



TOWN COUNCIL MINUTES

REGULAR MEETING

Monday, July 15, 2024 @ 6:00 p.m.

The Kure Beach Town Council held its regular meeting on Monday, July 15, 2024 @ 6:00 p.m. Town Attorney Jim Eldridge was present, and there was a quorum of Council members present.

COUNCIL MEMBERS PRESENT

Mayor Allen Oliver
Commissioner John Ellen
Commissioner Dennis Panicali
Commissioner Connie Mearkle

COUNCIL MEMBERS ABSENT

MPT David Heglar

STAFF PRESENT

Director of Administration – Mandy Sanders
Code Enforcement Officer – Bethany White
Finance Officer – Arlen Copenhaver
Police Lieutenant – Brandon Bailey
Public Works Director – Jimmy Mesimer
Director of Recreation & Events – Nikki Keely

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

MOTION – Commissioner Ellen made a motion to excuse MPT Heglar from today’s meeting

SECOND – Commissioner Panicali

VOTE – Unanimous

APPROVAL OF CONSENT AGENDA ITEMS

1. R24-07 Atlantic Union Public Finance Financing for Garbage Truck
2. Atlantic Union Public Finance 7-8-2024 Financing Proposal

MOTION – Commissioner Ellen made a motion to approve the consent agenda as printed

SECOND – Commissioner Panicali

VOTE – Unanimous

ADOPTION OF THE AGENDA

Mayor Oliver stated item 10.1 regarding approval of a Memorandum of Understanding (MOU) between the Town and Friends of Kure Beach should be removed from the agenda because it needs some more work before it’s ready for Council to take action.

MOTION – Commissioner Ellen made a motion to delete item 10.1

SECOND – Commissioner Panicali

VOTE – Unanimous



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Director of Administration Sanders stated a motion is needed to replace item 10.1 with appointment of a Director of Development and Compliance.

MOTION – Commissioner Panicali made a motion to amend the agenda to appoint Bethany White to the position of Director of Development and Compliance

SECOND – Commissioner Ellen

VOTE – Unanimous

PUBLIC COMMENT

Cahit Izci of 6830 Carolina Beach Road in Wilmington stated he wants to get a permit from the Town for his ice cream truck. Mayor Oliver commented that Mr. Izci needs to see Code Enforcement Officer White for assistance with going through the process and then come back to Council with the request. Code Enforcement Officer White stated Mr. Izci has already spoken to Town staff, but there is not a process in place for vendor applications and currently ice cream trucks would be considered solicitors and not allowed on public rights-of-way in the Town. Mayor Oliver commented that this should be an agenda item for discussion next month, and Attorney Eldridge stated he would like to review the solicitation. Code Enforcement Officer White commented that the Town's ordinance needs tweaking. Commissioner Ellen asked if the matter can be expedited because Mr. Izci is missing out on high ice cream season. Mayor Oliver commented that this could be heard during a special meeting, but Attorney Eldridge stated he might need more time to review it. Commissioner Ellen suggested handling the matter via email, but Mayor Oliver stated he would rather do it in a Council meeting. Attorney Eldridge commented that he wants to look at Town code to see where this fits in, if at all, and bring back his findings and a proposal.

Karen Gerhardt of 104 B Ocean View Avenue in Carolina Beach stated she has been living in her condo for 12 years and usually has a water bill of about \$68 per month, but she recently received one for \$634. She commented that Town staff informed her that she used 30,000 gallons in 3 days during a period when she was not home. Ms. Gerhardt stated she does not understand the bill and needs help. Mayor Oliver asked her to come to Town Hall tomorrow to meet with Finance Officer Copenhaver about the process for leaks.

Roy Erwin of 301 Settlers Lane commented that he would like the Town to do something about the persistent noise generated by the pickleball courts. He stated that pickleball is being played on the basketball courts 15 hours per day and complained that he hears every hit of the ball, with some days worse than others depending on wind direction and other factors. Mr. Erwin commented that this situation is affecting his quality of life and possibly his property values, and he and his neighbors are frustrated. He stated the Town's noise ordinance should apply to pickleball and suggested that the Town consider building an indoor facility for the activity.

Mark Dirks of 341 Fort Fisher Boulevard South expressed appreciation for the Town's lifeguards, stating that he recently observed multiple rescues and observed how well-trained and committed they are to



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protecting the public. He commented that he wanted to be sure they are recognized and asked that the Town consider giving them a bonus.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Bike/Ped Committee

Bike/Ped Committee Chair Mo Linqvist stated Committee members are busy attending summer markets and working on safety campaigns. She commented that a resident has proposed a Tour of the Island fun run for October 5, and she has sent liability information to Attorney Eldridge and is requesting permission to move forward with planning and promoting it. Mayor Oliver stated that if the Committee gets Attorney Eldridge's blessing regarding the release, he doesn't see a problem with it. Attorney Eldridge stated they have his blessing.

2. Community Center Committee

Director of Recreation Keely commented that open play for the new ping pong tables is scheduled on the 2nd and 4th Sundays from 3:00-5:00 p.m. beginning July 28. She stated that a genealogy interest group will be starting in September with dates and times to be published.

3. Marketing Committee

Marketing Advisory Committee Chair Mark Dirks stated the Committee met last week to discuss the Wilmington and Beaches Convention and Visitors Bureau (CVB) proposal to use surplus funds to promote the Fort Fisher State Historic Site for tourism purposes. He commented that the Committee unanimously agreed to recommend that the Town not support that proposal, and the Town of Carolina Beach has also chosen not to support the promotion. Chair Dirks stated the site is already being heavily promoted and the funds could be used elsewhere, so there are plans to brainstorm with the CVB's agency to come up with some alternatives for the money. He commented that the Committee also discussed branding guidelines for the Town and agreed that a basic set is probably the best first step, so there are plans to provide examples and recommendations over the next few months.

4. Shoreline Access and Beach Protection Committee

Commissioner Panicali stated there are plans to install turtle-friendly lights along Atlantic Avenue and possibly at Davis Road and Fort Fisher Boulevard. He commented that these would be amber lights that are less attractive to hatchlings, and they will be installed in next few weeks coming over the dunes instead of to the ocean itself. He stated this is a Duke Energy program at minimal cost to the Town.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Police Department

Lieutenant Bailey stated the department has been busier than in the past couple of years, adding that there were 340 calls in June. He commented that the number of originating agency case reports from the beginning of 2024 to July 15 has surpassed that of the entire 2023 calendar year, so it's possible the department may double the 2023 figure in 2024. Lieutenant Bailey stated that the department caught and arrested the suspect in the recent Carolina Beach homicide, caught someone in a stolen vehicle, and



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prevented a breaking and entering at a residence, so officers are doing a good job. Commissioner Panicali asked what is causing the significant increase. Lieutenant Bailey stated that officers are pushing to be more proactive, but there are also more people coming here. Mayor Oliver asked if the figures include calls when officers go to Fort Fisher out of jurisdiction, and Lieutenant Bailey said yes. Mayor Oliver commented that the department is often the first responding agency for other jurisdictions but may turn over cases to rangers or the County Sheriff's Office for further investigation.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. 205 Alabama Avenue Release

Attorney Eldridge referenced the proposed Release and Special Revocation agreement hereby incorporated into the minutes, which was requested by Attorney Ned Barnes. He stated the minimum housing code ordinance was a cloud on the title when the property was sold, so for the new owners to get title insurance the title must be unencumbered. Attorney Eldridge stated that the previous owner paid everything to the Town, and this agreement would release the previous owner from any previous liabilities and revoke the previously recorded minimum housing code ordinance to unencumber the title. He commented that the party who bought the property had no involvement in the previous minimum housing code procedure, so legally it's appropriate to do this.

Code Enforcement Officer White stated that the Town just issued the demolition permit for the new owner, so once the structure is demolished the property will be conforming again.

Attorney Eldridge commented that once the agreement is approved, it must be signed, attested, and notarized and then can be recorded tomorrow.

MOTION – Commissioner Panicali made a motion to authorize the Release and Special Revocation agreement

SECOND – Commissioner Ellen

VOTE – Unanimous

Mayor Oliver commented that this matter has been going on for many years and the Town now has received the money it was owed, so that's a good thing.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Appointment of Director of Development and Compliance

MOTION – Commissioner Panicali made a motion to appoint Bethany White to the position of Director of Development and Compliance

SECOND – Commissioner Ellen

VOTE – Unanimous



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Council congratulated Director of Development and Compliance White. Mayor Oliver commented that she has been doing the job, but Council had to make it formal.

2. R24-08 Resolution to Enjoin with New Hanover County to Enforce and Remove Abandoned Vessels in Waterways

Mayor Oliver stated that the County passed a resolution to come into the Town's jurisdiction to remove abandoned vessels. He commented that there was some question whether the County had the authority to do this, so this resolution would give the authority for the County to enforce its abandoned vessels regulations in the Town's waterways.

MOTION – Commissioner Ellen made a motion to adopt Resolution R24-08 regarding abandoned vessels in our waterways

SECOND – Commissioner Panicali

VOTE – Unanimous

MAYOR UPDATES

Mayor Oliver stated the Fire Department did a good job putting out a lightning fire on a Settlers Lane house. He commented that the fire was under control in minutes, nobody was hurt, and there was minimal property damage. Mayor Oliver also stated that he is impressed with the job being done by lifeguards, especially regarding the collaborative effort with the Police Department regarding the recent missing swimmer. He commented that he recently saw several water rescues and noticed lifeguards talking to large groups of people pointing out the location of rip currents. Mayor Oliver stated the Town is fortunate to have such a dedicated and well-trained group of lifeguards.

COMMISSIONER ITEMS

Commissioner Panicali stated he also would like to recognize the Fire Department for doing a fantastic job and said he is amazed at the quality of people on the staff.

Commissioner Ellen, who is the Town representative to the Wilmington Urban Area Metropolitan Planning Organization (WMPO), stated there will be a project during the week of August 12 to replace railroad ties at crossings in the northern part of Wilmington, and he warned that there will be total closure of the crossings while that work is being done. Commissioner Ellen also commented that last week the U.S. Department of Transportation granted over \$250 million to go toward a new Cape Fear Memorial Bridge, which is half or a third of what engineers say the project will cost. He stated that having money set aside for this will go a long way in allowing the bridge to compete in the balancing act of stacking the projects.



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ADJOURNMENT

MOTION – Commissioner Ellen made a motion to adjourn the meeting at 6:31 p.m.

SECOND – Commissioner Panicali

VOTE – Unanimous

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

ATTEST: Mandy Sanders, Deputy 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](#)