



TOWN COUNCIL MINUTES

REGULAR MEETING

February 16, 2016

The Kure Beach Town Council held their regular meeting on Tuesday, February 16, 2016 at 6:45 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
Town Clerk – Nancy Avery

CALL TO ORDER AND WELCOME

Mayor Swearingen called the meeting to order at 6:45 p.m., following the Public Hearing, and called for a five-minute break. The meeting resumed at 6:50 p.m.

Pastor Rick Butterworth from Kure Beach First Baptist Church delivered the invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. Appoint Jim Dugan as COG representative, council liaison to the Fire and Police Departments, KB/CB Sewer Authority (replacing Swearingen), and *check signatory authority
2. Pre-approval of any mileage reimbursement related to Mayor Swearingen's attendance at the NCLM's Legislative Taxes and Finance Action committee meetings in Raleigh
3. Approve updated Town organizational chart
4. ~~Approve adding an alternate member position to the Marketing Advisory Committee and appoint Debbie Elliott to that position~~
5. Appoint David Sack as an alternate member of the Community Center Committee
6. Approve permanent time change for the monthly Community Center Committee meeting from 10:00 a.m. to 9:30 a.m.
7. Fire Department report – January 2016
8. YTD Finance Report Meeting
9. Minutes:
 - January 19, 2016, regular meeting
 - January 19, 2016 closed session
10. Accept Sam Khatib's resignation from the Marketing Advisory Committee
11. Appoint Allen Oliver as a member of the MPO Bike and Pedestrian Committee



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Mayor Swearingen asked that the following changes be made to the Consent Agenda Items, as follows:

- Remove Item 4 from the Consent Agenda
- Accept Sam Khatib's resignation from the Marketing Committee as Item 10
- Appoint Allen Oliver as a member of the MPO Bike and Pedestrian Committee as Item 11

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

SECOND – Commissioner Dugan

VOTE – Unanimous

ADOPTION OF THE AGENDA

Mayor Swearingen asked that the following changes be made to the meeting agenda, as follows:

- Add “Appoint Debbie Elliott as a regular member of the Marketing Committee” as Item C under Marketing Committee
- Add “Approve the addition of an Alternate Member position for the Marketing Committee” as Item D under Marketing Committee

MOTION – Commissioner Heglar moved to adopt the agenda, as amended by Mayor Swearingen.

SECOND – MPT Bloszinsky

VOTE – Unanimous

AWARDS AND RECOGNITION

Town Clerk Avery congratulated Deputy Town Clerk Hewitt for receiving her certification as a clerk with the International Institute of Municipal Clerks and her certification as a clerk with the NC Association of Municipal Clerks.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Greg Reynolds, Pleasure Island Chamber of Commerce – Funding request

Mr. Reynolds asked council to fund the summer concert series which will take place from June to August at the Fort Fisher Air Force Recreation Area on the second and fourth Fridays from 6:30 to 8:30 p.m., at a total sponsorship cost of \$8,800. He said that they will follow the town's application process for requesting funds, but he just wanted to formally make his request to council.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Marketing Committee

a. Kim Hufham, Tourism Development Authority (TDA)

Ms. Hufham said that Mayor Swearingen attended her first TDA meeting in January and asked that she come to share her presentation with council. She presented a flow chart demonstrating the use of Room Occupancy Tax (ROT) funds, explaining its breakdown. She said that they advertised the town in Charlotte and the Piedmont Triad, as well as out-of-state and got great results. She said that



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the town has outpaced every other municipality in New Hanover County over the last few years on tourism and ROT growth.

b. Rollover ROT Funds

Marketing Advisory Committee (MAC) Chairperson, Robin Nalepa, reviewed Marketing's plan and asked for council to approve their recommendations for use of the total rollover of \$47,542 from ROT funds.

Commissioner Heglar asked where the ten percent reserve was located that council had them set aside from last year's budget, to which Ms. Nalepa responded that the ten percent is listed on the spreadsheet as "contingency" in the amount of \$3,042. She reminded council that the only thing for which the money can be used is marketing, so the town is just sitting on those funds and not achieving anything with them.

Discussion ensued about the best time of year to advertise using the majority of the funds that would be most beneficial to Kure Beach businesses.

MOTION – MPT Bloszinsky moved to direct the Marketing Advisory Committee to query the local business owners on the best time of the year to use the marketing advertising funds, and bring their findings back to council.

SECOND – Commissioner Heglar

MOTION – MPT Bloszinsky and Commissioner Heglar removed their motion and second.

MOTION – Commissioner Heglar moved to approve the rollover budget, as presented, and directed the Marketing Committee to build a future budget for 35 percent to go in the reserve and, in the future, council will give the committee clear budget guidance moving forward.

SECOND – Commissioner Whitley

VOTE – Unanimous

c. Appoint Debbie Elliott as a regular member of the Marketing Committee

MOTION – Commissioner Heglar moved to appoint Debbie Elliott as a regular member on the Marketing Advisory Committee.

SECOND – Commissioner Dugan

VOTE – Unanimous

d. Approve the addition of an Alternate Member position for the Marketing Committee

MOTION – Commissioner Heglar moved to add one alternate member position to the Marketing Advisory Committee and to direct the clerk to advertise the vacancy.



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SECOND – Commissioner Whitley

VOTE – Unanimous

2. Planning & Zoning (P&Z) Commission

Chairman John Ellen said that he was elected during the February P&Z meeting to be the chairman. He said that council had directed P&Z to hold a public hearing on the issue of container homes and to craft wording for an ordinance. He said they held their meeting on February 4th at which time P&Z discussed allowing container homes in the RA2-T district with trailer homes. He said 16 emails were received by town staff on the subject with 12 being against the homes, 1 in favor of them and the rest with questions. He said they had five people come to speak on the issue with four of them against the homes and one with questions about insurance requirements. He said they reviewed four options and at the end of the meeting there was a motion to disallow container homes in the confines of Kure Beach that passed with a four-to-one vote. He said P&Z is developing two optional proposals: one with words to restrict containers from being used as homes and one to allow container homes to be in the RA2-T district.

Commissioner Heglar recommended that the commission take their time composing the two proposals to be brought before council, at which time a public hearing will be scheduled.

Mayor Swearingen said she knows someone who has a container home next to a friend of hers and the friend doesn't mind it.

MPT Bloszinsky said that the emails received were as important as those that came from people who attended the meeting.

Lore Eccleston from 812 Settlers Lane said that she doesn't want them in her backyard. She said there are a lot of pretty houses on Alabama Avenue and now there is a container home near the entrance of Kure Beach that looks like "hell." She said there are nice mobile homes around the area now, but she doesn't like the look of the "rusty old shipping containers."

Chairman Ellen said that, because the town can't regulate the aesthetics, it wouldn't be able to regulate whether or not the container looks rusty.

MOTION – Commissioner Heglar moved to have P&Z craft wording for two optional proposed zoning ordinances regarding container houses and bring them to council so a public hearing can be scheduled.

SECOND – MPT Bloszinsky

VOTE – Unanimous



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3. Shoreline Access, Beach Protection and Parking Committee

- a. Approval to submit pre-application for CAMA grant to improve ADA parking access and viewing stands at E and I Avenues. Potential impact to FY16-17 budget of \$28,000 local match (some in-kind and cash). Estimated total project cost \$110,000.

Chairman Gonsalves said that the town applied in 2014 for a CAMA grant to install solar viewing stations, but since the town still had an active grant with CAMA for the Ocean Front Park, funding was denied. He said that a new grant cycle has come and CAMA said they would consider Kure Beach's application this time. He said that the town won't be charged by the grant writer to submit the pre-application since it's already done and only needs the construction amounts updated. The application is due on March 31, 2016.

Mayor Swearingen said she'd always like to see the paperwork before she signs it. She said that she wants all of the town procedures followed for seeking grants, including having a staff member work with committees on getting grants.

Commissioner Dugan said that, based on the rules council made, committees aren't allowed to work on them alone; but Mr. Gonsalves is coming to council in the early stage of the grant so he has no problem with getting the information quickly rather than being rushed to approve it at the last minute.

Town Clerk Avery said she sent the information to Mr. Gonsalves about the grant cycle opening again and then contacted the writer of the previous grant, Diana Woolley. She said that she, Ms. Wooley and Mr. Gonsalves met together and she told them the first thing that should be done is to go to council and request they approve the pre-application. She said they just want to know if council is going to fund it in the upcoming fiscal year before trying to submit the pre-application. She said they don't need to be submitting pre-applications for a grant if council isn't going to agree to fund, if it's approved.

MOTION – Commissioner Whitley moved to give SLABPP Chairman Gonsalves approval to submit the pre-application for the CAMA grant to improve ADA parking access and viewing stands at E and I Avenues.

SECOND – Commissioner Heglar

VOTE – Unanimous

4. Cape Fear Disability Commission update

Town representative, Deborah McKenna, gave the following report:

- She talked to Chief Cooper about allowing ATV's on the Kure Beach strand, and he said it was up to council if they wanted to allow them. She said that a resident told her that the Fort Fisher Recreation Area has allowed him to use his ATV on their strand.
- Carolina Beach is doing a test of hard plastic pieces that can be put up to a beach access to allow wheelchairs to have access all the way down to the ocean front.



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- The disability commission is going to offer a lot more athletic activities to the elderly, and anyone interested can contact her about that.

Discussion ensued about “trackchairs,” which are wheelchairs that have tank-like tread belts in place of wheels for traction.

Commissioner Heglar said the police chief should figure out a rule about ATVs and trackchairs on the beach that he can live with and bring his recommendation to council and not leave it completely up to council to regulate this. He said he personally doesn’t want to see ATVs driving around on the beach.

Ms. McKenna said the resident who would like to bring his ATV on the beach would use it during early morning or late evening hours so he can get his fishing equipment on the beach.

Commissioner Dugan said he will talk to Chief Cooper about the issue.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Public Works Department

Commissioner Heglar said he would like a second commissioner to be assigned to help him work together with Director Beeker and Inspector Batson on storm water issues in three areas of Kure Beach. He said a plan needs to be formulated and brought back to council.

MOTION – Commissioner Dugan moved to have Commissioners Heglar and Whitley work together with Public Works Director Beeker and Building Inspector Batson on storm water issues throughout the town, to come up with a plan to bring back to council for approval.

SECOND – Commissioner Heglar

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Lease request from Communications Specialists for the south water tower

Finance Officer Copenhaver said Communications Specialists offered to provide internet service at the community center in exchange for lower rental costs, but the internet connection reliability may be questionable. He recommended keeping the contract strictly cash-based and suggested \$350/month for rent on the south water tower, plus \$40 electric with a three percent per-year increase on the rent for the length of the agreement.

The town attorney said that item C on page three under “Premises Access” needs to be eliminated from the contract before signing it.

MOTION – Commissioner Heglar moved to approve a lease agreement with Communications Specialists to pay the town \$390 per month in rental and electricity fees, for use of the south water



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tower, for the first 12 months of the agreement, to automatically increase by three percent annually on the lease payment for the duration of the agreement.

SECOND – Commissioner Whitley

VOTE – Unanimous

2. Grant contract #6780 NC Public Beach and Coastal Waterfront Access Program (CAMA) for H Avenue handicapped access
 - a. Approval of contract obligates town to \$11,924 cash match to be paid from contingency fund. Total contracted amount is \$56,494; \$42,370 grant from CAMA, \$2,200 in-kind contribution from town for project oversight and \$11,924 cash match from town.

Town Clerk Avery explained the background of the grant application stating the project will replace the existing wooden step access and crossover with a new crossover, viewing area and ADA compliant ramp. She said the engineering plans have been reviewed and approved by Inspector Batson and Director Beeker, and the town attorney has reviewed and approved the grant contract.

Inspector Batson said that the contract will be emailed and asked council to give him the authority to award the contract to Snow Marine and to give him more latitude to spend money for necessary items. He asked if he would need to come back to council for further approval after receiving the new estimate from Snow Marine.

Commissioner Heglar said that as long as the money stays within the budget, he doesn't need to come back to council for approval.

MOTION – Commissioner Heglar moved to approve CAMA contract #6780 as presented, to designate Building Inspector Batson to oversee the work and sign off on invoices before submittal to finance for payment, to approve Resolution R16-03 authorizing transfer of \$11,924 from the FY 2016 General Fund Contingency account to the committee FY 15-16 budget and to approve Budget Amendment 16-05 authorizing transfer of \$11,924 from the FY 2016 General Fund Contingency account to the Committee Capital Outlay account to provide for the expected grant proceeds for the project

SECOND – MPT Bloszinsky

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. MPO Ferry fees and multi-modal funding

Mayor Swearingen reviewed the Wilmington MPO Transportation Authority Committee's (TAC) resolution to support an increase in the ferry tolls for the Fort Fisher/Southport Ferry and said that council will soon be voting on this.



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MPT Bloszinsky asked if the TAC had considered only increasing the cost of the fees during certain times of the year.

The mayor said they aren't going to do that and the additional money is supposed to go back into the local ferries, wherever it's collected.

Commissioner Heglar said we should support the TAC's recommendation if increasing the fees will make the ferry financially viable.

2. Pleasure Island (PI) Chamber of Commerce Board of Directors meeting with mayors

Mayor Swearingen said that she attended a meeting sponsored by the chamber, and Congressman Rouzer and Representative Davis were there. She said that it was stressed that they are not the Carolina Beach Chamber but the Pleasure Island Chamber and should do more for Kure Beach. She said she talked with Town Clerk Avery and Recreation Manager Keely about the chamber taking over the Boogie in the Park with town staff still picking the bands but chamber volunteers staffing the concerts and cleaning up afterwards. She said it wouldn't happen this summer and are just starting the conversation about this.

3. KB Comprehensive Plan

Mayor Swearingen said that she and Commissioner Dugan met with people from UNCW and the UNC School of Government (SOG). She said they discussed holding a community "vision" event to receive public input on the future of Kure Beach. Resident Denise Hubbard has volunteered to help in this process to subsidize staff time. She said Oak Island is going to start a Citizens Academy and Lydian Altman from the SOG would like to make it available to Kure Beach. She said there is also a "Budgeting 101" type of class she thought Kure Beach residents might be interested in.

Commissioner Heglar said that it's difficult enough to get residents to attend meetings where a plan for spending their tax dollars is taking place, so he isn't in favor of town money being spent on teaching a government budgeting class for them.

Mayor Swearingen said the visioning event would take place on a Sunday, either April 3rd or the 10th from 1:00 to 4:00 p.m. and town staff would be invited but not required to attend. She said town committee members would be encouraged to participate. She said that the timeframe on developing a comprehensive plan should be made clear that day with a target to actually implement the plan in about a year. She said the cost would be \$2,000 plus travel for the SOG representative's help.

Finance Officer Copenhaver said that the money would have to come out of the Contingency Fund.

Commissioner Heglar said that, after that, the rest of the process will go through the budgeting process for consideration.

COUNCIL REGULAR

REQUEST TO ADDRESS COUNCIL

Regular

DATE OF MEETING

Feb 16, 2016

@ 6:30 PM

NAME

Greg Reynolds

ADDRESS

PI Chamber

PURPOSE

Funding Request



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MPT Bloszinsky said that the town should only spend \$4,000, preferring to receive guidance from the school to start the process and then have council take it from there.

MOTION – Commissioner Heglar moved to direct the finance officer to create a resolution and budget amendment, to be presented to council for approval at their March meeting, to not spend more than \$4,000 from the Contingency Fund to pay for a consultant’s travel and leadership during a community vision event to be held on Sunday, April 10, 2016 from 1:00-4:00 p.m. at the Community Center, as part of the Comprehensive Plan.

SECOND – MPT Bloszinsky

VOTE – Unanimous

4. Reschedule date of March council meeting due to primary elections being held at Town Hall on March 15th

Council was asked to reschedule their regular meeting since the primary elections will be taking place at the Town Hall voting precinct on their usual meeting date of March 15th.

MOTION – Commissioner Heglar moved to reschedule the March regular council meeting to be held at Town Hall on Tuesday, March 22, 2016 beginning at 6:30 p.m. or soon thereafter.

SECOND – Commissioner Whitley

VOTE – Unanimous

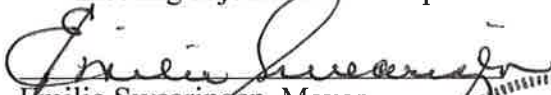
ADJOURNMENT

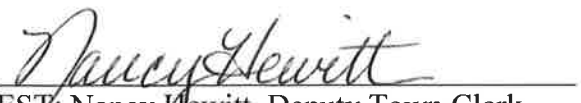
MOTION – Commissioner Heglar moved to adjourn the meeting.

SECOND – Commissioner Whitley

VOTE – Unanimous

The meeting adjourned at 9:25 p.m.


Emilie Swearingen, Mayor


ATTEST: Nancy Hewitt, Deputy Town Clerk



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