



TOWN COUNCIL AGENDA

REGULAR MEETING

November 20, 2017 @ 6:30 p.m.

***Asterisks indicate documentation is included in agenda packet**

Call to Order – Mayor Swearingen

Invocation & Pledge of Allegiance – Pastor Cathy Chester

APPROVAL OF CONSENT AGENDA ITEMS

1. *Accept resignation of Alan Votta from P&Z
2. *Fire Report October 2017
4. *Building Inspections report October 2017
5. *Finance Report
6. *Minutes:
 - October 16, 2017 regular and public hearing
 - October 16, 2017 closed session
 - November 2, 2017 special

Consent agenda items are voted on as one item. If a member of Council wishes to discuss an individual item, a motion must be made and approved to move the item to the agenda.

ADOPTION OF THE AGENDA

ANNOUNCEMENTS AND RECEPTION FOR RETIRING FIRE CHIEF HAROLD HEGLAR

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Sign up at podium (3-minute limit)

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee
2. Marketing Committee
3. Planning & Zoning Commission
 - a. *Proposed draft amendments to Chapter 19 (Zoning) of the Code of Ordinances regarding setback regulation clarification and consistency – requires public hearing
4. Shoreline Access and Beach Protection Committee
5. Non-town Committee Reports

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation
 - a. *Motion to approve proposed dates for 2018 OFP programs, as presented
 - b. *Island of Lights Christmas Parade Friday, December 1, 2017 at 7:30 pm



TOWN COUNCIL AGENDA

REGULAR MEETING

November 20, 2017 @ 6:30 p.m.

2. Finance Department
3. Building Department
4. Fire Department
5. Police Department
6. Public Works Department

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Meeting with commissioner, police chief and attorney to review parking ordinances and bring recommendation to Council on amendments to the code (Whitley)

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. *Vacancy on P&Z for alternate member, regular member and interview process
2. Reschedule of December Council meeting (Bloszinsky)

MAYOR UPDATES (no action required)

COMMISSIONER ITEMS (no action required)

ADJOURNMENT

Nancy Avery

From: Alan Votta <votta.av@gmail.com>
Sent: Sunday, October 29, 2017 9:32 PM
To: Nancy Avery; John Batson; Joseph Whitley
Subject: Alan Votta Resignation

To Whom It May Concern:

This is to notify you that I am resigning my position on the Town of Kure Beach Planning and Zoning Commission effective October 30, 2017.

Best Regards,
Alan Votta
810 N. Fort Fisher Blvd.
Kure Beach, NC 28449
910 619 2393
Votta.av@gmail.com

KURE BEACH FIRE DEPARTMENT

FIRE CHIEF'S REPORT OCTOBER, 2017

DATE	PURPOSE
10/01/17	ASSIST PUBLIC
10/03/17	FALSE ALARM
10/05/17	FALSE ALARM
10/05/17	POWER WIRE
10/06/17	POWER WIRE
10/06/17	POWER WIRE
10/07/17	2 MUTUAL AID Cbfd
10/07/17	EMS
10/09/17	WATER RESCUE
10/09/17	DRILL
10/16/17	WATER RESCUE
10/16/17	EMS
10/17/17	2 EMS
10/18/17	EMS
10/20/17	EMS
10/22/17	EMS
10/23/17	DRILL
10/25/17	EMS
10/27/17	FALSE ALARM
10/29/17	TRANSFORMER
10/30/17	ASSIST PUBLIC
10/31/17	EMS

All equipment checked and found to be in working order

Harold Heglar
Chief

Kure Beach Inspections Dept.-All Permits Issue Date: 10/1/2017 - 10/31/2017

Permit Type / Occupancy - Use Group		Est Cos	Fee
Building			
B			
	Total B 2	\$30,000	\$400.00
R-3			
	Total R-3 6	\$1,258,120	\$21,490.00
	Total Building 8	\$1,288,120	\$21,890.00
Fence			
R-3			
	Total R-3 1	\$0	\$25.00
	Total Fence 1	\$0	\$25.00
Landscape			
R-3			
	Total R-3 3	\$0	\$75.00
	Total Landscape 3	\$0	\$75.00
Total Permits: 12		\$1,288,120	\$21,990.00

Kure Beach Inspections Dept.-All Permits Issue Date: 10/1/2017 - 10/31/2017

PermitNo	Issue Date	Applicant	Owner	Project Addr	Est Cost	Fee	Description	Final
Building								
B								
170093	10/23/2017	ROBERTSON ENTERPRISES INC,	ROBERTSON ENTERPRISES INC,	101 K AVE	\$23,000	\$250.00	Foundation slab	
170095	10/23/2017	KURE BEACH PROPERTIES LLC,	KURE BEACH PROPERTIES LLC,	118 FORT FISHER BLV N	\$7,000	\$150.00	Foundation pour	
				Total B 2	\$30,000	\$400.00		
R-3								
170090	10/5/2017	RANKIN, DIANE V ETAL	RANKIN, DIANE V ETAL	235 FOURTH AVE N	\$52,000	\$420.00	New 19x20 addition	
170091	10/6/2017	CHRISTIE, JOHN B JR	CHRISTIE, JOHN B JR	229 N FOURTH AVE	\$24,000	\$250.00	Renovations	
170092	10/10/2017	HALFAR, ALLAN DONA	HALFAR, ALLAN DONA	410 SETTLERS LN	\$500,000	\$9,860.00	New SFD	
170094	10/18/2017	FARTHING, HAL B II GINA M	FARTHING, HAL B II GINA M	1220 N FORT FISHER BLV	\$660,000	\$10,660.00	New SFD	
170096	10/23/2017	MATTHEWS, JEAN M	MATTHEWS, JEAN M	113 THIRD AVE N	\$1,000	\$50.00	Rot Repair	
170097	10/25/2017	FARLOW, JUNE MORRIS ETAL	FARLOW, JUNE MORRIS ETAL	1713 SNAPPER LN	\$21,120	\$250.00	Bathroom and kitchen re	
				Total R-3 6	\$1,258,120	\$21,490.00		
				Total Building 8	\$1,288,120	\$21,890.00		
Fence								
R-3								
170016	10/3/2017	NORRIS, HUBERT D III JENNIFER K	NORRIS, HUBERT D III JENNIFER K	130 S FIFTH AVE	\$0	\$25.00	New 4 and 6' fence	
				Total R-3 1	\$0	\$25.00		
				Total Fence 1	\$0	\$25.00		
Landscape								
R-3								
170019	10/6/2017	GRAHAM, RICHARD W II NANCY C	GRAHAM, RICHARD W II NANCY C	718 SAILOR CT	\$0	\$25.00	Tree removal	
170020	10/9/2017	BUTLER, JOHN	BUTLER, JOHN	514 SURF DR	\$0	\$25.00	New patio	
170021	10/10/2017	SJOQUIST, HANS YLVA	SJOQUIST, HANS YLVA	130 SETTLERS LN	\$0	\$25.00	New patio	
				Total R-3 3	\$0	\$75.00		
				Total Landscape 3	\$0	\$75.00		
				Total Permits: 12	\$1,288,120	\$21,990.00		

TOWN OF KURE BEACH
REVENUE AND EXPENDITURE SUMMARY
JULY 1, 2017 TO NOVEMBER 3, 2017

REVENUES

	2018 Initial Bud.	2018 Amend. Bud.	Actual 11/3/2017	% Collected
GENERAL FUND				
Property Taxes (Cur. & PY)	\$ 2,491,300	\$ 2,491,300	\$ 520,999	20.9%
Local Option Sales Tax	\$ 850,075	\$ 850,075	\$ 299,604	35.2%
Garbage & Recycling	\$ 382,350	\$ 382,350	\$ 137,270	35.9%
Franchise & Utility Tax	\$ 234,500	\$ 234,500	\$ 46,630	19.9%
TDA Funds	\$ 205,650	\$ 205,650	\$ 26,917	13.1%
CAMA Grants - Beach Access Paving	\$ 89,332	\$ 89,332	\$ -	0.0%
Communication Tower Rent	\$ 79,125	\$ 79,125	\$ 32,029	40.5%
Bldg. Permit & Fire Inspect. Fees	\$ 59,300	\$ 59,300	\$ 36,055	60.8%
Sales Tax Refund	\$ 54,000	\$ 54,000	\$ 57,479	106.4%
Com Ctr/Parks & Rec/St Festival	\$ 20,500	\$ 20,500	\$ 7,349	35.8%
Motor Vehicle License Tax/Decals	\$ 15,000	\$ 15,000	\$ 10,415	69.4%
Town Facility Rentals	\$ 15,000	\$ 15,000	\$ 9,637	64.2%
ABC Revenue	\$ 14,600	\$ 14,600	\$ 10,177	69.7%
OFF - Bluefish Purchases	\$ 11,000	\$ 11,000	\$ 2,640	24.0%
Beer & Wine Tax	\$ 9,500	\$ 9,500	\$ -	0.0%
All Other Revenues	\$ 6,185	\$ 263,144	\$ 12,605	4.8%
Other Financing Sources	\$ 70,000	\$ 70,000	\$ 31,668	45.2%
Total Revenues	\$ 4,607,417	\$ 4,864,376	\$ 1,241,474	25.5%

EXPENDITURES

	2018 Initial Bud.	2018 Amend. Bud.	Actual 11/3/2017	% Spent
GENERAL FUND				
Governing Body	\$ 38,505	\$ 38,505	\$ 23,240	60.4%
Committees	\$ 120,010	\$ 120,010	\$ 719	0.6%
Finance	\$ 150,786	\$ 150,786	\$ 56,966	37.8%
Administration	\$ 407,848	\$ 583,848	\$ 198,510	34.0%
Community Center	\$ 23,300	\$ 23,300	\$ 5,280	22.7%
Emergency Mgmt./Elections	\$ 3,100	\$ 3,100	\$ 40	1.3%
Tax Collections	\$ 27,000	\$ 27,000	\$ 2,403	8.9%
Legal	\$ 28,950	\$ 28,950	\$ 12,093	41.8%
Police Department	\$ 1,308,960	\$ 1,308,960	\$ 403,614	30.8%
Fire Department	\$ 701,867	\$ 701,867	\$ 197,667	28.2%
Lifeguards	\$ 196,850	\$ 196,850	\$ 85,112	43.2%
Parks & Recreation	\$ 146,027	\$ 146,027	\$ 42,632	29.2%
Bldg Inspection/Code Enforcement	\$ 135,201	\$ 135,201	\$ 42,013	31.1%
Streets & Sanitation	\$ 863,848	\$ 863,848	\$ 276,427	32.0%
Debt Service	\$ 360,615	\$ 360,615	\$ 134,301	37.2%
Transfer to Other Funds	\$ 46,450	\$ 127,409	\$ 127,409	100.0%
Contingency	\$ 48,100	\$ 48,100	\$ -	0.0%
Total Expenses	\$ 4,607,417	\$ 4,864,376	\$ 1,608,426	33.1%

WATER & SEWER FUND

Water Charges	\$ 805,000	\$ 805,000	\$ 319,795	39.7%
Sewer Charges	\$ 1,155,000	\$ 1,155,000	\$ 435,459	37.7%
Tap, Connect & Reconnect Fees	\$ 37,200	\$ 37,200	\$ 35,420	95.2%
All Other Revenues	\$ 8,455	\$ 8,455	\$ 3,373	39.9%
Other Financing Sources	\$ 145,000	\$ 145,000	\$ 31,958	22.0%
Total Revenues	\$ 2,150,655	\$ 2,150,655	\$ 826,005	38.4%

WATER & SEWER FUND

Governing Body	\$ 17,505	\$ 17,505	\$ 6,740	38.5%
Legal	\$ 28,950	\$ 28,950	\$ 12,093	41.8%
Finance	\$ 186,200	\$ 186,200	\$ 58,339	31.3%
Administration	\$ 260,170	\$ 260,170	\$ 118,347	45.5%
Operations	\$ 1,657,830	\$ 1,657,830	\$ 512,526	30.9%
Total Expenses	\$ 2,150,655	\$ 2,150,655	\$ 708,045	32.9%

STORM WATER FUND

Total Revenues	\$ 630,094	\$ 630,094	\$ 144,187	22.9%
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STORM WATER FUND

Total Expenses	\$ 630,094	\$ 630,094	\$ 146,484	23.2%
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POWELL BILL FUND

Total Revenues	\$ 65,070	\$ 65,070	\$ 32,679	50.2%
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POWELL BILL FUND

Total Expenses	\$ 65,070	\$ 65,070	\$ 1,174	1.8%
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SEWER EXPANSION RESERVE FUND (SERF)

Total Revenues	\$ 30,330	\$ 30,330	\$ 206	0.7%
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SEWER EXPANSION RESERVE FUND (SERF)

Total Expenses	\$ 30,330	\$ 30,330	\$ -	0.0%
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BEACH PROTECTION FUND

Total Revenues	\$ 47,090	\$ 47,090	\$ 46,846	99.5%
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BEACH PROTECTION FUND

Total Expenses	\$ 47,090	\$ 47,090	\$ -	0.0%
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FEDERAL ASSET FORFEITURE FUND

Total Revenues	\$ 50,000	\$ 50,000	\$ -	0.0%
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FEDERAL ASSET FORFEITURE FUND

Total Expenses	\$ 50,000	\$ 50,000	\$ 8,595	17.2%
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**TOWN OF KURE BEACH
CASH AND INVESTMENTS
AS OF OCTOBER 31, 2017**

<u>FUND</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>	<u>TOTAL CASH & INVESTMENTS</u>
General	\$2,224,689	\$343,914	\$2,568,603
Water/Sewer	\$1,432,174	\$588,420	\$2,020,594
Storm Water	\$214,520	\$241,777	\$456,297
SERF	\$55,386	\$91,815	\$147,201
Powell Bill	\$301,514	\$20,047	\$321,561
Beach Protection	\$158,090	\$176,390	\$334,480
Federal Asset Forfeiture	\$64,884	\$0	\$64,884
Capital Project Funds	\$148,345	\$0	\$148,345
TOTAL	\$4,599,602	\$1,462,363	\$6,061,965
<u>INSTITUTION</u>			
BB&T	\$4,599,602	\$0	
First Bank - Certificates of Deposit	\$0	\$912,224	
NCCMT Term Portfolio	\$0	\$540,739	
NCCMT Governmental Portfolio	\$0	\$9,400	
TOTAL	\$4,599,602	\$1,462,363	

TOWN OF KURE BEACH
SUMMARY OF CONTINGENCY FUND AND COMMITTEE
EXPENDITURE ACTIVITY
07/01/2017 - 11/03/2017

CONTINGENCY FUND

Fiscal Year 2018 Budget	\$48,100.00
Less:	
No activity	<u>\$0.00</u>
Remaining Budget as of 11/03/2017	<u><u>\$48,100.00</u></u>

COMMITTEE (Shoreline Access and Beach Protection) EXPENDITURES

Fiscal Year 2018 Budget	\$120,010.00
Less Expenditures:	
Dune Signage	<u>\$718.60</u>
Total Expenditures	\$718.60
Projects Approved By Council But Not Yet Expended:	
No activity	<u> </u>
Total Approved, Not Expended	<u>\$0.00</u>
Remaining Budget as of 11/03/2017	<u><u>\$119,291.40</u></u>

**TOWN OF KURE BEACH
DEBT LISTING
NOVEMBER 20, 2017**

LOAN PURPOSE/DESCRIPTION	FUND	LENDER	DATE OF LOAN	AMOUNT FINANCED	INTEREST RATE	LOAN TERM (YRS)	DATE PAID OFF	BALANCE AT 11/20/17	PAYMENT FREQUENCY	PAYMENT AMOUNT	NEXT PAY DATE	INT. EXPENSE LIFE OF LOAN
Sewer Rehabilitation Project (a)	W/S	Fed Gov	5/1/2010	\$432,660	0.00%	20	5/1/2030	\$137,224.32	Annual	\$10,555.72	5/1/2018	\$0.00
Ocean Front Park (development)	G	BB&T	7/12/2011	\$347,000	4.39%	17	7/12/2028	\$224,529.44	Annual	\$30,268.60	7/12/2018	\$137,099.64
Ocean Front Park (acquisition)	G	BB&T	12/19/2007	\$3,600,000	4.28%	20	12/19/2027	\$713,942.41	Annual	\$95,460.60	12/19/2017	\$690,135.16
Kure Beach Pump Station #1	W/S	1st Bank	6/28/2017	\$475,000	2.11%	10	6/28/2027	\$475,000.00	Semi-annual	\$26,507.64	12/28/2017	\$55,152.80
334 S. 4th, 402 H & 406 H Ave.	G	BB&T	3/12/2015	\$409,471	2.49%	10	3/12/2025	\$327,576.91	Annual	\$49,103.79	3/12/2018	\$56,077.07
Water Tower & Well House & Town Hall Expansion (b)	G, W/S	BB&T	4/11/2007	\$1,187,187	3.92%	15	5/7/2022	\$431,108.77	Semi-annual	\$52,716.71	5/7/2018	\$394,314.33
2016 John Deere Backhoe (c)	W/S, SW	BB&T	11/9/2016	\$105,273	1.87%	5	11/9/2021	\$84,991.26	Annual	\$22,250.35	11/9/2018	\$5,978.75
2018 Police Dodge Durango	G	1st Bank	10/19/2017	\$31,668	1.95%	4	10/19/2021	\$31,668.00	Annual	\$8,306.69	10/19/2018	\$1,558.73
2017 Freightliner Garbage Truck	G	1st Bank	8/23/2016	\$179,756	1.70%	5	8/23/2021	\$145,006.54	Annual	\$37,805.31	8/23/2018	\$9,270.57
Compact Excavator (c)	W/S, SW	1st Bank	7/28/2017	\$63,915	1.80%	4	7/28/2021	\$63,915.00	Annual	\$16,704.21	7/28/2018	\$2,901.83
(2) 2016 Police Dodge Chargers	G	1st Bank	11/9/2016	\$63,500	1.60%	4	11/9/2020	\$48,000.96	Annual	\$16,515.04	11/9/2018	\$2,560.16
O'Brien 7065 Hydroletter (c)	W/S, SW	1st Bank	8/13/2015	\$81,485	1.70%	5	8/13/2020	\$49,712.69	Annual	\$17,149.28	8/13/2018	\$4,202.44
2016 Chevrolet Silverado	G	1st Bank	7/26/2016	\$36,867	1.60%	4	7/26/2020	\$27,868.52	Annual	\$9,593.55	7/26/2018	\$1,486.39
Cutter Court Drainage Project	SW	B of A	7/23/2005	\$875,000	4.40%	15	6/23/2020	\$195,196.25	Monthly	\$6,677.76	12/23/2017	\$326,995.49
FY 2016 Equipment & Vehicles (d)	G, W/S	BB&T	9/14/2015	\$186,000	2.01%	4	9/14/2019	\$94,850.52	Annual	\$48,859.87	9/14/2018	\$9,439.48
(2) 2015 Police Cars	G	BB&T	3/27/2015	\$48,359	2.19%	4	3/27/2019	\$24,703.23	Annual	\$12,758.83	3/27/2018	\$2,676.33
2015 Ford F-250 Utility Truck	W/S	BB&T	10/24/2014	\$32,216	2.19%	4	10/24/2018	\$8,317.58	Annual	\$8,499.73	10/24/2018	\$1,782.92
Downtown Improvement Project	G	BB&T	1/17/2014	\$117,000	1.93%	4.5	6/17/2018	\$48,308.45	Annual	\$24,719.00	1/17/2018	\$6,595.00
2013 Ford F-150 Police Truck	G	BB&T	1/15/2014	\$32,000	2.18%	4	1/15/2018	\$8,260.62	Annual	\$8,440.70	1/15/2018	\$1,762.80

FUND CODES

G - General Fund
W/S - Water/Sewer Fund
SW - Storm Water Fund

TOTAL OUTSTANDING DEBT AT 11/20/2017:

General Fund \$ 1,747,351.05
Water/Sewer Fund \$ 1,098,324.70
Storm Water Fund \$ 294,505.73
Total \$ 3,140,181.47

NOTES

- (a) - Total amount borrowed was \$432,660. As part of ARRA, the unpaid balance was immediately reduced by one-half of the loan amount.
- (b) - 78% of loan is Water/Sewer Fund and 22% is General Fund.
- (c) - 50% of loan is Water/Sewer Fund and 50% is Storm Water Fund.
- (d) - 55.5% of loan is General Fund and 44.5% is Water/Sewer Fund.

LOAN PAYMENTS DUE (Next 12 Months):

11/21/2017 - 12/31/2017 \$ 128,646.00
01/01/2018 - 03/31/2018 \$ 115,055.60
04/01/2018 - 06/30/2018 \$ 134,532.35
07/01/2018 - 11/20/2018 \$ 302,058.14
Total \$ 680,292.09

**TOWN HALL RENOVATION AND NEW FIRE STATION
CAPITAL PROJECT FUND SUMMARY
AS OF 11/03/2017**

	<u>APPROVED BUDGET</u>	<u>ACTUAL AS OF 11/03/17</u>
<u>EXPENDITURES</u>		
<u>OAKLEY COLLIER ARCHITECTS</u>		
Feasibility Study	\$28,500	\$28,500.00
Schematic Design	\$74,407	\$74,407.40
Design Development	\$55,806	\$55,805.55
Construction Documents	\$148,815	\$148,814.80
Bidding & Negotiation	\$18,602	\$18,601.85
Contract Administration	\$74,407	\$0.00
Reimbursable Expenses	\$14,720	\$11,841.41
Retainer	\$0	\$7,000.00
Total Oakley Collier Architects	<u>\$415,257</u>	<u>\$344,971.01</u>
<u>OTHER PROJECT COSTS</u>		
Surveys	\$6,500	\$3,250.00
Legal Fees	\$25,000	\$13,199.65
LGC Loan Application Fee	\$1,250	\$1,250.00
Bank Loan Fees	\$2,900	\$0.00
Special Inspections	\$16,000	\$0.00
Other	\$500	\$150.00
Total Other Project Costs	<u>\$52,150</u>	<u>\$17,849.65</u>
<u>PROJECT MANAGEMENT COSTS</u>		
Constructive Building Solutions	<u>\$100,000</u>	<u>\$15,000.00</u>
<u>CONSTRUCTION</u>		
Town Hall	\$2,496,343	\$65.00
Fire Station	<u>\$2,267,209</u>	<u>\$65.00</u>
Total Construction Costs	<u>\$4,763,552</u>	<u>\$130.00</u>
<u>GRAND TOTAL EXPENDITURES</u>	<u><u>\$5,330,959</u></u>	<u><u>\$377,950.66</u></u>
<u>PROJECT REVENUE SOURCES</u>		
Transfer From General Fund	\$330,959	\$330,959.00
Installment Financing	<u>\$5,000,000</u>	<u>\$0.00</u>
<u>GRAND TOTAL PROJECT REVENUE SOURCES</u>	<u><u>\$5,330,959</u></u>	<u><u>\$330,959.00</u></u>

**TOWN OF KURE BEACH
KURE BEACH PUMP STATION #1
CAPITAL PROJECT FUND SUMMARY
AS OF 11/03/2017**

	<u>APPROVED BUDGET</u>	<u>ACTUAL AS OF 11/03/17</u>
<u>EXPENDITURES</u>		
<u>ENGINEERING SERVICES, PA</u>		
Land Surveying Fees	\$4,000	\$4,000.00
Engineering Planning	\$5,000	\$0.00
Engineering Design	\$47,000	\$47,000.00
Bidding Assistance	\$6,500	\$6,500.00
Construction Administration	\$25,000	\$15,000.00
Construction Inspection	<u>\$28,500</u>	<u>\$17,100.00</u>
Total Engineering Services, PA	<u>\$116,000</u>	<u>\$89,600.00</u>
<u>OTHER PROJECT COSTS</u>		
Legal Fees	\$4,750	\$0.00
LGC Loan Application Fee	<u>\$1,250</u>	<u>\$1,250.00</u>
Total Other Costs	<u>\$6,000</u>	<u>\$1,250.00</u>
<u>CONSTRUCTION</u>		
T&H CONSTRUCTION OF HAMPSTEAD, NC	\$632,514	\$360,518.38
AVRETT PLUMBING CO., INC.	<u>\$57,217</u>	<u>\$67,217.00</u>
Total Construction Costs	<u>\$689,731</u>	<u>\$427,735.38</u>
<u>GRAND TOTAL EXPENDITURES</u>	<u><u>\$811,731</u></u>	<u><u>\$518,585.38</u></u>
<u>PROJECT REVENUE SOURCES</u>		
Transfer From Water/Sewer Fund to Pump Station #1 Capital Project Fund	\$186,731	\$186,731.00
Transfer From Sewer Expansion Reserve Fund (SERF) to Pump Station #1 Capital Project Fund	\$150,000	\$150,000.00
Installment Financing	<u>\$475,000</u>	<u>\$475,000.00</u>
<u>GRAND TOTAL PROJECT REVENUE SOURCES</u>	<u><u>\$811,731</u></u>	<u><u>\$811,731.00</u></u>



TOWN COUNCIL MINUTES

REGULAR MEETING

October 16, 2017 @ 6:30 p.m.

The Kure Beach Town Council held its regular meeting on Monday, October 16, 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

Finance Officer – Arlen Copenhaver
Building Inspector – John Batson
Fire Chief – Harold Heglar
Assistant Fire Chief – Ed Kennedy
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. Rev. Tommy Williams of Williams Gospel Ministries delivered the opening invocation and led everyone in the Pledge of Allegiance.

At the opening of the meeting Mayor Swearingen paused to recognize Commissioner Heglar for his 30 years of service in the US Navy, from which he recently retired with the rank of Captain. She expressed her gratitude and pride in Commissioner Heglar and welcomed all in attendance to join her in a round of applause.

APPROVAL OF CONSENT AGENDA ITEMS

- Reappoint Bill Moore to another 5-year term on Planning and Zoning
- Accept resignation of Barbara Boal from the Community Center committee
- Change Linda Brett-Kell's membership from alternate to regular on Community Center committee
- Appoint Lisa Lepo as an alternate member of the Community Center committee
- Approve closing of Town Hall for the day at noon on Wednesday, November 22 for Employee Appreciation luncheon



TOWN COUNCIL MINUTES

REGULAR MEETING

October 16, 2017 @ 6:30 p.m.

- Minutes:
 - August 14, 2017 special meeting construction project
 - September 18, 2017 regular meeting
 - October 10, 2017 public hearing on financing

Mayor Swearingen requested the appointment of Dustin Robinson as representative to the NHC ADA Committee be added to the consent agenda items.

MOTION – Commissioner Heglar moved to approve the Consent Agenda Items, as presented, with the additional committee appointment.

SECOND – Commissioner Whitley

VOTE – Unanimous

ADOPTION OF THE AGENDA

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

SECOND – Commissioner Dugan

VOTE – Unanimous

PUBLIC HEARING

Mayor Swearingen opened the public hearing for the purpose of receiving public comments on amending Section 80 (town buildings and facilities) of Chapter 19 (Zoning) of the Code of Ordinances to exempt the town from setback requirements. Notice of the hearing was posted at Town Hall and on the Town's website on September 22, 2017. It was advertised in the Star News on September 27 and October 4th.

Two residents rose to address Council:

1. Larry Benton shared his challenge in building his home in 2014 when his first two attempts to obtain a building permit failed due to setback issues. He said now the town wants to exempt itself from the very setback rules that all others have to follow. He expressed concern for future town owned property construction projects and pondered what the town might be exempt from the next time, stating this ordinance change will set a dangerous precedent.

2. Chris Hald questioned the cost of \$5.5 million and asked how that translates to the monthly tax burden for each resident. Council informed Mr. Hald that there will be a presentation during the regular meeting that should answer that question.

MOTION – Commissioner Heglar moved to close the public hearing

SECOND – Commissioner Whitley

VOTE - Unanimous



TOWN COUNCIL MINUTES

REGULAR MEETING

October 16, 2017 @ 6:30 p.m.

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. Presentation of FY 2016-2017 audit

Victor Blackburn of Bernard Robinson & Co. came before council to present findings from his recently completed audit. He discussed the town's liability position and net position, which are both good, and commented that, in his experience, not many towns are in such a good situation. Mr. Blackburn explained in detail the overall health of the town's assets which include restricted funds related to state law and grants, unrestricted funds which are used to appropriate the general fund budget, assigned funds for items like beach nourishment, unassigned funds, expenses and fund balance.

When asked by MPT Bloszinsky to grade the town's management, Mr. Blackburn responded with a grade of A and said that the town's forward thinking impressed him. By always being proactive, certain tax increases have been implemented knowing the need that will be coming resulting in strong fiscal health.

Commissioner Heglar praised Finance Officer Copenhaver for accurate forecasting and conservative spending. He also commended all Department Heads for staying below their budgets and spending only what they need to provide the services the residents deserve.

Mayor Swearingen asked Mr. Blackburn to comment on Kure Beach's debt situation compared to other towns. The approximate outstanding debt is \$3.5 million of that \$2.4 million is allocated to governmental activity and \$1.1 million for utility activity. He explained that state law limits municipalities from borrowing more than 80 per cent of their property tax assessed rates. He said Kure Beach's legal debt margin is currently \$64 million dollars, which is in line with what he would expect from such a well-run town. He went on to say that Kure Beach is fortunate to have Finance Officer Copenhaver and that he and his team made the auditing process as simple as possible.

2. Presentation on results of pilot paid parking program

Jason Sutton of SP+ operated the trial paid parking program at three locations over a period of three months. The lots were located next to the Quik Mart, next to Bud and Joe's and next to the Kure Beach Community Center. Mr. Sutton reported on revenues, broken down by weekdays, weekends and holidays as well as per space. After factoring the expenses to the town and a credit from SP+, the pilot program for the 109 spaces involved was determined to be revenue neutral.

Future suggestions for consideration should Kure Beach decide to implement permanent paid parking:

- Parking spaces already exist. Determine which will be paid?
- Enforcement must be considered. What is the cost versus revenues from citations?



TOWN COUNCIL MINUTES

REGULAR MEETING

October 16, 2017 @ 6:30 p.m.

- Consider long and short term parking areas as well as employee parking.
- Establish enforcement hours, time limits, rates and penalties.
- Factors that impact results include weather, timing and lot locations.

The ensuing discussion among council members included several points of interest including, but not limited to:

- Individual meters versus multi-car meters.
- Who will own the equipment? Shared partnership?
- How far down Fort Fisher Blvd. will the meters go?
- Many residents may need to give up the right of way in front of their home that they are currently using for parking.
- The private property owners of the three lots must be involved since they will drive the decision.
- Would start-up costs be paid up front or spread out? How much would that be?
- How long does the equipment last before it needs replacement?

MTP Bloszinsky thanked SP+ for managing the trial and assisting council with getting to this point. They will be invited back after council has had time to further discuss the results of the trial program.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

John Ellen requested to stay on as MPO representative for their Citizen's Action Committee (CAC) on transportation. Mayor Swearingen informed him that the request had already been approved and MPO had been informed.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee

Liason MPT Bloszinsky reported that the third annual arts and crafts project to make lighted Christmas globes and information can be found on the town's website.

2. Planning & Zoning Commission

Chairman Ellen reported that the commission did not meet in October but that he did review the plans for the new fire station.

3. Shoreline Access and Beach Protection Committee

Chairman Dennis Panicali reported that the committee is working on a multi-signs part to replace the individual signs at beach accesses and will have a rough draft ready to present to council in a month or so.



TOWN COUNCIL MINUTES

REGULAR MEETING

October 16, 2017 @ 6:30 p.m.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Finance Department

Finance Officer Copenhaver presented information regarding different options for financing the new fire station and town hall renovation. After receiving quotes from seven different banks he determined BB&T to be the most favorable. The question for council at this point is to decide between a 15-year term and a 20-year term. Based on a \$5 million loan, a 15-year term would translate to a tax increase of 4.6 cents and a 20-year term would bring a 4 cent tax increase. Based on taxation of a \$350,000 home, the annual increase for each taxpayer would be \$162.05 per year for fifteen years and \$140 per year for 20 years. Since interest is paid monthly, choosing the 20-year term would result in additional overall interest of \$527,500. Although the monthly payment would be higher for the 15-year term loan, the overall savings would be greater because the loan would be paid off sooner.

MOTION – Commissioner Heglar moved to adopt Resolution R17-20 approving financing terms with BB&T for the construction of a new fire station and expansion and renovation of the town hall complex in an amount not to exceed \$5.5 million at an interest rate not to exceed 2.58% for a term not to exceed 15 years.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Said resolution is herein incorporated as part of these minutes.

2. Administration and Recreation

Clerk Avery requested a motion to enter into a contract with Clean Water Management Trust Fund for a planning grant to explore the feasibility of installing storm water infiltration systems for stormwater runoff at beach accesses from E to J Avenues at a cost of \$2,508 to be paid from the Storm Water fund. She explained that this grant would be for the study alone and if the results come back positive, she will return to request approval to apply for a grant to help fund the actual installation of the new systems.

Mayor Swearingen spoke in favor of the infiltration systems that are already in place at some beach accesses. She said several professors NC State spent an hour during a recent visit showing her and Commissioner Dugan everything Public Works and the contractor had done years ago and how successful they are now. She expressed pride in the systems already in place and said they are models for the rest of the state.

MOTION – Commissioner Whitley moved to enter into a contract with Clean Water Management Trust Fund for a planning grant to explore feasibility of installing storm water infiltration systems at beach accesses E to J Avenue at a cost of \$2,508 to be paid from the Storm Water fund

SECOND – Commissioner Heglar



TOWN COUNCIL MINUTES

REGULAR MEETING

October 16, 2017 @ 6:30 p.m.

VOTE – Unanimous

3. Building Department

Inspector Batson informed council that he is on the agenda for the November meeting of the Coastal Resource Commission in Atlantic beach to present Kure Beach's proposed Development Line for approval. He will let council know when he has the actual date should any members choose to attend.

4. Public Works Department

Public Works Crew Leader Jimmy Mesimer informed council that the sewer upgrade project will be finished by the end of the month. He said the project took longer than expected due to problems with connector pipes needing to be relined, but those issues have been addressed.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Commissioner Heglar inquired of Inspector Batson what the specific areas are that cause the issues with town ordinances concerning the construction of the new fire station. Mr. Batson described the two issues. He said the edge of the building off K Avenue should be 20 feet back but is actually within two feet of property line. The other involves the side of the building at Seventh Avenue, which the plans show going over the property line. However, that situation will be alleviated when that street is closed off.

Commissioner Heglar commented that there are town owned properties throughout the residential districts and he can understand the concerns of citizens regarding future construction. He would prefer the ordinance change be very specific and thinks the building inspector should tell council exactly what is needed in this specific situation with the fire station. Mayor Swearingen concurred that she would like the ruling to be exclusive to the fire station. When Commissioner Heglar suggested a motion to make the proposed ordinance change specific to the fire station, the town attorney brought a point of order to inform council that he has other issues that would need to be discussed in closed session prior to that motion.

MOTION – Commissioner Heglar moved to leave this to the end of the meeting after returning from closed session

SECOND – Commissioner Whitley

VOTE – Unanimous

2. Paid Parking and Ad Hoc Parking Committee

Commissioner Dugan began the discussion by proposing that, with an election coming up and new people joining council, this issue be tabled for the next council. He reported that the police chief has been looking into how the ordinances might be affected as a result of paid parking. He has a concern that if parking becomes a police responsibility, the manpower of the current force will be inadequate. Commissioner Heglar agreed and stated that parking right now is about the



TOWN COUNCIL MINUTES

REGULAR MEETING

October 16, 2017 @ 6:30 p.m.

same as when he was a kid in the seventies and has pictures from the seventies showing cars parked all over K Avenue. There is plenty of good work to be done for the town, he said, so without a large number of people coming in to complain the effort is not worth it.

MPT Bloszinsky understands the need to manage parking, but is open to other ideas besides paid parking. Guidelines will need to be set, but that cannot be accomplished at this meeting. Commissioner Heglar added that the citizens should be invited to help discuss the problem.

MOTION - Commissioner Heglar moved to direct the next council to have a public hearing on parking in January.

SECOND – MPT Bloszinsky

VOTE –

4 in favor – Mayor Swearingen, MPT Bloszinsky, Commissioner Dugan, Commissioner Heglar
1 opposed - Commissioner Whitley

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

None

MAYOR UPDATES

Mayor Swearingen requested approval to attend the N.C. League of Municipalities Meeting in New Bern, N.C. October 25-27, at a cost to the town of \$85.00.

MOTION - Commissioner Heglar moved to approve the mayor's attendance at the N.C. League of Municipalities Meeting in New Bern, N.C. October 25-27, at a cost of \$85.00

SECOND – Commissioner Whitley

VOTE – Unanimous

COMMISSIONER ITEMS

Regarding the construction project about to be undertaken, MTP Bloszinsky said that people are asking incorrect questions. They should want to know why we are deficient rather than why we are spending. He, therefore, proposed opening town hall for citizens to tour the facilities to see deficiencies. After further discussion, it was agreed that October 26 would be a good day.

MOTION – MPT Bloszinsky moved to invite the public for a tour of town hall on October 26 from 4:00 to 5:00 pm to see deficiencies and review with department heads and council members the needs for the proposed upgrades.

SECOND – Commissioner Heglar

VOTE - Unanimous

MOTION – Commissioner Heglar moved to enter closed session as per N.C.G.S. § 143-318.11 (3), Attorney Client Privilege and Personnel 143-318.11(6).



TOWN COUNCIL MINUTES

REGULAR MEETING

October 16, 2017 @ 6:30 p.m.

SECOND – Commissioner Whitley
VOTE - Unanimous

MOTION – Commissioner Heglar moved to return to open session at 9:25pm
SECOND – Commissioner Dugan
VOTE – Unanimous

MOTION – Commissioner Heglar moved to amend Code of Ordinances Chapter 19 (Zoning) Section 80 to permit town buildings and facilities in all zoning districts to exempt fire and emergency buildings and facilities from setback requirements
SECOND – Commissioner Dugan
VOTE – Unanimous

Commissioner Heglar read the required consistency statement into the record. Said statement is herein incorporated as part of these minutes.

ADJOURNMENT

MOTION – Commissioner Heglar moved to adjourn
SECOND – Commissioner Whitley
VOTE – Unanimous

The meeting adjourned at 9:26 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.



TOWN COUNCIL MINUTES

SPECIAL MEETING

November 2, 2017 @ 6:30 p.m.

The Kure Beach Town Council held a Special Meeting on Tuesday, November 2, 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

Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Administrative Assistant – Nancy Applewhite

CALL TO ORDER

Mayor Swearingen called the meeting to order at 6:30 p.m., stating the purpose of the meeting is for consideration and discussion of:

1. Matters related to the facility improvement project construction bids and budget.
2. Water and sewer systems development fees.

Notice of the meeting was posted at Town Hall and on the website on October 30, 2017, thus meeting the 48 hour notice requirement.

DISCUSSION AND CONSIDERATION

Commission Dugan presented the bids and alternate bids in detail. A total of five (5) companies offered bids, with the lowest bid from Thomas Construction Group, LLC in the amount of \$4,355,000.00.

Contractor	Base Bid	Fire Station	Town Hall
Bordeaux Construction Co.	\$4,820,877.00	\$2,055,783.00	\$2,765,094.00
Clancy & Theys Construction Co.	\$4,683,278.00	\$1,994,680.00	\$2,171,048.00
Group III Management, LLC	No Bid Submitted	No Bid Submitted	No Bid Submitted
Monteith Construction Group	\$4,853,000.00	\$1,997,914.00	\$2,417,619.00
Thomas Construction Group, LLC	\$4,355,000.00	\$1,862,500.00	\$2,113,500.00



TOWN COUNCIL MINUTES

SPECIAL MEETING

November 2, 2017 @ 6:30 p.m.

Oakley Collier Architects' recommendation was recited inclusive of alternates stating that the project be awarded to Thomas Construction Group at a base bid of \$4,386,807.00. Breakdown of subcontractors included are:

- Evergreen Clearing – Site
- Garrett Construction Services – Plumbing and Mechanical
- Laney Electric – Electrical

Commissioner Dugan requested questions from council and public in attendance. MPT Bloszinsky observed that the Project Management Team was in agreement with the recommendation. Commissioner Dugan confirmed this observation to be correct.

An unidentified participant from the public audience questioned if bids were requested for a total new build as opposed to a renovation and a new construction. Commissioner Dugan explained the decision of bids for renovations and a new fire house were founded on previous discussions held regarding the type of electrical, heating/air-conditioning and structural work in the current building. He stated that council decided to move forward with the repair and the new build based on the acquired information and previous discussions. Commissioner Dugan confirmed this to be a new build construction of a fire station, as well as a renovation project. He then inquired if the individual had ever been in the current fire station, and the individual confirmed that he had not.

The meeting was then turned over to Project Managers, Mr. Chris Lumpkin and Mr. Drew Brown to provide a synopsis of the renovations, the alternate figures and cost savings which were included in the submitted bids.

Mr. Lumpkin advised that the Project Team prepared alternates in case the project came in over budget. He communicated that the alternates ran parallel for the fire station and town hall. He provided costs and reviewed alternates G1 through G6 providing specifications and details for each. He answered questions pertaining to code specifications for the storm shutter systems, roofs and windows giving specifics for town hall. In review of alternate G6, he stated it was specific to the fire hydrant installation and line expansion to the fire station. He provided two option choices for the fire hydrant and gave an overview of the doors, garage style and layout for the new fire station.

Commission Dugan recounted the conversation held with the architect firm on November 2, 2017 regarding generators and pointed out that the generator numbers varied quite a bit referencing that the two (2) higher bids were received from the same electrical company; therefore, allowing the possibility of room for negotiations. He also detailed his meeting with the Public Works Director reiterating his original recommendation for one generator per facility. An additional request had been made for an extension to be established to allow for ease of transfer to a portable generator in case the main generator became inoperable.



TOWN COUNCIL MINUTES

SPECIAL MEETING

November 2, 2017 @ 6:30 p.m.

MPT Bloszinsky indicated the importance and prudence of purchasing generators and provided examples of previous issues to include generator rental expenses. Commissioner Heglar agreed with the purchase after the review of the bids and provided supporting facts to move forward with these purchases. Project Manager Lumpkin delivered an overview of the unit pricing and base bid pricing, and Mr. Brown explained the assistance provided in securing pricing at the time of bidding. He affirmed that the alternates provide give and take for best figure determination once a decision has been reached on how to proceed. He also noted that alternates deduce the pluses and minuses on dollars and on functionality.

A recommendation for a standard hydrant as the best option was made by Commissioner Dugan. Commissioner Heglar confirmed the agreement of Public Works. Discussions proceeded giving insight to this recommendation as opposed to the yard hydrant.

Finance Officer Copenhaver delivered an update of the Capital Project Budget explaining the figure determination highlighting preliminary and additional surveys, miscellaneous charges to include covering costs not recorded and design changes to the fire station. He called attention to the modifications in comparison to the original budget of May 30, 2017 with the biggest differences assessed to the construction and the town hall side of the project. Total project cost in estimate of \$5,300.00.00.

Referencing revenue, he proposed a loan in the amount of \$5,000,000.00 Transfer from the General Fund of \$333,959.00, with \$250,000 already moved in the past fiscal year, leaving \$80,959 available. The budget projections were based on the approval of the recommended bid with alternatives. Commissioner Heglar thanked Finance Officer Copenhaver for following the direction of Council.

Commissioner Dugan questioned the agreement of the architect and project manager for the proposed recommendation of Thomas Construction. Mr. Brown brought to remembrance the extensive prequalification process completed prior to bid submission. He affirmed that Thomas Construction was a local contractor with a good track record completing impressive projects, and acknowledged their recommendation. An inquiry was made by Commissioner Heglar as to why a bid was not received from Group III Management, LLC, and it was explained that they did participate in the process but were unable to submit their bid in a timely manner.

Additional changes were brought to attention by Finance Officer Copenhaver pertaining to construction costs. Commissioner Heglar expressed his gratitude for receiving four bids and praised the team for their efforts. He also commended Finance Officer Copenhaver for a job well done highlighting underlying issues that existed and communicated the estimated 7% difference from May was not terrible when forecasting a project of this magnitude. Town Clerk Avery pointed out that the discussion pertaining to the projected costs were inclusive of



TOWN COUNCIL MINUTES

SPECIAL MEETING

November 2, 2017 @ 6:30 p.m.

renovating the existing building of town hall in addition to the construction of the new fire station.

Finance Officer Copenhaver referenced the amendments and then provided the costs of moving staff out of the current building giving an alternate accounting to support the relocation move.

- Amendment 18-01 update the increase to Capital Project Budget
- Amendment 18-02 recommendation of transfer from GF appropriation 10-310-00-00
- Amendment 18-03 establishes line item 10-420-65-00

Request made by Mayor Swearingen for a motion to approve budget amendments as presented herein as part of minutes.

MOTION – Commissioner Dugan moved to approve Amendments 18-01, 18-02 and 18-03 to the Capital Project Budget Ordinance as presented.

SECOND – Commissioner Heglar

VOTE – Unanimous

MOTION – Commissioner Dugan moved to accept the bid of Thomas Construction Group, LLC.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Request made by Mayor Swearingen for a motion to approve the determination of the final loan amount as presented herein as part of minutes.

MOTION – Commissioner Heglar moved to authorize Finance Officer Copenhaver to proceed with loan in the amount of \$5,000,000.00

SECOND – Commissioner Dugan

VOTE – Unanimous

The figure amount of the contract was inadvertently omitted in the initial motion made to award the contract to Thomas Construction, and Mayor Swearingen requested that a second motion be made to include the figure amount.

MOTION – Commissioner Dugan moved to award contract to Thomas Construction Group, LLC at the cost of \$4,386,807.00 (Fire Station \$1,862,500.00 and Town Hall \$2,113,500), contingent upon financing approval from Local Government Commission.

SECOND – Commissioner Whitley

VOTE – Unanimous

Commissioner Dugan confirmed that a walkthrough tour of town hall was conducted on October 26, 2017 for citizens to observe and understand the deficiencies. Nine citizens were in



TOWN COUNCIL MINUTES

SPECIAL MEETING

November 2, 2017 @ 6:30 p.m.

attendance and the plans were provided for them to review. The citizens were appreciative and in favor of the new construction project.

Town Clerk Avery presented an update on the move of current staffing to Fort Fisher Air Force Base.

- Construction office trailers are on site and in place.
- Working diligently through Federal issues to have utilities connected on site.
- The Departments of Administration, Finance, Building Inspections and Police will relocate to the trailers housed at Fort Fisher.
- The Fire Department will continue to reside in the current location.
- Move has been pushed closer to December and is dependent on the completion of utilities, which coincides with the Local Government Commission financing approval.
- An official announcement has not yet been provided.

Mr. Brown provided an overview of the pre-construction conference tentatively scheduled on December 5th in which they will meet with the design team, contractors and sub-contractors. The submittal process will then take place to determine groundbreaking. Mr. Brown communicated it was his opinion the bid was made possible due to the herculean effort taken by Town Clerk Avery to relocate staff out of the current building to accommodate the project. Mayor Swearingen declared that the date of December 5th coincides with deadline for the Local Government Commission notification. Mr. Brown gave a schedule update confirming regulatory agency submittals at bid time, which he is awaiting responses. Commissioner Heglar welcomed Mr. Brown and Mr. Lumpkin to stay for the remainder of the meeting. They declined and left the meeting at approximately 7:10 pm

SYSTEM DEVELOPMENT FEES

Finance Officer Copenhaver stated his request to present the System Development Fees and House Bill 436 (Session Law 2017-138) was due to his uncertainty in his being present for the next Town Council Meeting.

System Development Fees as of October 31, 2017

- A summary of House Bill 436 (Session Law 2017-138), signed by Governor Cooper on July 20, 2017, was communicated by Finance Officer Copenhaver accompanied by a slide presentation of supporting exhibits.
- He also provided an overview of the written analysis process for determining water and sewer system development fees for Kure Beach.
- Commissioner Heglar commented on the replacement of House Bill 436 due to the deletion by government of new construction charges. Finance Officer Copenhaver explained the fees, assessment, and also presented the details on the requirements.
- Research identified three possible calculation methodologies to be used in calculating system development fees. The comparison revealed the best fit for the Town of Kure



TOWN COUNCIL MINUTES

SPECIAL MEETING

November 2, 2017 @ 6:30 p.m.

Beach to be the “by-in method”, which is based on the value of the system’s existing capacity.

- Officer Copenhagen presented a detailed explanation of how the figures were attained.

Category	Value of Gallons per day of capacity	Average Daily Usage (gals.)	System Development Fee
Water	\$1.83	137.5	\$251.63
Sewer	\$2.49	136.8	\$340.63
Total			\$592.26

- Sewer capacity comprised in two parts - Kure Beach and Carolina Beach allocation.
- An account of the adoption and review process was given including a 45 day prior to consideration, a period for posting, a public hearing, and publication of the system development fee in its annual budget or rate plan or ordinance.

MOTION – MPT Bloszinsky moved to authorize System Development Fees and 45 day notice period authorizing Finance Officer Copenhagen to proceed with 45 day notice period on proposed system development fee assessment of \$592.26 for water and sewer connection for all new development, per unit.

SECOND – Commissioner Heglar

VOTE – Unanimous

Commissioner Heglar stated that Finance Officer Copenhagen had done a great job in completing the research of System Development Fees and its presentation. He added towns holding off authorization of System Development Fees are in jeopardy of losing revenue. Commissioner Heglar explained to the public that this fee is significantly less but commended legislature for their action.

Finance Officer Copenhagen advised the System Development Fees collected by the town will be accounted for in the Sewer Expansion Reserve Fund (SERF), which is an existing Capital Reserve Fund. This will require council action to move the funds from the SERF to the Water and Sewer Fund. The associated revenue can be used for previously completed capital improvements for which capacity exists and for capital rehabilitation projects, as a result of using the buy in method.

DISCUSSION AND CONSIDERATION

- Mayor Swearingen requested from the council and public if there were any further questions, discussions or considerations.
- None were brought forward.
- Mayor Swearingen requested a motion to adjourn.



TOWN COUNCIL MINUTES

SPECIAL MEETING

November 2, 2017 @ 6:30 p.m.

ADJOURNMENT

MOTION – Commissioner Dugan moved to adjourn

SECOND – Commissioner Whitley

VOTE – Unanimous

The meeting adjourned at 7:35 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.

With Gratitude

Harold Heglar
KBFD 44 yrs Service/Vol
Thank you from TOKB



A Kure Beach Bluefish is presented to

Harold Heglar

In honor of your service to the Town

15 years paid employee
29 years volunteer





KURE BEACH
PLANNING & ZONING COMMISSION

P&Z Meeting Date: 11/01/2017

P&Z Agenda Item# 6.a.

ZONING CONSISTENCY STATEMENT
N.C.G.S. 160A-383

X This recommendation is CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan (“LUP”) adopted by Council on 9/27/06 and by the Coastal Resources Commission on 11/17/06

_____ This recommendation is NOT CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan

X This recommendation is consistent with Part 3, Section 2.B. *Land Use Compatibility* of the LUP.

X Consideration of recommended text amendments to The Town of Kure Beach Code:

Chapter 19 Zoning, Art. I, Sect. 19-1, *Definitions*.

Chapter 19 Zoning, Art. III, Divs. 2-14, Sects. 19-93-95; -109-110; -153-155; -168-169; -178-180; -188-190; -204-205; -224-225; -244; -246; -265; -267; -284; -286; -304-305; -317; and -319, *District Regulations*.

Chapter 19 Zoning, Art. IV, Sects. 19-320-321.5; -326; and 328, *Supplemental District Regulations*.

Chapter 19 Zoning, Art. V, Sect. 357, *Nonconforming Uses*.

The Planning and Zoning Commission requests Town Council’s consideration and approval of the proposed text amendments attached hereto and considers its recommendation to be reasonable and in the public interest based on its findings that: i) the amendments more effectively regulate the function and use of setbacks within the Town’s Zoning Districts and ii) effective setback regulations are consistent with the goal on land use compatibility set forth in Part 3, Section 2.B. of the LUP which provides, in pertinent part, as follows:

Kure Beach desires to ensure that future development will be consistent with the historic small town nature of the community...and will work to...ensure that any uses of the land and water minimize negative environmental impact and avoid risks to public health, safety and welfare, and will not exceed the capability of the land or man-made features to support such use.

Kure Beach Planning and Zoning Commission:

 Chairman

CHAPTER 19 "SETBACK" TEXT AMENDMENTS

Sec. 19-1. - Definitions.

The terms for allowable uses are listed in this section of Kure Beach's Zoning Ordinance and the extracts of the 1987 Standard Industrial Classification Manual (SIC), presented in Appendix A, will be used to determine a uses classification.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building shall mean a structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars and trailers; provided that, however, the term "building" shall not mean nor be construed so as to include a container. The term "building" shall be construed as if followed by the words or part thereof.

Building line shall mean a line, which established the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot. (See yard requirements)

Building permit shall mean permission granted by the building inspector for the erection, relocation, reconstruction or structurally altering any building.

Pergola. A structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.

Setback shall mean the distance ~~between the minimum building line and the street right-of-way line~~ required to obtain the front side, or rear yard open space provisions of this chapter in order to provide for runoff control, health, safety, firefighting, free flow of air and adequate offstreet parking. ~~In the event there is not a street right-of-way involved, then the property line shall be used in establishing the setback.~~

Structures shall mean anything constructed or erected, the use of which requires location on the land including freestanding billboards, signs and fences. The term structure shall be construed as if followed by the words, or part thereof.

Yard shall mean an open space on the same lot with a building (primary and accessory), unoccupied and unobstructed from the ground upward except by trees, shrubbery, ~~or~~ screen walls, ~~or~~ fences, ground level decks and walkways, or as otherwise provided for or required under in this chapter. ~~The minimum allowable depth or width of a yard shall be determined by a line parallel to or following the curvature of the property line a constant distance there from.~~

Yard, front shall mean a yard across the full width of the lot, extending from the front line of the nearest building on the lot to the front line of the lot.

Yard, rear shall mean a yard across the full width of the lot, as measured from the furthest rear point of the principal building to the rear line of the lot.

Yard, side shall mean a yard across the full width of the lot, extending from the side line of the principal building on the lot to the side line of the lot.

(Ord. of 8-19-03; Ord. of 11-20-07; Ord. of 4-15-08; Ord. of 3-17-09; Ords. of 5-17-2016)

Cross reference— Definitions and rules of construction generally, § 1-2.

DIVISION 2. - RA-1 RESIDENTIAL DISTRICT

Sec. 19-93. - Dimensional requirements.

The following dimensional requirements shall apply to all uses in the RA-1 district unless other requirements are stated herein.

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/~~setback~~ and corner side yard/~~setback~~ shall be twenty (20) feet;
- (4) Minimum required side yard/~~setback~~ shall be five (5) feet;
- (5) Minimum required rear yard/~~setback~~ shall be ten (10) feet;
- (6) Off-street parking shall be provided as required in section 19-334 et seq.

(Ord. of 8-19-03)

Sec. 19-94. - Modification to required lot area and required yards/~~setbacks~~.

A dwelling may be erected on a lot or plot having less than the minimum area and width in section 19-93, provided the same existed under one (1) ownership, to include heirs at law or legislators, by virtue of a recorded plat or deed recorded in the office of the register of deeds of New Hanover County prior to the original passage of this requirement. The following modifications ~~(?)~~ to required lot area and required yards/~~setbacks~~ shall apply in this case:

- (1) Required lot area shall be five thousand (5,000) square feet.
- (2) ~~Front yards shall mean n~~No modification shall be allowed in front yards/~~setbacks~~.
- (3) Side yards/~~setbacks~~ ~~may be shall not be~~ reduced to ~~not~~ less than five (5) feet on each side and the total width of the two (2) side yards/~~setbacks~~ shall not be less than ten (10) feet.
- (4) Rear yards/~~setbacks~~ ~~may be shall not be~~ reduced to ~~not~~ less than ten (10) feet.
- (5) ~~Reserved c~~Corner lot side yard/~~setback~~ shall not be allowed to reduce the buildable width of the main building to less than twenty (20) feet.

(Ord. of 8-19-03)

Sec. 19-95. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

(Ord. of 8-19-03)

Sec. 19-96. - Signs.

The regulations and requirements for signs in this district shall conform to the Sign Code, Article VI of this chapter.

(Ord. of 8-19-03)

DIVISION 3. - RA-1A RESIDENTIAL DISTRICT

Sec. 19-109. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-1A district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard setback shall be twenty (20) feet;
- (4) Minimum required side yard setback shall be five (5) feet;
- (5) Minimum required rear yard setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-110. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339 provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 4. - RA-2 RESIDENTIAL DISTRICT

Sec. 19-153. - Dimensional requirements.

The following dimensional requirements shall apply to all uses in the RA-2 district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/~~setback~~ shall be twenty (20) feet;
- (4) Minimum required side yard/~~setback~~ shall be five (5) feet;
- (5) Minimum required rear yard/~~setback~~ shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-154. - Modification to required lot area and required yards/~~setbacks~~.

- (a) A dwelling together with its accessory buildings may be erected on a lot or plathaving less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded plat or deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- (b) The following modification to required lot area and required yards shall apply in this case:
 - (1) Front yards/~~setbacks~~ shall ~~have no modification in front yards not be modified~~;
 - (2) Rear yards/~~setbacks~~ shall ~~have no modification allowed to required rear yards not be modified~~.

(Ord. of 8-19-03)

Sec. 19-155. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 5. - RA-2A RESIDENTIAL DISTRICT

Sec. 19-168. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-2A district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard setback shall be twenty (20) feet;
- (4) Minimum required side yard setback shall be five (5) feet;
- (5) Minimum required rear yard setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-169. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339, provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 6. - RA-2T RESIDENTIAL TRAILER DISTRICT

Sec. 19-178. - Dimensional requirements.

- (a) The following dimensional requirements shall apply to all uses in the RA-2T district unless other requirements are stated herein:
- (1) Minimum required lot area shall be five thousand (5,000) square feet;
 - (2) Minimum required mean lot width shall be fifty (50) feet;
 - (3) Minimum required front yard/~~setback~~ shall be twenty (20) feet;
 - (4) Minimum required side yard/~~setback~~ shall be five (5) feet;
 - (5) Minimum required rear yard/~~setback~~ shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-179. - Modification to required lot area and required yards/~~setbacks~~.

- (a) A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- (b) The following modification to required lot area and required yards shall apply in this case:
- (1) Front yards/~~setbacks~~ shall ~~have no modification in front yards not be modified~~;
 - (2) Rear yards/~~setbacks~~ shall ~~have no modification allowed to required rear yards not be modified~~.

(Ord. of 8-19-03)

Sec. 19-180. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339, provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 7. - RA-3 RESIDENTIAL DISTRICT

Sec. 19-188. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-3 district unless other requirements are stated herein:

- (1) Minimum, required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet;
- ~~(6) Off-street parking shall be provided as required in section 19-334 et seq.~~

(Ord. of 8-19-03)

Sec. 19-189. - Modification to required lot area and required yards/setbacks.

The following requirements are for lots having less than the required minimum area:

- (1) A dwelling may be erected on a lot or plot having less than the required minimum area and width provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue of a recorded plot or deed recorded in the office of the register of deeds of New Hanover County prior to the original passage of this requirement.
- (2) The following modification to required yards/setbacks shall apply in this case:
 - a. Front yards/setbacks shall ~~have no modification allowed in front yards not be modified except as provided in b. herein.~~
 - b. The required side yard/setback on every lot having less than thirty-eight (38) feet frontage may be reduced by one half foot for each foot said lot is less than forty (40) feet in width, provided further, however, that no side yard/setback in this case shall be less than three (3) feet in width.
 - c. The side yard/setback on the street side of a reversed corner lot shall have a width not less than fifty (50) percent of the front yard/setback ~~depth~~ required on lots in the rear of such a reversed corner lot. ~~and no accessory building on such reversed corner lot shall project beyond the front yard of the lots in the rear of such reversed corner lot. This regulation for reversed corner lots.~~ The modifications provided for in this sub-section shall not have the effect of reducing the buildable width of the main building, to less than twenty-six (26) feet or for accessory buildings to less than twenty (20) feet on any lot of record at the time of the adoption of this modification in January, 1961.

(Ord. of 8-19-03)

Sec. 19-190. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 8. - RA-3A RESIDENTIAL DISTRICT

Sec. 19-204. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-3A district unless other requirements are stated herein.

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-205. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 9. - RA-4 RESIDENTIAL DISTRICT

Sec. 19-224. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-4 district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-225. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339, provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 10. - B-1 BUSINESS DISTRICT

Sec. 19-244. ~~Yards/Setbacks.~~

All areas zoned B-1 except the established fire district shall have a minimum front, side, and rear yards/setbacks of three (3) feet front yard, ~~three (3) feet side yard, and three (3) feet rear yard each.~~

(Ord. of 8-19-03)

Sec. 19-246. - Parking.

Parking shall be provided as required in sections 19-334 through 19-339 for all tourist lodgings including any residential and related uses; otherwise no offstreet parking shall be required.

DIVISION 11. - B-2 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 19-265. -- Yards/Setbacks.

The following are the B-2 district setback requirements:

- (1) ~~Twenty (20) feet~~Minimum required yard/setback from a major thoroughfare shall be twenty (20) feet;
- (2) ~~Twenty (20) feet~~Minimum required yard/setback from a minor thoroughfare shall be twenty (20) feet;
- (3) ~~Five (5) feet setback from a side yard~~Minimum required side yard/setback shall be five (5) feet;
- (4) ~~Ten (10) feet~~ Minimum required rear yard/setback shall be ten (10) feet, from a rear yard.

(Ord. of 8-19-03)

Sec. 19-267. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339, provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 12. - B-3 BUSINESS DISTRICT

Sec. 19-284. - Parking.

Parking shall be as required in sections 19-334 through 19-339, provided that off-street parking for residential uses shall only be allowed in the front yard/setback

(Ord. of 8-19-03)

Sec. 19-286. — Yards/Setbacks.

The following are the setbacks and yard requirements in the B-3 district:

- (1) ~~Twenty (20) feet~~Minimum required yard/setback from a major thoroughfare shall be twenty (20) feet;
- (2) ~~Twenty (20) feet~~Minimum required yard/setback from a minor thoroughfare shall be twenty (20) feet;
- (3) ~~Five (5) feet side yard~~Minimum required side yard/setback shall be five (5) feet;
- (4) ~~Ten (10) feet rear yard~~Minimum required rear yard/setback shall be ten (10) feet.

DIVISION 13. - RB-1 RESIDENTIAL BUSINESS DISTRICT

Sec. 19-304. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RB-1 district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-305. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 14. - B4 RESIDENTIAL/LABORATORY DISTRICT

Sec. 19-317. - Parking.

Parking shall be as required in sections 19-334 through 19-339, provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

(Ord. of 8-19-03)

Sec. 19-319. - Yards/Setbacks.

The following are the setbacks and yard requirements in the B-4 district:

- (1) ~~Twenty (20) feet~~ Minimum required yard/setback from a major thoroughfare shall be twenty (20) feet;
- (2) ~~Twenty (20) feet~~ Minimum required yard/setback from a minor thoroughfare shall be twenty (20) feet;
- (3) ~~Five (5) feet side yard~~ Minimum required side yard/setback shall be five (5) feet;
- (4) ~~Ten (10) feet rear yard~~ Minimum required rear yard/setback shall be ten (10) feet.

Sec. 19-320. - Control of yards/setbacks.

Any building or other structure requiring a building permit shall not be permitted in the setback area with the exception of the following items:

- (1) Fence.
- (2) Beach walkovers that are at least ten (10) feet to the rear of the building, and meet the 1996 Hurricane Replacement Standards.
- (3) Ground level walkways.
- (4) Ground level aprons for pools.

Sec. 19-321. - Reduction of lot and yards/setbacks areas-prohibited.

No lot area shall be so reduced or diminished such that the yards/setbacks or other required open spaces shall be smaller than prescribed by this chapter. No yard/setback or other open space about any building or non-permitted structure for the purpose of complying with the provisions of this chapter shall be considered as providing a yard/setback or other open space for the purpose of complying with the provisions of this chapter on an adjoining premises or open space on a lot whereon a building is to be erected.

Sec. 19-321.5. - Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.

Except as provided in section 5-62, no building, building repairs remodeling, installation, driveway, parking lot, other structures, or other ground-covering impervious surfaces, other construction or demolition thereof shall be commenced within the Town's jurisdictional limits begin in the town until a permit has been obtained from the building inspector.

No permit shall be issued if the total square footage of the buildings, other structures, and impervious ground-covering surface will exceed sixty-five (65) percent of the lot; excepting therefrom, those structures located in the B-1 district and the established fire district of the town. Any type driveway or impervious surface across the town right-of-way shall be limited to twenty-four (24) feet wide total.

Impervious surface coverage in the side yard/setback area of residential lots shall be limited to fifteen (15) percent of the yard/setback.

Driveways located in the front yard/setback area of residential lots shall be limited to thirty-six (36) feet in width. Driveways constructed of drip-through wooden, or gravel, or other permeable materials driveways are permissible in any district when serving a single-family residence.

Sec. 19-326. - Location of accessory buildings on residential lots.

Accessory buildings shall be in the rear yard and shall not exceed one (1) story with a height limit of fifteen (15) feet. Accessory buildings shall meet the setback requirements of a residence, and shall be erected, reconstructed or structurally altered in accordance with the building code.

Sec. 19-328. - Modification to front yards/setbacks in residential districts.

Where lots comprising twenty-five (25) percent or more of the frontage on one side of a block are developed with buildings at the time of the adoption of this ordinance, no building hereafter erected or structurally altered shall project beyond the average front yard/setback line so established by the pre-existing buildings, provided that, however, further that this regulation shall not be construed or so interpreted so as to require a front yard/setback depth of more than thirty (30) feet. No front yard depth need exceed the average provided for the two (2) adjoining buildings, one on either side thereof, if such two (2) adjoining buildings are less than two hundred (200) feet apart.

Sec. 19-357. - Continuance of nonconforming situation.

The lawful use of a structure, land, or use of structure and land existing at the time of the passage of this ordinance from which this section was derived may be continued although such does not conform with the provisions of this chapter provided they conform to the following provisions:

- (1) *Minimum single lot requirements.* Where the owner of a lot, or his successor in title thereto does not own sufficient land to enable him to conform to the area requirements of this chapter, the lot may be used as a building site, provided that the minimum back, front, and side yard/setback requirements for the district in which the lot is located are met.
- (2) *Extension in yard/setback space.* A structure that is nonconforming as to yard/setback requirements but conforms to the permissible use within the district in which it is located shall not be enlarged or extended in any direction (horizontally or vertically) into the required open space of the yard/setback area, except for energy conservation enclosures in subsection (9) below, and changes in roof design in subsection (10) below, and ramps, lifting devices and hand rails or a combination of these for the handicapped in subsection (11) below.
- (3) *Change of use.* A nonconforming use shall be changed to only those uses that are permitted in this chapter for the district in which such nonconforming use is located.
- (4) *Extension in use.* There shall be no extension in a nonconforming use that would increase the building's occupancy, square footage, production, servicing or utility demands except that any structure used for single-family residential purposes and maintained as a nonconforming use or structure may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard/setback requirements size—which at a minimum should comply with the RA-1A residential requirements.
- (5) *Repairs and alterations.* Normal maintenance, repairs, and improvements of nonconforming buildings shall be permitted provided that it does not violate sections (2)—(4) above.
- (6) *Damage or destruction.* Any nonconforming structure or any building containing a nonconforming use which has been damaged, destroyed, demolished, or removed either by accident or by natural causes may be reconstructed and used as before if a building permit is applied for within one (1) year from the date of destruction, provided, it does not violate subsections (2)—(4) above.
- (7) *Cessation.* If active operation of a nonconforming use is discontinued for a period of twelve (12) consecutive months, such nonconforming use shall thereafter be used only for a conforming use. A cessation will also occur when a structure is willfully removed. Once a nonconforming situation has been changed to a conforming situation, it shall not revert back to a nonconforming situation.
- (8) *Transfer of nonconforming property.* Nonconforming situations cannot be transferred with a lot if it is vacant at the time of transfer, except as noted in subsection (1) above.
- (9) *Energy conservation.* A covered entrance way already in existence within the setback area, which has a permanent foundation and floor and is covered by an existing roof, may be enclosed for energy conservation purposes. The inside dimensions of the enclosure shall be less than seventy (70) square feet in area.
- (10) *Change of roof design.* A flat roof may be changed to a pitched roof provided that such roof shall not exceed a four (4) to twelve (12) ratio. The pitched roof shall not extend horizontally any further than existing nonconforming the situation, nor shall it exceed the current building height limitation. Gutters and downspouts shall be provided to control runoff when adjoining property would be affected as a result of this modification. Where gutters are required, they shall not encroach on the adjoining property.
- (11) *Facilities for handicapped persons.* A ramp, lifting device and hand rails or a combination of these may be constructed in the setback area, provided that no other suitable conforming alternative exists, for the use of persons who are unable to enter or leave their place of dwelling without the

assistance of other persons or a self-propelled method of travel. The facilities listed in this section may not encroach upon the adjoining property. Application for the facility will be made to the building inspector who will investigate and make recommendation to the planning and zoning commission. After their review, planning and zoning will make recommendations to Kure Beach Town Council. After council's review of the case, and upon approval, they will instruct the building inspector to issue a permit and monitor the construction.

(Ord. of 8-19-03; Ord. of 3-18-08(8))

AFTER

CHAPTER 19 "SETBACK" TEXT AMENDMENTS

Sec. 19-1. - Definitions.

The terms for allowable uses are listed in this section of Kure Beach's Zoning Ordinance and the extracts of the 1987 Standard Industrial Classification Manual (SIC), presented in Appendix A, will be used to determine a uses classification.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building shall mean a structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars and trailers; provided that, however, the term "building" shall not mean nor be construed so as to include a container. The term "building" shall be construed as if followed by the words or part thereof.

Building line shall mean a line, which established the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot. (See yard requirements)

Building permit shall mean permission granted by the building inspector for the erection, relocation, reconstruction or structurally altering any building.

Pergola. A structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.

Setback shall mean the distance between the minimum building line and the street right-of-way line required to obtain the front side, or rear yard open space provisions of this chapter in order to provide for runoff control, health, safety, firefighting, free flow of air and adequate offstreet parking. In the event there is not a street right-of-way involved, then the property line shall be used in establishing the setback.

Structures shall mean anything constructed or erected, the use of which requires location on the land including freestanding billboards, signs and fences. The term structure shall be construed as if followed by the words, or part thereof.

Yard shall mean an open space on the same lot with a building (primary and accessory), unoccupied and unobstructed from the ground upward except by trees, shrubbery, screen walls, fences, ground level decks and walkways, or as otherwise provided for or required under this chapter. *Yard, front* shall mean a yard across the full width of the lot, extending from the front line of the nearest building on the lot to the front line of the lot.

Yard, rear shall mean a yard across the full width of the lot, as measured from the furthest rear point of the principal building to the rear line of the lot.

Yard, side shall mean a yard across the full width of the lot, extending from the side line of the principal building on the lot to the side line of the lot.

(Ord. of 8-19-03; Ord. of 11-20-07; Ord. of 4-15-08; Ord. of 3-17-09; Ords. of 5-17-2016)

Cross reference— Definitions and rules of construction generally, § 1-2.

DIVISION 2. - RA-1 RESIDENTIAL DISTRICT

Sec. 19-93. - Dimensional requirements.

The following dimensional requirements shall apply to all uses in the RA-1 district unless other requirements are stated herein.

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback and corner side yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet;
- (6) Off-street parking shall be provided as required in section 19-334 et seq.

(Ord. of 8-19-03)

Sec. 19-94. - Modification to required lot area and required yards/setbacks

A dwelling may be erected on a lot or plot having less than the minimum area and width in section 19-93, provided the same existed under one (1) ownership, to include heirs at law or legislators, by virtue of a recorded plat or deed recorded in the office of the register of deeds of New Hanover County prior to the original passage of this requirement. The following modifications (?) to required lot area and required yards/setbacks shall apply in this case:

- (1) Required lot area shall be five thousand (5,000) square feet.
- (2) No modification shall be allowed in front yards/setbacks.
- (3) Side yards/setbacks shall not be reduced to less than five (5) feet on each side and the total width of the two (2) side yards/setbacks shall not be less than ten (10) feet.
- (4) Rear yards/setbacks shall not be reduced to less than ten (10) feet.
- (5) Corner lot side yard/setback shall not be allowed to reduce the buildable width of the main building to less than twenty (20) feet.

(Ord. of 8-19-03)

Sec. 19-95. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

(Ord. of 8-19-03)

Sec. 19-96. - Signs.

The regulations and requirements for signs in this district shall conform to the Sign Code, Article VI of this chapter.

(Ord. of 8-19-03)

DIVISION 3. - RA-1A RESIDENTIAL DISTRICT

Sec. 19-109. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-1A district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-110. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 4. - RA-2 RESIDENTIAL DISTRICT

Sec. 19-153. - Dimensional requirements.

The following dimensional requirements shall apply to all uses in the RA-2 district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-154. - Modification to required lot area and required yards/setbacks.

- (a) A dwelling together with its accessory buildings may be erected on a lot or plothaving less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded plat or deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- (b) The following modification to required lot area and required yards shall apply in this case:
 - (1) Front yards/setbacks shall not be modified;
 - (2) Rear yards/setbacks shall not be modified.

(Ord. of 8-19-03)

Sec. 19-155. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 5. - RA-2A RESIDENTIAL DISTRICT

Sec. 19-168. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-2A district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-169. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 6. - RA-2T RESIDENTIAL TRAILER DISTRICT

Sec. 19-178. - Dimensional requirements.

- (a) The following dimensional requirements shall apply to all uses in the RA-2T district unless other requirements are stated herein:
- (1) Minimum required lot area shall be five thousand (5,000) square feet;
 - (2) Minimum required mean lot width shall be fifty (50) feet;
 - (3) Minimum required front yard/setback shall be twenty (20) feet;
 - (4) Minimum required side yard/setback shall be five (5) feet;
 - (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-179. - Modification to required lot area and required yards/setbacks.

- (a) A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- (b) The following modification to required lot area and required yards shall apply in this case:
- (1) Front yards/setbacks shall not be modified;
 - (2) Rear yards/setbacks shall not be modified.

(Ord. of 8-19-03)

Sec. 19-180. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 7. - RA-3 RESIDENTIAL DISTRICT

Sec. 19-188. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-3 district unless other requirements are stated herein:

- (1) Minimum, required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet;

(Ord. of 8-19-03)

Sec. 19-189. - Modification to required lot area and required yards/setbacks.

The following requirements are for lots having less than the required minimum area:

- (1) A dwelling may be erected on a lot or plot having less than the required minimum area and width provided the same existed under one (1) ownership, this to include heirs at law or legatees, by virtue of a recorded plot or deed recorded in the office of the register of deeds of New Hanover County prior to the original passage of this requirement.
- (2) The following modification to required yards/setbacks shall apply in this case:
 - a. Front yards/setbacks shall not be modified.
 - b. The required side yard/setback on every lot having less than thirty-eight (38) feet frontage may be reduced by one half foot for each foot said lot is less than forty (40) feet in width, provided further, however, that no side yard/setback/ in this case shall be less than three (3) feet in width.
 - c. The side yard/setback on the street side of a reversed corner lot shall have a width not less than fifty (50) percent of the front yard/setback required on lots in the rear of such a reversed corner lot. The modifications provided for in this sub-section shall not have the effect of reducing the buildable width of the main building, to less than twenty-six (26) feet or for accessory buildings to less than twenty (20) feet on any lot of record at the time of the adoption of this modification in January, 1961.

(Ord. of 8-19-03)

Sec. 19-190. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 8. - RA-3A RESIDENTIAL DISTRICT

Sec. 19-204. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-3A district unless other requirements are stated herein.

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-205. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback

DIVISION 9. - RA-4 RESIDENTIAL DISTRICT

Sec. 19-224. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-4 district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-225. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 10. - B-1 BUSINESS DISTRICT

Sec. 19-244. – Yards/Setbacks.

All areas zoned B-1 except the established fire district shall have minimum front, side, and rear yards/setbacks of three (3) feet each.

(Ord. of 8-19-03)

Sec. 19-246. - Parking.

Parking shall be provided as required in sections 19-334 through 19-339 for all tourist lodgings including any residential and related uses; otherwise no offstreet parking shall be required.

DIVISION 11. - B-2 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 19-265. – Yards/Setbacks.

The following are the B-2 district setback requirements:

- (1) Minimum required yard/setback from a major thoroughfare shall be twenty (20) feet;
- (2) Minimum required yard/setback from a minor thoroughfare shall be twenty (20) feet;
- (3) Minimum required side yard/setback shall be five (5) feet;
- (4) Minimum required rear yard/setback shall be ten (10) feet..

(Ord. of 8-19-03)

Sec. 19-267. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 12. - B-3 BUSINESS DISTRICT

Sec. 19-284. - Parking.

Parking shall be as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback

(Ord. of 8-19-03)

Sec. 19-286. – Yards/Setbacks.

The following are the setbacks and yard requirements in the B-3 district:

- (1) Minimum required yard/setback from a major thoroughfare shall be twenty (20) feet;
- (2) Minimum required yard/setback from a minor thoroughfare shall be twenty (20) feet;
- (3) Minimum required side yard/setback shall be five (5) feet;
- (4) Minimum required rear yard/setback shall be ten (10) feet

DIVISION 13. - RB-1 RESIDENTIAL BUSINESS DISTRICT

Sec. 19-304. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RB-1 district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-305. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback

DIVISION 14. - B4 RESIDENTIAL/LABORATORY DISTRICT

Sec. 19-317. - Parking.

Parking shall be as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

(Ord. of 8-19-03)

Sec. 19-319. – Yards/Setbacks.

The following are the setbacks and yard requirements in the B-4 district:

- (1) Minimum required yard/setback from a major thoroughfare shall be twenty (20) feet;
- (2) Minimum required yard/setback from a minor thoroughfare shall be twenty (20) feet;
- (3) Minimum required side yard/setback shall be five (5) feet;
- (4) Minimum required rear yard/setback shall be ten (10) feet..

Sec. 19-320. - Control of yards/setbacks.

Any building or other structure requiring a building permit shall not be permitted in the setback area with the exception of the following items:

- (1) Fence.
- (2) Beach walkovers that are at least ten (10) feet to the rear of the building, and meet the 1996 Hurricane Replacement Standards.
- (3) Ground level walkways.
- (4) Ground level aprons for pools.

Sec. 19-321. - Reduction of lot and yards/setbacks prohibited.

No lot area shall be so reduced or diminished such that the yards/setbacks or other required open spaces shall be smaller than prescribed by this chapter. No yard/setback or other open space about any building or non-permitted structure shall be considered as providing a yard/setback or other open space for the purpose of complying with the provisions of this chapter.

Sec. 19-321.5. - Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.

Except as provided in section 5-62, no building, building repairs remodeling, installation, driveway, parking lot, other structures, other ground-covering impervious surfaces, or demolition thereof shall be commenced within the Town's jurisdictional limits until a permit has been obtained from the building inspector.

No permit shall be issued if the total square footage of the buildings, other structures, and impervious ground-covering surface will exceed sixty-five (65) percent of the lot; excepting therefrom, those structures located in the B-1 district and the established fire district of the town. Any type driveway or impervious surface across the town right-of-way shall be limited to twenty-four (24) feet wide total.

Impervious surface coverage in the side yard/setback area of residential lots shall be limited to fifteen (15) percent of the yard/setback.

Driveways located in the front yard/setback of residential lots shall be limited to thirty-six (36) feet in width. Driveways constructed of drip-through wooden, gravel, or other permeable materials are permissible in any district when serving a single-family residence.

Sec. 19-326. - Location of accessory buildings on residential lots.

Accessory buildings shall be in the rear yard and shall not exceed one (1) story with a height limit of fifteen (15) feet. Accessory buildings shall meet the setback requirements of a residence, and shall be erected, reconstructed or structurally altered in accordance with the building code.

Sec. 19-328. - Modification to front yards/setbacks in residential districts.

Where lots comprising twenty-five (25) percent or more of the frontage on one side of a block are developed with buildings at the time of the adoption of this ordinance, no building hereafter erected or structurally altered shall project beyond the average front yard/setback line established by the pre-existing buildings, provided that, however, this regulation shall not be construed or so interpreted so as to require a front yard/setback of more than thirty (30) feet.

Sec. 19-357. - Continuance of nonconforming situation.

The lawful use of a structure, land, or use of structure and land existing at the time of the passage of this ordinance from which this section was derived may be continued although such does not conform with the provisions of this chapter provided they conform to the following provisions:

- (1) *Minimum single lot requirements.* Where the owner of a lot, or his successor in title thereto does not own sufficient land to enable him to conform to the area requirements of this chapter, the lot may be used as a building site, provided that the minimum back, front, and side yard/setback requirements for the district in which the lot is located are met.
- (2) *Extension in yard/setback space.* A structure that is nonconforming as to yard/setback requirements but conforms to the permissible use within the district in which it is located shall not be enlarged or extended in any direction (horizontally or vertically) into the required open space of the yard/setback area, except for energy conservation enclosures in subsection (9) below, and changes in roof design in subsection (10) below, and ramps, lifting devices and hand rails or a combination of these for the handicapped in subsection (11) below.
- (3) *Change of use.* A nonconforming use shall be changed to only those uses that are permitted in this chapter for the district in which such nonconforming use is located.
- (4) *Extension in use.* There shall be no extension in a nonconforming use that would increase the building's occupancy, square footage, production, servicing or utility demands except that any structure used for single-family residential purposes and maintained as a nonconforming use or structure may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard/setback requirements which at a minimum should comply with the RA-1A residential requirements.
- (5) *Repairs and alterations.* Normal maintenance, repairs, and improvements of nonconforming buildings shall be permitted provided that it does not violate sections (2)–(4) above.
- (6) *Damage or destruction.* Any nonconforming structure or any building containing a nonconforming use which has been damaged, destroyed, demolished, or removed either by accident or by natural causes may be reconstructed and used as before if a building permit is applied for within one (1) year from the date of destruction, provided, it does not violate subsections (2)–(4) above.
- (7) *Cessation.* If active operation of a nonconforming use is discontinued for a period of twelve (12) consecutive months, such nonconforming use shall thereafter be used only for a conforming use. A cessation will also occur when a structure is willfully removed. Once a nonconforming situation has been changed to a conforming situation, it shall not revert back to a nonconforming situation.
- (8) *Transfer of nonconforming property.* Nonconforming situations cannot be transferred with a lot if it is vacant at the time of transfer, except as noted in subsection (1) above.
- (9) *Energy conservation.* A covered entrance way already in existence within the setback area, which has a permanent foundation and floor and is covered by an existing roof, may be enclosed for energy conservation purposes. The inside dimensions of the enclosure shall be less than seventy (70) square feet in area.
- (10) *Change of roof design.* A flat roof may be changed to a pitched roof provided that such roof shall not exceed a four (4) to twelve (12) ratio. The pitched roof shall not extend horizontally any further than existing nonconforming the situation, nor shall it exceed the current building height limitation. Gutters and downspouts shall be provided to control runoff when adjoining property would be affected as a result of this modification. Where gutters are required, they shall not encroach on the adjoining property.
- (11) *Facilities for handicapped persons.* A ramp, lifting device and hand rails or a combination of these may be constructed in the setback area, provided that no other suitable conforming alternative exists, for the use of persons who are unable to enter or leave their place of dwelling without the

assistance of other persons or a self-propelled method of travel. The facilities listed in this section may not encroach upon the adjoining property. Application for the facility will be made to the building inspector who will investigate and make recommendation to the planning and zoning commission. After their review, planning and zoning will make recommendations to Kure Beach Town Council. After council's review of the case, and upon approval, they will instruct the building inspector to issue a permit and monitor the construction.

(Ord. of 8-19-03; Ord. of 3-18-08(8))



MEMO

TO: Town Council
FROM: Nikki Keely, Recreation Manager
RE: Proposed Dates for 2018 OFP Programs
DATE: November 7, 2017

The Proposed Dates for 2018 Ocean Front Park Programs is presented for Town Council review. The proposed schedule follows the same outline we have been using since 2015. The Boogie in the Park concert series stretches into the shoulder seasons and as such, is beloved by locals and visitors alike. The other weekly programs are geared more towards tourists, although locals frequent these programs too. The programs run between the second week of June and the end of August – when our tourist crowds tend to be largest. Private rental of the Ocean Front Park and/or availability of our partner organizations can impact the overall weekly schedule of the programs, but the final schedule will not expand beyond the proposed dates.

The Proposed Dates for 2018 Ocean Front Park Programs await Town Council approval prior to confirmation and publication. We face a December deadline with some of the publications utilized for free marketing of these programs. Council has the option to either accept the 2018 schedule as written or make changes and/or recommendations as needed.

nk

Enclosure: Proposed Dates for 2018 Ocean Front Park Programs

Proposed Dates for 2018 Ocean Front Park Programs:

Boogie in the Park Concert Series

1st & 3rd Sunday, May—October, 5-7 PM (12 dates)

Free concert series at Kure Beach's Ocean Front Park. Bring your beach chair or blanket and enjoy the music!

5/6—

5/20—

6/3—

6/17— Father's Day

7/1—

7/15—

8/5—

8/19—

9/2— Labor Day Weekend

9/16—

10/7—

10/21—

Turtle Talk

Mondays, June 11th – August 27th, 7-8 PM (12 dates)

Learn about local nesting sea turtles with the Pleasure Island Sea Turtle Project

Kure Beach Market

Tuesdays, June 12th – August 28th, 8 AM-1 PM (12 dates)

Shop for locally grown produce and hand crafted goods while enjoying beautiful ocean views.

Story Time by the Sea

Wednesdays, June 13th – August 29th, 10-11:30 AM, skips July 4th (11 dates)

Join the Princess and her fairytale friends from Fairytales and Dreams by the Sea at Kure Beach's Ocean Front Park for stories, crafts and games. Fun activities for both boys and girls. Don't forget your camera to get a picture with the Princess!

Up and Active!

Thursdays, June 14th – August 16th, 6:30-7:30 PM (10 dates)

Move your body – move your mind. Join Lynne and the Wave for an hour of music, games, and fun for everyone in the Ocean Front Park lawn. Face painting provided by P3 Planning.

ISLAND OF LIGHTS
P. O. BOX 2334
CAROLINA BEACH, NORTH CAROLINA 28428

September 15, 2017

Dear Mayor Emilie Swearingen,

You are cordially invited to participate in the **Island of Lights Christmas Parade** on **Friday, December 1, 2017 at 7:30 p. m.** As in the past, you will have to provide your own car to ride in during the parade.

To be a part of this exciting parade, you **must** submit an application online via www.islandoflights.org. If you are unable to register online, please contact the Carolina Beach Recreation Center at **(910) 458-2977**. You may also stop in the Carolina Beach Recreation Center for help registering. The hours of the Carolina Beach Recreation Center are Monday through Friday 8:00 AM – 9:00 PM, Saturday 8:00 AM – 4:00 PM, and Sunday 1:00 PM – 5:00 PM.

The **DEADLINE for entry is November 27, 2017. NO entries will be accepted after November 27th. We still require that all entries be decorated using lights.**

If you have any questions please call: Frances Massey at 910-458-5507.


We look forward to receiving your entry and welcome you to the **Island of Lights Christmas Parade.**

Sincerely,

Frances Massey
Parade Chairperson



MEMO

TO: Town Council
FROM: Nancy Avery, Town Clerk 
RE: Agenda item, New Business #1, Vacancy on P&Z for alternate member,
regular member and interview process
DATE: 11/13/17

With the resignation of Alan Votta from P&Z, the alternate member John Cawthorne was seated, as per the Code of Ordinances. I advertised for applicants for the alternate position and received five persons of interest.

Background

The Committee policy states:

“Town Council members will interview applicants at a properly scheduled meeting in open session. . . .Incumbent members do not interview applicants, only Town Council.”

The Code of Ordinances states:

“One alternate may be appointed by the town council who shall be seated as a regular a member automatically in the event a member of the commission resigns or becomes incapacitated and unable to serve.”

Action requested by staff

None

Funding required

None

Comments for consideration

Should Council wish to have P&Z members interview applicants, the policy will need to be changed.

Council may also want to consider that both the policy and code state that:

Both P&Z and BOA members may only be removed after a public hearing. Considering recent circumstances, this might be something to be changed.

3. Vacancies for both shall be advertised by the Clerk. Applications received by the Clerk will be forwarded to Town Council members for review. All applications shall be retained for a period of one (1) year. Town Council members will interview applicants at a properly scheduled meeting of the Council in open session. Town Council will, by vote of the Council, approve one applicant for each position. Incumbent members do not interview applicants, only Town Council. (Revised 2/16/10)
4. Members, after a public hearing, may be removed by the Town Council for inefficiency, neglect of duty or malfeasance in office.
5. Faithful attendance of the meetings is considered a prerequisite for the maintenance of membership.
6. All members have equal voting on all matters that come before them.
7. Members shall elect a chairman to serve a one-year term or until a successor is elected and shall be eligible for re-election.
8. There shall be a quorum of three members for the purpose of taking any official action required by this article.

References

Refer to Code of Ordinance requirements as follows:

Board of Adjustment – Chapter 19 (Zoning), Article II (Administration), Division 2 (Board of Adjustment), Sections 41 – 46.

Planning and Zoning Commission – Part II Code, Chapter 2 (Administration), Article III (boards, commissions, committees), Division 2 (P&Z), Sections 41 – 56.

Sec. 2-41. - Composition; terms of office.

- (a) The planning and zoning commission shall consist of five (5) regular members who shall be citizens and residents of the town.
- (b) One (1) alternate may be appointed by the town council who shall be seated as a regular member, automatically, in the event a member of the commission resigns or becomes incapacitated and unable to serve.

(Code 1973, § 2-26; Ord. of 8-15-78, § 2-26; Ord. of 3-20-01; Ord. of 4-21-15)

Sec. 2-42. - Terms; removal; filling of vacancies.

- (a) The members of the planning and zoning commission shall be appointed for terms of five (5) years.
- (b) The members of the commission may after a public hearing, be removed by the appointing authority for inefficiency, neglect of duty or malfeasance in office.
- (c) Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the period of the unexpired term.
- (d) Faithful attendance at the meetings of the commission is considered a prerequisite for the maintenance of membership on the commission. The five (5) commission members shall have equal voting powers on all matters which come before the commission.

(Code 1973, § 2-26; Ord. of 8-15-78, § 2-26)

Sec. 2-44. - Organization; meetings; quorum.

- (a) The planning and zoning commission as soon as practicable after the annual appointment shall meet and organize by electing one (1) of its members chairman, and shall elect a vice-chairman and secretary who may be a member of such commission. The term of the chairman and other officers shall be one (1) year with eligibility for re-election.
- (b) The commission shall meet at least once each month. Regular meetings shall be open to the public. The commission shall adopt rules for transaction of its business and shall keep a record of its members attendance and of its resolution discussions, findings and recommendations, which record shall be a public record.
- (c) There shall be a quorum of three (3) members for the purpose of taking any official action required by this article.

(Code 1973, § 2-28)

Nancy Avery

From: Emilie Swearingen
Sent: Monday, November 13, 2017 2:40 PM
To: Joseph Whitley
Cc: Nancy Avery; Craig Bloszinsky; David Heglar; Jim Dugan; AA Canoutas; Mike Bowden; Ed Kennedy; John Batson; Sonny Beeker; Jim Mesimer; Nancy Applewhite; Mandy Sanders; David Sack; debbie@talkinc.com; dlpanicali@gmail.com; 67jellen@gmail.com; rldsack@aol.com
Subject: Re: agenda items for Council's November 20th meeting

I agree with Joseph.

Sent from Surface

From: [Joseph Whitley](#)
Sent: Monday, November 13, 2017 1:21 PM
To: [Emilie Swearingen](#)
Cc: [Nancy Avery](#), [Craig Bloszinsky](#), [David Heglar](#), [Jim Dugan](#), [AA Canoutas](#), [Mike Bowden](#), [Ed Kennedy](#), [John Batson](#), [Sonny Beeker](#), [Jim Mesimer](#), [Nancy Applewhite](#), [Mandy Sanders](#), [David Sack](#), [debbie@talkinc.com](#), [dlpanicali@gmail.com](#), [67jellen@gmail.com](#), [rldsack@aol.com](#)

I would like Council to at least discuss the possibility of sitting P&Z Board interviewing the four applicants and providing their feedback to Council.

Joseph Whitley
Commissioner, Town of Kure Beach
910-620-4900

On Nov 13, 2017, at 12:28 PM, Emilie Swearingen <e.swearingen@townofkurebeach.org> wrote:

Wait until December for P&Z interviews

Emilie Swearingen

From: Nancy Avery
Sent: Monday, November 13, 2017 12:25:59 PM
To: Emilie Swearingen; Craig Bloszinsky; David Heglar; Joseph Whitley; Jim Dugan
Cc: Andrew Canoutas aa.canoutas@yahoo.com; Mike Bowden; Ed Kennedy; John Batson; Sonny Beeker; Jim Mesimer; Nancy Applewhite; Mandy Sanders; David Sack; Debbie Elliott; Dennis Panicali; John Ellen; Robin Sack
Subject: agenda items for Council's November 20th meeting

Here are the agenda items for the Town Council's meeting on Monday, November 20th at 6:30 pm. (rescheduled from Tuesday, the 19th)

The agenda will be finalized this Wednesday afternoon, so please provide additional items or deletions by Wednesday morning, November 15th.

1. Announcements and reception for retiring Fire Chief Heglar
2. Accept resignation of Alan Votta from P&Z
3. Proposed draft amendments to Chapter 19 (Zoning) of the Code of Ordinances regarding setback regulation clarification and consistency
4. Approval of proposed dates for 2018 OFP programs
5. Meeting with commissioner, police chief and attorney to review parking ordinances and bring recommendation to Council on amendments to the code (Whitley)
6. Reschedule of December Council meeting (Bloszinsky)
7. Vacancy on P&Z for alternate member, upcoming vacancy for regular member and interview process

Council members – we have 4 applicants. I didn't receive feedback on whether you want to interview at this meeting or wait until December. If I don't hear back by Wed., I will leave as is on the agenda.

Nancy Avery
Town of Kure Beach
117 Settlers Lane
Kure Beach, NC 28449
www.townofkurebeach.org
910-458-8216 office
910-707-2016 direct
910-443-0410 cell
n.avery@tokb.org



TOWN OF KURE BEACH
REQUEST FOR APPOINTMENT

Board/Commission/Committees

Rec'd 10/24/17
Aug

MUST BE A FULL-TIME RESIDENT TO SERVE ON BOARD OF ADJUSTMENT,
COMMUNITY CENTER COMMITTEE OR PLANNING AND ZONING COMMISSION

Request for Appointment to: Planning Board
Name: ROBERT H. YOUNG
KB Property Address: 746 SETTLERS LANE
Mailing Address: SAME
Contact PH#: 978-317-0074 Email: IMAGINE.5943@MSN.COM

(You will receive the majority of correspondence via email)

Length of full-time residency in Kure Beach: 8 YRS
Employment: RETIRED. 4 YEARS NORTH CAROLINA FERRY DIVISION FOR FISHER SECURITY.
Job Title: FOREMAN BOSTON TRANSIT AUTHORITY / INVENTORY CONTROL CORP. CBD BEARDDY, MA.
Professional Activities: BOARD MEMBER KURE VILLAGE HOME OWNERS ASSY FOR 6 YEARS.
Volunteer Activities: BOY SCOUTS AND BOYAL RANGER COMMANDER FOR CHURCH

Other committee work, past or present: ARCHITECTURAL FOR KURE BEACH VILLAGE HOA

What is your understanding of the purpose of this committee?
TO WORK WITH THE TOWN COUNCIL AND RESIDENTS OF KURE BEACH.

Why are you interested in serving on this committee?
TO KEEP THE TOWN PRISTINE, YET TO BE OPEN OF FUTURE GROWTH.

In what specific concerns or areas are you interested?
INFRASTRUCTURE, BEACH FRONTS, PARKING

What days and/or times between 8am-8pm, Monday through Friday, are you unable to attend meetings?
ALL OF ABOVE.

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature: Robert H. Young Date: 10/24/2017
Thank you for your interest in serving the Town of Kure Beach

Please submit your application to:

Town Clerk, Kure Beach Town Hall, 117 Settlers Lane, Kure Beach, NC 28449

NOTE: All financial obligations to the town must be satisfied to be a Kure Beach committee member.

Town Use Only

Date Received Initials Financial Obligations Satisfied YES NO
Interview Date (If applicable) Appointment Date
Term Length Term Expiration



**TOWN OF KURE BEACH
REQUEST FOR APPOINTMENT**

Board/Commission/Committees

*Rec'd 11/2/17
TC. Avey*

MUST BE A FULL-TIME RESIDENT TO SERVE ON TOWN COMMITTEES

Request for Appointment to: Planning and Zoning Commission

Name Randy McNecly

Address 821 Cutter Ct.

Telephone _____ Cell 910-524-1897

Email rmcneely@wmjordan.com (You will receive the majority of correspondence via email)

Length of permanent residence in Kure Beach 1 month /6 years part time

Employment W.M. Jordan Company (Commercial Building Contractor)

Job Title Senior Project Manager

Professional Activities NAIOP, Leadership Raleigh,

Volunteer Activities Board of Directors for Ronald McDonald House of Durham, 1 million meals, Apex Music Festival

Other committee work, past or present President of HOA, President of High School Booster Club, Chairman of Building Committee for major Church renovation,

What is your understanding of the purpose of this committee?

Review Town zoning requirements and control development. Review zoning requirements to keep current with changing needs.

Why are you interested in serving on this committee?

Now that I live here full time I would like to be involved and give back to the community.

What specific concerns or areas are you interested in?

Controlled and Organized growth and Development

Are there any time blocks from 8am-8pm, Monday through Friday, when you cannot attend meetings?

8-5 Monday-Friday

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature *Randy McNecly* Date 10/31/17

Thank you for your interest in serving the Town of Kure Beach

Please return ORIGINAL to: Town Clerk - Town of Kure Beach 117 Settlers Lane, Kure Beach, NC 28449

Town Use Only

Date Received _____ Initials _____ Utilities Current YES NO
Interview Date _____ (If applicable) Appointment Date _____
Term Length _____ Term Expiration _____



TOWN OF KURE BEACH REQUEST FOR APPOINTMENT

Board/Commission/Committees

Rec'd 11/6
TE Aug

MUST BE A FULL-TIME RESIDENT TO SERVE ON TOWN COMMITTEES

Request for Appointment to: Planning and Zoning Commission Alternate _____

Name Retha O Deaton

Address 749 Settlers Lane

Telephone _____ Cell (910) 515-4970

Email rdeaton1031@gmail.com (You will receive the majority of correspondence via email)

Length of permanent residence in Kure Beach 3 years

Employment Retired

Job Title Formerly worked at Carolina Telephone, Sprint and Embarq as an Outside Plant Engineer and Project Manager in the local telephone division, with emphasis on strategic workforce and equipment planning and data analysis.

Professional Activities Board of Elections Assistant and Judge

Volunteer Activities Water Aerobics Instructor, Church Work

Other committee work, past or present Served on the Planning Board for the Town of Tarboro for 12 years, the last eight as chairman

What is your understanding of the purpose of this committee?

To ensure that proposed buildings and expansion conform to town ordinances and/or make recommendations to council for revisions to the existing ordinances to ensure that current and future growth proceeds in a logical manner.

Why are you interested in serving on this committee?

We live in a community with limited land area. To ensure growth that benefits both the town and its residents, we need to ensure that growth proceeds in a reasonable manner.

What specific concerns or areas are you interested in?

Development of an appealing and active downtown business district and upkeep of residential areas

Are there any time blocks from 8am-8pm, Monday through Friday, when you cannot attend meetings?

Currently unavailable for meetings on the second Wednesday of each month from September to May. Generally spend a portion of July and August in Michigan.

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature Retha O Deaton Date 1/06 2017

Thank you for your interest in serving the Town of Kure Beach

Please return ORIGINAL to: Town Clerk - Town of Kure Beach 117 Settlers Lane, Kure Beach, NC 28449



TOWN OF KURE BEACH
REQUEST FOR APPOINTMENT

Board/Commission/Committees

Rec'd 11/8/17
TC Huey

MUST BE A FULL-TIME RESIDENT TO SERVE ON BOARD OF ADJUSTMENT,
COMMUNITY CENTER COMMITTEE OR PLANNING AND ZONING COMMISSION

Request for Appointment to: Planning & Zoning

Name Dolores (d) Coe

KB Property Address 326 N Ft Fisher Blvd

Mailing Address PO Box 313, Kure Beach, NC

Contact PH# 910-297-5342 Email dolorescoe28449@yahoo.com

(You will receive the majority of correspondence via email)

Length of full-time residency in Kure Beach 15 years

Employment Retired/Island Realty

Job Title

Professional Activities Member, KNCW

Volunteer Activities Meals on Wheels, Various other Volunteering
opportunities on the Island

Other committee work, past or present Board of Adjustment

What is your understanding of the purpose of this committee?

Advise Council on ordinances - changes, etc.

Why are you interested in serving on this committee? Background work for Building Inspector

Serve Kure Beach in another volunteer opportunity

In what specific concerns or areas are you interested?

I have no concerns. Interested in serving & learning

What days and/or times between 8am-8pm, Monday through Friday, are you unable to attend meetings?

Always available

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature [Signature] Date 11/8/17

Thank you for your interest in serving the Town of Kure Beach

Please submit your application to:

Town Clerk, Kure Beach Town Hall, 117 Settlers Lane, Kure Beach, NC 28449

NOTE: All financial obligations to the town must be satisfied to be a Kure Beach committee member.

Town Use Only

Date Received _____ Initials _____ Financial Obligations Satisfied [] YES [] NO

Interview Date _____ (If applicable) Appointment Date _____

Term Length _____ Term Expiration _____



Rec'd 11/9/17
TC Day

TOWN OF KURE BEACH
REQUEST FOR APPOINTMENT
Board/Commission/Committees

MUST BE A FULL-TIME RESIDENT TO SERVE ON TOWN COMMITTEES

Request for Appointment to: PLANNING AND ZONING COMMISSIONER - ALTERNATE

Name RICHARD J. MAERICKAS

Address 502 KURE VILLAGE WAY KURE BEACH, NC 28449

Telephone _____ Cell 910-508-8182

Email rick.maerickas@gmail.com (You will receive the majority of correspondence via email)

Length of permanent residence in Kure Beach 1 YR.

Employment GOODYEAR TIRE & RUBBER CO. (RETIRED) CAMS (CURRENT)

Job Title ENGINEERING MGR. PROPERTY MANAGER

Professional Activities REGISTERED PROFESSIONAL ENGINEER/STATE OF N.C.

Volunteer Activities ROTARY CLUB (WHILE LIVING IN CANADA)
AMERICAN CHAMBER OF COMMERCE PRESIDENT (WHILE LIVING IN DALIAN, CHINA)

Other committee work, past or present _____

What is your understanding of the purpose of this committee?
TO MONITOR TOWN OF K.B. ZONING PLAN, AND IMPROVE FUTURE DEVELOPMENT.

Why are you interested in serving on this committee?
I'M A PROVEN LEADER, AFTER 43 YRS. WITH GOODYEAR IN GLOBAL POSITIONS, I HAVE A CIVIL ENGINEERING DEGREE AND AN MBA, I HAVE A HIGH

What specific concerns or areas are you interested in? ENERGY LEVEL, AND I LOVE KURE BEACH.
CONTINUED GROWTH, WHILE MAINTAINING OUR K.B. CULTURE.

Are there any time blocks from 8am-8pm, Monday through Friday, when you cannot attend meetings?
No

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature Richard J. Maerickas Date Nov. 7, 2017

Thank you for your interest in serving the Town of Kure Beach

Please return ORIGINAL to: Town Clerk - Town of Kure Beach 117 Settlers Lane, Kure Beach, NC 28449

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