



TOWN COUNCIL MINUTES

REGULAR MEETING & PUBLIC HEARING

April 19 & 21, 2016

The Kure Beach Town Council held their regular meeting on Tuesday, April 19, 2016 at 6:30 p.m., recessed it after the Public Hearing, and reconvened it on Thursday, April 21, 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 (4/22 only)
Commissioner David Heglar
Commissioner Joseph Whitley
Commissioner Jim Dugan

STAFF PRESENT

Building Inspector – John Batson (4/22 only)
Finance Officer – Arlen Copenhaver (4/22 only)
Police Chief – Dennis Cooper (4/22 only)
Recreation Manager – Nikki Keely (4/22 only)
Town Clerk – Nancy Avery
Deputy Town Clerk – Nancy Hewitt

CALL TO ORDER

Mayor Swearingen called the meeting to order at 6:30 p.m. and opened the public hearing stating that its purpose is to receive comments on the revised draft proposal to amend Chapter 19 Zoning, Article VI Signs, Section 373 Exceptions, number (7), for political signs. Changes proposed to the current code include removing specifics on placement of political signs on private property while clarifying the time period in which they can be erected, revising the distance signs can be placed in reference to the polling place (Town Hall) and specifying where signs can be placed within the Extraterritorial Jurisdiction (area outside of official town limits). Notice of the public hearing was posted at Town Hall and on the town's website on March 29, 2016, and was published in the Island Gazette on April 6 and 13, 2016.

PUBLIC COMMENTS

1. John Ellen, 181 Seawatch Way/Planning and Zoning (P&Z) Commission Chairman
Mr. Ellen said he came to give a background on the reason for the draft ordinance amendment but, since no one else came to address council, he would like to speak to council as a concerned citizen of Kure Beach. He proposed striking the part about the Extraterritorial Jurisdiction (ETJ) and to not allow political signs along Dow Road. He said there will be a general election this year and, if the ordinance is approved as-is, the signs for the upcoming election will be lined along Dow Road. He said this causes it to become a safety issue since he can't keep his eyes out for deer if his eyes are looking at the signs.



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Mayor Swearingen asked if anyone else wanted to address council and, as no one indicated their desire to speak, she asked for a motion to close the hearing.

CLOSING OF PUBLIC HEARING

MOTION – Commissioner Heglar moved to close the public hearing.

SECOND – Commissioner Dugan

VOTE – Unanimous

MOTION – Commissioner Heglar moved to recess the regular council meeting to be reconvened at Town Hall on Thursday, April 21, 2016 at 6:30 p.m. or soon thereafter.

SECOND – Commissioner Whitley

VOTE – Unanimous

Meeting recessed at 6:35 p.m.

Mayor Swearingen reconvened the regular meeting of the Kure Beach Town Council on Thursday, April 21, 2016 at 6:30 p.m.

MPT Bloszinsky delivered the invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. Adopt Resolution R-16-07, transferring funds from the Contingency line item to FY15-16 Streets and Sanitation budget for street light upgrades
2. Approve Budget Amendment 16-09 authorizing transfer of \$6,400 from the FY2016 General Fund Contingency to the Streets and Sanitation budget for LED street light upgrades
3. Approve Budget Amendment 16-10 totaling \$19,307 for Ocean Front Park maintenance expenses and the related increase in TDA revenue
4. Approve Budget Amendment 16-11 to establish a \$2,535 budget for the U.S. Department of Justice Body Armor Grant
5. Approve application for funding from NHC TDA totaling \$19,307.44 for expenditures incurred for maintenance and improvements to the Ocean Front Park pavilion for the upcoming 2016 tourist season
6. Appoint Bill Moore as a member of the Emergency Operations Committee
7. Appoint Sandra Finch as a member of the Emergency Operations Committee
8. Renew three-year term for Tony Garibay on the Board of Adjustment
9. Building Inspections Report – March 2016
10. Fire Department Report – March 2016
11. YTD Finance Report Meeting
12. Minutes: March 24, 2016 regular meeting
13. Adopt Resolution 16-06 to adopt a Memo of Understanding for the Wilmington Metropolitan Planning Organization



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Mayor Swearingen asked that Item 1 under New Business, the adoption of Resolution R16-06, be moved under the Consent Agenda as Item 13.

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

SECOND – MPT Bloszinsky

VOTE – Unanimous

The resolution and budget amendments are herein incorporated as part of these minutes.

ADOPTION OF THE AGENDA

Mayor Swearingen asked that Mayor Travel to Raleigh be added as Item 1 under New Business, to replace the item she moved to the Consent Agenda, and asked that NCBIWA Meeting Update be added under Mayor Updates.

Commissioner Whitley asked that Item 3 under New Business, Guns in or on town property, be moved up to Item 1 so that the people who came for that discussion don't have to stay through the entire meeting.

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

SECOND – MPT Bloszinsky

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Fred Edgecomb, 106 Bluefish Lane

Mr. Edgecomb said the proposal to restrict firearms is only going to affect law abiding citizens since criminals won't pay any attention to it. He said that the safest group of people he can imagine are gun owners who don't violate laws. He said that gun accidents have been declining for many years and there have been no incidents in Kure Beach that he knows of.

2. Tami Hahn, 309 E Avenue

Ms. Hahn said she understands council has a positive intent to discuss this subject, but she asked if they would put a sign on their door that said they aren't home tonight and their doors are unlocked. She said when you put up a gun-free zone sign and ban law abiding citizens from carrying guns, you have essentially announced to a criminal that this is a place where people have been disarmed. She said that, with two exceptions, every public mass shooting since 1950 has taken place where citizens were banned from carrying guns. She presented council with studies and statistics on the public safety benefits of allowing law abiding citizens to carry guns.



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3. Nate Berry 1322 Spring Valley Road, Wilmington

Mr. Berry said that he is a member of law enforcement. He said that legalized concealed gun carriers are the last people he is worried about and wishes every citizen who has a concealed carry would be able to carry their weapon onto any property. He said they are the most law abiding citizens out there.

4. George Turner, 521 S. 5th Avenue

Mr. Turner said he had an incident at his burger house where an intoxicated individual banged on the window of his business before it opened and demanded to be waited on. He said he asked the man to wait until he opened and, when he kept banging, Mr. Turner asked him if he believed in God, showed him his gun, and the man left right away.

Mayor Swearingen thanked everyone for coming to the meeting to share their concerns and presented her thoughts on the subject, as follows:

- Her intention was not to do anything other than review the issue and be an educational time for council.
- She gave two real-life scenarios involving shootings during parking disputes and also presented “what if” scenarios to consider.
- She said that alcohol consumption often plays a part in shooting incidents, stating that the Community Center allows alcohol to be served at functions that are specially permitted.
- She asked what council should do to keep Kure Beach safe and asked the public to send her their recommendations via her town email address.
- She read portions of N.C.G.S. 14-415.23 on Statewide Uniformity for the regulation of legally carrying a concealed handgun.
- She said she isn’t as concerned about the “good guys” as she is about the “bad guys,” but she doesn’t know how to tell the difference between them, sometimes.

Commissioner Heglar said the laws regarding open carry in North Carolina are broader and, if concealed carry is banned, some people may start wearing them in the open and the police couldn’t stop them from doing so. He said Article 1, Section 30 of the State Constitution gives even more rights for open carry than the U.S. Constitution. He said concealed carry requires training, while open carry does not.

Commissioner Whitley said it’s a long process to get a permit to carry a gun.

Commissioner Heglar said guns can be easily bought from a personal sale, second-hand, which he thinks is much worse than people carrying concealed weapons who have at least been trained. He said citizens should be able to choose for themselves what to do and council can talk about anything they want; but he wants to be notified by council of any controversial issues they wish to put on the agenda so he will be ready to answer questions from the public and not be blind-sided.



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MPT Bloszinsky said Second Amendment rights have been defined by the government, and he doesn't want to change any of them for Kure Beach. He said it's always good to have a discussion on any topic, but council has plenty of weighty matters and local issues that need to be addressed for the benefit of the citizens other than matters that have already been determined nationally.

Commissioner Whitley said he is a concealed carry permit holder and has supported that right for years.

Commissioner Dugan said it's important for council members to share ahead of time any issues they want put on the agenda that involve research or the possibility of controversy; that goes for all council members, not just the mayor.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee

a. Plantings and flag pole

Robin Sack, chairman, thanked volunteers from the Wilmington Regional Association of Realtors (WRAR) for planting, weeding and cleaning up around the Community Center on April 5th, during Realtors Action Day. She said that, between the WRAR and the Community Center Committee members, over 20 volunteers helped plant the flower bed in the center's parking lot. She said that the plants were donated by Denyse Fredrickson from Island Women and added that the WRAR is also going to donate a new flag pole to be installed in front of the center.

MPT Bloszinsky thanked the WRAR and the Community Center Committee for helping beautify the parking lot median, and he also thanked Town Clerk Avery for her role in coordinating it.

2. Planning and Zoning (P&Z) Commission

a. Interview John Cawthorne for alternate position

Mr. Cawthorne of 281 Seawatch Way said he has lived in Kure Beach for less than a year and shared his background as an Air Force Civil Engineer and his involvement with planning. In answering questions from council, Mr. Cawthorne gave the following feedback:

- He is interested in being a member of the commission because he wants to be more involved in, and support, the community.
- He can use his background in planning and civil engineering to help.
- He understands the commission reviews the current zoning and planning laws, they make recommendations to council, and they review applications which is the same thing he does as a civil engineer.
- His background is in environmental engineering, and dealing with noise, air compatibility use zones and parking on military bases.



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MOTION – Commissioner Heglar moved to appoint John Cawthorne as an alternate member on the Planning and Zoning Commission.

SECOND – MPT Bloszinsky

VOTE – Unanimous

b. Proposals for new ordinances regarding container houses

John Ellen, chairman, said P&Z has presented two options for an ordinance regarding container dwellings: one that would prohibit them and one that would allow container dwellings only in the RA-2T district.

Commissioner Dugan asked if there was any discussion as to using containers for businesses.

P&Z Attorney, James Eldridge, said the text amendments to the definitions in the code limits containers to be used as “container dwellings.” So, by regulating the definition of a container to being a dwelling, it prohibits them from being used for any other purpose.

Mayor Swearingen asked if the commission considers short term rentals a business.

Chairman Ellen said, if council decides to regulate rather than prohibit containers, the container dwelling can be rented just like any other dwelling in Kure Beach. He added that P&Z will come back to council as they continue the process of updating the zoning ordinances on new issues that come to their attention.

Commissioner Heglar agreed with Chairman Ellen stating he would like P&Z and the building inspector to always keep their eyes out for new zoning-related issues as more and more unusual things come up regarding properties, and to keep council informed about them so they can be proactive. He said that it was the citizens of Kure Beach who brought the issue of container homes to council’s attention.

Attorney Eldridge said, to handle unusual zoning requests, the recommendation is to take an unlisted use and treat it the same way the most similar use would be treated. He said it will take a lot of work, but drafting proper amendments, guidelines and standards will enable the permitting decision to not appear arbitrary.

MPT Bloszinsky asked if there are any towns that have prohibited the use of containers, to which Attorney Eldridge said none have been identified that he knows of.

Attorney Eldridge said that, anytime one considers prohibiting or limiting by regulation a use, one needs to be cognizant of potential legal challenges; so, in order to safe guard the town from the expense of those challenges, the town needs to make sure the prohibitive or limiting



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ordinance includes proper findings (legitimate reasons) in it, such as detrimental effects on property values, etc.

Chairman Ellen reminded council that they can either allow or prohibit certain buildings in the code but, if allowed, council can't regulate their aesthetics.

MOTION – Commissioner Heglar moved to schedule a public hearing at Town Hall for the purpose of receiving public input on container dwellings in Kure Beach as the first item of business on the agenda at the council meeting on Tuesday, May 17, 2016 at 6:30 p.m., or soon thereafter.

SECOND – Commissioner Dugan

VOTE – Unanimous

Council asked Chairman Ellen to present the context of the two proposed options to the public during the hearing.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

- a. Approve the repeal of Code of Ordinance Sec. 2-18 regarding disciplinary action for employees and department heads and amend Secs. 1, 3, and 4 of Personnel Policy Article IX regarding unsatisfactory job performance and detrimental personal conduct

Town Clerk Avery said that, during the budget work session last week, council agreed to repeal Section 2-18 of the code and also asked her to amend Sections 1, 3 and 4 of the Personnel Policy as she recommended. She said the town attorney reviewed the amendments and approved them.

Commissioner Dugan said these amendments to the policy simplify disciplinary action for the town by giving department heads sole discretion to discipline their employees and by giving council sole discretion to discipline department heads.

MOTION – Commissioner Dugan moved to approve the repeal of Code of Ordinance Sec. 2-18 regarding disciplinary action for employees and department heads, and to approve amendments to Secs. 1, 3, 4 of Article IX of the Personnel Policy regarding unsatisfactory job performance and detrimental personal conduct.

SECOND – Commissioner Heglar

VOTE – Unanimous

Mayor Swearingen asked the Town Clerk to make sure that the word “council” in the policy manual is always capitalized.



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b. Approval of new Employee Assistance Plan benefit

Town Clerk Avery said that, during the last budget work session, she presented the Employee Assistance Plan benefit to council and they asked her to put it on their regular meeting agenda. She asked them to approve the plan stating it would be included in the FY16-17 budget and would take effect on July 1, 2016.

Commissioner Dugan said that this gives the department heads something to offer their employees who may have special problems for which they need help.

MOTION – Commissioner Heglar moved to approve the new Employee Assistance Plan benefit, as presented.

SECOND – Commissioner Dugan

VOTE – Unanimous

c. Approval of request from the Pleasure Island Disc Golf Club to hold their Chainstorm Disc Golf Tournament at town's disc golf course on June 18th

Recreation Manager, Nikki Keely, asked council to approve the request from the Pleasure Island Disc Golf Club to hold their Chainstorm Disc Golf Tournament at town's disc golf course on June 18th. She said that members of the club help the town, explaining that once a month they hold a work day to keep the town's course clean, they help with the sponsorship program for the disc catchers, and one of them volunteers on the Parks and Recreation Advisory Board and helps set up town events.

Commissioner Heglar asked who would be liable if the town co-sponsors the event and anything goes wrong with the bounce house, to which he was told the group would get liability insurance.

MOTION – Commissioner Whitley moved to have the town co-sponsor the Pleasure Island Disc Golf Club's Chainstorm Disc Golf Tournament to be held at Joe Eakes Park on Saturday, June 18th, and to waive the special event fees; to allow for a food and ice cream truck during the event; and to permit a bounce house and a radio station van, contingent on their placement being approved by Public Works.

SECOND – Commissioner Dugan

VOTE – Unanimous

2. Building Department

Building Inspector Batson said the beach nourishment demobilization should start next week, weather permitting. He said the crew is in the middle trying to get an extension for the demobilization in case of bad weather. He said that the H Avenue crossover is going to have to shift to an eastern angle or it will run into a frontal dune, but the price should be the same. He said that Tony Gonsalves, Chairman of the SLABPP Committee, is going to be moving away. He



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said he would like council to approve dedicating the H Avenue ADA crossover to Mr. Gonsalves by putting up a plaque at the crossover, since he has done so much work for the town.

Mayor Swearingen said that was a great idea and asked that a Certificate of Appreciation also be presented to him during the May council meeting.

MOTION – Commissioner Heglar moved to dedicate the H Avenue crossover to Tony Gonsalves, Chairman of the SLABPP Committee, and award him a Certificate of Appreciation from the town.

SECOND – Commissioner Dugan

VOTE – unanimous

In response to Mayor Swearingen's inquiry into the current status of The Riggings, Inspector Batson said they applied for a variance with the Coastal Resources Commission and were approved to remove their old sand bags and install new ones along the entire front of their complex. He said he issued them a permit to repair their pool and put in wooden decking around it and, eventually, they want to put in a new beach crossover to stretch out over the sand bags.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Draft proposal to amend Chapter 19 Zoning, Article VI Signs, Section 373 Exceptions, (7) for political signs

MOTION – Commissioner Heglar moved to approve the amendment to Chapter 19 Zoning, Article VI Signs, Section 373 Exceptions, (7) for political signs, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

The ordinance amendment is herein incorporated as part of these minutes.

2. Update on discussion with police and fire chiefs regarding ATVs on beach strand
Commissioner Dugan said, at the last council meeting, a citizen requested to be allowed to use an ATV to get him to the beach to fish since he is handicapped. He said he checked with the police and fire chiefs and also did some computer research of state laws and ADA regulations. He said he needs time to contact people in Raleigh before coming up with a recommendation for council and he will bring it to the May council meeting.

MPT Bloszinsky said the lifeguards use the dune line to ride back and forth, but this will be an ATV going to the tidal line, and he is worried about the safety of small children during the summer. He wants to know what days and times, and how many times, the individual would be allowed to take his ATV on the beach before council approves it.



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3. Letter from Beachwalk Homeowners Association (HOA) requesting use of Sandman Drive property for laydown area

Commissioner Heglar said that the Beachwalk HOA has sent a request to council to use the town's Sandman Drive property as a laydown area during the repair of their retention pond. He said they didn't want the large equipment driving back and forth through Kure Beach all summer, so they'd like to be able to store the equipment there, possibly along with some piping. He said that they notified the HOA that oversees the adjacent properties to Sandman Drive, in case they have concerns. He said that no pond spoil or hazardous materials will be dumped there.

MOTION – Commissioner Heglar moved to approve the use of the town's Sandman Drive property for a laydown area for heavy equipment and piping supplies during Beachwalk HOA's repair of their retention pond.

SECOND – MPT Bloszinsky

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Mayor Travel to Raleigh

Mayor Swearingen said she'd like to attend a legislative breakfast with the legislators in Raleigh on May 19th, being hosted by the NC Association of Resort Towns and Convention Cities, explaining her reasoning. She said she will stay overnight at a relative's house but will need the town to pay for her round-trip gas expense.

MOTION – Commissioner Heglar moved to approve Mayor Swearingen's travel to Raleigh 5/18-5/19/16, at an estimated cost of \$156 for gas reimbursement from the council budget, to attend a legislative breakfast.

SECOND – MPT Bloszinsky

VOTE – Unanimous

2. Resolution R16-08, adopting the Southeastern NC Regional Hazard Mitigation Plan
Commissioner Heglar said that three of the town commissioners attended the meeting where the plan was discussed and reviewed. He said the plan is required by FEMA.

MOTION – Commissioner Heglar moved to adopt Resolution R16-08, adopting the Southeastern NC Regional Hazard Mitigation Plan.

SECOND – Commissioner Whitley

VOTE – Unanimous

MAYOR UPDATES

Mayor Swearingen said that she and Commissioner Dugan attended the NC Beach, Inlet and Waterway Association (NCBIWA) Coastal Local Annual meeting over the last two days, and



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thinks it was one of the most informative sessions that they've held. She and Commissioner Dugan presented the following information:

- Three local, elected officials told them that part of the problem is there are 20 counties that represent the coast in North Carolina and 80 counties that don't; so, for sand and some tourism issues, it's 80 against 20. Also, the 20 counties may have 20 different ways of doing things on the coast, so the idea is for all of the coastal counties to combine their ideas into one message to be shared with legislators every time they sit down with them.
- The NCBIWA wants to do an economic study because they keep being told by the state legislators that the coastal municipalities are living off the rest of the state and there's not a current study that gives good, hard numbers to prove it's not true.
- The reason the economic study is so important is that someone talked to Governor McCrory about beach nourishment, and he said he has never been shown data to support its importance; so he will do nothing about it from the state level.
- There are new things that CAMA has approved that they will discuss with the building inspector and others in the area to see if anything is worth pursuing.
- There was serious discussion that the NC Legislature may possibly change the percentages of Room Occupancy Tax distribution to go to an 80-20 split, with 20 percent allocated for advertising.
- Someone said that, as of last week, the U.S. House and U.S. Senate have each put \$50 million dollars into the budget for beach nourishment. If they keep it in there, we have a chance of fighting for some of it since it is for towns that have an agreement with the Federal government.
- The state is working on how funding is handled for water, sewer and storm water projects. They have taken the five big funding sources and combined them into one, so only one application is needed. There's a lot more money available than has been in the past. That may be something they can talk to Director Beeker about.

COMMISSIONER UPDATES

MPT Bloszinsky said citizens have approached him about certain town safety issues that some of the department heads should take a look at, as follows:

- Citizens have suggested putting reflective tape or reflective paint on the first concrete parking block on K Avenue, coming from Dow Road since people may mistakenly drive over the block at night if no one is parked there.
- Citizens are complaining about the obscured site line at the intersection of S. 4th Avenue and K Avenue when making a left turn, due to the way parking is set up along K Avenue. They'd like to see the end parking position eliminated to enable better visibility.
- Last year, a citizen lost her life after overshooting the curve on Dow Road coming onto K Avenue. Larger signs need to be erected to warn drivers about the sharp curve and to instruct drivers to reduce their speed from 55 to 15 MPH at the curve.

Public Hearing - Political Signs

PUBLIC HEARING SIGN-UP SHEET

DATE OF PUBLIC HEARING

4/19/16

NAME	ADDRESS
John Ellen	181 Sea Watch Way



TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R16-08

**ADOPTING THE SOUTHEASTERN NC
REGIONAL HAZARD MITIGATION PLAN**

WHEREAS, the citizens and property within New Hanover County are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to flooding, high winds, droughts/heat waves, and severe winter weather; and

WHEREAS, the County and participating municipal jurisdictions desire to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6 of Article 1A of Chapter 166A of the North Carolina General Statutes, stated in Item 19.41(b)(2): “For a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act;” and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the County and its participating municipal jurisdictions have performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and have updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the County Board of Commissioners to fulfill this obligation in order that the county will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County; and

RESOLUTION R16-08


**ADOPTING THE SOUTHEASTERN NC
REGIONAL HAZARD MITIGATION PLAN**

WHEREAS, the Town of Kure Beach actively participated in the planning process of the Southeastern NC Regional Hazard Mitigation Plan and has fulfilled all their part of the multi-jurisdictional planning elements required by FEMA;

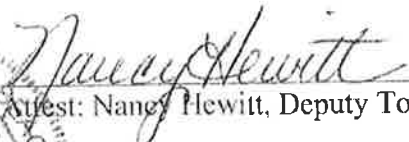
NOW, THEREFORE, BE IT RESOLVED THAT the Kure Beach Town Council hereby:

1. Adopts the Southeastern NC Regional Hazard Mitigation Plan; and
2. Separately adopts the sections of the plan that are specific to the Town of Kure Beach; and
3. Vests the Kure Beach Emergency Operations Coordinator with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
4. Appoints the Kure Beach Emergency Operations Coordinator to assure that, in cooperation with New Hanover County, the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Kure Beach Town Council for consideration.
5. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the 2016 Southeastern NC Regional Hazard Mitigation Plan.

Adopted by the Kure Beach Town Council this 21st day of April, 2016.


Emilie Swearingen, Mayor




Attest: Nancy Hewitt, Deputy Town Clerk

BUDGET AMENDMENT

FISCAL YEAR ENDING JUNE 30, 2016

AMENDMENT DATE: 03/24/2016

Budget Amendment No.: 16-09

DESCRIPTION/PURPOSE OF AMENDMENT

At the 3/24/16 Town Council meeting, Council directed the Finance Officer to prepare a Resolution to transfer \$6,400 from the General Fund Contingency to the Streets and Sanitation budget for expenses relating to upgrading all of the town's street lights to LED. At the 04/21/16 Town Council meeting, Council adopted Resolution 16-07 to transfer funds from the FY 2016 Contingency Fund to the Streets and Sanitation budget for the street light upgrade.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-550-13-00	Utilities	\$6,400	
10-490-00-00	General Fund Contingency		\$6,400

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: 03/24/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 03/28/16

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



Approved by Council 04/21/16

Emilie Swearingen Emilie Swearingen, Mayor

Nancy Avery Nancy Avery, Town Clerk

BUDGET AMENDMENT
FISCAL YEAR ENDING JUNE 30, 2016
AMENDMENT DATE: 04/14/2016

Budget Amendment No.: 16-10

DESCRIPTION/PURPOSE OF AMENDMENT

At the 4/21/16 Town Council meeting, Council approved a request to the New Hanover County Tourism Development Authority totaling approximately \$19,307 for reimbursement of maintenance expenses (power washing, painting and electrical) at the Ocean Front Park pavilion. Since the Ocean Front Park is a tourist destination and is the location of many tourist-related programs, TDA funds may be used for this type of expenditure. This budget amendment increases the TDA revenue budget and the Public Works Ocean Front Park maintenance budget.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-550-88-03	Ocean Front Park Maintenance	\$19,307	
10-346-00-00	TDA Revenue		\$19,307

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: 04/14/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 04/14/16

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



Approved by Council 04/21/16 Emilie Swearingen Emilie Swearingen, Mayor

ATTEST: Nancy Avery Nancy Avery, Town Clerk

BUDGET AMENDMENT
FISCAL YEAR ENDING JUNE 30, 2016
AMENDMENT DATE: 04/14/2016

Budget Amendment No.: 16-11

DESCRIPTION/PURPOSE OF AMENDMENT

The Kure Beach Police Department received grant funds from the US Department of Justice (DOJ) for the purchase of body armor. The funds received total approximately \$2,535. This amendment establishes a budget for the DOJ grant with a corresponding increase to the Police Department uniforms budget.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-510-36-00	Uniforms	\$2,535	
10-335-07-00	DOJ Body Armor Grant		\$2,535

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: Dennis Cooper, Police Chief Date: 04/14/16

Approved By: Arlen Copenhaver, Finance/Budget Officer Date: 04/14/16

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



Approved by Council 04/21/16 Emilie Swearingen Emilie Swearingen, Mayor

Nancy Avery Nancy Avery, Town Clerk

REGULAR MEETING

REQUEST TO ADDRESS COUNCIL

DATE OF MEETING

4/21/16

NAME	ADDRESS	PURPOSE
Fred Edgcomb	106 Bluefish Ln KB	firearms on town property
Tami Hahn	309 E. Ave KB	"
		"



ORDINANCE AMENDMENT
REPEALED

That Chapter 2 (Administration), Section 18 (Disciplinary action for employees and department heads), is hereby **REPEALED** and, therefore, removed from the ordinance:

~~Sec. 2-18. Disciplinary action for employees and department heads.~~

~~All disciplinary suspension, demotion, or dismissal shall be at the sole discretion of the department head who shall make council aware of the circumstances. The department head subject to disciplinary action shall be conducted by the town council.~~

~~(Ord. of 2-2-09)~~

Ordinance repeal approved by Kure Beach Town Council on April 21, 2016.


Emilie Swearingen, Mayor




Nancy Hewitt, Deputy Town Clerk



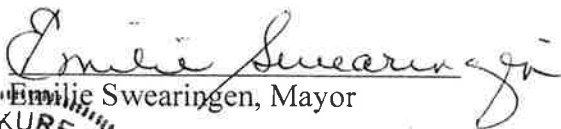
ORDINANCE AMENDMENT

That Chapter 19 (Zoning), Article VI (Signs), Section 373 (Exceptions), Subsection (7) (Political Signs), is hereby amended as follows:

Sec. 19-373. – Exceptions.

- (7) 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, general or Election Day, political signs may be erected on any privately owned premises. Political signs may not exceed six (6) square feet in size. Political signs will not be allowed within the right-of-way in the town limits or any publicly owned property. Political signs in the extraterritorial jurisdiction shall be placed near the tree line from the edge of the road. Political signs may not be erected within fifty (50) feet of the town hall or polling place twenty-four (24) hours prior to the scheduled election subject to limits imposed by the New Hanover County Board of Elections.

Ordinance amendment adopted by Kure Beach Town Council on April 21, 2016.


Emilie Swearingen, Mayor




Nancy Hewitt, Deputy Town Clerk

**Section 19 Zoning, Article VI Signs, Section 373 Exceptions, Subsection 7 Political Signs
CURRENT CODE**

Temporary political signs may be erected on any privately owned premises. One may erect nonilluminated political signs prior to any primary or general election. Political signs shall be removed after the general or run-off election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Political signs may not exceed six (6) square feet in size. Political signs will not be allowed within the right-of-way in the town limits or its extraterritorial jurisdiction, shall not be attached to trees or utility poles, shall not be roof-mounted, nor shall they be allowed on any publicly owned property. Political signs may be erected within one hundred (100) yards of the town hall or polling place twenty-four (24) hours prior to the scheduled election subject to limits imposed by the New Hanover County Board of Elections.

PROPOSED AMENDMENT SHOWING TEXT CHANGES NOTED

~~(1) Temporary political signs may be erected on any privately owned premises. One may erect nonilluminated political signs prior to any primary or general election. Political signs shall be removed after the general or run-off election to which the sign pertains or after the termination of a candidacy, whichever occurs first.~~ ⁽²⁾ *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, general or Election Day, political signs may be erected on any privately owned premises.* Political signs may not exceed six (6) square feet in size. ⁽³⁾ Political signs will not be allowed within the right-of-way in the town limits or its extraterritorial jurisdiction, shall not be attached to trees or utility poles, shall not be roof-mounted, nor shall they be allowed on any publicly owned property. ⁽⁴⁾ *Political signs in the extraterritorial jurisdiction shall be placed near the tree line from the edge of the road.* ⁽⁵⁾ Political signs may not be erected within ~~one hundred (100) yards~~ *fifty (50) feet* of the town hall or polling place twenty-four (24) hours prior to the scheduled election subject to limits imposed by the New Hanover County Board of Elections.

PROPOSED AMENDMENT

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, general or Election Day, political signs may be erected on any privately owned premises. Political signs may not exceed six (6) square feet in size. Political signs will not be allowed within the right-of-way in the town limits or any publicly owned property. Political signs in the extraterritorial jurisdiction shall be placed near the tree line from the edge of the road. Political signs may not be erected within fifty (50) feet of the town hall or polling place twenty-four (24) hours prior to the scheduled election subject to limits imposed by the New Hanover County Board of Elections.

The above proposed amendment makes the following changes to the existing code. These changes were approved by council during their February council meeting

- 1) Removes the first three sentences of current ordinance regarding temporary political signs on private premises, non-illuminated political signs, and non-specific time periods for political signs during primary, run-off and general elections.
- 2) Adds first sentence to specify time period that political signs can be erected on private property, before and after elections.
- 3) Revises language regarding specific placement of political signs in the extraterritorial jurisdiction (ETJ) to remove allowing them to be attached to trees, utility poles, roof-mounted.
- 4) Adds language to specify where political signs can be placed within the ETJ.
- 5) Revises the distance limit that a political sign can be erected near town hall or the polling place to no more than 50 feet.



TOWN COUNCIL MINUTES

REGULAR MEETING & PUBLIC HEARING

April 19 & 21, 2016

Other comments made:

- There is also a problem with people trying to take a left instead of a right from S. 3rd Avenue onto K Avenue, going the wrong way. (Swearingen)
- Most of the arrow signs on the curve coming into Kure Beach are gone now, and also some of the ones at the curve on the way to the ferry are gone. (Whitley)
- The curve warning signs are gone because people keep hitting them. (Heglar)
- About two weeks ago, another curve sign got hit by a driver and cut in half. Public Works should be the department responsible for contacting the DOT about new signs. (Dugan)


ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn the meeting.

SECOND – Commissioner Whitley

VOTE – Unanimous

The meeting adjourned at 8:07 p.m.


Emilie Swearingen, Mayor


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.

