect taxes for the Town.

THIS ORDINANCE being duly passed and adopted this ____ day of June, 2009.

Mac Montgomery, Mayor

Nancy Avery, Town Clerk



**TOWN OF KURE BEACH
FEE SCHEDULE**

FISCAL YEAR 2009-2010

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

TAX RATE per \$100	0.135
WATER & SEWER FEES	
Residential minimum	\$34.00
Increases incrementally per 100 gallons of use water - .240 per 100 gallons sewer - .310 per 100 gallons	
Commercial (minimum)	\$40.00
Increases incrementally per 100 gallons of use water - .370 per 100 gallons sewer - .380 per 100 gallons	
Out of Town (ETJ) (minimum)	\$59.50
Increases incrementally per 100 gallons of use water - .420 per 100 gallons of use sewer - .540 per 100 gallons of use	
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
SEWER TAP FEE	
4 inch	\$1,500.00
4 inch	\$1,500.00
6 inch	\$2,000.00
6 inch	\$2,000.00
USER FEE Sect 17-127 of Code Common Areas-No Charge	\$2,500.00
IMPACT FEE Voluntary Annexation Only Sect 17-128 of Code	\$400.00

STORM WATER FEES	
Building Fee	\$4,000.00
Residential-monthly	\$4.80
Business - monthly	\$20.09
RECYCLE FEE (residential)	\$4.52
GARBAGE COLLECTION FEES	
Residential -per can monthly	\$4.00
Commercial- per can monthly	\$17.50
Garbage cart purchase	\$80.00
TRASH PICKUP FEE	
Minimum	\$10.00
1/4 load	\$30.00
1/2 load	\$60.00
3/4 load	\$90.00
Full load	\$120.00
Appliances	\$10.00
PRIVILEGE LICENSE FEES	
Privilege License Fees as stipulated in N.C.General Statute 105-33(C).	
VEHICAL DECAL FEES	
Resident	\$5.00
Late Fee (resident)	\$10.00
Non-resident	\$5.00
COPY/FAX FEES	
Fax 1 PAGE	\$2.00
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-DEPOSITS	
KB Resident/Property Owner	\$50.00
Nonresident	\$100.00
Commercial Org. for Profit	\$100.00
Non-Profit Organization	\$50.00
RENT COMMUNITY CENTER FEES-PER HOUR	
KB Resident/Property Owner	\$10.00
Nonresident	\$25.00
Commercial Org. for Profit	\$25.00
Non-Profit Organization	No Charge

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 two hours - per hour (includes FICA & Retirement)	\$30.00
Sanitation - per hour (includes FICA & Retirement)	\$30.00
Street - per hour (includes FICA & Retirement)	\$30.00
Volunteer Fireman - per hour (includes FICA & Retirement)	\$30.00

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
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
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

BOARD OF ADJUSTMENT FEES

Appeal/Variance	\$375.00
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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	\$50.00	Misdemeanor
Fire prohibited on beach strand Sec. 12-40	\$25.00	\$50.00
Litter, glass & alcohol prohibited on beach Sec.12-35	\$25.00	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	\$25.00	Misdemeanor

Animals/Pets:

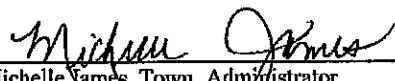
Dogs must be on a leash Sec. 4-16	\$150.00	Misdemeanor
Animal/Pet waste removal Sec. 4-16.1	\$150.00	Misdemeanor

Vehicles/Parking:

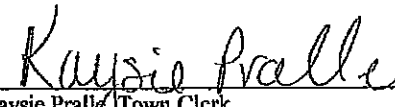
Failure to purchase & display Town decal Sec. 10-17	\$25.00	Misdemeanor
Parking Ticket	\$10.00	
Parking in a handicap space	\$25.00	Misdemeanor

Miscellaneous:

Bicycle regulations Sec. 10-291-308	\$25.00	\$50.00
Noise violations prohibited Sec. 11-31	\$50.00	Misdemeanor
Alcohol consumption/open containers prohibited on public property Sec. 3-1	Class 1 Misdemeanor	



Michelle James, Town Administrator



Kaysie Pralle, Town Clerk

**Preliminary FY 2009-10 Budget
Highlights
6/12/2009**

Fund Totals

Management is pleased to present a preliminary balanced budget for FY 2009-10 of \$5,652,047.12.

The Total Operating Budget for General Fund and Water Fund combined is \$4,441,615.12. This total does not include grant/project funds. The Sewer Rehab Project has been approved by the American Recovery and Reinvestment Act (ARRA) and the Clean Water Management Trust Fund (CWMTF). The amount budgeted for this grant-funded project is \$1,210,432.00

Totals:	FY2009-10	FY2008-09
General Fund	\$2,861,403.56	\$2,801,211.00
Water Fund	\$2,482,199.04	\$1,649,317.00
Water/SERF	\$115,730.64	\$61,400.00
Powell Fund	\$55,800.00	\$75,653.00
Storm Water Fund	\$136,913.88	\$251,220.00

Highlights General Fund

Benefits and Salaries

- An 8.9 percent increase in the State Health Care Plan is included as a result in higher Town premium's passed on by the State. (This is a total of \$12,000 to the overall budget.)
- A 0 percent merit and a 0 percent cost of living (COLA) has been budgeted for all employees as directed by a consensus of Council.
- A small percent of active payroll (4.1%) has been budgeted for the State Health Care Plan to assume the Town's retirement liability as required by GASB accounting standards. This action decreases total liability to the Town and enrolls our retirees on the State Health Care Plan in perpetuity.
- There are several salaries in the finance and administration departments which are divided between Water/Sewer and the General Fund because staff work 30 percent or 50 percent of their time completing duties in General Fund and the Water Fund.
- The Town Clerk's salary is budgeted 100 percent in the General Fund.

- There are salary adjustments in each specific department for employees who are expected to gain additional duties or who are expected to be promoted within their respective department. An example is the Jr. Finance Officer. Based on an performance evaluation in June, this staff member will become eligible for the position, classification and salary proposed for the Finance Officer's position.
- Funding for a new K-9 Officer has been budgeted in the Police Department; however, there are no requests for adding any new employees in any other departments in the General Fund.
- A health fair, holiday luncheon, and the longevity program are included in the preliminary budget.

Debt Service

- The Ocean Front Park loan payment which is due in December, 2010 is to be prepaid in June, 2009 using the grant proceeds from the Natural Heritage Trust Fund, CAMA, and the federal government. Total grant proceeds are expected in June at \$1,195,000. Prepaying this loan payment of \$162,278.54 reduces the overall debt service of the Town. The rest of the grant proceeds can be used to pay down the principal of the Ocean Front Park loan.

Committees & External Contributions

- Committees are budgeted in one area of the budget, except for the Community Center which is budgeted as a separate department. A portion of the Parks & Recreation Budget is addressed in the contributions line item added to the Governing Body. Beach fertilization is budgeted in the Code Enforcement Officer's budget instead of the Beach Protection Committee's budget.
- There is a newly added contributions line item to the Governing Body budget. Parks and Recreation has been allocated \$500 for their Spring, Summer and Fall program expenses. It is budgeted here as a result of the last worker's compensation audit. The Town will need to contribute funding to Parks and Recreation unless there is a consensus to provide 1099's to all speakers and presenters who are involved in the programs. A luncheon or gift at \$15 per person has been budgeted for volunteers this year. It is also budgeted in this line item.

Planning and Zoning Commission

- Planning and Zoning/BOA has been budgeted in the Code Enforcement Officer's departmental budget now that his assistant is the secretary for BOA and P&Z.
- A decrease in legal fees for P&Z has been made as it may not be necessary for their attorney to attend all of their meetings.

Election Commission

- According to NHC, the Election expense for the Town's election is projected at \$8,520.00.

Lifeguard Program

- Lifeguards are again budgeted against the Tourism Development Authority (TDA) funds. The lifeguard budget is projected at \$142,121.66. TDA is projected at over \$151,296.64.

Recycling Program

- A recycling rate increase is recommended at \$4.52. The current rate is \$2.52. A 4.1 percent increase is expected in the CPI on July 1 which will be passed on to the Town by Waste Management. You will recall that the Town absorbed the last CPI increase last November. The Town's recycling rates are lower than other coastal communities.

Investment Proceeds/Reserves

- A reduction in investment proceeds has been budgeted given the market and current economy. The Town's reserves are earning interest with Capital Cash Management and with Bank of America. Total Reserves on Hand: \$1,995,329.00.

Beach Renourishment

- A total of \$10,900 has been budgeted for Beach Renourishment expenses such as the Turtle Program.

Economic Development

- A total of \$15,000 has been budgeted for Economic Development to continue with plans associated with the Economic Development Committee and the NCSU School of Design.

Garbage Service

- Budget provides for an equitable and fair garbage rate program per can, per customer. Collection of this charge will be assessed to each customer using the water bills. It already provides billing for water/sewer and recycling charges per month.
- The program provides a flat garbage rate to service both commercial and residential customers. The residential rate is proposed at \$4.00 per can. The commercial rate is proposed at \$17.50 per can. New garbage cans remain at a cost of \$80.00 per can.

Highlights Storm Water

- A \$.9 increase is recommended to the storm water fees to both commercial and residential customers due to storm water expenses far exceeding revenues over the past years. Appropriations from the reserves have been taken in the past to balance and subsidize this fund. The Town's storm water fees are overall lower than other coastal communities.

Highlights Water/Sewer

- New revenue from Fort Fisher is projected at \$28,000. With User Fees to be projected at \$184,062.50 if Council agrees to charge them under the current ordinance. Only \$112,196.21 has been budgeted in Water/SERF Fund of the proposed \$184,062.50.
- A rate increase to commercial and residential users may be recommended. The Water Rate Study performed by the Cape Fear COG is completed. However, the preliminary budget does not include a rate increase.
- The Water Rehab Grant and Loan has been budgeted at \$1,210,432.00. Part of this grant, \$309,000, is an interest-free loan. Therefore, a \$15,000 payment to repay the loan over 20 years has been added to the Water Department's debt service.
- There are no additions to staff in the departmental budget.
- A reduction in investment proceeds has been budgeted given the market and current economy.
- A five percent increase has been budgeted for property and liability insurance.
- An 8.9 percent increase has been budgeted due to the mandatory increases with the State Health Care Plan.
- Equipment necessary to maintain this department at a very minimum has been budgeted to include a new service truck.
- There is no appropriation from reserves in this budget as directed by the LGC.

Highlights Powell Fund

- There is an 11 percent decrease in the Powell Fund as determined by the State.

Proposed Garbage Plan & Current Collection Ordinances

Residential

\$4.00 per month/\$48.00 per year (Actual Cost to Town is \$10.70/month)

Weekly pick up/52 weeks a year

Currently, there are 2011 cans being used by residential customers

Commercial

\$17.50 per month/\$210.00 per year (Actual Cost to Town is \$33.00/month)

Weekly pick up & 5-days-a-week pick up during summer months/170 Pick Ups a Year*

Currently, commercial business pay an extra fee (\$200 a can)) for the 5-days-a-week pick-up

Currently, there are 104 cans being used by commercial businesses

Current Ordinances pertaining to Garbage Collection

ARTICLE II. COLLECTION*

DIVISION 1. GENERALLY

Sec. 7-16. Supervision of collection.

The superintendent of the sanitation department with the approval of the town council shall supervise the collection, removal and disposition of all garbage and trash.

(Code 1973, § 11-2)

Sec. 7-17. Collection schedules.

The superintendent of the sanitation department with approval of the town council may arrange the schedule for the public collections of garbage and trash throughout the town. The schedule shall be on file in the town clerk's office.

(Code 1973, § 11-5)

Cross references: Town clerk, § 2-106.

Sec. 7-18. Collection routes; where containers placed for collection.

(a) Alleys will be used as routes for the collection of garbage and trash wherever the physical features of the alley are such that its use is practical for the purpose.

(b) Where collection of garbage or trash is made from the side or rear of property, containers shall be placed near the service street. Collections will be made only to the rear of interior property when such service street is provided and is usable.

(c) Where no access road or alley exists behind or beside property from which the town removes garbage and trash, containers shall be placed directly behind the curbing or three (3) feet from the edge of those paved streets having no curbing.

(d) All containers for garbage and trash shall be placed only in front of the premises served.

(Code 1973, § 11-6)

Sec. 7-19. Width of rights-of-way used for removal.

Any right-of-way dedicated for public use and lying to the rear or side of any building lot shall be not less than twenty (20) feet in width if such right-of-way is to serve in any capacity for the removal of garbage and trash.

(Code 1973, § 11-9)

Sec. 7-20. Removal from unimproved premises.

Garbage and trash shall not be removed from unimproved property except when such garbage and trash meets the conditions set forth in this chapter and may not be excessive

(Code 1973, § 11-10)

Secs. 7-21--7-30. Reserved.

DIVISION 2. CONTAINERS

Sec. 7-31. Rules and regulations.

The superintendent of the sanitation department and the town council, either or both, may prepare and publish rules for the effective administration and enforcement of the provisions of this chapter. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations and failure to comply shall subject such person to a fine or civil penalty as prescribed in section 1-15.

(Code 1973, § 11-3; Ord. of 5-20-03)

Sec. 7-32. Containers required.

It shall be the duty of the occupant or owner of every dwelling house, apartment house or any other structure whether residential or commercial to provide and maintain for such premises such garbage container as hereinafter required by the town for the efficient disposal of garbage and trash and such occupant or owner shall have a sufficient number of these containers to accommodate the accumulation of garbage and trash between the collection thereof by the town.

(Code 1973, § 11-4; Ord. of 6.30-89)

Sec. 7-33. Container requirement.

It shall be the duty of every occupant or owner of every dwelling house, apartment house or any other structure whether residential or commercial to provide such containers according to the specifications and requirements as approved by the superintendent of the sanitation department or they may be purchased through the town. Tight fitting covers shall be kept on refuse containers at all times except when filling or emptying same. The specifications of the containers shall be strictly adhered to so as to maintain efficient collection and maintain durability.

(Code 1973, § 11-4; Ord. of 6-30-89)

Sec. 7-34. Maintenance.

(a) Containers used for holding garbage or refuse shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect shall be promptly replaced by a proper container upon receipt of notice to that effect from the superintendent of the sanitation department.

(b) Failure to replace such nonconforming or defective container within ten (10) days shall be sufficient reason for the department to collect and dispose of such defective container and to discontinue service until compliance is effected.

(Code 1973, § 11-4)

Sec. 7-35. When containers set out for collection.

Containers for garbage and trash shall be placed in front of premises served only after sunset of the day prior to pickup and must be returned to a location adjacent to the structure which container serves by midnight of the day of pickup.

(Code 1973, § 11-7; Ord. of 5-20-03)

Sec. 7-36. Short term rentals and business.

All short term rentals for the purpose of garbage and trash pickup shall fall under the same rules and regulations as businesses served by the town.

(Code 1973, § 11-8; Ord. of 5-20-03)

Editor's note: An Ord. of May 20, 2003, repealed former section 7-36 in its entirety and added new provisions designated as section 7-36.1. In order to simplify the numbering of provisions the editor has redesignated the new provisions as section 7-36. Former section 7-36 pertained to the removal of containers after collection.

Secs. 7-37--7-50. Reserved.

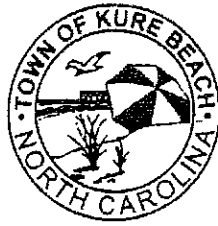
DIVISION 4. CHARGES AND BILLING*

Sec. 7-66. Charges.

For the service of collecting and disposing of garbage and rubbish, the owner or occupant of each premises from which garbage, rubbish and recycling, which is mandatory throughout the town, the owner or occupant of each premises from which garbage, rubbish and recycling is collected by the town shall be charged such rates as established by the town council which are on file in the town clerk's office. Such charges shall be considered a debt owing to the town from the owner or occupant of the premises and other persons using the disposal area. No owner or occupant of a premise within the town shall be exempt from the collection and disposal service provided by the town or by individual collectors and licensees except by special permission of the town council. All owners or occupants of premises within the town shall be subject to the service charges prescribed by the town council, and an adjustment for such charges shall be made at the discretion of the town council.

(Code 1973, § 11-2.2; Ord. of 7-17-07)

Mac Montgomery
Mayor
Dean Lambeth
Commissioner
Jim Vatr
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

FOR IMMEDIATE RELEASE
June 17, 2009

FOR MORE INFORMATION, CONTACT:
Michelle James, Town Administrator
910.458.8216

Town of Kure Beach balances FY2009-10 Budget and establishes fair & equitable garbage collection program

The Town of Kure Beach will not require a 2009-10 fiscal year tax adjustment; however, the town will impose specific service fees in order to offer a balanced \$5.6 million budget. The budget also includes a freeze on employee merit and cost of living programs.

“I have shared my concern over the issue of our town revenues lagging behind increased annual town operational costs,” said Finance Commissioner Jim Vatr. “The council will present a plan to increase revenues by imposing a service fee for garbage collection on an equitable residential collection plan.”

“The Council's plan is to place a small monthly fee on each residential can serviced,” he continued. “Therefore, residences with multiple cans versus residences with a single can will have a more equitable share of what it costs to provide the program. Commercial garbage service costs are based on a business fee schedule.”

Because the Town has been exceptionally conservative with its spending over the years, it is not experiencing the need to furlough or cut services during this economic downturn occurring in North Carolina and across the nation. “This is a bare bones budget and it isn't subsidized by the Town's savings as it has been in the past two years,” explained Mayor Montgomery.

He continued, “In order to maintain the level of service expected by our property owners, this budget also calls for increases in recycling and storm water fees.”

The Town has maintained low customer fees by dipping into its savings when contractors, like Waste Management, have passed on fuel charges and other rate hikes over the past years. “The Local Government Commission (LGC) mandates that towns cover all enterprise fund expenses

with specific service fees,” explained Finance Commissioner Jim Vattr. “Although the Town is in a positive cash management position, it cannot continue to balance its budgets by borrowing from its General Fund reserves.”

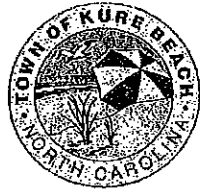
He explained, “If we continue to use our savings to supplement Town services, we’ll jeopardize our ability to withstand unforeseen financial issues now and in the future.”

The state Local Government Commission, which provides financial oversight to local governments, has recently cautioned the Town about its past spending decisions regarding the use of its savings. “We have been warned that our services, such as recycling, storm water and water & sewer, should pay for themselves,” explained Vattr.

When the budget passes, recycling fees will increase in July to \$4.52 while storm water fees will increase a mere \$.09 for both commercial and residential customers. The new garbage program will charge residential customers \$4.00 per cart a month for weekly pick-up while commercial customers will be assessed a charge of \$17.50 per month, per cart for 170 pick-ups a year. The commercial plan includes the seasonal pick-ups for which businesses are currently paying extra in this current budget year.

In Carolina Beach, recycling and garbage services will cost a resident more than \$15.00. In Wrightsville Beach, garbage service costs approximately \$37.00 per cart. In July, if Council passes the budget, residents in Kure Beach will pay just over \$8.00 for recycling and garbage service.

“We continue to keep our taxes and fees at a conservative and affordable level,” said Mayor Montgomery.



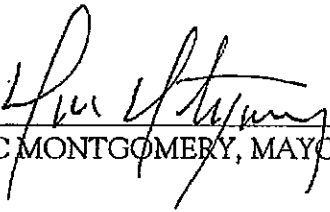
That Section 19-373 of the Code of the Town of Kure Beach, North Carolina, is hereby amended to read as follows:

Sec. 19-373. Exceptions.

The signs listed below are excluded from these regulations:

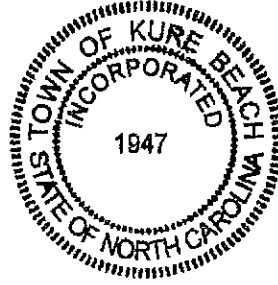
- (1) Signs not exceeding four (4) square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations and are on owner's property.
- (2) Flags, signs, and insignias of any governmental agency, except where displayed in connection with commercial promotion; items in this category are not to exceed thirty-two (32) square feet.
- (3) Signs directing and guiding traffic, parking and safety signs on private property, but bearing no advertising matter. Items in this category are not to exceed thirty-two (32) square feet.
- (4) Yard sale and for sale signs which are temporary. Items in this category are not to exceed six (6) square feet. All signs in this category must be set back five (5) feet off street right-of-way in all zones except B-1. All signs in this category in the B-1 district must be set back three (3) feet from the right-of-way. If three (3) feet is not available the sign must be behind the sidewalk or attached to the structure.
- (5) Signs located on church property not exceeding thirty-two (32) square feet. A maximum of two (2) church signs directing persons to churches located within the town not exceeding four (4) square feet each.
- (6) All existing signs which existed at the time of adoption of the ordinance from which this section was derived shall be allowed to continue to exist and to be repaired or replaced provided the square footage of the sign areas remain the same.
- (7) Political signs may be erected on any privately owned premises. One may erect non-illuminated political signs for a period of seventeen (17) days prior to any primary or general election. Political signs shall be removed within five (5) days after the general or run-off election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Portable political signs are not permitted. Political signs may not exceed four (4) square feet in size. Political signs will not be allowed within the right-of-way in the town limits or its extraterritorial jurisdiction nor on any publicly owned property. Political signs may be erected within 100 yards of the Town Hall or Polling Place twenty-four (24) hours prior to the scheduled election subject to limits imposed by the New Hanover County Board of Elections.

Adopted this the 16th day of June, 2009.


MAC MONTGOMERY, MAYOR

ATTEST:


KAYSIE PRALLE, TOWN CLERK





That Section 19-375 of the Code of the Town of Kure Beach, North Carolina, is hereby amended to read as follows:

Sec. 19-375. Prohibited signs.

Unless expressly permitted elsewhere in this chapter, the following commercial signs are prohibited:

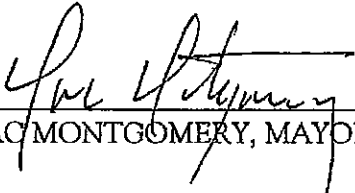
- (1) No commercial sign shall be erected within or encroach upon any public property or within any public right-of-way, or which obstructs the sight distance at intersections.
- (2) Flashing, moving, pulsating or intermittently lighted signs, electronic reader boards, programmable signs, time and temperature signs, laser lighting and search lights.
- (3) Signs which conflict with or imitate any traffic control device due to color, wording, design, location or illumination, or which interfere with the safe and efficient flow of vehicular and/or pedestrian traffic.
- (4) Animals, or human beings, live or simulated, designed or used so as to attract attention to the premises.
- (5) Loudspeakers or signs which emit sound, odor or visible matter.
- (6) Signs with mechanical movement.
- (7) Flags, kites, pennants, balloons, spinners, streamers, or other such advertising devices or displays – except seasonal holiday decorations and other temporary, non-commercial celebratory activities, such as birthday parties.
- (8) Signs which constitute a nuisance or hazard due to their intensity of light.
- (9) Signs which no longer identify a bona fide business conducted on the premises. Such signs shall be removed by the owner of the sign within 60 days of the business' closing date.
- (10) Vehicle signs, trailer signs, signs affixed to automobiles, trucks, trailers, or other vehicles parked on any property within the Town for the principal purpose of advertising or display. The following shall constitute a prima facie violation of this section:
 - (a) The advertising medium utilized on the vehicle is a sign, device, or structure separate from the vehicle.
 - (b) The copy is readily changeable, including but not limited to, repainting such sign, device or structure.
 - (c) The sign, device or structure exceeds nine (9) square feet in area and the vehicle is parked on the street or on the business premises to which the advertising relates or in reasonable proximity thereto and the location of the advertising is reasonably calculated to direct an observer toward the business. It shall be considered that advertising was the principal purpose of the parking of the vehicle, notwithstanding the fact that the vehicle is driven to and from the business premises on a daily basis. The vehicle is not parked in a manner to circumvent

the standards of this chapter for the amount or type of signing permissible on a site by either parking on the site or on public right-of-ways immediately adjoining the site in such a manner as to call attention to the sign or vehicle.

- (11) Exposed neon conduit or tubing, interior or exterior neon window signs, interior or exterior LED signs, or lighting displays inside or outside the building so as to be visible from streets, parking areas or site boundaries, unless approved as part of a planned sign program. An attractive and artistic exposed neon sign is allowed.
- (12) Window signs, except as expressly permitted by this division, or as required by law, shall not exceed more than 25% of the window area. The definition of window signs is any sign that is placed within 4 feet of a window for the purposes of being able to view the sign from outside the business.
- (13) Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the State of North Carolina.
- (14) Painted-on-the-wall signs, signs constructed on cloth, canvas, fabric, cardboard, wall board, or other light flimsy material with or without frames.
- (15) Notices, placards, bills, posters, cards, stickers, banners, signs, advertisings, or other devices designed to attract the attention of the public that are posted or otherwise affixed upon any street, street furniture, right-of-way public sidewalk, crosswalk, curb, lamppost, hydrant, tree, alley, telephone pole, public telephone, vehicle, lighting system, or other public alarm or communication system.
- (16) Obscene or offensive signs containing statements, words or pictures of an obscene or indecent character which appeals to a prurient interest in sex, or which are patently offensive;
- (17) Portable signs, except moveable commercial A-frame, or easel type signs may be permitted for businesses to advertise menus, sale items, or other business promotions. These signs shall be designed to complement the décor of the business or building where they occur and shall comply with the following standards: One moveable, freestanding sign shall be permitted for each business; All signs shall be located on private property and must allow sufficient access to doors/pathways and not impede pedestrian movement; All signs must be removed when business is closed. The maximum allowable size of the sign and supporting structure shall not exceed 48 inches in height, 30 inches in width and 36 inches in depth. The maximum sign area shall not exceed 10 square feet; Signs shall not contain illumination
- (18) Temporary "grand opening" signs are allowed no more than two months.
- (19) Signs affixed to trees or other natural vegetation or rocks.
- (20) All roof signs and signs projecting above the roof-line.
- (21) Except in a state of emergency, any permitted or nonconforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within 30 days and completed within 90 days of such damage. Internally illuminated can signs with translucent copy and field. Low luminance internally illuminated channel letter and halo signs (reverse channel letter signs are permitted). It is encouraged that all signs major business signs be externally illuminated. External illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays of illumination from

being cast upon neighboring buildings and/or vehicles approaching from either direction. No blinking illuminations shall be permitted.
(22) Billboards are prohibited in any district.

Adopted this the 16th day of June, 2009.

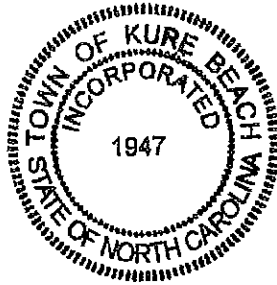


MAC MONTGOMERY, MAYOR

ATTEST:



KAYSIE PRALLE, TOWN CLERK





That Section 19-333.1 of the Code of the Town of Kure Beach, North Carolina, is hereby amended to read as follows:

Sec. 19-333.1. Height exception requirements.

- (a) The exceptions to the thirty-five-foot height limit of structures allowed by the state law applies to spires, belfries, cupolas, 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 and 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 seven (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 seven (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 seven (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 one hundred fifty (150) square feet and shall not exceed seven (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 and 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 one hundred (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: Two hundred fifty dollars (\$250.00) (increase is not necessary after comparing fees of other coastal communities).

Application, plans and number of copies: Provide two (2) completed applications with original signatures. Provide seven (7) copies of the completed application packet, for the TRC and staff, which include final site plans, final elevations, final drawings, surveys, support letters and other supporting documents. Acceptable 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 and approved as complete by the Building Code Enforcement Officer, 117 Settlers Lane, Kure Beach, NC 28449, twenty (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 (2) completed applications with original signatures. Provide seven (7) 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, twenty (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: _____

Signature of Property Owner: _____

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 19-333 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.

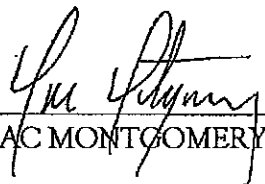
2. How is this height exception consistent with the Town's Zoning Ordinance?

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 16th day of June, 2009.



MAC MONTGOMERY, MAYOR

ATTEST:



KAYSIE PRALLE, TOWN CLERK

