



TOWN COUNCIL MINUTES

REGULAR MEETING

Monday, February 19, 2024 @ 6:00 p.m.

The Kure Beach Town Council held its regular meeting on Monday, February 19, 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 Administration – Mandy Sanders
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 Budget Amendment 24-03 totaling \$25,000 to increase building maintenance in the General fund Administration Department for painting the interior and exterior of Town Hall
2. Allow Little Pink Houses of Hope/The Island Men to use the Ocean Front Park Pavilion on Wednesday, April 17, 2024 from 9am until 3pm at no cost
3. Minutes
 - January 16, 2024 Regular
 - January 16, 2024 Closed

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

SECOND- Commissioner Ellen

VOTE- Unanimous



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ADOPTION OF THE AGENDA

MOTION- Commissioner Ellen made a motion to adopt the agenda

SECOND- MPT Heglar

VOTE- Unanimous

PUBLIC COMMENTS

Tim Holbrook resident at 209 I Avenue

- Full time resident for 20 years and family has owned property for 55 years
- Speaking on half of a resident at 822 Cutter Court that is currently having health issues, normally her water bill is \$80 or \$90 but in August the water bill was \$1,775 and in September was \$1,100 and she lives alone
- He contacted the Town and he is not a plumber but is a general contractor and saw no problems
- The Town came out and much to his surprise he turned everything off on the house side of the meter and the meter kept running. The 3 guys from the Town came out and they turned off the meter and the meter stopped running. After turning it back on the meter did not run and then her water bill returned to normal
- Her water was cut off and he contacted a general contractor who inspected it and said there were no issues but was told by the Town to have a licensed plumber
- He paid another \$150 for a licensed plumber and her water bill has stayed normal with no issues
- This is clearly and every plumber he has talked to about this issue has said it is a water meter failure
- Her current bill is \$2,900 and he cannot stand for that.

Rob Johnson resident at 741 Settlers Lane stated he loves living here in Kure Beach. He is a little concerned regarding the Facebook page and thinks having a Facebook page would take power and influence away from elected officials. He thinks it can easily get out of control.

Roy Erwin resident at 301 Settlers Lane read a letter hereby incorporated into the minutes.

Barbara Erwin resident at 302 Settlers Lane read a letter hereby incorporated into the minutes.

Judy Larrick resident at 645 Settlers Lane read a letter hereby incorporated into the minutes.

PRESENTATIONS

None.



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PUBLIC HEARING

Purpose: To receive comments on proposed text amendments to the following sections of the Kure Beach Code: Chapter 15 (Zoning Regulations): Modification to Required Lot Area and Required Yards/Setbacks (15.10.040), (15.38.030)

Notice was published in the Pleasure Island News on February 1, 2024 and February 8, 2024. It was posted on the bulletin board and the Town website on February 1, 2024.

Mayor Oliver to open the Hearing.

Public Comment Period. No comments were received.

Mayor Oliver to close the Hearing.

Purpose: To receive comments on the question of establishing a verifiable 10% participation goal by historically underutilized businesses in certain building projects.

Notice was published in the Pleasure Island News on February 8, 2024. It was posted on the bulletin board and the Town website on February 5, 2024

Mayor Oliver to open the Hearing.

Public Comment Period. No comments were received.

Mayor Oliver to close the Hearing.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Planning & Zoning Commission

1. Discussion of Proposed text amendments to the following sections of the Kure Beach Code: Chapter 15 (Zoning Regulations): Modification to Required Lot Area and Required Yards/Setbacks (15.10.040), (15.38.030)

Chairman Ashbridge commented in follow up to the Legislative Hearing. RA-1 and RA-3 are two of the residential zones that already pertain language that deal with lots that are smaller than what is typically required. This creates consistency across all residential zones and to make sure



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it is perfectly clear that only now recommending this reduced setback opportunity for lots that are smaller than typically required. There are no setback changes to the front or back but only to the side setback. PZC was not trying to change anything significant, and the small parcels have opportunity for growth.

MPT Heglar asked does this reduce what was or does it depend on the lot? How many lots would this effect?

Chairman Ashbridge stated in some zones it wasn't allowed at all and in the two zones where it was allowed, they differed from each other. There was an opportunity to be able to reduce setbacks to this level but needed consistency.

Vice Chair Barlok answered he believes Director of Compliance and Development said 14 lots.

MOTION- MPT Heglar made a motion to approve the proposed text amendment to Chapter 15 (Zoning Regulations): Modification to Required Lot Area and Required Yards/Setbacks (15.10.040), (15.38.030)

SECOND- Commissioner Panicali

VOTE- Unanimous

MOTION- MPT Heglar made a motion to approve the Consistency Statement as presented

SECOND- Commissioner Panicali

VOTE- Unanimous

2. Schedule a Legislative Hearing on Text Application for Sombra Properties, LLC (Aaron and Kelligh Orlando) at 125 South 3rd Avenue

MOTION- Commissioner Panicali made a motion to schedule a Legislative Hearing on Text Application for Sombra Properties, LLC (Aaron and Kelligh Orlando) at 125 South 3rd Avenue on Monday, March 18, 2024 at 6:00 p.m.

SECOND- MPT Heglar

VOTE- Unanimous

3. Interview Tony Karboski for the full member and Brittany Evans for the alternate member vacancy positions

Interview Questions for Tony Karboski

- Commissioner Panicali - Can you give background on your history on the Land Use Plan Committee? How many meetings were attended and how long?



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- MPT Heglar -You heard from two citizens tonight and forwarded some emails he received. What are your thoughts on the perception of you being married to a Commissioner?
- MPT Heglar – What are your thoughts on variances on Kure Beach and the height limit?

Commissioner Mearkle stated he did not see the emails received.

Applicant Tony Karboski stated:

- The meetings when on for about a year but he did miss two of the meetings.
- There are 5 members on PZC that have 5 votes and 5 votes on the Town Council. He does not think his wife and himself are going to collude, and they do not own any other property in Town. He does not think it would be a conflict.
- If its good for the whole Town, then it's worth it but if its only good for one person than it's not worth it. He likes the 35-foot height limit.

Commissioner Mearkle stated she takes conflict of interest very seriously and would always recuse herself if needed.

MOTION- Commissioner Panicali made a motion to appoint Tony Karboski as the full member to the Planning & Zoning Commission

SECOND- Commissioner Ellen

VOTE- Unanimous

Interview Questions for Brittany Evans

- MPT Heglar – Do you understand what a variance is? What is your understanding of the 35-foot height limit of the Town?
- Mayor Oliver – What are other volunteer things have you been doing?
- Commissioner Mearkle – Thank you for all your Community service. How do you think all the skills obtained from the service you have done will translate into an effect member of the Planning & Zoning Commission?

Applicant Brittany Evans stated:

- She agrees with Tony that what is best for the whole Town is more important than one resident. She is here to learn more about the variance and ordinances. She understands that in the Land Use Plan residents expressed they would like to maintain the height limit and she agrees with it. The height limit maintains the historic value of the Town.



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- She has volunteered a lot with Island Wildlife and worked on restoring the natural wildlife around the lake in Carolina beach and has done beach sweeps in Kure and Carolian Beach. Also has volunteered for the Cape Fear River Watch and was a volunteer at the Fort Fisher Aquarium.
- She values the diversity of the decisions of Kure Beach and she has volunteered with a lot of other groups and thinks every voice matters. She is looking to learn and become more involved.

MOTION- Commissioner Panicali made a motion to appoint Brittney Evans as an alternate member of the Planning & Zoning Commission

SECOND- MPT Heglar

VOTE- Unanimous

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration

Director of Administration Sanders stated the Town has moved on with the paint project for Town Hall. The outside will be painted first before doing the inside portion. There have been 204 parking passes sold so far this year. The Volunteer Dinner will be held on March 12th at the Community Center.

2. Finance Department

Finance Director Copenhaver stated the State funds have been received for the Public Works Building.

3. Public Works Department

Public Works Director stated MPT Heglar and himself will be meeting tomorrow with an engineer to look at the bulkhead and the walkway to review the scope of work for the project.

MPT Heglar commented he will be reaching out to Tim Holbrook. The Town meters do not read high when they stop working they read low and were only put in 2019. He will reach out and review all the details. There was potentially irrigation issues so may help him some.

4. Recreation Department

Recreation Director Keely stated the Polar Plunge was this last Saturday and it was the highest regarding their fund raising goals and attendance. Thank you to the Departments that helped with this event.



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DISCUSSION AND CONSIDERATION OF OLD BUSINESS

None.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Approve Resolution R24-02 establishing a verifiable 10% participation goal by historically underutilized businesses in certain building projects and Resolution R24-03 for Prequalification Policy and Procedures for Building Projects

Attorney Eldridge commented the Town needs to adopt HUB goals for the Town that is a verifiable 10% participation goal. In order for the bid to be responsive the bidder needs to demonstrate on the form the HUB businesses. Also need to establish prequalification policy for the project and adopt Resolution R24-03.

MOTION- MPT Heglar made a motion to approve Resolution R24-02 establishing a verifiable 10% participation goal by historically underutilized businesses in certain building projects

SECOND- Commissioner Ellen

VOTE- Unanimous

MOTION- MPT Heglar made a motion to Resolution R24-03 for Prequalification Policy and Procedures for Building Projects

SECOND- Commissioner Ellen

VOTE- Unanimous

2. Approve working with the TDA in the amount of \$15,000 to develop a 10 Year Master Plan on Tourism

Mayor Oliver stated at the last TDA meeting the firm that was hired to do the New Hanover County master plan was started. It is taking a deeper dive into the beach communities at the cost of \$10,000 from the rollover TDA funds from last year.

MOTION- MPT Heglar made a motion to approve working with the TDA in the amount of \$15,000 to develop a 10 Year Master Plan on Tourism

SECOND- Commissioner Panicali

VOTE- Unanimous

MAYOR UPDATES

Mayor Oliver stated MOTSU will start control burns on this side of the river soon. Coffee with the Mayor will be held this coming Saturday.

COMMISSIONER ITEMS



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MPT Heglar stated there will be some upcoming training for Council and Department Heads on the new Hurricane software from the County.

Commissioner Panicali stated the Town has advertised for a new Building Inspector and the applications are being reviewed now.

CLOSED SESSION

ADJOURNMENT

MOTION- Commissioner Ellen made a motion to adjourn the meeting at 7:02 p.m.

SECOND- MPT Heglar

VOTE- Unanimous

A handwritten signature in cursive script that reads "Beth Chase".

ATTEST: Beth Chase, Town Clerk

A handwritten signature in cursive script that reads "Allen Oliver".

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](#)

SIGN IN SHEET
TO ADDRESS KURE BEACH TOWN COUNCIL

MEETING TYPE & DATE

Feb 19 2024 - TC

NAME	ADDRESS	TOPIC OF CONCERN
Tim Holbrook	2091 Ave	Water Bill
Rob Johnson	741 Settlers Lane	Facebook Page
Roy Erwin	301 Settlers	Pickleball
Barb Erwin	301 Settlers	Planning/Zoning
Ruby Larrick	1045 Settlers	Park

Thank you for letting me speak and thank you for your service to the town.

On tonight's agenda you will be voting on 2 members to join the planning and zoning commission. I also read there is not a conflict of interest from appointing a member to an advisory board when that appointee has a close familial relationship with a Town official or an employee. That may be true but a financial gain may not be the only conflict that could arise. I do not know either candidate for the job and they might be qualified for the position however I urge town council to consider the optics of this. A financial gain may not be the only benefit that can arise from this situation. Decisions made by town council or planning and zoning can have a negative impact on one area of the town but may benefit others in the same town. There needs to be diversity of members in all committees within our town so we are all represented.

I know of one committee that is making decisions that will have a negative impact of many residents in our community. However, there isn't any representation from that community that will be negatively impacted. This has led to much tension and frustration within our community. This might have been avoided if there was more diversity on that committee.

As I said before and I will say it again there needs to be term limits for all committees.

I want to talk about pickleball. It's a great sport for our aging population. However, there is one negative aspect associated with that sport. It is the noise level. On the average every time the plastic ball is hit with a hard paddle it creates 70 decibels of sound. This is twice the sound of a tennis ball being hit. It usually occurs every 4 seconds. USA Pickleball is aware of this problem from the numerous complaints from the communities that surround pickleball courts. They are working on developing new paddles and balls. Until then the noise will continue.

I live ¼ mile from the basketball courts where this sport is played. Unless there is a strong north wind my neighbors and I can hear every shot. This has lasted up till 10:00 at night. It may go on later but I am in bed with the windows closed. It's really getting annoying. We don't hear any other noise generated from the park except for an occasional cheer.

I see there are either 6 to 9 pickleball courts in the works for Joe Eakes Park. This is going to be a nightmare for surrounding residents. It's going to sound like a nail gun going off every second or half second if all courts are full. I am asking council if they do go ahead with the construction of these courts to please consider a noise abatement and restricted hours so those of us that live near the courts can have some peace and quiet especially at night.

I hope each of you will take the time to google pickleball noise.

TO: KB Council, Feb. 19, 2024

Re: P&Z

In my email last week to Council objecting to the P&Z appointment of Connie Mearkle's Husband, Tony Karboski, I made it clear that there was No Town Policy against it. Attorney Eldridge's Memo including the attached Resolution Ethics Policy confirms that unless there is FINANCIAL gain, there is no Conflict of Interest. However, I objected on the basis of appearances, how it looks to KB residents, and the future potential issues. P&Z recommendations affect protecting our land use plans, residents and developers actions and the future of small town KB with Council's Votes. Especially today with Corps, Hedge Funds spending huge dollars for Island and KB land, KBs future as a "small town" atmosphere and growth is at stake. Family members, close relatives of Council serving on especially P&Z give the Appearance of a Sixth Council Member!

Council should pass a Separate Resolution pertaining only to Council Members, unlike other Town employees who don't Vote, that prevents family members from serving on P&Z or other policy commissions requiring voting action by Council. Appearances matter as well as financial conflicts...hello SCOTUS!

Council tonight should also NOT Approve Tony Karboski's appointment for P&Z. There were other well-qualified applicants, even Historical Preservation backgrounds, to consider without this underlying potential conflict.

Judy Larrick

645 Settlers Ln

910-458-3574