



TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

September 17, 2013, continued on
September 20, 2013

The Kure Beach Town Council held their regular Council meeting on Tuesday, September 17, 2013, and continued on Friday, September 20, 2013. Town Attorney Canoutas was in attendance and a quorum of Council present.

COUNCIL MEMBERS PRESENT

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Emilie Swearingen
Commissioner	David Heglar <i>(arrived at 7:55 on 9/17/13)</i>
Commissioner	Steve Pagley

STAFF PRESENT

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

STAFF ABSENT

(not at meeting on 9/20/13)

(not at meeting on 9/20/13)

CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting to order at 6:30 pm. Reverend Thomas Williams delivered the invocation. Mayor Lambeth led everyone in the Pledge of Allegiance.

RECOGNITION AND AWARDS

Mayor Lambeth invited Town Attorney Canoutas to step up to the front of the room to receive a plaque in recognition of his service to the Town. He thanked Mr. Canoutas for 50 years of service as the Town’s attorney and for the 10 years of previous service as a lifeguard, police deputy and volunteer fireman for the Town.

At 6:35 pm, Mayor Lambeth called for a 30-minute break so that guests could greet Mr. Canoutas and enjoy refreshments at the reception being held in his honor.

Mayor Lambeth called the meeting back to order at 7:05 pm.

VOTE TO EXCUSE COMMISSIONER HEGLAR

MOTION – Mayor Pro Tem Keener made a motion to excuse Commissioner Heglar from the meeting.

SECOND – Commissioner Swearingen

VOTE – Unanimous

APPROVAL OF CONSENT AGENDA ITEMS

1. Appoint Tony Gonsalves as an alternate member on the Parks & Recreation Advisory Board.



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2. Accept Gail Carelli's resignation from the Board of Adjustment.
3. Accept Bob Unsworth's resignation from the Emergency Operations Committee.
4. Approve travel for Mayor Lambeth to attend a Coastal Leaders Offshore Energy Conference in Myrtle Beach, October 17-18, 2013, at a cost of approximately \$275 for gas and hotel accommodations.
5. Finance Report
6. Police Department Report – August 2013
7. Fire Department Report – August 2013
8. ~~Approval of Meeting Minutes: August 20, 2013 regular meeting~~

Commissioner Swearingen requested that Item 8, Approval of Meeting Minutes, be removed from the Consent Agenda.

MOTION – Commissioner Pagley made a motion to approve the Consent Agenda items, as amended.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

ADOPTION OF THE AGENDA

Mayor Lambeth asked that "Burying Power Lines" be added to Department Head Business as Item C, under Public Works. He added that Commissioner Heglar would be arriving late and wants to discuss a Committee Business item under Board of Adjustment.

MOTION – Mayor Pro Tem Keener made a motion to adopt the agenda, as amended.

SECOND – Commissioner Swearingen

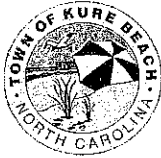
VOTE – Unanimous

Mayor Lambeth announced that the annual Big Sweep Beach Cleanup would be held this coming Saturday, September 21st, starting at 9:00 am. He invited all volunteers to meet at the Kure Beach Fishing Pier to pick up gloves and trash bags from the Beach Protection Committee.

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

Spencer Rogers from NC Sea Grant presented information on the Biggert-Waters Flood Insurance Reform Act of 2012 and made the following points:

- The act was passed in July 2012 by Congress with bi-partisan support. It was stuck in the middle of a highway funding bill.
- He recommended that people talk to an insurance agent to determine their flood insurance premiums under the new act.
- He gave examples of how basement and/or first floor heights affect insurance premiums.
- In Kure Beach there are six Pre-FIRM buildings where insurance will increase by 25



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percent each January, three Pre-FIRM primary residences, 16 “repetitive loss” buildings and a total of 987 insured buildings.

- He reviewed the current FEMA map of Kure Beach showing where the different flood zones are located. New flood maps are to be expected within the next year.
- To reduce premiums, he suggested “unfinishing” basements or under-house enclosures used as living areas, adding flood openings to foundation breakaway walls, reducing or removing under-house enclosures, filling in basements, raising the building on a higher foundation and installing flood barriers on commercial buildings.
- The Town can join the Community Rating System (CRS) to lower premiums by adhering to the system’s recommendations. This will enable all property owners in Town to get a discount provided by the CRS. The CRS will mail Council a list of properties that are considered “repetitive loss” properties, if the Town joins.
- There is a policy rider called “Increased Compliance” which allows an extra \$30,000 to be made in claims, but only if more than 50 percent of a building is damaged.
- Hazard mitigation grants are made available to communities after a disaster to provide funds to help elevate or relocate buildings, and for “buyouts” in extremely high risk areas.
- The website to find where buildings in Kure Beach flood zones are located is <http://rfris.nc.gov>.

At 7:55 pm, Commissioner Heglar joined the meeting.

MOTION – Mayor Pro Tem Keener made a motion to allow Commissioner Heglar to join the meeting at 7:55 pm.

SECOND – Commissioner Pagley

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Robert Schoonmaker from the Carolina Beach Inlet Association made the following points:

- The Carolina Beach inlet is important to all of Pleasure Island. Kure Beach residents and visitors enjoy the inlet, and it generates tax dollars for the entire community.
- The Federal Government no longer allocates funds to dredge shallow draft inlets.
- He understands that Kure Beach Town Council thinks \$15,000 is too much to pay for its portion of the dredge work and suggested all of the local towns get together to come up with a fair value.
- Currently, there is \$198,000 left in the dredging budget which will hopefully last until July 1, 2014.
- The State of North Carolina will be more apt to grant additional funds for dredging, if it knows Kure Beach has budgeted for its portion of the funds.



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The following comments were made by Council members:

- Hopefully, the \$198,000 currently left in the inlet's dredging budget can last until July 1, 2014. Council will discuss budgeting dredging in next fiscal year's budget. If something happens between now and then to make additional funding urgent, Council can act quickly to move funds to pay for its portion. The Ports, Waterway and Beach Commission needs to address the issue of how they allocated their funding plan, because it doesn't make any sense as it is now. This is why our Council didn't allocate any dredging funds for this fiscal year. (Heglar)
- It would be good if the Ports, Waterway and Beach Commission would decide how much each municipality has to pay before a big storm hits, instead of the day after. (Swearingen)

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Beach Protection Committee – Funding for Big Sweep Beach Cleanup on September 21, 2013
Committee Chairman, Andy Barnard, made the following points:

- He requested that Council approve an expenditure of \$72.51 for beach sweep supplies.
- Island Women aren't providing any supplies, but they will provide people to help.
- Committee member, Tony Gonsalves, will help pull all of the trash together and put the bags on Atlantic Avenue for Public Works to collect after the event.
- He thanked Public Works for getting all the signs up at the public beach accesses.

MOTION – Commissioner Heglar made a motion to allocate \$72.51 from the Committee budget for supplies obtained by the Beach Protection Committee to use for the beach cleanup.

SECOND – Commissioner Swearingen

VOTE – Unanimous

2. Board of Adjustment – The home of Richard and Anne Lawing located at 242 N. 3rd Avenue not in compliance with ordinance.

Discussion ensued about homeowners whose houses are hanging over a setback in Kure Beach.

The following comments were made:

- Commissioner Heglar asked if Council could do anything about the issue. He doesn't like to think that a Kure Beach resident is having to deal with this ongoing problem. He understands the Building Inspector had to abide by the zoning ordinances and not approve their property, but the Board of Adjustment has more leeway to make exceptions.
- Mayor Lambeth said that it is a shame that the Lawings would have to change their house just because 4" of overhang was over the setback line on a side of the house that doesn't matter.
- Commissioner Swearingen stated she talked to someone who read an article about it in the Island Gazette who was pleased that Building Inspector Batson upheld the laws in the



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community and didn't give in. The State mailed Inspector Batson a letter agreeing with his decision.

- Town Attorney Canoutas said that the Board of Adjustment discussed the pros and cons thoroughly and upheld the Building Inspectors decision. The homeowners are going to appeal to the Superior Court. If Council wants to change the ordinances, they can do so; but, as it now stands, the property isn't in compliance. He noted that only two variances have ever been granted in Kure Beach.

CONSENSUS – Council will wait until after the Lawings appeal to the Superior Court about their property before looking further into possible ways to remedy the situation.

3. Community Center Committee – 20th Anniversary Celebration

Mayor Pro Tem Keener made the following points:

- The Kure Beach Community Center Committee wants to celebrate the 20th Anniversary of the Community Center and wants Town Council to be involved.
- He suggested Council hold a reception at their October Town Council meeting, much like the one held tonight for Attorney Canoutas.
- The committee made a lot of money on their annual barbecue and the funding might be able to come out of the Community Center budget.
- He asked that the Community Center Committee be contacted for input on the reception.

MOTION – Commissioner Swearingen made a motion to hold a celebration of the 20th Anniversary of the Community Center at Town Hall during the first 30 minutes of the Kure Beach Town Council meeting, Tuesday, October 15, 2013, 6:30 pm.

SECOND – Commissioner Heglar

VOTE – Unanimous

Town Council asked Finance Officer Copenhaver to find funds for the celebration.

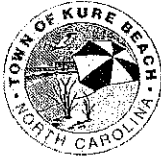
DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Finance – Audit Report Update

Finance Officer Copenhaver made the following points:

- A final audit report will be ready by the next Council meeting.
- Since there were no issues in the findings, he would like to give the report, rather than have the auditor drive all the way from Raleigh to give it.
- Council can call the auditor if they have any questions, or he can have the auditor come to the November meeting, if more information is needed.

CONSENSUS – Council consented to let Finance Officer Copenhaver present the final results of the audit at the October Council meeting and asked him to obtain a written statement from the



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auditor to read at the meeting.

2. Public Works Department

a. Cost and Feasibility of Procuring Easements in the Hanby Beach Area for Ditch Cleanup

Public Works Director Beeker made the following points:

- He and Attorney Canoutas put together a letter that was mailed to ten property owners, requesting they grant the Town an easement to their properties. It stated that the Town needed permission, in writing, from each of them within 30 days.
- He has gotten some phone calls from people asking questions, but no letters granting easements have arrived yet.
- He will update Council at the next meeting on the status of the letters.
- He hasn't figured out a cost yet but, if they get the easements, Public Works won't have any problems cleaning out the ditches.

b. Lay-down area for Public Works garbage trucks and dumpsters

Commissioner Heglar gave a brief synopsis of the situation with the Public Works storage area that is currently located on Sunny Point property. He said that Sunny Point did not agree to allow the Town to continue storing materials on their land, other than what is in the storage building, but he said they extended the land lease until December to give the Town time to move.

Public Works Director Beeker made the following points:

- Four areas to be considered for a Public Works lay-down area are 1) the corral parking area across from the Police Department; 2) along the west side of 6th Avenue between H and I Avenues; 3) off of 7th Avenue, on a dirt road that runs behind the church, between I and J Avenues (most desirable); and 4) property on Sandman Lane (least desirable).
- For the property off of 7th Avenue, Sunny Point would need to survey and flag the property to make sure it's not on their land. There would be plenty of room and sewer lines for a wash-down area. He would need about 2,000 linear feet of 8-foot fencing to go around the property. Two gates would be installed: one on 7th Avenue and one on I Avenue. The cost of the project would be about \$20,000-\$25,000.
- His second choice of storage areas would be the 6th Avenue property, but the property would have to be adjusted to be a good area for this operation.

Town Attorney Canoutas said that a public hearing would be needed and the 7th Avenue property rezoned, if the property wasn't already zoned to permit that use. The rezoning process would take a minimum of 60 days.

CONSENSUS – Council directed the Town Attorney, the Public Works Director and the Building Inspector to get together and examine the zoning laws in the area behind 7th Avenue to determine if it is a permitted use. They are to bring back their findings to Council on Friday, September 20, 2013, when the Council meeting will be continued.



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Commissioner Pagley asked Director Beeker to obtain quotes for the cost of fencing for the 7th Avenue property and bring that information back to Council.

c. Burying Power Lines on a portion of K and Atlantic Avenues

Public Works Director Beeker made the following points:

- Besides burying power lines, the project will include the placement of transformers on the ground which will create the need to eliminate two parking spaces.
- New sidewalks, planters, streetlights and landscaping will cost about \$49,500, which is a savings of \$25,000-\$30,000 with Public Works doing the labor.
- It will cost another \$15,000 to tie-in the power lines to the businesses.
- He hasn't obtained any information from the cable or telephone companies, yet.
- The total project cost might be about \$80,000 and the funds can come out of the Powell Bill fund for redoing the sidewalks, streets, curbs and gutters. Currently, the Town has \$220,000 in the Powell Fund and will receive \$30,000 more in October 2013 and \$30,000 more in January 2014.
- The utility/electrical work will have to be funded out of the General Fund.
- When asked if the two poles on the west side of Fort Fisher Boulevard at K Avenue (one next to Big Daddy's Restaurant and the other one next to the Islander Kwik Mart) could also be replaced with underground lines. Director Beeker responded that pole tension plays a part in whether or not they can be removed, since that's what supports other poles, but he will talk to Duke Energy about it again.
- The first phase of the whole project isn't as bad as the second phase, which might have to be done in March 2014. He will work with the business owners to get it done as quickly as possible.

Commissioner Heglar asked the Town Clerk to post a photo and notice on the Town's website about the project, so people will know what Council is doing.

MOTION – Commissioner Heglar made a motion to close two parking spaces on K Avenue in order to proceed with a plan to bury the power lines on K Avenue in order to beautify the downtown business area. The project is to be executed in the first quarter of 2014.

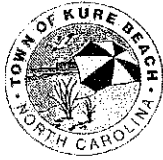
SECOND – Commissioner Pagley

VOTE – Unanimous

Finance Officer Copenhaver said that a resolution will need to be signed at the October meeting to approve financing for the project.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Lack of Quorum on Marketing Committee



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Town Clerk Avery made the following points:

- The Marketing Committee has a seven-member committee, but there are currently only three members on the committee.
- Council said at the August meeting they would look for people interested in being a member.
- Shawn Braden from the Convention and Visitors Bureau said that they would like to meet every other month rather than every month.
- Their preference is to have at least one business owner on the committee.

Commissioner Heglar made the following comments:

- He wants the Town to continue to have a Marketing Committee and not disband it; otherwise, the Town will have no say in how the Town's portion of Room Occupancy Tax funds are spent.
- Council members could draw lots to see which one of them will serve on the committee.
- He suggested reducing the size of the committee to five members so the three remaining members would make a quorum.
- If the size of the committee is decreased, Council still needs to look for, and appoint, two more members by December 2013.

MOTION – Commissioner Heglar made a motion to reduce the size of the Marketing Committee to five members and direct all three current members to endeavor to attend the meetings in order to have a quorum.

SECOND – Commissioner Pagley

VOTE – Unanimous

2. Request from retired employee for reimbursement

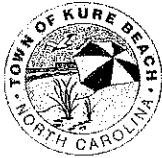
Town Clerk Avery presented Council with a memo explaining the retired Town employee's request to receive reimbursement for 100 percent of the insurance premiums for which he has been paying since 2009.

Finance Officer Copenhaver stated he will split the funds between the General Fund and the Water and Sewer Fund, if Council approves the reimbursement.

MOTION – Commissioner Heglar made a motion to pay the retired employee a one-time amount of \$4,700.53 to reimburse him for 100 percent of the insurance premiums he has paid, since 2009, due to an error in the Town's Long Term Disability policy.

SECOND – Commissioner Swearingen

VOTE – Unanimous



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3. Request for only native plants to be planted on Town property.

The following comments were made:

- Commissioner Swearingen said that Public Works Director Beeker didn't have a problem with Commissioner Swearingen's request to only have native plants planted on Town Property. She would like to set that as a policy which would also state that, if a department head wants something different planted, he or she needs to come to Town Council for approval. She doesn't want to see palm trees all along K Avenue.
- Mayor Lambeth said that Knock-out Roses aren't native, but they look nice and more should be planted around Town. Palm trees were on the island and all the way up the Cape Fear River 100 years ago, because they were indigenous to his area.
- Town Clerk Avery said that they will need to plant a very stable tree, something like a Sago Palm, to camouflage the above ground transformers that will be placed on K Avenue for the power line burial project. She suggested making the policy a little more flexible by putting "whenever possible" as a stipulation in the policy instead of stating that "only" native plants can be used.

MOTION – Commissioner Swearingen made a motion that the Town have a policy that the department heads plant only native plants, whenever possible, on Town property. After further discussion, she withdrew her motion.

CONSENSUS – Council tabled discussion of native plantings in Kure Beach and asked Commissioner Swearingen to bring back a draft policy she has written for Council to further discuss and consider at their October meeting.

4. Per request of NC DOT, adopt Resolution 13-14 superseding Resolution 12-03

The following comments were made:

- Mayor Pro Tem Keener said that this is a positive change to the resolution, requested by the NC DOT, adding "curbs and gutters" to be built with the sidewalks on the north side of K Avenue. The sidewalks will not go as deep into the properties as first planned. There will be no extra charge to the Town for the added curbs and gutters.
- Finance Officer Copenhaver said that funding from Kure Beach in the amount of \$15,000 has also been changed in the resolution to state it will come out of the General Fund, since Powell Bill funds can't pay for State road projects.
- Commissioner Heglar said that funding should come out of the Storm Water fund, rather than the General Fund, since it includes curbs and gutters.

MOTION – Commissioner Heglar made a motion to change all references in the resolution from "General Fund" to "Storm Water Fund," and to adopt Resolution 13-14, as amended.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous



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Said resolution is herein incorporated as part of these minutes.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. New E-Verify requirements regarding contracts (Reclaim NC Act (S.L. 2013-418; HB786))

The following comments were made:

- Town Attorney Canoutas said this is an amendment that needs to be adopted for our policy manual. The legislature put this in place and we must comply. It basically says that, in regards to any contract entered into by the Town for formal purchases or construction, we have to have two clauses inserted into our agreements. The clauses need to state that contractors and vendors, who do business with the Town, must give the Town documentation that swears that the people who work for them are not illegal aliens, but are either U.S. citizens or have current Green Cards.
- Town Clerk Avery said she will create a form that needs to be filled out and signed by any contractors and vendors, to be placed on all contracts. The department heads have all been notified about the requirement. The written policy presented to Council tonight is a template that the School of Government recommended the Town use.
- Finance Officer Copenhagen suggested that the Town could ask to receive a notarized affidavit from each of its contractors and vendors to keep on file, attesting that all of its employees have the legal right to work in the U.S., so that they won't have to sign the form every time they do business with the Town.

2. Adoption of amendment to add a section to the Town's Policy Manual regarding E Verify requirements

MOTION – Commissioner Heglar made a motion to adopt the amendment to the Town's policy manual, adding Article 5 Finance, Section 7 Approval of Contracts, new Subsection C Compliance with E-Verify Requirements on Public Contracts, as presented, to meet the requirements of the State legislature.

SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Said policy is herein incorporated as part of these minutes.

3. Revision of August 20, 2013 Regular Council Minutes

The following comments were made:

- Commissioner Swearingen said she reviewed the areas in the Minutes she wanted the Town Clerk to revise, stating some of the sentences were hard to understand, and she found some punctuation errors. Anyone reading the Minutes, whether they attended the meeting or not, should be able to understand what they are reading. Some parts of the



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meeting where long discussions took place hardly had anything in the Minutes and some parts of the meeting where short discussions took place had an abundance of information in the Minutes.

- Town Attorney Canoutas said the only requirement for Minutes is that they need to be written in such a way that people can understand what took place during the meeting.
- Town Clerk Avery said there is a disclaimer at the bottom of the Minutes which states that they are “action minutes” and not a transcript of the meeting. She is really only required to put in the Minutes what actions were taken at the meeting by Council.
- Commissioner Heglar said that, if meeting Minutes are an issue for any Council member, they have Friday, Monday and Tuesday to review them after they receive their agenda packets and can request revisions then. If the needed revision is substantive, it is helpful for Council to point it out to staff for future reference. He asked that future Minutes be emailed to Council when they are ready to be reviewed so that Council can provide their revisions before the agenda packets are distributed.
- Deputy Town Clerk Hewitt said she reviewed the Town Clerk’s Minutes and didn’t see anything of importance that needed to be changed. If there is a problem with punctuation or something isn’t clear, all Council needs to do is contact the Clerk or Deputy Clerk before the meeting, and they will correct the Minutes. (Hewitt)

CONSENSUS – Council asked Commissioner Swearingen to give her corrections of the August 20, 2013 Council meeting Minutes to the Town Clerk to revise. The revised Minutes will be forwarded to Council for review and further revision, if necessary. The finalized Minutes will be placed on the October Council consent agenda for approval.

MEETING RECESSED

MOTION – At 10:00 pm, Commissioner Heglar made a motion to recess the meeting until Friday, September 20, 2013 at 7:30 am, to continue discussion about the parking and lay-down area for Public Works.

SECOND – Mayor Lambeth

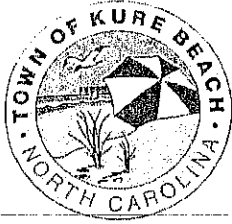
VOTE – Unanimous

Commissioner Heglar asked Town Attorney Canoutas to notify Public Works Director Beeker of the date and time of the continued meeting.

MEETING RESUMED

Mayor Lambeth called the meeting back to order on Friday, September 20, 2013 at 7:30 am. The Town Attorney was in attendance and there was a quorum of Council present.

1. Parking and Lay-down area for Public Works



TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R13-14

A RESOLUTION SUPERCEDING RESOLUTION R12-03, REQUESTING THAT THE NC DEPARTMENT OF TRANSPORTATION (DOT) INSTALL A SIDEWALK ON THE NORTH SIDE OF K AVENUE

WHEREAS, Kure Beach Town Council voted on May 15, 2012 requesting that the NC DOT install a sidewalk on the north side of K Avenue; and

WHEREAS, on September 20, 2011 Town Council adopted resolution R11-17 allocating matching funds for this project in the amount of \$15,000 from the Powell Bill Fund; and

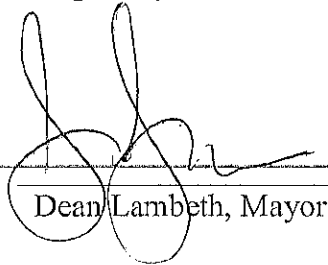
WHEREAS, recently, it was determined that the \$15,000 in funding would have to come from the Town's Storm Water Fund and not from the Powell Bill Fund due to K Avenue being a State road; and

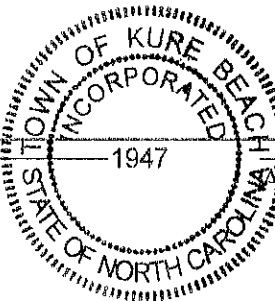
WHEREAS, resolution R12-03 recertified that the Kure Beach Town Council would allocate \$15,000 towards installation of a sidewalk on the north side of K Avenue; and

WHEREAS, the NC DOT requested resolution R12-03 be revised and adopted to add the installation of a curb and gutter, as well as a sidewalk on the north side of K Avenue, in order to reduce the impact in front of the existing homes to improve drainage from roadway runoff;

NOW, THEREFORE, BE IT RESOLVED THAT the Kure Beach Town Council hereby gives official notice to the NC DOT that they support the installation of a sidewalk on the north side of K Avenue from Fourth to Seventh Avenues, along with a curb and gutter, and allocates \$15,000 towards the installation from the Town's Storm Water Fund.

Adopted by the Kure Beach Town Council this the 17th day of September, 2013.


Dean Lambeth, Mayor




Attest: Nancy Hewitt, Deputy Town Clerk

Amendment to Policy Manual

Article 5 Finance

Section 5.07 Approval of Contracts

New Subsection 'C' Compliance with E-Verify requirements on public contracts

On September 4, 2013, the General Assembly enacted the Reclaim NC Act. This legislation requires compliance with E-Verify for all public contracts. This includes all contracts regardless of type and cost as well as all formal purchase, construction and repair contracts entered into by the Town.

E Verify is a free, web-based system operated by the U.S. Department of Homeland Security in partnership with the Social Security Administration that allows participating employers to electronically verify the legal employment status of newly hired employees.

All contracts, regardless of type and cost, includes those not subject to competitive bidding requirements such as service contracts.

Formal purchase, construction and repair contracts are purchase contracts with an estimated cost of \$90,000 or more, and construction or repair contracts with an estimated cost of \$500,000.

Requirements for all bids to be accepted by the Town

All bids must include an affidavit attesting to either number 1 or 2:

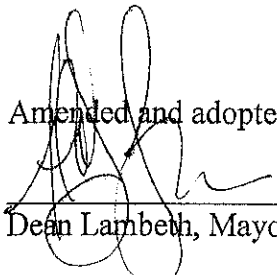
- (1) The contractor and subcontractor(s) hired comply with the requirements of Article 2 of Chapter 64 of the General Statutes regarding E-Verify
- (2) The contractor and subcontractor(s) hired employ less than 25 employees in North Carolina thus exempting them from E-Verify requirements

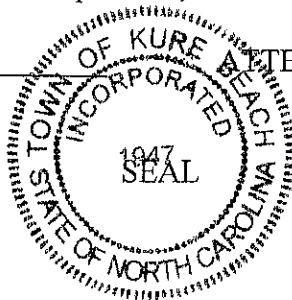
Requirements for all contracts entered into by the Town

All contracts must have a provision that includes either number 1 or 2 below and includes the language in number 3


- (1) The contractor and subcontractor(s) hired comply with the requirements of Article 2 of Chapter 64 of the General Statutes regarding E-Verify
- (2) The contractor and or subcontractor(s) hired employ less than 25 employees in North Carolina thus exempting them from E-Verify requirements
- (3) 'A violation of this provision would provide grounds for a breach of contract claim by the Town should the contractor fail to ensure that his or her subcontractors have complied with the E-Verify requirement'.

Amended and adopted this 17th day of September, 2013.


Dean Lambeth, Mayor



TEST:


Nancy Avery, Town Clerk

[The following uses are prohibited:]

Adult book and video stores: SIC codes 5731, 5192, 5947, 5932, 5942 and 5961.

Internet gaming devices: SIC codes 7993 and 7999.

Adult-oriented dancing: SIC code 7911.

Code of
Ordinances

(Ord. of 4-19-11, § 2)

Sec. 19-80. - Town buildings and facilities.

Town buildings and facilities shall be permitted in all zoning districts and shall not be considered to be nonconforming to the area in which they are located. These include, but are not limited to, the town hall, town fire station, town garage, various lift stations, well sites, water storage tanks.

(Ord. of 8-19-03)

Sec. 19-81. - Public utilities and facilities.

Public utilities and facilities, necessary to the public health, safety and welfare, shall be permitted in all zoning districts and shall not be considered nonconforming to the area in which they are located, so long as they do not present a health hazard or create noise pollution.

The public utilities or facilities shall meet all lot setback requirements and height limitations for the districts they are located in and such facilities shall be exempt from fence height limitations for the protection of equipment and public safety. Every effort shall be made for the facility to blend in with the district in which they are located and this will be accomplished with fences and/or screening shrubs for small equipment and with the shell of a building for larger equipment.

All public utilities and facilities will need final approval by town council of site plans. The approval of site plans in no way negates any town, county, or state codes or regulations.

(Ord. of 8-19-03)

Sec. 19-82. - Special use permits.

It is the intention of the town council to create a list of special uses that may be allowed in several zoning districts where those uses would not otherwise be acceptable without appropriate conditions or safeguards. By means of controls exercised through special use permit procedures established below the council can delineate the areas of concern connected with each special use. Permitted special uses are identified with an "S"; i.e., a special use is designated to show that there is something unique about the business and would require special conditions placed upon them. Those businesses are identified with an "(S)".

Procedures:

- (1) Applications for special use permits shall be processed, considered and voted upon by the town council after a public hearing and after the planning and zoning commission review and make recommendations. Hearings shall be conducted in the same manner as required in division 3, amendments, except that the town council shall follow quasi-judicial procedures. The planning and zoning commission in

Kure Beach, North Carolina, Code of Ordinances >> PART II - CODE >> Chapter 5 - BUILDINGS AND BUILDING REGULATIONS >> ARTICLE VII. - FENCES >>

ARTICLE VII. - FENCES ^[23]

Sec. 5-141. - Restrictions; exemptions.

Secs. 5-142—5-155. - Reserved.

Sec. 5-141. - Restrictions; exemptions.

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

(Ord. of 7-20-82, § 6-97; Ord. of 3-17-87; Ord. of 10-16-07(1))

Secs. 5-142—5-155. - Reserved.

FOOTNOTE(S):

⁽²³⁾ **Cross reference**— *Barbed wire fences prohibited along any street of the town, § 14-14; streets, sidewalks and other public places, Ch. 14; subdivisions, Ch. 15; zoning, Ch. 19. (Back)*



KURE BEACH PUBLIC WORKS

117 SETTLERS LANE * KURE BEACH, NORTH CAROLINA 28449
TELEPHONE (910) 458-5816 * FAX (910) 458-5905

Council:

Re: Sunny Point Lease

As you are aware Commissioner Heglar and I have been working with the Department of the Army concerning our Public Works buildings and lay down area in the Sunny Point buffer area. As to date, our building has been granted approval but all other items outside the storage building, i.e. dumpsters, garbage trucks, lay down area, small storage building, will have to be removed. Our license expired June 14, 2013, but upon request, they have granted the Town a six month extension until December 14, 2013.

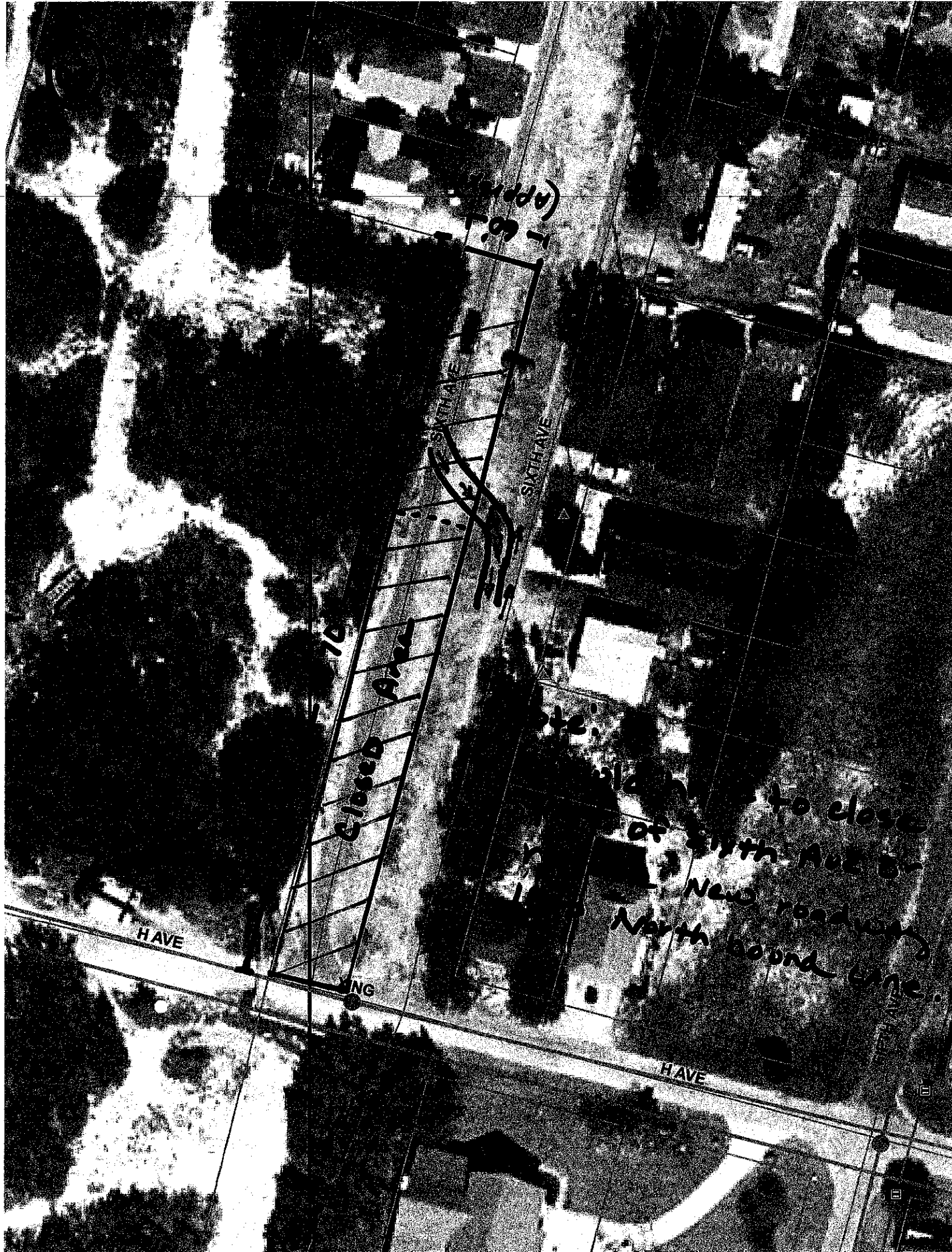
We will continue to work with the Department of the Army for possible permission to allow these items, or some of the items, to remain, but I thought we should begin looking at some other options in case we are denied.

Attached are aerials of some areas that are Town owned and could possibly be used for this purpose. We would have to do some improvements, including fencing, concrete pads, clearing of trees and brush, etc. Please give me a call and let me answer any questions you may have. We are on a timetable and would need to finalize the location as soon as possible.

Sincerely,

Sonny Beeker
Director of Public Works
Town of Kure Beach





I 60 (APPROX)

Closed Area

SIXTH AVE

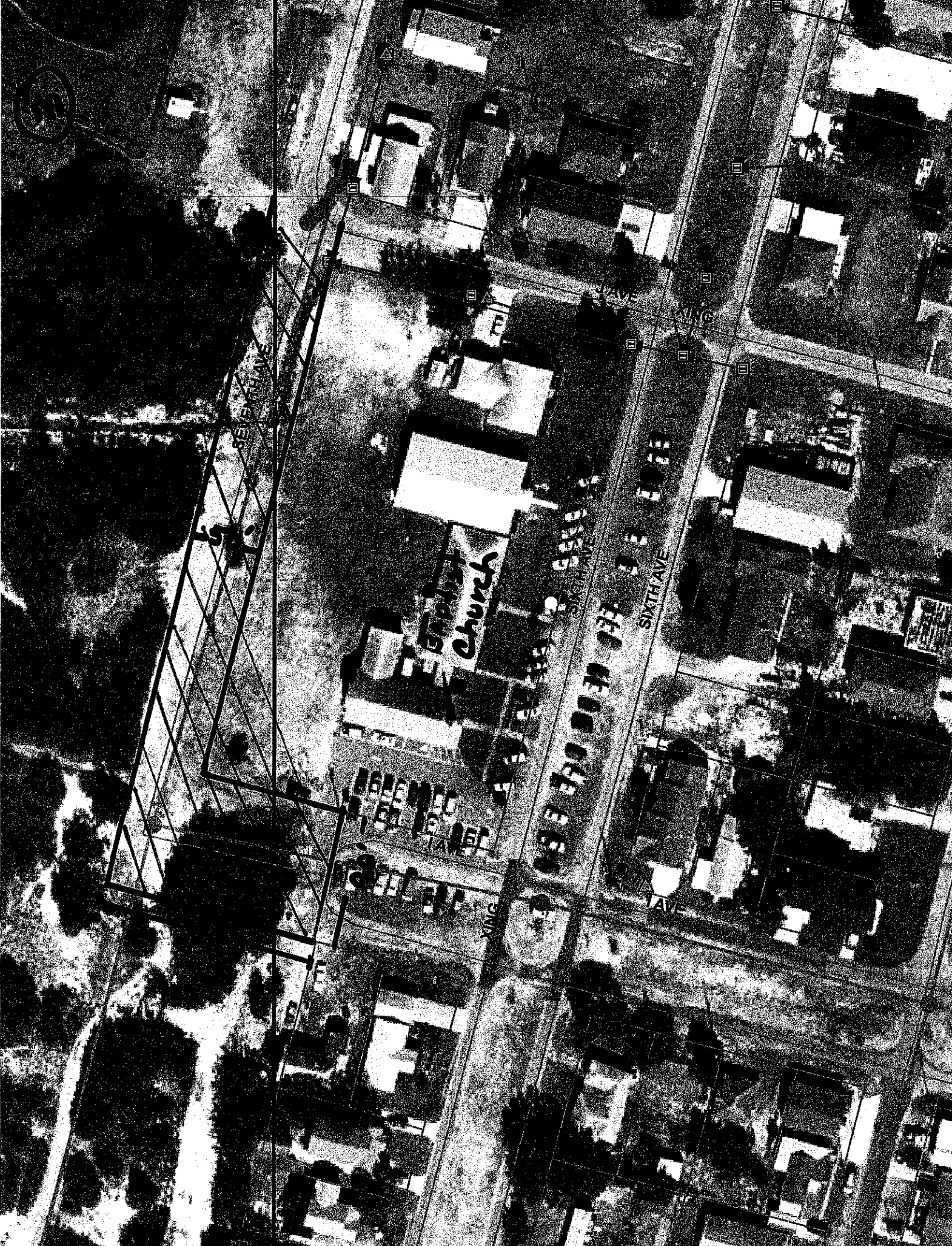
SEVENTH AVE

HAVE

ING

HAVE

Note: ... to close
of Sixth Ave &
New roadway
North bound lane



Episcopal Church

SEVENTH AVE

SIXTH AVE

SIXTH AVE

FIFTH AVE

KING

FIFTH AVE

KING

FIFTH AVE



TOWN COUNCIL MINUTES

REGULAR MEETING MINUTES

September 17, 2013, continued on
September 20, 2013

The following comments were made:

- Town Attorney Canoutas said that, per Sections 19-80 and 19-81 of the Town's Code of Ordinances, placement of the Public Works garbage trucks and dumpsters on 7th Avenue between I and J Avenues is permissible.
- Public Works Director Beeker said the leasing agent with the Military Operations Terminal at Sunny Point (MOTSU) will survey the area to ensure it does not fall within its blast zone.
- Commissioner Heglar said that if MOTSU staff determines this area is not within its blast zone, and the Town decides to move forward with using it for the purpose of storing garbage trucks and dumpsters, then funding for the necessary fencing and landscaping should be split evenly between the General Fund and the Water Fund. The Town should write a letter to the two adjacent property owners regarding the plan to locate a Public Works lay-down area on that property.
- Commissioner Swearingen directed Building Inspector Batson to notify the Planning and Zoning Commission of the possible use of this area, in case they receive questions.

A copy of the zoning ordinance pertaining to Town property, and schematics of three properties being considered as a parking and lay-down area for Public Works, are herein incorporated as part of these minutes.

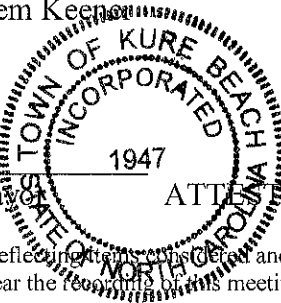
ADJOURNMENT

MOTION – Commissioner Heglar made a motion to adjourn the meeting at 7:36 am.

SECOND – Mayor Pro Tem Keene

VOTE - Unanimous

Dean Lambeth, Mayor



ATTN: Nancy Hewitt, Deputy 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.