



TOWN COUNCIL MINUTES

REGULAR MEETING

January 17, 2017

The Kure Beach Town Council held their regular meeting on Tuesday, January 17, 2017 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
Finance Officer – Arlen Copenhaver
Police Chief – Mike Bowden
Fire Chief – Harold Heglar
Town Clerk – Nancy Avery
Deputy Clerk – Nancy Hewitt

CALL TO ORDER

Mayor Swearingen called the meeting to order at 6:30 p.m., and Reverend Tommy Williams, lay pastor with Seaside Chapel, delivered the opening invocation and led everyone in the Pledge of Allegiance.

AWARDS AND RECOGNITION

Mayor Swearingen presented Ken and Paula Withrow with Certificates of Appreciation for their dedicated and selfless volunteer service throughout the years as chairpersons and members on various town committees. She said they have both resigned from their committees to travel year-round throughout the world as Ken teaches art classes on cruise lines. She commended Ken for his work on the Beautification Committee and the Parks and Recreation Board and for his art instruction at the Community Center. She commended Paula on her work as chairperson of the 60th Anniversary and the Annual Street Festival Committees, and a member of the Parks and Rec Board, and for coordinating recreational bus trips for the town through the years.

APPROVAL OF CONSENT AGENDA ITEMS

1. ~~Consideration of authorization of expenditures over the next three fiscal years, beginning in FY16-17, in the amount of \$2,768 each year for a three year total of \$8,304 for Assistant Fire Chief Kennedy to complete his Masters degree in Business Administration (moved to Old Business)~~
2. Approve contract and engagement letter with the auditing firm of Bernard Robinson & Company, LLP, in the amount of \$17,900 for FY16-17



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3. Approve Application for Funding from NHC TDA, totaling \$164,288.08 for lifeguard services for summer 2016
4. Approve Application for Funding from NHC TDA, totaling \$8,800 for Pleasure Island Chamber of Commerce concerts held during the summer of 2016
5. Accept Kathleen Zielinski's resignation from the Community Center Committee
6. Appoint Mary Ann McConnell as regular member on the Community Center Committee
7. Surplus Property Report – July through December 2016
8. Fire Department Report – December 2016
9. Building Inspections Report – November & December 2016
10. YTD Finance Report Meeting
11. Minutes:
 - December 20, 2016 regular
 - December 20, 2016 closed session (sealed)

Commissioner Dugan requested the Item 1 be removed from the Consent Agenda and placed as Item 3 under Old Business.

Mayor Swearingen asked Attorney Canoutas if the subject should be discussed in a closed session due to its "personnel" nature, to which he replied a closed session isn't necessary.

MOTION – Commissioner Dugan moved to amend the Consent Agenda Items to move Item 1 to Old Business as Item 3.

SECOND – Commissioner Heglar

VOTE – Unanimous

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

SECOND – MPT Bloszinsky

VOTE – Unanimous

ADOPTION OF THE AGENDA

MOTION – Commissioner Heglar moved to adopt the meeting agenda, as amended.

SECOND – Commissioner Whitley

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Allison Snell, NHC Tax Administrator – Tax Revaluation

Ms. Snell gave an update on the county's tax revaluation that became effective on January 1, 2017. She said that the revaluation review of properties included measuring homes for square footage and taking photos to update their data. She said they also left door hangers on some properties and mailed questionnaires to others asking for confirmation of bedroom and bathroom counts. She said they are 95 percent complete and have contracted with an appraisal company to



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work with their data. She said Notice of Value letters will be mailed out mid-February along with information on appeal forms, after which informal appeal hearings will be scheduled for February and March and formal appeal hearings with the Board of Equalization and Review will begin in April. She said she should have numbers for the finance officer by late March.

Commissioner Heglar asked Ms. Snell to also share the total value when she sends the finance officer the town's value, to compare with each other.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. George Turner, 521 S. 5th Avenue and owner of Beach House Burgers and Kure Diner Mr. Turner said the town needs to open its restrooms at the Ocean Front Park during the hot days that occur in the winter. He said people try to come in his restaurant to use his restrooms which are for customers only.

Mayor Swearingen said she talked with Director Beeker and the main restrooms at the north end of the park are designed to be closed during the winter, or the town would have to install a heating system, entrance doors and enclose the vented roof which would cost thousands of dollars. She added that Mr. Turner mentioned about having a port-a-john available downtown, but Director Beeker told her the vendor only comes once a week to clean it. She said that the pavilion has restrooms that are heated which could be opened, but it would require staff to open, clean and close it. She added that, to prevent people from pilfering the regular-size toilet paper rolls, Director Beeker can install the large toilet paper dispensers in the pavilion restrooms, but they cost \$130 per dispenser.

Mr. Turner said he would personally purchase the large toilet paper dispensers for the town, if they would open the pavilion restrooms during the winter.

MPT Bloszinsky said the town has a multi-million dollar park and there isn't one public restroom available during the winter, which is an oversight on the town's part. He said he'd like to see the pavilion's restrooms open in the winter so that the businesses aren't punished for the town's oversight.

Commissioner Heglar said it will cost about \$160 per week if the town opens the pavilion's restrooms between 8am and 5pm through the winter. He said that, in addition to staffing needs, a sign would need to be purchased for it. He said he doesn't want to see any port-a-johns in the downtown area.

MOTION – Commissioner Heglar moved to amend Section 4.04 of the town's Policy Manual so as to keep the restrooms in the Ocean Front Park Pavilion open from November 30th to March 14th, between the hours of 8:00 a.m. and 4:00 p.m. Public works will be responsible for unlocking and cleaning it and the police department will be responsible for locking it.



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SECOND – MPT Bloszinsky
VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

a. Community Center Committee – 2016 Accomplishments and 2017 Goals

Chairperson Sack said the committee held a CPR class at the beginning of 2016, sponsored a Valentine's dance, helped the Wilmington Regional Realtors Association landscape the center's parking lot median strip which the committee now maintains, held an open house during the Street Festival to which over 200 people came, sold raffle tickets for a quilt during Ocean Front Park concerts, held their annual barbecue in August during which they made \$2,475 for the center, and held their annual holiday ornament workshop during which time they collected food donations for the Federal Point Help Center. She said their 2017 goals are to volunteer at the 70th Anniversary celebration, host a spring family craft project, dedicate a plaque in memory of the late Ron Griffin for his work at the center, hold a volunteer fair to inform residents what town committees do, and hold their annual barbecue and annual holiday ornament workshop. She said that they couldn't have done any of this without the help of the town's Recreation Manager, Nikki Keely. She also thanked Kathleen Zielinski for her work before she resigned from the committee because she was hired by the town.

MPT Bloszinsky commended the seven members and one alternate on the committee for accomplishing so much this year and said he is proud of what they did for the town and center.

Commissioner Dugan said there will be another CPR training workshop at the center on March 4th, which Ms. Keely is coordinating.

2. Marketing Committee

a. 2016 Accomplishments and 2017 Goals

Chairperson Elliott said their goals for this year are to get more heads on beds and a greater collection of Room Occupancy Tax (ROT) fees, as well as to identify homeowners who are renting their homes short-term but not paying ROT. She said Kure Beach visitation between July and December 2016 increased by 5.27 percent compared to the same time in 2015. She said the town is on track to obtain its highest revenues yet. She explained that the Marketing Committee acts in an advisory capacity to the Wilmington and Beaches Convention and Visitors Bureau to guide them on how to use the town's ROT to market tourism.

b. Council Approval of Rollover Budget

MOTION – MPT Bloszinsky moved to approve the Marketing Committee's Rollover Budget, as directed by legal requirements.

SECOND – Commissioner Heglar
VOTE – Unanimous



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3. Parks & Recreation Advisory Board – 2016 Accomplishments and 2017 Goals

No report was provided

Mayor Swearingen said that there was a disc golf tournament this fall at the course and the disc golf club that Co-chairman Mike Jones belongs to also helps public works keep the course clean.

4. Planning & Zoning Commission – 2016 Accomplishments and 2017 Goals

Chairman Ellen provided council with a written update of the commission's accomplishments and goals, as he was on travel and unable to attend the meeting.

6. Shoreline Access, Beach Protection and Parking (SLABPP) Committee

a. 2016 Accomplishments and 2017 Goals

Chairperson Panicali said SLABPP's greatest accomplishment this year was instituting the Adopt-a-Beach Program, and he acknowledged the members on the subcommittee who worked on the program. He said the H Avenue beach access and solar, low-level lighting project is completed and the E and I Avenue beach access upgrade grants for parking and lighting have been submitted and approved. He added that the UNCW Honors College held their 16th beach sweep for the town. He said the committee did a survey of beach signage in town and determined that there is a need for new signs and improvement on sign placement. He said their 2017 goals are to fill three open committee positions, determine which other beach access points need upgrading/grants, maintain the Adopt-a-Beach program and recognize the participants, explore new single beach sign designs and make recommendations, assess the need for sea oats and plant them, and organize the town's and UNCW's beach sweeps.

Town Clerk Avery said that they haven't received the contracts for the E and I Avenue grants, yet, but they have been told they've been awarded and that the town can expect them soon.

Mayor Swearingen said March would be a good month to celebrate the one-year anniversary of the Adopt-a-Beach program, as suggested by the committee, and award participants their certificates of appreciation. She said she is happy to see the sea oats planting back on the list, as the US Army Corps of Engineers (USACE) wouldn't allow the town to plant them last year while the beach nourishment was taking place. She asked Inspector Batson to get together with Spencer Rogers, along with committee member Mike Bledsoe to assess the beach areas that need sea oats.

b. SLABPP Request to Amend Mission Statement

Chairperson Panicali said that the committee feels that dealing with all of the town's parking needs is beyond the scope of what they feel they should be doing. He said the committee voted to recommend that council allow them to change their mission statement to reflect they are only to deal with beach access parking.



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Mayor Swearingen said that she would like to talk to council about splitting the committee into two committees like it used to be: one to handle parking and one to handle beach protection. She said it has also been a few years since council talked to the committees about their mission statements and how they should be worded. She said she also thinks the committee policies need to be updated and the clerk could give them to the committees and ask them to recommend changes to it.

7. 70th Anniversary Committee Update

Chairperson Lowery said she hopes she does as good a job coordinating the 70th Anniversary celebration as Paula Withrow did for the 60th Anniversary. She shared the following:

- Recreation Manager, Nikki Keely, mailed solicitation packets to 60 potential sponsors and will mail out packets to food and craft vendors, as well.
- The committee has raised \$2,500 from sponsors.
- A commemorative book is being created for the celebration, and council will be able to review and approve it before it is printed.
- The Imitations are booked for Friday night and South of K is booked for Saturday. They still need to book one more band for Saturday.
- The committee will start meeting every two weeks beginning next month.

Lisa Heglar said the local Boy Scout troop will perform a flag raising ceremony to kick off the celebration. She said the Community Center Committee will have an opportunity to sign up to volunteer for the event, and they will open the center during the celebration for displays from educational organizations.

Mayor Swearingen asked if they would consider inviting WAVE Transit to talk about their route from the island and hand out brochures, to which Ms. Heglar said if they'd like to sponsor the event, they'd be happy to let them put their information on one of the tables. The mayor said she would give her the WAVE representative's contact information.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Finance Department

a. FY 17-18 Budget Planning Calendar

Finance Officer Copenhaver asked council to approve the proposed budget calendar which follows the timing of previous budget calendars and also leaves time for a third budget meeting, if it is found necessary to have one.

Mayor Swearingen said it would be better if the Outside Agency Funding Request form was available to the agencies for a whole month instead of just three weeks, and asked that the date of availability be changed from February 17th to February 10th.



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MOTION – Commissioner Heglar moved to approve the FY 17-18 Budget Planning Calendar, as amended by the mayor.

SECOND – Commissioner Dugan

VOTE – Unanimous

Mayor Swearingen said the town committees that need funding will receive their forms from the finance officer for their proposed budgets and said he would be glad to work with the committee chairs if they need help.

b. Hurricane Matthew Update

Finance Officer Copenhagen reported the progress of the town's FEMA reimbursement requests for expenses incurred during Hurricane Matthew. He said he expects the town to get back about \$15,500 for its expenditure of \$18,000 for debris removal, and to get back about \$39,000 in for its expenditure of \$52,000 for emergency protective measures. He said the storm water outfalls consideration is still in progress, but the town should be covered to some extent.

Mayor Swearingen said she talked with Jim Matlock from the USACE and, as far as sand on the beach, it appears the town has to have at least \$1 million or more in damages to receive funding for that. She said Mr. Matlock said he'd look for other funding sources and let her know if he found any.

2. Building Department

a. Proposal for Kure Beach Development Line

Inspector Batson said the surveyor produced a map for the town which is currently being reviewed at the CAMA office in Morehead City. He said that he is in negotiations for where the line will end up because the rules state the line has to follow average development. He said he will bring the map to council for approval once it looks right and, at that time, council will need to approve some new ordinance language. He said he will try to get on the Coastal Resources Commission's (CRC) May meeting agenda, if council gives him the approval to proceed.

Mayor Swearingen asked Inspector Batson to keep council updated on the progress and, when they set the date in May for CRC's meeting, it would be nice if one or more of the council members attended the meeting to show their support.

Inspector Batson said he had hoped to get it completed for the CRC's February meeting which is being held in Atlantic Beach, since the May meeting will be held in Kill Devil Hills which is about five hours away.

3. Public Works Department

Mayor Swearingen asked if, during the council retreat, public works could give an update on how Beachwalk's project is progressing.



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Commissioner Heglar said it's not a town project, but he will try to get an update on the progress to report at the retreat.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Revisit proposed parking spaces to be remarked by DOT

Mayor Swearingen said the information in the agenda packet includes an email she sent to council in December which compares all of the proposed parking spaces that have been presented by different people at different times.

Commissioner Dugan said that he and the police chief are scheduled to meet with the SLABPP Committee next month. He said the recommendation from the chief to not approve any of them was from a safety angle.

MOTION – Commissioner Heglar moved to defer to the police chief's recommendation not to mark any of the parking spaces that the SLABPP Committee recommended be marked.

SECOND – Commissioner Dugan

VOTE – Unanimous

2. Focus Group Survey Update

Commissioner Heglar said that seven people took a test survey, and he showed council how the survey results will look. He said that there will be two data sets: one from people who take the survey from the town's email distribution list and the other from a link on the town's website. He said he should have the results by spring. He explained that the questions on the survey came from the focus groups, and he commended Susan Sinclair for putting the survey together.

MOTION – Commissioner Heglar moved to approve a town survey to be made available to the public for a period of 30 days, posted in the next week and a half via the town's email system and its website; and council will be notified when the survey is posted.

SECOND – Commissioner Dugan

VOTE – Unanimous

Council requested that the clerk notify the Island Gazette about the survey to spread the word when it is made available.

3. Consideration of authorization of expenditures over the next three fiscal years, beginning in FY16-17, in the amount of \$2,768 each year for a three year total of \$8,304 for Assistant Fire Chief Kennedy to complete his Master's degree in Business Administration

Mayor Swearingen said that the policy that council established last April on expenses allows for tuition reimbursement of \$1,200 per year, but the department is asking for \$2,800 per year.



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Commissioner Dugan said the department head asked for the possibility of it being funded in a different way.

FO Copenhaver said that there are two ways the town can do it; either the town pays it directly or the employee pays it and gets reimbursed by the town.

MPT Bloszinsky said it is a lot to ask the employee to pay \$2,800 up front when he is a young, married individual. He said the town should pay it up front and, if the employee doesn't pass the course, then he needs to pay back the town.

Commissioner Dugan said that the program requires the student to get a B, or he gets kicked out of the program.

Town Clerk Avery explained the difference between the policy council adopted for On-the-Job Education and Training and the policy they adopted for the Tuition Assistance Program. She said she understands the Master's Degree program was requested in lieu of on-the-job training that is not available for this particular case.

Commissioner Heglar said this is how he understood it when it was discussed during the budget process, that this is a training program for development of one of our employees and council approved it in the budget that way on purpose. He provided council with the guidelines from the NC Office of Human Resources which show the same activity in 80 percent of their cases. He said the request is well within where it should be from a monetary standpoint. He said council approved this during the budget process because they recognized the fire department is grooming an assistant department head for a department head position. He recommended approving it, as-is. He asked the clerk if employees are still required to stay with the town for two years after completion of an on-the-job training program.

Town Clerk Avery said that the way council wrote the policy was, if the department head feels there's no other training program like the one the employee needs, then they can petition council to allow the employee to take the needed training, such as a four-year master's degree, and that has a requirement for the employee to continue to work for the town two years after the course is completed, or the employee must pay the town back all the amount the town paid.

Mayor Swearingen said that every municipality, state and the federal government pays for higher education for its employees. She said council is doing something totally different than the policy states by tweaking the words, and she asked if council was going to change the language to do away with the \$1,200 per year stipulation for tuition reimbursement.



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Commissioner Heglar said she was looking at the policy for the Tuition Assistance Program, not the policy for On-the-Job Education and Training where a petition can be put before council for an employee to request approval of any amount of tuition for a college or master's degree.

Mayor Swearingen said she thinks the two policies contradict each other and asked that she and the clerk get together to discuss it.

MOTION – Commissioner Heglar moved to approve the authorization of expenditures over the next three fiscal years, beginning in FY16-17, in the amount of \$2,768 each year for a three year total of \$8,304 for Assistant Fire Chief Kennedy to complete his Master's degree in Business Administration

SECOND – Commissioner Whitley

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Short-term Rental Monitoring with iCompass

Commissioner Swearingen said the New Hanover County Chief Financial Officer (CFO), Lisa Wurtzbacher, sent her an email regarding a contractor offering to find all short-term rental properties in the county at an annual cost of \$155K. She said the CFO said the contractor said it would yield a \$600K return, approximately, but she questioned that number.

MPT Bloszinsky said he doesn't know how they are going to enforce the data they find.

Commissioner Heglar said the county's CFO is trying to defer the issue to us, but they are the experts and it's their job to be responsible for maximizing tax collection and for deciding the best way to handle it; it's not our responsibility to decide if using this contractor is a good idea or not.

Mayor Swearingen said that the CFO indicated in a second email that this doesn't have anything to do with making this happen through the ROT process, since they don't have the staff to handle it. She said she doesn't see the need for having consulting work done if the county isn't going to step up to the plate and enforce the results.

Commissioner Heglar said council gave the county's tax department data and asked them to do something about it, and they haven't, so council needs to discuss if we need to go to the county commissioners about the issue or do something on our own about it.

MPT Bloszinsky said he will write a draft response to Ms. Wurtzbacher's email and will show it to council for approval before he emails it to her.

MAYOR UPDATES

Mayor Swearingen said that the league's (NCLM) Town Hall Day is scheduled for March 29th. She said if one or all of the council members go, there needs to be a reason to go. She said that



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council already has an excellent working relationship with their legislators and they don't necessarily have to go to Raleigh to get their attention. She said she has asked Ruth Smith to meet with the four municipalities to let us know what happened with the economic development study that was supposed to be done by November 1st, what were its results, and what kind of legislation is our lobbyist having our legislators put in this year. She said this information will help council know what to push for and which legislators to talk to. She said she asked Ms. Smith to give her this information sometime before March 1st.

Mayor Swearingen said that it's the town's turn to host the Beach Towns Breakfast meeting, and it would be scheduled for some time in March.

COUNCIL CONSENSUS – Council directed the deputy clerk to survey state, county and beach town elected officials to determine the best date in March to hold the next Beach Towns Breakfast meeting: either March 17th, 24th or 31st.

Mayor Swearingen said some state legislators and Layton Bedsole with the county will be coming to Kure Beach to look at the Dow outcroppings on Thursday, February 9th to see if they can help the town do something about them.

COMMISSIONER ITEMS

MPT Bloszinsky scheduled a Committee Chairpersons meeting at Town Hall on Tuesday, February 7th at 6:00 p.m. to discuss volunteers. He asked the clerk to send out notice to the town committee chairpersons and to include the 70th Anniversary Committee chairperson.


ADJOURNMENT

MOTION – Commissioner Heglar


SECOND – Commissioner Whitley

VOTE – Unanimous

The meeting adjourned at 8:18 p.m.


Emilie Swearingen, Mayor




Attest: Nancy Hewitt, CMC, NCCMC
Deputy Clerk

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