



TOWN COUNCIL MINUTES

REGULAR MEETING

January 19, 2016

The Kure Beach Town Council held their regular meeting on Tuesday, January 19, 2016 at 6:30 p.m. The Town Attorney was present and there was a quorum of Council members.

COUNCIL MEMBERS PRESENT

Mayor Emilie Swearingen
Mayor Pro Tem (MPT) Craig Bloszinsky
Commissioner David Heglar
Commissioner Joseph Whitley

COUNCIL MEMBERS ABSENT

Commissioner - Vacant

STAFF PRESENT

Building Inspector – John Batson
Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Fire Chief – Harold Heglar

CALL TO ORDER AND WELCOME

Mayor Swearingen called the meeting to order at 6:30 p.m. Pastor Dan Keck from Kure Memorial Lutheran Church delivered the invocation and led everyone in the Pledge of Allegiance.

Mayor Swearingen welcomed members of Oceana from Washington, DC; members of the local media WWAY, WECT, FOX News, Star News, Island Gazette; representatives from The Guardian, an international environmental magazine; the NY Times; Think Progress, a blog out of Washington DC.

APPROVAL OF CONSENT AGENDA ITEMS

1. Appoint:
 - Mayor Swearingen and Commissioner Heglar to CB/KB Sewer Authority
 - MPT Bloszinsky as COG representative
 - Mayor Swearingen to MPO TAC and MPT Bloszinsky as alternate
2. Approve new policy on appointments as Article 11 of the Policy Manual
3. Approve resolution 16-02 donating chairs to Goodwill for resale
4. Approve Budget Amendment 16-04 to increase budget for Federal Asset Forfeiture fund expenditures by \$10,000
5. Approve application for funding from NHC TDA totaling \$200,292.15 for lifeguard services for summer 2015
6. Approve closing Atlantic Avenue to vehicle traffic between K and L Avenue from the early morning hours through 7:00 p.m. on Saturday, April 30th, for the 2016 Street Festival
7. Approve participation of food truck/vendors during the 2016 Street Festival
8. Accept Sandra Capece's resignation from the Parks and Recreation Advisory Board
9. Accept MaryAnn McConnell's resignation from the Community Center Committee
10. Surplus property report July through December 2015



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11. Inspections Department 2015 Annual report
12. Fire Department report – November & December 2015
13. YTD Finance report
14. Closed Session Minutes to be released as Open Records (G.S. 143-318.11. (a)**)
 - January 7, 2014 – (**3) Consult with attorney regarding land purchase
 - November 18, 2014 – (**5) Instruct negotiating agent on contract for real property acquisition
 - December 3, 2014 – (**5) Instruct negotiating agent on contract for real property acquisition
15. Minutes:
 - December 10, 2015, regular/organizational meeting

MOTION – Commissioner Heglar made the motion to adopt the consent agenda, as presented.
SECOND – Commissioner Whitley
VOTE – Unanimous

ADOPTION OF THE AGENDA

Commissioner Heglar asked to add Storm Water as item number three under Old Business, and Mayor Swearingen added Strategic Plan under Commissioner Items.

MOTION – Commissioner Heglar made the motion to adopt the agenda with the two amendments referenced above.
SECOND – Commissioner Whitley
VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF RESOLUTION

Resolution R16-01, expressing opposition to seismic testing and offshore drilling activities

MOTION – Commissioner Whitley made the motion to adopt resolution R16-01, expressing opposition to seismic testing and offshore drilling activities.
SECOND – Commissioner Heglar
VOTE – Unanimous

Mayor Swearingen said many of you sat in this room two years ago and witnessed history being made. That night, Kure Beach became ground zero for opposition to seismic testing and offshore drilling. The video made that night went viral across the country, especially up and down the east coast.

Mayor Swearingen said she likes to think that video helped other communities make the decision to step up to the plate and send their comments to Congress and the President of the United States to not put our coastal communities at risk. “Our marine life means so much to us, as does our environment, economy, tourism and, most of all, quality of life. These are the reasons why



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most of us live here and visit". She is pleased Kure Beach joined this effort and became the 100th community to oppose seismic testing and offshore oil. "Sometimes things are just way too precious for money to buy or to risk them for any other reason".

Mayor Swearingen said "for years, the town ran on volunteers. I don't know how the town could ever exist without volunteers. This town is going to be that place again. Times are changing and we want our volunteers back. We want you to figure out how you can help each other and help the town. We have several openings on committees and boards. If you are interested, come to Town Hall and talk to Deputy Town Clerk Nancy Hewitt about openings. This coming year, we are looking at developing a comprehensive plan for Kure Beach. This will determine what we want to be now and in the future, and how are we going to get there. We need your help either filling out a survey or participating in the process. If you are interested, please email or text me. If that challenge is too big, look around your neighborhood and see if there is someone you can help. Recently someone called our building inspector to ask him to come and move a neighbor's trash can back to their house. We need to start working together with our neighbors and if a trash can needs to be moved, please do it. That is my request for everyone tonight and thank you for being here".

MOTION – Commissioner Heglar made the motion to take a five-minute break at 7:31 p.m.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Council returned from break at 7:56 p.m.

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. DIVE Remote Camera Technology Presentation

Mr. Dylan McNamara of UNCW gave a presentation with the following highlights:

- UNCW has developed technology (DIVE) to monitor the effect of a beach nourishment project, including how long the sand remains on the beach.
- Technology also monitors how many people are on the beach throughout the day and year.
- Traditional surveys for beach nourishment use surveying, oceanographic equipment, human observation, and they are costly and done infrequently.
- DIVE has remote cameras, automated analysis, online access, is inexpensive, and may be done hourly.
- A prototype camera powered by solar panel was installed at Wrightsville Beach last year.
- The camera images a certain section of the beach and then the pictures taken are analyzed by computer software to determine rip tide threats, how many people are on the beach, and the size of the dry area and of the wet area of the beach.
- The software is able to measure the distances all over the picture and can compare differences between a picture taken earlier in the day and one taken later the same day.



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- The computer can determine what part of the picture is foam, sand, water, dune grass, people, etc. It can also measure the width of the beach at low tide and high tide. It will show consistency of rip currents and spikes of how many people are on the beach throughout the year.
- Information could be available for public viewing daily via a webpage or an application.
- Associated costs are as follows:
 - One camera on the pier is a one-time installation of \$1,500 and \$12,000 for annual maintenance
 - Second camera on pier is one-time installation of \$1,000 and \$6,000 for annual maintenance
 - A camera installed elsewhere in town is one-time installation of \$1,500 and \$6,000 annual maintenance

Council asked questions related to measurement of rip currents and how that helps lifeguards, how often the beach is surveyed currently by the county and the cost versus the cost of the DIVE program.

CONSENSUS – Add costs for UNCW DIVE camera and software program that monitors the beach to the FY16-17 process.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Brigid Cotton, Island Women – Kure Beach Dog Park

Ms. Cotton stated she represents the Island Women organization. Last fall they worked on improvements to the dog park but didn't complete painting the sign and putting in plantings. The paint is uniform with the rest of the park and the group will obtain plantings. She is seeking permission to work with the Public Works department to complete the project at no cost to the town.

Commissioner Heglar stated Public Works Director Beeker would be glad to work with Island Women on the project.

2. Mac Montgomery, 642 S. 4th Avenue

Mr. Montgomery stated he became a property owner in 1989. In 2000, he had the honor of serving on a committee on parking with Mayor Betty Medlin. Over the years, the town developed a reputation that Carolina and Wrightsville Beach didn't have. We were at the forefront in beach crossovers and public access with assistance from coastal management. We had one of the foremost ideas of storm water treatment on the coast and have been recognized on the state level. Kure Beach was, and still is, the leader. What you have done tonight, and your call for volunteers, is a trend that started well over 20 years ago. It goes beyond what you do here and will result in the people in Raleigh and Washington DC offering their help, when needed, because of our reputation.



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3. Mo Linquist, 513 S 4th Avenue

Ms. Linquist read a note from resident Judy Larrick of 654 Settlers Lane stating that two years ago, over 300 citizens came to town council to stand against seismic testing and offshore drilling on our coast. Three members of council did not listen to the citizens and voted to not pass the opposing resolution. The citizens spoke again last November on Election Day. As a result, we are here tonight as proof that our democracy works: government by the people, for the people. Tonight, she thanks this council for saying no to big oil, no to officials that put our coast at risk, and yes to protecting our coast.

4. Barry Nelder, 601 Sandman Drive

Mr. Nelder stated he thanked council for the vote on the resolution against offshore drilling. Part of the flack or feedback from the previous mayor's endorsement of seismic testing was that the environmental and storm water committee was disbanded because the committee took a stand against it. He requested council consider re-instating the Storm Water and Environmental Committee.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Planning & Zoning (P&Z) Commission

a. Proposed amendment to Chapter 19-373(7) of code regarding political signs

Chairman Craig Galbraith stated the Town Attorney provided language for P&Z to consider amending the ordinance as per Council's request. P&Z has approved the proposed language.

MOTION – Commissioner Heglar made the motion to schedule a public hearing on Chapter 19-373(7) of the code, to be held at Town Hall before council's February 16th meeting beginning at 6:00 p.m.

SECOND – MPT Blozsinsky

VOTE – Unanimous

b. Shipping container building practices

Chairman Galbraith gave a brief overview of shipping container homes stating some are already in Carolina Beach. P&Z members discussed these homes and have mixed opinions.

P&Z attorney, Jim Eldridge, Building Inspector Batson and Chairman Galbraith discussed whether the current ordinances allow these types of homes. Inspector Batson stated his interpretation of the zoning ordinance is that this type of housing is not allowed, therefore he would not be able to approve any requests.

Attorney Eldridge said definitions in the code may allow and, if Inspector Batson denies it, the process for approval would be an appeal to the Board of Adjustment and possibly to the Superior Court. He said there is a tremendous body of case law for manufactured housing that is useful. He said it is an easy fix to the code to make it more clear.



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MOTION – Commissioner Heglar made a motion to direct P&Z to construct an ordinance or definitions, as necessary, to limit container housing to the RA-2T district, and to schedule a public hearing at the P&Z regular meeting held at Town Hall on February 3rd at 7:00 p.m.

SECOND – MPT Bloszinsky

VOTE – Unanimous

2. Shoreline Access, Beach Protection and Parking Committee

a. Parking spaces

Chairman Tony Gonsalves said he reviewed parking spaces on Fort Fisher Boulevard (FFB) with the Department of Transportation (DOT) and is asking council's approval to work with DOT to

- Add three spaces and extend one on FFB between L and I Avenues
- Add one 20-foot space on South FFB at G Avenue
- Add one new space on south FFB at F Avenue

MOTION – Commissioner Heglar made a motion to allow spaces as proposed.

SECOND – Commissioner Whitley

VOTE – Unanimous

3. Cape Fear Disability Commission

Representative Deborah McKenna stated she was asked a question about who has legislative approval of ATVs on the beach. She spoke with Building Inspector Batson who directed her to Police Chief Cooper. There is a request from a disabled citizen to use his ATV on the beach. Use of a beach wheelchair is extremely difficult for him to get himself and his things on the beach.

Mayor Swearingen asked Ms. McKenna to let the citizen know the town is investigating this. She also suggested she bring the request to the Cape Fear Disability Commission for feedback.

4. NHC Ports, Waterway and Beach Commission

MPT Bloszinsky stated there are challenges ahead for how funding will materialize in the future for beach nourishment. The inter-local agreement has expired without a solution from the county commissioners. We need to encourage them to come to some sort of resolution to resolve this. Six to eight million dollars every three years for a project will be difficult to sustain.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Finance Department

a. Proposed Fiscal Year 16-17 Budget Planning Calendar

Finance Officer Copenhaver asked council to approve the proposed budget calendar included in the agenda packet.



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MOTION – Commissioner Heglar made the motion to adopt the presented budget calendar with the amendment of moving the April 26th meeting to April 22nd.

SECOND – Commissioner Whitley

VOTE – Unanimous

2. Building Department

Building Inspector Batson stated sand is being pumped on the beach as of this morning. It was supposed to have started by December 28th, but didn't start flowing until January 11th. The project should be done by the end of February and will then move to Carolina Beach.

3. Public Works Department

a. Update on water report

Commissioner Heglar read a memo from Public Works Director Beeker giving an update on the recent drinking water violation. He said Public Works is sampling the water over and above the required number of times because we take water quality very seriously.

Said memo is herein referenced as part of these minutes.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Council vacancy interviews

Candidates Jim Dugan, John Ellen, Craig Galbraith and Allen Oliver introduced themselves and gave a brief overview of their experience to the audience.

Council members asked various questions of the candidates that included whether they could commit enough time to serve the town with other obligations, what experience they've had in serving the public and their willingness to participate in a strategic plan process.

MOTION – Commissioner Heglar made the motion to go into a closed session at 8:45 p.m. to discuss a personnel matter, per N.C.G.S. 143-318.11.(a)(6), to discuss a personnel matter.

SECOND – Commissioner Whitley

VOTE – Unanimous

MOTION – Commissioner Heglar made the motion to return to open session at 9:07 p.m.

SECOND – Commissioner Whitley

VOTE – Unanimous

MOTION – Commissioner Heglar made the motion to appoint Jim Dugan to the two- year term to fill the vacancy on council.

SECOND – Commissioner Whitley

VOTE – Unanimous

The Town Clerk administered the oath of office to Mr. Dugan and he took his seat with council.



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2. Schedule date of Council retreat to be held sometime in February

MOTION – Commissioner Heglar made the motion to schedule the Council Retreat on Monday, February 22nd at 8 a.m. at the Community Center.

SECOND – Commissioner Whitley

VOTE – Unanimous

3. Storm Water

Commissioner Heglar stated he continues to work with the Beachwalk community on storm water issues with their pond. The town's engineer submitted drawings to Beachwalk's engineer for the town's drainage into the pond. All of this information goes back to the state for approval to see if they will issue a permit. There is another community that has requested assistance on storm water. He asked for council to approve the Mayor and him to work with this community.

CONSENSUS – Commissioner Heglar will continue to work with the Beachwalk community on storm water concerns and another community that has requested assistance.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Lease request from Communications Specialists (internet provider) for the south water tower

Town Clerk Avery explained:

- She received a request from Communications Specialist to lease space on the water tower on Assembly Way.
- Four antennas will be placed on the tower with no equipment on the ground.
- The lease also specifies the need to plug into the town's electricity to run the equipment.
- Revenue would consist of free Wi-Fi at the Community Center (a \$231/month value) and pay as you go Wi-Fi in the Ocean Front Park and at Joe Eakes Park.
- She suggested the town also request monetary revenue as part of accepting the lease.

MOTION – Commissioner Heglar made the motion to empower Finance Officer Copenhaver to negotiate the lease terms with Communications Specialist.

SECOND – Commissioner Whitley

VOTE – Unanimous

2. Community Center parking lot beautification

MPT Bloszinsky stated the Community Center committee wants permission to get free tree seedlings and have Public Works help them plant them in the median of the center parking lot. The committee will water them because there won't be irrigation. He told them they must be native plants.

Mayor Swearingen said she was contacted by staff at the Wilmington Regional Association of

Memorandum

To: Council Members

CC:

From: Sonny Beeker

Date: January 14, 2016

Re: TTHM Water Sample

In response to a request by the Mayor, I am providing an update on the Drinking Water Total Trihalomethanes (TTHMs).

In December we sent out letters to property owners notifying them of a violation of water standards as a result of TTHM sampling. The allowable limit for TTHM is .08 mg/L and our yearly average for 2014-2015 exceeded this due to a high reading at one of our sample sites (0.141). We resampled at the same site on 11/24/15 and the results were well within the acceptable range (<0.001).

We will continue to monitor this and will let council know if we encounter additional problems.

Please let me know if you have any questions.

Thanks,

Sonny



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Realtors (WRAR) to assist with a project on the WRAR Community Day April 5. Mayor Swearingen called the Community Center chairman and they talked about having Island Women help with a landscaping design and the Wilmington Regional Association of Realtors (WRAR) to help with the manual labor of planting.

MPT Bloszinsky requested Mayor Swearingen get back to the committee with an update rather than him, since she is working with the realtors.

CONSENSUS – Mayor Swearingen is to work with the WRAR, Island Women, and the Community Center Committee on plantings in the median of the parking lot at the Community Center.

COMMISSIONER ITEMS

Mayor Swearingen stated she has been speaking with a staff member at the UNC School of Government about developing a comprehensive plan. The fee is usually \$1,000 per day which includes preparation, conducting sessions and follow up. There will be a preliminary discussion with this staff person. We need to have at least two council members and at least one or more members of the community that we view as potential leaders for this project. After this meeting which will determine the actual process, we may be able to do a lot of the work ourselves. She asked for a volunteer from the council and suggestions for someone in the community to help.

Commissioner Dugan volunteered to participate.

CONSENSUS – Mayor Swearingen and Commissioner Dugan will attend a preliminary planning session about a comprehensive plan conducted by the School of Government staff.

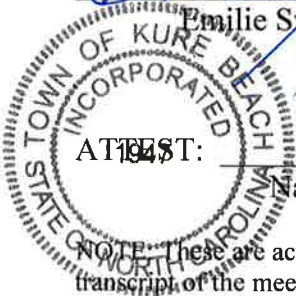
ADJOURNMENT


MOTION – MPT Bloszinsky made the motion to adjourn at 9:32 p.m.

SECOND – Commissioner Heglar

VOTE – Unanimous


Emilie Swearingen, Mayor



ATTEST:

Nancy Avery, Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting.