



TOWN COUNCIL AGENDA

 ORIGINAL

REGULAR MEETING

June 16, 2015 @ 6:30 PM

*** Asterisks indicate documentation in packet**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA ITEMS

1. *Appoint Sandra Capece to the Parks and Recreation Advisory Board
2. *Approve Department of Cultural Resources' amendments to the Municipal Records Retention Schedule
3. *Adopt Resolution R15-06, transferring funds from Contingency line item to Fire Department, Legal, and Streets and Sanitation FY14-15 Budgets, for additional expenses incurred during FY14-15
4. *Approve Budget Amendment 15-06, to increase the Lifeguards Capital Outlay budget in the amount of \$6,550 obtained from sale of surplus property
5. *Approve Budget Amendment 15-07, to increase the Fire Department maintenance budget for repairs that occurred in FY 2015 in the amount of \$4,100, to be transferred from the Contingency Fund (ref. R15-06)
6. *Approve Budget Amendment 15-08, for additional expenses incurred under Streets and Sanitation in FY 2015 in the amount of \$40,000, to be transferred from the Contingency Fund (ref. R15-06)
7. *Approve Budget Amendment 15-09, to increase the legal expense budget for the General Fund and Water/Sewer Fund, as follows: \$1,000 to be transferred from the Contingency Fund for the General Fund, and \$1,000 to be transferred from an appropriation of fund balance for the Water/Sewer Fund (ref. R15-06)
8. *Approve Budget Amendment 15-10, to increase FY 2015 budget for Powell Bill related expenditures for street paving/patching in the amount of \$5,000
9. *Building Inspections Department Report – April & May 2015
10. *Fire Department Report – May 2015
11. *YTD Finance Report
12. Meeting Minutes:
 - *May 19, 2015 Regular
 - *May 19, 2015 Closed
 - *June 4, 2015 Public Hearing

ADOPTION OF THE AGENDA

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL
Sign up at podium (3 minute limit)



TOWN COUNCIL AGENDA

REGULAR MEETING

June 16, 2015 @ 6:30 PM

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Board of Adjustment
2. Community Center Committee
3. Marketing Committee
 - a. *Presentation of FY15-16 Marketing Budget (Nalepa)
4. Parks & Recreation Advisory Board
5. Planning & Zoning Commission
 - a. *Short-term Rental Complaint Tracking Update (Galbraith)
 - b. *Draft text amendment to the Code, requested by Richard and Ann Lawing Chapter 19 Zoning, Article IV Supplemental District Regulations, Section 19-329 Modification of required yard, to add clarification to the term "architectural features" to include fireplaces, and to add the following text to the end of the current ordinance: "On corner lots, architectural features may extend twenty-four (24) inches into the 10' side setback." This change is meant to allow flexibility and tolerance of side yard setbacks for corner lots. **If approved by Council, motion needs to include direction to Clerk to advertise a Public Hearing to be held as the first order of business at the July 21, 2015 Council meeting (if that is the date desired).*
6. Shoreline Access, Beach Protection and Parking Committee

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation (Avery)
 - a. Equity Adjustment Payments 2015 Salary Study
Approve equity adjustment payments for 16 employees whose salaries were 6 percent or more below the benchmark salary set in the 2015 salary study. The adjustments are to be no more than 50 percent of the difference between employee salary and benchmark salary and will be effective July 1, 2015 as part of FY15-16 budget.
 - b. *Amendment to Personnel Policy, Article III, Section 16, Longevity Pay
Adoption of amendment ceases eligibility for Longevity Pay to employees hired on or after June 16, 2015, and continues eligibility for employees hired before June 16, 2015.
2. Finance Department
3. Building Department
3. Fire Department
4. Police Department
5. Public Works Department

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. *Adoption of the FY15-16 Proposed Budget Ordinance and Fee Schedule (Copenhaver)



TOWN COUNCIL AGENDA

REGULAR MEETING

June 16, 2015 @ 6:30 PM

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. *Six-month renewal of Inter-local Agreement with NHC on storm reduction funding (Lambeth)

COMMISSIONER ITEMS (no action required)

CLOSED SESSION, if needed

ADJOURNMENT



TOWN OF KURE BEACH REQUEST FOR APPOINTMENT

Board/Commission/Committees

cc: ...
Nikki Keely
ORIG → Committee Book

MUST BE A FULL-TIME RESIDENT TO SERVE ON TOWN COMMITTEES

Request for Appointment to: PARKS + Recreation Advisory Board
Name Jandra Capece
Address PO Box 616 - 603 Pelican Ct KB NC 28449
Telephone 910 232 9857 ← Cell _____
Email SANZ.KBNC@gmail.com (You will receive the majority of correspondence via email)
Length of permanent residence in Kure Beach 13 YEARS
Employment N/A
Job Title _____

Professional Activities none @ this time

Volunteer Activities See below please

Other committee work, past or present Tileston Clinic, Good Shepard, Turtle watch in KB, Sea Otter planting volunteer

What is your understanding of the purpose of this committee?
I believe the committee is dedicated to improving the environment and quality of life in KB.

Why are you interested in serving on this committee?
I am dedicated to our home in KB.

What specific concerns or areas are you interested in?
I am interested in maintaining KB as the best place in this world to live.

Are there any time blocks from 8am-8pm, Monday through Friday, when you cannot attend meetings?
blocked times M-F after 5:30 or 6 pm.

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature Jandra Capece Date 5-3-15
Thank you for your interest in serving the Town of Kure Beach

Please return ORIGINAL to: Town Clerk - Town of Kure Beach 117 Settlers Lane, Kure Beach, NC 28449

Date Received	<u>5/7/15</u>	Initials	<u>MSH</u>	Utilities Current	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Interview Date	<u>6/9/15</u>	(If applicable)		Appointment Date	<u>6/16/15</u>
Term Length	_____			Term Expiration	_____

**Municipal
Records Retention Schedule Amendment**

Amending the Municipal Records Retention and Disposition Schedule published September 10, 2012.

STANDARD 9. LAW ENFORCEMENT RECORDS

Adding Item 136, Law Enforcement Audio and Video Recordings, as shown on substitute page 90.

STANDARD 12. PERSONNEL RECORDS

Amending Item 19, Employee Eligibility Records, as shown on substitute page 105.

APPROVAL RECOMMENDED

City/Town Clerk

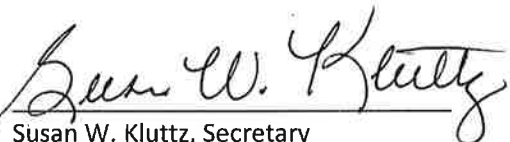
Chief Administrative Officer/
City Manager



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Mayor



Susan W. Kluttz, Secretary
Department of Cultural Resources

January 5, 2015

**Municipal
Records Retention Schedule Amendment**

Amending the Municipal Records Retention and Disposition Schedule published September 10, 2012.

STANDARD 4. BUDGET, FISCAL AND PAYROLL RECORDS

Amending item 32 Escheat and Unclaimed Property File as shown on substitute page 29.

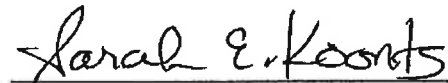
STANDARD 12. PERSONNEL RECORDS

Adding item 1-A Accreditation Records as shown on substitute page 101. Superseded
Amending item 19 Employee Eligibility Records as shown on substitute page 105. January 5, 2015
Amending items 36 Family Medical Leave Act (FMLA) Records, 42 Leave File, and 43 Leave Without Pay
File as shown on substitute pages 110-111.

APPROVAL RECOMMENDED

City/Town Clerk

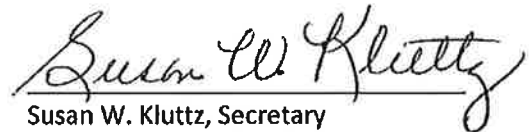
Chief Administrative Officer/
City Manager



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Mayor



Susan W. Kluttz, Secretary
Department of Cultural Resources

August 29, 2013

Municipality

STANDARD-9: LAW ENFORCEMENT RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
134.	WORK RELEASE EARNINGS REPORTS Inmates' work release earnings reports submitted either to the N.C. Department of Corrections or the Clerk of Superior Court.	Destroy in office after 3 years.*	G.S. §148-32.1
135.	WRECKER SERVICE RECORDS Records concerning wrecker requests or calls. May include lists of wrecker company's towing and storage rates, rotation lists, notification records when vehicles are towed from private property, and other related records.	a) Destroy in office after 1 year if not made part of a case file. b) If record is made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES item 17, page 64; or CASE HISTORY FILE: MISDEMEANORS item 18, page 64.	
136.	LAW ENFORCEMENT AUDIO AND VIDEO RECORDINGS Tapes and digital recordings generated by mobile and fixed audio and video recording devices. Does not include ELECTRONIC/VIDEO RECORDINGS OF INTERROGATIONS (HOMICIDE) item 44, page 71. See also MOBILE UNIT VIDEO TAPES item 81, page 80.	a) Destroy in office after 30 days if not made part of a case file. b) If record is made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES item 17, page 64; or CASE HISTORY FILE: MISDEMEANORS item 18, page 64. c) If record is made part of a citizen complaint follow disposition instructions for CITIZEN COMPLAINTS/ ADMINISTRATIVE INVESTIGATION RECORDS item 21, page 65. d) If record is made part of an internal investigation follow disposition instructions for INTERNAL AFFAIRS CASE RECORDS item 76, page 78.	Comply with applicable provisions of G.S. § 132-1.4 regarding confidentiality of criminal investigation records and G.S. §160a-168 regarding confidentiality of personnel records.

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

STANDARD-12. PERSONNEL RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.	<p>EMPLOYEE EDUCATIONAL ASSISTANCE PROGRAM RECORDS Includes records requesting tuition assistance, repayments, and other related records.</p> <p>See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	Destroy in office 3 years after completion, denial, repayment, or removal from program.*	
19.	<p>EMPLOYEE ELIGIBILITY RECORDS Includes the United States Immigration and Naturalization Services, Employment Eligibility Verification (I-9) forms.</p>	Mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later.	8 USC 1324a(b)(3)
20.	<p>EMPLOYEE EXIT INTERVIEW RECORDS See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	Destroy in office after 1 year.	
21.	<p>EMPLOYEE HEALTH CERTIFICATES Includes health or physical examination reports, or certificates created in accordance with Title VII and the Americans with Disabilities Act (ADA).</p>	<p>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p> <p>b) Destroy in office all other records 2 years after resolution of all actions.</p>	

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

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STANDARD-4: BUDGET, FISCAL AND PAYROLL RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
27.	DAILY DETAIL REPORTS	Destroy in office after 1 year.*	
28.	DEPOSITS	a) Destroy in office official/audit copies after 3 years.* b) Destroy in office remaining records after 1 year.	G.S. § 159-32
29.	DETAIL REPORT FILE (FINANCIAL RECORDS FOR GENERAL FUND OR GENERAL LEDGER)	a) Destroy in office annual reports after 3 years.* b) Destroy in office all other reports after 1 year.	
30.	DIRECT DEPOSIT APPLICATIONS/AUTHORIZATIONS Includes related records such as bank account numbers and routing numbers.	Destroy in office when superseded or obsolete.	Comply with applicable confidentiality provisions of G.S. §132-1.10(b)(5) regarding personal identifying information.
31.	DISTRICT INVESTMENT RECORDS	Destroy in office after 3 years.*	
32.	ESCHEAT AND UNCLAIMED PROPERTY FILE	a) Destroy in office after 10 years if report was filed prior to July 16, 2012.* b) Destroy in office after 5 years if report was filed after July 16, 2012.*	Comply with applicable provisions of G.S. §116B-60 and §116B-73.
33.	EXPENDITURE REPORTS	Destroy in office after 3 years.*	
34.	FACILITY SERVICE AND MAINTENANCE AGREEMENTS See also GRANTS: FINANCIAL item 36, page 30.	a) Destroy in office depreciation schedules 3 years after asset is fully depreciated or disposed. b) Destroy in office remaining records after 3 years.*	

*See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page vi.

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STANDARD-12. PERSONNEL RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	ABOLISHED POSITION FILE	Destroy in office when administrative value ends. † Agency Policy: Destroy in office after _____	
1-A.	ACCREDITATION RECORDS Records concerning compliance with those standards outlined by professional accreditation programs.	Destroy in office 1 year after accreditation is obtained, renewed, or no longer valid.*	
2.	ADDRESS FILE	Destroy in office when superseded or obsolete.	
3.	ADS AND NOTICES OF OVERTIME, PROMOTION, AND TRAINING OPPORTUNITIES	Destroy in office 1 year from date record was made.	29 CFR 1627.3
4.	AFFIRMATIVE ACTION FILE	a) Destroy in office all reports, analyses, and statistical data after 5 years. b) Destroy in office affirmative action plans 5 years from date superseded.	29 CFR 30.8(b)(e) 29 CFR 1608.4
5.	APPRENTICESHIP PROGRAM RECORDS	Destroy in office 5 years from the date of enrollment.	29 CFR 30.8(e)
6.	APTITUDE AND SKILLS TESTING RECORDS Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. May include civil service examinations. See also <u>EMPLOYMENT SELECTION RECORDS</u> item 32, page 109.	a) Destroy in office applicant and employee test papers 2 years from date record was created. b) Destroy in office validation studies and copies of tests 2 years after no longer in use. c) Destroy in office records relating to the planning and administration of tests in office after 2 years.	29 CFR 1602.31 29 CFR 1602.40 29 CFR 1602.49

*See *AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS*, page vi.

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STANDARD-12. PERSONNEL RECORDS

ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
35.	EQUAL PAY RECORDS Includes reports, studies, aggregated or summarized data, and similar documentation compiled to comply with the Equal Pay Act.	Destroy in office after 2 years.	29 CFR 1620.32
36.	FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA and other related records.	Item discontinued. See LEAVE FILE , item 42, page 111.	
37.	FRINGE BENEFITS FILE	Destroy in office when administrative value ends. † Agency Policy: Destroy in office after _____	
38.	GRIEVANCE FILE Includes initial complaint, investigations, actions, summary, and disposition. May include disciplinary correspondence, including email. See also DISCIPLINARY FILE item 11, page 102 and PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.	Destroy in office after 2 years.	
39.	HEALTH INSURANCE FILE Completed claim forms and other records concerning employees covered by health plans.	Destroy in office after 2 years.*	
40.	INCREMENTS FILE	Destroy in office when released from all audits.	
41.	INTERNSHIP PROGRAM FILE Records concerning interns and students.	Destroy in office after 3 years.	

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

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STANDARD-12. PERSONNEL RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
42.	LEAVE FILE Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, military, etc. Includes premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over the Family Medical Leave Act (FMLA), and other related records.	Destroy in office 3 years after return of employee or termination of employment.*	29 CFR 825.110(b)(2)(i) 29 CFR 825.500(b)
43.	LEAVE WITHOUT PAY FILE	Item discontinued. See LEAVE FILE , item 42, page 111.	
44.	LONGEVITY PAY REQUESTS	Destroy in office when released from all audits.	
45.	MERIT AND SENIORITY SYSTEM RECORDS	a) Destroy in office employee-specific records after 3 years. b) Destroy in office system and plan records 1 year after no longer in effect.	29 CFR 1627.3
46.	PERSONNEL ACTION NOTICES Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, position or job title, name change and leave.	a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112. b) Destroy in office all remaining records 2 years from date record was created, received, or the personnel action involved.	

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TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R15-06

TRANSFERRING FUNDS FROM CONTINGENCY LINE ITEM TO FIRE DEPARTMENT, LEGAL AND STREETS AND SANITATION FY 14-15 BUDGETS FOR ADDITIONAL EXPENSES INCURRED DURING FY 14-15

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

WHEREAS, the Kure Beach Town Council has approved FY 14-15 Budget Amendments totaling \$45,100 (Legal - \$1,000, Fire Department - \$4,100 and Streets and Sanitation - \$40,000) for estimated additional expenses beyond the approved operating budget; and

NOW, THEREFORE, BE IT RESOLVED THAT the Kure Beach Town Council authorizes the Finance Officer to transfer funds in the amount of \$45,100 from the General Fund Contingency account. These funds are to be allocated to the following FY 14-15 Departmental Budgets to cover estimated additional expenses beyond the approved operating budget:

Legal	\$ 1,000
Fire Department	\$ 4,100
Streets and Sanitation	<u>\$40,000</u>
Total	<u>\$45,100</u>

Adopted by the Kure Beach Town Council this 16th day of June, 2015.

Dean Lambeth, Mayor

Attest: Nancy Avery, Town Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2015

AMENDMENT DATE: 05/26/2015

Budget Amendment No.: 15-06

DESCRIPTION/PURPOSE OF AMENDMENT

The Fire Department/Ocean Rescue sold a John Deere Gator for \$4,450 and a Honda Rancher ATV for \$2,100. The Gator was declared surplus equipment on February 23, 2015 and the ATV on April 6, 2015. This budget amendment is to increase the Lifeguards Capital Outlay budget in the amount of the proceeds received.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-531-74-00	Capital Outlay	\$6,550	
10-381-00-00	Sale of Surplus Property		\$6,550

NOTE: (a) Budget Officer may transfer between line item expenditures without limitation and without a report being required up to \$10,000 at any one time. (b) The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial statements. He/She shall make an official report immediately to Council on such transfers. (c) The Budget Officer may not transfer amounts between funds without prior Council action.

Requested By: Harold Heglar, Fire Chief Date: 05/26/15

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 05/26/15

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

Approved by Council 06/16/15 _____ Dean Lambeth, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

BUDGET AMENDMENT
FISCAL YEAR ENDING JUNE 30, 2015
AMENDMENT DATE: 05/26/2015

Budget Amendment No.: 15-07

DESCRIPTION/PURPOSE OF AMENDMENT

During FY 2014, it was determined that repairs to the concrete floor in the bay area of the Fire Department were required. Budget Amendment #14-09, totaling \$5,000, was approved for the repairs in April 2014 (FY 2014). The actual repairs to the floor could not be performed until FY 2015. This Budget Amendment is to increase the Fire Department maintenance budget for the repairs that occurred in FY 2015. At the 06/16/15 Town Council meeting, Council adopted Resolution 15-06 to transfer funds from the FY 2015 Contingency Fund to the Fire Department Budget.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-530-15-00	Maintenance of Building	\$4,100	
10-490-00-00	General Fund Contingency		\$4,100

NOTE: (a) Budget Officer may transfer between line item expenditures without limitation and without a report being required up to \$10,000 at any one time. (b) The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial statements. He/She shall make an official report immediately to Council on such transfers. (c) The Budget Officer may not transfer amounts between funds without prior Council action.

Requested By: Harold Heglar, Fire Chief Date: 05/26/15

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 05/26/15

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

Approved by Council 06/16/15 _____ Dean Lambeth, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

BUDGET AMENDMENT
FISCAL YEAR ENDING JUNE 30, 2015
AMENDMENT DATE: 06/05/2015

Budget Amendment No.: 15-08

DESCRIPTION/PURPOSE OF AMENDMENT

During FY 2015, Streets & Sanitation has incurred additional expenses beyond the approved operating budget. These additional amounts include: electricity and fixture costs for the downtown lighting, garbage truck maintenance costs resulting from trying to get additional years of service from older trucks, costs for tires for older trucks, higher than anticipated costs for materials and supplies, and unbudgeted OFP expenses (fence extension and electric boxes). At the 06/16/15 Town Council meeting, Council adopted Resolution 15-06 to transfer funds from the FY 2015 Contingency Fund to the Streets & Sanitation Budget for the additional expenses.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-550-13-00	Utilities	\$8,500	
10-550-17-00	Maintenance of Trucks	\$15,000	
10-550-31-00	Gas/Oil/Tires	\$5,000	
10-550-33-00	Materials & Supplies	\$6,500	
10-550-88-03	Ocean Front Park Maintenance	\$5,000	
10-490-00-00	General Fund Contingency		\$40,000

NOTE: (a) Budget Officer may transfer between line item expenditures without limitation and without a report being required up to \$10,000 at any one time. (b) The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial statements. He/She shall make an official report immediately to Council on such transfers. (c) The Budget Officer may not transfer amounts between funds without prior Council action.

Requested By: Sonny Beeker, Public Works Director Date: 06/05/15

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 06/05/15

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

Approved by Council 06/16/15 _____ Dean Lambeth, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

BUDGET AMENDMENT
FISCAL YEAR ENDING JUNE 30, 2015
AMENDMENT DATE: 06/05/2015

Budget Amendment No.: 15-09

DESCRIPTION/PURPOSE OF AMENDMENT

For FY 2015, the cost of using legal counsel, other than the Town Attorney, for legal-related matters is forecasted to exceed the approved FY 2015 legal budget. These legal expenses are shared equally amongst the General Fund and Water and Sewer Fund. This Budget Amendment is to increase the legal expense budgets for both funds. At the 06/16/15 Town Council meeting, Council adopted Resolution 15-06 to transfer funds from the FY 2015 Contingency Fund to the General Fund Legal Budget. The increase in the legal expense budget for the Water and Sewer Fund is coming from an appropriation of fund balance.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-470-04-03	Professional Legal Service	\$1,000	
10-490-00-00	General Fund Contingency		\$1,000
30-470-04-03	Professional Legal Service	\$1,000	
30-310-10-00	Appropriate W/S Fund Balance		\$1,000

NOTE: (a) Budget Officer may transfer between line item expenditures without limitation and without a report being required up to \$10,000 at any one time. (b) The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial statements. He/She shall make an official report immediately to Council on such transfers. (c) The Budget Officer may not transfer amounts between funds without prior Council action.

Requested By: Nancy Avery, Town Clerk & Office Manager Date: 06/05/15

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 06/05/15

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

Approved by Council 06/16/15 _____ Dean Lambeth, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

BUDGET AMENDMENT
FISCAL YEAR ENDING JUNE 30, 2015
AMENDMENT DATE: 06/05/2015

Budget Amendment No.: 15-10

DESCRIPTION/PURPOSE OF AMENDMENT

This budget amendment is to increase the FY 2015 budget for Powell Bill related expenditures. There have been additional expenses relating to street paving and patching throughout town. The additional \$5,000 should cover these expenses and any other street related expenses through the end of FY 2015.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
11-570-00-00	Powell Fund Expenditures	\$5,000	
11-343-00-00	NC Powell Bill Allocation		\$3,400
11-310-00-01	Appropriate Powell Fund Balance		\$1,600

NOTE: (a) Budget Officer may transfer between line item expenditures without limitation and without a report being required up to \$10,000 at any one time. (b) The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial statements. He/She shall make an official report immediately to Council on such transfers. (c) The Budget Officer may not transfer amounts between funds without prior Council action.

Requested By: Sonny Beeker, Public Works Director Date: 06/05/15

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 06/05/15

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

Approved by Council 06/16/15 _____ Dean Lambeth, Mayor

ATTEST: _____ Nancy Avery, Town Clerk

Kure Beach Inspections Dept.-Building Permits Issue Date: 4/1/2015 - 4/30/2015

PermitNo	Issue Date	Owner	Project Addr	Descript	Fee
Building addition					
5679	4/22/2015	PEUSTER FAMILY TRUST	410 H AVE	Deck Additions	\$25.00
5675	4/13/2015	BROCK RANDY MICHELE	213 MARQUESA WAY	Shed enclosure	\$50.00
Total addition 2					\$75.00
New Construction					
5680	4/28/2015	BECKHART GORDON H	1338 FORT FISHER BLV S	Enclose bottom	\$50.00
5673	4/7/2015	BECKER MICHAEL L LORRAINE	402 K AVE	finish off bottom of house to heated spac	\$150.00
5674	4/7/2015	SLOOP MARGARET S LTD PTNRP	534 S FORT FISHER BLV	New SFD	\$1,660.00
Total New Construction 3					\$1,860.00
pool					
5671	4/13/2015	RIGHT FORCE INC C/O WILLIAM J DUMON	917 FORT FISHER BLV S	New pool.	\$300.00
5678	4/21/2015	TRENERY FRANK G III WENDY E	506 KURE VILLAGE WAY	New Pool	\$300.00
5677	4/15/2015	BEACH DRAGON LLC	317 S FORT FISHER BLV	New Pool	\$300.00
Total pool 3					\$900.00
Renovations					
5676	4/14/2015	STAMP BRIAN AND KATHERINE	810 CUTTER CT		\$200.00
5670	4/2/2015	TRIPLETT SUZANNE E REVOCABLE TRUST	230 N FORT FISHER BLV	Combining 2 units into one.	\$250.00
Total Renovations 2					\$450.00
Replacement					
5672	4/7/2015	RIGHT FORCE INC C/O WILLIAM J DUMON	917 FORT FISHER BLV S	Window replacement	\$150.00
Total Replacement 1					\$150.00
Total Building 11					\$3,435.00
Total Permits: 11					\$3,435.00

Kure Beach Inspections Dept.-Building Permits Issue Date: 5/1/2015 - 5/31/2015

PermitNo	Issue Date	Owner	Project Addr	Descript	Fee
Building					
New Construction					
5683	5/14/2015	AUSTIN STEVEN J CRISTIN M	207 ALABAMA AVE	Garage additlon	\$250.00
5682	5/5/2015	RYAN STEVE AND PEGGY	222 N FOURTH AVE		\$11,235.00
5686	5/18/2015	ERWIN ROY A AND BARBARA	301 SETTLERS LN	New SFD	\$11,110.00
Total New Construction 3					\$22,595.00
pool					
5681	5/4/2015	BECKER MICHAEL L LORRAINE	402 K AVE	New Pool	\$300.00
Total pool 1					\$300.00
Renovations					
5684	5/14/2015	MELVIN PATRICK S	110 S THIRD AVE	General Renovations	\$150.00
Total Renovations 1					\$150.00
Replacement					
5685	5/15/2015	TONELLI RAYMOND	301 FORT FISHER BLV S	Stair additlon	\$100.00
Total Replacement 1					\$100.00
Total Building 6					\$23,145.00
Total Permits: 6					\$23,145.00

KURE BEACH FIRE DEPARTMENT

FIRE CHIEF'S REPORT MAY, 2015

DATE	PURPOSE
05/01/15	EMS
05/01/15	EMS
05/03/15	VEHICLE FIRE
05/03/15	WATER RESCUE
05/04/15	DRILL
05/04/15	AUTO ACCIDENT
05/08/15	OCEAN RESCUE
05/11/15	DRILL
05/11/15	EMS
05/13/15	EMS
05/14/15	FALSE ALARM
05/15/15	FALSE ALARM
05/16/15	MUTUAL AID Cbfd
05/16/15	MUTUAL AID Cbfd
05/16/15	WATER RESCUE
05/17/15	SMOKE IN AREA
05/18/15	DRILL
05/19/15	EMS
05/20/15	EMS
05/20/15	WATER RESCUE
05/20/15	EMS
05/21/15	EMS
05/22/15	STRUCTURE FIRE
05/22/15	EMS
05/23/15	WATER RESCUE
05/24/15	EMS
05/28/15	WATER RESCUE
05/29/15	EMS

KURE BEACH FIRE DEPARTMENT

DATE	PURPOSE
05/30/15	EMS
05/30/15	WATER RESCUE
05/30/15	EMS
05/31/15	WATER RESCUE
05/31/15	WATER RESCUE
05/31/15	WATER RESCUE
05/31/15	EMS

All equipment checked and found to be in working order

Harold Heglar
Chief

**REVENUE AND EXPENDITURE SUMMARY
JULY 1, 2014 TO JUNE 9, 2015**

REVENUES

	2015 Initial Bud.	2015 Amend. Bud.	Actual 06/09/2015	% Collected
GENERAL FUND				
Property Taxes (Cur. & PY)	\$ 2,100,250	\$ 2,100,250	\$ 2,114,256	100.7%
Local Option Sales Tax	\$ 713,000	\$ 713,000	\$ 699,734	98.1%
Franchise & Utility Tax	\$ 142,250	\$ 142,250	\$ 141,953	99.8%
TDA Funds	\$ 198,651	\$ 198,651	\$ 185,145	93.2%
Garbage & Recycling	\$ 338,700	\$ 338,700	\$ 315,958	93.3%
ABC Revenue	\$ 10,175	\$ 10,175	\$ 12,798	125.8%
Bldg Permit, Impact Fees & CAMA	\$ 44,700	\$ 44,700	\$ 51,875	116.1%
Communication Tower Rent	\$ 84,769	\$ 84,769	\$ 84,831	100.1%
Motor Vehicle Tags	\$ 7,500	\$ 7,500	\$ 7,395	98.6%
Com Ctr/Parks & Rec/St Festival	\$ 27,450	\$ 27,450	\$ 26,509	96.6%
Town Facility Rentals	\$ 10,000	\$ 10,000	\$ 10,313	103.1%
Beer & Wine Tax	\$ 8,500	\$ 8,500	\$ 10,063	118.4%
OFP - Bluefish Purchases	\$ 7,920	\$ 7,920	\$ 9,900	125.0%
All Other Revenues	\$ 31,426	\$ 35,850	\$ 74,349	207.4%
Appropriate Fund Balance	\$ 4,125	\$ 4,125	\$ -	0.0%
Other Financing Sources	\$ 64,000	\$ 473,471	\$ 457,830	96.7%
Total Revenues	\$ 3,793,416	\$ 4,207,311	\$ 4,202,909	99.9%

WATER & SEWER FUND

Water Charges	\$ 625,000	\$ 625,000	\$ 556,315	89.0%
Sewer Charges	\$ 905,000	\$ 905,000	\$ 802,124	88.6%
Tap, Connect & Reconnect Fees	\$ 28,500	\$ 28,500	\$ 53,400	187.4%
All Other Revenues	\$ 41,656	\$ 85,622	\$ 38,197	44.6%
Total Revenues	\$ 1,600,156	\$ 1,644,122	\$ 1,450,036	88.2%

STORM WATER FUND

Total Revenues	\$ 287,370	\$ 287,370	\$ 265,123	92.3%
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POWELL BILL FUND

Total Revenues	\$ 62,030	\$ 62,030	\$ 65,431	105.5%
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SEWER EXPANSION RESERVE FUND (SERF)

Total Revenues	\$ 22,640	\$ 22,640	\$ 47,629	210.4%
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BEACH PROTECTION FUND

Total Revenues	\$ 103,000	\$ 103,000	\$ 103,000	100.0%
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FEDERAL ASSET FORFEITURE FUND

Total Revenues	\$ 50,000	\$ 50,000	\$ -	0.0%
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EXPENDITURES

	2015 Initial Bud.	2015 Amend. Bud.	Actual 06/09/2015	% Spent
GENERAL FUND				
Governing Body	\$ 39,167	\$ 39,167	\$ 38,035	97.1%
Committees	\$ 7,500	\$ 7,500	\$ 4,428	59.0%
Administration/Finance	\$ 455,208	\$ 876,429	\$ 851,272	97.1%
Community Center	\$ 14,650	\$ 14,650	\$ 10,943	74.7%
Emergency Management	\$ 300	\$ 300	\$ 8	2.7%
Tax Collections	\$ 25,000	\$ 25,000	\$ 17,410	69.6%
Legal	\$ 24,000	\$ 24,000	\$ 24,208	100.9%
Police Department	\$ 1,133,547	\$ 1,133,547	\$ 993,658	87.7%
Fire Department	\$ 423,138	\$ 423,138	\$ 379,574	89.7%
Lifeguards	\$ 186,575	\$ 190,999	\$ 144,519	75.7%
Parks & Recreation	\$ 132,018	\$ 132,018	\$ 100,545	76.2%
Bldg Inspection/Code Enforcement	\$ 118,135	\$ 118,135	\$ 94,910	80.3%
Streets & Sanitation	\$ 695,206	\$ 695,206	\$ 650,313	93.5%
Debt Service	\$ 255,372	\$ 255,372	\$ 247,503	96.9%
Transfer to Other Funds	\$ 103,000	\$ 103,000	\$ 103,000	100.0%
Contingency	\$ 180,600	\$ 168,850	\$ -	0.0%
Total Expenses	\$ 3,793,416	\$ 4,207,311	\$ 3,660,326	87.0%

WATER & SEWER FUND

Governing Body	\$ 14,967	\$ 14,967	\$ 13,884	92.8%
Legal	\$ 24,000	\$ 24,000	\$ 24,208	100.9%
Administration/Finance	\$ 357,750	\$ 369,500	\$ 338,353	91.6%
Operations	\$ 1,203,439	\$ 1,235,655	\$ 976,656	79.0%
Total Expenses	\$ 1,600,156	\$ 1,644,122	\$ 1,353,101	82.3%

STORM WATER FUND

Total Expenses	\$ 287,370	\$ 287,370	\$ 169,618	59.0%
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POWELL BILL FUND

Total Expenses	\$ 62,030	\$ 62,030	\$ 60,825	98.1%
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SEWER EXPANSION RESERVE FUND (SERF)

Total Expenses	\$ 22,640	\$ 22,640	\$ -	0.0%
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BEACH PROTECTION FUND

Total Expenses	\$ 103,000	\$ 103,000	\$ -	0.0%
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FEDERAL ASSET FORFEITURE FUND

Total Expenses	\$ 50,000	\$ 50,000	\$ 28,743	57.5%
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**TOWN OF KURE BEACH
CASH AND INVESTMENTS
AS OF MAY 31, 2015**

<u>FUND</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>	<u>TOTAL CASH & INVESTMENTS</u>
General	\$2,144,358	\$340,950	\$2,485,308
Water/Sewer	\$1,180,431	\$583,414	\$1,763,845
Storm Water	\$678,046	\$239,721	\$917,767
SERF	\$242,886	\$91,033	\$333,919
Federal Asset Forfeiture	\$147,984	\$0	\$147,984
Powell Bill	\$198,231	\$19,876	\$218,107
Beach Protection	\$186,640	\$0	\$186,640
TOTAL	\$4,778,576	\$1,274,994	\$6,053,570
BB&T	\$4,778,576	\$0	
First Bank - Certificates of Deposit	\$0	\$960,527	
Bank of America - Certificate of Deposit	\$0	\$258,411	
NCCMT Term Portfolio	\$0	\$50,240	
NCCMT Cash Portfolio	\$0	\$5,816	
TOTAL	\$4,778,576	\$1,274,994	

**TOWN OF KURE BEACH
SUMMARY OF CONTINGENCY FUND AND COMMITTEE
EXPENDITURE ACTIVITY
07/01/2014 - 06/09/2015**

CONTINGENCY FUND

Fiscal Year 2015 Budget	\$180,600.00
Less:	
Budget Amendment - Transfer of funds for purchase of vacant lot - Resolution R14-09	\$115,000.00
Budget Amendment - Transfer of funds for addition of a full-time Finance employee (50% from the General Fund) - Resolution R15-01	\$11,750.00
Plus:	
Budget Amendment - Replenish Contingency after receiving loan proceeds for purchase of vacant lot	<u>\$115,000.00</u>
Remaining Budget as of 06/09/2015	<u><u>\$168,850.00</u></u>

COMMITTEE (Shoreline Access, Beach Protection & Parking) EXPENDITURES

Fiscal Year 2015 Budget	\$7,500.00
Less Expenditures:	
Lifeguard Tower Sign for new Tower #9	\$34.73
Corral Survey	\$450.00
Beach Sweep Supplies	\$91.85
Sea Oats	\$1,650.00
Warning Signs on Beach	\$276.00
Brochure 1	\$585.00
Clean Sweep Banners	\$440.00
Fee for Grant Writer	<u>\$900.00</u>
Total Expenditures	\$4,427.58
Projects Approved By Council But Not Yet Expended:	
Brochure 2	<u>\$585.00</u>
Total Approved, Not Expended	<u><u>\$585.00</u></u>
Remaining Budget as of 06/09/2015	<u><u>\$2,487.42</u></u>

TOWN OF KURE BEACH

DEBT LISTING

JUNE 16, 2015

<u>LOAN PURPOSE/DESCRIPTION</u>	<u>FUND</u>	<u>LENDER</u>	<u>DATE OF LOAN</u>	<u>AMOUNT FINANCED</u>	<u>INTEREST RATE</u>	<u>LOAN TERM (YRS)</u>	<u>DATE PAID OFF</u>	<u>BALANCE AT 06/16/15</u>	<u>PAYMENT FREQUENCY</u>	<u>PAYMENT AMOUNT</u>	<u>NEXT PAY DATE</u>	<u>INT. EXPENSE LIFE OF LOAN</u>
Sewer Rehabilitation Project (a)	W/S	Fed Gov	05/01/2010	\$432,660	0.00%	20	05/01/2030	\$158,335.75	Annual	\$10,555.72	05/01/2016	\$0.00
Ocean Front Park (development)	G	BB&T	07/12/2011	\$347,000	4.39%	17	07/12/2028	\$285,764.72	Annual	\$32,956.83	07/12/2015	\$137,099.64
Ocean Front Park (acquisition)	G	BB&T	12/19/2007	\$3,600,000	4.28%	20	12/19/2027	\$843,750.13	Annual	\$101,016.37	12/19/2015	\$690,135.16
334 S. 4th, 402 H & 406 H Ave.	G	BB&T	03/12/2015	\$409,471	2.49%	10	03/12/2025	\$409,471.15	Annual	\$51,142.95	03/12/2016	\$56,077.07
Water Tower & Well House & Town Hall Expansion (b)	G, W/S	BB&T	04/11/2007	\$1,187,187	3.92%	15	05/07/2022	\$640,001.83	Semi-annual	\$52,716.71	11/07/2015	\$394,314.33
Cutter Court Drainage Project	SW	B of A	07/23/2005	\$875,000	4.40%	15	06/23/2020	\$358,477.20	Monthly	\$6,677.76	07/23/2015	\$326,995.49
(2) 2015 Police Cars	G	BB&T	03/27/2015	\$48,359	2.19%	4	03/27/2019	\$48,359.00	Annual	\$12,758.83	03/27/2016	\$2,676.33
2015 Ford F-250 Utility Truck	W/S	BB&T	10/24/2014	\$32,216	2.19%	4	10/24/2018	\$32,216.00	Annual	\$8,499.73	10/24/2015	\$1,782.92
Downtown Improvement Project	G	BB&T	01/17/2014	\$117,000	1.93%	4.5	06/17/2018	\$94,539.10	Annual	\$24,719.00	01/17/2016	\$6,595.00
2013 Ford F-150 Police Truck	G	BB&T	01/15/2014	\$32,000	2.18%	4	01/15/2018	\$24,256.90	Annual	\$8,440.70	01/15/2016	\$1,762.80
2013 Ford Police Utility	G	BB&T	06/28/2013	\$29,836	2.17%	4	06/28/2017	\$22,615.45	Annual	\$7,867.99	06/28/2015	\$1,635.96
2011 International Garbage Truck	G	BB&T	09/16/2011	\$152,152	1.81%	5	09/16/2016	\$62,503.02	Annual	\$32,102.53	09/16/2015	\$8,360.65

FUND CODES

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

TOTAL OUTSTANDING DEBT AT 06/16/2015:

General Fund	\$ 1,932,059.87
Water/Sewer Fund	\$ 689,753.18
Storm Water Fund	\$ 358,477.20
Total	\$ 2,980,290.25

NOTES

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

LOAN PAYMENTS DUE (Next 12 Months):

06/17/2015 - 06/30/2015	\$ 7,867.99
07/01/2015 - 09/30/2015	\$ 85,092.64
10/01/2015 - 12/31/2015	\$ 182,266.09
01/01/2016 - 06/16/2016	\$ 200,400.47
Total	\$ 475,627.19



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

The Kure Beach Town Council held their regular meeting on Tuesday, May 19, 2015 at 6:30 p.m. The Town Attorney was present and there was a quorum of Council present.

COUNCIL MEMBERS PRESENT

Mayor Dean Lambeth
Mayor Pro Tem Craig Bloszinsky
Commissioner Emilie Swearingen
Commissioner David Heglar
Commissioner Steve Pagley

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Building Inspector – John Batson
Town Attorney – Andy Canoutas

CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting to order at 6:30 p.m., delivered the invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. Accept Lore Eccleston's resignation from the Community Center Committee
2. Accept Allen Oliver's resignation from the Parks and Recreation Advisory Board
3. Appoint Community Center Committee alternate, Kathleen Zielinski, as a regular member on the committee
4. Adopt Resolution R15-05, approving financing terms with First Bank for O'Brien 7065 Hydrojetter
5. Approve lease of land known as Lots 10, 12, 13, 14 and 15 in Block 5, to be used as parking lot at an annual cost of \$7,905.47 with 2,405.47 paid by the Town and the balance paid by local businesses – lease expires May 2016
6. Building Inspections Report – April 2015
7. YTD Finance Report
8. Meeting Minutes:
 - April 9, 2015 budget work session #1
 - April 21, 2015 budget work session #2
 - April 21, 2015 regular
 - April 21, 2015 closed

MOTION - Commissioner Heglar made the motion to adopt the consent agenda as presented.

SECOND - Commissioner Pagley



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

VOTE - Unanimous

ADOPTION OF THE AGENDA

MOTION - Commissioner Heglar made the motion to adopt the agenda adding one item as # 5 under New Business on ROT issues, at the request of Mayor Pro Tem Bloszinsky.

SECOND – Commissioner Swearingen

VOTE - Unanimous

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

Randy Mundt, NC Emergency Management Community Development Coordinator

Mr. Mundt stated:

- He is here on behalf of FEMA and the State of North Carolina to present a recognition plaque.
- The Town has been in the national insurance program since 1982, a program to allow citizens to carry insurance.
- He commends the high standards of the town.
- These higher standards protect the citizens and allow them to save on insurance premiums.
- There are 985 flood insurance policies in town representing \$259 million in flood insurance coverage.
- This allows property owners in the special flood hazard area zones of A, AE and VE to receive a 10% discount on their premiums, an average savings of \$132 savings per policy.
- Policy holders in the lower risk area of Zone X are eligible for a 5% discount
- Overall, policy holders realize an annual savings of \$36,243 because of participation in the Community Rating System (CSR) program.
- CSR is a component of the flood system to advance risk and notice of insurance for protection.
- The Town has achieved a Class 8 status, which is only accomplished by 15% of participating communities.

Mr. Mundt presented the plaque to Building Inspector Batson

Mayor Pro Tem Bloszinsky stated:

- Building Inspector Batson took this project on almost single handedly and he commends Mr. Batson on his work.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

Consensus – Town Clerk to send the presentation and photo of the plaque to the Island Gazette newspaper for publication.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Charlie Allo, resident, stated:

- He is here to complain about something that may seem off the wall.
- The Town needs to be concerned about the Federal government's intrusion into city departments such as the police department.
- He thinks the federal branch is overshooting its authority as the constitution is written.
- He feels we are in a position where our police officers feel like they are between a rock and a hard place. There is no such thing as a routine stop, they are putting their lives on the line any time they make a stop or enter into a family situation
- He thinks a lot of police officers are starting to think that they don't want to react to something unless it is a really dangerous situation.
- The only shortcut he sees is for anyone that has taken the oath of an elected official to complain to the state and to the representatives at the Federal level.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Marketing Committee

Commissioner Swearingen stated they will present the Marketing budget at next month's meeting.

2. Parks & Recreation Advisory Board

Reduce membership from six to five members to facilitate quorum

Mayor Lambeth asked for a motion to reduce membership from 6 to 5 because one member is having a hard time making the meetings and they often don't have a quorum.

MOTION – Commissioner Swearingen made the motion to reduce membership on the Parks & Recreation Advisory Board from 6 to 5 members.

SECOND – Commissioner Pagley

VOTE - Unanimous

3. Planning & Zoning Commission (P&Z)

Short-term Rental Complaint Tracking

P&Z member Joseph Whitley stated they are working on this and will report at the June Council meeting.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation Department

a. Department Head Evaluations Schedule

Town Clerk Avery stated it is time to schedule Department Head evaluations before the end of June. There are 6 evaluations, so it may take up to 3 hours.

Mayor Pro Tem Bloszinsky stated Town Clerk Avery should be part of the Finance Officer review since he reported to her for most of the year.

MOTION – Commissioner Heglar made the motion to schedule Department Head evaluations for Tuesday, June 16th at 1pm.

SECOND – Commissioner Pagley

VOTE - Unanimous

b. Date and meeting location of next Beach Town Breakfast to be hosted by Kure Beach

Town Clerk Avery stated it is the Town's turn to host the meeting of the 3 beach towns and suggested the month of July as there is a good chance the General Assembly and Congress will be in recess leaving the representatives available to attend.

MOTION – Commissioner Heglar made the motion for the Town Clerk to check with the other beach communities to hold the beach town breakfast meeting on Friday, July 24 at 8 am at the Community Center.

SECOND – Mayor Pro Tem Bloszinsky

VOTE - Unanimous

2. Building Department

MOTION – Commissioner Heglar made the motion to move the Building Department items before the budget presentation while the Finance Officer is fixing the computer for the presentation.

SECOND – Commissioner Steve Pagley

VOTE – Unanimous

Mayor Pro Tem Bloszinsky stated that at last week's Ports and Waterway meeting, it was stated by the county's beach coordinator that our staff, along with Carolina and Wrightsville Beach, are doing a great job working on the beach requirements requested. He stated to Building Inspector Batson that he wanted him to hear that compliment as our staff representative and have it on public record.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

2. Finance Department

Presentation of budget message, draft FY15-16 budget ordinance and fee schedule, with direction to Town Clerk to advertise for public hearing and inspection

Finance Officer Copenhaver presented the proposed FY15-16 budget stating copies will be available on the Town's website and at Town Hall. Highlights of the budget are:

1. No increase in the property tax rate of .2615 per \$100 or to General Fund fees
2. Includes changes to the existing water and sewer rate structure:
 - Minimum gallons reduced from 3,000 to 2,500 for all service types.
 - No change to the monthly minimum rates.
 - Increase in the rates per 100 gallons above minimum usage.
 - Residential water from \$0.36 to \$0.45
 - Residential sewer from \$0.465 to \$0.58
 - Commercial water from \$0.555 to \$0.694
 - Commercial sewer from \$0.57 to \$0.7125
 - Out of Town water from \$0.63 to \$0.7875
 - Out of Town sewer from \$0.81 to \$1.0125
3. No changes to the type or level of services provided by the Town.
4. Cost of living adjustment of 1.7% for all full-time employees.
5. Merit increase of up to 3.3% dependent on performance.
6. Salary equity adjustments as a result of a 2015 salary study.

MOTION – Commissioner Heglar made the motion to accept the proposed budget as presented and to post and advertise as per the budget schedule.

SECOND – Commissioner Pagley

VOTE - Unanimous

The mayor called for a break at 7:24 pm.

The mayor called the meeting back to order at 7:31 pm.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Adopt 2015 Emergency Operations Plan

MOTION - Commissioner Heglar made the motion to adopt the 2015 Emergency Management Plan for the 2015 season.

SECOND – Commissioner Swearingen

VOTE - Unanimous



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

MOTION – Commissioner Heglar made the motion to hold the citizen training classes on hurricanes on Wednesday, June 3rd at 5 pm and Saturday, June 6th at 10 am in the Council Room at Town Hall.

SECOND – Commissioner Pagley

VOTE – Unanimous

2. ROT Rollover funds

Mayor Lambeth stated:

- Last time we decided to keep 10% of rollover funds from the Marketing committee budget.
- We will put it to a vote at the next meeting of the ROT, but it will be 8%, not 10%.
- We can save these rollover funds for 5 years, no longer, and we can use these funds for an emergency, catastrophic storm or a downturn in the economy

Commissioner Heglar asked if the Marketing committee knows this and will it be included in the budget they submit next month.

Commissioner Swearingen replied that they know it. They already have an emergency plan in place that is very detailed and, if she isn't mistaken, they already have money set aside for it. She said she will ask them to touch on this at next month's meeting.

Mayor Lambeth stated:

- They don't have enough money set aside because we had to use rollover funds for this before and we want to make sure we are covered.
- We have had several discussions with ROT folks, Bill Saffo (Mayor of Wilmington) and Barfield (County Commissioner chairman) were there.
- He said he thinks the board sees the merit in this and there will be a vote at the next meeting on May 21st, so we will see where it goes.
- We have done our homework on this.

3. 17.5 Percent NHC Beach Nourishment Agreement

Mayor Lambeth stated:

- As you know and gave me permission last time to pursue this, we are trying to do away with this.
- It has outlived its usefulness.
- It was an emergency proclamation put into place by the beach towns 5 years ago.
- We have 180 days to give notice if we are not going to pursue it any more.
- With Council's permission, he will have more talks with Barfield (County Commissioner chairman) about this.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

Mayor Pro Tem Bloszinsky said:

- At the Ports and Waterway meeting, there was a significant discussion about this.
- Carolina Beach Mayor Dan Wilcox and Mayor Lambeth took the lead on this discussion about developing a way to get additional funding and to get the county more engaged in providing funding for our beach nourishment projects.
- Part of the discussion turned to our local beach nourishment agreement, which Dean (Mayor Lambeth) has referenced here.
- There has been a 180 day notice given and this agreement expires June 30th of this year.
- The Ports and Waterway committee has asked us to consider extending this agreement for 6 month
- If we extend for six months, it takes us into the payment period for our next nourishment which is December.
- Nourishment doesn't start until mid-November and won't start until the money is in the bucket.
- Section 3 of this agreement on cost sharing for Corps managed projects, says that Room Occupancy Tax will pay any shortfall in funding up to 82.5% of cost, if federal and state funds are not provided.
- In case of the 2016 nourishment, we have federal dollars, and half of state dollars.
- The other half of the state dollars is in the governor's proposed budget which will not be approved before we have to make a decision on this.
- In discussing this with Layton (county's Shore Protection Coordinator), he stated the ROT would pay up to 82.5% of the cost, if there was no funding. Layton also said that since there is funding, an extension would not cost the Town any additional money. In other words, if the \$350,000 state funding is not approved, that would be covered by ROT funds and the local agreement.
- He asked if we agreed to extend would they guarantee they would come up with a plan that they would support taking to the state legislators. The response was that they can't guarantee that, they might just ask for another extension.
- We have to determine if we want to extend this agreement or not. He said he thinks Council needs to review the agreement and table a decision to the next Council meeting.

MOTION – Mayor Pro Tem Bloszinsky made the motion to table the decision on whether to extend the inter-local agreement or not to the June Council meeting.

SECOND – Commissioner Swearingen

VOTE – Unanimous



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

Commissioner Heglar stated:

- The 3 towns have not had to pay for nourishment from any general funds.
- Let's not wrap ourselves around the idea that they are going to hose us whether they have not. In the end, we are all in this together.
- We need to think seriously about what this means.
- They money in that account came from ROT funds, no one else.
- If we don't sign, are we at risk going into a nourishment?

Mayor Pro Tem Bloszinsky stated:

- He is concerned that extending means if there is \$350,000 shortfall, we will have to pay it.
- He wants the attorney's opinion on section 3 of this extension.
- We have had 4 years to come to an arrangement to make this agreement unnecessary.
- If we do agree on something, it will require not only county support but legislative action in Raleigh, which occurs only in long sessions.
- If we do go forward with this, he would like to hear county officials say they are going to come up with a plan to get something done.

Mayor Lambeth said that when we go to Washington and Raleigh, the first question asked is what is the county doing to help? If we give them more than a 6 month extension, they will drag their feet.

Commissioner Swearingen commented:

- This document allows them (county) to force us to pay for something we don't have the money for.
- It is time for this to expire.
- The county has not put a dime into nourishment.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. State Bond

Mayor Lambeth stated:

- He personally feels it is a little bloated.
- It originally was supposed to be for streets, roads and bridges, but there are other types of projects listed such as a \$3 million streetscape in one town.
- They (Governor's office) wanted us to look at it and agree to it and support passing it, but I don't think so.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

Commissioner Swearingen said that:

- While she was in Raleigh Wednesday for Lobby Days, she talked to some legislators and league staff about this.
- One positive thing that came out is that this is a good time to borrow money because interest rates are so low
- This bond referendum means we are borrowing the maximum amount the state is allowed to borrow.
- If we come up with some emergency in the next few years where we are pushed to borrow, we may not be able to do so or it may hurt our bond rating.
- In addition, there is no plan that says how this will be paid back.
- It was pointed out by one legislator, even though rural areas desperately need transportation improvements, some of the most needed ones are not on the list in the referendum.
- There is some real fluff in this bond proposal. If you look at the map included, it covers almost every area of the state whether they need it or not.
- Why would that be done and pushed through this election in the fall even though the counties are going to have to pay a lot of money to have this on the ballot and whose political campaign will that benefit?
- The only reason she would support this is if it would help support our port, which always needs money.
- This bond includes \$11 million to build a visitor center for the battleship. Why would it cost so much?
- She has to go along with Dean (mayor) on this one.

Commissioner Swearingen asked the other Council members for their input.

Commissioner Heglar replied:

- It seems like there is a couple of million dollars for everyone in the state.
- I guess they are looking for us to say whether they should put it on as a state wide referendum.
- They will do whatever they will do, but I won't vote for it.

Mayor Pro Tem Bloszinsky stated to Commissioner Swearingen that she received three good opinions.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

2. Corncake Inlet

Mayor Lambeth said to Commissioner Swearingen that the answer to her questions about why the senator (Michael Lee) is doing this, is because he wants the environmentalists to check this, say it is fine and has been working fine for years. When he gets that report, he is going to use it to justify getting one installed in Morehead City to protect the port.

3. Report on NC League of Municipalities Tax and Finance Legislation Action Committee's Lobby Day

Commissioner Swearingen stated:

- She went to Lobby Days on Wednesday as a member of the Tax and Finance Legislative Action committee of the league (North Carolina League of Municipalities NLCM)
- This was a very interesting meeting. We divided into two groups and went to see different legislators.
- We visited Representative Lewis, chairman of the House rules committee; the policy advisor for Senator Phil Berger; Representative Paul Tine from the northeastern part of the state; and the policy advisor for Speaker Moore.
- She will have Nancy (clerk) make copies for Council of some information she received.
- The main thing we were there to talk about was the sales tax redistribution bill (H608) introduced by Senator Bob Rucho that would repeal 2.2 billion dollars of the local sales tax and make it state revenue.
- Municipalities should be concerned because once it becomes state revenue and goes in the General Fund, we would have even less control over how much the state would keep.
- We talked about counties having authority to levy additional ¼ sale tax that doesn't have to be shared with local cities.
- We were told most of the house members are not interested in pursuing this bill.
- The ones we visited said even though they don't agree, they feel strongly some version of this bill will be passed this year.
- One of the options being considered is for municipalities to be allowed to keep every year the amount of sales tax they received in fiscal year 2014. Whatever is collected over that amount would go to the counties. She said she doesn't think the rural counties would be in favor of that because it would be such a small amount.
- One of issues that was brought up by Debra Mack, Finance Officer from Wilmington, was the hold harmless amount. Finance Officer Copenhaver said the \$88,000 we receive was included in the total sales tax revenue we would lose.
- Tax refunds for municipalities were not discussed, so there is some question about whether we would be able to collect this.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

- Other things talked about was the ¼ cent city tax that cities would be able to levy. This is house bill 903 and it gives us the right to approve the tax by resolution, not referendum. The league feels if this is part of the budget bill, we might get it.
- They haven't resolved the city license fee questions. They are looking at the possibility of charging on a tier basis of sales of businesses.
- There is also a bill to allow cities to charge less tax for residential properties than commercial properties. Businesses are lobbying against this.
- There are two counties that charge their municipalities for using 911. There is a bill introduced to prohibit this, not just for these counties, but state wide.
- There is also talk about making 911 dispatch a regional system throughout the state located in Raleigh. All calls would dispense through this center. This would be a beaurocratic nightmare and hopefully that won't go anywhere.

4. Carolina Beach Library proposed relocation

Commissioner Swearingen stated:

- She hopes everyone read in the Island Gazette that the county manager, at the request of the library director, put money in the budget to move the location of the island library to the old place where you could rent video tapes next to the Dollar General.
- This location has over 4000 square feet. It will be completely renovated with new furniture and hopefully with lots of books and books on CD.
- The reason she asked to get on the county library board is because we have one of the worst libraries in the county.

5. ROT issues

Mayor Pro Tem Bloszinsky said:

- The P&Z committee has done a lot of work at looking at parking and other issues. They came across deficiencies in ROT collection enforcement.
- There is no indication of direct accounts on who pays what.
- He looked at websites for advertising summer rentals such as Home Away and Airbnb. There are over 180 places listed on these sites.
- He is concerned that ROT is not being collected for all of these.
- We need to find a way to get our county commissioners more excited about ROT collection.

Commissioner Heglar commented:

- He thinks the consensus of the Council is that we are supportive of what you are doing.
- We need to figure out which homes are being used for rentals and make sure they pay their proper share.



TOWN COUNCIL MINUTES

REGULAR MEETING

May 19, 2015 @ 6:30 PM

- The county should be able to tell us which ones are paying ROT tax and if not, we should be able to work with the county to be able to do that.
- He thinks we need to share with Carolina and Wrightsville Beach what we find.

Commissioner Swearingen said:

- It came up in the marketing committee meeting and it isn't just Airbnb, but also sites that deal with hotels and motels.
- These sites are not collecting ROT tax and the owners of the hotel end up having to pay it.
- We may have to ask our legislators to introduce a bill to help with this.

CLOSED SESSION regarding Personnel, per G.S. 143-318.11(a) (6)

MOTION – Commissioner Heglar made the motion to go into a closed session as per the statute listed above at 8:13 pm.

SECOND – Commissioner Pagley

VOTE - Unanimous

MOTION – Commissioner Heglar made the motion to return to open session at 8:57 pm.

SECOND – Commissioner Pagley

VOTE – Unanimous

ADJOURNMENT

MOTION - Commissioner Heglar made the motion to adjourn at 8:57 pm.

SECOND – Mayor Pro Tem Bloszinsky

VOTE – Unanimous

Dean Lambeth, Mayor

ATTEST: Nancy Avery, Town Clerk



TOWN COUNCIL MINUTES

PUBLIC HEARING

JUNE 4, 2015 @ 6:30 PM

The Town Council held a public hearing on June 4, 2015 on the proposed fiscal year 2105-2016 budget.

COUNCIL MEMBERS PRESENT

Mayor Dean Lambeth
Mayor Pro Tem Craig Bloszinsky
Commissioner Emilie Swearingen
Commissioner David Heglar – attended via telephone

COUNCIL MEMBERS ABSENT

Commissioner Steve Pagley

STAFF PRESENT

Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Town Attorney – Andy Canoutas

CALL TO ORDER

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

VOTE TO EXCUSE COMMISSIONER PAGLEY

MOTION – Mayor Pro Tem Bloszinsky made the motion to excuse Commissioner Pagley from the meeting.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Mayor Lambeth opened the public hearing at 6:31 pm stating the purpose of this public hearing is to receive public comments on the proposed Fiscal Year 15-16 budget which includes the following highlights:

- 1) No increase in the property tax rate or General Fund fees
- 2) Changes to the existing water and sewer rate structure:
 - a. Minimum gallons reduced from 3,000 to 2,500 for all service types
 - b. Monthly minimum rates remain unchanged
 - c. Increase in the rates per 100 gallons above the minimum usage, as follows:
 - Residential Water: from \$0.36 to \$0.45
 - Residential Sewer: from \$0.465 to \$0.58
 - Commercial Water: from \$0.555 to \$0.694
 - Commercial Sewer: from \$0.57 to \$0.7125
 - Out of Town (EJT) Water: from \$0.63 to \$0.7875
 - Out of Town (EJT) Sewer: from \$0.81 to \$1.0125
- 3) No changes to the type or level of services provided by the Town
- 4) Cost of Living adjustment of 1.7% for all full-time employees

- 5) Merit increase of 3.3% to reward employees who are performing above expectation and salary adjustments resulting from the fiscal year 2015 Salary Study

Notice of the public hearing was posted at Town Hall and on the Town's website on May 20, 2015, and was published in the Island Gazette on that date, as well.

PUBLIC COMMENTS

1. Mary Stevens, 610 South Fort Fisher Boulevard, stated the city water line behind her house has not changed over the years and needs to be updated. She has addressed this with Council before. She noticed money has been set aside in the proposed budget for water line replacement, but it doesn't say where. She asked if Council knew where?

The mayor replied that Sonny (Public Works Director Beeker) had her property in mind when he put this in the budget. Work should start this winter.

Ms. Stevens asked if it would be in front of or behind her house. Mayor Lambeth responded it would be in front of her house, not behind it.

Ms. Stevens also stated that some of the parking spaces that were on South Fort Fisher Boulevard before the repaving were not put back afterward. Some of the parking spots had been there for 30 years. She stated they need to park on the street because of there isn't enough yard to park. The spaces in front of 614 South Fort Fisher Boulevard and other ones towards the pier.

The mayor said he was not aware of this, but Nancy (Town Clerk Avery) will call the Public Works Director and he will call the state.

2. Becky Tilley
The Town Clerk read into the record an email from Ms. Tilley. Said email is herein incorporated in these minutes.

CLOSING OF PUBLIC HEARING

Mayor Lambeth closed the hearing at 6:40 pm.

DISCUSSION OF PROPOSED BUDGET AND POSSIBLE DIRECTION TO FINANCE OFFICER

Finance Officer Copenhaver stated:

There are some revisions to the budget since it was presented at the May meeting due to an addition to the salary study adjustments for the Police Department and a delayed purchase of a Public Works vehicle. Said revisions are herein incorporated as part of these minutes.

ADJOURNMENT

MOTION - Mayor Pro Tem Bloszinsky made the motion to adjourn the meeting at 6:50 pm.

SECOND – Commissioner Swearingen

VOTE – Unanimous

Dean Lambeth, Mayor

ATTEST:

Nancy Avery, Town Clerk

REQUEST TO ADDRESS COUNCIL

DATE OF MEETING

6/16/15 Regular

NAME

ADDRESS

PURPOSE

Linda Hudgins

118 S 3rd Ave

Parking lot

Mike Boston

117 S 3rd Ave

Parking lot

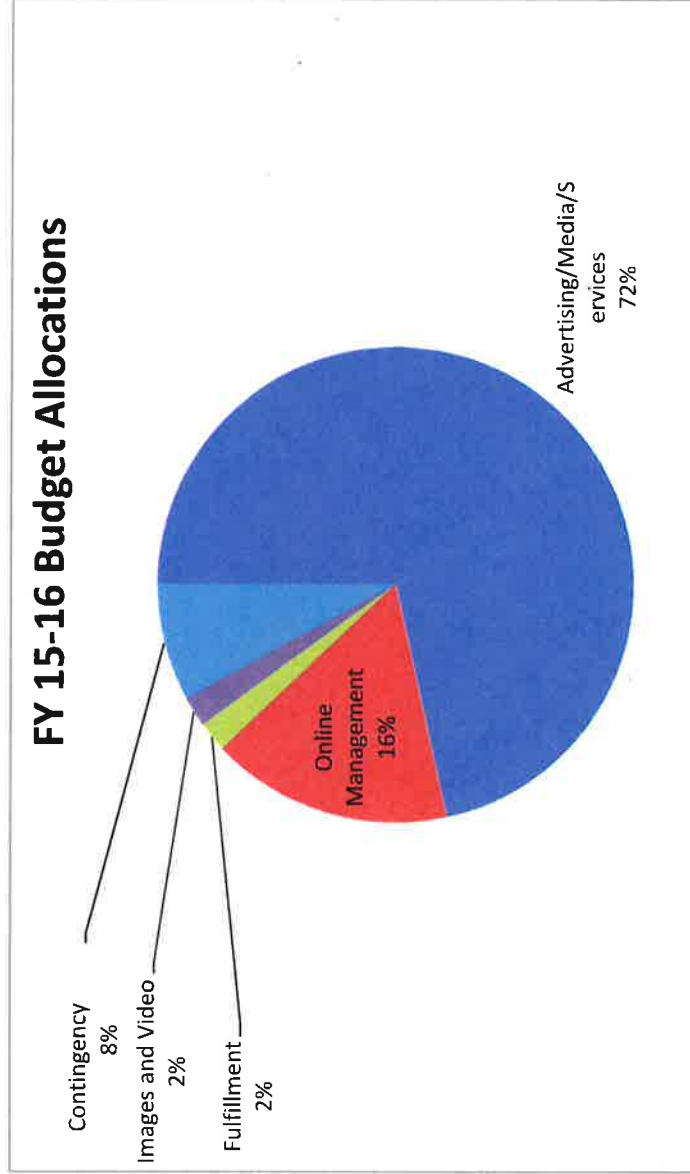
**Kure Beach Budget Allocations FY 15-16
Draft May 2015**

ADVERTISING/MEDIA/SERVICES		
Media	Print	\$5,016.00
	Online Display	\$36,065.00
	Paid Social Media Advertising	\$5,000.00
	Direct Response eBlast	\$3,000.00
	Custom Content Marketing	\$5,882.00
	Online Video	\$5,000.00
	Promotional Giveaways	\$250.00
	Contingency	\$730.08
Public Relations	Public Relations	\$17,680.00
Account Management	Social Media/Postings/Strategy/Promotions/Agency Retainer/Project Management/Meetings	\$8,320.00
Strategic Planning	Agency Research/Analysis	\$4,285.00
Creative Development	Print/Online/PPC/Eblasts/Photo Direction	\$2,140.00
		\$11,925.00
		\$105,293.08
ONLINE MANAGEMENT		
Account Management	Account Management	\$2,000.00
	PPC Management	\$1,680.00
	Analytics Licensing	\$1,000.00
	Tracking Redirects	\$100.00
Hosting Management	Hosting	\$600.00
	Domain Renewals	\$250.00
Email Marketing	Specials Distribution (6)	\$3,900.00
Search Marketing	SEO	\$4,000.00
	PPC Spend	\$8,400.00
Site Development	Maintenance/General Improvements	\$1,250.00
	Calendar of Events Programming Update	\$525.00
	Newsletter Pop Up Redesign	\$300.00
		\$24,005.00
ONLINE MANAGEMENT TOTAL		
FULFILLMENT		
	Postage	\$1,800.00
	Handling/Service Fees	\$1,000.00
	Storage Fees	\$250.00
		\$3,050.00
FULFILLMENT TOTAL		
IMAGES & VIDEO		
	Video	\$1,000.00
	Image Rights	\$75.00
	Photography (Images, Usage Rights, Talent)	\$2,000.00
		\$3,075.00
IMAGES & VIDEO TOTAL		
FY Budget Total		\$135,423.08
Contingency		\$11,775.92
FY Actual Budget		\$147,199.00

Kure Beach Budget Allocations FY 15-16
Draft May 2015

FY 15-16 Budget Allocations

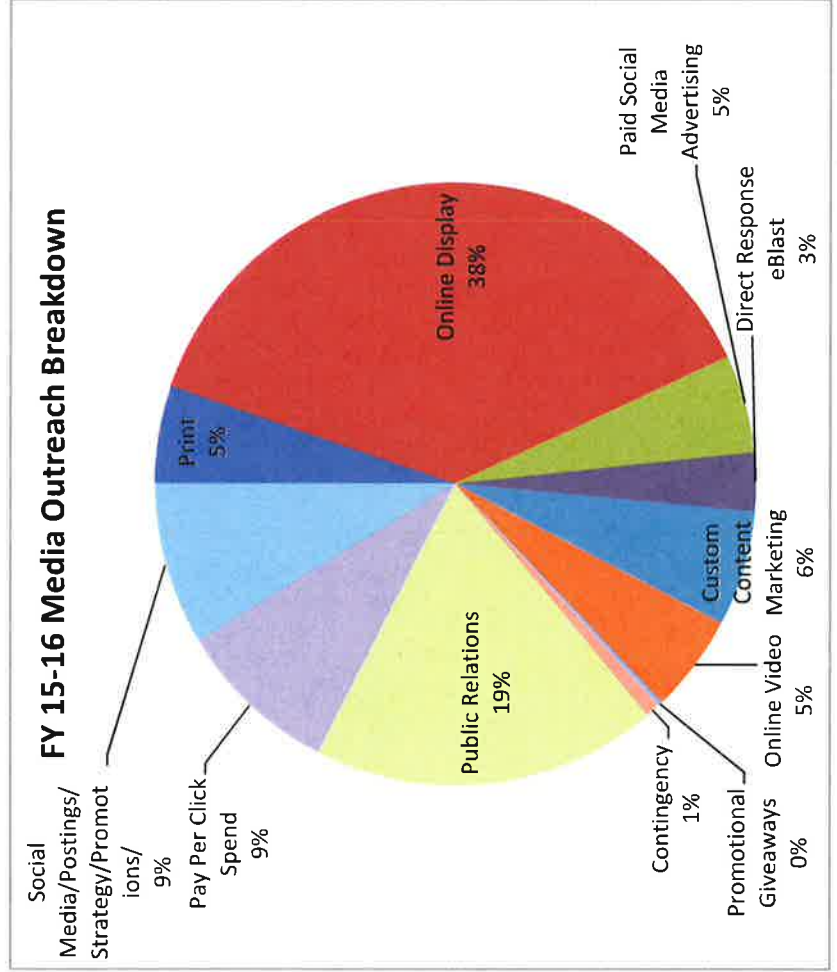
Advertising/Media/Services	\$105,293.08
Online Management	\$24,005.00
Fulfillment	\$3,050.00
Images and Video	\$3,075.00
Contingency	\$11,775.92



Kure Beach Budget Allocations FY 15-16
Draft May 2015

FY 15-16 Media Outreach Breakdown

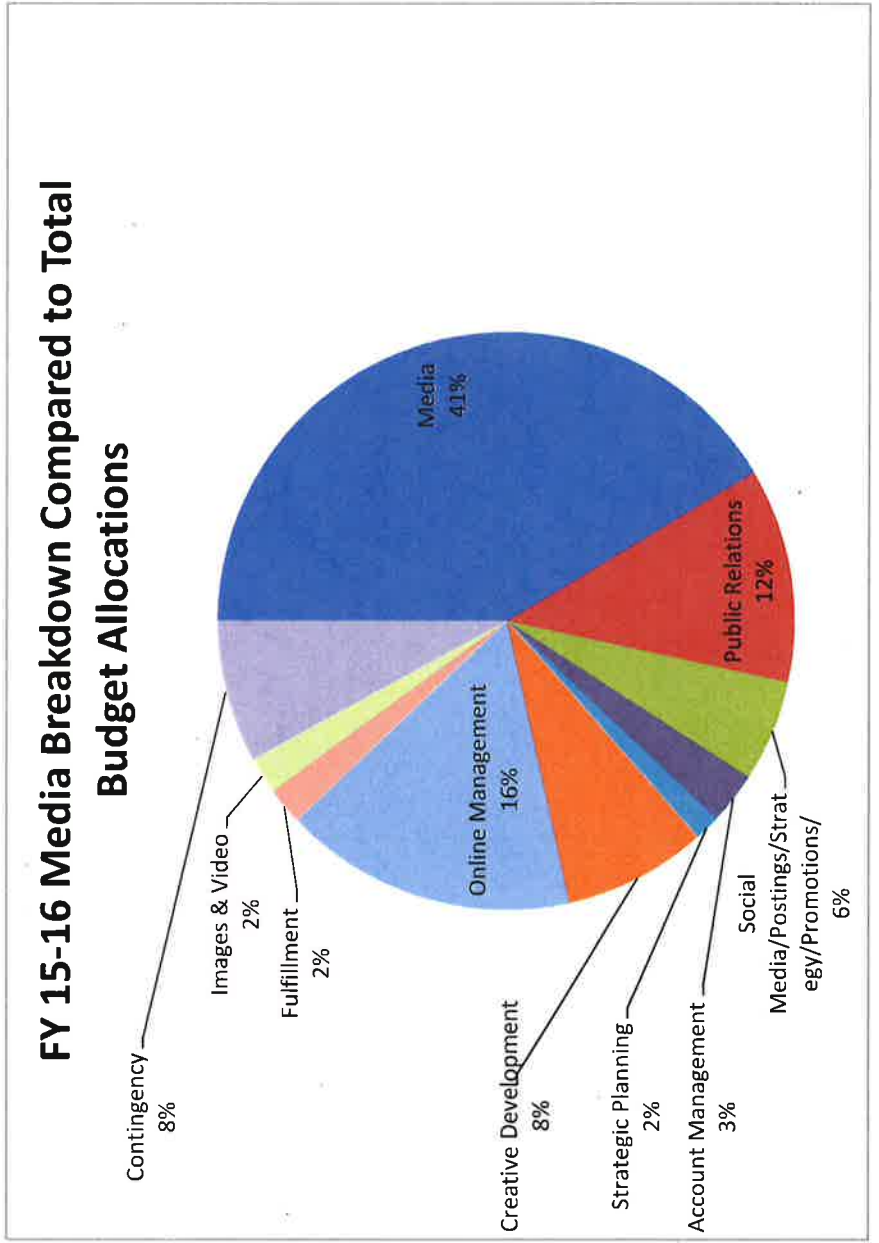
Print	\$5,016.00
Online Display	\$36,065.00
Paid Social Media Advertising	\$5,000.00
Direct Response eBlast	\$3,000.00
Custom Content Marketing	\$5,882.00
Online Video	\$5,000.00
Promotional Giveaways	\$250.00
Contingency	\$730.08
Public Relations	\$17,680.00
Pay Per Click Spend	\$8,400.00
Social Media/Postings/Strategy/Promotions/	\$8,320.00



Kure Beach Budget Allocations FY 15-16
Draft May 2015

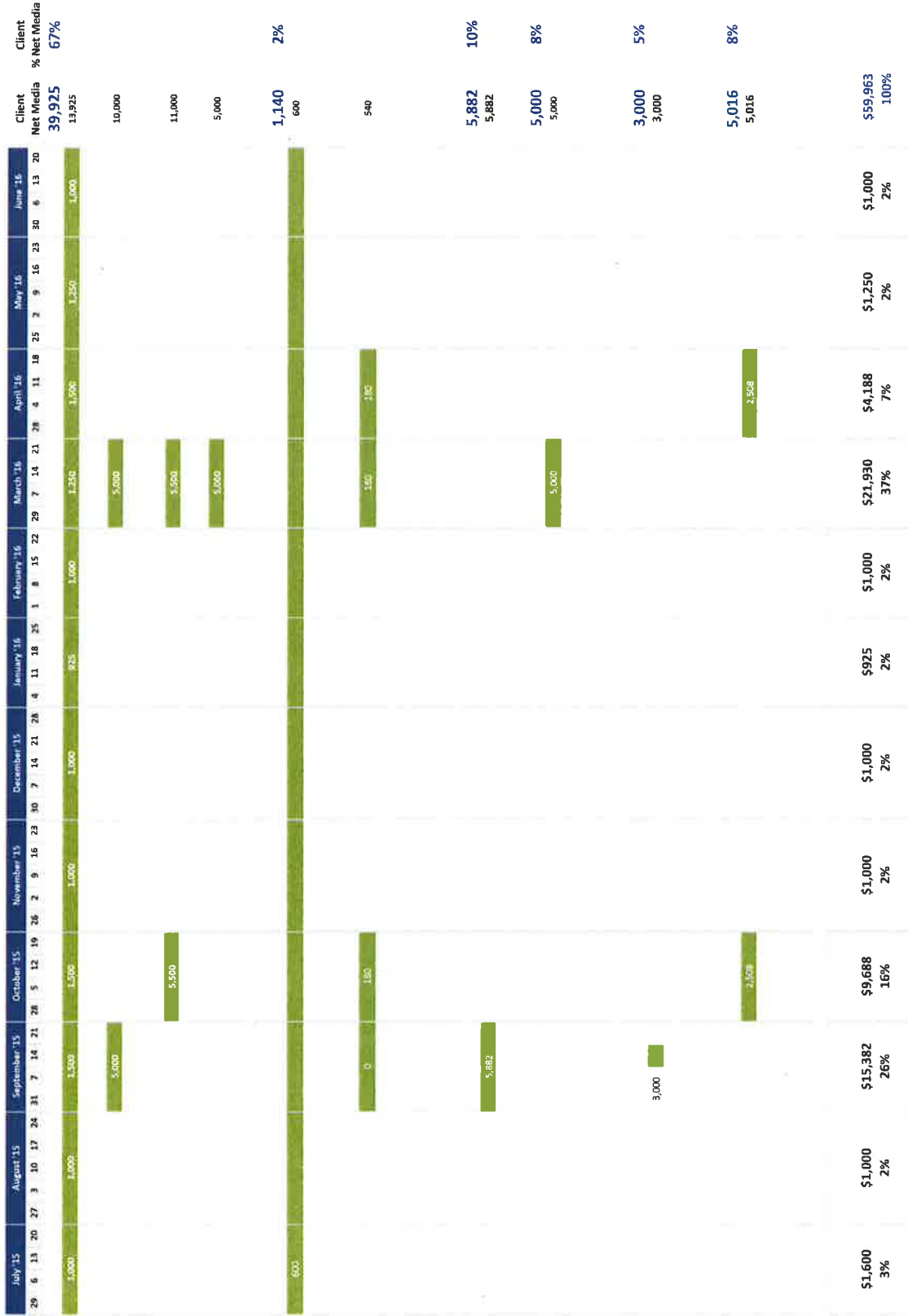
FY 15-16 Media Breakdown Compared to Total Budget Allocations

Media	\$60,943.08
Public Relations	\$17,680.00
Social Media/Postings/Strategy/Promotions/	\$8,320.00
Account Management	\$4,285.00
Strategic Planning	\$2,140.00
Creative Development	\$11,925.00
Online Management	\$24,005.00
Fulfillment	\$3,050.00
Images & Video	\$3,075.00
Contingency	\$11,775.92





2015-16 MEDIA FLOWCHART



Online Display
 • Standard Display (Desktop & Mobile)
 300x250, 728x90, 180x600

Paid Search (SEM)
 • Google, Yahoo/Bing

Display Networks
 • Standard Display (Desktop & Mobile)
 300x250, 728x90, 180x600

WeatherBug
 • Standard Display (Desktop & Mobile)

Paid Social
 • Facebook In-Feed Display (Desktop & Mobile)
 400x200, 500x250

VisitNC.com
 Enhanced partner listing
 • 1x video upload, 1x downloadable brochure, access to post multiple images, ability to update materials quarterly

Featured Events
 • 30-day increments, provides event information across prominent areas of the site, including homepage & relevant content; includes distribution in bi-weekly Events eNewsletter sent to 80K subscribers.

Custom Content
 Madden Media
 • One (1) custom story in the fall

Online Video
 Video Network
 • Text, display ads
 • Access to YouTube inventory, on and off site
 • Geography: NC (primary) + VA, OH, PA

Direct Response
 Targeted Eblasts
 • Women 35-44, interested in beach vacations, 560k HHI
 Geography: NC

Print
 Our State Coast Host Co-Op
 • 1/3 Page ad
 • 220k circulation

V. OLD BUSINESS

A. Vacation Rentals – Data Collection

Chairman Galbraith gave the Commission handouts with information on how the cities of Asheville and Fayetteville handle their rentals, and he made the following points:

- Both communities are very concerned about permitting rental properties.
- Asheville's focus is on short-term property rentals and room rentals within residential areas. A study they had performed concluded that many municipalities are upset over 2011 changes to NC Statutes which limit the ability to permit things. They formed a Short-term Rental Community committee and held public meetings where strong arguments for both sides were heard.
- Fayetteville's focus is more aggressive on permitting all types of property rentals, including their large rental market to military personnel. They already had a rental permitting process prior to 2011 but, in 2012, they put together a Rental Action Management Program, working within the 2011 statutes. The program allows them to fine rental property owners that have a minimum of three code violations in a year, or those in the top ten percent for police calls/crimes. Poor and unsafe conditions of rental properties are also considered violations. Properties under the program must be free of violations for one year before the owner is allowed to rent the property again.

Member Ellen said that Raleigh, Charlotte and Durham had a permitting process before the 2011 statute (Vacation Rental Act) then did away with it. He said that Durham is the most aggressive of the three municipalities and follows the three-minimum code violation statute. He read the definition of private and public nuisances and stated that the only NC Statute he could find on nuisances is in Chapter 19 outlining offenses against public morals.

Chairman Galbraith said the Commission has done a lot of research on the issue and unless the members want to pursue it further suggested tabling it.

Member Ellen said that Town Council wanted the Commission to report their findings to them.

Attorney Eldridge said the Town's Code regulates "nuisances." He said that the ideal way the Commission could track nuisances is through Code Enforcement and the Police Department (PD), the findings of which could help the Commission make a recommendation to Council.

Town Attorney Canoutas said that large municipalities initiate these types of regulations because they often have slums and sexual misconduct issues that he feels Kure Beach doesn't have. He said that the only thing Council is interested in is catching the people who are renting their properties without paying ROT.

Chairman Galbraith said that was one of the two things he presented to Council and Council is acting upon that.

Council Liaison Bloszinsky asked how the three violations statute would work: would three violations from one renter be enough to warrant closing down a rental, or would it only be for three separate renter violations? He said it could be a mess if not handled properly.

Chairman Galbraith replied that the Town would have to have an ordinance that specifies what constitutes a violation first before working under the state statute on the option of using the three violations or the ten percent violation guideline.

Member Votta suggested having Code Enforcement and the PD track violations for rental properties and report their information back to the Commission in October. He said this could help them identify problem rental properties and identify how many properties are involved.

Vice Chair Whitley wasn't sure if the PD could pull the report unless they knew which properties are short-term rental properties, as opposed to long term rental properties.

Chairman Galbraith said that's exactly why the Commission made a recommendation to Council that each rental property should have a separate file with the County so it could be cross-referenced with a police report, using addresses.

Building Inspector Batson said he keeps track of code violations that can be sorted by the types of violations associated with vacation rentals.

MOTION: Member Votta moved to have the Police Chief and Building Inspector compile a list of violations occurring at rental properties by October which the Commission will analyze as part of the vacation rental permitting process under the state statutes.

SECOND: Vice Chair Whitley

Discussion ensued with Member Ellen stating it wouldn't be right to ask for data in October without giving a heads-up and instructions to Code Enforcement and the PD on how the Commission wants the information compiled.

MOTION: Member Ellen MOVED TO AMEND the motion to ask the Council to request that a list of violations be collected for July, August and September, to report to the Commission in October.

After further discussion, the Motion to Amend was REMOVED by Member Ellen.

MOTION: Vice Chair Whitley MOVED TO AMEND the original motion to have the Police Chief and Building Inspector compile a list of violations occurring at rental properties by November which the Commission will analyze as part of the vacation rental permitting process under the state statutes.

SECOND: Chairman Galbraith

VOTE: Unanimous

B. Duplexes – Parking Space Issue

Inspector Batson said that he and Member Votta are going to get together to come up with different ways that the parking regulations for duplexes could be changed, possibly using the square footage of the units to govern how many parking spaces they would need. He asked that this item be tabled until the next meeting.

Kure Beach Planning and Zoning Commission

June 3, 2015 – Report by Craig Galbraith, Chairperson

City of Asheville (Focus on short term rental, recent discussions also focusing on room rentals in residential area. City has hired Mai Thi Nguyen, an associate professor focusing on housing and community at UNC Chapel Hill, to research issues related to short-term rentals in the city and report back (report has been issued). Staff still working on recommendations changes to City Council,

Nguyen Report in October, 2014 at

<http://www.slideshare.net/gordonsmithasheville/preliminary-report-short-term-rentals-in-asheville>

- 1) Conclusions:
 - a. Many cities very concerned, but limited by 2011 State Statutes
 - b. Many cities looking at Cornelius, NC option
- 2) Formed a short term rental community (public meetings) – strong arguments both ways
 - a. http://coablog.ashevellenc.gov/wp-content/uploads/2015/03/Short_Term_Rental_CommunityMeeting_Comments_032515.pdf
 - b. Nothing on official agenda in 2015.

City of Fayetteville (Very Aggressive Approach, Applies to All Rentals – problem is large rental market to military base personnel) – States it has been very successful.

- 1) Had Permit Process, changed due to State Statutes
- 2) Current Summary: RAMP program (all rental, not just short term rentals)

The City will fine landlords \$1,000 for a property that violates three or more code violations in one year or is part of the top 10 percent of properties for police calls and crimes among similar rental properties in the city. Crime analysis will be conducted every half year by the Police Department to determine rankings. Overgrown lots, unsafe buildings and junk vehicles are violations that can be included in the program. When a property enters the program, the property must be free of violations for one year or the owner may not be allowed to rent the property for a year.

3) ARTICLE V. - RENTAL ACTION MANAGEMENT PROGRAM

-
- Sec. 14-95. - Purpose.
 - The purpose of this article is to establish a requirement that owners of residential rental property whose property is within the disorder risk threshold as established by this article or in repeated violation of the Fayetteville City Code as defined and established by this article must register with the city sufficient identification information so that the city may expeditiously identify and contact the owner when excessive levels of disorder activity or code violations have occurred on or in the property. In addition, the city desires to establish a method to hold owners of residential rental property accountable for failing to use effective methods to reduce disorder activity and code violations on their property. It is not the intent of this article to determine the rights and liabilities of persons under agreements to which the city is not a party. This article shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article. Additionally, a violation of this article shall not in and of itself create a negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-96. - Definitions.
 - The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment complex: Any dwelling under common ownership and management containing four or more dwelling units, as defined by chapter 14, section 14-5 of the Fayetteville Code of Ordinances, or a systematically built group of apartment buildings or duplexes under common ownership and maintenance and containing four or more dwelling units.

Development services official: A person designated by the City Manager of the City of Fayetteville who is primarily responsible for the administration of this article.

Disorder activity: Incidents of criminal activity occurring on or in a residential rental property as categorized in this article entitled "Appendix A."

Disorder activity count: A number assigned to a residential rental property that represents the amount of disorder activity occurring within a specified time period in or on the property. For purposes of determining a disorder activity count, the number of incidents is multiplied by an assigned number as designated in Appendix A of this article.

Disorder risk threshold: The disorder activity count for the residential rental property that is at the 90th percentile of residential rental properties.

In need of remedial action (INRA): A designation by the police official that a residential rental property has been identified for enforcement action under this article.

Incident: The occurrence of a criminal activity on or in a residential rental property as categorized in this article for which a police report is generated.

Manager: The person, persons or legal entity appointed or hired by the owner to be responsible for the daily operation of the residential rental property.

Owner: The person, persons or legal entity that holds legal title to a residential rental property, or the property owner heirs, persons, or legal entity that is exercising ownership control of a residential rental property.

Police official: A person designated by the chief of police who is primarily responsible for the administration of this article.

Registered agent: The person identified by the owner of the residential rental property in the registration filed pursuant to this article who is authorized to receive legal process and/or notice required or provided for in this article.

Remedial action plan: A written plan agreed upon and signed by both the police official and owner whereby the owner agrees to implement remedial measures on a residential rental property whose disorder activity count exceeds the disorder risk threshold for its residential rental property category.

Remedial measures: Mandatory and voluntary measures as stated within the remedial action plan manual, a copy of which is on file at the city clerk's office.

Residential rental property: Property that contains a single-family rental dwelling unit for use by residential tenants including but not limited to the following: single-family stand alone homes, duplexes, triplexes, mobile homes, mobile home spaces, townhomes, and condominium unit(s). A rental dwelling unit is hereby defined to include those units available for rent that are currently vacant and those units that are occupied by tenants other than the owner. The following establishments are exempt from this article unless added to the rental action management program pursuant to an ordinance adopted by the city council: Bed and breakfast inns, hotels, motels, rest homes, rooming houses, lodging houses, and apartment complexes.

Residential rental property review board: The board created pursuant to this article.

Verified violation: A violation of any ordinance of the Fayetteville City Code of Ordinances as designated in "Appendix B" of this article and determined by the development services official.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2013-024, § 1, 10-28-2013; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-97. - Registration of residential rental property due to verified violations.
 - (a) Each owner of residential rental property that has been found with three or more verified violations in the previous 12-month period, whether those violations have been resolved by corrective action or not, shall register that property by providing the following information to the development services official:
 - (1) The address(es) for the residential rental property which shall include the street name(s), number(s) and zip code;
 - (2) The name(s), business or personal address, telephone number, and email address of the owner:
 - a. If the property is owned by multiple natural persons, then the required information shall be that of one person who has legal authority to act on behalf of the other owners.
 - b. If the property is owned by a corporation, whether foreign or domestic, then the required information shall be that of a registered agent and of an officer who has authority to act on behalf of the corporation.
 - c. If the property is owned by a partnership, then the required information shall be that of the managing partner and one alternate who have legal authority to act on behalf of the partnership.
 - d. If the property is owned by an unincorporated association or any other legal entity not mentioned above, then the required information shall be that of a person who has legal authority to act on behalf of that association or entity.
 - (3) The number of units located on the residential property.
 - (b) The address(es) required in subsection (a)(2) shall not be a public or private post office box or other similar address.
 - (c) An owner that is required to register under this article who sells the property shall notify the development services official of all purchaser information within 30 days from the date of change of ownership. Purchaser information shall include the name, address, phone number and e-mail address for the purchaser.
 - (d) An owner that is required to register under this article shall post proof of registration as provided by the city in the business office of the property or in a common area or other conspicuous place accessible at all times to the tenant(s).
 - (e) Each residential rental property parcel shall be registered separately.

(f) The owner of residential rental property that is the site of three verified violations in the previous 12-month period shall be sent a notice by certified mail to the name and address listed with the Cumberland County's Office of Tax Assessor.

(g) The notice shall include the following information:

(1) A description of the verified violations of the Fayetteville City Code that have occurred at the property in the past 12 months as well as the dates of said violations;

(2) The amount of the registration fee; and

(3) The deadline for completing the registration process.

(h) Rental registration pursuant to this section shall be for a one (1) year period, commencing on the effective date of the rental registration.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2013-024, § 2, 10-28-2013; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-98. - Grounds for revocation of rental registration as required by section 14-97.

- (a) Each owner of registered residential rental property that has been found with one or more verified violations within the one year rental registration period, whether those violations have been resolved by corrective action or not, shall have the rental registration for that property revoked by the development services official.

- (b) Each owner of residential rental property that is required by this article to register his or her property and either fails to do so or fails to pay the required registration fee shall have the rental registration revoked by the development services official.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2013-024, § 3, 10-28-2013; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-99. - Notice of revocation.

- A notice of revocation shall be sent by certified mail or delivered in person to the address listed on the rental registration.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-100. - Period of revocation.

- Revocation of an owner's rental registration shall remain in place for a period of one year. If an owner fails to register his or her property as required by this article then that property shall be ineligible for registration for a period of one year.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-101. - Registration of residential rental property due to disorder activity.

- (a) Each owner of residential rental property that falls at or above the disorder risk threshold for its residential rental property category shall register by providing the following information at the initial mandatory meeting:

- (1) The address(s) for the residential rental property which shall include the street name(s), number(s) and zip code;

- (2) The name(s), business or personal address, telephone number, and email address of the owner:

- a. If the property is owned by multiple natural persons, then the required information shall be that of one person who has legal authority to act on behalf of the other owners.

b. If the property is owned by a corporation, whether foreign or domestic, then the required information shall be that of a registered agent and of an officer who has authority to act on behalf of the corporation.

c. If the property is owned by a partnership, then the required information shall be that of the managing partner and one alternate who have legal authority to act on behalf of the partnership.

d. If the property is owned by an unincorporated association or any other legal entity not mentioned above, then the required information shall be that of a person who has legal authority to act on behalf of that association or entity.

(3) The number of units located on the residential property.

(b) The address(es) required in subsection (a)(2) shall not be a public or private post office box or other similar address.

(c) An owner that is required to register under this article who sells the property shall notify the police official of all purchaser information within 30 days from the date of change of ownership. Purchaser information shall include the name, address, phone number and e-mail address for the purchaser.

(d) An owner that is required to register under this article shall post proof of registration as provided by the city in the business office of the property or in a common area or other conspicuous place accessible at all times to the tenant(s).

(e) Each residential rental property parcel shall be registered separately.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-102. - Disorder risk threshold and disorder activity count.

- The police official shall determine the disorder activity count for each residential rental property and the disorder risk threshold for each residential rental property category on a semiannual basis, by January 1 of each calendar year and by July 1 of each calendar year. These determinations shall be made using disorder activity during the previous six-month period.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-103. - Notification of mandatory meeting.

- (a) The owner of residential rental property that falls at or above the disorder risk threshold shall be sent a notice by certified mail to the name and address listed with the Cumberland County's Office of Tax Assessor.

(b) The notice shall include the following information:

(1) The date, time and location for the mandatory initial meeting between the police official and the owner; and

(2) The disorder activity count for the residential rental property; and

(3) A statement that the owner may provide additional evidence at the initial mandatory meeting to be considered by the police official; and

(4) A detailed summary of the disorder activity that has occurred on or in the property; and

(5) The amount of the registration fee.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-104. - Mandatory initial meeting.

- (a) Unless otherwise agreed to by the owner and police official, within 30 days after notice has been provided to the owner that a property falls at or above the disorder risk threshold, a mandatory initial meeting shall be held between the owner and the police official. The initial meeting may be held in person or by telephone. In the event there are multiple property owners, the owner attending the initial meeting must have power of attorney to execute the remedial action plan on behalf of the other owners.

(b) At the mandatory initial meeting, the police official and the owner shall, at a minimum, review the following:

(1) The data that established the disorder activity count for that property; and

(2) Any relevant evidence provided by the owner that may establish that the property does not fall at or above the disorder risk threshold.

(c) After reviewing all the evidence, any previously identified disorder activity that is found to either not have occurred on or in the property or does not clearly meet the definition of a disorder activity shall be discounted and an adjusted disorder activity count shall be determined. In the event that the adjusted disorder activity count for the property falls at or above the disorder risk threshold, then the owner and police official shall develop and sign a remedial action plan and the property will be set for a six-month review date pursuant to section 14-105. In the event the adjusted disorder activity count is below the disorder risk threshold, then the owner of the residential rental property shall not be required to register the property or pay the registration fee and no further action shall be taken by the police official.

(d) In the event the owner fails to attend the initial meeting without just cause, the police official shall review all the evidence concerning the property pursuant to subsections (b) and (c) of this section. Upon a finding that the adjusted disorder activity count for the property is at or above the disorder risk threshold, the police official shall refer the property to the city attorney's office for determination of whether a public nuisance action or any other legal or equitable remedy is warranted.

(e) The owner of residential rental property that is required to register under this article shall pay a registration fee on or before the mandatory meeting in the amount established pursuant to the fee schedule adopted by city council. This payment shall not be deposited by the city until ten days after the mandatory initial meeting, unless the police official's decision to require registration is appealed, in which event the payment will not be deposited until the conclusion of the appeals process.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-105. - Remedial action plan and review.

- (a) At the first six-month review, the owner and police official shall review the disorder activity in or on the property since the date of the remedial action plan and determine the disorder activity count for the property during that time period. If the disorder activity count is no longer at or above the disorder risk threshold, then no further action will be taken and the owner of the property will not be required to continue to pay for registration the following year unless at that time the property is again at or above the disorder risk threshold. If the disorder activity count continues to fall at or above the disorder risk threshold, then the property will be designated in need of remedial action (INRA) and the police official and the owner shall amend and sign the remedial action plan and a second six-month review date will be set.

(b) At the second six-month review, the owner and police official shall review the disorder activity in or on the property since the date of the amended remedial action plan and determine the disorder activity count for the property during that time period. If the disorder activity count is no longer at or above the disorder risk threshold, then no further action will be taken. If the disorder activity count continues to fall at or above the disorder risk threshold, then the police official shall revoke the rental registration for the property unless it is determined that the owner has complied in good faith with the remedial action plans.

(1) In determining whether the owner has acted in good faith, the police official shall weigh the following factors:

a. Whether the owner has regularly met with the police official; and

b. Whether the owner has exhausted all resources reasonably available to the owner in order to comply with the terms of the remedial action plans; and

c. Whether the owner has intentionally ignored a term of a remedial action plan; and

d. Whether the disorder activity on the property constitutes a public nuisance.

(2) If the owner has been found to have acted in good faith, then the police official may remove the designation of INRA and continue to work with the owner. A property that continues to fall at or above the disorder risk threshold for a second year will be referred to the city attorney's office for determination as to whether a public nuisance action or any other legal or equitable remedy is warranted.

(c) All remedial action plans will be based on the procedures and practices set forth in the Fayetteville Police Department Remedial Action Plan Manual; A Guide to Managing Rental Properties to Prevent Crime.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-106. - Additional grounds for revocation of rental registration.
- In addition to the grounds stated in section 14-105(b), the police official may revoke the owner's rental registration based on a determination that:

(1) The owner provided materially false or misleading information during the registration process; or

(2) The owner refused to meet with the police official and/or develop a remedial action plan as required under section 14-105 without just cause; or

(3) The owner failed to pay the required registration fee on or before the date of the mandatory initial meeting as required under section 14-104(e).

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-107. - Notice of revocation.
- A notice of revocation shall be sent by certified mail or delivered in person to the address listed on the rental registration.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-108. - Period of revocation.
- Revocation of an owner's rental registration shall remain in place for a period of one year, effective upon the date that the rental unit is vacated pursuant to the transition plan. If an owner fails to register his or her property as required by this article then that property shall be ineligible for registration for a period of one year.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-109. - Transition plan and notification of tenants.
- Upon revoking a rental registration, the police official or development services official shall develop a transition plan for the owner's lawful disengagement from the operation and management of the rental property. The transition plan may include a referral to the city attorney for the evaluation of the property as a public nuisance or for any other legal or equitable remedy available under law necessary to fairly assist in the disengagement process. Upon revocation and issuance of a transition plan, the police official or development services official shall take reasonable steps to notify the residents of the property.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-110. - Registration of residential rental property upon adoption of ordinance by city council.

- The city council, by ordinance, may add any dwelling or apartment complex exempted from the definition of "residential rental property" in this article, to the rental action management program upon finding that existing remedial provisions have been inadequate to abate the detrimental impact on the tenants, the adjacent properties, the dwelling and the neighborhood.

Any property added to the rental action management program pursuant to an ordinance adopted by city council shall be required to abide by the conditions set forth in this article.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-111. - Residential rental property review board.
- (a) A residential rental property review board (hereinafter "board") is hereby established, to be composed of seven members: four members to be appointed by the city council, two members to be appointed by the mayor and one to be appointed by the city manager. The appointing authorities shall ensure that the members of the board are representative of the residential rental, tenant and homeowner community.
- (b) One member from the Fayetteville Police Department as designated by the police official and one employee of the city's development services department who has the authority to investigate code violations will sit on the board as advisors only.
- (c) Individuals with a felony conviction within the last ten years shall not be eligible to serve on the board. Further, conviction of or a plea of nolo contendere to a felony during the term of office shall automatically terminate membership on the board, irrespective of any appeals. Board members charged with a felony during a term of office shall be automatically suspended until disposition of the charge, and a quorum shall be established from the remaining membership.
- (d) Board members shall keep all information about criminal investigations confidential.
- (e) The board shall elect a chairperson and vice-chairperson from its membership.
- (f) All members of the board serve without compensation.
- (g) The terms of office shall be for two years with no member serving more than two consecutive full terms. The terms of one-third of the board shall expire each year. If a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.
- (h) Five voting members shall constitute a quorum. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the city council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section.
- (i) Members shall be subject to removal from the board with or without cause by the appointing authority.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-112. - Duties and responsibilities of the residential rental property review board.
- The board shall hear appeals from an owner of residential rental property who is required to register due to disorder activity as defined in this article, and/or whose registration has been revoked.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-113. - Notice of appeal of rental registration due to disorder activity and notice of appeal of revocation.
- A residential rental property owner may appeal a notice of revocation of rental registration for disorder activity to the board as well as the police official's decision to require registration following the mandatory initial meeting. A residential rental property owner that is required to register may appeal the notice of registration of the residential rental property. A rental property owner that has a property registered may appeal a notice of revocation of such registered residential rental property. Any property owner

who has been notified to register a rental property and fails to do so or fails to appeal the notice of registration pursuant to this section may not appeal a subsequent notice of revocation of the residential rental property. All appeals to the board must be filed in writing with the city clerk's office within ten calendar days of the date the notice of revocation is served on the owner by certified mail or in the case of an appeal of the police official's decision to require registration, within ten days of that decision. The owner shall provide a valid current address for the purpose of all notifications required to be made pursuant to this article. The request must state the reason for the appeal.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-114. - Hearing procedure and appeal of board's findings.

- (a)The city clerk shall forward an appeal of the police official's decision to require rental registration, or revocation of rental registration, to the police official, development services official and to the chair of the board. The police official or development services official shall prepare a summary of the case, including all relevant data. The summary shall be provided to the board and the owner at least five working days before the hearing.

- (b)Unless a quorum cannot be obtained or as otherwise agreed to by the owner and police official or development services official, the board shall hold a hearing within 45 calendar days of the date the appeal is received by the city clerk. Should the owner or the police official or development services official desire a hearing date other than that set by the board, the owner or the police official or development services official shall submit a written request for a change of the hearing date, stating the reason for the request. The chair shall approve or disapprove such request, provided that such request is received by the board at least seven calendar days prior to the date of the hearing. For good cause, the chair may continue the hearing from time to time. The hearing shall be conducted with at least five voting members of the board present.

- (c)The owner may appear at the hearing in person and shall have the right to representation by a person of his or her choice. The North Carolina Rules of Evidence, G.S. Chapter 8C, shall not strictly apply to the hearing, but all parties shall have an opportunity to offer evidence, cross-examine witnesses, and inspect documents. Only sworn testimony shall be accepted. The chair of the board, as well as any board member designated by the chair, shall have the authority to administer the oath as set forth for witnesses in a civil matter by G.S. § 11-11. All hearings before the board shall be de novo and recorded. The board has the authority to develop rules and regulations consistent with this article to facilitate the hearing process.

- (d)In the event of an appeal of the police official's decision to require registration, the city shall have the burden of proof and must establish by the preponderance of the evidence that the disorder activity count for the property falls at or above the disorder risk threshold. In the event of an appeal of a notice of revocation due to disorder activity, the city shall have the burden of proof and must establish by the preponderance of the evidence that the owner's property is in need of remedial action and the owner has failed to act in good faith to comply with the remedial action plan. In the event of an appeal of a notice of registration due to code violations, the city shall have the burden of proof and must establish by the preponderance of the evidence that the owner of a property has been issued a notice of violation of three or more verified violations within the previous 12-month period. In the event of an appeal of a revocation notice due to code violations, the city shall have the burden of proof and must establish by the preponderance of the evidence that the owner of a registered property has been issued one or more notices of violation during the registration period. After reviewing the evidence and hearing testimony from the witnesses, the board shall issue findings of fact and conclusions of law and issue an order either affirming or reversing the decision of the police official or development services official.

- (e)An owner has the right to appeal the board's decision to the city council by filing a notice of appeal with the city clerk within ten days after the board issues its written decision. When feasible, the matter will be set for review by the city council at the next regularly scheduled business meeting. The city council shall make its decision based on the record below, and no additional evidence will be considered. A majority vote by the city council in favor of the board's decision is required to uphold the board's decision to require registration or to revoke the owner's registration. An appeal to city council will stay the proceedings until it completes its review.

- (f)If the city council upholds the board's decision, the owner shall have the right to seek judicial review of the board's decision in a proceeding in the nature of certiorari instituted in the superior court of the county within 30 days after the city council votes to uphold the board's decision. Judicial review shall not automatically stay the registration requirement or revocation.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-115. - INRA designation binding on subsequent owner.

- The designation of a property as INRA and the application of the procedures set forth in this article shall be binding upon all subsequent owners or other transferees of an ownership interest in the rental residential property. However, the revocation may be stayed during the implementation of a transition plan.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-116. - Enforcement, remedies and penalties.

- (a) The remedies provided herein are not exclusive and may be exercised singly, simultaneously, or cumulatively. In addition, the remedies provided herein may be combined with any other remedies authorized by law and exercised in any order. This article may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(b) It shall be a civil violation of this article for any owner of residential rental property or person or entity on behalf of that owner to commit any of the following acts:

(1) Providing a rental dwelling for occupancy to another person or entity when the rental registration for that property has either been revoked or never obtained as required by this article, except pursuant to a transition plan as set forth in [section 14-109](#) of this article.

(2) Providing a rental dwelling for occupancy to another person or entity after the owner has been served with notice of the mandatory meeting and fails to attend the meeting without just cause as set forth in [section 14-104](#) of this article.

(3) Providing a rental dwelling for occupancy to another person or entity after the owner has been served with notice of the mandatory meeting and fails to pay the required registration fee prior to or on the date of the mandatory meeting as set forth in [section 14-104\(e\)](#) of this section.

(c) Notwithstanding that the owner's property registration has been revoked or the owner has failed to attend the mandatory meeting as set forth in [section 14-104](#) of this article, the owner shall not commit the following acts:

(1) Refuse or fail to comply with any order of the city to repair a dwelling pursuant to [Chapter 14](#) of the Fayetteville City Code, or

(2) Terminate the utility services of any occupants or otherwise violate the rights of residential tenants under Article 2A, [Article 5](#), or [Article 6](#) Chapter 42 of the General Statutes.

(d) Notwithstanding that the owner's property registration has been revoked, the owner's compliance with its obligations in subsection (c)(1) and (2) hereinabove shall not be deemed as offenses under subsection (e) below.

(e) Failure to comply with the provisions of this section shall subject the offender to a civil penalty of \$50.00 a day for the first 30 days, \$100.00 a day for the next 30 days, and \$500.00 a day for each subsequent day.

(f) A civil penalty that is assessed under this article may be recovered by the city in a civil action in the nature of a debt if the owner does not pay the penalty fee within 30 days after a notice of the penalty is issued by the police official or the development services official.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)

- Sec. 14-117. - Effective date.

This article shall become effective on July 1, 2012.

(Ord. No. S2012-003, § 1, 2-27-2012, eff. 7-1-2012; Ord. No. S2014-022, § 1, 11-24-2014)



KURE BEACH
PLANNING & ZONING COMMISSION

Meeting Date: June 3

Agenda Item# VI

Present to Town Council on:

Date: June 16, 2015

PLANNING AND ZONING COMMISSION
CONSISTENCY STATEMENT
N.C. Gen. Stat. 160A-383

(To be read into the record as a motion, seconded, and voted upon)

_____ This recommendation is consistent with the objectives and policies of the Town of Kure Beach Land Use Plan adopted by Town Council September 27, 2006 (Adopted and Certified by Coastal Resources Commission November 17, 2006)

_____ This recommendation applies to Section _____ Part _____ of the Town of Kure Beach Land Use Plan

X Consideration of recommended text amendment to The Town of Kure Beach Code , Chapter 19 Zoning, Art. IV Supplemental District Regulations Sec. 19-329

_____ This recommendation applies to the John Sawyer Architects B1 District Study (HPA 2007)

The Planning and Zoning Commission considers its recommendation to be reasonable and in the public interest based on the following:

1. To add clarification to the term “architectural features” to include fireplaces.
2. To allow flexibility and tolerance of side yard setbacks for corner lots.

CURRENT ORDINANCE:

Sec. 19-329 – Modification of required yard.

Architectural features such as fire escapes, cornices, eaves, steps, gutters, buttresses, open or enclosed fire escapes, outside stairways, balconies, and similar features, but not carports or porches, may project not more than eighteen (18) inches into any required yard.

PROPOSED ORDINANCE:

Sec. 19-329 – Modification of required yard.

Architectural features such as fire escapes, fireplaces, cornices, eaves, steps, gutters, buttresses, open or enclosed fire escapes, outside stairways, balconies, and similar features, but not carports or porches, may project not more than eighteen (18) inches into any required yard. On corner lots, architectural features may extend twenty-four (24) inches into the 10' side setback.

Therefore, the Planning and Zoning Commission requests Town Council's consideration of the above recommendation.

Attest:

A handwritten signature in cursive script, appearing to read "Craig Galbraith".

Craig Galbraith, Chairman
Planning and Zoning Commission



Kure Beach Inspections Department

117 Settlers Lane • Kure Beach, NC 28449
Office (910) 458-6535 • Fax (910) 458-4269
John Batson, Inspector

To: Planning and Zoning Commission

From: John Batson

Re: Requested Text Amendment to 19-329

Date: May 6, 2015

Commissioners,

We haven't had a text amendment request in quite sometime. It is protocol that you receive a staff recommendation.

Section 19-329 is a part of the ordinance that comes up during Board of Adjustment proceedings routinely. Most cases presented have to do with setback encroachments.

The requested amendment is reasonable because it would only apply to corner lots. However, I ask the commission to look at the following changes to the request:

1. Add fireplace to the list of architectural features.
2. New wording to include *all* architectural features may be allowed to extend 24" into the 10' side setback of a corner lot.

Current ordinance:

Sec. 19-329. - Modification of required yards.

Architectural features such as fire escapes, cornices, eaves, steps, gutters, buttresses, open or enclosed fire escapes, outside stairways, balconies, and similar features, but not carports or porches, may project not more than eighteen (18) inches into any required yard.
(Ord. of 8-19-03)

Proposed ordinance: **Changes/additions in red.**

Sec. 19-329. - Modification of required yards.

Architectural features such as fire escapes, **fireplaces**, cornices, eaves, steps, gutters, buttresses, open or enclosed fire escapes, outside stairways, balconies, and similar features, but not carports or porches, may project not more than eighteen (18) inches into any required yard. **On corner lots, architectural features may extend twenty-four (24) inches into the required 10' side setback.**

(Ord. of 8-19-03)

There are no foreseeable issues with these changes other than potential view obstructions of other properties.



Received
 We want to be heard before 5/4/15
 P+2 at June 3, 2015 meeting
 Scheduled for June
 3rd meeting
 of P+2

TOWN OF KURE BEACH
 APPLICATION FORM
 Requesting text amendment to Code of Ordinances

PLEASE READ THOROUGHLY BEFORE COMPLETING
 TYPE OR PRINT ONLY PLEASE

<u>Name of Applicant</u> Richard & Ann Lawing	<u>Application No.</u>	<u>Zoning Area</u>
<u>Applicant's Phone No.</u> <u>Date</u> 910-617-4618 4/29/15	<u>Address of Applicant</u> 704 Sea Castle Ct Wilmington, NC	<u>Zip Code</u> 28412
<u>Name of Text to be changed</u> Modification of required yards	<u>Section of Text to be changed</u> Sec. 19-329	

APPLICATION FOR A TEXT AMENDMENT

CONTENT OF THE APPLICATION; FEES

Application must be received and reviewed by the Town Clerk for completeness prior to acceptance. A \$100 fee payable to Town of Kure Beach MUST accompany the application. Should the text amendment be for Chapters 15 "Subdivision" or 19 "Zoning" the petition must be reviewed by the Planning and Zoning Commission and a recommendation made by them to Town Council before Town Council may act. The Planning and Zoning Commission and/or the Town Council reserve the right to require additional information, if needed, to assure that the proposed text amendment is in accordance with all of the Town's plans and policies. The Town Council gives final approval for all text amendments to the Code of Ordinances.

GUIDE TO REVIEW PROCEDURES

Applications for a text amendment are first referred to all departments for review and comment. Should the request be for an amendment to Chapters 15 or 19, the Kure Beach Planning and Zoning Commission must also review and make a recommendation before being acted upon by the Kure Beach Town Council. Applications must be received in the office of the Town Clerk twenty (20) working days before the Planning and Zoning Commission meeting or the Town Council meeting (should Planning & Zoning involvement not be required) to allow adequate time for processing and review.

Planning and Zoning Commission meetings are held at 7:00pm in the Kure Beach Town Hall, 117 Settlers Lane, North Carolina, on the first Wednesday of each month. The Planning and Zoning Commission's recommendation regarding this application will automatically be referred to the Kure Beach Town Council. Town Council meetings are held on the third Tuesday of each month at 6:30pm at Town Hall as referenced above.

EXISTING TEXT

Sec. 19-329 - Modification of required yards.

Architectural features such as fire escapes, cornices, eaves, steps, gutters, buttresses, open or enclosed fire escapes, outside stairways, balconies, and similar features, but not carports or porches, may project not more than eighteen (18) inches into any required yard.

PROPOSED TEXT CHANGE

Sec. 19-329 - Modification of required yards.

Architectural features such as fire escapes, cornices, eaves, steps, gutters, buttresses, open or enclosed fire escapes, outside stairways, balconies, and similar features, but not carports or porches, may project not more than eighteen (18) inches into any required yard. For corner lots on two intersecting streets a single cantilevered fireplace may project not more than twenty four (24) inches into the required yard setback.

Purpose of requested amendment:

To allow for common architectural features to be utilized on the exterior of structures which do not impact public, health, safety, and welfare. And would be on corner side of house in 10 ft. setbacks.

SEE ATTACHED EXPLANATION FOR REASON WE HAVE ASKED FOR THIS AMENDMENT

242 N. 3rd Ave, Kure Beach

You need some background as to why we are requesting a change to Amendment Sec. 19-329.

In April of 2012 we applied for a building permit, gave John Batson plans and specifications and the plans showed a cantilevered fireplace on the second level which Richard pointed out to John. We had a foundation plan for a 35 ft. side house on a 50 ft. lot. John kept the plans for 3 days to be sure we were following all codes and zoning. He issued us a permit, made multiple inspections during construction, even a final inspection which passed and was called in for power. See attached letter from power company saying they do not issue power until a final inspection has passed. We have permanent power in our name which no one can change. We do not get permanent power unless a final has been issued.

A picture of the house and a final survey will show you what a very, very small area we are talking about. Approximately 30 sq. ft. on the side of approximately 1600 sq. ft. flat wall on the corner lot in a 10 ft. setback 10 ft. in the air on the second level only (does not go to ground or to third level) and does not impact public health, safety, and welfare in any way whatsoever.

Richard has been in construction since he was a teenager and been the building contractor in over 200 houses and never had problems in the past with any inspector or zoning officer. They always told us before construction what we could or could not do. Whether this was a true mistake or oversight on John's part OR because we billed the town for a window John broke "testing to see if it was impact glass" (it was inscribed on the window and the inside glass broke) John or the town needs to be accountable for us being in this situation.

We did not know John was saying he did not sign off the house for 3 months after we got power and a third party told us at that time. We would have been living in the house if our house had been sold. We are now keeping up two houses. We are paying taxes, upkeep, utilities, maintenance and lost all our warranties on this house. The house is on the tax books for almost \$500,000.00. John told us not to put furniture in this house which means we can't live in it, sell it, or rent, condemning the house which even John says is a well built house.

We are 82 and 77 years of age and want to resolve this matter. We are not trying to be confrontational but are stating indisputable facts.





Progress Energy Carolinas, Inc.
Customer Service Center
PO Box 1771
Raleigh NC 27602-1771

April 11, 2013

Ann Lawing
704 Sea Castle Ct
Wilmington, NC 28482-0000

RE: Account # 089-717-5949

Dear Valued Customer:

In response to your request, the inspection for permanent service located at 242 N. 3rd Ave. Kure Beach, NC 28449 was received on 11/06/2012. Signed by Denise McVicker the permit number was 124130 and stated for 200 amp service, which is normally considered permanent service. Prior to that we had received an inspection approval on 04/11/2012 for temporary service, which was then removed on 11/07/2012 when the permanent service was connected.

If you have questions, or if we can be of assistance in meeting your energy needs, please contact our Customer Service Center at err or err during the hours of 7:00 a.m. to 9:00 p.m., Monday through Friday.

Sincerely,

Mercedes Sierra
Bilingual Customer Service Representative

www.progress-energy.com Check out Progress Energy's customer-focused Web site for services and information about your account. Progress Energy. People. Performance. Excellence.

I talked to Josie and
papers she gave me. Let me know if
I need anything else. We want to
appear before P+2 June 3, 2015.

We will be out of town at our granddaughters
Optometry School graduation from May 6 to 10.
Will have cell phone with me.

Please call and let me know you received
this package. Please see that this gets to right place

Thanks

Ann Lawing
910-617-4618
4618

Richard M. Lawing Neel 557287
Ann B. Lawing Neel 1756078
704 Sea Castle Ct.
Wilmington, NC 28412

66-30/531
353 15988

4-29-15
DATE

PAY TO THE ORDER OF Town of Kure Beach \$ 100.00
One Hundred and 00/100 DOLLARS

Horizontal Crank

Security Features Details on Back.

 First Citizens Bank

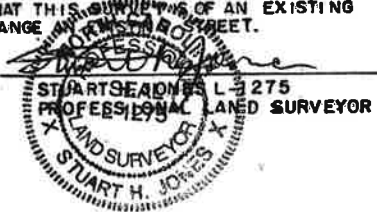
Premier

FOR Fee for P+2 June 3, 2015 Ann B Lawing MP

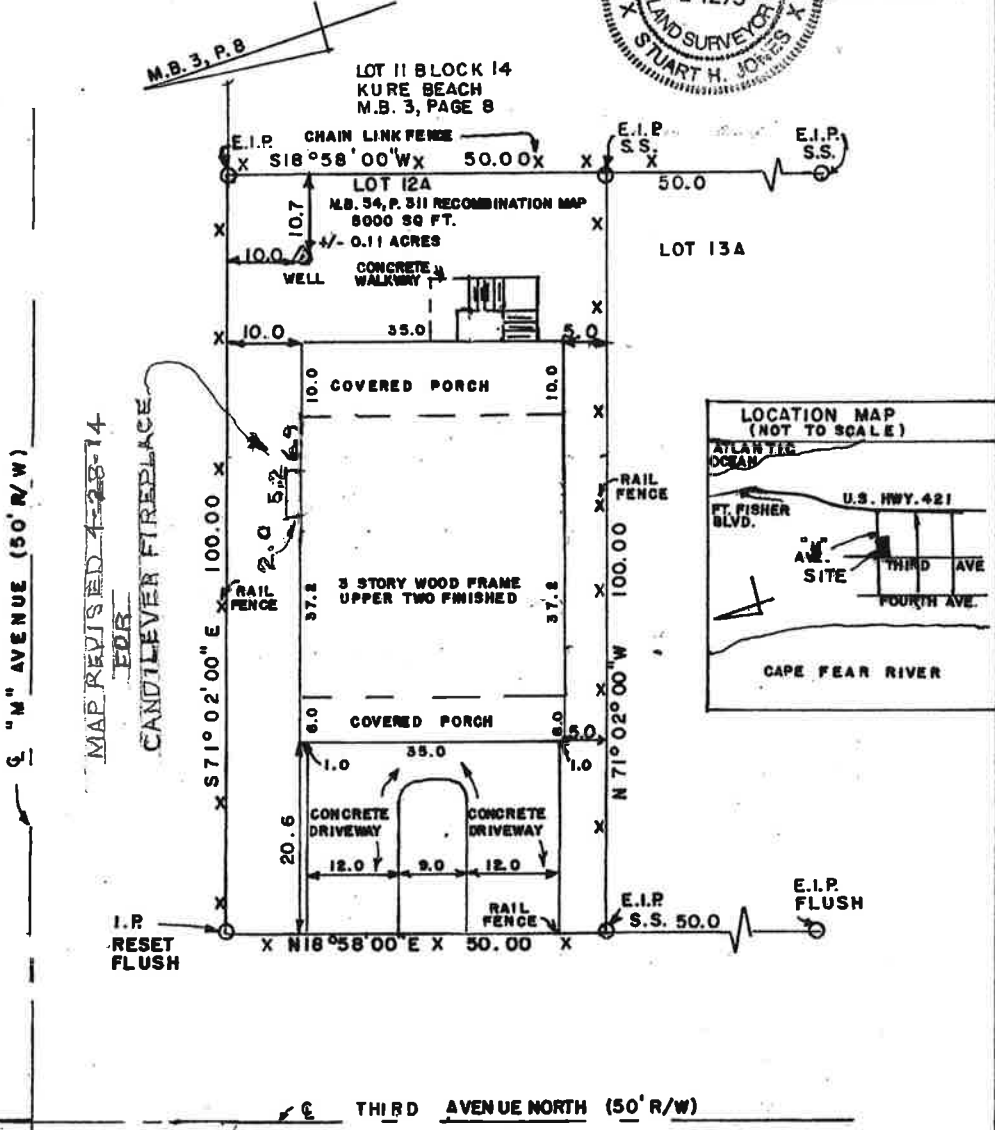
⑆053100300⑆003536833521⑆ 15988

Sec 19-329 zoning

I, STUART H. JONES PROFESSIONAL LAND SURVEYOR NO. L-1275 CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.



NOTE NO. 1- FOR REFERENCE TO THE WITHIN PLATTED PROPERTY SEE A DEED RECORDED IN DEED BOOK 5575, PAGE 2722. ALSO SEE A PERMITTED RECOMBINATION OF PREVIOUSLY DIVIDED LOTS KURE BEACH INVESTMENTS, LLC RECORDED IN MAP BOOK 58, PAGE 311 IN THE NEW HANOVER COUNTY REGISTRY.
NOTE NO. 2 - THIS LOT IS NOT LOCATED IN A FLOOD HAZARDOUS AREA AS SHOWN ON FIRM MAP FOR NEW HANOVER COUNTY NO. 370170 3039 00J EFFECTIVE 4-3-2006
NOTE NO. 3- HEIGHT OF HOUSE IS 34 FEET ABOVE NORMAL GROUND.



9 "M" AVENUE (50' R/W)

MAP REVISED 4-28-14
FOR
CANDLEEVER FIREPLACE

THIRD AVENUE NORTH (50' R/W)

SURVEY FOR
RICHARD M. LAWING AND WIFE
ANN B. LAWING
TOWN OF KURE BEACH
NEW HANOVER COUNTY
NORTH CAROLINA
DATE OF SURVEY - 10-30-2012
SCALE - 1 INCH = 20 FEET



Dean Lambeth
Mayor
Emilie Swearingen
Commissioner
Steve Pagley
Commissioner



Craig Bloszinsky
Mayor Pro Tem
David Heglar
Commissioner
Nancy Avery
Town Clerk

Town of Kure Beach

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

May 5, 2015

Richard and Ann Lawing
704 Sea Castle Court
Wilmington, NC 28412

Re: Application for Text Amendment to the Code of Ordinances

Mr. and Mrs. Lawing,

I received your application and fee for a text amendment to the Code of Ordinances on May 4, 2015. This meets the required 20 days to be on the June 3rd agenda of the Planning and Zoning Commission. The meeting will be at 7 pm in the Council Room of Town Hall, located at 117 Settlers Lane in Kure Beach.

The Planning and Zoning Commission will address and decide whether to recommend adoption or not to the Town Council.

If the Planning and Zoning Commission recommends adoption, the Town Council must, by law, first hold a public hearing.

Timeline involved in the process is:

June 3rd – Planning & Zoning meeting

June 16th - Town Council meeting – public hearing scheduled for July meeting

July 21st – Town Council holds public hearing and votes whether to adopt or not

Please plan to attend the June 3rd meeting of the Planning and Zoning Commission.

Sincerely,


Nancy Avery
Town Clerk

PROPOSED AMENDMENT TO SECTION 16, ARTICLE III, PERSONNEL POLICY

Current Policy to be amended by deleting lined through items and adding wording in red.

Section 16. Longevity Pay

Employees hired before June 16, 2015

Full time employees shall receive longevity pay in a lump sum amount in the payroll period that is paid closest to, but prior to Thanksgiving. ~~All full-time employees are eligible for longevity pay.~~ Longevity Pay shall be awarded as follows:

Years of Service	Amount of Pay
1 – 4	\$250
5 – 9	\$350
10 – 14	\$500
15 – 19	\$600
20 plus	\$750

Employees hired on or after June 16, 2015

There is no Longevity Pay benefit for these employees. Town Council voted on June 16, 2015 to discontinue this benefit for new hires.

Amended policy will read:

Employees hired before June 16, 2015

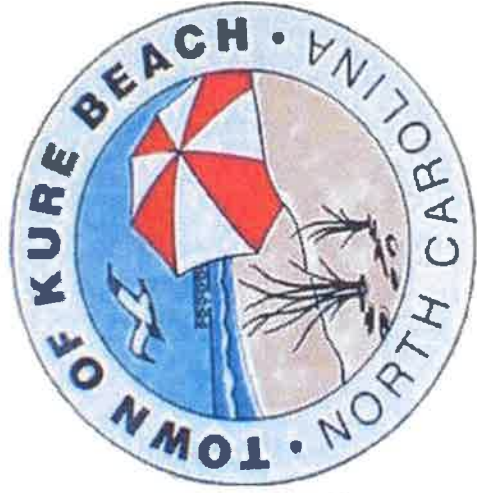
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Employees hired on or after June 16, 2015

There is no Longevity Pay benefit for these employees. Town Council voted on June 16, 2015 to discontinue this benefit for new hires.

**TOWN OF KURE BEACH
FISCAL YEAR 2015/2016
REVISIONS TO PROPOSED BUDGET**



JUNE 16, 2015

TOWN OF KURE BEACH
 FISCAL YEAR 2015/2016
 PROPOSED BUDGET

<u>FUND</u>	<u>PROPOSED BUDGET 05/19/2015</u>	<u>PROPOSED BUDGET 06/16/2015</u>	<u>DIFFERENCE</u>
General Fund	\$4,019,829	\$4,019,829	\$ 0
Water and Sewer Fund	\$1,854,425	\$1,886,605	\$32,180
Storm Water Fund	\$ 491,150	\$ 523,330	\$32,180
Powell Bill Fund	\$ 64,030	\$ 64,030	\$ 0
Beach Protection Fund	\$ 50,000	\$ 50,000	\$ 0
Federal Asset Forfeiture Fund	\$ 50,000	\$ 50,000	\$ 0
Sewer Expansion Reserve Fund (SERF)	\$ 22,635	\$ 22,635	\$ 0
TOTAL	<u>\$6,552,069</u>	<u>\$6,616,429</u>	<u>\$64,360</u>

**GENERAL FUND
 PROPOSED FY 2016 BUDGET
 REVISIONS SINCE 05/19/2015 BUDGET PRESENTATION**

Total Revenue at 5/19/2015		\$4,019,829
<u>Adjustments:</u>		
Net Adjustments		\$0
Total Revised Revenue		\$4,019,829
Total Expenditures at 5/19/2015		\$4,019,829
<u>Adjustments:</u>		
Police Department - Salary Adjustment	\$3,004	
Contingency		(\$3,004)
Net Adjustments		\$0
Total Revised Expenditures		\$4,019,829

**WATER AND SEWER FUND
PROPOSED FY 2016 BUDGET
REVISIONS SINCE 05/19/2015 BUDGET PRESENTATION**

Total Revenue at 5/19/2015	\$1,854,425
<u>Adjustments:</u>	
Loan Proceeds for Sewer/Storm Water Equipment - Delivery of equipment ordered in FY 15 delayed until FY 16	\$40,750
Water Charges - Revised estimates	(\$3,540)
Sewer Charges - Revised estimates	(\$5,030)
Net Adjustments	\$32,180
Total Revised Revenue	\$1,886,605
Total Expenditures at 5/19/2015	\$1,854,425
<u>Adjustments:</u>	
Capital Outlay - Equipment (Sewer/Storm Water Equipment)	\$40,750
Debt Principal - Equipment loan delayed until FY 16	(\$7,878)
Debt Interest - Equipment loan delayed until FY 16	(\$692)
Net Adjustments	\$32,180
Total Revised Expenditures	\$1,886,605

**STORM WATER FUND
PROPOSED FY 2016 BUDGET
REVISIONS SINCE 05/19/2015 BUDGET PRESENTATION**

Total Revenue at 5/19/2015	\$491,150
<u>Adjustments:</u>	
Loan Proceeds for Sewer/Storm Water Equipment - Delivery of equipment ordered in FY 15 delayed until FY 16	\$40,750
Appropriated Fund Balance	(\$8,570)
Net Adjustments	\$32,180
Total Revised Revenue	\$523,330
Total Expenditures at 5/19/2015	\$491,150
<u>Adjustments:</u>	
Capital Outlay - Equipment (Sewer/Storm Water Equipment)	\$40,750
Debt Principal - Equipment loan delayed until FY 16	(\$7,878)
Debt Interest - Equipment loan delayed until FY 16	(\$692)
Net Adjustments	\$32,180
Total Revised Expenditures	\$523,330



Ordinance Number: FY 2015-16
Date Adopted:
Effective Date: July 1, 2015

**BUDGET ORDINANCE FY 2015-2016
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, 2015 and ending June 30, 2016; the same being adopted by fund. Activity within each fund is listed as follows:

GENERAL FUND

EXPENDITURES:

Governing Body	\$ 40,467
Committees	7,500
Finance	146,033
Administration	385,448
Community Center	17,750
Elections	3,100
Emergency Management	100
Tax Collections	25,000
Legal Department	28,900
Police Department	1,208,819
Fire Department	484,760
Lifeguards	190,957
Parks & Recreation	138,748
Building Inspections	126,565
Streets & Sanitation	740,797
Debt Service	294,205
Transfer to Beach Protection Fund	50,000
Contingency	<u>130,680</u>
TOTAL EXPENDITURES	<u>\$4,019,829</u>

GENERAL FUND (continued)

REVENUES:

Property Tax (current & prior years)	\$2,121,250
Sales Tax	785,200
Franchise & Utility Tax	201,500
Motor Vehicle License	7,000
TDA Funds	203,057
Garbage & Recycle Fees	341,400
ABC Revenue	10,725
Building Permits/Impact Fees/ CAMA Fees/Fire Inspections	57,200
Communication Tower Rent	86,702
Town Facility Rentals	10,500
Parks & Rec/Community Center/ Street Festival	36,950
Other Revenue	47,345
Other Financing Sources	<u>111,000</u>
TOTAL REVENUES	<u>\$4,019,829</u>

POWELL BILL FUND

EXPENDITURES:

Street Maintenance & Repair	<u>\$ 64,030</u>
TOTAL EXPENDITURES	<u>\$ 64,030</u>

REVENUES:

Powell Bill Allocation	\$ 64,000
Interest Income	<u>30</u>
TOTAL REVENUES	<u>\$ 64,030</u>

STORM WATER FUND

EXPENDITURES:

Storm Water Operations	\$ 248,330
Transfer to Capital Projects Fund	<u>275,000</u>

TOTAL EXPENDITURES **\$ 523,330**

REVENUES:

Storm Water Monthly Fees	\$ 218,500
Storm Water Building Fees	36,000
Interest Income	360
Other Financing Sources	40,750
Fund Balance Appropriated	<u>227,720</u>

TOTAL REVENUES **\$ 523,330**

BEACH PROTECTION FUND

EXPENDITURES:

Beach Protection Reserves	<u>\$ 50,000</u>
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TOTAL EXPENDITURES **\$ 50,000**

REVENUES:

Transfer from General Fund	<u>\$ 50,000</u>
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TOTAL REVENUES **\$ 50,000**

FEDERAL ASSET FORFEITURE FUND

EXPENDITURES:

Federal Asset Forfeiture Expenses	<u>\$ 50,000</u>
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TOTAL EXPENDITURES **\$ 50,000**

FEDERAL ASSET FORFEITURE FUND (continued)

REVENUES:

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

WATER AND SEWER FUND

EXPENDITURES:

W/S Governing Body	\$ 16,767
W/S Legal Department	28,900
W/S Finance	171,402
W/S Administration	251,919
W/S Operations	1,367,617
Transfer to Capital Projects Fund	<u>50,000</u>
TOTAL EXPENDITURES	<u>\$1,886,605</u>

REVENUES:

Water Charges	\$ 710,710
Sewer Charges	1,011,270
Tap & Reconnection Fees	27,840
Other Revenue	6,035
Other Financing Sources	<u>130,750</u>
TOTAL REVENUES	<u>\$1,886,605</u>

SEWER EXPANSION RESERVE FUND (SERF)

EXPENDITURES:

Sewer Reserve	\$ <u>22,635</u>
TOTAL EXPENDITURES	<u>\$ 22,635</u>

SEWER EXPANSION RESERVE FUND (SERF) (continued)

REVENUES:

User Fees	\$ 22,500
Interest Income	<u>135</u>
TOTAL REVENUES	<u>\$ 22,635</u>

EXPENDITURES	ALL FUNDS	<u>\$6,616,429</u>
REVENUES	ALL FUNDS	<u>\$6,616,429</u>

Section II. Levy of Taxes: There is hereby levied, for the Fiscal Year 2015-2016, an Ad Valorem tax rate of 26.15 cents (\$0.2615) per one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1, 2015. This rate shall be levied entirely in the General Fund.

The tax rate is based on an estimated total valuation of property for the purposes of taxation of eight hundred nineteen million five hundred thousand dollars (\$819,500,000) and an estimated collection rate of ninety-eight and three-quarter percent (98.75%).

Section III. Salaries: The following shall govern salary and wage compensation for Fiscal Year 2015-2016:

A. Pay Plan. There is hereby adopted a pay plan that includes an across the board cost of living adjustment in the amount of 1.7% 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 3.3% this year for employees. Also, as a result of the Fiscal Year 2015 Salary Study, Town Council implemented a strategy to adjust full-time employee salaries that were six percent or more below the benchmark salary for the respective position.

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

- A. The Budget Officer may transfer amounts between line item expenditures without limitation and without a report being required up to \$10,000 at any one time.
- B. The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial statements. He shall make an official report immediately to Council on such transfers.
- C. The Budget Officer may not transfer amounts between funds without prior Council action.

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

Section VI. Encumbrances: All outstanding encumbrances from prior fiscal years are to be carried forward to Fiscal Year 2015-2016. All Project Ordinance appropriations are continued.

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

Section VIII. The Town Council hereby authorizes the New Hanover County Tax Administrator to bill and collect taxes for the Town.

Section IX. Fees and Charges: There is hereby established, for FY 2015-2016, various fees and charges as contained in the attached Fee Schedule. Changes from the FY 2014-2015 Fee Schedule are as follows:

Residential Water – Monthly minimum gallons	Decrease from 3,000 to 2,500 gallons
Residential Sewer – Monthly minimum gallons	Decrease from 3,000 to 2,500 gallons
Commercial Water – Monthly minimum gallons	Decrease from 3,000 to 2,500 gallons
Commercial Sewer – Monthly minimum gallons	Decrease from 3,000 to 2,500 gallons
Out of Town Water (ETJ) – Monthly minimum gallons	Decrease from 3,000 to 2,500 gallons
Out of Town Sewer (ETJ) – Monthly minimum gallons	Decrease from 3,000 to 2,500 gallons
Residential Water (per 100 gallons over 2,500 gallon minimum)	Increase from \$0.36 to \$0.45
Residential Sewer (per 100 gallons over 2,500 gallon minimum)	Increase from \$0.465 to \$0.58

Commercial Water (per 100 gallons over 2,500 gallon minimum)	Increase from \$0.555 to \$0.694
Commercial Sewer (per 100 gallons over 2,500 gallon minimum)	Increase from \$0.57 to \$0.7125
Out of Town (ETJ) Water (per 100 gallons over 2,500 gallon minimum)	Increase from \$0.63 to \$0.7875
Out of Town (ETJ) Sewer (per 100 gallons over 2,500 gallon minimum)	Increase from \$0.81 to \$1.0125

This ordinance being duly passed and adopted this day of June, 2015.

Dean Lambeth, Mayor

Nancy Avery, Town Clerk



**TOWN OF KURE BEACH
FEE SCHEDULE**

FISCAL YEAR 2015-2016

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

<u>TAX RATE per \$100</u>	\$0.2615
<u>WATER FEES</u>	
Residential (monthly minimum - up to 2,500 gallons)	\$13.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$0.45
Commercial (monthly minimum - up to 2,500 gallons)	\$18.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$0.694
Out of Town (ETJ) (monthly minimum - up to 2,500 gallons)	\$23.00
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$0.7875
<u>SEWER FEES</u>	
Residential (monthly minimum - up to 2,500 gallons)	\$23.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$0.58
Commercial (monthly minimum - up to 2,500 gallons)	\$25.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$0.7125
Out of Town (ETJ) (monthly minimum - up to 2,500 gallons)	\$40.50
Incremental rate per 100 gallons over the 2,500 gallons monthly minimum	\$1.0125
<u>OTHER WATER & SEWER FEES</u>	
Water Service Fee - nonrefundable fee for service technician site visit	\$30.00
Additional Water Service Fee - fee for each additional visit if customer fails to meet technician at site	\$10.00
Water Service Meter Check Fee - customer request that a meter be read, checked, or turned on or off. If problem found with meter, fee can be waived at discretion of the Public Works Director	\$30.00
Water Cut-ons Outside Working Hours	\$25.00
Special Meter Tests - if customer requests meter test and the meter is found to be defective, charge will be refunded	\$50.00
Reconnection Fee - if water is cut-off due to non-payment	\$60.00
Returned Check Fee	\$25.00
Account Past Due Charge - per month	\$10.00

WATER TAP FEE

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

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
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IMPACT FEE

Voluntary Annexation Only Sect 17-128 of Code	\$400.00
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STORM WATER FEES

Building Fee	\$4,000.00
Residential-monthly	\$8.71
Business - monthly	varies by account

RECYCLE FEE - per bin monthly (residential)

\$4.88

GARBAGE COLLECTION FEES

Residential -per can monthly	\$6.00
Commercial- per can monthly	\$26.25
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).

VEHICLE DECAL FEES

Resident	\$5.00
Late Fee (resident)	\$10.00
Non-resident	\$5.00

COPY/FAX FEES

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

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

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

OTHER FEES COMMUNITY CENTER

Non refundable fee each time existing contract is revised	\$10.00
Service charge for cancellation of contract	\$50.00
Rental fee will not be refunded for cancellation of lease by lessee made within 30 days before the event. Security deposit will be refunded.	

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

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

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

PARKS AND RECREATION PROGRAM FEES

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

SPECIAL EVENT FEES

General Use Impact Fees:

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

Personnel:

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

Facilities Rental:

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

Equipment:

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

PERMIT/CONSTRUCTION FEES

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

PLANNING/ZONING FEES

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

BOARD OF ADJUSTMENT FEES

Appeal/Variance	\$375.00
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FIRE INSPECTION AND PERMIT FEES

Commercial New and Existing Construction Permit Fees:

A= Total gross building floor area of construction

B= Fee per Square Foot

0 - 5,000 sf

5,001-15,000 sf

Over 15,000 sf

AxB = Permit Fee

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

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

Occupancy Type:

Residential

Storage

Assembly

Institutional

Business

Mercantile

Hazardous

Factory Indust

Education

Fee Per Square Foot

\$0.05

\$0.035

\$0.06

\$0.06

\$0.06

\$0.06

\$0.05

\$0.04

\$0.065

Construction Permits:

Sprinkler Systems

Fire Alarm Systems

Suppression Systems

Fire pump and related Equipment

Private Fire Hydrants

Standpipe Installation per Riser

\$85.00

\$85.00

\$85.00

\$85.00

\$85.00

\$85.00

Additions

Up Fits

Mobile Buildings

Accessory Structures

Commercial Inspection Fee

Occupancy Certification

Occupying building without CO

Working without Permit

Stop Order Removal

Failure to Obtain Final Inspection

Afterhours/Weekend/Holiday Inspections

ABC Permit

Fire Flow Test

Day Care State Inspection

Witness Fire Flow/Pump Test

Commercial Construction Inspection

Reinspection Fee

Standpipe Test per Riser

Temporary Structures (Tents, Etc)

Use Schedule or Min. \$45 + Inspection Fees

Use Schedule or Min. \$45 + Inspection Fees

\$45 + Inspection fee

\$45 + Inspection fee

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

\$25 + Inspection Fee

\$250

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

\$200

\$100

\$120

\$45

\$45

\$45

\$45

\$45

\$45

\$75

Revert to Building Permit Fee

CIVIL CITATION PROGRAM FEES

1st Offense

2nd Offense

Beach:

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

Animals/Pets:

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

Vehicles/Parking:

Failure to purchase & display Town decal Sec. 10-17	\$25.00	Misdemeanor
Parking Ticket Sec. 10-222 - 235	\$50.00	
Parking in a handicap space	\$150.00	Misdemeanor
Soliciting transportation Sec. 10-68	\$10.00	
Vehicles prohibited certain areas Sec.10-60	\$50.00	Misdemeanor

Miscellaneous:

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

Adopted by Town Council on June , 2015.

Dean Lambeth, Mayor

Attest: Nancy Hewitt, Deputy Town Clerk



WILMINGTON-NEW HANOVER

PORT, WATERWAY & BEACH COMMISSION

10 June 2015

Jonathan Barfield, Jr., Chairman
New Hanover County Board of Commissioners

Re: Coastal Storm Damage Reduction
Inter-local Agreement (2nd Execution)
Port, Waterway & Beach Commission Recommendations

Dear Chairman Barfield:

On 5 December 2011, the New Hanover County Board of Commissioners unanimously endorsed the Beach Nourishment Inter-local Agreement (ILA). This agreement between New Hanover County (NHC), Carolina Beach, Kure Beach and Wrightsville Beach provided direction for continued maintenance of our coastal storm damage reduction (CSDR) projects in the event federal and state economic funding support fell short. Based on the ILA, in a worse-case scenario, the NHC room occupancy tax would pay up to 82.5% of our beach communities CSDR projects and the community receiving the CSDR maintenance event would participate up to 17.5%. The ILA is approaching the initial five-year renewal date (30 June 2015) and, as structured within the initial agreement, the communities of Carolina Beach and Kure Beach have made initial steps to opt out of future participation as the ILA currently reads.

On 13 May 2015, the Port, Waterway & Beach Commission (PWBC) entertained a robust discussion led by the Mayors of Carolina Beach and Kure Beach. The potential 17.5% outlay by the beach communities, in the absence of federal or state funding, was the center of the mayors' consternation. Following the vigorous position statements and group discussion, the PWBC requested I present to the New Hanover County Board of Commissioners these recommendations.

- Assemble a stakeholder representatives' group and task the group to assess the county-wide partnership supporting our beach communities and tourism industry's CSDR Projects;
- re-assess and re-structure the potential 17.5% currently left solely to the beach communities and;
- allow an initial six-month extension of the current ILA while the re-assessing, re-structuring and necessary updates take place.

The PWBC appreciates the opportunity to serve and thanks you for your consideration.

Sincerely,

Dennis Barbour
Chairman
Wilmington-New Hanover County Port, Waterway & Beach Commission

Cc: Commissioners Beth Dawson, Vice-Chair; Woody White; Skip Watkins; Rob Zapple;
County Manager, Chris Coudriet; NHC PWBC