



# TOWN COUNCIL MINUTES

**REGULAR MEETING**

**Monday, January 16, 2023 @ 6:00 p.m.**

The Kure Beach Town Council held its regular meeting on Monday, January 16, 2024 at 6:00 p.m. The Town Attorney was present and there was a quorum of Council members present.

**COUNCIL MEMBERS PRESENT**

Mayor Allen Oliver  
MPT David Heglar  
Commissioner John Ellen  
Commissioner Dennis Panicali  
Commissioner Connie Mearkle

**COUNCIL MEMBERS ABSENT**

**STAFF PRESENT**

Police Chief – Mike Bowden  
Fire Chief – Ed Kennedy  
Director of Recreation & Events – Nikki Keely  
Director of Development and Compliance – John Batson  
Town Clerk – Beth Chase  
Public Works Director – Jimmy Mesimer  
Finance Officer – Arlen Copenhaver

Mayor Oliver 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 application for TDA funding totaling \$401,246.95 for lifeguard services for the summer of 2023
2. Approve application for TDA funding totaling \$97,288.12 for Ocean Front Park and Joe Eakes Park maintenance, improvements and supplies for 2023
3. Approve application for TDA funding totaling \$33,950.34 for entertainment provided at the Ocean Front Park for 2023
4. Approve the following for the Spring Festival. Close Atlantic Avenue to vehicle traffic between K and L Avenue from the early morning hours through 5:00 PM on Saturday, April 27, 2024. Allow for the participation of art/craft vendors and food trucks/vendors during event hours on Saturday, April 27, 2024. Waive paid parking enforcement for the day of Saturday, April 27, 2024.
5. Minutes
  - December 13, 2023 Regular
  - December 13, 2023 Special
  - December 13, 2023 Closed
  - December 15, 2023 Legislative Hearing
  -



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

SECOND- Commissioner Panicali

VOTE- Unanimous

## ADOPTION OF THE AGENDA

MOTION- MPT Heglar made a motion to add to the agenda appointing an alternate member to the WMPO Advisory Board and adopt the agenda as amended

SECOND- Commissioner Ellen

VOTE- Unanimous

## PUBLIC COMMENTS

Candy and Bill McClerman resident at 513 3<sup>rd</sup> Ave stated:

- President of the local disc golf club and just wanted to thank Town Council for the support over the past years and everything that was able to be accomplished this year
- Thank you for the new security cameras so the drop box has not been getting broken into anymore
- Since the upgrades have received nothing but positive feedback and the biggest problem is the paid parking
- The club tries to hold the tournaments in the off season but would like to work out a better way to hold tournaments during parking season

## PRESENTATIONS

None.

## PUBLIC HEARING

The purpose of the Legislative Hearing is to receive comments on proposed text amendments to the following sections of the Kure Beach Code: Chapter 15 (Zoning Regulations): 15.36.260 Batteries Used for Storing Energy, and the Proposed text amendments to Chapter 15 (Zoning Regulation): 15.36.260 Batteries Used for Storing Energy, and the Proposed amendments to KBC Chapter 15: 15.02.010 Definitions, 15.08.040 District Regulations, 15.08.050 Uses Which Are Prohibited 15.10.020 Permitted Uses, 15.12.010 Purpose, 15.12.020 Permitted Uses, 15.14.010 Purpose, 15.14.020 Permitted Uses, 15.16.010 Purpose, 15.16.020 Permitted Uses, 15.18.010 Purpose, 15.18.020 Permitted Uses 15.20.020 Permitted Uses, 15.22.010 Purpose, 15.24.010 Purpose, 15.24.020 Permitted Uses, 15.26.020 Permitted Uses, 15.28.020 Permitted Uses, 15.30.020 Permitted Uses, 15.32.010 Purpose, 15.32.020 Permitted Uses, 15.34.010 Purpose 15.34.020 Permitted Uses, 15.44.010 Appendix A Extraction of SIC codes for Zoning, 15.44.020 Appendix B Conversion Tables



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Notice of the Hearing was posted on the Town Website and Town Bulletin Board on January 2, 2024 and posted in the Pleasure Island News on January 4, 2024 and January 11, 2024 meeting notice requirements.

**MOTION-** MPT Heglar made a motion to open the public comment period on Proposed text amendments to Chapter 15 (Zoning Regulation): 15.36.260 Batteries Used for Storing Energy  
**SECOND-** Commissioner Ellen  
**VOTE-** Unanimous

No comments were received during the Public Comment period.

**MOTION-** MPT Heglar made a motion to close the hearing  
**SECOND-** Commissioner  
**VOTE-** Unanimous

**MOTION-** MPT Heglar made a motion to open the public comment period on the Proposed amendments to KBC Chapter 15: 15.02.010 Definitions, 15.08.040 District Regulations, 15.08.050 Uses Which Are Prohibited 15.10.020 Permitted Uses, 15.12.010 Purpose, 15.12.020 Permitted Uses, 15.14.010 Purpose, 15.14.020 Permitted Uses, 15.16.010 Purpose, 15.16.020 Permitted Uses, 15.18.010 Purpose, 15.18.020 Permitted Uses 15.20.020 Permitted Uses, 15.22.010 Purpose, 15.24.010 Purpose, 15.24.020 Permitted Uses, 15.26.020 Permitted Uses, 15.28.020 Permitted Uses, 15.30.020 Permitted Uses, 15.32.010 Purpose, 15.32.020 Permitted Uses, 15.34.010 Purpose 15.34.020 Permitted Uses, 15.44.010 Appendix A Extraction of SIC codes for Zoning, 15.44.020 Appendix B Conversion Tables  
**SECOND-** Commissioner Ellen  
**VOTE-** Unanimous

**MOTION-** MPT Heglar made a motion to close the hearing  
**SECOND-** Commissioner Ellen  
**VOTE-** Unanimous

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

### 1. Bike/Ped Advisory Committee

Request Council to amend Social policy to include Committees to have FaceBook pages

Bike/Ped Committee Member Elien Clute stated the Bike/Ped Committee has met and did a 2023 review and started the strategic plan for 2024 and would like to be able to utilize using Facebook or another option to communicate to the public quickly and efficiently. The Committee feels last



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year there was a lot of miscommunication and transparency so thought it would help. At this point would just like for Town Council to consider.

Mayor Oliver stated need to table this item till more research has been completed.

Director of Administration Sanders stated she has research she would like to do on this item and bring back to Town Council at the February meeting.

Commissioner Panicali stated he would like to be educated on all control options. His opinion is the amount of work the Administration would have to spend monitoring the comments.

Attorney Elridge stated Town Council needs to take into consideration the public record requests through social media pages.

**MOTION-** Commissioner Panicali made a motion to table the item to the February meeting for Director of Administration to gather more information

**SECOND-** Commissioner Ellen

**VOTE-** Unanimous

### 2. Planning & Zoning Commission

- Consideration and Action on Chapter 15 (Zoning Regulations): 15.36.260 Batteries Used for Storing Energy

Chairman Ashbridge stated the first item is mostly for aesthetic requirements and just trying to get ahead of the battery installation.

**MOTION-** MPT Heglar made a motion to approve Consideration and Action on Chapter 15 (Zoning Regulations): 15.36.260 Batteries Used for Storing Energy

**SECOND-** Commissioner Ellen

**VOTE-** Unanimous

**MOTION-** MPT Heglar made a motion to approve the consistency statement as presented

**SECOND-** Commissioner Ellen

**VOTE-** Unanimous

- Consideration and Action on Proposed text amendments to KBC Chapter 15:15.02.010 Definitions, 15.08.040 District Regulations, 15.08.050 Uses Which Are Prohibited 15.10.020 Permitted Uses, 15.12.010 Purpose, 15.12.020 Permitted Uses, 15.14.010 Purpose, 15.14.020 Permitted Uses, 15.16.010 Purpose, 15.16.020 Permitted Uses,



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15.18.010 Purpose, 15.18.020 Permitted Uses 15.20.020 Permitted Uses, 15.22.010 Purpose, 15.24.010 Purpose, 15.24.020 Permitted Uses, 15.26.020 Permitted Uses, 15.28.020 Permitted Uses, 15.30.020 Permitted Uses, 15.32.010 Purpose, 15.32.020 Permitted Uses, 15.34.010 Purpose 15.34.020 Permitted Uses, 15.44.010 Appendix A Extraction of SIC codes for Zoning, 15.44.020 Appendix B Conversion Tables

Chairman Ashbridge stated this was work that was led by Vice-Chair Barlok to completely cleanup the SIC codes, make syntactical changes and provide consistency across the code.

MOTION- MPT Heglar made a motion to approve the proposed text amendments to KBC Chapter 15: 15.02.010 Definitions, 15.08.040 District Regulations, 15.08.050 Uses Which Are Prohibited 15.10.020 Permitted Uses, 15.12.010 Purpose, 15.12.020 Permitted Uses, 15.14.010 Purpose, 15.14.020 Permitted Uses, 15.16.010 Purpose, 15.16.020 Permitted Uses, 15.18.010 Purpose, 15.18.020 Permitted Uses 15.20.020 Permitted Uses, 15.22.010 Purpose, 15.24.010 Purpose, 15.24.020 Permitted Uses, 15.26.020 Permitted Uses, 15.28.020 Permitted Uses, 15.30.020 Permitted Uses, 15.32.010 Purpose, 15.32.020 Permitted Uses, 15.34.010 Purpose 15.34.020 Permitted Uses, 15.44.010 Appendix A Extraction of SIC codes for Zoning, 15.44.020 Appendix B Conversion Tables

SECOND- Commissioner Ellen

VOTE- Unanimous

MOTION- MPT Heglar made a motion to approve the consistency statement as presented

SECOND- Commissioner Ellen

VOTE- Unanimous

- Consideration and Action on Proposed Syntactical Text Amendments Part 2: Preface through Chapter 4

Chairman Ashbridge stated these text amendments do not require a Legislative Hearing. These proposed amendments cleaned up the chapters and eliminated inconsistencies. Vice Chair Barlok has completed this syntactical cleanup.

MOTION- MPT Heglar made a motion to approve the proposed Syntactical Text Amendments Part 2: Preface through Chapter 4

SECOND- Commissioner Ellen

VOTE- Unanimous

- Schedule a Legislative hearing for proposed Text Amendments to KBC Chapter 15 for Modification to Required Lot Area and Required Yards/Setbacks



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**MOTION-** MPT Heglar made a motion to schedule a Legislative Hearing on February 19, 2024 at 6:00 p.m. for proposed Text Amendments to KBC Chapter 15 for Modification to Required Lot Area and Required Yards/Setbacks

**SECOND-** Commissioner Ellen

**VOTE-** Unanimous

## **DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS**

### **1. Building Inspections Department**

- **Consideration of and Action on Proposed Inspection Services Agreement with John Batson**

Attorney Eldridge stated the Director of Development and Compliance Batson last day of work is today. The Town will be advertising for a Building Inspector but in the meantime for inspections, permits and enforcing the building code John Batson has agreed to contract with the Town. He will be paid \$100 an hour for those services for no less than 10 hours and no more than 15 hours unless approved. The agreement has been reviewed and no further changes are needed after John Batson's last revisions.

**MOTION-** MPT Heglar made a motion to authorize Attorney Eldridge and Mayor Oliver to finish negotiations and execute a contract with John Batson for Inspections services

**SECOND-** Commissioner Panicali

**VOTE-** Unanimous

### **2. Approve Resolution R24-01 and the Water Shortage Response Plan for NCDEQ**

Public Works Director Mesimer stated the department didn't rewrite the whole plan but did need to make a few revisions to the plan so asking Town Council to approve the resolution and updated plan.

**MOTION-** MPT Heglar made a motion to approve Resolution R24-01 for the Water Shortage Response Plan and approve the plan

**SECOND-** Commissioner Ellen

**VOTE-** Unanimous





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## **DISCUSSION AND CONSIDERATION OF OLD BUSINESS**

None.

## **DISCUSSION AND CONSIDERATION OF NEW BUSINESS**

### **1. Consideration and action on the 2024 Parking Season**

Commissioner Panicali stated the Town had a great parking season last year. Town Council needs to consider what they want to do for this next season and if anything needs to be adjusted. The Town should consider extending the nightly hours and explore more next year.

MPT Heglar stated the Town did not receive a significant number of complaints and business owners really appreciated the 6:00 p.m. end of parking each day.

Commissioner Mearkle stated if the Town wants to avoid confusion between Carolina Beach and Kure Beach and extend paid parking to October 31<sup>st</sup> but agrees with it staying at 6:00 p.m. each night as it helps the local businesses. She agrees with the free parking at Joe Eaks Park and limiting the free 30-minute parking spaces as none were being used last summer. The hourly rates are fine.

Commissioner Ellen commented he liked how parking was last year. If Council wants to extend into the season, he would agree but not sure if the Town needs too. He agrees with the free parking at Joe Eaks and limiting the 30-minute spaces.

Mayor Oliver stated he agrees with the hourly and daily rates and the Town is still offering the annual passes to nonresidents for a reasonable rate. He agrees the 30-minute parking spaces need to be limited and agrees with Joe Eaks Park. He is okay with extending the parking season another 15 days to October 15<sup>th</sup> to gather a bit more revenue.

**MOTION-** MPT Heglar made a motion to maintain the current parking season dates, daily rates, maintain the 3-hour free parking at Joe Eaks Park, limit the 30-minute parking spaces to 2 spaces and maintain P328 parking rate in the east area for the 2024 parking season

**SECOND-** Commissioner Ellen

**VOTE-** Unanimous

Director of Administration Sanders stated for the past 3 years have done open houses for parking passes and residents are not taking advantage of this program. She receives a lot of funeral request and sends to Town Council throughout the parking season.



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MOTION- MPT Heglar made a motion to authorize parking funeral requests to waive parking to the Director of Administration Sanders  
SECOND- Commissioner Panicali  
VOTE- Unanimous

### 2. Appoint an alternate member to the WMPO Advisory Board

MOTION- MPT Heglar made a motion to appoint Mayor Oliver as the alternate member of the WMPO Advisory Board  
SECOND- Commissioner Ellen  
VOTE- Unanimous

## MAYOR UPDATES

None.

## COMMISSIONER ITEMS

None.

## CLOSED SESSION

Motion to go into Closed Session for Attorney Client Privilege per (GS 143-318.11(a)(3))

MOTION- MPT Heglar made a motion to go into closed session for Attorney Client Privilege per (GS 143-318.11(a)(3))  
SECOND- Commissioner Ellen  
VOTE- Unanimous

MOTION- Commissioner Ellen made a motion to return to open session  
SECOND- MPT Heglar  
VOTE- Unanimous

Motion to return to Open Session

## ADJOURNMENT

MOTION- Commissioner Ellen made a motion to adjourn the meeting at p.m.  
SECOND- MPT Heglar  
VOTE- Unanimous





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**Monday, January 16, 2023 @ 6:00 p.m.**

ATTEST: Beth Chase, Town Clerk

Allen Oliver, 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](#)