



# TOWN COUNCIL MINUTES

## REGULAR MEETING

August 17, 2017

The Kure Beach Town Council held their regular meeting on Thursday, August 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 Joseph Whitley  
Commissioner Jim Dugan

### COUNCIL MEMBERS ABSENT

Commissioner David Heglar

### STAFF PRESENT

Building Inspector – John Batson  
Finance Officer – Arlen Copenhaver  
Public Works Crew Leader – Jimmy Mesimer  
Town Clerk – Nancy Avery  
Administrative Assistant – Kathleen Zielinski

### CALL TO ORDER

Mayor Swearingen called the meeting to order at 6:30 p.m. Pastor Cathy Chester of Carolina Coast Vineyard Church delivered the opening invocation and led everyone in the Pledge of Allegiance.

Mayor Swearingen requested a motion to excuse Commissioner Heglar.

MOTION: MPT Bloszinsky moved to excuse Commissioner Heglar from tonight's meeting.

SECOND: Commissioner Dugan

VOTE: Unanimous

### APPROVAL OF CONSENT AGENDA ITEMS

1. Adopt Resolution R17-17, approving financing terms with First Bank for 2018 Dodge Durango police vehicle, not to exceed \$36,100 at an annual rate of 1.95 percent for a four-year term; tax exempt.
2. Accept Deborah McKenna's resignation from the Cape Fear Disabilities Commission, as the town's liaison.
3. Building Inspections Report – July 2017
4. Fire Department Report – July 2017
5. YTD Finance Report Meeting
6. Minutes:
  - March 17, 2017 Beachtowns Breakfast



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- July 18 & July 25, 2017 regular meeting
- July 21, 2017 special meeting
- July 25, 2017 closed session (sealed)

MOTION – Commissioner Whitley moved to approve the Consent Agenda Items, as presented.

SECOND – Commissioner Dugan

VOTE – Unanimous

## ADOPTION OF THE AGENDA

MOTION – MPT Bloszinsky moved to adopt the meeting agenda, as published.

SECOND – Commissioner Dugan

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. John Ellen, 181 Seawatch Way, informed council that he is a member of Congressman David Rouser’s advisory council and, as such, inquired if there would be a conflict of interest should he be elected to the Council seat for which he is currently a candidate. He was advised by the Town Attorney that there would be no conflict.

2. Janet Carroll, 301 Fourth Ave S., inquired if signs can be erected in the restaurant area of K Ave. stating the spaces are for patron parking only. She reported seeing visitors using restaurant parking when going to the beach for the day, unloading their gear in front of restaurants. She has noticed that paid parking is empty while all the free spaces are full.

Ms. Carroll also reported a problem with people driving in the wrong direction when coming off Fourth Ave. S. and turning onto I Ave. Is it possible to install a one-way sign or a directional arrow to prevent this? She went on to say that she sees a problem with speeding in her area as well. Commissioner Dugan offered to talk to the police chief the following morning about her concerns.

3. Bill Moore, 2003 Ocean Dunes, thinks that the billing practice for recycling is not fair to the residents of Ocean Dunes and the Riggings because the monthly charge is much higher than what should be charged for the number of cans used. According to Mr. Moore, Ocean Dunes has 125 cans, but they are being charged for 197, which is the number of residential units there. It was explained to him that the charges are “per residence” as opposed to “per can” to give all residents the opportunity to recycle, whether they choose to or not. There are 125 cans because that is the quantity requested by the HOA. MPT Bloszinsky said the issue should be looked into and he would take that up with the Town Clerk.

4. Chris Hald, 209 Fourth Ave. S., made several comments:



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- Feels money intended for new police vehicle would be better spent to help disabled people
- Does not see a need for expanding police and fire departments, as he believes the town is safe.
- Requested a recycling can.
- \$5,000,000 is too much to spend on renovations and he is concerned about rising taxes. Money can be used for other things.
- How do we evacuate older and disabled people in the event of a hurricane?
- Do we have Medivac services for accident victims?
- He would like new zoning laws controlling parking of boats and trailers on empty lots.

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

### 1. Community Center Committee

Committee Liaison MPT Bloszinsky encouraged all to attend the annual BBQ fundraiser this coming Saturday. All preparations are on schedule and the committee is expecting a good turnout.

### 2. Marketing Committee and Tourist Development

Mayor Swearingen reported that the committee took August off and will have a report for council next month.

### 3. Planning & Zoning Commission

Chairman John Ellen reported that the commission is currently dealing with several issues concerning setbacks. He is not prepared to bring something forward tonight but plans to do so at the September meeting.

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

### 1. Administration and Recreation

Town Clerk Avery thanked Kathleen Zielinski for helping with minutes and other duties while she advertises to fill an Administrative Assistant position.

### 2. Finance Department

Finance Officer Copenhaver requested guidance from council regarding a situation involving overbilling for trash services on one account. The amount in question is \$418.00. The problem initiated seven years ago, prior to FO Copenhaver's tenure, and has continued unchecked by the resident until recently.

MOTION – Commissioner Bloszinsky moved that the town repay the resident who was overcharged for garbage the full amount she was overbilled.

SECOND – Commissioner Whitley

VOTE – Unanimous



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### 3. Building Department

Inspector Batson reported that he attended the recent Coastal Resource Commission (CRC) meeting to propose the town's newly created Development Line. The CRC identified three areas where changes are needed which he illustrated using three aerial photos. The locations are at 217 Ft. Fisher Blvd. S, 1009 Ft. Fisher Blvd. S and at The Riggings. Inspector Batson pointed out the Development Line that was previously approved by council and the new line suggested by the CRC. The first change involves creating a straight line where the current line juts out oceanward. The next section cantilevers out and needs the two lines connected to bring it more in line with the rest of the beach. The final change is at The Riggings where the CRC wants to see the current straight line more closely follow the line of the buildings as they are now. Inspector Batson requested a motion to adopt the new Development Line as presented.

MOTION – Commissioner Whitley moved to adopt Resolution R17-18 petitioning the North Carolina Coastal Resource Commission for adoption of a Development Line for the town approval of the map dated August 17, 2017 outlining the location of the Development Line and authorizing the Building Inspector to represent the request at the September meeting of the Coastal Resource Commission.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

### 4. Public Works Department

Utility Systems Crew Leader Jimmy Mesimer updated council on recent water testing. When the first test results indicated a small amount of Gen-X it was decided to resample with the same testing lab along with another for comparison. For the first test, samples were taken at the wellhead closest to the river. This time the crew took different samples at different locations. They used all the precautions requested by the lab and expect results in 8 to 10 days.

Mayor Swearingen commented that she is looking forward to having accurate information to present to our residents and property owners so they will know they are safe.

Mr. Mesimer also reported that the lift station project is progressing very well with an estimated completion date of October 1.

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

### 1. Ad Hoc Parking Committee

Mayor Swearingen expressed her appreciation for so many of the volunteer committees serving the town, both past and present, calling them the backbone of the town. She would like council's opinion about the creation of another committee to take on the many parking issues the town faces. The mayor distributed a list of issues that she feels are worthy of consideration and noted



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that it would be very difficult to go through such an extensive list at a council meeting. In her opinion, it would be helpful to have the assistance of an ad hoc committee to help address these issues.

Commissioner Bloszinsky stated that Council has been thinking about parking for quite a long time. He is not overly against a committee to address the issues, with very good guidelines from council.

Commissioner Whitley expressed his opinion that council just needs to make a decision to move forward. He advocated going through the list and voting yes or no on each item.

Discussion that followed revolved around the pilot parking program:

- Not all information is in yet.
- Wait for feasibility study at the end of the season.
- There will be a huge change in ordinances associated with paid parking.
- Businesses should be included in considering the issues.
- Formation of a parking committee should be held off until after a decision is made on paid parking.
- If a committee is formed, Council will have to give very specific direction based on information gathered.
- Commissioner Whitley expressed his desire to begin addressing each element of Mayor Swearingen's list immediately while Commissioner Dugan would prefer dividing such an extensive list in half.
- There will be enough information from the parking vendors for discussion at the September council meeting.

**MOTION** – Commissioner Dugan moved to table the discussion on parking to the September meeting.

**SECOND** – Commissioner Whitley

**VOTE** - Unanimous

## 2. Project management services for facility improvement project

Commissioner Dugan reported that, by the advice of the architectural firm, project management services would be beneficial for such a large project. Five companies were considered and, after a thorough review process, which included input from the architectural firm, one was chosen. This is the first council meeting since the decision had been made and he would like to make a motion to accept their proposal.

**MOTION** – Commissioner Dugan moved to award the contract to Constructive Building Solutions, LLC for project management services for the facility improvement project at a cost



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not to exceed \$85,400 for a 12-month timeframe; with an hourly rate of \$125 for Council-requested items over and above the scope of services included in the proposal

SECOND – Commissioner Whitley

VOTE – Unanimous

Said contract is herein incorporated as part of these minutes.

### 3. Construction of new fire station

#### a. Requesting a motion to schedule public hearing

Inspector Batson explained that, according to our Code of Ordinances, town buildings and facilities shall be permitted in all zoning districts and shall not be considered to be non-conforming to the area. What the Code does not say is that setbacks do not apply. Inspector Batson would like to be sure that all wording is precise before moving forward with construction of the fire station because the design indicates that the new building will encroach into the setback area. Therefore, Section 80 of the Code will need to be amended to reflect the setback requirement exception that the town is about to employ.

The town attorney advised that the Planning & Zoning Commission is required to review the proposed ordinance change and respond with a recommendation.

MOTION – Commissioner Dugan moved to request P&Z Commission hold a meeting at their earliest convenience to consider the ordinance change to Section 80.

SECOND – Commissioner Whitley

VOTE - Unanimous

MOTION – Commissioner Dugan moved to schedule public hearing as first order of business on September 19, 2017 to amend Section 80 (town buildings and facilities) of Chapter 19 on Zoning of the Code or Ordinances – amendment exempts town from setback requirements which is necessary for footprint of new fire station.

SECOND – Commissioner Bloszinsky

VOTE – Unanimous

#### b. Explanation of encroachment into ROW of N 7<sup>th</sup> Avenue for construction of new fire station and attorney's opinion as to ownership

Inspector Batson explained that the town owns two adjoining properties on which the footprint of the fire station will cross a property line. General consensus that MPT Bloszinsky will follow up on this.

### 4. Pilot paid parking update and decision on whether to continue or exercise 30-day out clause



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Town Clerk Avery presented council with the latest numbers and projections from the parking vendor and requested direction on whether to exercise the 30-day termination clause in the contract or continue the program through September 30.

- The initial agreement goes through September 30.
- One property owner would like to continue through the end of October, and the other has indicated that he would go along with that.
- \$11,568 in gross revenue through August 16 with net revenue projected to be \$1,326 for July, August and September.
- There are other factors to consider besides revenue such as controlling traffic and timed parking for restaurants.
- In reviewing all contributing factors our finance officer estimates a loss of up to \$5,300 at the culmination of the three-month pilot program.
- Police chief has noticed no additional issues.
- There have been no concerns voiced at Town Hall.
- Bud and Joes is no longer full. Where are people parking now?
- Do we even have a parking problem?

MOTION – Commissioner Dugan moved to continue the pilot paid parking program to the end of September.

SECOND – MPT Bloszinsky

VOTE - Unanimous

### 5. Facility improvement project status update and relocation of staff

Commissioner Dugan reported that several meetings have been held with the architectural and project management firms, and their next meeting is scheduled for September 24. Council has been getting very good input from the project management company.

The commissioners originally intended to continue occupying Town Hall, moving operations from one side of the building to the other as work was completed. But after discussions with the architect and project manager, it was decided that, for the sake of safety and cost savings, the building will be completely vacated during the course of construction.

The time saved on the project is estimated to be about two months resulting in about \$100,000 in savings. Therefore, the plan now is to close Town Hall and relocate staff for the duration. The next step is to pursue options for the best locations to temporarily house all staff and hold monthly Town Council meetings.

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

### 1. ADA crosswalk at corner of K Avenue and Fort Fisher Boulevard



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Commissioner Dugan said the town has been discussing upgrading the intersection at K to add crossing signals and make the intersection ADA compliant for several years. Part of the problem includes the two telephone poles and two fire hydrants that need to be removed. Whatever the solution, it is sure to be very expensive. In his opinion, the town currently has too many irons in the fire and the intersection is very nice as it is right now. There could always be improvements, but it is reasonably safe and he would like to put this issue aside.

Mayor Swearingen commented that, should the issue come up again, it would be helpful to invite John Elliott from Duke Energy to explain the complexity of the issue.

### 2. Amendments to Code of Ordinances on Privilege License Tax and Decals

a. *Repeal Article II Registration; Display of Decal, Subsections 10-16 to 10-40 as presented*  
Town Clerk Avery presented two changes for council's consideration. The first involves the motor vehicle decal. The decal as outlined in the Code is associated with the vehicle tax, but last year the town authorized the State of NC Department of Motor Vehicles to begin collecting this tax in 2016. Therefore, she requested a motion to repeal this section of the Code as it is no longer valid.

MOTION – Commissioner Bloszinsky moved to repeal Article II Registration; Display of Decal, Subsections 10-16 to 10-40 as presented. The decal as outlined in the Code is associated with the vehicle tax. The town authorized the State of NC Department of Motor Vehicles to begin collecting this tax in 2016; therefore, this section of the Code is no longer valid and should be repealed.

SECOND – Commissioner Whitley

VOTE - Unanimous

b. *Repeal Article II License Taxes, Subsections 16-16 to 16-34 and amend Article I In General to add subsections 16-1 and 16-2 as presented*  
Town Clerk Avery went on to explain that last year the North Carolina General Assembly repealed authority of municipalities to collect privilege licenses on anything but beer and wine. She requested a motion to repeal Article II and amend Article I with the purpose of providing the necessary language in the code to state that the town is authorized by statute to levy vehicle tax and beer and wine license only. This repeal and amendment brings the Code into compliance with state law.

MOTION – Commissioner Whitley moved to repeal Article II License Taxes, Subsections 16-16 to 16-34 and amend Article I In General to add subsections 16-1 and 16-2 as presented. The NC General Assembly repealed municipality authority to charge privilege licenses in 2016. This repeal and amendment brings the Code into compliance with state law. Amendment adds language stating Town is authorized by statute to levy vehicle tax, and beer and wine license only.





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SECOND – Commissioner Dugan  
VOTE – Unanimous

MAYOR UPDATES  
None

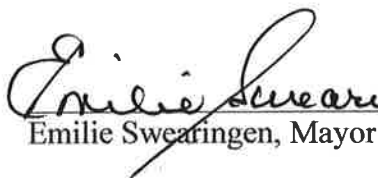
## COMMISSIONER ITEMS

MPT Bloszinsky reported on the Port Waterway and Beach Commission. New Hanover County has responded to the Army Corp of Engineers FY17 request for work line deliverables supporting an FY19 maintenance event for our beaches, so the process has begun. He considers this good news as they are looking at a year 2019 event and, hopefully, the money will be there.

## ADJOURNMENT

MOTION – Commissioner Whitley moved to adjourn the meeting.  
SECOND – Commissioner Dugan  
VOTE – Unanimous

The meeting adjourned at 8:18 p.m.

  
Emilie Swearingen, Mayor



  
TEST: Nancy Avery, Town Clerk

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