



TOWN COUNCIL MINUTES

REGULAR MEETING

September 18, 2017

The Kure Beach Town Council held their regular meeting on Monday, September 18, 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
Commissioner David Heglar

COUNCIL MEMBERS ABSENT

All present

STAFF PRESENT

Police Chief - Mike Bowden
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. She then delivered the opening invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. Events:

- Close K Avenue east of FFB and Atlantic Avenue between K and L Avenue all day on 9/24 for Island Day
- Approve pony rides on the beach on 9/24 as part of Island Day
- Close Atlantic Avenue between K and L Avenue on 10/6 from early morning hours until 10 p.m. for the Town's Jazz Funeral for end of summer
- Close Atlantic Avenue between K and L Avenue on 11/18 and 11/25 from early morning until 5 p.m. for the Holiday Market
- Allow food truck vendors for events on 10/7; 11/19 & 11/26

2. Surplus equipment report from January to June 2017

3. Building Inspections Report – August 2017

4. Finance Report July – September 12, 2017

5. Minutes:

- August 25, 2017 Special Meeting



TOWN COUNCIL MINUTES

REGULAR MEETING

September 18, 2017

- August 25, 2017 Closed session
- September 5, 2017 Special Meeting
- September 5, 2017 Closed session

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

SECOND – Commissioner Whitley

VOTE – Unanimous

ADOPTION OF THE AGENDA

MOTION – Commissioner Heglar moved to adopt the meeting agenda, as published, with the exception of the public hearing for an ordinance change on setbacks to be scheduled as the first order of business on the October agenda.

SECOND – Commissioner Bloszinsky

VOTE – Unanimous

Mayor Swearingen explained that although the required notification of the public hearing was submitted for publication, it was not published as requested and, therefore, the public hearing could not be held at this meeting. She then invited anyone in attendance who would like to speak on the setback changes to do so. No one offered to speak.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Andrea Talley of 1003 Mango Court in Wilmington and Stephanie Able of 1561 S. Fourth Street in Wilmington rose together representing Special Olympics of New Hanover County. Stephanie, a Special Olympics participant, requested that the Town of Kure Beach host the Polar Plunge fundraiser for Special Olympics annually. Stephanie spoke of the many benefits she has enjoyed by participating as an athlete with the Special Olympics and expressed her gratitude to the Town for hosting the Polar Plunge in the past. She asked that council consider her request to make the Polar Plunge an annual event in Kure Beach.

Andrea then spoke of the many advantages of the Kure Beach location over Carolina Beach, including covered pavilion, public restrooms, proximity of the start/finish line to the beach and flat surface for safety. She also spoke of benefits to the Town, such as increased business during the off-season and positive publicity. While the event has been held at each location in alternate years, she requested Council to allow the upcoming Polar Plunge on February 17, 2018 in Kure Beach and then annually thereafter and for as long as feasible.

Mayor Swearingen asked that Council vote on the request at this meeting and requested a motion to host the annual Polar Plunge and waive all associated fees. Commissioner Heglar expressed his support of the Polar Plunge, but indicated that the vote to host it annually should be consigned to the next Council, which will be seated in December.



TOWN COUNCIL MINUTES

REGULAR MEETING

September 18, 2017

MOTION – Commissioner Heglar moved to approve hosting the Polar Plunge February 17, 2018 and waive all associated fees

SECOND – Commissioner

VOTE – Unanimous

2. Bill Moore of 1100 Fort Fisher Blvd. S. requested guidance from Council regarding disproportionate fees charged to Ocean Dunes residents for recycling bins. Commissioner Heglar pointed out that the issue was on the agenda to be addressed later in the meeting.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Marketing Committee and Tourist Development

- a) Mayor Swearingen spoke on behalf of the committee to report that TDA has agreed to do a Visitor Volume Study, designed to illustrate how much our population increases every summer.
- b) TDA provided a copy of the Program of Work for 2018-2018 which the mayor offered to Council members for their review.
- c) Sand Fund is 27 % of the TDA budget and \$3,353,547 was added to the sand fund for beach renourishment, but they not give the total amount at this time.
- d) ROT funds are up 13% over the previous year in New Hanover County.

1. Planning & Zoning Commission

Chairman John Ellen reported that the Planning & Zoning Commission could not provide a recommendation on an ordinance change to exempt all town buildings and facilities from the setback requirement without more information. Commissioner Heglar encouraged anyone questioning the design to go back to listen to all meeting recordings before disagreeing, then bring specific issues of concern. Commissioner Dugan offered to gather more details for P&Z to review, including the specific size of the fire station driveway and setbacks.

2. Non-town Committee Reports

- a) Mayor Swearingen reported that the ADA committee representative has resigned. She described the committee as very active and viable and requested that all interested parties consider filling the vacant seat.
- b) MPT Bloszinsky shared information from Ports and Waterways on the 2019 beach renourishment project. Federal and local funding has been approved; now waiting for funding approval from the state, so the project seems to be on the right path. Inspector Batson reported that the beach suffered from this last storm and he, along with members of the Army Corps of Engineers, took a tour of the beach to identify problems. He added that 2019 is well ahead of us and we will have to see what transpires in the interim. Mayor Swearingen stated that Wrightsville Beach has their regular cycle this year, but Florida has needs after recent storms that may put the schedule off. She added that the Corps is working with us to get the beach back in shape as quickly as possible.



TOWN COUNCIL MINUTES

REGULAR MEETING

September 18, 2017

An Ocean Dunes resident added that they are working with Inspector Batson and CAMA representative Spencer Rogers to help design both immediate and long-term fixes needed as a result of the last storm.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

- a) Clerk Avery reported that the Recreation Manger was requesting Council approval to close K Avenue between Fourth Avenue and Dow Road on Sunday, October 8 from 7 a.m. to 12 p.m. for the Carolina Beach Marathon, which starts and ends in Kure Beach. Commissioner Heglar asked if that would block drivers from using Dow Road to exit town, to which he was informed it would.

MOTION – Commissioner Heglar moved to approve closing K Avenue between Fourth Avenue and Dow Road on Sunday, October 8 from 7 a.m. to 12 p.m. for the Carolina Beach Marathon.

SECOND – Commissioner Dugan

VOTE – Unanimous

- b) Clerk Avery requested adoption of Resolution R17-16 approving an amendment to US Cellular lease of space on the Settlers Lane water tower for an additional 25-year term, broken down into five 5-year terms, beginning August 2020 with a per annum increase of 3% rather than CPI. The current monthly rent is \$2,111.02. She explained that the 3% the per annum increase has been lower than CPI. She also stated that the contract has a 30-day written cancellation clause.

MOTION – Commissioner Heglar moved to adopt Resolution R17-16 approving the first amendment to US Cellular lease of space on the Settlers Lane water tower for an additional 25-year term beginning August 2020 with a per annum increase of 3%. Current monthly rent is \$2,111.02.

SECOND – Commissioner Whitley

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

2. Finance Department

- a) Finance Office Copenhaver spoke of the number of steps needed to start the process for financing, beginning with Resolution R17-19, which facilitates the town's application for approval from the state for a financing agreement not to exceed \$5,500,000. Obtaining approval at the state level is a prerequisite for soliciting RFPs from lending institutions. Commissioner Heglar spoke in support of the town working on the expansion project to upgrade the Town Hall building, which is now 25 years old, and build a new fire station. He added that the town is requesting approval from the state to arrange for financing and Council has been working on this for two years. MPT Bloszinsky clarified that the



TOWN COUNCIL MINUTES

REGULAR MEETING

September 18, 2017

intention of the resolution was for authorization to borrow \$5,500,000, not to spend that full amount.

MOTION – Commissioner Heglar moved to adopt Resolution R17-19 authorizing filing of an application for approval of a financing agreement not to exceed \$5,500,000 authorized by N.C. General Statute 160A-20 for construction of a new fire station and expansion and renovation of the Town Hall facility.

SECOND – Commissioner Whitley

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

- b) FO Copenhaver then explained that the next step would be a public hearing on application for approval of financing and asked Council to schedule such for October 9, 10 or 11.

MOTION - Commissioner Heglar moved to schedule a public hearing on application for approval of financing, as per Resolution R17-19 for October 10, 2017 at 6:30pm.

SECOND – Whitley

VOTE – Unanimous

- c) The final step needed at this time, as explained by FO Copenhaver, is to approve the advertisement of Request for Proposals from financial institutions for financing the construction of a new fire station and expansion and renovation of the Town Hall facility.

MOTION – Commissioner Dugan moved to authorize the Finance Officer to solicit Request for Proposals from financial institutions for financing construction of a new fire station and expansion and renovation of the Town Hall facility.

SECOND – Commissioner Whitley

VOTE - Unanimous

3. Building Department

Inspector Batson reported on several items:

- a) He will be attending the Coastal Resource Commission meeting September 27 or 28 to request acceptance of the new development line that was recently approved by Council. He will let Council know when he has the date confirmed for all who wish to attend
- b) CAMA received several calls from residents about the signs on the beach warning of the underwater remains of the Dow chemical plant. The three options he sees are to request a permit from CAMA to leave the signs as they are, to replace them with smaller signs that do not need a CAMA permit or to remove them altogether. The ensuing conversation touched on many points:
- Two signs were installed two years ago and four more were recently added.
 - How many is the right amount?



TOWN COUNCIL MINUTES

REGULAR MEETING

September 18, 2017

- Will smaller signs serve the purpose?
- People must be warned of the danger posed by the underwater structure.
- Army Corps of Engineers quoted removal of the structure at well over \$1 million several years ago.
- Current signs are on 6x6 posts. Signs small enough for 4x4 posts will not last.
- Residents do not feel they need the warning.
- People entering via the public access and renters will not know of the danger and need to be informed.
- CAMA permit fee is \$100
- Signs must remain because of the danger, but size can be reduced.

Consensus was reached to replace the six signs with smaller ones, as large as a 4x4 post can hold. The larger signs will be stored for potential future use.

- c) There is an unclaimed trailer parked on Town property at Fourth and H. The VIN number is illegible which makes identification of the owner impossible. Inspector Batson requested authorization of \$500.00 to have the vehicle towed.

MOTION – Commissioner Heglar moved to follow the procedure outlined in the ordinances to give notice that the trailer will be towed after which \$500.00 is to be used to have it towed.

SECOND – Commissioner Whitley

VOTE - Unanimous

4. Fire Department

Commissioner Dugan stated that Chief Harold Heglar will be retiring November 30. A public get-together will be held in his honor and the event will be advertised once plans are confirmed.

5. Public Works Department

Commissioner Heglar reported that stormwater pipes are in the process of being cleaned out, which requires heavy equipment. If citizens have heard loud noises, they should not be alarmed.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Follow-up discussion from August meeting regarding billing for recycling for the Ocean Dunes complex

MPT Bloszinsky began the discussion by stating that, in his opinion, the current practice of billing each residence throughout the town should remain unchanged. The discussion that followed illuminated several points:

- Other homeowners pay year round whether they live here full-time or not.
- Mr. Moore stated that Ocean Dunes is being charged \$4.88 per month for 197 carts when only 100 are at the location.
- Charging Ocean Dunes per cart would result in higher monthly fees for all residences.



TOWN COUNCIL MINUTES

REGULAR MEETING

September 18, 2017

- Ocean Dunes management requested the excess carts be removed, stating that 100 would be adequate. Clerk Avery was prepared to deliver 197 and can still do so.
- Recycling is billed per residence not by cart.
- The number of carts at Ocean Dunes is currently 125.

Following the lengthy discussion, Commissioner Heglar recommended keeping the procedure as is. MPT Bloszinsky and Commissioner Whitley concurred, following which consensus was reached.

2. Paid parking and Ad Hoc parking committee

MPT Bloszinsky reported that the company operating the paid parking trial will be in attendance at the next meeting to share the final numbers. He suggested tabling the discussion on paid parking until that time.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Amend Section 5.06 Travel, Training and Business, Subsection B Authority and Approvals
Mayor Swearingen asked that Council consider deleting the requirement that Town Council approves all training and travel requests for Council members and the Mayor. While she has obtained such approval in the past, she does not consider it necessary. Commissioner Heglar explained that the requirement was adopted in 2012 when a previous Council member was spending money without approval. He likes having checks and balances such as this and would like to keep the requirement in place. Commissioner Bloszinsky agreed, stating that it is a reasonable safeguard for Council and the people of the town.

2. Scheduling conflicts require rescheduling the next two regular Council meetings.

MOTION – Commission Heglar moved to reschedule the October meeting to October 16, 2017 at 6:30 p.m.

SECOND – Commissioner Dugan

VOTE – Unanimous

MOTION – Commissioner Heglar moved to reschedule the November meeting to November 20, 2017 at 6:30 p.m.

SECOND – Commissioner Dugan

VOTE - Unanimous

MAYOR UPDATES

MPO will not be applying for federal funds for roads and bridges on the advice of Pender County officials, who have the only construction project ready and do not see enough benefit to make the effort worthwhile.



TOWN COUNCIL MINUTES

REGULAR MEETING

September 18, 2017

COMMISSIONER ITEMS

MPT Bloszinsky has identified a bed and breakfast located on Ft. Fisher Blvd. S. as a revenue-producing property and requested a letter be sent to the property owner explaining his responsibility to pay the required room occupancy tax.

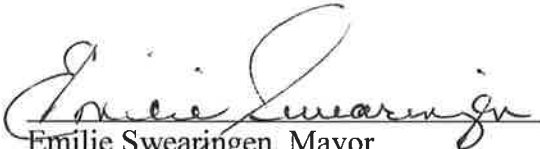
ADJOURNMENT

MOTION – Commissioner Heglar

SECOND – Commissioner Dugan

VOTE – Unanimous

The meeting adjourned at 7:59 p.m.


Emilie Swearingen, Mayor


ATTEST: Nancy Avery, Town Clerk

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

