



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

The Kure Beach Town Council held their regular Council meeting on Monday May 20, 2013 at 6:30 pm. Town Attorney Canoutas was in attendance and a quorum of Council present.

COUNCIL MEMBERS PRESENT

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Emilie Swearingen
Commissioner	David Heglar
Commissioner	Steve Pagley

COUNCIL MEMBERS ABSENT

STAFF PRESENT

Finance Officer – Arlen Copenhaver
Building Inspector – John Batson
Town Clerk – Nancy Avery

CALL TO ORDER AND WELCOME

Mayor Lambeth called the meeting to order at 6:30 pm; administered the invocation and led in the Pledge of Allegiance.

RECOGNITION AND AWARDS

Mayor Lambeth read and presented Proclamation 13-02 recognizing May 19–25, 2013 as National Safe Boating Week to O.B. Battle, Safety Officer, Cape Fear Sail & Power Squadron.

CLOSED SESSION – Legal matters

MOTION – Commissioner Swearingen made the motion to go into closed session to discuss legal matters at 6:35 pm.

SECOND – Commissioner Heglar

VOTE - Unanimous

MOTION – Commissioner Heglar made the motion to return to open session at 7:30 pm.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

APPROVAL OF CONSENT AGENDA ITEMS

1. Accept Debbie Price's resignation from the Annual Street Festival Committee.
2. Accept Karla King Lain's resignation from the Parks & Recreation Advisory Board (given verbally at the advisory board meeting)
3. Appoint alternate Liz Houston as a regular member on P&R to fill Ms. Lain's position (requested by advisory board at meeting)



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

4. Adoption of Proclamation 13-02, recognizing May 19–25, 2013 as National Safe Boating Week
5. Approval of contracts for bands for 'Boogie in the Park' Sundays paid for from Bluefish fundraiser as follows: Blue Tang Bandits \$400; The Steady Eddies \$600; Two Cents Worth \$250
6. Approval of the 2013 Emergency Operations Plan
7. Finance Report
8. Police Report – April 2013
9. Fire Reports – March & April 2013
10. Approval of Meeting Minutes:
 - April 11, 2013 Budget Work Session
 - April 16, 2013 Regular
 - April 16, 2013 Closed, Personnel
 - April 25, 2013 Budget Work Session

MOTION – Commissioner Heglar made the motion to approve the consent agenda with the exception of the addition of annex C on updated training requirements.

SECOND – Commissioner Swearingen

VOTE - Unanimous

ADOPTION OF THE AGENDA

Mayor Pro Tem Keener requested the addition of a report on the Cape Fear Disabilities commission under Committee Business as item # 4.

Mayor Lambeth requested the addition of setting up a meeting with Carolina and Wrightsville Beaches regarding marketing committees under New Business as item # 2.

Commissioner Swearingen requested the addition of discussion of the Town Hall flag pole landscaping under Old Business as item # 5.

MOTION – Mayor Pro Tem Keener made the motion to accept the changes referenced above and adopt the agenda.

SECOND - Commissioner Heglar

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

1. Kathleen Riely: Wilmington Association of Realtors – Homeowners Insurance

Ms. Riely stated:

- House Bill 519 – last time she was here she testified about modeling and transportation issues.
- Rates keep going up on the coast by 15-20%. This has been going on for years while other areas get decreases or no increase.
- A lawsuit was filed by Dare County when the coast received a huge increase and Charlotte received a decrease. The case was shot down based on procedural issues. Only entities involved in the rate making process have the right to appeal. We aren't part of the rate making process so we had no say.
- Later on, a bill passed in the General Assembly allowing the public to be involved in the rate making process.
- Finally we have House Bill 519 which addresses modeling. Insurance companies use modeling when determining how to charge rates in what areas. This is their tool when going before the Commissioner of Insurance. It is standard in the industry to use modeling for projecting future rates.
- 82% of claims paid were outside of the coastal areas. This is past information and is not used in modeling when setting rates.
- House Bill 519 requires insurance companies to use historical data in modeling and setting rates.
- We don't have a peoples advocate in the state of North Carolina. Most other states do. We are one of only eleven states that elect our insurance commissioner.
- An air model exists that is highly prejudicial to the coast; an RMS model covers more inland areas. Other states use a combined or blended model which is more conducive to their coast areas.
- House Bill 519 will force insurance companies to use more than one model and calls for more transparency in the insurance rate setting process.
- It was introduced by Representative Paul Tyne and Senator Harry Barry. The bill passed the entire house with no objection and passed the first reading in the Senate.
- If the bill passes, it won't affect our current rates but will slow down future increases.
- One thing that didn't get in the bill is that there are no limits or constraints on how often insurance companies can request an increase. She said she wanted that in the bill, but it didn't make it.

2. Jim Dugan: Town representative on the Ports, Waterway & Beach Commission

Mr. Dugan stated:

- Most meetings last year were about the recertification for Carolina Beach. This is their last year for re-nourishment. Both Wrightsville Beach and Kure Beach have quite a few years to go.



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

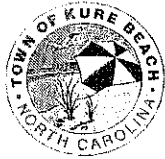
- Layton Bedsole, the county Shore Protection Coordinator, has written the paperwork for Carolina Beach to get reauthorized and he is working at the national level on legislation changes.
- Once the funding issues were worked out with Carolina Beach and Kure Beach, the glitch was that part of Kure Beach's project is in Carolina Beach. When the maps were originally drawn up, there was an unincorporated area between both towns that has now been absorbed by the two towns.
- When new maps are drawn up, Carolina Beach will be a separate area as will Kure Beach.
- On the recent project, there were supposed to be two hopper dredges, but only one was used. Carolina Beach received an extension and their nourishment is complete.
- Wrightsville Beach is still on track for their nourishment.
- Marlowe and Company, lobbyists, are keeping their eyes and ears on possible issues.
- Two different plans are being discussed:
 - Plan A – nourishment continues the way it currently works
 - Plan B – the county gets controlling authority. This would allow us to have one super re-nourishment and eliminate costs by eliminating staging costs.The other possibility is that each town would have control of its own money.
- There has been discussion about redoing the percentage for Room Occupancy Tax. That is down the road. There haven't been any meetings about that.
- ROT funds will be used for the proposed annual shoreline measurement for our coastal towns in the county. Our Building Inspector has been measuring the beach for the last four to six years. When he first did it, he was making his own measurements. He then met with the Corp and began using their types of measurements. The county is working on a Request For Proposal to hire an engineer or someone to measure the beaches.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. John Elliot, Director of Duke Energy's East Division, Franchise Agreement

Mr. Elliott stated:

- The Franchise Agreement with the Town is up for renewal. The last one was signed in 1953.
- With the Franchise Agreement, the Town provides Duke Energy the ability to come in and build and construct, maintain and repair, etc., and holds the Town harmless for any damage caused by their facility. This takes place under state statute. This really comes into play when we are in the Town's right of ways, not when we have private easements.
- Adoption of the Franchise Agreement requires two readings and approval, so it needs to be on next month's agenda also.



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

MOTION – Commissioner Heglar made the motion to approve the first reading of the Franchise Agreement with Duke Energy Progress, Inc. as presented.

SECOND – Commissioner Pagley

VOTE - Unanimous

2. Eric Vann, resident

Mr. Vann stated:

- He is concerned that the concerts for Boogie in the Park are being paid for with the Bluefish fundraising. He said he was told those funds would go for debt repayment.
- He is concerned about using food vendors/trucks. They don't pay property taxes in Kure Beach or pay for bathrooms or water, etc. He think we should give local restaurants a shot first instead of putting vendors in front of them that don't have all the financial responsibilities.

3. Craig Bloszinsky, member of the Parks & Recreation Advisory Board

Mr. Bloszinsky stated:

- The Boogie in the Park concert series started a few weeks ago and thanks to a lot of work by one woman, Joan Van Ham, (committee member) and Nancy (Avery) and her staff, he thinks we have a very successful event. It is advertised on websites, air time on channel 6 and other places. All the signs didn't get up in time.
- The first event started at 4 pm with about twenty-five folks; by 4:30 pm the headcount was 142; and it grew to around 172. A lot of fun was had by all.
- He felt proud of Kure Beach. He walked around the crowd and asked what they thought. One lady was from Carolina Beach and she said Kure Beach is now the place to be on Sunday afternoon. Some folks said it was too close to dinner hour. Overall, he thinks it is a success.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Parks & Recreation (P&R) Advisory Board

- a. Authorization to allow food trucks at the Ocean Front Park for the Town sponsored concert series 'Boogie in the Park'

Mr. Bloszinsky, Parks & Recreation Advisory Board Vice Chairman, stated:

- He respects the opinion voiced earlier about the restaurants. At the concerts, there were people in various degrees of attire and not everyone sitting there could afford to go into a restaurant to have a sit down meal.
- Should we ask the restaurants if they would be willing to sell boxes of food?



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

- Do we need something else? The view the committee talked about was maybe one food truck. Is there a way the Town can benefit by a privilege license fee or something?
- The intent is to make sure people have whatever they need there or bring it themselves.

Joan Van Ham, P&R Advisory Board member, stated:

- She spoke with band members and their suggestions were there should be music when the band takes a break, no food trucks, but maybe soft drinks and concessions. Some committee members thought the restaurants might have too much business.

Council members suggested P&R talk individually with restaurants for ideas.

CONSENSUS – Don't bring in competition for the restaurants.

- b. Authorization to allow beer/wine vendors at the Ocean Front Park for the Town sponsored concert series 'Boogie in the Park'

P&R Vice Chairman Craig Bloszinsky stated the board is not going to ask to sell alcohol during the concerts right now.

2. Beach Protection Committee – cigarette butt receptacles

Andy Barnard, committee co chairman stated:

- The majority of litter is around the pier. Cigarette butts specifically are a problem.
- The committee wants to know if Council would be willing to put out buckets on the beach around the pier with a sign that talks about the fee associated with littering.
- The committee would like to know the status of when the Keep Off The Dunes signs will be installed.

CONSENSUS – Commissioner Heglar, liaison for Public Works, will talk to Director Beeker and let him weigh in on the idea of ash receptacles on the beach, plus the status of the signs, get back to the committee.

3. Shoreline Access & Parking Committee – lifeguard signs and parking

Tony Gonsalves, chairman, stated:

- The committee voted to put signs on the strand on the lifeguard stands to number the stands.
- The committee also wants to put lifeguard parking signs at five parking spaces in town to be designated for lifeguard use only at seven days a week from 8 am to 5 pm at N Avenue, the guard shack on Atlantic Avenue (this is in addition to the one



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

already there), J Avenue, H Avenue, and F Avenue. When the lifeguards go to lunch they lose their parking spaces and can't find a place to park. It would consist of a post and a sign (showed a sample). There will eventually be 9 areas. The cost is \$480.

- \$1,080 is the cost to upgrade all the signs on the strand that we previously spoke about before. They probably won't be finished before the season.

Discussion points:

Why another spot at lifeguard shack when one is already there? Don't the guards use ATVs? Did the lifeguards ask for this? This is taking more parking in the downtown area.

MOTION – Mayor Pro Tem Keener made the motion to do the signs on the lifeguard stands at an approximate cost of \$228 from the committee budget.

SECOND – Commissioner Heglar

VOTE - Unanimous

CONSENSUS – don't do lifeguard designated parking signs.

Mr. Gonsalves asked for guidance on where to put additional 'Don't Feed The Birds' signs.

CONSENSUS – put 'Don't Feed The Birds' signs from L to K Avenues, street side only, no where else.

MOTION – Commissioner Heglar made the motion to redo the strand signs from L to K Avenue at a cost of \$1,080. Signs are to be paid for by the Police Department or from the contingency fund as a last resort.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

CONSENSUS – don't take all signs down at one time. Work with the Public Works Director on this.

4. Mayor Pro Tem Keener – Cape Fear Disabilities Commission report

Mayor Pro Tem Keener read an article in the Star News about disability awareness at the Kure Beach Ocean Front Park. He asked the clerk to put the article on the website.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Finance

- a. Approval of Change Order #11 for the Ocean Front Park



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

Finance Officer Copenhaver stated there is another change order for the park project. It is a credit for the things the Town ended up doing rather than the contractor. It brings down the amount due to Landmark to approximately \$23,000.

b. Decision on liquidated damages and authorization to Finance Officer to make final payment to contractor upon receipt of final pay application contingent on completion of punch list items.

Commissioner Heglar explained a decision needs to be made as to whether to pursue liquidated damages with Landmark so the final pay application may be made.

MOTION – Commissioner Heglar made the motion to approve change #11 as presented, don't pursue liquidated damages and authorize Finance Officer to pay final application pending completion of the six close out items.

SECOND – Mayor Lambeth

VOTE - Unanimous

c. Acceptance of draft FY 13-14 Budget Message, Ordinance and Fee Schedule, and authorization to Town Clerk to publicize required public hearing on the draft budget.

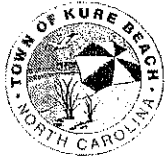
Finance Officer Copenhaver reviewed highlights of the draft FY13-14 budget message, ordinance and fee schedule stating:

- The budget is balanced as required.
- It is based on goals Council set at the January retreat.
- A public hearing has been scheduled for June 12, 2013 at 6:30 pm.
- The budget is made up of seven funds with one of those being a new fund for beach protection.
- There is no change to the tax rate of \$26.15 per 100 value.
- There is a 50% garbage increase in garbage collection rates; residential increases \$2 per cart per month; commercial increases from \$17.50 to \$26.25 per cart per month.
- Four new full time equivalent employees are included; one in Administration & Finance and three in the Fire Department and Ocean Rescue.
- The 2014 budget is higher than the 2013 budget.
- A 3.5% merit increase is included, based on performance.

MOTION – Commissioner Heglar made the motion to accept the draft budget message, ordinance and fee schedule and authorize the Town Clerk to publicize the public hearing on June 12, 2013 at 6:30 pm or soon thereafter

SECOND – Commissioner Swearingen

VOTE – Unanimous



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

d. Spending authority Parks and Recreation FY13-14 budget

Town Clerk Avery explained that:

- Funding for staffing for the recreation coordinator positions is in her Administration and Finance budget but the funds for the programming at the parks is in a separate budget titled Parks & Recreation.
- This budget was set up originally to track revenue and expenditures for classes and bus trips set up by the Parks & Recreation Advisory Board.
- She does not have spending authority for the Parks & Recreation budget. Without it, staff is going to have to get approval from the committee which results in staff reporting to a committee.
- She requested Council give her spending authority for the Parks & Recreation budget.

MOTION - Commissioner Heglar made the motion for the Town Clerk to have spending authority over the Parks & Recreation budget.

SECOND – Mayor Lambeth

VOTE - Unanimous

e. Adoption of Facilities Rental Policy

Town Clerk Avery stated:

- Since her staff was now responsible for rentals at both the Community Center and the Ocean Front Park pavilion, she combined the rental policies for both facilities into one policy to streamline and make it an easier document to use.
- The combined policy includes two changes that have been reviewed and approved by both the Community Center Committee and the Parks & Recreation Advisory Board: one change gives the staff the discretion to waive the minimum hour requirement for rental; the other removes the requirement for liquor liability insurance at the Community Center. Staff found out from the insurance company that liquor liability insurance is required only if something other than beer or wine is served. Since policy says only beer and wine are allowed, the general liability insurance is enough coverage.

MOTION – Mayor Pro Tem Keener made the motion to adopt the Facilities Rental Policy as presented.

SECOND – Commissioner Pagley

VOTE – Unanimous

Said policy is herein referenced and included as part of these minutes.



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

f. Department Head Evaluations

Town Clerk Avery asked Council to set a meeting date to conduct Department Head evaluations that are due this time of year.

MOTION - Commissioner Heglar made the motion to conduct Department Head evaluations in a closed session on June 18, 2013 at 5:30 pm.

SECOND – Mayor Lambeth

VOTE - Unanimous

g. Road closures for half marathon in Carolina/Kure Beach on October 6, 2013

Dow Road, Settlers and Mackerel from 7:30 am – 10:30 am

Town Clerk Avery asked Council to agree to road closures from 7:30 am – 10:30 am on October 6, 2013 on Dow Road, Settlers Lane and Mackerel Lane for a half marathon. The marathon begins and ends in Carolina Beach so there is little impact to Kure Beach.

MOTION – Commissioner Heglar made the motion to approve closing Dow Road, Settlers Lane and Mackerel Lane from 7:30 am – 10:30 am on October 6, 2013 for a half marathon sponsored by BTR Management.

SECOND – Commissioner Pagley

VOTE - Unanimous

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Determination of hours of operation of the public restroom at the Ocean Front Park beginning Monday, May 28th (day after Memorial Day) – tabled from April meeting

MOTION - Commissioner Heglar made the motion to adopt the hours of operation for the Ocean Front Park public restroom as per the staff recommendation from last month's meeting which is as follows:

March 15th to Thursday before Memorial Day

Hours open: 8:00 am until 5 pm

Public Works will open and Police will lock up at 5 pm

Memorial Day weekend (beginning Friday) – Labor Day Weekend

Hours open: 8:00 am until 9:00 pm

Public Works will open and either Police will lock up or lifeguards before they leave

September (after Labor Day) to November 30th

Hours open: 8:00 am until 5 pm

Public Works will open and Police will lock up at 5 pm



TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

December to March 14th - Closed

SECOND – Mayor Lambeth

VOTE – Unanimous

2. Update on the Kure Beach Triathlon to be held June 15, 2013 & road closure
Commissioner Heglar stated that to break even for the triathlon for Step Up For Soldiers and the Fire Department there needs to be 178 registered. Right now they have 64 signed up. Sunny Point has approved the road closing. It will be a smaller event than last year. The event supports a good cause.

3. Update - Critical Habitat for Loggerhead Sea Turtles

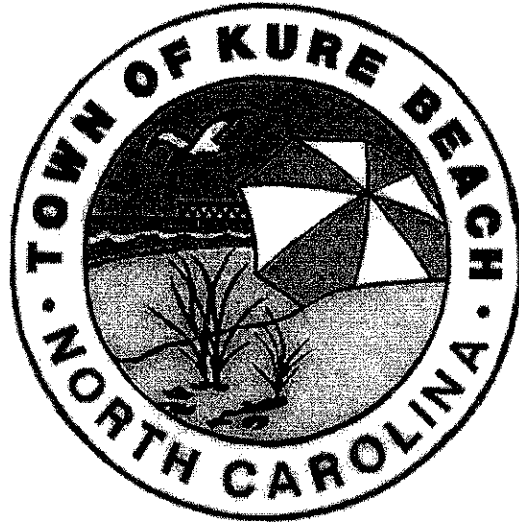
Commissioner Swearingen stated:

- She hopes everyone saw the letter received by the clerk from the Wildlife Association requesting a public hearing. Topsail Beach has also requested a hearing and the letter said they would try to find somewhere in between the two towns to hold the hearing.
- All of us requested an economic analysis/impact of doing what they are proposing. They are trying to put together this information during the summer before the public hearings are held. She encourages everyone on the island to attend the hearing.
- There is an article in the Smithsonian this month from a gentleman about this critical habitat designation bogging down the Wildlife Commission because it is so extremely bureaucratically involved. It is interesting that another group is dealing with another type of wildlife is having same problems we are having.
- She said she appreciates the article the Island Gazette did in such detail.

4. Update - Senate Bill 58 regarding inlet dredging

Commissioner Swearingen stated:

- Senator Brown from Onslow County initiated this bill to increase fees for boats. After everyone went crazy, it was redone to decrease those fees to something more reasonable. A huge percentage of the fees will go to inlet dredging. They changed the rules from 18 to 14 feet for dredging. It passed the third vote in the Senate on May 6th and passed the first vote in the House on May 8th. It is currently in the Commerce Committee, and if it passes it then goes to the Finance Committee before coming back to the floor for a second and third vote.
- We sent postcards to all property owners in Carolina Beach and Kure Beach and property owners living elsewhere in North Carolina asking them to contact their legislators to support this bill.
- If this passes, maybe we won't have to worry about that \$15,000 every 12 months or 6 months.



Facility Reservation General Policies

Town of Kure Beach Facility Reservation General Policies

It is the policy of the Town of Kure Beach to maintain the Ocean Front Park and Community Center for all residents of the Town and surrounding area. It is the goal of the Town of Kure Beach to make these available to individuals and organizations that will promote the productive use of the facilities for Town residents. In appropriate circumstances, outside groups and organizations may use these facilities upon approval by the Town of Kure Beach. This document is to ensure that:

- The Town of Kure Beach facilities are allocated in a fair and equitable manner.
- All users of the Town of Kure Beach facilities understand the policies pertaining to the use of the facilities.
- All users of the Town of Kure Beach facilities exercise good judgment in the use and care of the facilities.

Reservation Procedure

Parties interested in renting a Town of Kure Beach facility must complete a reservation request form. Reservation requests will be evaluated on a case by case basis by Town of Kure Beach Staff based on the nature and character of the proposed event and priority to first confirmed booking.

Once a reservation request form has been approved, the Lessee must submit to the Town of Kure Beach the security deposit and signature page of this general policy to secure booking. Reservations are not confirmed until the security deposit and general policy signature page have been received. All other paperwork as determined by the nature of the proposed event and described in this general policy, along with the necessary fees must be submitted to the Town prior to 60 days before the event.

The Town of Kure Beach Community Center may be reserved any day of the week between 6:00 am and 12:00 am. The Town of Kure Beach Ocean Front Park may be reserved any day of the week between 8:00 am and 11:00 pm, excluding major holidays. In addition, the Ocean Front Park is not available for rental between July 4th and the Labor Day holiday.

Town of Kure Beach Facility Reservation General Policies

Rental Fees

The cost to lease a Town of Kure Beach facility varies based on the facility and status of Lessee. Proof of non-profit and/or residency status is required for rates to be effective. All rental fees must be paid in full 60 days prior to the event date.

The current rates for the private rental of any Town of Kure Beach facility are as follows:

PUBLIC PROPERTY		RESIDENT/ NON-PROFIT ORG. RENTAL RATE	NON-RESIDENT/ FOR-PROFIT ORG. RENTAL RATE
OCEAN FRONT PARK	Pavilion	\$75/hour	\$100/hour
	Pavilion & Lawn	\$125/hour	\$150/hour
COMMUNITY CENTER		\$75/hour	\$100/hour
Security Deposit Fee is \$250 per property. This is required but is refundable after satisfactory inspection. Please allow 2 weeks for return of security deposit.			
If booking Community Center for Wedding Reception, Ocean Front Park Pavilion may be rented for 1 HOUR at applicable hourly rate for Wedding Ceremony and Pictures.			

The minimum private rental time frame is 2 hours, with additional time added at the per hour rate. Any exception to the 2 hour minimum will be made at the discretion of the Town Staff. Time needed for set up and clean up of events is to be included in the rental time frame, please keep this in mind when determining rental time needed.

Security Deposit

A security deposit in the amount of \$250 per facility is due when the facility request is approved. The security deposit is fully refunded within 2 weeks of the rental unless, the following occurs:

- An agent of the Town of Kure Beach believes there has been damage or misuse.
- The after event checklist has not been completed to the satisfaction of an Agent of the Town of Kure Beach.

Town of Kure Beach Facility Reservation General Policies

The responsible party or group will be assessed for the cost of repairs (as determined by the Town of Kure Beach). The financial liability of the lessee is not limited to the amount acquired through the security deposit.

There is a \$10 non-refundable fee each time an existing contract is revised.

Cancellations

Cancellation of contracts prior to 30 days before the event will result in a full refund of the security deposit and fees, less a \$50 service charge. **The rental fee will NOT be refunded for a cancellation of the Lease by the Lessee made within 30 days before the event; however, the security deposit will be refunded.**

If an event is cancelled by the Town of Kure Beach due to inclement weather or other state of emergency, the event may be rescheduled at a future date for no additional charge. If no mutually agreed upon date can be reached, the Town of Kure Beach will refund the full payment and security deposit. In the event of any cancellation it will be the responsibility of the Lessee to make all necessary arrangements to notify the group or public of the details of the cancellation, including contacting the media if applicable.

Event Checklists

Event Checklists specific to each facility form a part of this lease contract and must be adhered to for a full refund of the security deposit. For the **Community Center**, an After Event Checklist must be completed by the Lessee and a Town Representative at the termination of the event. The Lessee is responsible for bringing a copy of the after event checklist, completing the checklist, and leaving it on the kitchen counter prior to vacating Community Center premises. For the **Ocean Front Park**, a Before Event Checklist and After Event Checklist must be completed and signed in the presence of the Town Representative. The Lessee may not vacate premises unless the after event checklist has been completed. In the event that Lessee vacates premises prior to checklist completion, the Lessee may be held liable for damages incurred before the checklist is completed. The Lessee is responsible for bringing a copy of both the before and after event checklists, completing each checklist in the presence of a Town Representative, and leaving both checklists with the Town Representative. Any clean up task not

Town of Kure Beach Facility Reservation General Policies

completed to the satisfaction of the Town Representative will result in the forfeit of the entire security deposit. When appropriate, security deposit checks will be returned within two weeks of the Event.

Liability Insurance Information

It is **recommended** that **Lessees** using any Kure Beach facility have General Liability Insurance coverage in effect during their entire occupancy, including move-in, event day(s) and move-out. **Minimum coverage amount shall be \$1,000,000** and shall not be cancelled or materially altered after certificate is delivered to the Town. Lessee is responsible for the cost of the insurance coverage. The Town of Kure Beach shall be named as an additional insured under this policy. The Lessee agrees to indemnify, defend and hold harmless the Town of Kure Beach, its agents, officers, and employee from and against any and all liability and expense, including attorney's fees and claims for damages including but not limited to, bodily injury, death, personal injury or property damages arising from or in connection with Lessee's operations or its activities carried on under the Agreement. The Lessee's duty to indemnify the Town shall survive the expiration or other termination of this Agreement. **If Lessee chooses not to purchase this insurance, please sign the General Liability Insurance Waiver Form provided and attach to the Contract.**

Lessees self-serving alcohol at an event (as defined and allowed below) and using any part of the Kure Beach Community Center are required to purchase General Liability Insurance for their entire occupancy, including move-in, event day(s) and move-out. Minimum coverage amount shall be \$1,000,000 and adhere to terms cited above. The Lessee's duty to indemnify the Town shall survive the expiration or other termination of this agreement. Please contact a Town of Kure Beach Recreation Coordinator for further clarification regarding liability insurance requirements and/or information on purchasing appropriate coverage.

Alcohol

Alcohol consumption is **not allowed** on the premises of any Town of Kure Beach facility, with the exception of the Community Center. During the rental of Kure Beach

Town of Kure Beach Facility Reservation General Policies

Community Center, Lessees may serve beer and wine only if proper general liability insurance coverage is obtained or through a fully insured and licensed caterer. Only beer and wines may be served, no liquor may be served at any time. No kegs or glass beer bottles are allowed. In addition, the sale of alcohol is not allowed.

Catering

Caterers must provide proof of liability insurance, as well as a current permit and health sanitation grading from the New Hanover County Health Department. The certificate of insurance shall provide liability limits at least in the amount of \$1,000,000 per occurrence, combined single limits, applicable to claims due to bodily injury and/or property damage. The Town of Kure Beach shall be named as an additional insured under this policy. Vendors/Lessee shall be responsible for all set up and clean up after the event.

Community Center Kitchen Usage

No cooking or meal preparation is permitted. Only catered events and the use of the kitchen to warm or reheat previously prepared food is permitted. It shall be Lessee's responsibility to submit in writing the caterer's name for their event and appropriate paperwork. Lessee and Caterers will be expected to adhere to kitchen policy.

A Lessee-provided gas grill may ONLY be used on the south side of the Community Center building (within the parking lot area) and the grill must be at least 20 feet from the building. Grill use is not permitted at Ocean Front Park.

Guests

The Town will not be held responsible for the safety or security of any equipment, but not limited to chairs, tables, musical instruments or food. The Town, its owners or agents, shall not be held responsible for and is hereby expressly relieved from any and all liability by reason of injury, loss, or damage to any person or property in or about the premises, however, caused whether loss, injury or damage to the person or property of the Town, the event, invitees, or other persons.

Town of Kure Beach Facility Reservation General Policies

Public Safety

Lessee agrees that at all times he/she will conduct activities with full regard to public safety, and will observe and abide by all applicable regulations and requests by duly authorized governmental agencies responsible for public safety to assure such safety. All portions of the sidewalks, entries doors, passageways and all ways of access to public utilities of the premises shall be kept unobstructed by the Lessee and shall not be used for any purpose except for ingress or egress to and from the premises by the Lessee. The Lessee agrees not to bring onto the premises any material, substances, equipment, or object, which is likely to constitute hazard to the property thereon without the prior approval of the Town. The Town shall have the right to refuse any such material substances, equipment or object to be brought onto the premises and the further right to require its immediate removal there from if found thereon. No animals or pets are allowed inside Kure Beach buildings unless for medical reasons. **Due to fire code, doors with exit signs above them may not be blocked. No lit candles may be used. NO HANDGUNS OR WEAPONS ARE ALLOWED ON TOWN PROPERTY.**

Care of Facility

Lessee shall not injure, nor in any manner deface said premises or any equipment contained therein, and shall not cause or permit anything to be done whereby the said premises or equipment therein shall be in any manner injured, marred or defaced. Lessee will not drive or permit to be driven nails, hooks, screws, tacks, pins and staples into any finished surface in any part of said building or equipment contained therein, or use tape or any fasteners or adhesives that would mar the walls, floors, mirrors, ceiling, furniture, and will not make any alterations of any kind to said building or equipment contained therein. All items brought into the premises must be removed immediately following the event. Provided the regulations of the entire contract have been properly followed, the security deposit will be returned. LESSEE agrees to the following rules: **No smoking is allowed inside any facility. No outside music after 10:00 PM. No rice or bird seed. No fireworks, including sparklers. No lighted candles can be used. The tables or chairs provided at the Community Center may not be used outside of the Community Center building.**

Town of Kure Beach Facility Reservation General Policies

Control of Facility and Right of Entry

In renting said space to the Lessee, it is understood that the Town does not relinquish the right to control the management thereof, and to enforce all necessary laws, rules and regulations. Duly authorized representatives of Town may enter the premises to be used and all the premises at any time and on any occasion without restriction whatsoever. All facilities including the area which is the subject of this permit, and all parking areas shall at all times be under the control and charge of the Town.

The town reserves the right to eject or cause to be ejected from the premises any intoxicated or disorderly, person or persons, and neither the Town nor any of its officers, agents, or employees shall be liable for any damage that may be sustained by Lessee.

In addition, Ocean Front Park and surrounding grounds are public property. The Town of Kure Beach cannot guarantee exclusive rights or use of public property because legal considerations limit the ability of the Town to grant exclusive domain of a public facility. Your signature on this document is confirmation of the understanding that you do not have a legal right to full and unrestricted use of public property.

Agreement to Quit Premises

The Town of Kure Beach Community Center may be rented between 6:00 am and 12:00 am, and the Town of Kure Beach Ocean Front Park may be rented between 8:00 am and 11:00 pm. Rental access to leased space at times other than specified is strictly enforced. Lessee agrees to quit leased space no later than the term of this agreement. Lessee understands that per hour rate fees will be charged for any additional time and further agrees to leave leased space in condition equal to that at the commencement date of this agreement. Upon vacating the premises, LESSEE AGREES TO REMOVE ALL TRASH FROM THE LEASED SPACE.

Town of Kure Beach Facility Reservation General Policies

General Policy Signature Page

As the Lessee of the event described, I agree to comply with all regulations stated in this Town of Kure Beach Facility Rental General Policy. My signature on this form implies I have read and fully understand this Facility Rental General Policy and I will adhere to all items described within. I also agree to obtain all necessary permits and proof of insurance as outlined in this General Policy, and I assume responsibility for any violation by my vendors or guests.

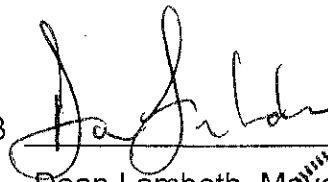
Failure to comply with rules and regulations governing the facility could result in loss of security deposit, immediate closure of the facility, a bill for additional damages and a permanent barring from the facility.

Signature of Lessee (Tenant)

Date

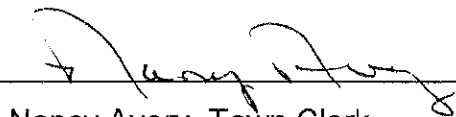
Printed Name of Lessee (Tenant)

Adopted by Council 5/20/13

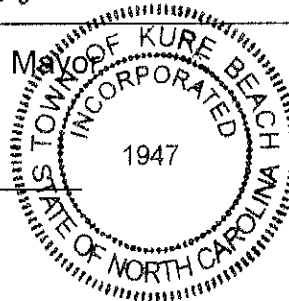


Dean Lambeth, Mayor

ATTEST:



Nancy Avery, Town Clerk





TOWN COUNCIL MINUTES

REGULAR MEETING

MAY 20, 2013

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Landscaping at the flagpole at Town Hall

Commissioner Swearingen stated she has been working with a horticulturist and Island Women for a landscape design around the flagpole. As soon as Sonny (Public Works) has time, we will work with him on changes to the sprinkler system at the flagpole. She requested \$300 from Council to pay for some of the plants. They are native perennial plants. Island Women have agreed to weed it, water it and take care of it so Public Works won't have to.

MOTION – Commissioner Heglar made the motion for the Finance Officer to find the \$300, starting with Public Works down to the contingency fund to upgrade the flag pole.

SECOND – Mayor Pro Tem Keener

VOTE - Unanimous

2. Meeting with Carolina Beach and Wrightsville Beach

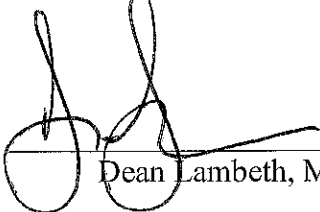
Mayor Lambeth stated this is for Commissioner Heglar and Finance Officer Copenhaver. Carolina Beach and Wrightsville Beach want to set up a meeting. Please check your schedules and he will call them and set it up.

ADJOURNMENT

MOTION - Commissioner Heglar made the motion to adjourn at 9:55 pm.

SECOND – Commissioner Swearingen

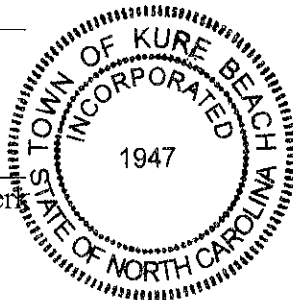
VOTE - Unanimous



Dean Lambeth, 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. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.