



TOWN COUNCIL MINUTES

REGULAR MEETING

March 24, 2016

The Kure Beach Town Council held their regular meeting on Thursday, March 24, 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
Commissioner Jim Dugan

STAFF PRESENT

Building Inspector – John Batson
Town Clerk – Nancy Avery
Deputy Town Clerk – Nancy Hewitt

CALL TO ORDER

Mayor Swearingen called the meeting to order at 6:30 p.m.

MOTION – Commissioner Dugan moved to approve the change in the council meeting date from Tuesday, March 22nd to Thursday, March 24th.

SECOND – Commissioner Heglar

VOTE – Unanimous

Reverend Thomas Williams delivered the invocation and led everyone in the Pledge of Allegiance.

AWARDS & RECOGNITION

Mayor Swearingen presented a Certificate of Appreciation to Reverend Thomas Williams and thanked him for his dependable service to the town in conducting the invocation at the council meetings.

APPROVAL OF CONSENT AGENDA ITEMS

1. Adopt Resolution R-16-04 transferring \$4,000 from the Contingency to the Council budget for Comprehensive Plan expenses and \$30,000 to the Administration budget for architectural services.
2. Approve Budget Amendment 16-06 authorizing transfer of \$4,000 from the FY2016 General Fund Contingency account to the Council budget for Comprehensive Plan expenses.
3. Approve Budget Amendment 16-07 authorizing transfer of \$30,000 from the FY2016 General Fund Contingency account to the Administration budget for architectural services.
4. Approve Budget Amendment 16-08 to increase the Lifeguard budget for the proceeds received (\$3,600) from the sale of surplus ATVs.



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5. Approve application for funding from NHC Tourism Development Authority (TDA) totaling \$8,500 for Pleasure Island Chamber of Commerce concerts held during the summer of 2015.
6. Approve application for funding from NHC TDA totaling \$3,300 for the 2015 Kure Beach Fantasy Christmas Show.
7. Approve reimbursement request from Mayor Swearingen who attended Promoting Sustainable Tourism Businesses meeting in Beaufort, NC on 3/9/16 for total cost of \$148.
- ~~8. Approve travel for Mayor Swearingen and Mayor Pro Tem Bloszinsky to attend the 2016 NC Coastal Local Governments Annual meeting in Pine Knoll Shores, NC, 4/20-4/21/16, for the approximate total cost of \$695.~~
9. Approve Paula Withrow's move to an alternate member position on the Parks & Recreation Board
10. Appoint Gregory Wrubluski as a regular member on the Parks & Recreation Board
11. Appoint Patti Rose as a regular member on the Parks & Recreation Board
12. Appoint Dennis Panicali as an alternate member of the Shoreline Access, Beach Protection and Parking Committee
13. Building Inspections Report – February 2016
14. Fire Department Report – February 2016
15. YTD Finance Report
16. Approve meeting minutes:
 - February 16, 2016 public hearing
 - February 16, 2016 regular council meeting
 - February 22, 2016 council retreat

Mayor Swearingen asked that Item 8 on the Consent Agenda be removed and placed together with Item 2 under New Business, to be discussed at the same time.

MOTION – Commissioner Heglar moved to adopt the Consent Agenda Items, as amended.

SECOND – Commissioner Dugan

VOTE – Unanimous

Said resolutions and budget amendments are herein incorporated as part of these minutes.

ADOPTION OF THE AGENDA

Mayor Swearingen asked to amend the meeting agenda by adding “LED Streetlights” as Item 1 under Old Business and to amend the list of Mayor Updates by moving “Upcoming Events” to Item 7, adding “Meeting with Colonel Hart from MOTSU” as Item 5 and adding “Town Attorney Review of Non-zoning Ordinances” as Item 6.

Commissioner Heglar asked to amend the meeting agenda by adding “Room Occupancy Tax for Short-term Rentals” as Item 5 under New Business.



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MOTION – Commissioner Dugan moved to adopt the meeting agenda, as amended by Mayor Swearingen and Commissioner Heglar.

SECOND – Commissioner Heglar

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Don Harris, 777 Sloop Pointe Lane

Mr. Harris stated the following:

- Asked council to consider allowing him to bring his ATV on the beach to carry his fishing equipment because he is disabled and unable to get to the shoreline without an ATV to carry his fishing equipment.
- His passion in life is fishing and he'd like to be able to do it without the help of others.
- He has acquired a special use permit at the Fort Fisher State Recreation Area (FFSRA) to use his ATV on their beach, but he would also like to be able to fish in Kure Beach.
- Council could issue a limited amount of special permits for this and he would be willing to abide by any location and time constraints set by council, as well.
- He has a trailer to transport his ATV to the ADA beach access ramp, so he would not be illegally driving his ATV on the roads.

Building Inspector Batson said the only entities currently allowed to drive an ATV on the beach are ocean rescue and emergency vehicles, and the Pleasure Island Sea Turtle Project which is required to maintain the town's beach nourishment permit.

Mayor Swearingen said the police and fire chiefs have said they would not support Mr. Harris' request at this time, for any purpose, because they are concerned about the narrow width of the beach and their ability to get emergency vehicles on it.

Commissioner Dugan added that they are also afraid the beach will be overrun with ATVs for disabled/handicapped if they allow this.

Mr. Harris said he doesn't feel it's fair for the police and fire chiefs to deny his request without considering the options.

Commissioner Dugan said he will work with the police and fire chiefs to consider Mr. Harris' suggestions and bring back their recommendation to council at next month's meeting.

Mayor Swearingen asked Inspector Batson to contact the Fish and Wildlife Service to see if they have any new regulations about ATVs on the beach that could affect the sea turtle habitat because she thinks the preliminary regulations said something about not allowing them.



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Mr. Harris suggested that Inspector Batson also check with the FFSRA because he knows they have regulations regarding turtle nests.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Marketing Advisory Committee (MAC)

a. New Strategic Plan

Committee member, Debbie Elliott, presented their new Strategic Marketing Plan to council, as follows:

- They would like to conduct a cooperative marketing program where the three local beaches and Wilmington advertise together in one marketing campaign.
- The total cost to Kure Beach for the cooperative campaign would be \$20,000 for year 2017-2018, leaving Kure Beach with \$40,000 to do targeted marketing for the town.
- The local beaches have a unique situation being located next to a very attractive, historic city, and that needs to be emphasized in the cooperative campaign.
- The TDA will do a brand awareness study, before the campaign, to give them clear benchmarks and then use other programs to analyze the market further.
- It would be a smart approach to draw people to the area with cooperative ads and then entice them to stay in Kure Beach through targeted ads.
- All three beach marketing committees and Wilmington have agreed they'd like to do this.
- The committee will go before the TDA next week with the proposal and come back to council in June with a more defined budget and recommendation.
- Even though this is a strategy for year 2017-2018, the committee would like to get an agreement from council by June 2016 to allow the creative teams enough time to put together the study and create the campaigns.

2. Planning & Zoning (P&Z) Commission

a. Revised draft zoning ordinance amendment to Section 190-373(7) for political signs
P&Z Vice-chair, Alan Votta, explained the changes to the ordinance recommended by the commission.

The following suggestions and comments were made:

- Language regarding all three types of elections, "primary, general and run-off," needs to be put in the ordinance. Remove wording on portable political signs. Remove the language forbidding signs on public property since you can't forbid them near the polling place and in the Extraterritorial Jurisdiction (ETJ). Council can also choose the option of leaving the current ordinance as-is. (Swearingen)
- There were no problems with the current ordinance until people had problems with it during the last election. Hold off on amending the ordinance to see if there are problems with it during the presidential election. (Dugan)



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- We have an ordinance the building inspector can't enforce because the town attorney says it's illegal. Since council knows this, it needs to be fixed. It needs to be clarified about signs on town property or people will put signs everywhere. (Heglar)
- Our current ordinance prohibits political signs in the ETJ which is illegal, according to G.S. 136-32. (Town Attorney)

MOTION – Commissioner Heglar moved to revise the proposed amendment to Section 190-373(7) for political signs, as follows: add “During the period beginning on the 30th day before the beginning date of ‘one-stop’ early voting and ending on the 10th day after the primary, run-off or Election Day, political signs may be erected on any privately owned premises.” Also, remove the sentence “Portable political signs are not permitted.”

SECOND – Commissioner Whitley

VOTE – Unanimous

MOTION – Commissioner Heglar moved to schedule a public hearing for the purpose of receiving input on the proposed amendment to Section 190-373(7) for political signs as the first item of business on the April 19th council meeting agenda to be held at Town Hall beginning at 6:30 p.m., or soon thereafter.

SECOND – MPT Bloszinsky

VOTE – Unanimous

b. Update on discussion of Shipping Container Houses

P&Z Vice-chair Votta said that P&Z is still working on the issue of container houses.

MPT Bloszinsky pointed out the email from P&Z Chairman John Ellen which gives a general status on the issue and states there are still some things P&Z is considering.

Commissioner Heglar said the last sentence of Chairman Ellen's email says that P&Z is checking with other towns to see how they are handling the issue.

P&Z member, Kenneth Richardson, said that they have already checked with a few municipalities, including Southport, Topsail and Wilmington, and most of them don't have this issue yet; but a couple of the towns said they wouldn't allow them. He said Wilmington is allowing container homes for certain situations.

Commissioner Heglar asked Vice-chair Votta to email council the two proposed ordinances regarding container houses after P&Z's April meeting to give council a chance to consider them before the council meeting.



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The town attorney said that, when he went before P&Z on this subject and the political sign ordinance, the P&Z attorney got involved as well. He said he doesn't want council to think he worked on these by himself.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

- a. Adoption of resolution R16-05, declaring an exemption from the Qualifications Based Selection process required by G.S. 143-64.31 for architectural services

Town Clerk Avery said she was directed by council at their February retreat to begin the process of hiring an architect to provide drawings and a construction budget for the expansion of town hall, and to build a new fire station. She made the following points:

- A Request for Qualifications (RFQ) is required by the state to hire an architect, but you can't request pricing information.
- Once a firm is selected, a price can be negotiated, but if the price isn't acceptable to council, they can choose another architect from the proposals.
- This process puts council in a position of trying to decide if the price is reasonable without being able to compare the prices from the other firms.
- There's another state statute that allows us to exempt ourselves from the RFQ process and request pricing as part of the selection process, but it can only be done if we expect the cost of the service to be less than \$50,000.
- She recommended council approve the resolution to exempt the town from the state's RFQ requirement.

The town clerk said the town went through the RFQ process for the Ocean Front Park (OFP) and council couldn't talk about pricing during the selection process. She showed council the Request for Architectural Design Services she created that would require firms to submit their proposals, along with pricing. She said the firms would be required to submit their proposals by April 20th, to be reviewed by council at their April 22nd budget workshop. She said council already approved the budget amendment to transfer \$30,000 from the Contingency Fund to the Administration budget in the consent agenda.

MOTION – Commissioner Heglar moved to adopt resolution R16-05, declaring an exemption from the Qualifications Based Selection process required by G.S. 143-64.31 for architectural services related to expansion of Town Hall and design of a new fire station.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

- b. Approval of Request for Architectural Services for the expansion of Town Hall and design of a new fire station



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The town clerk asked council to approve the Request for Architectural Services, adding that the department heads have already reviewed it and are all in favor of it.

The building inspector said the request prepared by the town clerk was very well done.

MOTION – Commissioner Heglar moved to approve the Request for Architectural Services related to expansion of Town Hall and design of a new fire station, as presented.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Mayor Swearingen said Town Clerk Avery has done an excellent job of putting this together and added that a project manager from staff should be assigned to work with, and oversee, the architect to make sure everyone's wishes are included and all town ordinances are followed. She recommended the building inspector be the project manager.

Inspector Batson said it was a little early to assign a project manager, and he and the town clerk will be working together throughout the process. He said that, after the architectural firm is chosen, they can sit down together to discuss what is wanted.

Commissioner Heglar agreed that assigning a project manager should be discussed after an architectural firm is chosen. He said he doesn't want to run into the problems that occurred during the OFP construction.

MPT Bloszinsky said there are a few department heads who have a very specific idea of what they want for their department and the project manager shouldn't necessarily have the ability to override their wishes. He said the project manager should be responsible for making sure deadlines are met, the Gantt charts are followed and to be the liaison for revisions that need to be made.

Inspector Batson said that the title "project manager" is used loosely and he looks at the role as being the town's representative who is keeping an eye on the project. He said he isn't interested in having a thing to do with the project if an architect isn't the main project manager of the entire process. He said that's the only way the project should move forward.

Mayor Swearingen said she has looked into the costs of construction of the proposed project and expects it will cost about \$2 million to complete. She said that architects and engineers charge about 10-20 percent of the total cost of the project.

Town Clerk Avery said that she and Inspector Batson have agreed that the architect should be the project manager which was the case when the hallway was added to town hall; the architect was



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the project manager who oversaw the contractor. She said Inspector Batson doesn't want to have to oversee the contractor, since the liability should be on the architect, not a town employee.

The mayor suggested having the county's project manager, who oversees their large construction projects, come and talk with them at some point.

Commissioner Dugan said council hasn't decided they are officially going to do this project and recommended they wait to get through the budget process before proceeding with consultations and deciding on a project manager.

2. Building Department

Inspector Batson said he received the CAMA permit exemption to build the H Avenue ADA beach access ramp and asked for council's approval to close the current H Avenue beach access ramp and adjoining parking lot so that crews can start work. He said the parking lot could still be open on weekends, if that is how council wants it.

MOTION – Commissioner Heglar moved to close the H Avenue beach access and parking lot, as necessary, to support the building of an ADA beach access ramp.

SECOND – Commissioner Whitley

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. LED Streetlights

Mayor Swearingen asked council if they wanted to approve the proposal from Duke Energy to change out all of the town's street lights to LED lights, noting that it will cost \$6,400 to do this, but it is estimated to save the town \$3,400 annually.

MOTION – Commissioner Heglar moved to approve upgrading all of the town's street lights to LED at a cost of \$6,400, to be transferred from the Contingency Fund to the Public Works budget.

SECOND – Commissioner Dugan

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Interview of applicant process for committees, Planning and Zoning (P&Z) Commission and the Board of Adjustment (BOA)

Mayor Swearingen said that P&Z and the BOA can't interview applicants for membership because of state law, but she wanted to know if they could informally talk to the applicants to let the applicant hear from the members and to allow the members to see how compatible they are. She said she remembers during Mayor Medlin's administration that this was allowed.



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Town Attorney Canoutas said that, during Mayor Medlin's administration, the members wouldn't interview the applicants but would simply tell council they were fine with the application; then council was responsible for interviewing them. He said that it is especially important for the BOA to have council do the interviews, since it is a quasi-judicial board.

2. April NCBIWA 2016 Coastal Local Governments Meeting on 4/20-4/21/16 in Pine Knoll Shores, NC: \$250 Bronze Sponsorship and travel for Mayor Swearingen and Mayor Pro Tem Bloszinsky to attend the meeting at the approximate cost of \$695.

Mayor Swearingen said she thought it would be nice if council would be a sponsor of the event this year, since they have never done this before. She said she spoke to the new president, Kathleen Riely, who told her that being a member of the NCBIWA entitles the town to two, free meeting registrations per year.

MOTION – Commissioner Heglar moved to approve a \$250 Bronze Sponsorship for the annual NCBIWA Coastal Local Governments Annual meeting in Pine Knoll Shores, NC, and to approve Mayor Swearingen and MPT Bloszinsky's travel to it, excluding the registration fees, to be paid from the Council budget.

SECOND – Commissioner Dugan

VOTE – Unanimous

3. FY2017 Sewer Authority rates

Commissioner Heglar said they met with Carolina Beach about the water/sewer rates and Finance Officer Copenhaver did a good job going over everything and reviewing the rates.

Commissioner Dugan said that Kure Beach is about ten years ahead of Carolina Beach in infrastructure and the costs dropped when the town stopped sending all of its rainwater to them. He said Carolina Beach is now starting to catch up, but it will be to Kure Beach's detriment because that's what drives the fixed costs up.

MOTION – Commissioner Heglar moved to approve the FY2017 Sewer rates set by the Kure Beach/Carolina Beach Sewer Authority as follows:

- *Variable costs: \$77.66 per 1,000 gallons*
- *Fixed costs: \$13,671.31 per month*
- *Capital Recovery: \$3,746.25 per month*

SECOND – MPT Bloszinsky

VOTE – Unanimous

4. Council travel expenses

Mayor Swearingen said that she was told that travel has to be approved "in advance" by council but that it doesn't say that in the town's travel policy.



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5. Room Occupancy Tax (ROT) for Short-term Rentals

Commissioner Heglar reviewed what he found out from the county tax representative about the ROT collection process and also reviewed a letter the tax office mailed to over 9,000 property owners in the county notifying them of their responsibility to pay the ROT and state tax if they rent their property short-term. His other comments were, as follows:

- The county doesn't have a good process for monitoring and collecting ROT from short-term rental properties; rather, they depend on the honor system with property owners.
- The only exemption to paying ROT is for people who rent their properties for less than 15 days or more than 90 days, annually.
- Council may be able to determine who is renting their property short-term by asking public works, the building inspector and the police and fire departments about their observations.
- Town staff could pull information off of websites like Air B&B to compare with the list from the tax office.
- Property management companies might be cooperative, since they probably don't appreciate violators getting away with charging a lower rental charge without ROT.
- This issue should be brought up at the Community Visioning Day event.

Commissioner Heglar recommended taking these steps to address the issue in 2016, as follows:

- In April, communicate to all homeowners through the newspaper, town website and email distribution that the town is beginning an audit process to determine unreported ROT from short-term rental properties; and identify short-term rental properties by polling realty and property management companies and town departments for their input.
- In May, mail letters to potential non-compliant property owners notifying them that we believe they are renting short-term without paying ROT and that we will report them to the tax office and the IRS for tax violation; then follow up with the tax office to see if they received any new accounts from those to whom letters were mailed and, subsequently, report non-compliant property owners to the tax office.
- In April or May, consider charging a different water/sewer/garbage rate for short-term rental properties during the budget process so that the finance officer can determine the impact it could have on the budget and, if a new utility rate is agreed upon by council, all short-term rental property owners should be notified of the proposed new rate so they can come to council before the budget is set to give their input.

Mayor Swearingen said she doesn't want to discuss this issue in depth during Community Visioning Day, as that is not what the event is supposed to be targeting. She said she has spoken to realtors who have suggested the ROT information be put in the management companies' contracts for the renters to sign.



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Commissioner Heglar said that the town will provide all of the information to the realtors and they are welcome to put it in their contracts.

MPT Bloszinsky and Commissioner Dugan volunteered to work on the issue to take the workload off of town staff.

CONSENSUS – Council would like to pursue tracking down unreported short-term rentals in Kure Beach in order to report their findings to the county tax office to collect ROT.

Town Clerk Avery said that the town is not the taxing authority and should be careful what is said and how it is said in any letters going to property owners. She asked if there is any guarantee from Mr. Kelly at the county tax office that he will follow up on the information he receives from the town.

Commissioner Heglar said that he would not send out any letter without the town attorney approving it. He said Mr. Kelly told him that he will take seriously any reports from a town that there is someone in violation of a tax law.

Mayor Swearingen said the tax office would be in as much trouble as the property owner if the town provided information to the office and they refused to collect the ROT.

MPT Bloszinsky said he believes the county will take action if council reports their information, since the county and state will also receive revenue from it.

Commissioner Whitley said that the issue was discussed during a P&Z meeting, and the representative from the tax office who attended said he thinks Kure Beach is losing about \$500K annually and Carolina Beach is losing even more.

The town clerk asked why the representative, then, doesn't do something about it if he knows this rather than leave it up to the town to handle.

The response was that he is the only person assigned to handle this issue in New Hanover County.

Commissioner Heglar said that the town is certainly allowed to find and report violators, and Mr. Kelly said he would accept the information.

Town Attorney Canoutas said Mr. Kelly will probably give it to Wanda Copely, the county attorney.



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Town Clerk Avery said that, years ago, the town did some discovery work on this issue and sent their information to the county but could never see the county's list to know whether they did anything with it.

MAYOR UPDATES

1. Promoting Sustainable Tourism Businesses meeting

The mayor reviewed the agenda of the meeting and said she hopes that Kure Beach will one day be recognized as a "green destination." She said the town's businesses could benefit from some of the information provided and she would like to invite Tom Rhodes from NC Green Travel to come and talk with council sometime.

2. NCLM Legislative Agenda

The mayor said NC legislators are thinking about revising the tier system used to appropriate sales tax money across the state. She said there is also a bill being pushed through the legislature where municipalities will no longer have any authority over billboards in their community; this will allow anyone to put up billboards anywhere in the state. She said she can't imagine a billboard in the middle of Kure Beach.

3. DOT Bike/Pedestrian Plan

The mayor said DOT is developing a bike and pedestrian plan for the entire region, and the greenway plan that was developed by the MPO three years ago will automatically be part of it.

4. Comprehensive Plan

The mayor said that, during the Community Visioning Day event, she will have participants divide into groups for discussion. She said she will need volunteers to walk around and oversee the discussions to keep them on track and answer their questions. She said she doesn't want the people who monitor the groups to talk about their own agendas, but it's about the residents talking and putting things together themselves.

5. Meeting with Colonel Hart from MOTSU (Sunny Point)

The mayor said she met with Colonel Hart from Sunny Point who told her that the trees will be cleared at the corner of Dow Road and Ocean Boulevard to enable drivers at the intersections to see oncoming vehicles.

6. Town Attorney Review of Non-zoning Ordinances

The mayor said she met with the town attorney and they discussed reviewing and amending non-zoning ordinances that have been on the books for 40-60 years and to removing those that don't make sense or are no longer applicable to the town. She said the attorney will be working with the department heads on this.



TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R16-04

**TRANSFERRING FUNDS FROM CONTINGENCY LINE ITEM TO
FY 15-16 TOWN COUNCIL BUDGET FOR COMPREHENSIVE PLAN EXPENSES
AND ADMINISTRATION BUDGET FOR ARCHITECTURAL SERVICES EXPENSES**


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 15-16 Budget Amendments totaling \$34,000 (Town Council - \$4,000 and Administration - \$30,000) for Comprehensive Plan expenses and architectural services; and

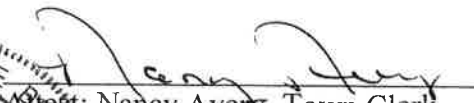
NOW, THEREFORE, BE IT RESOLVED THAT the Kure Beach Town Council authorizes the Finance Officer to transfer funds in the amount of \$34,000 from the General Fund Contingency account. These funds are to be allocated to the following FY 15-16 departmental budgets:

Town Council – Comprehensive Plan	<u>\$ 4,000</u>
Administration – Architectural Services	<u>\$30,000</u>
Total	<u>\$34,000</u>

Adopted by the Kure Beach Town Council this 24th day of March, 2016.


Emilie Swearingen, Mayor




Attest: Nancy Avery, Town Clerk



TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R16-05

RESOLUTION DECLARING AN EXEMPTION FROM G.S. 143-64.31 REQUIRING INITIAL SELECTION OF ARCHITECTURAL FIRMS WITHOUT REGARD TO FEE

WHEREAS, G. S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee; and

WHEREAS, the Town of Kure Beach proposes to enter into one or more contracts for design services for a conceptual architectural design for expansion of the town hall complex and construction of a separate building to be used as a fire station; and

WHEREAS, G. S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

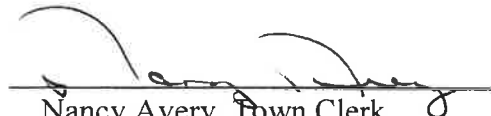
WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000

NOW, THEREFORE BE IT RESOLVED, that the Kure Beach Town Council does hereby declare the above described project exempt from the provisions of G.S. 143-64.31.

Adopted this the 24th day of March, 2016.


Emilie Swearingen, Mayor




Nancy Avery, Town Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2016

AMENDMENT DATE: 02/16/2016

Budget Amendment No.: 16-06

DESCRIPTION/PURPOSE OF AMENDMENT

At the 2/16/16 Town Council meeting, Council directed the Finance Officer to prepare a Resolution to transfer \$4,000 from the General Fund Contingency to the Town Council budget for expenses relating to creation of a Comprehensive Plan for the Town. At the 03/24/16 Town Council meeting, Council adopted Resolution 16-04 to transfer funds from the FY 2016 Contingency Fund to the Town Council budget for the Comprehensive Plan expenses.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-410-65-01	Governmental & Volunteer Relations	\$4,000	
10-490-00-00	General Fund Contingency		\$4,000

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: Kure Beach Town Council Date: 02/16/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 02/16/16

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

Approved by Council 03/24/16  Emilie Swearingen, Mayor

 Nancy Avery, Town Clerk



BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2016

AMENDMENT DATE: 02/22/2016

Budget Amendment No.: 16-07

DESCRIPTION/PURPOSE OF AMENDMENT

At the 2/22/16 Town Council Retreat, Council directed the Finance Officer to prepare a Resolution to transfer \$30,000 from the General Fund Contingency to the Administration Capital Outlay account. The purpose of the transfer is to provide funds for architectural services in relation to expansion of the Town Hall complex and construction of a fire station. At the 03/24/16 Town Council meeting, Council adopted Resolution 16-04 to transfer funds from the FY 2016 Contingency Fund to the Administration Capital Outlay account for the architectural services expenses.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-420-74-00	Capital Outlay	\$30,000	
10-490-00-00	General Fund Contingency		\$30,000

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: Kure Beach Town Council Date: 02/22/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 02/22/16

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



Approved by Council 03/24/16

Emilie Swearingen

Emilie Swearingen, Mayor

Nancy Avery

Nancy Avery, Town Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2016

AMENDMENT DATE: 02/26/2016

Budget Amendment No.: 16-08

DESCRIPTION/PURPOSE OF AMENDMENT

The Fire Department/Ocean Rescue sold two ATVs for \$3,600. The ATVs were declared surplus equipment on December 31, 2015. This budget amendment is to increase the Lifeguards Minor Equipment Purchases budget in the amount of the proceeds received.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-531-73-00	Minor Equipment Purchases	\$3,600	
10-381-00-00	Sale of Surplus Property		\$3,600

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: Ed Kennedy, Assistant Fire Chief Date: 02/26/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 02/26/16

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



Approved by Council 03/24/16

Emilie Swearingen

Emilie Swearingen, Mayor

Nancy Avery

Nancy Avery, Town Clerk



TOWN COUNCIL MINUTES

REGULAR MEETING

March 24, 2016

The town attorney stated he will also be working on the penalty sections of the ordinances. He said there are several situations in the ordinances where the same ordinance has both a civil and a criminal penalty. He said that a violation needs to be considered a civil violation or a criminal violation, not both, and the penalty should be assigned accordingly. He said he will submit his recommendations to council at an upcoming meeting.

The mayor said that some of the ordinances are personnel issues and should be in the personnel policy, not in the ordinance.

7. Upcoming Events

The mayor said she will be going to UNCW to watch the new chancellor be sworn in and will meet with Senator Tillis' representative afterwards. She invited members of council to go with her or share anything they want her to convey.

COMMISSIONER ITEMS

1. Commissioner Héglar said that he, Mayor Swearingen, Public Works Director Beeker and the town attorney met with the Beachwalk Homeowners Association (HOA). They discussed a project to bring their retention pond compliant with state standard, as follows:
 - A town-owned pipe needs to be redirected from the Beachwalk retention pond.
 - The project will probably start in late May or June, after the permit is approved, and it may take about five months to complete.
 - Beachwalk HOA will send a request letter to council asking to use the town's Sandman Drive property as a laydown area; this is to be put on the April council agenda for discussion and consideration.
 - There will be no dumping of spoil or hazardous material, and a fence will be erected around the laydown area where heavy equipment and supplies can be kept.
 - The laydown area will reduce the movement of heavy equipment through the town.
 - Council will notify the HOA representing Sandman Drive that this will be discussed at the April meeting so they can attend and share their concerns.

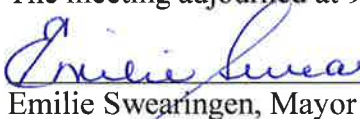
ADJOURNMENT

MOTION – Commissioner Dugan moved to adjourn the meeting.

SECOND – Commissioner Heglar

VOTE – Unanimous

The meeting adjourned at 9:25 p.m.


Emilie Swearingen, Mayor




ATTEST: Nancy Hewitt, Deputy Town Clerk

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