



TOWN COUNCIL MINUTES

REGULAR MEETING

April 19, 2018 @ 6:30 pm
Continued to April 26, 2018 @ 6:30 pm

The Kure Beach Town Council held a Regular Meeting on Tuesday, April 19, 2018 at 6:30 p.m. The Town Attorney was present and there was a quorum of council members

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 6:30 pm. Reverend Tommy Williams, Williams Gospel Ministries, gave the invocation and led the pledge of allegiance.

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

Commissioner John Ellen

STAFF PRESENT

Finance Officer (FO) – Arlen Copenhaver
Town Clerk – Nancy Avery
Police Chief – Mike Bowden
Building Inspector John Batson
Utility Systems Operator/Crew Leader – Jimmy Mesimer

MOTION – Mayor Pro Tem Heglar motioned to excuse Commissioner Ellen from the meeting

SECOND – Commissioner Whitley

VOTE - Unanimous

APPROVAL OF CONSENT AGENDA ITEMS

1. Minutes:

- March 19, 2018 regular
- March 19, 2018 closed session
- April 6, 2018 budget workshop #1

MOTION – Commissioner Oliver motioned to approve consent agenda items with no changes.

SECOND – Commissioner Whitley

VOTE - Unanimous

ADOPTION OF THE AGENDA

MOTION – Mayor Pro Tem Heglar made the motion to adopt the agenda as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous



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DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. WMPO presentation about the Metropolitan Planning process and public participation
Michael Madsen, GIS Analyst, gave a presentation and stated:

- The Wilmington Metropolitan Planning Organization (WMPO) is federally funded and mandated and consists of local government planning agencies in New Hanover County and parts of both Brunswick and Pender counties
- Responsibilities are to provide comprehensive and continuing planning process for the expenditure of federal transportation funds and assist with local planning transportation programs
- The mandated 20 year plan expires in the year 2020 and the organization has begun the public outreach period that ends in July of this year

Said presentation is herein incorporated as part of these minutes.

2. Connie Merkle of 454 N. Fort Fisher Boulevard stated:

- She was at last month's meeting about the feasibility of allowing a pool to encroach into the beach nourishment easement
- The encroachment agreement has been drawn up and provided to the Town's attorney for review
- She is asking for approval to move forward with everything with Building Inspector Batson

Discussion highlights:

- This pool doesn't extend further than existing pools that have encroachment agreements
- Town Attorney assured Council the encroachment agreement drafted is the same as others that were approved

CONSENSUS – address in Old Business section of agenda

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee

Co-chair Linda Brett-Keller stated everything was going well and they were prepping for the August barbeque fundraiser.

2. Shoreline Access and Beach Protection Committee

Chairman Penicali said:

- New beach access signs are in and should be up by Memorial Day
- Also putting 'no dogs on the beach' signs on the beach at town limits



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DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation

Deputy Town Clerk Sanders stated:

- At retreat, we spoke of safety lighting at the Ocean Front Park (OFP)
- Received a quote of \$11,000 for five bollard mounted lights in the tot lot and gate area
- Police Chief also needs additional outlets for cameras by the pavilion and receptacle at the bathroom by the tot lot and mechanical room at a cost of \$3,200
- Finance Officer suggested using Tourism Development Authority (TDA) funds since this is for visitor safety.
- Total quote is \$15,200

Discussion highlights:

- Send Council picture of lights
- Will be spent as OFP maintenance and reimbursable from TDA funds

MOTION – Mayor Pro Tem Heglar made the motion to approve \$15,200 from the General Fund with reimbursement from TDA funds

SECOND – Commissioner Whitley

VOTE - Unanimous

2. Finance Department

Finance Officer Copenhaver reported the last part of FEMA reimbursement for Hurricane Matthew was received last week. The Town was reimbursed for 100% of replacement of outfalls.

3. Public Works Department

Update ADA beach access 1004-1/2 Myrtle/Oceanview

Utility Systems Operator/Crew Leader Mesimer said:

- The engineer and CAMA rep agreed a straight ramp is feasible rather than one that weaves back and forth
- The next step is to get plans drawn up and get bids
- Requesting approval to fund engineer drawings

MOTION – Mayor Pro Tem Heglar made a motion for Public Works to continue forth with this project to install an ADA ramp at beach access # 1004-1/2 Myrtle/Oceanview by obtaining engineering drawings and construction bids

SECOND – Commissioner Whitley

VOTE – Unanimous



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DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Town facility improvement project update

Commissioner Oliver stated:

- A monthly meeting was held today at the project site
- Everything is on schedule with block walls of the Fire Department building going up and steel beams installed
- The contractor is doing an excellent job
- The Project Manager is watching after our best interest
- The condition of the storm water line was discussed and it was decided to leave it in as is based on engineer's recommendation

2. Pool encroachment at 454 N. Fort Fisher Boulevard

Discussion highlights:

- The encroachment process started several years ago when property owners wanted a pool ocean front but didn't have enough of a footprint due to the beach nourishment easement
- Council has approved encroachment agreements that state owner must remove pool within 30 days if necessary and if not, the town will remove and put a lien on the property
- Beach nourishment easement is required for the town to participate to receive federal funding
- Only reason the town has to have access is if there is a storm or the Corps of Engineers says the pool has to be removed
- Precedent has already been set with approving other encroachments

MOTION – Mayor Pro Tem Heglar made a motion to approve an encroachment agreement for 454 Fort Fisher Boulevard as presented to be executed with attorney and property owners.

SECOND – Commissioner Oliver

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Proposed amendments to Code of Ordinances, Chapter 10 on Motor Vehicles and Traffic Planning and Zoning (P&Z) Commissioner Chair Galbraith stated:

- P&Z discussed amendments and passed to Council to look at with no formal recommendation

Commissioner Whitley stated:

- This process of looking at parking started in January
- The Police Chief, P&Z member, P&Z attorney and the mayor and I met and redid some ordinances for parking
- There are lots of different issues based on which part of town everyone lives in



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- The P&Z attorney drafted amendments to Code of Ordinances to tighten and enforce parking

Amendment highlights:

- Can't leave boat or trailer in the town right of way for aesthetic purposes
- Parking on streets is illegal, unless in a marked space
- Work in progress that may be amended at any time
- Intent is to tighten up control of parking to protect neighborhoods to keep traffic out
- Can park on your own easement
- There will be warnings first and then tickets will be issued
- Can't park in town easement area
- Need control for expected influx of more visitors with growth in Wilmington
- Can't park too close to intersections, where there is no designated parking space or in curves on the road for safety reasons

MOTION – Mayor Pro Tem Heglar made the motion to hold a public hearing on proposed amendments May 15, 2018 at 5:45 pm, or soon thereafter.

SECOND – Commissioner Oliver

VOTE – Unanimous

2. Proposed text amendment 18-03 for outside shower enclosure in setbacks requested by Mr. Lawler at 629 South Fourth Avenue, Unit B

P&Z Chair Galbraith stated:

- This proposal is by a resident to change the code about what is allowed in setbacks
- Resident built a wooden structure around outside shower
- P&Z consistency statement issued said not consistent with Code and recommends that it not be approved
- Setbacks are for public health and safety to allow ingress and egress for emergency responders
- Amendment would apply to all zoning districts
- If structure is not attached, it might be allowed

Mr. Lawler stated:

- He wanted an outside shower and had the developer put it in
- He then put a shower stall around it
- The Building Inspector said the largest it could be was 2.5 feet
- Based on fence requirement, if in setback it can only be 4 feet high
- Wants Building Inspector to have leeway to decide and that is the purpose of his proposed text amendment



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Discussion highlights:

- A structure on a roller wall that slides in and out, might be allowed
- A tube rod attached to house with curtain, might be consistent
- What is there now is a structure by code definition

MOTION – Commissioner Whitley made the motion to follow the recommendation of Planning and Zoning and deny the text amendment request

SECOND – Mayor Pro Tem Heglar

VOTE - Unanimous

MOTION – Mayor Pro Tem Heglar made the motion to approve the associated consistency statement 18-03 denying the text amendment, as presented

SECOND – Commissioner Whitley

VOTE - Unanimous

3. National Flood Insurance Program (NFIP) ordinance adoption

Building Inspector Batson stated:

- He presented new flood ordinance to P&Z at its April meeting
- The town in 1982 began participating in NFIP
- Last time maps were changed was 2006
- New maps were issued 2014 but adoption was delayed because Wrightsville Beach filed an appeal
- Have until August 28, 2018 to accept
- Town in 2012 became member of Community Rating System (CRS) and became class 8 resulting in 5% decrease in premiums to resident policy holders
- Under new maps, we will have only 146 properties required to have flood insurance
- Changes to ordinance requires more tracking and enforcement
- The town is up for review by CRS but we may not qualify because of changes in requirement in building code for freeboard

Discussion highlights:

- Impact on one foot free board is floor system cannot be slab which means it will be more difficult to build heated space oceanfront
- This should have minimal impact town wide
- Additional points to get better rating would result in more restriction on building

CONSENSUS – at the May meeting, Council will schedule a public hearing in June

4. Preliminary plat approval for a planned unit development (PUD) ‘The Cove at Kure Beach’



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Mayor Pro Tem Heglar stated he has a conflict of interest and cannot vote because his family is friends with the property owner and his wife is the realtor.

MOTION – Commissioner Whitley made the motion to recuse Mayor Pro Tem Heglar

SECOND – Commissioner Oliver

VOTE – Unanimous

P&Z Chair Galbraith commented:

- This came before P&Z and as long as the development stays within design requirements, we cannot require design elements.
- If it doesn't stay within design requirements, application may be made under Planned Unit Development (PUD)
- If certain requirements are met, it may be approved with findings that satisfies requirements for PUD
- P&Z says the code on PUDs allows up to 26 units
- A number of people from surrounding area came and spoke at the meeting
- Three main issues were runoff and water drainage, width of streets, and sound of pool impact on adjoining properties
- P&Z recommends approval with following conditions:
 - Provide declaration of restrictive covenants to be considered with the site plan review
 - Incorporate design and construction of units and driveway in to the overall project storm water infiltration system, with possible use of permeable surface
 - Install sound abatement fence around northern side of pool to cover noise to mitigate sound effect on neighbors

Developer Stuart Pittman gave a presentation and commented:

- He has an agency agreement from property owner giving right to develop the property
- Just finished Seaview homes at corner of Kure Village Way near Seawatch
- This development has similar feel and look
- Final architectural drawings have not been finalized
- Development is at 858 South Fort Fisher Boulevard
- Common theme is something that fits the site well, is not average beach box, to enhance community architecturally
- Current use is gas station
- Zoning is RB1 and adjoining properties are zoned RB1 and RA-1A
- Primary access from Fort Fisher Boulevard with secondary access off General Whiting
- There is no current storm water management on property



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- There will be 21 townhomes
- He met with Building Inspector, Fire Chief, and Public Works Director to address questions and concerns and as a result added a fire truck turnaround with 40 feet each direction and 12 feet wide and added one more fire hydrant and changed the water loop
- Units will be staggered to give privacy and make more unique design

Mayor Bloszinsky stated there were not enough members of Council to have an effective vote, with one member recused and another member out of town. He recommended continuing the meeting to May 4, 2018. Council discussed different dates.

Discussion highlights:

- Concern about management of storm water particularly as it feeds to beach
- Developer is building storm water infiltration system on site and Public Works is looking at doing work on General Whiting because of other complaints and to help with this location
- HOA will be responsible for maintenance and clean out
- There are two public beach accesses within quarter mile of property and discussion is being held with another complex to help with storm water in exchange for use of access

Steve Woodard, resident of General Whiting, asked Council to please look at impeding general use of traffic on General Whiting for current residents' sake.

MOTION – Commissioner Whitley made the motion to reconvene this meeting to April 26 at 6:30 pm to discuss the preliminary plat approval for the PUD “The Cove at Kure Beach”

SECOND – Commissioner Oliver

VOTE - Unanimous

MAYOR UPDATES

Mayor Bloszinsky stated:

- He and Commissioner Whitley are discussing the next beach nourishment with the Corps of Engineers. Bids will probably be out in the August – November timeframe which will put sand on the beach for 2019 season.
- Parking is important and we need ideas about what to do with parking

COMMISSIONER ITEMS

Mayor Pro Tem Heglar reminded Council the Emergency Operations Plan will be up for review and adoption at the May Council meeting. He will prepare a letter to citizens on hurricane preparedness and will hold public meetings.



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Commissioner Whitley said:

- We are in the process of a joint Land Use Plan with Military Operations Terminal at Sunny Point (MOTSU)
- All participating communities toured MOTSU last week and regular meetings should begin soon
- He volunteered to be vice chair so the town will have strong voice

CLOSED SESSION as per Personnel as per N.C.G.S. 143-318-11(a6)

MOTION – Commissioner Whitley made the motion to go into closed session for a personnel matter as per N.C.G.S. 143-318-11(a6) at 7:45 pm.

SECOND – Mayor Pro Tem Heglar

VOTE - Unanimous

MOTION - Commissioner Whitley made the motion to return to open session at 8:03 pm

SECOND – Commissioner Oliver

VOTE - Unanimous

Mayor Pro Tem Heglar stated there was discussion about the impending retirement of the current Public Works Director.

MOTION – Mayor Pro Tem Heglar motioned to post the job and encourage any interested employees to apply.

SECOND – Commissioner Whitley

VOTE - Unanimous

Continued meeting Thursday, April 26 at 6:30 pm

COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky

Commissioner Joseph Whitley

Commissioner Allen Oliver

Commissioner John Ellen

COUNCIL MEMBERS ABSENT

Mayor Pro Tem (MPT) David Heglar



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STAFF PRESENT

Town Clerk – Nancy Avery
Deputy Town Clerk – Mandy Sanders
Fire Chief, Ed Kennedy

CALL TO ORDER – Mayor Bloszinsky

Mayor Bloszinsky called the continued meeting to order at 6:30 pm.

MOTION – Commissioner Ellen motioned to excuse Mayor Pro Tem Heglar from the meeting.

SECOND – Commissioner Oliver

VOTE – Unanimous

MOTION – Commissioner Oliver motioned to welcome back Commissioner Ellen.

SECOND – Commissioner Whitley

VOTE - Unanimous

NEW BUSINESS

4. Preliminary plat approval for a planned unit development (PUD) ‘The Cove at Kure Beach’
Stuart Pittman, developer, reviewed the proposed preliminary plat for the development stating:

- Two fire hydrants have been added at the request of Public Works
- A sound barrier fence near the pool area has also been added as requested by P&Z
- The driveway has been made part of the storm water system, as requested by P&Z
- Garbage carts will be located towards the back of the development
- Driveways will have infiltration system for drainage or be constructed of pervious concrete or pavers, to allow it to store water and infiltrate into the ground
- The roadway also has an infiltration system
- This development will tie into Fort Fisher Boulevard, not General Whiting
- At the north end of General Whiting the road will grade back in towards their site and will take some water from General Whiting and should alleviate any drainage issues that might be there at entrance to the lift station
- There is no fencing on north side, but will try to keep as many trees in that area as possible

Questions from the audience:

- When it rains his property on Marquesa floods because someone allowed a nearby property to raise its site. He wants to make sure that does not happen with this development. He is not sure an 18-inch pipe is enough.
- Concerned that recreation needs of property owners will not be met by the swimming pool and there is no public access to beach. The complex across the street where he lives



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will have to keep people off its private access. He wants to know if developer or town will help with this.

- Once ground is saturated because it has been raining for a week, where will all that water go.

Response from developer:

- Flooding concerns were raised at P&Z
- A grading plan is in place for site for it to be graded with a one foot plateau at base of buildings and fall back down into the drainage system
- Around unit 1621, they will start a ½ foot grade into the drainage system
- Sounds like this property on Marquesa is on the opposite side of street, so shouldn't be impacted
- Water will be brought from shallow swale on north side of property to center of development to drain south onto Fort Fisher Boulevard to outfall on the beach
- It will be a 1 ½ inch pipe that will keep up with 2 ½ acres of drainage in a 20 year storm
- Road is built with an inverted crown to drain into infiltration system
- Development won't put water on anyone else and this is not allowed by state law
- There are two public beach accesses within ½ mile
- There is no drainage on that property now and water stands when it rains

Response from mayor:

- If people are trespassing, call the police.

MOTION - Commissioner Ellen made the motion to approve the preliminary plat as presented

SECOND – Commissioner Oliver

VOTE – Motion carried three to one with Commissioner Whitley against

CLOSED SESSION on Personnel as per N.C.G.S. 143-318-11(a6)

MOTION – Commissioner Oliver motioned to go into closed session at 6:55 pm for the purpose of a personnel matter as per N.C.G.S. 143-318-11(a6).

SECOND – Commissioner Whitley

VOTE – Unanimous

MOTION – Commissioner Oliver made a motion to return to open session at 7:49 pm.

SECOND – Commissioner Whitley

VOTE – Unanimous



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MOTION - Commissioner Oliver made the motion to adjourn at 7:50pm.

SECOND – Commissioner Whitley

VOTE – Unanimous

ATTEST:


Nancy Avery, Town Clerk


Craig Bloszinsky, Mayor



NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government, council.



KURE BEACH
TOWN COUNCIL

Council Meeting Date: 4/19/2018

Council agenda Item# New Bus #2

Date(s) Public Hearing(s) held:

ZONING CONSISTENCY STATEMENT 18-03
N.C.G.S. 160A-383

- X Consideration of recommended text amendment to the Code of Ordinances:
Chapter 19, Zoning:
Article IV Supplemental District Regulations
Section 320 Control of Setbacks

Applicant seeks to amend above reference section by adding a new sub-section (5) thereto permitting 'non-permanent structures to encroach into setback for reasonable privacy screening (outside showers, etc.) to use new construction, developer provided and town approved built-in fixtures...'

Applicant's text amendment would permit structures to encroach into setbacks throughout the Town's zoning districts, which could have negative environmental impacts with respect to light, air, and separation between buildings.

Permitting structures to encroach in setbacks through the zoning districts could result in risks to public health and safety by limiting access, ingress and egress to first responders.

The Town Council, therefore, considers adoption of this text amendment NOT CONSISTENT with the goal on land use compatibility set forth in Part 3, Section 2B of the Land Use Plan adopted by Council September 27, 2006 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."

Attest:



Nancy Avery, Town Clerk



Craig Bloszinsky, Mayor

