



# TOWN COUNCIL AGENDA

## REGULAR MEETING

April 19, 2018 @ 6:30 p.m.

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

Call to Order – Mayor Bloszinsky

Invocation & Pledge of Allegiance – Rev. Tommy Williams: Williams Gospel Ministries

MOTION to approve absence of Commissioner John Ellen.

## APPROVAL OF CONSENT AGENDA ITEMS

### 1. \*Minutes:

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

*Consent agenda items are voted on as one item. If it is necessary to discuss an individual item, a motion must be made to move the item to the regular agenda.*

## ADOPTION OF THE AGENDA

## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Sign up at podium

1. WMPO presentation about the MTP process and information they are hoping to gather from public participation. Michael Madsen, GIS Analyst

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

- Community Center Committee
- Marketing Committee
- Planning & Zoning Commission
- Non-town Committee Reports
- Shoreline Access and Beach Protection Committee

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

- Administration and Recreation
- Finance Department
- Fire Department
- Building Department
- Police Department
- Public Works Department (update ADA beach access 1004-1/2 Myrtle/Oceanview)

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Town facility improvement project update – Oliver



# TOWN COUNCIL AGENDA

**REGULAR MEETING**

**April 19, 2018 @ 6:30 p.m.**

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Proposed amendments to Code of Ordinances, Chapter 10 on Motor Vehicles and Traffic  
*Adoption requires motion to approve resolution R18-02 as presented*

2. Proposed text amendment 18-03 request for outside shower enclosure in setbacks  
*Requires adoption of Consistency Statement, as presented*

3. NFIP ordinance adoption  
*Requires motion to schedule public hearing as first item of business at May meeting*

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

MAYOR UPDATES (no action required)

COMMISSIONER ITEMS (no action required)

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

ADJOURNMENT

# PRESENTATIONS



CAPE FEAR

# Moving Forward 2045

METROPOLITAN TRANSPORTATION PLAN



WMPO Member Jurisdiction Update

April 2018



# Wilmington Urban Area MPO

- Wilmington
- Wrightsville Beach
- Carolina Beach
- Kure Beach
- Leland
- Belville
- Navassa
- New Hanover County
- Brunswick County
- Pender County
- NCDOT
- Cape Fear Public Transportation Authority





# WMPO Responsibilities

- Federally mandated to provide a comprehensive, continuing, and cooperative planning process for metropolitan areas with 50,000+ population
- This planning process serves the basis for the expenditure of all federal transportation funds in the Wilmington MPO area
- Assists with the prioritization of transportation projects in the State/Metropolitan Transportation Improvement Programs
- Coordinates WMPO Board recommendations and activities
- Completes and adopts Metropolitan Transportation Plan





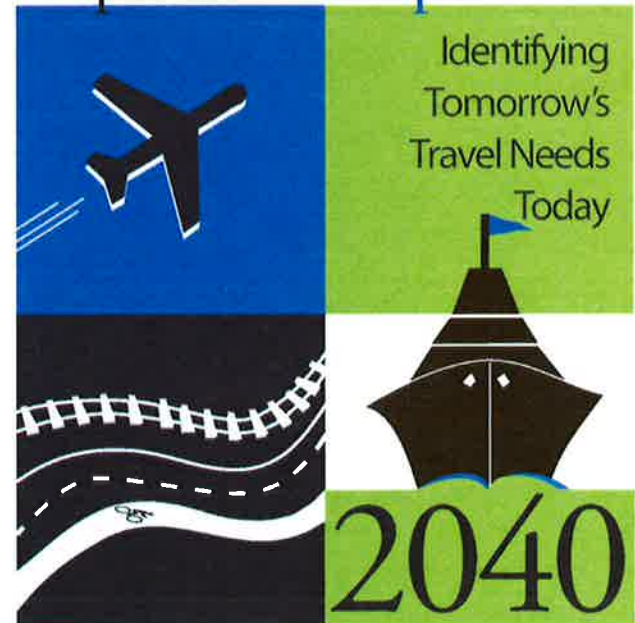


# Metropolitan Transportation Plan

- Federally required long range transportation plan with a minimum 20 year horizon
  - Multi-modal transportation needs analysis
  - Region demographics, land use, and travel pattern analysis
  - Fiscal analysis and constraint
  - Public Involvement
- Basis for STIP/MTIP
  - Expenditure of federal transportation funds in our region

Currently Adopted Plan:

## Cape Fear Transportation





# Moving Forward 2045 Vision Statement

CAPE FEAR

Moving Forward **2045**   
METROPOLITAN TRANSPORTATION PLAN

**“The 2045 MTP will plan for a safe, realistic, efficient, and reliable multimodal transportation network that embraces innovation and is environmentally and socially responsible.”**





# Plan Development Schedule

Initial Public Outreach Efforts	April – July 2018
Public Comment Review & Analysis	August – September 2018
Develop Project Lists	October – December 2018
Prioritize Projects and Draft Plan	January – December 2019
Public Hearings and Plan Approval Process	January – November 2020



[www.CapeFearMovingForward2045.org](http://www.CapeFearMovingForward2045.org)

# How To Get Involved



[www.CapeFearMovingForward2045.org](http://www.CapeFearMovingForward2045.org)



The Wilmington Urban Area Metropolitan Planning Organization (WMPO) is conducting a 17-question survey about transportation issues and services in the Wilmington area. The results will be used to identify travel needs and develop recommendations to make it easier to travel around the region (Your answers will be completely confidential). Thank you and please visit the website, [CapeFearMovingforward2045.org](http://CapeFearMovingforward2045.org)

# How To Get Involved

Please mail or drop-off completed surveys to: City of WMPO Transportation Planning, 305 Chestnut Street, 4th Floor, P.O. Box 1810, Wilmington, NC 28402-1810

**1. When deciding where to live, how important is it to have different transportation options?**

Not important       Somewhat Important  
 Important       Very Important

**2. The percentage of trips I CURRENTLY make to WORK/SCHOOL: (Choose one option for each row)**

	0%	1-25%	26-50%	+50%
Driving a car	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In a carpool/vanpool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Using public transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
By bicycle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**6. In the FUTURE, to get to WORK/SCHOOL, I would prefer to: (Choose one option for each row)**

	More often	Less often	The same amount
Drive a car	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carpool/vanpool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use public transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bicycle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Walk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**7. In the FUTURE, to get to RUN ERRANDS, I would prefer to: (Choose one option for each row)**

	More often	Less often	The same amount
Drive a car	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>







# Open Houses

Location	Date and Time
Carolina Beach Town Hall	Tuesday, May 1 <sup>st</sup> from 4-6pm
Hampstead Annex	TBD
Leland Town Hall	Tuesday, May 8 <sup>th</sup> from 4-6pm
New Hanover County Senior Center	Monday, May 14 <sup>th</sup> from 4-6pm
Thalian Hall – Wilmington City Hall	Wednesday, May 16 <sup>th</sup> from 4-6pm



[Facebook.com/wilmingtonmpo/](https://www.facebook.com/wilmingtonmpo/)



[@WilmingtonMPO](https://twitter.com/WilmingtonMPO)





[www.CapeFearMovingForward2045.org](http://www.CapeFearMovingForward2045.org)

[www.wmpo.org](http://www.wmpo.org)

Abby Lorenzo, Senior Transportation Planner

(910) 341-7890

[Abigail.Lorenzo@wilmingtonnc.gov](mailto:Abigail.Lorenzo@wilmingtonnc.gov)

Questions?



***CONSENT***  
***AGENDA***

# MINUTES



# TOWN COUNCIL MINUTES

## REGULAR MEETING

March 19, 2018 @ 6:30 p.m.

The Kure Beach Town Council held a Regular Meeting on Monday, March 19, 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  
Building Inspector John Batson  
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 Pastor Chris Howell of Kure Beach Baptist Church 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 debris guidelines for No Charge Debris Removal the week of April 2, 2018
2. \* ~~Amend Facility Reservation General Policy to add a daily fee, allow kegs, and address parking availability, as presented (moved to regular agenda under new business)~~
3. \* Authorize Pleasure Island Youth Baseball to sell concessions, including mobile food carts, on game nights only, during the season at Joe Eakes Park
4. \* Approve application for TDA funding of \$16,670 for OFP entertainment summer/fall 2017
5. \* Approve application for TDA funding of \$4,925.84 for Fantasy Christmas Show 2017
6. \* Appoint Sharon Lambeth to the Community Center Committee as an alternate
7. \* Appoint John Shalanski to the Community Center Committee as an alternate
8. \* Renew Anne Brodsky's appointment as a member of the BOA for another 3 year term



# TOWN COUNCIL MINUTES

## REGULAR MEETING

March 19, 2018 @ 6:30 p.m.

9. \* Renew Bryant Bass' appointment as a member of the BOA for another 3 year term
10. \* Minutes:
  - February 20, 2018 regular
  - January 26, 2018 retreat continued to February 20, 2018

Mayor Bloszinsky requested removing item number two on Facility Reservation Policy from the Consent Agenda to the regular agenda as item number one under new business.

MOTION – MPT Heglar moved to remove item number two on Facility Rental Policy from the Consent Agenda to the regular agenda as item one under new business.

SECOND – Commissioner Whitley

VOTE – Unanimous

MOTION – MPT Heglar moved to approve the Consent Agenda, as amended.

SECOND – Commissioner Whitley

VOTE – Unanimous

## ADOPTION OF THE AGENDA

MOTION – Commissioner Ellen moved to adopt the meeting agenda, with the addition of a new item under new business on Facility Reservation Policy.

SECOND – Commissioner Oliver

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Connie Merkle and Tony Karboski, 454 North Forth Fisher Boulevard

Ms. Merkle requested guidance from Council on the process of obtaining permission from the town to install a pool that will encroach into the CAMA setback. Building Inspector Batson provided an overview of past history regarding pool encroachments on ocean front property. An e-mail was sent to Town Council on Friday, March 16, 2018 from Ms. Merkle and Mr. Karboski pertaining to this matter. Said document is herein incorporated as part of these minutes.

CONSENSUS – Council agreed to consider a survey and encroachment agreement when presented.

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

### 1. Community Center Committee

Linda Brett-Kell, Committee Co-chair, provided a committee update. The committee has full membership with the current approval of the newly appointed alternate members. The indoor yard sale held was a success, with an overwhelming response from attendees. The vendors and committee Members were very impressed with the outcome. All white folding chairs were sold.



# TOWN COUNCIL MINUTES

## REGULAR MEETING

March 19, 2018 @ 6:30 p.m.

A total of \$273.52 has been earmarked for the operating expense fund of the Community Center, with the remaining funds raised to go to the Town of Kure Beach. A new barn door will be installed separating the kitchen from the event area. Roses have been planted in front area of the center. Also, an additional yard sale is scheduled for October. Costs for tables for the upcoming garage sale will be \$10.00.

### 2. Planning & Zoning Commission

Commissioner Whitley provided a report stating paid parking will not be pursued this year. The attorney has finished his work on the parking ordinances. The changes will be brought before the Planning and Zoning Commission at the April meeting and then to Town Council also in April. The ordinances will provide management of parking. Preliminary approval of a new development at the Trading Post site was provided.

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

### 1. Public Works Department

Crew Leader Mesimer provided a diagram of a proposed crossover at beach access 1004 1/2. Said diagram is herein incorporated as part of these minutes. The existing crossover is outlined in green, the dunes are in red and the blue area is outlined for the ramp. Proposed meetings are to be scheduled with CAMA and Building Inspector Batson for approval of the ramp installation, as a switch back may be necessary. Acquired information including cost estimates will be brought before Town Council in April

Crew Leader Mesimer also provided an update on the Dow Signage. The signs have been ordered and will be installed replacing the old signage as soon as they are received.

In addition, Crew Leader Mesimer reported that he met with the residents concerning the drainage on 4<sup>th</sup> St. and Avenue I to provide them with assistance on their situation.

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Review revised information on ROT dollar allocation presented at February meeting FO Copenhaver presented and original and a revised pie chart graphic. The first was presented in February, and the new one provides an overview of the combination of countywide and Kure Beach promotion ROT allocations. Said graphics are herein incorporated as part of these minutes.

MPT Heglar gave an overview of the pie charts confirming that Kure Beach taxes have not been used to put sand on the beach. He also explained that the payment of lifeguards is funded by discretionary spending from the monies received. He stated that sharing this information with the citizens was of importance because he would like the residents to respond appropriately when asked by council to write congress and senate in support. He also confirmed to the audience





# TOWN COUNCIL MINUTES

## REGULAR MEETING

March 19, 2018 @ 6:30 p.m.

members that the graphics will be placed on the website with appropriate verbiage. Mayor Bloszinsky stated the information documented indicates the importance of short-term rentals (less than 90 days), and what is paid by visitors to Kure Beach.

Mayor Bloszinsky requested the 2018 ROT tax roll to be acquired so that it may be checked against 2017. FO Copenhaver will obtain the information and provide it to Council.

Questions were presented by the members of the audience regarding rental companies and the reporting of taxes. Council provided an explanation stating that most certified rental companies of Kure Beach do a good job reporting taxes. They also stated that the rental owner does not pay the fee; the ROT tax and sales tax are added onto the rental fee, which is paid by the renter.

An additional pie chart graphic was shown with the addition of New Hanover Property Tax to the Kure Beach Property Tax indicating total bill allocation. FO Copenhaver gave an explanation of the diagram stating 69% of the property tax bill goes to New Hanover County. Kure Beach Property Tax is the smaller portion, and the diagram provides an overall idea of how property taxes are allocated. The proposal will be sent to FO Copenhaver by MPT Heglar for addition to the Kure Beach Town Website.

2. Estimated cost of installation of ADA access beach access 1004-1/2, Myrtle/OV  
Mayor Bloszinsky confirmed pending of the matter based on the architectural drawing as discussed under department head business.

### 3. Town facility improvement project update

Commissioner Oliver provided an updated report on the facility improvement project. Plumbing and electrical rough-ins are taking place. The floorings have been poured, and the areas around the building are being finished. The slab is being prepared for the Fire Department with a scheduled date for pouring of March 26. All demolition has been concluded, and the interior wall framing is being done ahead of time. The architect and project manager are pleased with the progress being accomplished. Commissioner Oliver communicated one issue that has been presented. A storm water line replacement has been recommended for the water line that runs from Settlers Lane to the Fire Department. The cost is estimated to be around \$40,000. Commissioner Oliver stated that both Public Works Director Beeker and Crew Leader Mesimer were informed of the water line issue, and they were in agreement to proceed with the work to be done at the estimated cost. Commissioner Oliver stated he would provide the updated synopsis received by Constructive Building Solutions, LLC for inclusion in the meeting minutes. Said document is herein incorporated as part of these minutes.

### 4. \*Finalization of Council Goals for FY18-19

Proposed Council Goals as presented at the January retreat were presented. Mayor Bloszinsky communicated that the goals are guiding principles to be worked on and should also be used to



# TOWN COUNCIL MINUTES

## REGULAR MEETING

March 19, 2018 @ 6:30 p.m.

guide the Department Heads. Commissioner Whitley confirmed that the Department of Defense Land Use Plan meeting is scheduled on April 11, to be attended by both he and Building Inspector Batson.

MOTION – MPT Heglar moved to approve and accept the Council Goals, as presented.

SECOND – Commissioner Ellen

VOTE – Unanimous

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

Recreation Manager Keely requested amending the Facility Reservation General Policy agreement for the rental of the Community Center with the proposed revisions. Discussions ensued regarding the use of glass drinkware as opposed to plastic drinkware. Rental agreement currently allows wine and beer. Beer is restricted to cans and does not provide many options. The use of kegs will allow renters to provide more of a variety of beer choices for guests. Police Chief Bowden did not have any concerns with the addition of kegs to the policy. Removal of the \$10 additional fee was discussed, as well as non-designated parking spaces.

MOTION – Commissioner Oliver moved to adopt the proposed amendment, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

## MAYOR UPDATES

Mayor Bloszinsky recognized the Kure Beach Fire Department with a letter received from Ms. Paula Withrow in gratitude for the assistance she received regarding the smoke detectors for her home and their installation by the Kure Beach Fire Department. Said letter is herein incorporated as part of these minutes.

The Mayor also made note of the Police Inspection and Compliance Report received from Sunny Point regarding the parcels of rented land by Kure Beach. Said report is herein incorporated as part of these minutes.

Mayor Bloszinsky communicated that he was in receipt of a request to sponsor pre-meeting snacks in the amount of \$800 for the next N.C. Beach, Inlet & Waterway Association meeting in Pine Knoll Shores. Since the town already paid for two free registration fees, that amount will be deducted and the actual amount will be \$550. Discussions followed pertaining to this matter. MPT Heglar requested that Ms. Riely be advised to submit a proposal for sponsorship for the following year.

MOTION – Commissioner Ellen moved to not support the proposal.

SECOND – Commissioner Whitley

VOTE – Unanimous



# TOWN COUNCIL MINUTES

## REGULAR MEETING

March 19, 2018 @ 6:30 p.m.

### CLOSED SESSION

MOTION – MPT Heglar moved to enter closed session as per N.C.G.S. § 143-318.11 (a6)

Personnel at 7:23 p.m.

SECOND – Commissioner

VOTE - Unanimous

MOTION – Commissioner Ellen moved to return to open session at 7:53 p.m.

SECOND – Commissioner Oliver

VOTE – Unanimous

### ADJOURNMENT

MOTION – Commissioner Whitley moved to close the meeting.

SECOND – MPT Heglar

VOTE – Unanimous

The meeting adjourned at 7:54 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.



## TOWN COUNCIL MINUTES

BUDGET WORKSHOP #1

April 6, 2018 @ 9 am

The Kure Beach Town Council held budget workshop # one to review the proposed FY18-19 budget. The Town Attorney and a quorum of Council was present.

### COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky  
Commissioner Joseph Whitley  
Commissioner Allen Oliver

### COUNCIL MEMBERS ABSENT

Mayor Pro Tem David Heglar  
Commissioner John Ellen

### STAFF IN ATTENDANCE

Police Chief Mike Bowden  
Fire Chief Ed Kennedy  
Building inspector John Batson  
Public Works Director Sonny Beeker  
Recreation Manager Nikki Keely

### STAFF IN ATTENDANCE

Town Clerk Nancy Avery  
Finance Officer Arlen Copenhaver  
Pers. & Facilities Manager Mandy Sanders  
Utility Systems Operator Jimmy Mesimer

### CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 9 am.

### BUDGET PRESENTATION

Finance Officer Copenhaver presented the proposed budget assumptions, summary by fund and summary by department. Said presentation is herein included in these minutes.

### Budget assumptions:

- No changes in services provided or level of services provided
- No change to tax rate of \$0.285
- No General Fund Contingency
- No transfer from the General Fund to the Beach Protection Fund
- Longevity Pay is reinstated for full-time employees hired after June 2015
- Employee Compensation
  - COLA 2% AND Merit 2%

### Highlights:

- General Fund is short by \$415,830 – this was expected because of loan payment on facility construction
- Water Fund is short \$113, 345 – because conservation measures are working, the usage is down 5% and rates may need an increase
- Storm Water Fund is over by \$15,940
- Powell Bill Fund is balanced
- SERF Fund Is balanced
- Beach Protection Fund is balanced - \$335,000 in the fund
- Asset Forfeiture Fund is balanced



## TOWN COUNCIL MINUTES

BUDGET WORKSHOP #1

April 6, 2018 @ 9 am

### DEPARTMENT HEAD STATEMENTS

Police Chief Bowden stated:

- Utilities is a new line item. Previously Fire Department paid, but with separate buildings, this will change
- Upped expenditures to cover expected costs for telephone and postage
- Increased gas line item because prices keep going up and he will be hiring another PT office

Public Works – Utility Systems Operator Mesimer stated:

General Fund increases are:

- Capital outlay increase by \$160,000 for a new street sweeper, which will also be used for Storm Water
- Decorations for Christmas and Special Events increased by \$12,000 to upgrade pole drops, which are rusted out
- Added extra \$500 for garbage cart purchases
- \$2,000 for additional requests
- Increased Safety another \$500 to improve program

Water Fund

- Travel & training increased by extra \$2k for new staff to get certifications
- Supplies and materials \$10,000 increase in Capital outlay
- \$20,000 increase in equipment for generators
- Originally included \$800,000 for new water meters, but quote came in at \$1.1 million

Storm Water

- Main increase is for other half of new street sweeper
- A lot has decreased because of completion of major projects in past years

Fire Department

Chief Kennedy stated:

- Increased part time salaries by \$13,402 because of changes in discussed vacation accumulation and OT
- Call volume went up from 280 – 330 and an average of five volunteers show up per call  
Uniforms - increase \$500 for volunteers to boost moral
- New item for safety program at \$2,000. Response to a survey last year said a smoke detector program would be a good service. Will also be used to buy Jr firefighter hats and coloring books.





## TOWN COUNCIL MINUTES

BUDGET WORKSHOP #1

April 6, 2018 @ 9 am

### Building Inspections

Inspector Batson stated:

- Increased computer software by \$1,000 based on this year billing
- Deleted building maintenance since it will be a new building

Break 10:15 am

Resumed: 10:30 am

### Governing Body

Personnel & Facilities Manager Sanders stated:

- Split between the General Fund and the Water Fund
- Tiny increase of \$11
- Includes outside agency funding requests
- Increase for Council iPad service

### Elections

This item is down as there is no local election this year

### Administration

- Split between General Fund and Water Fund
- Increase for a new full time person to begin in July
- New expense of relocation costs for all departments
- Retiree medical insurance increased – this is for all departments
- Recycling increased – this is town wide
- Property, Liability and Workers Comp insurance increased –this is for all departments
- Utilities increased for additional renovated space in new building
- Minor equipment increased for moving to new building
- Maintenance increased due to more building to clean, pest control etc.
- Codification - 100% increase to update code books, more amendments coming
- Advertising is increased – this is for all departments
- Increased Travel and training for her to attend Municipal and County Administration course at School of Government
- Increased supply line item – includes finance, building inspections and admin plus food for all council meetings

### Legal

- Split between General Fund and Water Fund
- \$1,000 increase for P&Z attorney



## TOWN COUNCIL MINUTES

BUDGET WORKSHOP #1

April 6, 2018 @ 9 am

### Community Center

Recreation Manager Keely stated there is no change from current budget.

### Parks and & Recreation

Recreation Manager Keely stated:

- Increases are mostly related to personal costs
- Recreation strategy is to break from Admin into separate department with another full time staff person to begin January 2019
- Budget includes increase for department head salary

### Statistics:

- Average statistics for most towns is one full time staff per 1100 people. Proposed increase in staff will meet these stats
- Personnel cost is usually 50% and the proposed budget will be 55%
- 2017 revenue and ROT together covered \$82,000 of expenditures
- 39% of expenses are matched by revenue which is on par with industry standard

Commissioner Oliver commented that Recreation Manger Keely is a Certified Park and Recreation Professional, which is not an easy designation to receive.

Mayor Bloszinsky stated for the record that he thinks all Department Heads and staff do a good job for the town with the resources the Town Council gives them, with commitment to personal excellence, with service to residents, and there are some natural things citizens ae upset about such as runoff, but he has never, ever come across residents upset with our people. For innovation, growth, new technology, safety to the extent needed. For grants, financial and legal support and trying to stay ahead of infrastructure. The Council will give you everything we can afford. It is not a reflection on the way we feel about you, probably more the way we feel about public costs.

### Finance Department

Finance Officer Copenhaver stated:

- He and one employee are split between General Fund and Water Fund and one employee is 100% Water Fund
- Increase in personnel to reward staff for over and above work
- Total cost increase of 8% for auditor fees because of new requirements for additional actuarial studies for retiree health insurance
- Telephone line item increased to extend cell phone allowance to two staff members for extensive use of personal cell phones
- Decrease in unemployment insurance based on history of low use
- Sales tax is for all departments
- Didn't include funding for new financial software



## TOWN COUNCIL MINUTES

BUDGET WORKSHOP #1

April 6, 2018 @ 9 am

### Committee

- Only one committee, Shoreline Access and Beach Protection
- Budget down because current budget includes improvements to E and I beach accesses
- Committee asked for \$7,665, an increase of \$2,250 over last year
- Updating brochures

### Debt service

- Big increase is the loan for Fire Department and Town Hall construction project
- A couple of smaller loans have dropped off

### Tax collection

Minor increase in what we pay county for collection

### Transfers

Typically transfer funds to beach protection fund

### Contingency

None in this proposed budget - typically over last five years we have used about \$48,000

Lunch 11:50 am

Resumed 12:27 pm

## REVENUE REVIEW

Finance Officer Copenhaver presented projected revenue numbers. Said presentation is herein incorporated as part of these minutes.

## POTENTIAL RATE INCREASES – GENERAL FUND

### Recycle Fee

- Suggest increasing to \$5.01 per cart, \$4.88 now. Generates \$3,400
- Some increase from vendor and should by minimum raise this fee by 13 cents to cover cost
- Cost of 26 carts at Ocean Front Park and boardwalk costs is not distributed to residents
- Could spread cost to residents which would add another 42 cents

### Garbage Fee

- Increase residential garbage cost by \$1 per cart from current \$6 fee to \$7, and have the same % carry through to each additional cart or increase to \$7.50 per cart. \$1 increase generates \$31,000
- Increase commercial rate from 26.25 per cart to \$30.63 to generate \$5,150



## TOWN COUNCIL MINUTES

BUDGET WORKSHOP #1

April 6, 2018 @ 9 am

### Property Tax

- Rate is 28.5 cents per \$100
- Suggest 5 cent increase to close gap in General Fund plus have some for contingency and beach protection –this is 17.5% increase
- An increase from 4.0 to 4.25 cent covers the debt on the facility construction
- Another .5 or .25 is for all other increases including contingency and beach protection

### DISCUSSION ON BALANCING PROPOSED GENERAL FUND BUDGET

#### Highlights:

- General fund needs \$415,000 to balance
- Tax increase has to be at least 4.5 cent which is \$396,640
- Could challenge Department Heads to cut 2% to fund contingency
- If garbage fee is to actually cover cost, there will have to be much larger increase
- Want to stay as close to 15% as we can and stay true to what public was told
- Increase to 4.75 cent generates between \$396k and \$418k
- 15% increase is \$377,000
- Should budget needs over wants
- Assume 4.5 cent plus extra \$1 from residential garbage as suggested = \$416,000
- Proposed budget is \$1,000,000 more than current
- \$400,000 is debt service on facility construction
- Department Heads would have to cut 1% to make up difference between \$416,000 and add \$41,000 contingency
- Some department costs can't be cut
- Some department costs are not controllable
- Big purchases can be pushed out
- Most big purchases are financed, so doesn't buy much
- If departments have to cut, should be mandatory for all and not voluntary
- Knew this would be tough year, we should bite the bullet
- Also have to deal with balancing Water Fund

### DISCUSSION ON BALANCING PROPOSED WATER FUND

- Short \$113, 345
- Suggest a New Account set up fee of \$50. Other towns have and generates \$6,000 annually
- Reduction in Carolina Beach sewer authority payment may help reduce shortage, but there is still issue
- Added additional tier for use in excess of 7,000 gallons two 2 years ago
- Could add another tier over 10,000 gallons usage for residential, commercial and Fort Fisher with 50% increase to generate \$123,758



## TOWN COUNCIL MINUTES

BUDGET WORKSHOP #1

April 6, 2018 @ 9 am

- Could increase residential water rate of \$13.50 for 2,500 gallons water by 10% to \$14.85 along with current sewer of \$23.50 to \$25.86 to generate \$85,189
- Could increase commercial water rate of \$18.50 to \$20.35 along with sewer rate of \$22.50 to \$28.05 to generate \$2,011
- Could increase Fort Fisher water rate of \$23.00 to \$25.30 along with sewer of \$40.50 to \$44.55 to generate \$305
- Residential increase shifts same burden to owners of both small and large house
- Make high end users pay but not at 50%, at 25%
- If increasing residential and commercial, should increase out of town rates also

### OUTSIDE AGENCY FUNDING REQUESTS

1. Paul Laird stated he submitted a request for Outside Agency funding for Friends of Fort Fisher. He gave the following facts:

- In FY15-16 this was the most visited out of three other state sites with 830,000
- He never has the resources to meet the demand at the site
- He recognizes that town funds are precious and funds requested are for educational expenses
- 75% of those that visit are Kure Beach residents

2. Darlene Bright, Federal Point Historic Society, stated she submitted a funding request and provided the following information:

- Formed in 1994 for the purpose of bringing together persons interested in preserving history of area
- The center is open Tuesday, Friday and Saturday from 10 -4
- They have speakers regularly, which are free to the public
- There are exhibitions and a gift shop
- They publish a newsletter monthly
- Funds received are used to pay vendors and utilities

Finance Officer Copenhaver stated funding requests totaled \$16,000 as follows:

- PI Chamber \$8,800 for concerts at FFAFRA
- Fed. Point Historic Society \$3,000
- Fed. Point Help Center \$1,500
- Island of Lights \$1,200
- Friends of Ft. Fisher \$1,500
- Katie B. Hines Sr. Center – no application received



TOWN COUNCIL MINUTES

BUDGET WORKSHOP #1

April 6, 2018 @ 9 am

CONSENSUS ITEMS AND MOTIONS

Consensus

- Reinstatement of longevity effective July 1, 2018, not retroactively
- Add residential 10,000 gallon tier for water and sewer at 25% to generate \$62,000
- Commercial rate increase needs more discussion at either 10,000 gallon tier for water and sewer at 25% increase - Finance Officer to bring other tier suggestions
- Continue to discuss whether to increase Fort Fisher rates or not – Finance Officer to bring other tiers over 10,000 gallons
- Increase recycling fee by 13 cent
- Increase property tax rate by 4.5 cent
- Increase residential garbage by \$1 per cart and carry % increase to multiple carts
- Do water meter project at estimated \$1.2 million as separate project ordinance budget that crosses multiple years and not part of proposed budget
- Department Heads to cut 1% of controllable expenses -mandatory (2 to 1 with Commissioner Whitley opposed) info to Finance Officer by end of day Wednesday next week
- Change time for next budget meeting on Friday, April 20 from 9 am to noon
- Reschedule April Council meeting from Tuesday, April 17 to Thursday, April 19
- Donate same amount of money for Outside Agency Funding as 2018 amount with same value to same agencies

Motion - Commissioner Allen to set up new \$50 new account fee effective today

Second – Commissioner Whitley

Vote - Unanimous

Follow up for Recreation Manager Keely – provide Council with list of yearly events.

ADJOURN

Motion – Commissioner Oliver made the motion to adjourn at 2:26 pm

Second - Commissioner Whitley

Vote - Unanimous

\_\_\_\_\_  
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. An audio recording of the meeting is available on the town's website at [www.townofkurebeach.org](http://www.townofkurebeach.org), under government/kurebeachcouncil.*



*NEW  
BUSINESS*

NEW BUSINESS  
PROPOSED  
AMENDMENTS TO  
CHAPTER 10 OF  
CODE OF  
ORDINANCES  
PARKING

Excerpt from P&Z minutes – comments by Attorney Eldridge on proposed amendments to Chapter 10 on Motor Vehicles of the Code of Ordinances

Attorney Eldridge offered that there is nothing new substantively in the proposed amendments to Chapter 10 on Motor Vehicles and summarized some of the issues that were discussed, which include:

- Ruled out paid and permit based parking policies. They will be addressed in the future. Focus is more on day-to-day issues.
- Current provisions are reorganized and grouped, being specific about the actions that were being regulated as accomplished by the definitions.
- Public right of way – not only the road but also land adjacent on either side. Some neighborhood streets setback amendments provide that you can park in your front yard setback.
- Enforcement was mentioned here and there with ambiguity – moved it up front with the provision on towing.
- Provide for no parking, restricted parking, commercial parking, etc.
- Passenger vehicle definition will include golf carts.
- Combined towing and impoundment – controlled by four or five detailed statutes.
- No overnight parking except in designated parking spaces
- Town property – 24-hour maximum
- Definitions provided
- Only passenger vehicles in designated spaces
- Moved enforcement up front so operators are aware to foster compliance



TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**R**ESOLUTION R18-02

**A RESOLUTION AMENDING CHAPTER 10 (Motor Vehicles and Traffic)  
DIVISIONS I -III OF THE CODE OF ORDINANCES**

**WHEREAS**, the Town of Kure Beach Planning and Zoning Commission, after direction from the Town Council and much discussion and review of current ordinances in Chapter 10 (Motor Vehicles and Traffic), Articles VI (Stopping, Standing and Parking), Divisions I (Generally), II (Parking Rules) and III (Parking Spaces for Commercial Vehicles) directed the attorney for its board to provide amendments to the Code of Ordinances to clarify and regulate more effectively parking within the town's limits; and

**WHEREAS**, the attorney presented said proposed amendments to the Code of Ordinances to the Planning and Zoning Commission at the April 4, 2018 meeting; and

**WHEREAS**, the Planning and Zoning Commission voted at that same meeting to recommend to the Town Council adoption of said amendments;

**NOW, THEREFORE BE IT RESOLVED** by the Kure Beach Town Council that Chapter 10 (Motor Vehicles and Traffic), Division I (Generally), II (Parking Rules) and III (Parking of the Spaces for Commercial Vehicles) of the Code of Ordinances of the Town of Kure Beach, North Carolina is hereby amended in the following sections and subsections:

**Article VI Stopping, Standing and Parking**

Division I Generally

Sections 201 - 205

Existing language in above referenced sections replaced with new language

**Division II Parking Rules**

Sections 222, 223, 224, 225, 226, 228, 229

Existing language in above referenced sections replaced with new language

Section 227 – existing language moved to new section 230

**Division III Parking spaces for commercial vehicles**

Section 247

Existing language in above referenced section replaced with new language

Adopted by the Kure Beach Town Council this 19th day of April, 2018.

---

Attest: Nancy Avery, Town Clerk

---

Craig Bloszinsky, Mayor

# HOW CODE CURRENTLY READS



**CODE CURRENTLY READS**

**ARTICLE VI. - STOPPING, STANDING AND PARKING**

**DIVISION 1. GENERALLY**

**Sec. 10-201. Parking for the purpose of making repairs.**

No person shall park any vehicle in the streets or public ways of the town for the purpose of repairing such vehicle, except in case of emergency.

**Sec. 10-202. Parking on plaza.**

It shall be unlawful for any person to park any vehicle upon any portion of any street in the town known or designated as a plaza; provided, however, that curbing has been erected.

**Sec. 10-203. Parking on sidewalks.**

It shall be unlawful for any person to park any vehicle at any time on the sidewalk.

**Sec. 10-204. Parking upon left side of street.**

It shall be unlawful for any person to park any vehicle upon the left side of any street except when permitted on one-way streets.

**Secs. 10-205—10-221. Reserved.**

**DIVISION 2. PARKING RULES**

**Sec. 10-222. Manner of parking.**

All vehicles, when parked on any street or highway within the Town's jurisdictional limits where parallel parking is permitted within designated parking spaces, shall be parked such that the wheels of the vehicle are entirely within one designated parking space. Vehicles are prohibited from parking on said streets and highways in any space that is not a designated parking space. For the purposes of this section, a "designated parking space" shall mean and be construed as a rectangular space designated on the pavement with painted white lines; provided that, however, diagonal lines on the pavement adjacent to a handicap parking space do not constitute a designated parking space.

**Sec. 10-223. Vehicles exceeding sixteen (16) feet in length.**

No vehicle exceeding sixteen (16) feet in length shall be parked upon any street in the town, except parallel with the curb. When any such vehicle is parked in any street it shall be so parked that the rear wheel next to the curb shall not be more than twelve (12) inches from the curb.

**CODE CURRENTLY READS**

**Sec. 10-224. Parking prohibited on all streets at all times for the following vehicles generally.**

No vehicle exceeding twenty-two (22) feet in length or any trailer, U-Haul trailer, utility trailer, mobile home or delivery truck shall be parked upon any streets, right-of-way or designated parking area, in the town except for the purpose of loading or unloading. It shall be unlawful for any person to park or leave standing on the streets, right-of-way or designated parking area in the town any vehicle or trailer of dimension or description set forth in this section at night, except when it is necessary to load or unload such vehicle or trailer. For the purpose of this section the parking of such vehicle or trailer at night shall be construed to mean parking at any time between the hours of sunset and sunrise.

**Sec. 10-225. Parking where streets are marked for diagonal parking.**

No vehicle exceeding twenty (20) feet in length shall at any time be parked upon any of the streets in the town where such streets are marked by lines drawn on the same and which lines are drawn at an angle of approximately forty-five (45) degrees, and where parking is known as diagonal parking; however, commercial vehicles may be parked horizontally for a period not exceeding fifteen (15) minutes for loading or unloading on any street where diagonal parking is allowed.

**Sec. 10-226. Parking during daylight hours.**

It shall be unlawful for any person to park or leave standing on the streets in the town any motor vehicle, or other vehicle the dimensions of seven (7) feet wide and an over-all length of twenty-five (25) feet during the daylight hours from sunrise to sunset, unless such vehicle is parked parallel to the curb and not more than one (1) foot therefrom, and is parked at least thirty (30) feet from the property line at any street intersection. Any such vehicle when necessity requires may be parked nearer an intersection when required for the purpose of loading and unloading.

**Sec. 10-227. Beach access parking.**

(a) It shall be unlawful for any person to park or leave standing on any beach public access parking area any motor vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

1342	Fort Fisher Blvd. S.	Ocean Dune
643	Fort Fisher Blvd. S.	E Avenue
541	Fort Fisher Blvd. S.	F Avenue
443	Fort Fisher Blvd. S.	G Avenue

**CODE CURRENTLY READS**

343	Fort Fisher Blvd. S.	H Avenue
227	Fort Fisher Blvd. S.	I Avenue
139	Fort Fisher Blvd. S.	J Avenue
334	Fort Fisher Blvd. S.	N Avenue

(b) Penalty: Any person violating this section shall pay a fifty-dollar (\$50.00) fine.

**Sec. 10-228. Parking at night.**

It shall be unlawful for any person to park or leave standing on the streets in the town any vehicle of the dimensions set forth in section 10-226 at night, except when it is necessary to load or unload such vehicle. For the purpose of this section the parking of such vehicle at night shall be construed to mean parking at any time between sunset and sunrise.

**Sec. 10-229. Parking prohibited on certain streets at all times.**

It shall be unlawful for any person at any time to park or leave standing any vehicle in the last parking space, or the western most parking space, in the 100 block of K. Avenue (N.E. corner of Fort Fisher Boulevard S. & K. Avenue) which shall be marked POLICE PARKING ONLY. This space shall be designated as a tow away zone where expense shall be borne by the operator or owner of such vehicle who violates this parking provision as well as receiving an appropriate parking violation.

**Sec. 10-230. - Marking off of parking spaces.**

The chief of police is hereby authorized and directed to cause to be marked off and provided on the ground parking spaces, each not exceeding twenty-one (21) feet, in the public streets of the town.

**Sec. 10-231. Signs or markers.**

The chief of police shall cause suitable signs and markers to be erected or placed at the locations designated in this division to notify the public of the restrictions imposed by the provisions of this division.

**Sec. 10-232. Designation and marking off of spaces.**

The chief of police shall designate and mark off on the ground upon such property and the streets leading to and from the same the spaces and portions thereof which are set apart for the parking of vehicles.

**Sec. 10-233. Parking or blocking bike path prohibited.**

It shall be unlawful for any person at any time to park or leave standing any vehicle in or upon or within two (2) feet of any bike path (bicycle lane) so designated and marked

**CODE CURRENTLY READS**

appropriately. Violation of this section shall subject the offender to receiving a parking citation and the vehicle shall be towed away at the offender's cost.

**Sec. 10-234. Time limit parking B2 and B3 districts only.**

(a) Any business owner desiring time limit parking within the designated business districts in the town shall first make an application to the chief of police who shall forward their recommendation to town council. The requested time limited parking spaces shall be contiguous to the requested business property and the adjacent property owners to the business requesting the time limit shall be notified of their request.

(b) The designated areas shall have limited parking for the time limits designated which shall be displayed by appropriate signs placed along the roadways.

**Sec. 10-235. Size of vehicles.**

Parking between 3rd Avenue and Fort Fisher Blvd. on the south curb side of K Avenue, it shall be unlawful for any person to park or leave standing any motor vehicle or other vehicle, the dimensions of which equal or exceed the painted lines on the street delineating a diagonal parking space. Appropriate signs shall be posted.

**Sec. 10-236. Parking on public property prohibited.**

(a) It shall be unlawful for any person to park a motor vehicle as defined in this chapter for the purpose of habitation overnight upon any public property within the corporate limits of the town, including but not limited to, public streets and street right-of-way, sidewalks, parking lots, and any other public areas.

(b) Penalty: Fifty-dollar (\$50.00) fine.

**Sec. 10-237. Penalty.**

Violations of the provisions of this chapter shall subject the offender to a civil penalty as hereinafter enumerated. These ordinances shall be referred to as parking ordinances. Civil penalties may be recovered by the town in a civil action in the nature of debt, if the offender does not pay the penalty within the prescribed period of time after being cited for violation of the ordinance. In accordance with G.S. 160A-175(b), a violation of the parking ordinances shall not be subject to the penalty provision of G.S. 14-4 and shall not be considered an infraction or a breach of the penal laws of the state. The civil penalty shall be in the amount of \$25.00.

**Secs. 10-238—10-245. Reserved.**

**DIVISION 3. PARKING SPACES FOR COMMERCIAL VEHICLES**

**Sec. 10-246. Reserved.**

**Sec. 10-247. Loading zones.**

No more than two (2) commercial vehicles may be halted for the purpose of unloading in the unloading zone in front of the pier. Unloading shall not exceed thirty (30) minutes. Only vehicles

**CODE CURRENTLY READS**

which can safely be halted within the designated area of the unloading zone may be unloaded at this site.

**Secs. 10-248—10-260. Reserved.**

**DIVISION 4. - PARKING SPACES FOR THE DISABLED**

**Sec. 10-261. Designated.**

The first parking space on the eastern side of Atlantic Avenue next to the loading zone on the north side of Kure Pier and the first parking space on the eastern side of Atlantic Avenue on the south side of Kure Pier shall be designated as handicapped parking as defined and set out in G.S. section 20-37.6. The penalty for violation of handicapped parking shall be as set out in G.S. section 20-37.6(f).

**Secs. 10-262—10-275. Reserved.**



# CODE CHANGES

**CODE WITH CHANGES**

**ARTICLE VI. - STOPPING, STANDING AND PARKING**

**DIVISION 1. GENERALLY**

**Sec. 10-201. Parking for the purpose of making repairs. Definitions.**

For the purposes of this chapter, the following definitions shall apply. ~~No person shall park any vehicle in the streets or public ways of the town for the purpose of repairing such vehicle, except in case of emergency, unless the context clearly indicates or requires a different meaning.~~

Driveway. An area allowing ingress and egress to private residences that is not open to public vehicular traffic.

<sup>\*</sup> Intersection. The lateral edge of roadway lines of two or more streets or highways which join one another at any angle regardless whether one such street or highway crosses the other.

<sup>\*</sup> Motorcycle. A vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including, motor scooters, and motor-driven bicycles but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds.

Moped. A non-passenger vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

Owner. A person holding legal title to a vehicle. For the purposes of this article, the lessee of a vehicle shall be considered the owner of the vehicle.

Park. The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

Passenger Vehicle. Registered golf carts, motorcycles, and four-wheel vehicles, including pick-up trucks, panel trucks, and vans which do not exceed 10,000 pounds, which are not used in a delivery or freight business and/or to carry passengers for a fee.

Property-Hauling Vehicles.

(a) Vehicles used for the transportation of property.

Formatted: Highlight

Formatted: Left, Tab stops: 0.5", Left + 1", Left + 1.5", Left + 2", Left + 2.5", Left + 3", Left + 3.25", Centered + 3.5", Left + 4", Left + 4.5", Left + 5.74",

Formatted: Tab stops: 3.25", Centered + 5.74", Left

Formatted: Normal

Formatted: Font: (Default) Times New Roman, 12 pt, Italic

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt, Italic

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font color: Auto

Formatted: Indent: First line: 0.5"

Formatted: Font: Italic

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Indent: First line: 0.5"

Formatted: Font color: Auto

Formatted: Font color: Auto

(b) Semitrailers. Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.

(c) Trailers. Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle.

Public Right-of-Way. A strip of land acquired for or dedicated to public transportation purposes over which is constructed a street or highway and which includes areas adjacent thereto which may be used for, without limitation, sidewalks, planting strips, traffic circles, and/or medians.

Standing. Any stopping of a vehicle, whether occupied or not.

Street/Highway. The entire width of a roadway between property or right-of-way lines when any part thereof is open to the use of the public for the purpose of vehicular traffic.

Vehicle. Every device in or upon which any person or property may be transported or drawn upon a street or highway excepting devices moved by human power or used exclusively upon stationary rails or tracks provided that, for the purpose of this chapter, a bicycle, moped, or a ridden animal shall be deemed a Vehicle but shall not be deemed a Passenger Vehicle.

**Sec. 10-202. Parking on plazaObedience to Police. \_\_\_\_\_**

It shall be unlawful for any person to park any vehicle upon any portion of any street in the town known or designated as a plaza; provided, however, that curbing has been erected. No person shall refuse to comply with any lawful order or direction of a police officer.

**Sec. 10-203. Parking on sidewalksCivil penalty for violations.**

(a) Any owner or operator of a vehicle violating the provisions of this article shall be subject to a civil penalty in the amount of fifty dollars (\$25.00) for each violation.

(b) Generally. The It shall be unlawful for any person to park any vehicle at any time on the sidewalk-owner or operator of any vehicle who has been notified of a violation of this article may, within the time specified in the notice, present himself or herself by mail or in person with the notice or ticket at the Police Department and answer the violations noted thereon by voluntarily paying the civil penalty specified on the notice or ticket. Any vehicle owner/operator receiving a notice or ticket hereunder shall be permitted to pay the civil penalty without contesting the violation by appearing in person at the Town of Kure Beach, 117 Settlers Lane, Kure Beach, NC 28449 within 15 days of issuance of the notice or ticket.

Formatted: Font color: Auto  
Formatted: Indent: First line: 0.5"

Formatted: Font: Italic, Font color: Auto  
Formatted: Font color: Auto  
Formatted: Font: Italic, Font color: Auto  
Formatted: Font color: Auto  
Formatted: Font: Italic

Formatted: Font: Italic  
Formatted: Font: Not Italic  
Formatted: Font: Not Italic  
Formatted: Font: Not Italic  
Formatted: Font: (Default) Calibri, 11 pt  
Formatted: Normal, Add space between paragraphs of the same style  
Formatted: Tab stops: 3.25", Centered

Formatted: p0, Add space between paragraphs of the same style

Formatted: Indent: First line: 0.5"

Formatted: Font: Italic  
Formatted: Font color: Auto



(c) Construction. The civil penalty provided for herein shall in no event be construed to be enforced fines or forfeitures and shall instead be construed as civil penalties which offenders may voluntarily pay for violations of this article. Such penalty shall be paid within 15 days of the issuance of the notice or ticket or the civil penalty shall be recovered by the town in a civil action in the nature of a debt.

(d) Disposition of proceeds. All civil penalties paid to the town for violations of this article shall be paid into the town's General Fund.

Formatted: Indent: First line: 0.5", Add space between paragraphs of the same style

Formatted: p0

**Sec. 10-204. Parking upon left side of street Ticketing of vehicles.**

(a) Required. Whenever an officer of the town's Police Department charged with enforcing this article finds that any of its provisions are being or have been violated by the owner or operator of a vehicle, the officer shall notify the owner or operator of the violation by conspicuously attaching a notice or ticket, in such form as the Police Chief may determine, to the vehicle.

Formatted: Font color: Auto

Formatted: Indent: First line: 0.5"

(b) Contents. The notice or ticket shall require the owner or operator to appear before the Police Chief or his or her designee within 15 days after such notice is given and answer to same or to return such ticket or notice by mail with the civil penalty provided for in Sec. 10-203 above. Failure to meet this deadline shall result in a twenty-five dollar (\$25.00) late fee.

(c) Personal appearance. The personal appearance of the owner or operator receiving a notice or ticket shall not be necessary provided that the payment of the civil penalty is received by the town within 15 days of the notice or ticket's issuance.

**Sec. 10-205. Towing and impoundment.**

Formatted: Font: Bold

(a) Any motor vehicle found parked in violation of this article may, in accordance with the provisions of N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62 of the Town Code of Ordinances, be deemed as an abandoned vehicle and be subject to towing and impoundment without prior notice to the owner.

Formatted: Indent: First line: 0"

Formatted: Font color: Auto

(b) In the event a vehicle is towed and impounded under this section, post-hearing notice requirements, the owner's right to a probable cause hearing on the towing, redemption of the vehicle, and the sale and disposition of unclaimed vehicles shall be as set forth in Chapter 20, Article 7A of the North Carolina General Statutes and the provisions of Chapter 11, Secs. 11-63 through -66 of the Town Code of Ordinances.

Formatted: Indent: First line: 0.5"

~~It shall be unlawful for any person to park any vehicle upon the left side of any street except when permitted on one-way streets.~~

Formatted: Font: Bold

Formatted: Indent: First line: 0"

Formatted: p0

Secs. 10-20~~6~~5—10-221. Reserved.

**DIVISION 2. PARKING RULES**

**Sec. 10-222. ~~Manner~~ Parking in general and manner of parking.**

(a) Passenger vehicles shall be parked only in designated parking spaces excepting property owners and lessors in the town's residential districts who shall be permitted to park their vehicles within the front yard setback of the property they own or lease in accordance with the applicable provisions of chapter 19 of the town code.

Formatted: Font: Not Bold  
Formatted: Indent: First line: 0.5"

(b) ~~A~~ Passenger ~~veh~~ vehicles, when parked in designated spaces for ~~on all streets where~~ parallel parking ~~is designated and required~~, shall be so parked that the curbside wheels of the vehicle ~~same nearest the curb~~ shall not be more than twelve (12) inches from the curb.

Formatted: Font: Not Bold  
Formatted: Normal

(c) Passenger vehicles when parked in designated spaces for diagonal parking shall be so parked that the vehicle's front wheels are immediately adjacent to the curb or parking bumper.

Formatted: Font color: Auto

(d) Passenger vehicles shall be parked in designated parking spaces such that the overall dimensions of the vehicle shall be entirely within the parking space as designated.

(e) Violations of this section shall subject the offender to the imposition of a civil penalty as provided for in Sec. 10-203 herein.

(f) The prohibitions in this article shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible not shall these prohibitions apply to vehicles belonging to or operated by employees of third-party vendors under contract with the town to provide a public service.

**Sec. 10-223. ~~Non-passenger vehicles. Vehicles exceeding sixteen (16) feet in length.~~**

Only passenger vehicles shall be permitted to park in the town's designated parking spaces and all other ~~No~~ vehicles, including property-hauling vehicles, are prohibited from parking in the designated spaces. ~~exceeding sixteen (16) feet in length shall be parked upon any street in the town, except parallel with the curb. When any such vehicle is parked in any street it shall be so parked that the rear wheel next to the curb shall not be more than twelve (12) inches from the curb.~~

**Sec. 10-224. Designation of parking spaces, areas, and zones ~~Parking.~~**

(a) The public works department shall, when authorized and directed to do so by town council, lay off and designate by appropriate signage and markings, parallel and diagonal parking spaces, limited parking spaces, reserved parking spaces, loading zones, and no parking areas.

Formatted: Indent: First line: 0.3"  
Formatted: Font: Not Bold



(b) Parallel and diagonal parking spaces shall be marked on the ground and each space shall not exceed 20 feet in length. prohibited on all streets at all times for the following vehicles generally.

Formatted: Indent: Left: 0", First line: 0.3"  
Formatted: Font: Not Bold

No vehicle exceeding twenty-two (22) feet in length or any trailer, U-Haul trailer, utility trailer, mobile home or delivery truck shall be parked upon any streets, right-of-way or designated parking area, in the town except for the purpose of loading or unloading. It shall be unlawful for any person to park or leave standing on the streets, right-of-way or designated parking area in the town any vehicle or trailer of dimension or description set forth in this section at night, except when it is necessary to load or unload such vehicle or trailer. For the purpose of this section the parking of such vehicle or trailer at night shall be construed to mean parking at any time between the hours of sunset and sunrise.

Formatted: Indent: First line: 0.3"

**Sec. 10-225. Parking where streets are marked for diagonal parking. Parking in time-limited spaces.**

No Whenever a parking space is signed and marked as limiting the time or conditions under which a vehicle may be parked, no person shall park or let stand a vehicle in such space except in conformity with the signs and markings erected thereat.

Formatted: p0

vehicle exceeding twenty (20) feet in length shall at any time be parked upon any of the streets in the town where such streets are marked by lines drawn on the same and which lines are drawn at an angle of approximately forty-five (45) degrees, and where parking is known as diagonal parking; however, commercial vehicles may be parked horizontally for a period not exceeding fifteen (15) minutes for loading or unloading on any street where diagonal parking is allowed.

Formatted: p0, Add space between paragraphs of the same style  
Formatted: Indent: First line: 0"

Formatted: p0  
Formatted: p0, Add space between paragraphs of the same style

**Sec. 10-226. Parking during daylight hours. No parking areas.**

Whenever signs or markings are placed, erected, or installed giving notice thereof, no person shall park a vehicle at any time in an area signed or marked as a no parking area.

Formatted: Indent: First line: 0.38"  
Formatted: Indent: First line: 0"  
Formatted: Font: Bold

**Sec. 10-227. Stopping in streets prohibited; exceptions.**

No vehicle shall stop in or on any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of emergency vehicles, the approach of a funeral or other procession which is given right-of-way, or by some other emergency. In all cases covered by these exceptions, the vehicle shall be stopped so as not to obstruct any pedestrian walkway, safety zone, bike or multi-use path, crosswalk or intersection if it can be avoided.

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Auto

Formatted: Normal, Indent: First line: 0.38"

Formatted ... [1]

Formatted: Normal

Formatted: Font: Bold, Font color: Auto

Formatted: Font color: Auto

Formatted: Font: Times New Roman, Font color: Auto

Formatted: Indent: Left: 0", First line: 0.38", Don't add space between paragraphs of the same style

Formatted ... [2]

Formatted: Indent: First line: 0.38"

Formatted ... [3]

**Sec. 10-228. Parking for certain purposes prohibited.**

No person shall stand or park a vehicle on any part of a public right-of-way for the purpose of:

- (a) Displaying it for sale,

~~(b) Washing, cleaning, waxing, greasing or repairing the vehicle, excepting repairs necessitated by an emergency.~~

~~(c) Vehicle storage by a garage, mechanic, repair shop, dealer or some other person/entity.~~

~~(d) Storage of any detached trailer or van, when the towing unit has been disconnected.~~

~~(e) Transferring merchandise or freight from one vehicle to another.~~

~~(f) Using the vehicle for advertising.~~

~~(g) Overnight parking except in designated parking spaces or as otherwise provided for herein: "overnight" meaning, for the purpose of this sub-section, between the hours of sunset and sunrise.~~

**~~Sec. 10-229. Parking prohibited at certain places.~~**

~~Whether the vehicle is attended or unattended, no person shall stop, stand, or park any portion of any vehicle, except when conflict with other traffic is imminent or when directed to do so by a police officer or traffic-control device, in any of the following places:~~

~~(a) On a sidewalk.~~

~~(b) In a crosswalk.~~

~~(c) In a bike or multi-use path.~~

~~(d) Within an intersection.~~

~~(e) Within 10 feet of an intersection.~~

~~(f) In front of a driveway.~~

~~(g) Within 10 feet of a fire plug or hydrant.~~

~~(h) On any part of a public right-of-way facing opposing traffic.~~

~~(i) Within 15 feet, on the seaward side, of any private or public beach access points.~~

~~(j) In a designated Handicapped parking space without the proper license plate, placard, or other evidence showing that a handicapped permit has been issued to the vehicle's operator by the proper authority.~~

~~(k) Other than public right-of-ways as provided for herein, on any public property, including parking lots, parks, and recreational areas, except as permitted thereat, provided that, in~~

Formatted	... [4]
Formatted	... [5]
Formatted	... [7]
Formatted	... [8]
Formatted	... [9]
Formatted	... [6]
Formatted	... [10]
Formatted	... [11]
Formatted	... [12]
Formatted	... [13]
Formatted	... [14]
Formatted	... [15]
Formatted	... [16]
Formatted	... [17]
Formatted	... [18]
Formatted	... [19]
Formatted	... [20]
Formatted	... [21]
Formatted	... [22]
Formatted	... [23]
Formatted	... [24]
Formatted	... [25]
Formatted	... [26]
Formatted	... [27]
Formatted	... [28]
Formatted	... [29]
Formatted	... [30]
Formatted	... [31]
Formatted	... [32]
Formatted	... [33]
Formatted	... [34]
Formatted	... [35]
Formatted	... [36]
Formatted	... [37]
Formatted	... [38]
Formatted	... [39]
Formatted	... [40]
Formatted	... [41]
Formatted	... [42]
Formatted	... [43]
Formatted	... [44]
Formatted	... [45]
Formatted	... [46]
Formatted	... [47]



accordance with N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62(2), any vehicle left on property owned by the town for longer than 24 hours will be deemed to have been abandoned and may be towed and impounded as provided for herein.

(l) On any part of a public right-of-way except by passenger vehicles in designated parking spaces as set forth in this article.

~~shall be unlawful for any person to park or leave standing on the streets in the town any motor vehicle, or other vehicle the dimensions of seven (7) feet wide and an over-all length of twenty-five (25) feet during the daylight hours from sunrise to sunset, unless such vehicle is parked parallel to the curb and not more than one (1) foot therefrom, and is parked at least thirty (30) feet from the property line at any street intersection. Any such vehicle when necessity requires may be parked nearer an intersection when required for the purpose of loading and unloading.~~

Formatted: Indent: First line: 0"

**Sec. 10-23027. Beach access parking.**

(a) It shall be unlawful for any person to park or leave standing ~~on~~ any public beach ~~public~~-access parking area any ~~passenger motor~~ vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

Formatted: p0

Formatted: p0, Add space between paragraphs of the same style

1342	Fort Fisher Blvd. S.	Ocean Dune
643	Fort Fisher Blvd. S.	E Avenue
541	Fort Fisher Blvd. S.	F Avenue
443	Fort Fisher Blvd. S.	G Avenue
343	Fort Fisher Blvd. S.	H Avenue
227	Fort Fisher Blvd. S.	I Avenue
139	Fort Fisher Blvd. S.	J Avenue
334	Fort Fisher Blvd. S.	N Avenue

(b) ~~Penalty: Any person violating this section shall pay a fifty-dollar (\$50.00) fine.~~

**Sec. 10-228. Parking at night.**

~~It shall be unlawful for any person to park or leave standing on the streets in the town any vehicle of the dimensions set forth in section 10-226 at night, except when it is necessary to load or unload such vehicle. For the purpose of this section the parking of such vehicle at night shall be construed to mean parking at any time between sunset and sunrise.~~

**Sec. 10-229. Parking prohibited on certain streets at all times.**

It shall be unlawful for any person at any time to park or leave standing any vehicle in the last parking space, or the western most parking space, in the 100 block of K. Avenue (N.E. corner of Fort Fisher Boulevard S. & K. Avenue) which shall be marked POLICE PARKING ONLY. This space shall be designated as a tow away zone where expense shall be borne by the operator or owner of such vehicle who violates this parking provision as well as receiving an appropriate parking violation.

**Sec. 10-230. -- Marking off of parking spaces.**

The chief of police is hereby authorized and directed to cause to be marked off and provided on the ground parking spaces, each not exceeding twenty-one (21) feet, in the public streets of the town.

**Sec. 10-231. Signs or markers.**

The chief of police shall cause suitable signs and markers to be erected or placed at the locations designated in this division to notify the public of the restrictions imposed by the provisions of this division.

**Sec. 10-232. Designation and marking off of spaces.**

The chief of police shall designate and mark off on the ground upon such property and the streets leading to and from the same the spaces and portions thereof which are set apart for the parking of vehicles.

**Sec. 10-233. Parking or blocking bike path prohibited.**

It shall be unlawful for any person at any time to park or leave standing any vehicle in or upon or within two (2) feet of any bike path (bicycle lane) so designated and marked appropriately. Violation of this section shall subject the offender to receiving a parking citation and the vehicle shall be towed away at the offender's cost.

**Sec. 10-234. Time limit parking B2 and B3 districts only.**

(a) Any business owner desiring time limit parking within the designated business districts in the town shall first make an application to the shoreline access and parking committee and coordinate with the chief of police who shall forward their recommendation to town council. The requested time limited parking spaces shall be contiguous to the requested business property and the adjacent property owners to the business requesting the time limit shall be notified of their request.

(b) The designated areas shall have limited parking for the time limits designated which shall be displayed by appropriate signs placed along the roadways.

**Sec. 10-235. Size of vehicles.**

Parking between 3rd Avenue and Fort Fisher Blvd. on the south curb side of K Avenue, it shall be unlawful for any person to park or leave standing any motor vehicle or other vehicle, the dimensions of which equal or exceed the painted lines on the street delineating a diagonal parking space. Appropriate signs shall be posted.

**Sec. 10-236. Parking on public property prohibited.**

(a) It shall be unlawful for any person to park a motor vehicle as defined in this chapter for the purpose of habitation overnight upon any public property within the corporate limits of the town, including but not limited to, public streets and street right-of-way, sidewalks, parking lots, and any other public areas.

(b) Penalty: Fifty-dollar (\$50.00) fine.

**Sec. 10-237. Penalty.**

Any person violating the provisions of sections 10-222—10-236 shall be subject to a civil citation in the amount of fifty dollars (\$50.00) for the first offense; second offense shall subject the offender to a civil citation in the amount of fifty dollars (\$50.00).

**Secs. 10-231~~8~~—10-245. Reserved.**

**DIVISION 3. PARKING SPACES FOR COMMERCIAL VEHICLES**

**Sec. 10-246. Reserved.**

**Editor's note**—An ordinance adopted June 15, 1993, repealed § 10-246, pertaining to designated parking spaces, as it derived from § 1 of an ordinance adopted Mar. 20, 1984.

**Sec. 10-247. Loading zones.**

(a) There shall be no parking, standing, or storage of any vehicles used for commercial purposes except for the purpose of loading and unloading fuel, oil, goods, wares, or merchandise. Commercial vehicles stopped for such purposes shall be required to make all reasonable efforts to avoid the impediment of traffic flow. Unloading shall not exceed 30 minutes.

(b) Commercial vehicles may be parked horizontally for a period not exceeding 30 minutes for loading or unloading on any street where diagonal parking is designated.

Formatted: Font color: Auto

(c) No more than two (2) commercial vehicles may be halted for the purpose of unloading in the unloading zone in front of the pier. ~~Unloading shall not exceed thirty (30) minutes.~~ Only vehicles which can safely be halted within the designated area of the unloading zone may be unloaded at this site.

**Secs. 10-248—10-260. Reserved.**

#### **DIVISION 4. - PARKING SPACES FOR THE DISABLED**

**Sec. 10-261. Designated.**

The first parking space on the eastern side of Atlantic Avenue next to the loading zone on the north side of Kure Pier and the first parking space on the eastern side of Atlantic Avenue on the south side of Kure Pier shall be designated as handicapped parking as defined and set out in G.S. section 20-37.6. The penalty for violation of handicapped parking shall be as set out in G.S. section 20-37.6(f).

**Secs. 10-262—10-275. Reserved.**



HOW CODE READS  
IF AMENDMENTS  
ADOPTED

**HOW CODE READS IF AMENDED**

**ARTICLE VI. - STOPPING, STANDING AND PARKING**

**DIVISION 1. GENERALLY**

**Sec. 10-201. Definitions.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Driveway.* An area allowing ingress and egress to private residences that is not open to public vehicular traffic.

*Intersection.* The lateral edge of roadway lines of two or more streets or highways which join one another at any angle regardless whether one such street or highway crosses the other.

*Motorcycle.* A vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including, motor scooters, and motor-driven bicycles but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds.

*Moped.* A non-passenger vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

*Owner.* A person holding legal title to a vehicle. For the purposes of this article, the lessee of a vehicle shall be considered the owner of the vehicle.

*Park.* The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

*Passenger Vehicle.* Registered golf carts, motorcycles, and four-wheel vehicles, including pick-up trucks, panel trucks, and vans which do not exceed 10,000 pounds, which are not used in a delivery or freight business and/or to carry passengers for a fee.

*Property-Hauling Vehicles.*

- (a) Vehicles used for the transportation of property.
- (b) Semitrailers. Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.

(c) Trailers. Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle.

*Public Right-of-Way.* A strip of land acquired for or dedicated to public transportation purposes over which is constructed a street or highway and which includes areas adjacent thereto which may be used for, without limitation, sidewalks, planting strips, traffic circles, and/or medians.

*Standing.* Any stopping of a vehicle, whether occupied or not.

*Street/Highway.* The entire width of a roadway between property or right-of-way lines when any part thereof is open to the use of the public for the purpose of vehicular traffic.

*Vehicle.* Every device in or upon which any person or property may be transported or drawn upon a street or highway excepting devices moved by human power or used exclusively upon stationary rails or tracks provided that, for the purpose of this chapter, a bicycle, moped, or a ridden animal shall be deemed a *Vehicle* but shall not be deemed a *Passenger Vehicle*.

**Sec. 10-202. Obedience to Police.**

No person shall refuse to comply with any lawful order or direction of a police officer.

**Sec. 10-203. Civil penalty for violations.**

(a) Any owner or operator of a vehicle violating the provisions of this article shall be subject to a civil penalty in the amount of fifty dollars (\$25.00) for each violation.

(b) *Generally.* The owner or operator of any vehicle who has been notified of a violation of this article may, within the time specified in the notice, present himself or herself by mail or in person with the notice or ticket at the Police Department and answer the violations noted thereon by voluntarily paying the civil penalty specified on the notice or ticket. Any vehicle owner/operator receiving a notice or ticket hereunder shall be permitted to pay the civil penalty without contesting the violation by appearing in person at the Town of Kure Beach, 117 Settlers Lane, Kure Beach, NC 28449 within 15 days of issuance of the notice or ticket.

(c) *Construction.* The civil penalty provided for herein shall in no event be construed to be enforced fines or forfeitures and shall instead be construed as civil penalties which offenders may voluntarily pay for violations of this article. Such penalty shall be paid within 15 days of the issuance of the notice or ticket or the civil penalty shall be recovered by the town in a civil action in the nature of a debt.

(d) *Disposition of proceeds.* All civil penalties paid to the town for violations of this article shall be paid into the town's General Fund.

**Sec. 10-204. Ticketing of vehicles.**

(a) *Required.* Whenever an officer of the town's Police Department charged with enforcing this article finds that any of its provisions are being or have been violated by the owner

or operator of a vehicle, the officer shall notify the owner or operator of the violation by conspicuously attaching a notice or ticket, in such form as the Police Chief may determine, to the vehicle.

(b) *Contents.* The notice or ticket shall require the owner or operator to appear before the Police Chief or his or her designee within 15 days after such notice is given and answer to same or to return such ticket or notice by mail with the civil penalty provided for in Sec. 10-203 above. Failure to meet this deadline shall result in a twenty-five dollar (\$25.00) late fee.

(c) *Personal appearance.* The personal appearance of the owner or operator receiving a notice or ticket shall not be necessary provided that the payment of the civil penalty is received by the town within 15 days of the notice or ticket's issuance.

**Sec. 10-205. Towing and impoundment.**

(a) Any motor vehicle found parked in violation of this article may, in accordance with the provisions of N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62 of the Town Code of Ordinances, be deemed as an abandoned vehicle and be subject to towing and impoundment without prior notice to the owner.

(b) In the event a vehicle is towed and impounded under this section, post-hearing notice requirements, the owner's right to a probable cause hearing on the towing, redemption of the vehicle, and the sale and disposition of unclaimed vehicles shall be as set forth in Chapter 20, Article 7A of the North Carolina General Statutes and the provisions of Chapter 11, Secs. 11-63 through -66 of the Town Code of Ordinances.

**Secs. 10-206—10-221. Reserved.**

**DIVISION 2. PARKING RULES**

**Sec. 10-222. Parking in general and manner of parking.**

(a) Passenger vehicles shall be parked only in designated parking spaces excepting property owners and lessors in the town's residential districts who shall be permitted to park their vehicles within the front yard setback of the property they own or lease in accordance with the applicable provisions of chapter 19 of the town code.

(b) Passenger vehicles when parked in designated spaces for parallel parking shall be so parked that the curbside wheels of the vehicle shall not be more than twelve (12) inches from the curb.

(c) Passenger vehicles when parked in designated spaces for diagonal parking shall be so parked that the vehicle's front wheels are immediately adjacent to the curb or parking bumper.

(d) Passenger vehicles shall be parked in designated parking spaces such that the overall dimensions of the vehicle shall be entirely within the parking space as designated.

(e) Violations of this section shall subject the offender to the imposition of a civil penalty as provided for in Sec. 10-203 herein.

(f) The prohibitions in this article shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible not shall these prohibitions apply to vehicles belonging to or operated by employees of third-party vendors under contract with the town to provide a public service.

**Sec. 10-223. Non-passenger vehicles.**

Only passenger vehicles shall be permitted to park in the town's designated parking spaces and all other vehicles, including property-hauling vehicles, are prohibited from parking in the designated spaces.

**Sec. 10-224. Designation of parking spaces, areas, and zones.**

(a) The public works department shall, when authorized and directed to do so by town council, lay off and designate by appropriate signage and markings, parallel and diagonal parking spaces, limited parking spaces, reserved parking spaces, loading zones, and no parking areas.

(b) Parallel and diagonal parking spaces shall be marked on the ground and each space shall not exceed 20 feet in length.

**Sec. 10-225. Parking in time-limited spaces.**

Whenever a parking space is signed and marked as limiting the time or conditions under which a vehicle may be parked, no person shall park or let stand a vehicle in such space except in conformity with the signs and markings erected thereat.

**Sec. 10-226. No parking areas.**

Whenever signs or markings are placed, erected, or installed giving notice thereof, no person shall park a vehicle at any time in an area signed or marked as a no parking area.

**Sec. 10-227. Stopping in streets prohibited; exceptions.**

No vehicle shall stop in or on any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of emergency vehicles, the approach of a funeral or other procession which is given right-of-way, or by some other emergency. In all cases covered by these exceptions, the vehicle shall be stopped so as not to obstruct any pedestrian walkway, safety zone, bike or multi-use path, crosswalk or intersection if it can be avoided.

**Sec. 10-228. Parking for certain purposes prohibited.**

No person shall stand or park a vehicle on any part of a public right-of-way for the purpose of:

- (a) Displaying it for sale.
- (b) Washing, cleaning, waxing, greasing or repairing the vehicle, excepting repairs necessitated by an emergency.
- (c) Vehicle storage by a garage, mechanic, repair shop, dealer or some other person/entity.
- (d) Storage of any detached trailer or van, when the towing unit has been disconnected.
- (e) Transferring merchandise or freight from one vehicle to another.
- (f) Using the vehicle for advertising.
- (g) Overnight parking except in designated parking spaces or as otherwise provided for herein; "overnight" meaning, for the purpose of this sub-section, between the hours of sunset and sunrise.

**Sec. 10-229. Parking prohibited at certain places.**

Whether the vehicle is attended or unattended, no person shall stop, stand, or park any portion of any vehicle, except when conflict with other traffic is imminent or when directed to do so by a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk.
- (b) In a crosswalk.
- (c) In a bike or multi-use path.
- (d) Within an intersection.
- (e) Within 10 feet of an intersection.
- (f) In front of a driveway.
- (g) Within 10 feet of a fire plug or hydrant.
- (h) On any part of a public right-of-way facing opposing traffic.
- (i) Within 15 feet, on the seaward side, of any private or public beach access points.
- (j) In a designated Handicapped parking space without the proper license plate, placard, or other evidence showing that a handicapped permit has been issued to the vehicle's operator by the proper authority.



(k) Other than public right-of-ways as provided for herein, on any public property, including parking lots, parks, and recreational areas, except as permitted thereat, provided that, in accordance with N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62(2), any vehicle left on property owned by the town for longer than 24 hours will be deemed to have been abandoned and may be towed and impounded as provided for herein.

(l) On any part of a public right-of-way except by passenger vehicles in designated parking spaces as set forth in this article.

**Sec. 10-230. Beach access parking.**

It shall be unlawful for any person to park or leave standing in any public beach access parking area any passenger vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

1342	Fort Fisher Blvd. S.	Ocean Dune
643	Fort Fisher Blvd. S.	E Avenue
541	Fort Fisher Blvd. S.	F Avenue
443	Fort Fisher Blvd. S.	G Avenue
343	Fort Fisher Blvd. S.	H Avenue
227	Fort Fisher Blvd. S.	I Avenue
139	Fort Fisher Blvd. S.	J Avenue
334	Fort Fisher Blvd. S.	N Avenue

**Secs. 10-231—10-245. Reserved.**

**DIVISION 3. PARKING SPACES FOR COMMERCIAL VEHICLES**

**Sec. 10-246. Reserved.**

**Sec. 10-247. Loading zones.**

(a) There shall be no parking, standing, or storage of any vehicles used for commercial purposes except for the purpose of loading and unloading fuel, oil, goods, wares, or merchandise. Commercial vehicles stopped for such purposes shall be required to make all reasonable efforts to avoid the impediment of traffic flow. Unloading shall not exceed 30 minutes.

Chapter 10, Article VI proposed amendments/blackline

(b) Commercial vehicles may be parked horizontally for a period not exceeding 30 minutes for loading or unloading on any street where diagonal parking is designated.

(c) No more than two (2) commercial vehicles may be halted for the purpose of unloading in the unloading zone in front of the pier. Only vehicles which can safely be halted within the designated area of the unloading zone may be unloaded at this site.

**Secs. 10-248—10-260. Reserved.**

**NEW BUSINESS**

**PROPOSED TEXT  
AMENDMENT 18-03**



**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



**KURE BEACH  
PLANNING & ZONING COMMISSION**

PZC Meeting Date: April 4, 2018

PZC Agenda Item No.: 6.a.

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

X Consideration of proposed text amendment to The Town of Kure Beach Code:

1. Chapter 19 Zoning, Art. IV, Sec. 320, *Control of yards/setbacks*.

\_\_\_\_\_ The proposed text amendments are CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan ("LUP").

\_\_\_\_\_ The proposed text amendments are CONSISTENT WITH Section \_\_\_\_\_ Part \_\_\_\_\_ of the LUP.

X **The proposed text amendments are NOT CONSISTENT WITH Part 3, Section 2.B. of the LUP.**

The Planning and Zoning Commission requests Town Council's consideration of Robert Lawler's ("Applicant") application for the proposed Chapter 19 text amendment attached hereto, recommends Council deny the application, and considers its recommendation reasonable and in the public interest based on the following:

1. Applicant seeks to amend Sec. 19-320 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...."

2. 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.

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

4. Applicant's **proposed text amendment is therefore inconsistent** 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 impacts and avoid risks to public health, safety and welfare....

**TOWN OF KURE BEACH  
PLANNING AND ZONING COMMISSION:**

  
Craig Galbraith, Chairman



Robert & Karen Lawler  
3904 Oak Ripple Ct  
Gibsonville, NC 27249

March 19, 2018

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

Dear Ms. Avery:

RE: Text Amendment Application for 19 (Zoning), of the Code of Ordinances Setbacks Section 19-320

Attached a proposed text amendment for Section 19-320 of the Town's Zoning Ordinance. Please place this on the agenda for the next Planning & Zoning Commission meeting (April 4, 2018 @ 7:00 pm – correct?). I have talked with John Baston, Building Inspector and was informed that mailing the \$100.00 fee separately was allowed. I will put the original application, fee payment and other info in the mail today.

In July 2017 my wife and I became Kure Beach property owners with the purchase of a three-level town home at 629 4<sup>th</sup> Avenue South Unit B. We had been looking in the area for approximately 12 months before we closed on the property. The town home was new construction and provided many of the amenities we were looking for in a vacation, and perhaps in the future a permanent home.

In mid-December 2017 we hire a local contractor to design and build upper and lower exterior decks onto the back of the town home. We applied for a building permit and it was granted. In addition to the decks we had the contractor construct a shower enclosure around the existing exterior shower fixture which was included as part of the newly constructed town home (see attached photos). Unfortunately, we were informed by the building inspector that the shower enclosure could not be approved due to setback requirements:

- The shower should not have been built and would not have been allowed under the approved building permit due to the setback requirements:
  - That the newly constructed shower, approximately 4.0 feet wide encroaches 1.5 feet into and site yard setback – we could have a shower 2.5 foot wide, and
  - That the height of the shower (approximately 6.0 feet) needed to be reduced to 4.5 feet the level of the side yard fence.
  - An exterior shower 2.5-foot-wide and 4.5 feet high could be approved but would be inadequate and not provide sufficient privacy so we asked for an exemption.
- There are at least two other town homes of similar construction that have a build in shower at 225 3<sup>rd</sup> Avenue North Units A & B and 325 5<sup>th</sup> Avenue South Units A & B.

I look forward to discussing the Text Amendment and any suggestions or changes the Town staff may have.

If you need additional information, please let me know.

Sincerely,



Robert Lawler  
3904 Oak Ripple Ct  
Gibsonville, NC 27249  
(336) 420-2456  
[oakripple101@yahoo.com](mailto:oakripple101@yahoo.com)

cc: John Baston, Building Inspector

Rec'd TC Aug  
Fee Paid



TOWN OF KURE BEACH  
APPLICATION FORM  
Requesting text amendment to Code of Ordinances

PLEASE READ THOROUGHLY BEFORE COMPLETING  
TYPE OR PRINT ONLY PLEASE

<u>Name of Applicant</u> Robert Lawler	<u>Application No.</u> 18-03	<u>Zoning Area</u> RA-2
<u>Applicant's Phone No.</u> (336) 420-2456	<u>Date</u> 8/19/18	<u>Address of Applicant</u> 629 4th Ave. South Unit B Kure Beach 28449
<u>Name of Text to be changed</u> Control of yard/setbacks adding sub section # 5	<u>Section of Text to be changed</u> Section 19-320 adding sub section # 5	

APPLICATION FOR A TEXT AMENDMENT

CONTENT OF THE APPLICATION; FEES

Application must be received and reviewed by the Town Clerk for completeness prior to acceptance. A \$100 fee payable to Town of Kure Beach MUST accompany the application. Should the text amendment be for Chapters 15 "Subdivision" or 19 "Zoning" the petition must be reviewed by the Planning and Zoning Commission and a recommendation made by them to Town Council before Town Council may act. The Planning and Zoning Commission and/or the Town Council reserve the right to require additional information, if needed, to assure that the proposed text amendment is in accordance with all of the Town's plans and policies. The Town Council gives final approval for all text amendments to the Code of Ordinances.

GUIDE TO REVIEW PROCEDURES

Applications for a text amendment are first referred to all departments for review and comment. Should the request be for an amendment to Chapters 15 or 19, the Kure Beach Planning and Zoning Commission must also review and make a recommendation before being acted upon by the Kure Beach Town Council. Applications must be received in the office of the Town Clerk twenty (20) working days before the Planning and Zoning Commission meeting or the Town Council meeting (should Planning & Zoning involvement not be required) to allow adequate time for processing and review.

Planning and Zoning Commission meetings are held at 7:00pm in the Kure Beach Town Hall, 117 Settlers Lane, North Carolina, on the first Wednesday of each month. The Planning and Zoning Commission's recommendation regarding this application will automatically be referred to the Kure Beach Town Council. Town Council meetings are held on the third Tuesday of each month at 6:30pm at Town Hall as referenced above.

## EXISTING TEXT

### **Sec. 19-320. - Control of setbacks.**

Any structure requiring a building permit shall not be permitted in the setback area except for 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

## PROPOSED TEXT CHANGE

### **Sec. 19-320. - Control of setbacks.**

Any structure requiring a building permit shall not be permitted in the setback area except for 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
5. Provision of 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 and accessories

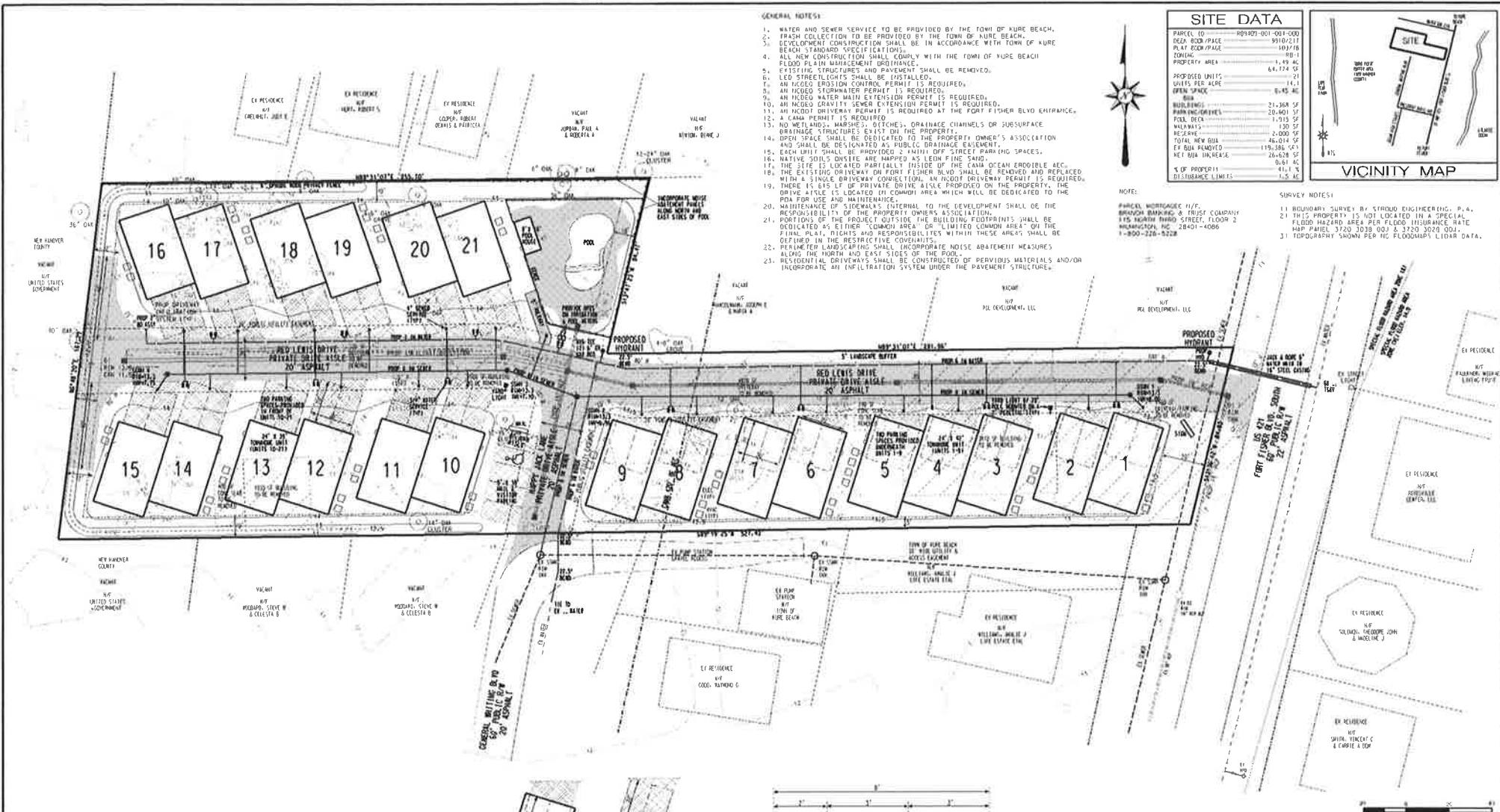


# PROPOSED NATIONAL FLOOD INSURANCE PROGRAM ORDINANCE

Per Building Inspector Batson, he did not have the data ready for the agenda packet.



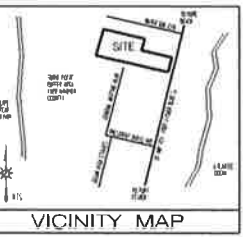
PRELIMINARY PLAT  
APPROVAL  
THE COVE AT KURE  
BEACH



- GENERAL NOTES:**
1. WATER AND SEWER SERVICE TO BE PROVIDED BY THE TOWN OF KURE BEACH.
  2. TRASH COLLECTION TO BE PROVIDED BY THE TOWN OF KURE BEACH.
  3. DEVELOPMENT CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF KURE BEACH STANDARDS SPECIFICATIONS.
  4. ALL NEW CONSTRUCTION SHALL COMPLY WITH THE TOWN OF KURE BEACH FLOOD PLAIN MANAGEMENT ORDINANCE.
  5. EXISTING STRUCTURES AND PAVEMENT SHALL BE REMOVED.
  6. LED STREET LIGHTS SHALL BE INSTALLED.
  7. AN EROSION CONTROL PERMIT IS REQUIRED.
  8. AN HOOD STORMWATER PERMIT IS REQUIRED.
  9. AN INDOOR WATER MAIN EXTENSION PERMIT IS REQUIRED.
  10. AN INDOOR GRAVITY SEWER EXTENSION PERMIT IS REQUIRED.
  11. AN HOOD DRIVEWAY PERMIT IS REQUIRED AT THE FORT FISHER BLVD ENTRANCE.
  12. A CANA PERMIT IS REQUIRED.
  13. NO WETLANDS, MARSHES, DRAINAGE CHANNELS OR SUBSURFACE DRAINAGE STRUCTURES EXIST ON THE PROPERTY.
  14. OPEN SPACE SHALL BE DEDICATED TO THE PROPERTY OWNER'S ASSOCIATION AND SHALL BE DESIGNATED AS PUBLIC DRAINAGE EASEMENT.
  15. EACH UNIT SHALL BE PROVIDED 2 MINUT OFF STREET PARKING SPACES.
  16. NATIVE SOILS DIVISE ARE MAPPED AS LEON FINE SAND.
  17. THE SITE IS LOCATED PARTIALLY INSIDE OF THE CANA OCEAN ERODIBLE REC.
  18. THE EXISTING DRIVEWAY ON FORT FISHER BLVD SHALL BE REMOVED AND REPLACED WITH A SINGLE DRIVEWAY CONNECTION. AN HOOD DRIVEWAY PERMIT IS REQUIRED.
  19. THERE IS 615 LF OF PRIVATE DRIVE AISLE PROPOSED ON THE PROPERTY. THE DRIVE AISLE IS LOCATED IN COMMON AREA WHICH WILL BE DEDICATED TO THE POA FOR USE AND MAINTENANCE.
  20. MAINTENANCE OF SIDEWALKS (INTERNAL TO THE DEVELOPMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION).
  21. PORTIONS OF THE PROJECT OUTSIDE THE BUILDING FOOTPRINTS SHALL BE DEDICATED AS EITHER "COMMON AREA" OR "LIMITED COMMON AREA" ON THE FINAL PLAN. RIGHTS AND RESPONSIBILITIES WITHIN THESE AREAS SHALL BE OBTAINED IN THE RESTRICTIVE COVENANTS.
  22. PERIMETER LANDSCAPING SHALL INCORPORATE NOISE ABATEMENT MEASURES ALONG THE NORTH AND EAST SIDES OF THE POOL.
  23. RESIDENTIAL DRIVEWAYS SHALL BE CONSTRUCTED OF PERVIOUS MATERIALS AND/OR INCORPORATE AN INFILTRATION SYSTEM UNDER THE PAVEMENT STRUCTURE.

**SITE DATA**

PARCEL TO	RD0407-001-001-000
DEA BOOK/PAGE	9910/211
PLAT BOOK/PAGE	1037/16
PROPERTY AREA	1.49 AC
ZONING	RB-1
PROPOSED UNITS	64,174 SF
UNITS PER ACRE	43.07
OPEN SPACE	11.1 AC
POOL	0.45 AC
BUILDINGS	21,368 SF
PARKING/DRIVEWAYS	20,901 SF
POOL DECK	1,915 SF
WALKWAYS	1,300 SF
REZONES	2,000 SF
TOTAL NEW BSA	46,014 SF
EX SOIL READY	119,186 GY
NET BSA INCREASE	26,628 SF
0.81 AC	81.1 %
% OF PROPERTY DISTANCE LIMITS	1.5 AC



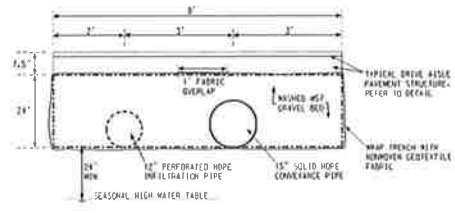
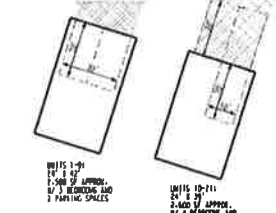
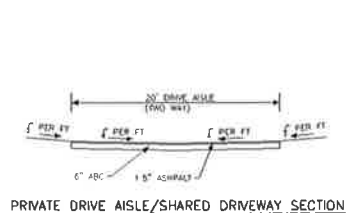
**NOTE:**

PARCEL MORTGAGE L/H/ BRANDON BANKING & TRUST COMPANY 1115 NORTON PARK DRIVE, FLOOR 2 WILMINGTON, NC 28401-4086 1-800-226-5228

- SURVEY NOTES:**
1. BOUNDARY SURVEY BY STROUD ENGINEERING, P.A.
  2. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP PANELS 3720 303B 001 & 3720 303D 001.
  3. TOPOGRAPHY SHOWN PER NC FLOODPLAIN LIDAR DATA.

**LEGEND**

PROJECT BOUNDARY	---
EX WATER MAIN	---
EX STEW DRAIN	---
PROP WATER MAIN	---
PROP STEW DRAIN	---
EX CONTOUR	---
SILT FENCE	---
DESIGNATED AREA	---
EX SOIL REMOVAL	---



PLANNED RESIDENTIAL DEVELOPMENT PRELIMINARY SITE PLAN FOR

## THE COVE AT KURE BEACH

FEDERAL POINT TOWNSHIP NEW FORT FISHER BOULEVARD SOUTH KURE BEACH KURE HAVEN COUNTY NORTH CAROLINA

DEVELOPER: CWR INVESTMENTS, LLC

ADDRESS: 2518 ROYAL PALM LANE WILMINGTON, NC 28408

PHONE: 910-297-2540

**STROUD ENGINEERING, P.A.**  
302-B COLUMBIA DRIVE WILMINGTON, NC 28403  
TEL: 910-843-8875 FAX: 910-843-8876  
E: ENGINEERING@SEI-PA.COM

DRAWN: ELSA  
SCALE: 1" = 30'  
SHEET 1 OF 1



**TOWN OF KURE BEACH  
PLANNING & ZONING COMMISSION**

**REVIEW OF THE PRELIMINARY SITE PLAN FOR  
THE PROPOSED COVE AT KURE BEACH PLANNED RESIDENTIAL DEVELOPMENT**

During its March 12, 2018 meeting, the Kure Beach Planning & Zoning Commission (“PZC”) reviewed the preliminary site plan application submitted by CWAR Investments, LLC (“Applicant”) for a planned residential development project, designated as the Cove at Kure Beach (the “Project”), to be located on Parcel ID No. R09409-001-004-000 at 858 Fort Fisher Boulevard South, Kure Beach, North Carolina (the “Property”). Having reviewed the application and the proposed preliminary site plan, and following remarks by Staff and the Applicant’s representatives, PZC makes the following findings:

1. The application is for a planned residential development under the provisions of Chapter 15, Article VI of the Town Code of Ordinances.

2. The purpose of a planned residential development, as set forth in Sec. 15-162(a), is “to provide desirable open space in commonly owned areas, tree cover, recreation area, scenic vistas, and variety in development by allowing certain variations in lot sizes and design requirements....”

3. The Project seeks to modify Chapter 15’s subdivision design requirements to: (i) provide for the proposed 21 residential units to abut on the Project’s private right-of-way; (ii) improve ingress and egress to and from the Project by first responders; (iii) provide a common/recreation area for a pool; (iv) preserve additional tree cover; and (v) result in lower density.

3. Developing the Property in conformity with Chapter 15’s design requirements would: (i) not result in all of the units abutting on the right-of-way; (ii) not improve ingress and egress to and from the Project by first responders; (iii) not provide sufficient space to construct the pool; (iv) reduce the amount of preservable tree cover; and (v) result in a higher density of 26 units.

4. In the event Chapter 15’s design requirements are not modified as applied for, the Property’s existing physical conditions would result in an unnecessary hardship to the Applicant by precluding the development of the Property in the manner proposed so as to provide the benefits set forth in Paragraph 3 above.

Based upon these findings, PZC concludes that the Project meets the purposes set forth in Sec. 15-162(a).

Based upon these findings and conclusion, PZC recommends that Town Council:

1. Approve the Project on the condition that the Applicant timely submit a proposed declaration of restrictive covenants for Town Council to consider together with the preliminary site plan.

2. Require the Applicant to incorporate the design and construction of the units' driveways into the overall design and function of the Project's stormwater infiltration system and revise the site plan to provide for the construction of a sound abatement fence on the northern and eastern sides of the pool area.

This the 12<sup>th</sup> day of March, 2018.

  
Craig Galbraith, Chair

DEPARTMENT HEAD  
COMMENTS

THE COVE AT KURE  
BEACH



## THE COVE AT KURE KURE BEACH DEPARTMENT HEAD COMMENTS WITH REPLIES FROM DEVELOPER

Submitted: 04/10/18 by John Batson

### Fire Chief

#### Water supply

1. There is only one proposed hydrant for the entire development. The Fire Department recommends a new hydrant be placed at the entrance of the development on the west side (in order to maintain access on HWY 421), at the intersection of Happy Jack Lane and General Whiting Blvd., and at the end of the development. **FD provided additional information on 4/10. See attached.**

**Reply** – The hydrant by the pool is adequate to serve the entire project, plus there is a hydrant located about 175' from the main entrance. We can add a hydrant at the entrance if it would make the town more comfortable. Adding a hydrant at the end of Red Lewis is not feasible with the 2" water main shown and would not accomplish much as it would be less than 200' from the hydrant at the pool. We could move the hydrant by the pool 30' further toward the back before we go to the 2" waterline if that helps. Also, a 6" line all the way to the back may give residents stagnant water.

2. Water supply should be placed in service prior to construction.

**Reply** – Okay, this is as planned.

#### Access

1. Although roads are private roads, they should meet DOT standards.

**Reply** – Roads meet NCDOT standards with respect to width and pavement section.

2. A turnaround needs to be placed at the end of the development as it exceeds 150 in length and goes to a dead end.

**Reply** – We will show the fire access road stopping in front of the last four units which is less than 150' from the intersection. The access road does not need a turnaround per code if it does not exceed 150'. From this point, the end of the access road is still within 150' of all points of the interior and exterior of Units 14-17. This is per code.

3. Access should be maintained throughout the construction process to provide Fire Department with access.

**Reply** – Okay, as planned.



4. Five feet setbacks in the rear could hinder Fire Department rescue/ventilation operations, depending on the height of the structure. 35' high requires ladder to be 5 ½' out. More information would be needed on the height of structures to determine if this would affect Fire Department operation. There is a town easement behind the structures that could provide that access if it remains clear.

Reply – Height will be assumed to be 35'. Five feet setback is standard in Kure Beach and is what is being done on the north side of the property by other developers, even with no clear easement.

### **Public Works Director**

1. Regarding 2" water line that dead ends, would rather see loop around and tie back into 6" on Happy Jack.

Reply – a 200 LF of 2" line serving 12 units is appropriate. Loops are preferred, but not feasible here. The large loop we are creating by connecting the huge General Whiting dead end back to Fort Fisher Blvd. will improve water quality for a lot of customers. Without additional customers drawing on the looped end, it is really just doubling up of pipe.

2. Private drive does not provide turnaround. Truck will have to back down to service 12 units. Safety is an issue.

Reply – Same as above. The road is less than what the fire code requires. There is also a very long dead end on General Whiting that we are helping to resolve. Trash truck is not an issue as management company will bring trash to single access point for pickup.

3. Plans show stormwater system that will tie into an existing basin on SFFB that discharges to the beach. Concerned that we may have to pre-treat sooner or later.

Reply – We are discharging stormwater that has been through the infiltration pre-treatment system.

### **Police Chief**

No comment

### **Administration**

No comment

### **Legal**

No issue with Declarations

### **Building Inspector**

1. P&Z did not really cover anything in Chapter 15. They heard concerns and complaints from adjoining property owners, asked the developer to make adjustments and sent to Town Council. Chapter 15 actually requires certain things to be on the plat. It should be gone through line by line.

Reply – Okay. We will make sure plat includes all items on checklist.

2. There was little discussion about the side setback on the south. It is proposed as 5' and abuts an easement held by the Town.

Reply – Correct

3. Each unit shows two parking spaces, but no artist's rendering of proposed buildings, floorplans or even square footages have been presented. This is an important part; two parking spaces only allows for three bedrooms. It is important to see what is proposed, so that Council and P&Z can visualize the full impact of this development.

Reply – Proposed buildings would be similar or almost identical to what was constructed at SeaView with the exception that lots 1-9 would have two parking spaces underneath and be limited to three bedrooms. We will add typical unit details to plat.

4. Proximity of the proposed structures to the road is extremely close. Parking for some units is shown underneath the buildings. A condition should be made that the parking under structures only be open air, with no enclosures.

5. Chapter 15 allows Planning and Zoning to modify design standards for the development with Council approval.

DECLARATIONS  
THE COVE AT KURE  
BEACH

STATE OF NORTH CAROLINA

**DECLARATION OF COVENANTS,  
CONDITIONS, & RESTRICTIONS OF  
THE COVE AT KURE BEACH**

COUNTY OF NEW HANOVER

THIS DECLARATION of Covenants, Conditions and Restrictions made this \_\_\_\_ day of \_\_\_\_\_, 2018, by CWAR Investments, LLC, a North Carolina Limited Liability Company, hereinafter referred to as "Declarant", (whether one or more);

**W I T N E S S E T H**

WHEREAS, Declarant is the owner of certain property in Kure Beach, New Hanover County, North Carolina, which is more particularly described as follows:

BEING all of Lots 1 through 21, THE COVE AT KURE BEACH and being that certain 1.49 acre tract more particularly described by a map recorded in the Registry of New Hanover County in Map Book \_\_\_\_\_ at Page \_\_\_\_\_.

WHEREAS, it is in the best interest of the Declarant and to the benefit, interest and advantage of every party hereafter acquiring any of the described property that certain covenants, conditions, easements, assessments, liens and restrictions governing and regulating the use and occupancy of the property be established; and

WHEREAS, Declarant desires to provide for the preservation of the values and amenities and the desirability and attractiveness of said property; and for the continued maintenance and operation of any recreational and/or common area.

NOW, THEREFORE, Declarant hereby submits the above described property (herein the "Property"), to ownership pursuant to North Carolina General Statutes and hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants, conditions, uses and obligations which are for the purpose of protecting the value and desirability of and which shall run with the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

**ARTICLE I.**

**DEFINITIONS**

A. Association. THE COVE AT KURE BEACH HOMEOWNER'S ASSOCIATION, INC., a North Carolina non-profit corporation, composed of

the owners of lots in the Property.

- B. Boards. The Board of Managers of the Association.
- C. By Laws. By-Laws of the Association which are recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ et seq. of the New Hanover County Registry.
- D. Common Elements. Shall be used interchangeably with "common areas" and shall mean any real estate within or appurtenant to the planned community owned or leased by the Association, other than a lot, and intended for the common use and enjoyment of the Owners, including without limitation, any private roads within the planned community.
- E. Limited Common Elements. Shall be used interchangeably with limited common areas and shall refer to all portions of the common elements which are designated for use with a particular lot.
- F. Common Expenses. The expenditure made by or financial liabilities of the Association, together with any allocations to reserves.
- G. Declarant. Declarant or "Developer" shall mean and refer to CWAR Investments, LLC, a North Carolina limited liability company, its successors and assigns.
- H. Development. Shall mean and refer to the whole of the planned residential development to be known as THE COVE, which shall consist of all the real property, which has been subdivided into lots shown on maps of THE COVE, referred to hereinabove, the common elements, plus the improvements to the common elements, as described herein.
- I. Lot. Shall mean and refer to any of the numbered lots on each map of the property within THE COVE, as is recorded in the New Hanover County Registry; with the exception of the common areas.
- J. Owner. Shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
- K. Properties. Shall mean and refer to that certain real property hereinabove described, and such phases or additions thereto as may hereafter be brought within the jurisdiction of the Association by Declarant.
- L. Special Declarant Rights. Shall mean rights reserved for the benefit of a Declarant including without limitation the right (i) to complete improvements indicated on plats and plans filed with or referred to in this Declaration; (ii) to exercise any development right reserved to the Declarant by this Declaration or

otherwise; (iii) to maintain sales offices, management offices; signs advertising the Planned Community, and models; (iv) to use easements through the common elements for the purpose of making improvements within the Planned Community or within real estate which may be added to the Planned Community; or (v) to appoint the Board of Directors of the Association or remove any officer or Executive Board member of the Association during the Declarant Control Period. So long as the Declarant owns a Lot in the development the Declarant shall have the right to transfer the above Special Declarant Rights to a third party.

## ARTICLE II.

An Owner's Association, known as THE COVE AT KURE BEACH HOMEOWNER'S ASSOCIATION shall be formed for the purpose of maintaining the common areas, drainage system, streets, and entrances to and in THE COVE. Every lot owner shall automatically become a member of the Association upon the acceptance and the recording of a Deed to any lot.

A. Formation of Association. The Association shall be incorporated no later than the date the first Lot in the Planned Community is conveyed. The Association is a nonprofit corporation organized pursuant to the Nonprofit Corporation Act of the State of North Carolina for the purpose of establishing an association for the Owners of Lots to operate and maintain the Common Elements and any Limited Common Elements in accordance with this Declaration, its Charter and Bylaws. The Association shall be empowered to perform and/or exercise those powers set forth in the Act as it may be amended from time to time, in addition to any powers and authority otherwise granted to it.

B. Membership. Every Lot Owner shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from Lot ownership.

C. Voting Rights. The Association shall have two classes of voting Membership.

*Class A.* Class A Members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot. Fractional voting with respect to any Lot is prohibited.

*Class B.* The Declarant shall be a Class B Member and shall be entitled to three (3) votes for each Lot owned. The Class B Membership shall cease and be converted to Class A Membership on the happening of any of the following events, whichever occurs earlier:



1. on December 31, 2038; or
2. upon the voluntary surrender of all Class B Membership by the holder thereof; or
3. upon the sale of all of the lots

### **ARTICLE III.**

DESCRIPTION OF LOTS. The Declarant owns the real property which Declarant has divided into nineteen (19) lots (herein "The Lots"), to be used for residential purposes. A plat of survey by showing the location of said Lots is recorded in Map Book \_\_\_\_\_, at Page \_\_\_\_\_, of the New Hanover County Registry and is incorporated herein by reference.

### **ARTICLE IV.**

A. Assessments. CREATION OF THE LIEN AND PERSONAL OBLIGATION OF ASSESSMENT: Each Owner of any Lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay the Association, except that the Declarant or holder of a Class B Membership shall not be obligated to pay annual or special assessments :

- (1) Annual assessments or charges; and
- (2) Special assessments for capital improvements, exterior maintenance and insurance in connection with common area property, such assessments to be established and collected as hereinafter provided; and a pro rata share of ad valorem taxes levied against the common area.

The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property against which each assessment is made. Each such assessment, together with interest, costs and reasonable attorney's fees, shall also be the personal obligation of the persons who were the Owner of such property at the time when the installment fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them; provided, however, such assessment shall always be a lien upon the land until paid, and no sale shall extinguish such assessment, except a foreclosures sale on a Deed of Trust in accordance with North Carolina General Statutes.

It is expressly provided, however, that in consideration of the Declarant's prior construction nor the amenities and improvements on the real estate which is to constitute the common area in this planned unit development, that the Declarant/Developer shall be exempt from and shall not have to pay assessments or special assessments on any lots owned by it within this development or any subsequent phases.

B. Purpose of Assessments. The assessments levied by the Association shall be

used exclusively to promote the recreation, health, safety and welfare of the residents in the properties, for the improvements and maintenance of the common area, and to obtain and pay for insurance where authorized or required by this document, the corporate charter, the Bylaws, Action of the Board of Directors or members of the Association.

C. The Board of Directors shall fix the amount of the annual assessment against each lot, subject to assessment, at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every owner subject thereto. The due dates shall be established by the Board of Directors and the Board of Directors shall have the authority to require the assessments to be paid in annual installments or to divide the annual assessment and have it paid in periodic installments throughout the year. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified lot have been paid and for what period.

D. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy in any assessment year, a special assessment applicable to that year only, for the purpose of defraying, in whole or part, the cost of any construction or reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two third (2/3) of the vote of each class of members who are voting in person or by proxy at a meeting duly called for this purpose. It is expressly provided, however, that in consideration of the Declarant's prior construction nor the amenities and improvements on the real estate which is to constitute the common area in this planned unit development, that the Declarant/Developer shall be exempt from and shall not have to pay assessments special assessments or special assessments for insurance on any lots owned by it within this development or any subsequent phases.

E. Special Assessments for Insurance. As an additional annual assessment, the Association shall levy against the owners of Class A Membership equally an amount sufficient to pay the annual cost of all public liability and common area insurance premiums for the Association and its members, officers, Directors and employees. The Board of Directors (or its designee) shall, on behalf of the Association, as its common expense and at all times, keep the common property insured against loss or damage by fire or other hazards normally insured against at 100% of replacement costs and other risks including public liability insurance, in such terms and in such amounts as may be reasonably necessary from time to time to protect the common property on behalf of the Association. As a part of the annual assessments the Association shall also obtain and pay for such insurance policies and bonds that the Directors of the Association deem necessary or advisable including, but not limited to, officers' and Directors' liability coverage, fidelity bonds, casualty or hazard insurance or any other insurance for the Directors and officers of the Association or otherwise. It is expressly provided, however, that in consideration of the Declarant's prior construction nor the amenities and improvements on the real estate which is to constitute the common area in this planned unit development, that the Declarant/Developer shall be exempt from and shall not have to pay assessments, special assessments or special assessments for

insurance on any lots owned by it within this development or any subsequent phases.

F. Notice and Quorum for any Action Authorized for Membership.

Written notice of any meeting called for the purpose of taking an action authorized for the membership shall be sent to all members not less than ten (10) days nor more than sixty (60) days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast sixty percent (60%) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

G. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots subject to assessment and may be collected on a monthly, annual or other basis as the Homeowners Association determines, save special assessments levied against any lot for casualty insurance as above required.

H. Effect of Non-Payment of Assessments – Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest at the rate of fourteen percent (14%) per annum. The Association may bring an action at law against the owner personally obligated to pay the same, or foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the common area or abandonment of his lot.

I. Effect of Default in Payment of Ad Valorem Taxes or Assessments for Public Improvements by Association. Upon default by the Association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the Common Area or assessments for public improvements to the Common Area, which default shall continue for a period of three (3) months, each Owner of a Lot in the development shall become personally obligated to pay to the taxing or assessing government authority a portion of such unpaid taxes or assessments in an amount determined by dividing the total taxes and/or assessments due the governmental authority by the total number of Lots in the development. If such sum is not paid by the Owner within thirty (30) days following receipt of notice of the amount due, then such sum shall become a continuing lien of the Lot of the then Owner, his heirs, devisees, personal representatives and assigns, and the taxing or assessing governmental authority may either bring an action at law or may elect to foreclose the lien against the Lot of the Owner.

J. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage upon the property. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to the foreclosure of a deed of trust or mortgage, a deed in lieu of foreclosure, or any other proceeding in lieu of foreclosure, shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale

or transfer shall relieve such Lot from liability or any assessments thereafter becoming due or from the lien thereof.

## **ARTICLE V.**

USE RESTRICTIONS. The use of the property shall be in accordance with the following provisions.

A. Each of the Lots shall be residential or residential rental purposes only. No Lot may be divided or subdivided into a smaller Lot nor any portion thereof sold or otherwise transferred.

B. The Common Elements shall be used for the purposes for which they are intended in the furnishing of services and facilities for the enjoyment of the Lots.

C. No use or practice shall be permitted on the Property which is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents. All parts of the property shall be kept in a clean and sanitary condition, and no rubbish, refuse or garbage shall be allowed to accumulate nor any fire hazard allowed to exist. No Lot Owner shall permit any use of his Lot or of the Common Elements which will increase the rate of insurance upon the Property or any part thereof. All valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction thereof shall be observed. No single rooms may be rented.

D. Reasonable regulations concerning the use of the Property may be made and amended from time to time by THE COVE AT KURE BEACH HOMEOWNER'S ASSOCIATION, INC., (hereby referred to as the "Association") in the manner provided by its By-Laws. Copies of the By-Laws and regulations are recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ et seq. of the New Hanover County Registry.

## **ARTICLE VI.**

ARCHITECTURAL CONTROL. No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

## ARTICLE VII.

EASEMENTS. Each of the Lot Owners shall have an easement in common with the other Lot Owners to use Common Elements. Each Lot shall be subject to an easement in favor of the owner of the other Lots to use all common elements serving such other Lots and located in that Lot. The Association shall have the right to be exercised by the Board of Managers or its Designee, to enter each Lot from time to time, at reasonable hours as may be necessary for the operation of the property to inspect the same, to remove violations therefrom, and to maintain, repair or replace the Common Elements, if any, contained therein.

The Declarant hereby reserves and subjects the lands which are the subject to this Declaration to an easement of use and enjoyment by the owners and occupants of the respective lots for ingress and egress to and from all of the Common Elements pertaining to SEA VIEW. Easements are also hereby created for installation, use, maintenance, repair and replacement of all necessary public utilities, including but not limited to sewer, water lines, gas, electricity, telephone and cable televisions for the use of the above described property known as THE COVE.

ADDITIONAL EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved over all Lots and easements for drainage and utilities are reserved as shown and designated on the plat of said property. No structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements.

The following easements are granted by Declarant to others:

- (1) An easement is hereby granted to all police, fire protection, ambulance and all similar persons, companies or agencies performing emergency services, to enter upon all Lots and Common Elements in the performance of their duties.
- (2) In case of any emergency originating in or threatening any Lot or Common Elements, regardless of whether any Lot Owners is present at the time of such emergency, the Association or any other person authorized by it, shall have the right to enter any Lot for the purpose of remedying or abating the causes of such emergency and making any other necessary repairs not performed by the Lot Owners, and such right of entry shall be immediate.
- (3) The Association is granted an easement over each Lot for the purposes of providing Lot maintenance.

All easements herein created and described shall be easements appurtenant to, and shall run with the land by whomsoever owned whether or not the same shall be contained or

referred to in any future deed or conveyance, and shall at all times inure to the benefit and be binding upon the undersigned, all its grantees and their respective heirs, successors, personal representatives or assigns.

#### ARTICLE VIII.

ENFORCEMENT. The Association or any Owner, shall have the right to enforce, by an proceeding at law or in equity all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

#### ARTICLE IX.

INSURANCE. Insurance coverage on the property shall be governed by the following provisions:

- (1) Ownership of Policies. All insurance policies upon the common are shall be purchased by the Association for the benefit of all the Association and the Owners.
- (2) Coverage. All building and improvements upon the land, including, but not limited to wall coverings, cabinetry, paint, floor coverings, appliances, fixtures (but not to include the unit owner's personal property) against loss or damage by fire, extended coverage, wind, flood, or other hazards normally insured against and all personal property included in the Permanent Common Open Space and facilities shall be insured in an amount equal to one hundred percent (100%) insurable replacement value as determined annually by the Association with the assistance of the insurance company providing coverage. Such coverage shall provide protection against:
  - (a) Loss or damage by fire and other hazards covered by the standard coverage endorsement, and
  - (b) Such other risks as from time to time shall be customarily covered with respect to buildings on the land, if any.
  - (c) Such policies shall contain clauses providing for waiver of subrogation.
- (3) Liability. Public liability insurance shall be secured by the Association with limits of liability of no less than One Million and No/100 Dollars (\$1,000,000.00) per occurrence and shall include an endorsement to cover liability of the Owners as a group to a single Owner. There shall also be obtained such other insurance coverage as the Association shall determine from time to time to be desirable and necessary.
- (4) Premiums. Premiums for insurance policies purchased by the Association



shall be paid by the Association and charged to the Owners as an assessment according to the provisions of Article IV above.

(5) *Proceeds.* All insurance policies purchased by the Association shall be for the benefit of the Association and the Owners and their mortgagees as their interest may appear, and shall provide that all proceeds thereof shall be payable to the Association as insurance trustees under this Declaration. The sole duty of the Association as insurance trustees shall be to receive such proceeds as are paid and to hold the same in trust for the purposes stated herein or stated in the By-Laws and for the benefit of the Owners and their mortgagees in the following shares:

- (a) Proceeds on account of damage to Permanent Common Open Space and facilities held for the Association.
- (b) In the event a mortgagee endorsement has been issued for any Lot, the share of the Owner shall be held in trust for the mortgagee and the Owner as their interests may appear.

A. Distribution of Insurance Proceeds. Proceeds of insurance policies received by the Association as insurance trustee shall be distributed to or for the benefit of the beneficial Owners in the following manner.

(1) *Expense of the Trust.* All expenses of the insurance trustees shall be first paid or provisions made therefore.

(2) *Reconstruction or Repair.* The remaining proceeds shall be paid to defray the cost of repairs. Any proceeds remaining after defraying such cost shall be distributed to the beneficial Owners as above provided.

B. Fidelity Insurance or Bond. All persons responsible for or authorized to expend funds, or otherwise deal in the assets of the Association or those held in trust, shall first be bonded by a fidelity insurer to indemnify the Association for any loss or default in the performance of their duties in an amount equal to six (6) months' assessments plus reserves accumulated.

## ARTICLE X.

NOTICE. The name and address of the process agent to receive service of process in any matters affecting the property is as follows: \_\_\_\_\_.

## ARTICLE XI.

TAXES. Each individual Lot shall be deemed to be a separate parcel and shall be separately assessed and taxed for all types of taxes authorized by law, including but not limited to special ad valorem levies and special assessments. Each Lot Owner shall be liable solely for the amount of taxes against his individual Lot and shall not be affected by

the consequence resulting from the tax delinquency of any other Lot Owner. Taxes on the common elements, if any, shall be the responsibility of the Association.

#### ARTICLE XII.

LIENS. All liens provided for herein shall be subordinate, and are hereby subordinated, to the lien of any first mortgage or deed of trust given to any lender to secure a loan, the proceeds of which are used to finance the purchase of any Lot or Lots, unless any such lien provided for herein shall been recorded in the Office of the Clerk of Superior Court of New Hanover County prior to recordation to the said first lien mortgage or deed of trust in the Office of the Register of Deeds of New Hanover County, North Carolina.

#### ARTICLE XIII.

BINDING EFFECT. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, or the Owner of any Lot subject to this Declaration, their respective legal representatives, heirs, successors and assigns.

#### ARTICLE XIV.

SUBDIVISION OF LOTS. No Lot may be subdivided, or its boundary lines changed except with the prior written consent of the DECLARANT. However, the DECLARANT hereby expressly reserves to itself, its successors and assigns, the right to re-plat any two (2) or more Lots in order to create a modified building Lot or Lots, and to take such steps as are reasonably necessary to make such re-platted Lot suitable and fit as a building site, said steps to include, but not be limited to, the relocation of easements, walkways, and right of ways to conform to the new boundaries of the re-platted Lots.

#### ARTICLE XV.

STORMWATER RESTRICTIONS. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number \_\_\_\_\_, as issued by the Division of Water Quality under NCAC 2H.1000. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the stormwater management permit. These covenants are to run with the land and be binding on all persons and parties claiming under them. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality. Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the Division of Water Quality.

The maximum allowable built-upon area is \_\_\_\_\_ square feet.

Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick,

stone, slate, coquina and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.

All runoff from the built-upon areas on the lot must drain into the permitted system. This may be accomplished through a variety of means including roof drain gutters which drain to the street, grading the lot to drain toward the street, or grading perimeter swales to collect the lot runoff and directing them into a component of the storm water system. Lots that will naturally drain into the system are not required to provide these additional measures.

#### ARTICLE XVI.

FUTURE DEVELOPMENT. Declarant herein reserves the right to annex additional real property and incorporate said real property into the Development.

#### ARTICLE XVII.

SUBSEQUENT INVALIDATION. Invalidation of any one of these covenants by judgments or court order shall in no way effect any of the other covenants herein, which shall remain in full force and effect.

#### ARTICLE XVIII.

AMENDMENT. The Declaration may be amended at any time prior to December 31, 2038 by the Declarant, at is discretion, but not to impair the property value of the Lot Owners. Thereafter, these restrictions may be amended by vote of the Owners of all of the members of the Homeowners Association, provided, however, no amendment shall be made to the last sentence of Article IX without unanimous consent of the Homeowners Association and the declarant/developer, all other amendments shall have the assent of two third (2/3) of the vote of each class of members who are voting in person or by proxy at a meeting duly called for this purpose.

#### ARTICLE XIX

Declarant Control Period. During the Declarant Control Period the Declarant shall have the following Special Declarant Rights reserved for the benefit of the Declarant including without limitation the right (i) to complete improvements indicated on plats and plans filed with or referred to in this Declaration; (ii) to exercise any development right reserved to the Declarant by this Declaration or otherwise; (iii) to maintain sales offices, management offices; signs advertising the Planned Community, and models; (iv) to use easements through the common elements for the purpose of making improvements within the Planned Community or within real estate which may be added to the Planned Community; or (v) to appoint the Board of Directors of the Association or remove any officer or Executive Board member of the Association during the Declarant Control Period. So long as the Declarant owns a Lot in the development the Declarant shall have the right to transfer the above Special

Declarant Rights to a third party.

## ARTICLE XX

**Party Walls. General Rules of Law to Apply.** Each wall which is built as a part of the original construction of the Living Units upon the Properties and placed on the dividing line between the Lots shall constitute a party wall, and to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and of liability for property damage due to negligent or willful acts or omissions shall apply thereto.

**Sharing of Repair and Maintenance.** The cost of reasonable repair and maintenance of a party wall shall be shared by the owners who make use of the wall in proportion to such use.

**Destruction by Fire or other Casualty.** If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall must restore it as a party wall unless the other Owner agrees to the contrary in advance, and the other Owners thereafter making use of the wall shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

**Weatherproofing.** Notwithstanding any other provision of this Article, an Owner who by his negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the repair of damages and the necessary protection against such elements.

## ARTICLE XXI

**Exterior Maintenance.** In addition to maintenance upon the Common Areas, the Association shall provide exterior maintenance upon each Lot and Living Unit which is subject to assessment under Article V hereof as follows: paint, repair, replace and care for roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, grass and walks. Such exterior maintenance shall not include doors, windows, window screens, door and window frames, rear decks, roof skylights or glass surfaces.

IN WITNESS WHEREOF, Declarants have hereunto set their hands and seals, all the day and years first above written.

DECLARANT.

CWAR Investments, LLC

By: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, \_\_\_\_\_, a Notary Public, do hereby certify that  
\_\_\_\_\_ personally appeared before me this day and acknowledged that  
he is a Member/Manager of CWAR Investments, LLC, a North Carolina Limited Liability  
Company and as the act of CWAR Investments, LLC, he signed the foregoing instrument in its  
name on its behalf as its act and deed.

Witness my hand or official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

# P & Z APRIL MINUTES





**KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MARCH 12, 2018**

The Kure Beach Planning and Zoning Commission held their regular meeting on **Tuesday, April 4, 2018**. A quorum of commission members was present.

**P&Z MEMBERS PRESENT**

Chair Craig Galbraith  
Vice Chair Bill Moore  
Member Kenneth Richardson  
Member John Cawthorne  
Alternate Member Robert Young

**P&Z MEMBERS ABSENT**

Member Retha Deaton

**STAFF PRESENT**

John Batson – Building Inspections  
Kathleen Zielinski – Secretary

Councilman Joseph Whitley, Liaison  
Attorney James E. Eldridge

**1. CALL TO ORDER**

Chairman Galbraith called the meeting to order at 7:00 p.m.

**2. APPROVAL OF AGENDA**

**MOTION** – Member Moore moved to place Item a. under New Business to Item a. under Old Business to accommodate the applicant for the text amendment, Mr. Lawler.

**SECOND** – Member Richardson

**VOTE** – Unanimous

**MOTION** – Member Richardson moved to approve the agenda as amended

**SECOND** – Member Moore

**VOTE** – Unanimous

**3. APPROVAL OF MEETING MINUTES – March 12, 2018**

**MOTION** – Member Richardson moved to approve the minutes from the March 12, 2018 meeting as submitted

**4. PUBLIC COMMENTS**

None

**5. OLD BUSINESS**

- a. Consideration of proposed text amendment from Robert Lawler concerning 629-B Fourth Avenue.

Inspector Batson introduced a text amendment application regarding Sec. 19-320, which regulates what is allowed within side, rear and front setbacks. He explained that the applicant, Mr. Lawler, was in the process of installing two decks on his home when Mr. Batson noticed he also had a shower enclosure installed which appeared to be encroaching into the side setback by about 18". After hearing his options for ameliorating the situation, Mr. Lawler chose to submit his application for a text amendment that, if approved, would bring his shower enclosure into compliance.

Mr. Lawler then stood to address the commission, starting with some background about his purchase of the house to include his inquisition about enclosing the outdoor shower that was already installed. He was informed by the contractor that the shower could be enclosed and there was no mention of any restrictions when he discussed it with the seller during the purchase proceedings. He said the outdoor shower was a selling point for him when considering his new home purchase, but upon investigation by Mr. Batson, he became aware that the shower should not have been installed in that location if it was to be enclosed at a future date.

Mr. Lawler's text amendment application addresses the fact that the shower was approved during the permitting process. He has noticed similar showers on nearby homes, but they are in the rear of the house where there is more space allowed outside of the setback. Mr. Lawler's faucet and shower would be useless to him and his wife if it could not be enclosed similar to the other showers in his vicinity.

Chairman Galbraith then asked the commissioners if they had any questions to which Member Richardson inquired if a builder should get a permit in a situation like this. Inspector Batson said that, while he gets requests frequently, this would not be approved for a permit. He considers the enclosures as fences, which are permitted in the setbacks, but the problem here is that the enclosure is on the side of the house where fence height is limited to four feet. If the enclosure was in the rear of the house, it could be built up to six feet high to be in compliance with the new fence height ordinance. However, in Mr. Lawler's case, there is no location in the rear of the house where an enclosed shower can fit. Mr. Lawler then distributed photos with measurements to elucidate his argument.

Several considerations were offered in the ensuing deliberation including:

- The definition of a structure
- What constitutes a temporary structure?
- Would furniture be permitted in a setback? (Yes)
- Some people require a shower enclosure for privacy, others do not see the need
- Emergency service personnel must have room between houses for access
- Tools are available to easily tear down a shower enclosure if needed
- Text amendments affect every property in town
- Request for a variance may be considered
- Creative design may be available for a temporary structure to enclose the shower

Chairman Galbraith then asked for a motion on the text amendment proposal.

**MOTION** –Member Moore moved that the commission not approve the submitted text amendment application

**SECOND** – Chairman Galbraith

**VOTE** - Unanimous

Attorney Eldridge distributed a consistency statement that he had drafted for the commission to send to council stating that the proposed text amendment is not consistent with Part 3, Section 2.B of the town's Land Use Plan.

**MOTION** – Member Moore moved to submit said Consistency Statement to council

**SECOND** – Member Cawthorne

**VOTE**– Unanimous

Mr. Lawler expressed his intention to follow up with Inspector Batson before moving forward with his proposal to council.

b. Report and recommendation for council regarding The Cove at Kure Beach

Attorney Eldridge prepared a document, as requested by the commission at their previous meeting, to recommend council approve the planned residential development on the condition that a declaration of covenants be included with site plan, driveways be incorporated into stormwater plan and a sound abatement fence be installed on the north and east sides of the pool area.

c. Text Amendments to Chapter 10, Article VI (Parking Regulations)

Member Richardson reported that he, Chief Bowden, Commissioner Whitley and Attorney Eldridge had met on several occasions to work on tightening up the rules on parking with a strong emphasis on safety. Some streets throughout the town are very narrow, parking can be a problem when it comes to emergency vehicles and traffic is an issue. They took a reasonable approach to tighten up current rules and bring town parking regulations up to that other beach towns. He added that Attorney Eldridge went through changing authorities, with a much stronger emphasis on safety.

Commissioner Whitley stated that this is a work in progress. The team is hopeful to have changes approved at the May council meeting so they will be in effect in time to go through the summer to see what works and doesn't. He said that Chief Bowden took the opportunity of the busy Easter weekend to start enforcement of rules already in place to give a good indication that change is coming. These changes are necessary for safety and aesthetic reasons, especially when looking toward the future with expanded development occurring over the bridge. Mr. Whitley also wanted to state for the record that many people said they would attend this meeting, but no one is here. The plan is to bring the recommendations to council in April for a public hearing in May, get feedback after the summer and review again in October. This is a start and a work in progress. Some people may not be happy, but we have to move forward.

Attorney Eldridge offered that there is nothing new substantively in the proposed amendments and summarized some of the issues that were discussed, which include:

- Ruled out paid and permit based parking policies. They will be addressed in the future. Focus is more on day-to-day issues.
- Current provisions are reorganized and grouped, being specific about the actions that were being regulated as accomplished by the definitions.

- Public right of way – not only the road but also land adjacent on either side. Some neighborhood streets setback amendments provide that you can park in your front yard setback.
- Enforcement was mentioned here and there with ambiguity – moved it up front with the provision on towing.
- Provide for no parking, restricted parking, commercial parking, etc.
- Passenger vehicle definition will include golf carts.
- Combined towing and impoundment – controlled by four or five detailed statutes.
- No overnight parking except in designated parking spaces
- Town property – 24-hour maximum
- Definitions provided
- Only passenger vehicles in designated spaces
- Moved enforcement up front so operators are aware to foster compliance

Debbie Leonard of 226 Fourth Avenue South rose to inquire if these changes will help those who have driveways onto I Avenue. She also asked if designated parking spaces and signage will be incorporated, and if this will help with big trucks to which she was given affirmative response. She expressed her frustration with Carolina Beach residents who come to Kure Beach for free parking but do not spend a dime while they are here and leave their litter everywhere. She thanked the members of the committee for their efforts.

Member Richardson went on to say that this is to be considered an experiment for the summer and will be revisited in October. Short-term rental parking and RV regulations will be addressed as part of step two.

Commissioner Whitley informed the group that council is considering a pamphlet of information to help educate the public.

**MOTION** – Member Richardson moved to send the text amendments to council with a positive recommendation

**SECOND** – Member Moore

**VOTE** - Unanimous

## 6. NEW BUSINESS

### a. Flood Damage Prevention Ordinance summary of changes

Inspector Batson provided the commission members with copies of a summary of changes to the Flood Damage Prevention Ordinance, which regulates construction in Special Flood Hazard Areas and influences flood insurance rates. Kure Beach began participating in the National Flood Insurance Program (NFIP) in 1982. As of May 31, 2017 Kure Beach residents had 939 policies with \$250,000,000 in coverage. The town enrolled in the Community Rating System as part of NFIP in May of 2015. By doing so, and holding a Class 8 rating, residents save approximately \$30,000 a year. If these ordinance changes are not accepted by August 28 the town risks probation with the NFIP, which would render all existing policies useless. Insurance rates and premiums will not change until August 28.

According to the FIRM flood maps, Kure Beach has two flood zones. The V zone, defined as being prone to experience wave action of at least three feet, encompasses 125 properties requiring flood insurance and the A zone, with waves under three feet, contains 255. When the new flood maps are adopted later this year 133 properties will be in the V zone and only 13 will remain in the A zone. The majority of properties will be better off, except for those that are oceanfront.

Mr. Batson went on to explain that while most of the new ordinances cannot be changed, there is some wording that is optional. He then reviewed the different options with the commission and informed them of his recommendations as to which portions he will suggest Town Council accept or reject. A public hearing will be held prior to adoption of the changes

During the discussion, it was noted that accepting or rejecting the optional wording can have an effect on both the insurance premiums and the property values and will involve potential tradeoffs for each.

- b. Special use permits (SUP) and conditional use permits (CUP)

**MOTION** – Member Richardson moved to table the discussion on special use and conditional use permits to the next meeting

**SECOND** – Member Moore

**VOTE** - Unanimous

## 7. MEMBER ITEMS

Next meeting will be held May 2

## 8. ADJOURNMENT

**MOTION** – Member Richardson moved to adjourn the meeting

**SECOND** – Member Cawthorne

**VOTE** – Unanimous

Meeting was adjourned at 8:47 p.m.

---

Craig Galbraith, Chairman  
Planning and Zoning Commission

---

Kathleen Zielinski, Secretary

NOTE: These minutes reflect items considered and actions taken by the Planning & Zoning Committee and should not be considered a transcript of the meeting.

# DEPARTMENT HEAD REPORTS



# KURE BEACH FIRE DEPARTMENT

## FIRE CHIEF'S REPORT MARCH, 2018

DATE	PURPOSE
03/02/18	MUTUAL AID CBFD
03/02/18	ASSIST PUBLIC
03/03/12	ASSIST PUBLIC
03/03/18	EMS
03/04/18	EMS
03/05/18	MUTUAL AID CBFD
03/06/18	OUTSIDE FIRE
03/07/18	ASSIST PUBLIC
03/08/18	MUTUAL AID CBFD
03/08/18	EMS
03/09/18	FALSE ALARM
03/09/18	2 ASSIST PUBLIC
03/10/18	MUTUAL AID CBFD
03/19/18	EMS
03/19/18	FLARE SIGHTING
03/20/18	EMS
03/21/18	EMS
03/24/18	EMS
03/24/18	MUTUAL AID CBFD
03/25/18	ASSIST PUBLIC
03/27/18	EMS
03/28/18	FALSE ALARM
03/30/18	EMS
03/30/18	2 FALSE ALARM
03/30/18	MUTUAL AID CBFD

All equipment checked and found to be in working order

Ed Kennedy  
Chief

Kure Beach Inspections Dept.-All Permits Issue Date: 3/1/2018 - 3/31/2018

PermitNo	Issue Date	Applicant	Owner	Project Addr	Est Cost	Fee	Description	Final
<b>Building</b>								
180026	3/1/2018	OCEAN DUNES H O A INC,	OCEAN DUNES H O A INC,	1 NEPTUNE PL	\$1,200	\$50.00	Water damage unit 2104-	
180030	3/12/2018	LIPPARD, JAMES MARTIN	LIPPARD, JAMES MARTIN	125 THIRD AVE S	\$5,200	\$25.00	New shed	
<b>Total 2</b>					<b>\$6,400</b>	<b>\$75.00</b>		
<b>R-2</b>								
180025	3/1/2018	OCEAN DUNES H O A INC,	OCEAN DUNES H O A INC,	1 NEPTUNE PL	\$2,000	\$50.00	water damage units 2302	
180027	3/1/2018	Laird Flourney,	OCEAN DUNES H O A INC,	1 NEPTUNE PL	\$500	\$25.00	Water damage unit 305 c	
180034	3/13/2018	RIGGINS HOA INC,	RIGGINS HOA INC,	1437 FORT FISHER BLV S	\$313,000	\$1,715.00	Building 1&4 Foundation	
<b>Total R-2 3</b>					<b>\$315,500</b>	<b>\$1,790.00</b>		
<b>R-3</b>								
180028	3/8/2018	FARTHING, HAL B II GINA M	FARTHING, HAL B II GINA M	1220 N FORT FISHER BLV	\$36,000	\$600.00	New Pool	
180029	3/8/2018	FRANCIS, JOSEPH AND SHERRI	FRANCIS, JOSEPH AND SHERRI	429 S FORT FISHER BLV	\$1,100,000	\$13,052.00	New SFD	
180031	3/12/2018	MAYHEW, BELINDA MARSHALL	MAYHEW, BELINDA MARSHALL	506 FOURTH AVE S	\$257,500	\$9,237.00	New SFD	
180032	3/12/2018	CLAYTON, ROD	CLAYTON, ROD	109 LEEWARD CT	\$18,000	\$200.00	General Renovations	
180033	3/12/2018	FIRESTONE, GREGORY	FIRESTONE, GREGORY	800 MISSISSIPPI AVE	\$4,500	\$100.00	renovation	
180035	3/13/2018	FRANTZ, CHRISTOPHER J MARTINA DOY	FRANTZ, CHRISTOPHER J MARTINA DOY	1713 SWORDFISH LN	\$100,000	\$650.00	renovation	
180036	3/15/2018	TIFFIN, CHARLES M SHANNAN M	TIFFIN, CHARLES M SHANNAN M	309 F AVE	\$75,000	\$525.00	renovation	
180037	3/15/2018	POOLE, JOSEPH W ETAL	POOLE, JOSEPH W ETAL	606 S FORT FISHER BLV	\$9,500	\$150.00	Add heated space	
180039	3/20/2018	BEERMAN, KEVIN R JUTTA A	BEERMAN, KEVIN R JUTTA A	144 SEAWATCH WAY	\$950	\$50.00	Enclose bottom	
180040	3/20/2018	RGL DEVELOPMENT, John Rimer	RGL DEVELOPMENT, John Rimer	848 S FORT FISHER BLV	\$155,000	\$8,727.00	New townhome UNIT A	
180041	3/20/2018	RGL DEVELOPMENT, John Rimer	RGL DEVELOPMENT, John Rimer	848 S FORT FISHER BLV	\$155,000	\$4,727.00	New townhome UNIT B	
180042	3/20/2018	RGL DEVELOPMENT, John Rimer	RGL DEVELOPMENT, John Rimer	848 S FORT FISHER BLV	\$206,000	\$4,982.00	New townhome UNIT C	
180043	3/20/2018	RGL DEVELOPMENT, John Rimer	RGL DEVELOPMENT, John Rimer	848 S FORT FISHER BLV	\$206,000	\$8,982.00	New townhome UNIT D	
180044	3/21/2018	NELSON, JANET J KENNETH W	NELSON, JANET J KENNETH W	309 G AVE	\$528,660	\$3,000.00	New SFD	
180048	3/26/2018	SMITH PETER F REV TRUST,	SMITH PETER F REV TRUST,	233 ATLANTIC AVE	\$3,000	\$25.00	New shed	
180049	3/27/2018	MEDLIN, KAREN S	MEDLIN, KAREN S	1701 SNAPPER LN	\$34,000	\$300.00	New addition	
180050	3/27/2018	SPIEGEL, ROBERT L CATHLEEN N	SPIEGEL, ROBERT L CATHLEEN N	630 SLOOP POINTE LN	\$19,644	\$250.00	renovation	
180051	3/28/2018	GH PROPERTIES,	GH PROPERTIES,	237 ATLANTIC AVE	\$525,000	\$10,577.00	New SFD	
<b>Total R-3 18</b>					<b>\$3,433,754</b>	<b>\$66,134.00</b>		
<b>U</b>								
180045	3/21/2018	SHANK, EDWARD J CAROLYN S	SHANK, EDWARD J CAROLYN S	514 FOURTH AVE S	\$3,573	\$25.00	New shed	
<b>Total U 1</b>					<b>\$3,573</b>	<b>\$25.00</b>		
<b>Total Building 24</b>					<b>\$3,759,227</b>	<b>\$68,024.00</b>		
<b>CAMA</b>								
KB18-03	3/2/2018	KING, ROBERT S	KING, ROBERT S	237 ATLANTIC AVE	\$0	\$100.00	construction of single fa	
KB18-05	3/6/2018	RGL Development, Jon Rimer	LEWIS, DEANNA	848 S FORT FISHER BLV	\$0	\$100.00	Four-unlt townhouse proj	

PermitNo	Issue Date	Applicant	Owner	Project Addr	Est Cost	Fee	Description	Final
<b>CAMA</b>								
KB18-04	3/8/2018	ATKIN, RICHARD W J CINDY A	ATKIN, RICHARD W J CINDY A	857 S FORT FISHER BLV	\$0	\$100.00	Residential renovations	
<b>Total 3</b>					\$0	\$300.00		
<b>Total CAMA 3</b>					\$0	\$300.00		
<b>Demolition</b>								
180038	3/14/2018	NELSON, JANET J KENNETH W	NELSON, JANET J KENNETH W	309 G AVE	\$0	\$150.00	demo existing building	
<b>Total 1</b>					\$0	\$150.00		
<b>Total Demolition 1</b>					\$0	\$150.00		
<b>Fence</b>								
180006	3/2/2018	MANN, ALVIS E	MANN, ALVIS E	137 ATLANTIC AVE	\$0	\$25.00	3' fence	
180007	3/7/2018	MAGUIRE, JOHN P WENDY L	MAGUIRE, JOHN P WENDY L	201 S FORT FISHER BLV	\$0	\$25.00	New 4 and 6' fence	
<b>Total 2</b>					\$0	\$50.00		
<b>R-3</b>								
180008	3/12/2018	MELVIN, PATRICK S	MELVIN, PATRICK S	110 S THIRD AVE	\$0	\$25.00	New fence	
180009	3/22/2018	WOODARD, STEVE W CELESTA B	WOODARD, STEVE W CELESTA B	908 GENERAL WHITING BLV	\$0	\$25.00	New 5' fence	
<b>Total R-3 2</b>					\$0	\$50.00		
<b>Total Fence 4</b>					\$0	\$100.00		
<b>Landscape</b>								
180007	3/8/2018	MARCINOWSKI, KATHY	MARCINOWSKI, KATHY	217 SIXTH AVE S	\$0	\$25.00		
<b>Total 1</b>					\$0	\$25.00		
<b>Total Landscape 1</b>					\$0	\$25.00		
<b>Total Permits: 33</b>					<b>\$3,759,227</b>	<b>\$68,599.00</b>		

**TOWN OF KURE BEACH  
REVENUE AND EXPENDITURE SUMMARY  
JULY 1, 2017 TO APRIL 12, 2018**

	<b>REVENUES</b>					<b>EXPENDITURES</b>			
	2018 Initial Bud.	2018 Amend. Bud.	Actual 4/12/2018	% Collected		2018 Initial Bud.	2018 Amend. Bud.	Actual 4/12/2018	% Spent
<b>GENERAL FUND</b>					<b>GENERAL FUND</b>				
Property Taxes (Cur. & PY)	\$ 2,491,300	\$ 2,491,300	\$ 2,486,741	99.8%	Governing Body	\$ 38,505	\$ 38,505	\$ 31,921	82.9%
Local Option Sales Tax	\$ 850,075	\$ 850,075	\$ 663,682	78.1%	Committees	\$ 120,010	\$ 120,010	\$ 13,802	11.5%
Garbage & Recycling	\$ 382,350	\$ 382,350	\$ 297,313	77.8%	Finance	\$ 150,786	\$ 150,786	\$ 97,931	64.9%
Franchise & Utility Tax	\$ 234,500	\$ 234,500	\$ 169,146	72.1%	Administration	\$ 407,848	\$ 583,848	\$ 453,067	77.6%
TDA Funds	\$ 205,650	\$ 205,650	\$ 240,611	117.0%	Community Center	\$ 23,300	\$ 23,300	\$ 13,359	57.3%
CAMA Grants - Beach Access Paving	\$ 89,332	\$ 89,332	\$ -	0.0%	Emergency Mgmt./Elections	\$ 3,100	\$ 3,100	\$ 2,655	85.6%
Communication Tower Rent	\$ 79,125	\$ 79,125	\$ 66,125	83.6%	Tax Collections	\$ 27,000	\$ 27,000	\$ 24,331	90.1%
Bldg. Permit & Fire Inspect. Fees	\$ 59,300	\$ 59,300	\$ 78,280	132.0%	Legal	\$ 28,950	\$ 28,950	\$ 20,046	69.2%
Sales Tax Refund	\$ 54,000	\$ 54,000	\$ 57,479	106.4%	Police Department	\$ 1,308,960	\$ 1,315,160	\$ 964,644	73.3%
Com Ctr/Parks & Rec/St Festival	\$ 20,500	\$ 20,500	\$ 14,668	71.6%	Fire Department	\$ 701,867	\$ 695,667	\$ 510,697	73.4%
Motor Vehicle License Tax/Decals	\$ 15,000	\$ 15,000	\$ 18,025	120.2%	Lifeguards	\$ 196,850	\$ 196,850	\$ 98,717	50.1%
Town Facility Rentals	\$ 15,000	\$ 15,000	\$ 16,108	107.4%	Parks & Recreation	\$ 146,027	\$ 146,027	\$ 91,280	62.5%
ABC Revenue	\$ 14,600	\$ 14,600	\$ 14,216	97.4%	Bldg Inspection/Code Enforcement	\$ 135,201	\$ 135,201	\$ 100,753	74.5%
OFP - Bluefish Purchases	\$ 11,000	\$ 11,000	\$ 8,065	73.3%	Streets & Sanitation	\$ 863,848	\$ 863,848	\$ 602,671	69.8%
Beer & Wine Tax	\$ 9,500	\$ 9,500	\$ -	0.0%	Debt Service	\$ 360,615	\$ 564,042	\$ 324,784	57.6%
All Other Revenues	\$ 6,185	\$ 466,571	\$ 20,257	4.3%	Transfer to Other Funds	\$ 46,450	\$ 127,409	\$ 127,409	100.0%
Other Financing Sources	\$ 70,000	\$ 70,000	\$ 31,668	45.2%	Contingency	\$ 48,100	\$ 48,100	\$ -	0.0%
<b>Total Revenues</b>	<b>\$ 4,607,417</b>	<b>\$ 5,067,803</b>	<b>\$ 4,182,384</b>	<b>82.5%</b>	<b>Total Expenses</b>	<b>\$ 4,607,417</b>	<b>\$ 5,067,803</b>	<b>\$ 3,478,067</b>	<b>68.6%</b>
<b>WATER &amp; SEWER FUND</b>					<b>WATER &amp; SEWER FUND</b>				
Water Charges	\$ 805,000	\$ 805,000	\$ 565,721	70.3%	Governing Body	\$ 17,505	\$ 17,505	\$ 13,418	76.7%
Sewer Charges	\$ 1,155,000	\$ 1,155,000	\$ 796,327	68.9%	Legal	\$ 28,950	\$ 28,950	\$ 20,046	69.2%
Tap, Connect & Reconnect Fees	\$ 37,200	\$ 37,200	\$ 72,620	195.2%	Finance	\$ 186,200	\$ 186,200	\$ 146,523	78.7%
All Other Revenues	\$ 8,455	\$ 8,455	\$ 8,907	105.3%	Administration	\$ 260,170	\$ 260,170	\$ 196,458	75.5%
Other Financing Sources	\$ 145,000	\$ 145,000	\$ 31,958	22.0%	Operations	\$ 1,657,830	\$ 1,657,830	\$ 1,043,793	63.0%
<b>Total Revenues</b>	<b>\$ 2,150,655</b>	<b>\$ 2,150,655</b>	<b>\$ 1,475,533</b>	<b>68.6%</b>	<b>Total Expenses</b>	<b>\$ 2,150,655</b>	<b>\$ 2,150,655</b>	<b>\$ 1,420,238</b>	<b>66.0%</b>
<b>STORM WATER FUND</b>					<b>STORM WATER FUND</b>				
<b>Total Revenues</b>	<b>\$ 630,094</b>	<b>\$ 630,094</b>	<b>\$ 276,413</b>	<b>43.9%</b>	<b>Total Expenses</b>	<b>\$ 630,094</b>	<b>\$ 630,094</b>	<b>\$ 470,728</b>	<b>74.7%</b>
<b>POWELL BILL FUND</b>					<b>POWELL BILL FUND</b>				
<b>Total Revenues</b>	<b>\$ 65,070</b>	<b>\$ 65,070</b>	<b>\$ 65,481</b>	<b>100.6%</b>	<b>Total Expenses</b>	<b>\$ 65,070</b>	<b>\$ 65,070</b>	<b>\$ 2,044</b>	<b>3.1%</b>
<b>SEWER EXPANSION RESERVE FUND (SERF)</b>					<b>SEWER EXPANSION RESERVE FUND (SERF)</b>				
<b>Total Revenues</b>	<b>\$ 30,330</b>	<b>\$ 30,330</b>	<b>\$ 7,127</b>	<b>23.5%</b>	<b>Total Expenses</b>	<b>\$ 30,330</b>	<b>\$ 30,330</b>	<b>\$ -</b>	<b>0.0%</b>
<b>BEACH PROTECTION FUND</b>					<b>BEACH PROTECTION FUND</b>				
<b>Total Revenues</b>	<b>\$ 47,090</b>	<b>\$ 47,090</b>	<b>\$ 47,753</b>	<b>101.4%</b>	<b>Total Expenses</b>	<b>\$ 47,090</b>	<b>\$ 47,090</b>	<b>\$ -</b>	<b>0.0%</b>
<b>FEDERAL ASSET FORFEITURE FUND</b>					<b>FEDERAL ASSET FORFEITURE FUND</b>				
<b>Total Revenues</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ -</b>	<b>0.0%</b>	<b>Total Expenses</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 18,154</b>	<b>36.3%</b>

**TOWN OF KURE BEACH  
CASH AND INVESTMENTS  
AS OF MARCH 31, 2018**

<u>FUND</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>	<u>TOTAL CASH &amp; INVESTMENTS</u>
General	\$3,072,328	\$345,243	\$3,417,571
Water/Sewer	\$1,472,386	\$590,694	\$2,063,080
Storm Water	\$19,260	\$242,712	\$261,972
SERF	\$30,714	\$122,223	\$152,937
Powell Bill	\$283,994	\$70,214	\$354,208
Beach Protection	\$33,090	\$302,297	\$335,387
Federal Asset Forfeiture	\$55,325	\$0	\$55,325
Capital Project Funds	\$447,427	\$0	\$447,427
TOTAL	<u>\$5,414,524</u>	<u>\$1,673,383</u>	<u>\$7,087,907</u>

<u>INSTITUTION</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>
BB&T	\$5,414,524	\$0
First Bank - Certificates of Deposit	\$0	\$914,619
NCCMT Term Portfolio	\$0	\$543,928
NCCMT Governmental Portfolio	\$0	\$214,836
TOTAL	<u>\$5,414,524</u>	<u>\$1,673,383</u>

**TOWN OF KURE BEACH  
SUMMARY OF CONTINGENCY FUND AND COMMITTEE  
EXPENDITURE ACTIVITY  
07/01/2017 - 04/12/2018**

**CONTINGENCY FUND**

Fiscal Year 2018 Budget	\$48,100.00
Less:	
No activity	<u>\$0.00</u>
Remaining Budget as of 04/12/2018	<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	\$718.60
Beach Access Signage	\$3,835.00
E & I Ave. Beach Access Parking - Design & Engineering - Capital Project	\$2,000.00
E & I Ave. Beach Access Parking - Deposit on Lighting - Capital Project	<u>\$7,248.00</u>
Total Expenditures	\$13,801.60
Projects Approved By Council But Not Yet Expended:	
E & I Ave. Beach Access Parking Project - Capital Project	\$105,462.00
Total Approved, Not Expended	<u>\$105,462.00</u>
Remaining Budget as of 04/12/2018	<u><u>\$746.40</u></u>



**TOWN OF KURE BEACH  
DEBT LISTING  
APRIL 19, 2018**

LOAN PURPOSE/DESCRIPTION	FUND	LENDER	DATE OF LOAN	AMOUNT FINANCED	INTEREST RATE	LOAN TERM (YRS)	DATE PAID OFF	BALANCE AT 4/19/18	PAYMENT FREQUENCY	PAYMENT AMOUNT	NEXT PAY DATE	INT. EXPENSE LIFE OF LOAN
Fire Station/Town Hall Project (a)	G, W/S	BB&T	12/11/2017	\$5,000,000	2.58%	15	12/11/2032	\$5,000,000.00	Semi-annual	\$231,166.67	6/11/2018	\$999,750.00
Sewer Rehabilitation Project (b)	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	\$649,038.55	Annual	\$92,682.71	12/19/2018	\$690,135.16
Kure Beach Pump Station #1	W/S	1st Bank	6/28/2017	\$475,000	2.11%	10	6/28/2027	\$453,587.13	Semi-annual	\$26,507.64	6/28/2018	\$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	\$286,629.79	Annual	\$48,084.20	3/12/2019	\$56,077.07
Water Tower & Well House & Town Hall Expansion (c)	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 (d)	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	\$8,312.14	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	\$38,303.62	8/23/2018	\$9,270.57
Compact Excavator (d)	W/S, SW	1st Bank	7/28/2017	\$63,915	1.80%	4	7/28/2021	\$63,915.00	Annual	\$16,714.37	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	\$16,524.00	11/9/2018	\$2,560.16
O'Brien 7065 Hydrojetter (d)	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	\$165,190.02	Monthly	\$6,677.76	5/23/2018	\$326,995.49
FY 2016 Equipment & Vehicles (e)	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	\$12,485.40	Annual	\$12,758.83	3/27/2019	\$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	\$24,521.80	Annual	\$24,719.00	6/17/2018	\$6,595.00

**FUND CODES**

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

**TOTAL OUTSTANDING DEBT AT 4/19/2018:**

General Fund	\$ 5,997,234.97
Water/Sewer Fund	\$ 1,676,911.83
Storm Water Fund	\$ 264,499.50
Total	<u>\$ 7,938,646.29</u>

**NOTES**

- (a) - 88% of loan is General Fund and 12% is Water/Sewer Fund.  
(b) - Total amount borrowed was \$432,660. As part of ARRA, the unpaid balance was immediately reduced by one-half of the loan amount.  
(c) - 78% of loan is Water/Sewer Fund and 22% is General Fund.  
(d) - 50% of loan is Water/Sewer Fund and 50% is Storm Water Fund.  
(e) - 55.5% of loan is General Fund and 44.5% is Water/Sewer Fund.

**LOAN PAYMENTS DUE (Next 12 Months):**

04/20/2018 - 06/30/2018	\$ 359,021.26
07/01/2018 - 09/30/2018	\$ 180,922.57
10/01/2018 - 12/31/2018	\$ 456,509.95
01/01/2019 - 04/19/2019	\$ 87,554.07
Total	<u>\$ 1,084,007.85</u>

**TOWN HALL RENOVATION AND NEW FIRE STATION  
CAPITAL PROJECT FUND SUMMARY  
AS OF 04/12/2018**

	<u>APPROVED BUDGET</u>	<u>ACTUAL AS OF 04/12/18</u>
<b><u>EXPENDITURES</u></b>		
<b><u>ARCHITECT</u></b>		
Oakley Collier Architects	<u>\$415,257</u>	<u>\$371,497.58</u>
<b><u>OTHER PROJECT COSTS</u></b>		
Surveys	\$6,500	\$4,200.00
Legal Fees	\$25,000	\$21,872.93
LGC Loan Application Fee	\$1,250	\$1,250.00
Bank Loan Fees	\$2,900	\$2,900.00
Special Inspections	\$16,000	\$2,024.70
Other	<u>\$500</u>	<u>\$150.00</u>
Total Other Project Costs	<u>\$52,150</u>	<u>\$32,397.63</u>
<b><u>PROJECT MANAGEMENT COSTS</u></b>		
Constructive Building Solutions	<u>\$100,000</u>	<u>\$39,012.80</u>
<b><u>CONSTRUCTION</u></b>		
Town Hall	\$2,448,843	\$277,210.19
Fire Station	<u>\$2,177,809</u>	<u>\$230,570.19</u>
Total Construction Costs	<u>\$4,626,652</u>	<u>\$507,780.38</u>
<b><u>FURNITURE &amp; FIXTURES</u></b>		
Town Hall	\$47,500	\$0.00
Fire Station	<u>\$89,400</u>	<u>\$0.00</u>
Total Furniture & Fixtures	<u>\$136,900</u>	<u>\$0.00</u>
<b><u>GRAND TOTAL EXPENDITURES</u></b>	<b><u>\$5,330,959</u></b>	<b><u>\$950,688.39</u></b>
<b><u>PROJECT REVENUE SOURCES</u></b>		
Transfer From General Fund	\$330,959	\$330,959.00
Installment Financing	\$5,000,000	\$5,000,000.00
Interest on Project Fund Bank Account	<u>\$0</u>	<u>\$142.74</u>
<b><u>GRAND TOTAL PROJECT REVENUE SOURCES</u></b>	<b><u>\$5,330,959</u></b>	<b><u>\$5,331,101.74</u></b>

**TOWN OF KURE BEACH  
KURE BEACH PUMP STATION #1  
CAPITAL PROJECT FUND SUMMARY  
AS OF 04/12/2018  
PROJECT COMPLETED**

	<u>APPROVED BUDGET</u>	<u>ACTUAL AS OF 04/12/18</u>
<b><u>EXPENDITURES</u></b>		
<b><u>ENGINEERING SERVICES, PA</u></b>		
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	\$25,000.00
Construction Inspection	\$28,500	\$28,500.00
Total Engineering Services, PA	<u>\$116,000</u>	<u>\$111,000.00</u>
<b><u>OTHER PROJECT COSTS</u></b>		
Legal Fees	\$4,750	\$0.00
LGC Loan Application Fee	\$1,250	\$1,250.00
Total Other Costs	<u>\$6,000</u>	<u>\$1,250.00</u>
<b><u>CONSTRUCTION</u></b>		
T&H CONSTRUCTION OF HAMPSTEAD, NC	\$632,514	\$631,952.78
AVRETT PLUMBING CO., INC.	\$57,217	\$67,217.00
Total Construction Costs	<u>\$689,731</u>	<u>\$699,169.78</u>
<b><u>GRAND TOTAL EXPENDITURES</u></b>	<u><u>\$811,731</u></u>	<u><u>\$811,419.78</u></u>
<b><u>PROJECT REVENUE SOURCES</u></b>		
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	\$475,000	\$475,000.00
<b><u>GRAND TOTAL PROJECT REVENUE SOURCES</u></b>	<u><u>\$811,731</u></u>	<u><u>\$811,731.00</u></u>