



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

The Kure Beach Town Council held a Regular Meeting on Tuesday, February 20, 2018 at 6:30 p.m.

The town attorney was present and there was a quorum of council members.

COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky
Mayor Pro Tem (MPT) David Heglar
Commissioner Joseph Whitley
Commissioner John Ellen
Commissioner Allen Oliver

COUNCIL MEMBERS ABSENT

All present

STAFF PRESENT

Finance Officer (FO) – Arlen Copenhaver
Town Clerk – Nancy Avery
Fire Chief – Ed Kennedy
Police Chief – Mike Bowden
Utility Systems Operator/Crew Leader – Jimmy Mesimer
Administrative Assistant – Nancy Applewhite

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 6:30 p.m. and Reverend Thomas Williams, Lay Pastor, delivered the invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

Call to Order – Mayor Bloszinsky

APPROVAL OF CONSENT AGENDA ITEMS

1. * Approve closing Atlantic Avenue to public vehicle traffic between K and L Avenues from early morning hours through 7 pm on Saturday, April 28, 2018 and allow for participation of food trucks and art, craft, and food vendors during the annual Street Festival
2. * Appoint Amanda Stiles to the Marketing Committee as an alternate
3. * Appoint Randy McNeely to the Board of Adjustment as an alternate
4. * Approve contract and engagement letter with the auditing firm of Bernard Robinson and Company LLP, in the amount of \$18,700 for FY17-18
5. Approve travel to UNC School of Government Essentials of Municipal Government Training in Sunset Beach, NC from 2/15/18 to 2/17/18 for Mayor Bloszinsky, Commissioner Ellen,



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

- Commissioner Oliver, Commissioner Whitley, at a cost of approximately \$1,612.56 from the Council Travel and Training Budget
6. Approve travel to ASBPA Coastal Summit in Washington, DC from 3/20/18 to 3/22/18 for Mayor Bloszinsky and Commissioner Oliver, at a cost of approximately \$2,107.72 from the Council Travel and Training Budget
 7. Approve travel to NCBIWA 2018 Local Coastal Governments Meeting in Pine Knoll Shores, NC from 4/23/18 to 4/24/2018 for Mayor Bloszinsky and Commissioner Oliver, at a cost of approximately \$650.00 from the Council Travel and Training Budget
 8. *Building Inspector Report January 2018
 9. *Finance report through February 13, 2018
 10. *Minutes:
 - January 22, 2018 regular

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

SECOND – Commissioner Oliver

VOTE – Unanimous

ADOPTION OF THE AGENDA

MOTION – MPT Heglar moved to adopt the meeting agenda, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

PUBLIC HEARING – Proposed amendments to Chapter 19 (Zoning) regarding setbacks. Notice of the public hearing was advertised in the Star News on February 4, 2018 and in the Island Gazette on February 7 and 14, 2018 as per N.C.G.S. 160A-364. Amendments do not change any setbacks but clarify and bring consistency to the language in all sections and zoning districts that relate to setbacks. Said document is herein incorporated as part of these minutes.

OPENING OF PUBLIC HEARING

Mayor Bloszinsky opened the Public Hearing at 6:36 p.m.

1. Linda Brett-Kell, 434 S 4th Avenue

Ms. Brett-Kell stated she went before the Planning & Zoning Commission regarding setbacks. She said she was not aware of when setbacks were changed from 5 feet to 10 feet for additions to property. She communicated that the Planning & Zoning Commission was not sure when the change went into effect, but she would like the setback changed back to 5 feet like Carolina Beach. Ms. Brett-Kell communicated that the lots on Kure Beach do not have a lot of space, and she recently had a custom built structure completed on her lot which she learned is not in



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

compliance. She also noted other residents have structures on their lots which appear to be non-compliant. She requested council to consider the 5 foot setback. Mayor Bloszinsky informed Ms. Brett-Kell that her case had been scheduled on the agenda for consideration later in the meeting.

2. April Agrillo, 333 N. 3rd. Avenue

Ms. Agrillo stated that she would like all of the setbacks for Kure Beach to change. She presented to council a copy of all of Carolina Beach's setback changes and the dates they were made. Ms. Agrillo shared that she was in the process of having a pool installed in her backyard and realized with the 10 feet setback she would not be able to go through with the installation. She mentioned that she attended the Planning & Zoning Commission meeting along with Ms. Brett-Kell and was advised of the petition for changes to setbacks in Kure Beach. Ms. Agrillo advised council that the Planning & Zoning Commission was going to proceed with fines to enforce setback regulations.

MPT Heglar declared that the setbacks have been in place for a very long time. He explained that the ordinances specifically allow non-conforming conditions which exist at the time of adoption to continue; therefore, explaining the structures in place which have been stated as being non-compliant. He clarified that the Public Hearing in place is to clear up specific issues and address language in the ordinances regarding setbacks, and not for changing the setbacks. He confirmed that the setbacks would not be changed during the evening's meeting because a Public Hearing would have to be held addressing changes to the setbacks first, with change recommendations made by the Planning & Zoning Commission. He advised Ms. Agrillo to follow the process in place to request the changes for her project. Further discussion evolved concerning the changes to Carolina Beach's setbacks. Conversations continued with regard to when setbacks were changed in Kure Beach. Town Clerk Avery stated there was an electronic issue with the code when it was codified indicating there were a lot of changes in 2003, however, they were not changed in 2003. MPT Heglar said the setbacks were 10 feet in 1996. Mayor Bloszinsky advised Ms. Agrillo of the process in place for her to take to request changes for her particular property. He affirmed that the process is slow because there is a lot at stake and all issues must be weighed.

Ms. Brett-Kell then verbalized her understanding of the wheels of justice moving slowly, but she wanted to know if she was going to be fined. She expressed her concerns with having to move her structure. Vice Chair Moore of the Planning & Zoning Commission confirmed that Building Inspector Batson stated fines will not be issued until Ms. Brett-Kell's issue is resolved.

3. Robert Lawler, 629 4th Avenue South – Unit B

Mr. Lawler stated he purchased a home in July and hired a contractor in December to build decks on the home. He also built an enclosure around the existing exterior shower. He was advised by Building Inspector Batson and his contractor that the enclosure built is not in compliance due



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

to the height and width of the structure. Mr. Lawler provided details regarding his structure with several pictures. He also presented pictures of other duplexes with similar structures. Mr. Lawler explained that Building Inspector Batson advised him of his available options. He also submitted a letter requesting a proposed amendment allowing the non-permanent structure. Mayor Bloszinsky asked if the contractor obtained a permit for the structure. Mr. Lawler advised that a permit was received for the decks, not the building of the enclosure. MPT Heglar explained that the structure was built on the setback, and setbacks are historically for fires to prevent neighborhoods from burning down. Mayor Bloszinsky advised Mr. Lawler to take the matter with the proposed text amendment to the Planning & Zoning Commission for consideration with their recommendation to be made to Council.

MOTION – Commissioner Whitley moved to close the Public Hearing.

SECOND – MPT Heglar

VOTE – Unanimous

CLOSING OF PUBLIC HEARING

Mayor Bloszinsky closed the Public Hearing at 7:04 p.m.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Shoreline Access and Beach Protection Committee

Dennis Panicali, Chair of SLABP, addressed council to present proposed new beach access signs. He provided a slide presentation and overview of the recommendations provided by the SLABP Committee. Said document of slide presentation is hereby incorporated as part of these minutes. The signs will be individualized and modified for ADA per beach access, and will be framed on 6x6 timber. They will be 3 feet high and 4 feet wide and mounted 4 feet off the ground making them 7 feet off the ground. Signs have been reviewed by both the Police Chief and the Fire Chief. The funding for the signs to be provided by the SLABP Committee. The multi-part signs are to be installed at the following locations:

- 344 N. Atlantic Avenue
- 140 N. Atlantic Avenue
- 130 N. Atlantic Avenue
- 120 N. Atlantic Avenue
- 110 N. Atlantic Avenue
- 100 N. Atlantic Avenue
- 99 S. Atlantic Avenue
- 139 S. Fort Fisher Boulevard – J Avenue
- 227 S. Fort Fisher Boulevard – I Avenue
- 343 S. Fort Fisher Boulevard – H Avenue



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

443 S. Fort Fisher Boulevard – G Avenue
541 S. Fort Fisher Boulevard – F Avenue
643 S. Fort Fisher Boulevard – E Avenue
1342 S. Fort Fisher Blvd

MOTION – MPT Heglar moved to approve the purchase of the proposed multi-part signs to be installed at the beach accesses by Public Works with funding provided by the SLABP Committee.

SECOND – Commissioner Whitley

VOTE – Unanimous

Commissioner Whitley gave an update on the Ethyl-Dow structure signs, and Chair Panicali provided a presentation on that signage as well. Said presentation is herein incorporated as part of these minutes. Conversations ensued regarding the signs. Mayor Bloszinsky confirmed the appropriate verbiage pertaining to no swimming with Attorney Canoutas.

MOTION – MPT Heglar moved to approve the proposed Ethyl-Dow structure signs presented by the SLABP Committee and installed by Public Works.

SECOND – Commissioner Whitley

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Finance Department

FO Copenhaver provided presentations regarding the Town Budget, Tax and ROT dollar allocations in response to the request made by council at the Council Retreat held on January 26, 2018. He requested direction from council as to how the information is to be utilized. Said presentation is herein incorporated as part of these minutes.

- The information was requested for citizens to understand how their tax money is utilized, and to illustrate that they are not used for beach nourishment
- The first chart showed the average expenditure per dollar of property tax levied in Kure Beach in the Fiscal Year 2017
- Every property tax dollar funds several components of local government in Kure Beach
- Significant portion allocated for public safety, streets and sanitation
- Mayor Bloszinsky noted that the debt services are minimal compared to the requirements of NC State
- FO Copenhaver stated debts are maintained at manageable levels



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

- The second chart provided an average use per dollar of Room Occupancy Tax paid by Kure Beach tourists for Fiscal Years 2015 to 2017
- The total value of tourists staying at Kure Beach is estimated at \$800,000 to \$850,000
- Room Occupancy Tax is divided into two parts. The first 3% is allocated 60 % to beach nourishment, 40% to county-wide promotions, and the second 3% is allocated 50% to Kure Beach promotions and 50% to Kure Beach tourism related activities
- MPT Heglar proposed the information to be added to the Town Website

MPT Heglar stated that he would like to work with FO Copenhaver on the messaging and bring it back to council prior to adding it to the Town Website. Agreement was reached to table the matter until the March Council Meeting.

2. Public Works Department

Crew Leader Mesimer advised that the Smoke Testing is scheduled to be completed on February 21, 2018.

Free Bulk Trash Pick-up Week in April has developed into a 6 day occurrence and has become very expensive.

- Dumpsters, miscellaneous, bulk trash and brush was hauled out at 84.15 tons of debris over a 6 day period
- Assistance required for trash removal resulted in hiring dump trucks for three days from Bledsoe demolition and excavation company last year
- There is nowhere to store brush any longer, so it must be hauled off
- Total cost of town labor, pick-up, dumping and hauling for last year was \$25,000 Cost excludes gas, and wear and tear on town vehicles
- Evolved over the past 10 years and has progressively gotten worse with individuals bringing in bulk trash over the bridge to leave for pick-up within Kure Beach
- The free bulk trash pick-up was originally designated as a Spring Clean initiative and not for the removal of construction bulk trash to include cabinets, rugs, sheet rock, etc. at the cost of the taxpayers
- Requesting assistance from Council to establish guidelines

Mayor Bloszinsky asked Crew Leader Mesimer to research and provide recommendations and limitations on what is to be excluded from removal. MPT Heglar stated the users should pay for additional trash removals, and the town has a system in place for debris to be picked by Public Works at a charge. He communicated this has crept into a great cost. He also stated that clear



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

limitations and guidelines need to be communicated now in preparation for the April event. MPT Heglar will work with Crew Leader Mesimer and will provide details and recommendation at the March meeting.

Crew Leader Mesimer also reported he is still working with the engineer concerning the request for potential wheelchair access at beach access 1004-1/2 (Myrtle/Oceanview). He stated that Building Inspector Batson, the CAMA Officer, needs to get involved and surveys need to be obtained, as there are limitations on what can be done at the access. The matter was requested to be placed on the March Agenda.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Proposed amendments to Chapter 19 (Zoning) regarding setbacks

Requires motion to adopt Resolution 18-01 and Consistency Statement 18-01 as presented. Said documents and statement are herein incorporated as part of these minutes.

Bill Moore, Planning & Zoning Vice chair stated that the recommendations made by the committee provide consistency changes to verbiage for the entire chapter, with no changes implemented to setbacks

MOTION – Commissioner Whitley moved to adopt Resolution 18-01 and the Consistency Statement 18-01, as presented.

SECOND – MPT Heglar

VOTE – Unanimous

2. Pickleball Petition presented to Council at January 22, 2018 meeting

Public Crew Leader Mesimer reported that the restriping cost of the courts would be approximately \$2,300 to \$2,400, and will be wider to cover the work already completed not making them compliant for tournaments.

MOTION – MPT Heglar moved to approve the repainting of the Pickleball lines by Public Works on the tennis courts per the petition presented to council on January 22, 2018 funded by the town. . Color choice of the paint to be confirmed by Mr. Wickliffe and the Pickleball players of Kure Beach.

SECOND – Commissioner Whitley

VOTE – Unanimous



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

3. Approve budget calendar for FY18-19

FO Copenhaver stated the matter was discussed at the Council Retreat on January 26, 2017 with a proposed date of April 6th and April 20th. He communicated there are two workshops scheduled with a rare occasion needed for a third workshop.

MOTION – MPT Heglar moved to adopt the Budget Calendar for FY18-91, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

4. Reschedule of March and April meetings

Conversations ensued regarding meeting date changes. Consensus agreement reached to change the March meeting moving it to Monday, March 19th. The meeting in April is to remain as scheduled on April 17th.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Proposed text amendment to Chapter 19 (Zoning, Div. 4, RA-2 Residential Dist. Section 153 Dimensional requirements) of Code of Ordinances to change the current rear setback of 10 feet to 5 feet requested for property located at 434 S. Fourth. Said documents are herein incorporated as part of these minutes.

Mayor Bloszinsky stated a request was received from Ms. Linda Brett-Kell to change the existing text for accessory buildings to meet a requirement of 5 feet and be in the rear yard not to exceed a height limit of 15 feet. She provided the proposed text amendment with a report at the Public Hearing held earlier in the evening. The recommendation and reasoning received from Planning & Zoning is to not accept the proposed text amendment. Ms. Brett-Kell requested why the proposed recommendations were not acceptable. MPT Heglar read the statement outlining the reasoning for the recommendations received from the Planning & Zoning Commission. Discussions pursued further from the public audience, and council provided explanations of the ordinances. MPT Heglar also explained the history of setbacks which are based on the safety of citizens in Kure Beach.

MOTION – Commissioner Whitley moved to deny the proposed text amendment, as presented

SECOND – Commissioner Ellen

VOTE – Unanimous

Mayor Bloszinsky advised Ms. Brett-Kell that Building Inspector Batson would work with her to assist in the relocation of the backyard structure.

Ms. Grillo inquired about the process for her pool installation, stating her pool would be within the 10 feet, but the deck would not be. Mayor Bloszinsky advised Ms. Grillo to speak with the



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

Building Inspector regarding her separate situation for guidance and to also decide on how she would like to proceed.

2. Proposed text amendment to Chapter 3 (Alcoholic Beverages, Section 2 Requirements for bars and taverns) of Code of Ordinances to allow public access to any enclosed open air deck or patio extending directly from any bar and/or tavern for property located at 108 K Avenue . Said documents are herein incorporated as part of these minutes.

Mayor Bloszinsky read the existing text and the proposed text amendment received from Bud & Joe's Sandbar. Commissioner Whitley stated that the Police Chief was in approval of the proposed text amendment if the following conditions are addressed:

- No alcohol after 11:00 p.m. within the patio area
- A barrier put in place separating the public from the patio at the discretion of the Building Inspector
- Outdoor lighting is provided
- Adequate signage to remain within the patio area
- Staffing in place within the patio area
- Noise ordinance issues

Mr. Ritchie, owner of Bud & Joe's Sandbar, explained the outdoor patio was made available to patrons to have a place in an enclosed area to take their drink and smoke. He stated it aids in keeping the front of the establishment and sidewalks clear from smokers by directing them to the side of the building. He confirmed that the business is compliant with ABC and ALE rules pertaining to the set-up of the patio. He explained Building Inspector Batson assisted with documenting the proposed amendment. Mr. Ritchie was in agreement to comply with the conditions brought forth by the Police Chief.

Mr. Moore, Vice Chair Planning & Zoning Commission, brought to the attention of council proposed noise issues associated with the changes. Discussions ensued regarding noise control, and the Noise Ordinance was confirmed as enforcement by the Kure Beach Police Department to assist with this concern.

MOTION – MPT Heglar moved to make the proposed text amendment to read as follows:
No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted to any rooftops from any bar and/or tavern. Public access is permitted to any enclosed open air deck or patio not to exceed 300 square feet extending directly from any bar and/or tavern.

SECOND – Commissioner Whitley

VOTE – Unanimous



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

3. Request to allow underground electric feed across beach access # 139 (J Ave.) parking lot for property located 201 S. Fort Fisher Boulevard.

Mayor Bloszinsky stated the two stipulations for the request are:

- Adequate markings
- Homeowner and/or Duke Energy to be fiscally responsible for maintenance should the electric need to be repaired

MOTION – MPT Heglar moved to allow the underground electric feed across J Avenue access with the Town informing the homeowner if it is required to be dug up for maintenance or any other reasons that the homeowner or the power company are fiscally responsible for repairing the access.

SECOND – Commissioner Whitley

VOTE – Unanimous

4. Committee policy requiring full time residency to serve

Mayor Bloszinsky explained the policy requiring full time residency was pertaining to the service on the MPO Bicycle Pedestrian Committee, which is an ADHOC Committee. The matter had been brought up for discussion by Commissioner Ellen during the continuation of Council Retreat held prior to the Regular Meeting. He asked the audience if anyone was interested in serving on the committee. No one came forth.

MOTION – MPT Heglar moved to make an exception for the appointment to allow a property owner who is not a full time resident to serve on the specific committee of MPO Bicycle Pedestrian Committee, since there are no additional applicants.

SECOND – Commissioner Whitley

VOTE – Unanimous

COMMISSIONER ITEMS

Commissioner Whitley gave an update on the Parking Meeting held on Monday, February 19th. As agreement was reached to not pursue paid parking for the year, ordinances will be reviewed and abridged removing any impractical ones. Also, there are plans to implement defined parking areas on Fort Fisher. He stated Attorney Eldridge required time to complete the work on the ordinances; therefore, resulting in the staggering of Planning & Zoning meetings. He proposed the matter to be brought to council at the April meeting allowing for a Public Hearing to be scheduled in May if necessary. The approved changes would then be ready to go into effect before the summer season. Commissioner Ellen confirmed the Planning & Zoning March meeting was changed to the 12th of March should anyone in the audience wish to attend the meeting.



TOWN COUNCIL MINUTES

REGULAR MEETING

February 20, 2018 @ 6:30 p.m.

Commissioner Oliver confirmed the progress on the construction seen at the Groundbreaking Ceremony held earlier in the day. He stated that his plans are to provide an update on the construction project every month regarding issues and/or concerns.

ADJOURNMENT

MOTION – Commissioner Ellen moved to close the meeting.


SECOND – Commissioner Whitley

VOTE – Unanimous

The meeting adjourned at 8:48 p.m.



Craig Bloszinsky, 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.