



TOWN COUNCIL MINUTES

REGULAR MEETING

October 19, 2020 @ 6:00 p.m.

The Kure Beach Town Council held its regular meeting on Monday, October 19, 2020 at 6:00 p.m. The Town Attorney was present and there was a quorum of Council members present.

COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky
MPT David Heglar
Commissioner Joseph Whitley
Commissioner John Ellen
Commissioner Allen Oliver

COUNCIL MEMBERS ABSENT

STAFF PRESENT

Town Clerk – Mandy Sanders
Financial Officer – Arlen Copenhaver
Deputy Town Clerk – Beth Chase
Police Chief – Mike Bowden
Fire Chief – Ed Kennedy
Public Works Director – Jimmy Mesimer

Mayor Bloszinsky called the meeting to order at 6:00 p.m. and Commissioner Ellen gave the invocation and Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. Approve Budget Amendment 21-03 totaling \$1,250 to transfer minor equipment funds from the Fire Department to the Police Department
2. Approve Budget Amendment 21-04 in the amount of \$5,243 for replacement of garage doors in the old Fire Department
3. Approve Budget Amendment 21-05 in the amount of \$8,200 for replacement of the HVAC system at the Ocean Front Park Pavilion
4. Approve Resolution 20-09 Supporting the Reduction of the Speed Limit from Alabama Avenue to N Avenue to 25 mph and authorize Town Clerk Sanders to submit the resolution to NCDOT – Division of Highways
5. Appoint Cindy Maier to the Bike/Ped Committee as a full member
6. Approve the Bike/Ped Committee to attend the Bike Walk Transportation Summit in the amount of \$300.00
7. Minutes:
 - September 21-25, 2020 Regular



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MOTION- Commissioner Oliver made a motion to move item Bike/Ped Committee to attend the Bike Walk Transportation Summit in the amount of \$300.00 under New Business and approve the consent agenda as amended

SECOND- Commissioner Whitley

VOTE- Unanimous

ADOPTION OF THE AGENDA

MOTION- MPT Heglar made a motion to approve the agenda as amended

SECOND- Commissioner Whitley

VOTE- Unanimous

PUBLIC COMMENT

None.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

None.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Bike/Ped Committee

Chairman Linquist stated the new member Cindy Maier who Town Council appointed tonight came to the meeting to meet Town Council.

2. Land Use Plan Committee

Commissioner Whitley stated the Committee held its first in person meeting this month. The Committee will be working with Planning & Zoning to hold a Public Hearing in January to receive comments from the public.

3. Stormwater Oversight Committee

MPT Heglar stated the Committee met and is working on getting all the requirements for the State audit. The Committee is currently waiting on the States approval and will present all permit information at the November meeting.



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DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration

- Employee Appreciation

Town Clerk Sanders stated due to COVID-19 restrictions she is requesting Town Council to approve moving Employee Appreciation to the Spring and close Town Hall on Wednesday, November 25, 2020 to give employees the day off. An update regarding the appeals is 25 out of 90 appeals have been paid and the appeal Attorney will start hearing the appeals at the end of November and early December.

MOTION- Commissioner Oliver made a motion to approve closing Town Hall on November 25, 2020 and authorized Town Clerk Sanders to move Employee Appreciation to the Spring

SECOND- MPT Heglar

VOTE- Unanimous

2. Finance Department

Finance Director Copenhaver stated:

- Major declaration declared for Emergency Isaias and the applicant briefing will be held tomorrow which the Finance Department will attend virtually
- The customer portal for Water & Sewer services is almost complete and the Finance Department received an overview of the system last week
- Council will be receiving the link to the portal to review the process

3. Fire Department

Fire Chief Kennedy stated:

- The smoke detectors program has given out 72 smoke detectors recently
- The Fire Department has installed 17 smoke detectors in residents' homes
- Just a reminder to citizens that this is a year-round program and residents may stop by the Fire Department at any time to get a smoke detector

4. Police Department

Police Chief Bowden stated:

- The Police Department was rewarded the grant again this year to help cover the cost of 4 vests
- The department was also awarded the grant through the State and was able to purchase 5 radios for the department



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5. Recreation Department

- Special Event Permit Application – P-Town Production LLC
- Special Event Permit Application – Heglar Open

Recreation Director Keely stated:

- Two special events permits were received this month and the memos for both are included in the agenda packet
- The request for P Town Production LLC is brought forward tonight as only Town Council has the authority to issue the road closures requested
- Spoke with Public Works, Police and Fire Departments who have no concerns at this time regarding the request
- The second Special event permit request is for the Heglar Open in honor of Harold Heglar
- All items requested by the Town for this event have been received such as the COI, hand sanitizers stations etc.

Commissioner Oliver stated P - Town Production LLC needs to be very diligent about warning property owners about the road closures along the streets identified.

MOTION- MPT Heglar made a motion to approve the Special Event Permit Application for P-Town Production LLC as presented

SECOND- Commissioner Whitley

VOTE- Unanimous

MOTION- MPT Heglar made a motion to approve the Special Event Permit Application for the Heglar Open and waive the application fee as presented

SECOND- Commissioner Oliver

VOTE- Unanimous

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. LDSI Update

MPT Heglar stated Town Clerk Sanders has submitted the letters of intent for the BRIC grants as approved by Town Council last month. He does not feel confident the Town will receive the grants at this time.



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2. Resident text amendment application received for proposed text amendment to 15.36.010 (Control of Yard/Setbacks)

MOTION- Commissioner Oliver made a motion to schedule a Special meeting on October 22, 2020 for Town Council to take action on the text amendment application received for proposed text amendment to 15.36.010 (Control of Yard/Setbacks) at 5:15 p.m.

SECOND- MPT Heglar

VOTE- Unanimous

3. Proposed text amendment to 13.10.010 (Duty of Town with Regard to Street Names)

Attorney Eldridge stated:

- Pursuant to Town Council directions from last month's meeting have drafted proposed text amendments
- Proposed text amendment includes the exclusive and discretionary authority to name streets is reserved to Town Council
- Added the following: In the event there is a public-sourced request to rename an existing street, the following procedure shall apply:
 - The request shall be set forth in a petition signed by 66% of the owners of all parcels of land abutting the subject street.
 - The request shall include a proposed new name for the subject street.
 - Insufficient petitions shall not be considered by the town council.
 - The town's Building Inspections Department shall provide notice to the owners of all parcels of land abutting the subject street, as shown on the county's tax abstracts, of the renaming request and the date, time, and location of the meeting wherein the request will be considered by the town council.
 - The notice required under sub-sub-section 3 above shall be sent by certified mail, return receipt requested, to the last addresses listed for such owners on the county tax abstracts and deposited in the mail at least 10 but not more than 25 days before the date of the council meeting wherein the renaming request will be considered.
- Include in the Facilities Policy Provisions the following statement: the policies and procedures for naming/renaming streets within the town are as set forth in Chapter 14 (new streets) and 13.10.010 (existing streets) of the Kure Beach Code.

Commissioner Ellen commented shouldn't the text amendment say signed by at "least 66%".

Attorney Eldridge stated he will make the correction.



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MOTION- MPT Heglar made a motion to approve the proposed text amendments to 13.10.010 (Duty of Town with Regard to Street Names as presented)

SECOND- Commissioner Ellen

VOTE- Unanimous

4. Parking update

Mayor Bloszinsky stated 10 vendors will be bidding on the parking contract for the Town. Currently only one question has been received and the vendor has two more weeks to complete the bid.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Garbage at Rental Properties throughout Town

Mayor Bloszinsky stated 24 violations for garbage carts have been issued by the Town for the garbage cart being left out.

Building Inspector Batson stated:

- This is a constant struggle every summer for the Building Inspections Department
- Rentals switch out every Sunday and the garbage cart sits at the end of the street all week long
- Requesting any ideas Town Council may have regarding enforcement on this issue
- Currently the department takes pictures of the violations and puts violation stickers on the garbage cart
- Several property owners in Town have decided to sign up for Commercial garbage pickup which allows for additional pickup on Saturday or Sunday but does not help with the issue of the cart sitting at the end of the street

Attorney Eldridge stated:

- It would not be difficult to characterize this issue as a nuisance
- The Town has statutory authority to abate a nuisance however a Supreme court case of entering onto someone's property without consent amounts to an unwanted search and seizure
- A conservative approach is to seek a court order
- Agrees with Building Inspector Batson that contacting the rental companies is meaningless
- If this is an issue primarily with rental properties, then characterize it as a nuisance and seek a court order allowing the Town to abate the nuisance



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Mayor Bloszinsky stated he would like to table this item until staff has further information to review.

2. Bike/Ped Committee to attend the Bike Walk Transportation Summit in the amount of \$300.00

MOTION- MPT Heglar made a motion to approve the Bike/Ped Committee to attend the Bike Walk Transportation Summit in the amount of \$350.00 to include the new full member Cindy Maier

SECOND- Commissioner Whitley

VOTE- Unanimous

CLOSED SESSION

Motion to go into closed session as per N.C.G.S. 143-318.11(a)(6) to discuss a personnel matter.

MOTION- Commissioner Oliver made a motion to go into closed session as per N.C.G.S. 143-318.11(a)(6) to discuss a personnel matter at 6:55 p.m.

SECOND- MPT Heglar

VOTE- Unanimous

MOTION- MPT Heglar made a motion to return to open session at 7:15 p.m.

SECOND- Commissioner Ellen

VOTE- Unanimous

ADJOURNMENT

MOTION- MPT Heglar made a motion to adjourn at 7:16 p.m.

SECOND- Commissioner Whitley

VOTE- Unanimous



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A handwritten signature in cursive script that reads "Mandy Sanders".

ATTEST: Mandy Sanders, Town Clerk

A handwritten signature in cursive script that reads "Craig Bloszinsky".

Craig Bloszinsky, Mayor

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under [government>agendas&minutes](#)