



TOWN COUNCIL MINUTES

REGULAR MEETING

Monday, October 21, 2024 @ 6:00 p.m.

The Kure Beach Town Council held its regular meeting on Monday, October 21, 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
MPT David Heglar
Commissioner John Ellen
Commissioner Dennis Panicali
Commissioner Connie Mearkle

COUNCIL MEMBERS ABSENT

STAFF PRESENT

Town Clerk – Beth Chase
Director of Development and Compliance – Bethany White
Finance Officer – Arlen Copenhaver
Fire Chief – Ed Kennedy
Recreation Director – Nikki Keely
Police Chief – Mike Bowden
Police Lieutenant – Brandon Bailey

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

APPROVAL OF CONSENT AGENDA ITEMS

1. Accept the resignation of Cindy Maier from the Bike/Ped Committee
2. Approve the 2025 OFP Event Dates
3. Approve application for TDA funding totaling \$30,000 for Pleasure Island Chamber of Commerce Free Summer Concerts and Cape Fear Kite Festival
4. Approve Budget Amendment 25-01 totaling \$507,000 to revise the Public Works Building Capital Project Fund Budget based on final bids and cost estimates
5. Minutes:
 - August 19, 2024 Regular
 - August 19, 2024 Closed
 - September 19, 2024 Emergency
 - September 19, 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 – MPT Heglar made a motion to approve the agenda as presented

SECOND – Commissioner Ellen

VOTE – Unanimous

PUBLIC COMMENT

Lee Brennan resident at 210 N 5th Avenue read a letter hereby incorporated into the minutes.

Cindy Maier resident at 245 Sealane Way stated she is representing Friends of Kure Beach tonight. This is a nonprofit organization in partnership with the Town to help with grants, donations and raising money for the Towns Master Plan for the Parks and Recreation Facility. The nonprofit has a formal MOU with the Town and just wanted to announce to Town Council it is up and running. The website is friendsofkurebeach.org for residents to view. The nonprofit will be at the holiday market and looks forward to meeting with residents.

James Craig resident at 121 N 5th Avenue read a letter hereby incorporated into the minutes.

PRESENTATIONS

None

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Bike/Ped Committee

Chairperson Linnquist stated just wanted to take a minute to say thank you to the Town Council, Police Department, Fire Department and Public Works Department for working to get the Town together after the storm. The Bike/Ped Committee has had a very successful month and a few members attended the BikeWalk Summit. Thank you Town Council for proclaiming October as Walktober.

2. Marketing Committee

Mark Dirks stated the Committee appreciates the Town Council getting involved in the Tourism Master Plan. He met with the Carolina Beach MAC Committee Member Jeff Hogan to see where the Committees can work together. They have a lot of the same goals as Kure Beach so will hopefully set up some future meeting times with them.

Commissioner Mearkle commented residents need to visit the Town website and complete the Tourism Master Plan survey and share what is important to you as a resident regarding tourism.



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3. Stormwater Committee

Town Clerk Chase stated Chairperson Mitchell is unable to be here tonight but submitted the following report. The Stormwater Oversight Committee met on October 3rd. This meeting marked the highest level of community engagement she has experienced to date. This increased participation was largely driven by public concerns following recent water events. Each representative from the respective associations provided updates on the performance of their stormwater systems. She is pleased to report that all systems operated as designed during the recent water events. While the Committee could delve into discussions about 50, 100, and 500-year water events, it is important to note that these classifications simply describe volumes measured over specific periods of time. However, the focus of this meeting was the practical performance of our systems under the conditions faced. Commissioner Heglar followed the updates with a detailed presentation on how the town's stormwater system as a whole functioned during these events. The presentation was followed by a brief Q&A session with concerned residents, during which all questions were thoroughly addressed.

MPT Heglar gave a presentation on Stormwater regarding Tropical Cyclone #8 hereby incorporated into the minutes.

Mayor Oliver commented MPT Heglar has done an excellent job handling the stormwater and the Town is thankful to have him.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration Department

Mayor Oliver commented Town Hall was flooded during the storm and the water came through the exterior doors. The conference room, Council chambers and several offices experienced flood damage.

2. Finance Department

Finance Officer Copenhaver commented he included in the agenda packet what was sent to the NC Department of Emergency Management. Category A was for the debris removal and monitoring that the Town has completed but have not received the final invoice yet. Category B is for Emergency Protective Measures which is for any overtime accrued during the storm and Town equipment reimbursement. Category D covers the Water Control Facilities which would cover the damage to the Storm water outfalls (total of 13) and Stormwater system failures/sinkholes. Category E would be the Buildings & Equipment which would include the damage to the Town Hall, Community Center and Ocean Front Park etc.

MOTION- MPT Heglar made a motion to approve the Budget Amendment 25-02 to account for FEMA reimbursement for spending during Tropical Cyclone #8

SECOND- Commissioner Panicali

VOTE- Unanimous



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DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. CAMA Grant for replacement of Beach Access #140 L Avenue
Mid-Block Crossings: K Ave / Settlers, I Ave / Fort Fisher Blvd, E Ave / Fort Fisher
CRRSAA / Covid 19 Grant: Intersection Improvements K Ave / Fort Fisher

Mayor Oliver gave a presentation on the grants that is hereby incorporated into the minutes.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Schedule a Quasi-Judicial Hearing for a Special Use Permit Application on November 18, 2024
Town Council Meeting

Attorney Eldridge stated the Town has received the Seabirds Application for a Special Use Permit so Town Council needs to fix a meeting date.

MOTION- MPT Heglar made a motion to Schedule a Quasi-Judicial Hearing for a Special Use Permit Application on November 18, 2024 Town Council Meeting at 6:00 p.m.

SECOND- Commissioner Ellen

VOTE- Unanimous

2. Consideration of and Action on Resolution R24-12 Pricing Seasonal Parking Passes at the Same Rate for Residents and Non-Residents

Mayor Oliver commented every beach community has an agreement with the Army Corps of Engineers the Town has to sign and agree to provide parking, roads, and accesses to the beaches that has to be "Fair and Equal to all". The Town has a 50-year program with the Corps that has been going since 1997 and will continue till 2047. The Carolina Beach agreement needed to be updated so the parking issue came forward. The Corps of Engineers asked Kure Beach to verify it had the required number of parking spots. Mayor Oliver responded back the Town has more parking spots than required by the Corps of Engineers and how the Town has done a good job handling the parking program. The Corps then wanted Kure Beach to verify that the parking was "Fair and Equal to all". The Town Council wrote the Corps of Engineers with assistance from the Town Attorney that the Town thought it was fair since the residents pay taxes, water & sewer, for police and fire etc. The Corps of Engineers turned it down and said the Town provides those services with or without the beach renourishment program. The Town agreed in principle that the Town would not offer residents/nonresidents rate. 65% of every beach renourishment project is federal funds, which is roughly 8 million dollars. The state budget and through TDA funds (room occupancy tax) make up the other 35%. If the Town lost the 8 million dollars every 3 years it would be a 61-cent increase to the Kure Beach tax rate. The Town has no choice if the Town wants the beach renourishment program to continue. The parking fees will be shared and published ahead of the agenda next month to discuss and open up for public comment.



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MOTION- MPT Heglar made a motion to approve Resolution R24-12 Pricing Seasonal Parking Passes at the Same Rate for Residents and Non-Residents

SECOND- Commissioner Panicali

VOTE- Unanimous

3. KBC10.06.040 Permit Fee

Attorney Eldridge stated a few civil penalties/fee changes have been brought to his attention. In 10.06.040 under E delete section 1. He recommends deleting the requirement of a fee permit cost. Town Council directed staff to make sure the civil penalties in the code are also reflected on the fee schedule so requesting Town Councils permission to add the parking late fee charge.

Mayor Oliver asked is that a parking citation given by the Town Police officers? This will need to be discussed more. This needs to be added to the next agenda.

Police Chief Bowden stated the Police Department doesn't have a late fee on parking tickets issued by the Police Department.

Finance Officer Copenhaver stated the parking company doesn't currently have a late fee for the parking tickets issued either.

Attorney Eldridge stated he will bring it to the next Town Council meeting.

MAYOR UPDATES

Mayor Oliver stated the Fort Fisher History Museum Grand Opening is next Tuesday.

COMMISSIONER ITEMS

MPT Heglar stated thank you to all Town staff for the hard work during and after the storm. The 147 residents who had flooding should reevaluate their flood insurance policies. All the residents on 421 that had flooding will not be covered by insurance as it was the first floor. Citizens should recognize that a lot of residents had to make big financial decisions regarding the flood damage. All the representatives did a great job at all levels and he hopes the federal declaration helps the residents of Kure Beach.

Commissioner Ellen commented this Veterans Day on November 11th there will be a ceremony on the island at the Carolina Beach Lake.



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CLOSED SESSION

1. Motion to Go into Closed Session for Attorney-Client Privilege per N.C.G.S. 143-318.11(a)

MOTION – commissioner Ellen made a motion to go into closed session for attorney-client privilege per North Carolina General Statute 143-318.11(a) at 7:36 p.m.

SECOND – MPT Heglar

VOTE – Unanimous

MOTION – Commissioner Ellen made a motion to come back into open session at 8:03 p.m.

SECOND – MPT Heglar

VOTE – Unanimous

Attorney Eldridge stated that during closed session Council discussed several matters involving legal issues, and no actions or votes were taken.

ADJOURNMENT

MOTION – Commissioner Ellen made a motion to adjourn the meeting at 8:03 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](#)

Lee and Pat Brennan

210 N 5th Avenue

We've lived in Kure Beach for seventeen (17) years and have never experienced flood conditions like that of **Tropical Storm #8 Cyclone**, on September 16, 2024.

We had six to eight inches of water enter our home at ground level via garage doors, and two man-doors, one in front and one in rear. As a result, we sustained substantial damage in our guest suite, office, utility room and garage.

It's our belief, that the cause of our excessive water damage, was the result of the Town of Kure Beach's system being unable to properly handle stormwater to the Cape Fear River, thereby backing up water into our community.

Our Beachwalk community, **solely maintains our two ponds without any financial support from other users**, even though both Kure Dunes and the Town of Kure Beach drain stormwater into these ponds.

Floodplain in Kure Beach is the Beach, **not 5th Avenue**.

Additionally, on September 18th we received a telephone call from the Town of Kure Beach, on John Batson's old line at 1:20 pm, requesting we leave a message if we had damage due to **Tropical Storm #8 Cyclone**, I left a message and described our problem but never received a response.

Respectfully submitted,

Lee & Pat Brennan

210 N 5th Avenue

Kure Beach, NC 28449

704 400-2875

lbrennan1486@gmail.com

My name is Jim Craig. I've been a full-time resident of Kure Beach since 2013 and live at 121 N 5th Ave.

My comments tonight are regarding the changes for seasonal parking passes in 2025.

Resolution 24-12 came as a surprise to me last Friday, and nobody that I've talked to knows anything about it. My questions tonight should start a discussion with the residents of Kure Beach who may have much higher parking costs next summer.

1) Parking has been free or discounted to Kure Beach residents for many years and the beach replenishment program has been going on for decades. What changed this year? Were new federal regulations established or did someone with the Army Corps of Engineers (Corps) decide to re-interpret the existing regulations?

2) Wrightsville Beach and Carolina Beach have also been in the program for beach replenishment. Are these towns planning to follow the new mandate by the Corps and change their parking fee rules in 2025? If not, why not?

3) The discounted seasonal parking fee has been \$20/vehicle for Kure Beach residents since 2021. What will the "non-discounted" parking pass cost in 2025? If the amount for parking passes has not been decided yet, will the Council provide time for public input before the final fee is set?

4) I'm not a lawyer, but it seems to me that this recent Corps decision regarding parking near the beach is a federal over-reach. The Corps is using the beach replenishment program as leverage to control municipal policy. Resolution 24-12 accepts this federal over-reach and sets a precedent. Is the Council concerned that the Corps would use this leverage again in the future to control other activities on or near our beach?

Kure Beach residents would appreciate answers to fair questions.

BUDGET AMENDMENT
 FISCAL YEAR ENDING JUNE 30, 2025
 AMENDMENT DATE: 10/21/2024

Budget Amendment No.: 25-02

DESCRIPTION/PURPOSE OF AMENDMENT

On September 16, 2024, the Town of Kure Beach was impacted by Potential Tropical Cyclone #8. This resulted in flooding throughout Town and damage to some of the Town’s property and infrastructure. This Budget Amendment is to increase the applicable budget line items for Town departments that are incurring additional costs for clean-up and repairs. The Town’s flood insurance for Town-owned buildings has a \$50,000 deductible per occurrence. This Budget Amendment is for costs accounted for in the General Fund and Water & Sewer Fund. An additional Budget Amendment may be required at a later date for costs relating to the Storm Water Fund. The funding sources for these expenses are reimbursement from FEMA now that a Federal Disaster Declaration was made on 10/19/2024 and insurance proceeds.

ACCOUNTS AFFECTED

<u>Account No.</u>	<u>Account Name</u>	<u>Debit</u>	<u>Credit</u>
10-550-45-00	Debris Removal & Monitoring	\$190,000	
10-550-89-00	Beach Access & Dune Repair	\$110,500	
10-420-15-00	Town Hall Building Maintenance	\$41,060	
10-421-15-00	Community Center Maintenance	\$5,100	
10-510-15-00	Police Dept. Building Maintenance	\$5,000	
10-340-00-00	Insurance Proceeds		\$12,000
10-343-00-00	FEMA Reimbursement		\$339,660
30-720-15-00	W/S – Town Hall Bldg. Maintenance	\$17,040	
30-810-15-00	W/S – System Maintenance	\$5,000	
30-810-74-00	W/S – Equipment Capital Outlay	\$5,215	
30-340-00-00	W/S – Insurance Proceeds		\$6,200
30-343-00-00	W/S – FEMA Reimbursement		\$21,055

NOTE: (a) Budget Officer may transfer between line item expenditures without limitation and without a report being required up to \$10,000 at any one time. (b) The Budget Officer may transfer amounts within departments and of the same fund and reported as part of the financial

statements. He/She shall make an official report immediately to Council on such transfers.
(c) The Budget Officer may not transfer amounts between funds without prior Council action.

Requested By: Arlen Copenhaver, Finance & Budget Officer Date: 10/21/24

Approved By: Arlen Copenhaver, Finance & Budget Officer Date: 10/21/24

(Copies of actions/directives from Council Meeting to be attached, if required as per NOTE above).

Approved by Council 10/21/24 _____ Allen Oliver, Mayor

ATTEST: _____ Beth Chase, Town Clerk

Stormwater Update

David W. Heglar, PE
Emergency Response
Coordinator

- Potential Tropical Cyclone 8 brought >17” of rain in less than 12 hours on September 16, 2024
- Every stormwater system in the town was overwhelmed by this reported 1000 year flood. This amount of rainfall exceeded the design capacity of all stormwater systems within the town – resulting in over 147 homes experiencing flooding into the living spaces.
- Properties in every area of town were impacted with as this rainfall backed up and filled the low lying areas in each neighborhood.
- The amount of rainfall in this short duration exceeded Hurricane Florence (2018) (during 2-4am) and Hurricane Floyd (1999).

Town Actions

- Public Works

- Ensured lift stations were not flooded / released to environment
 - 2 lift stations required manual pumping actions during event
 - With 4 others alarming throughout the event
- Ensured drain systems were not clogged during event – all personnel were in town moving from system to system throughout the early morning until late in the evening when the systems caught up and flooding began to subside..
- Once rain stopped – systems operated as designed and within 30 mins to 4 hours all roads were passable and areas were clearing
- No system failures detected – and no reported damage from any permitted stormwater system.

Fire Department

- 24 requests for rescue from vehicles and private property occurred.
- At the worst of the storm in late morning to early afternoon – access to citizens was restricted to the brush truck and NHC High water rescue vehicle
- Additional assistance as department was in community and observed issues

Police Department

- KBPD requested high-water vehicle from NHC Emergency Management – which was available late in event
- Road Closures during event-
 - Multiple roads were closed by police – additionally roads became impassible throughout much of the town unless in high clearance vehicles.
 - Multiple people were stopped by PD and Emergency personnel driving too fast in high water – pushing water into homes.

Development and Compliance Department

- Surveyed all properties in Kure Beach for Damage Assessment as required by the State/Federal government (with assistance from New Hanover County Building Inspections Department)
- Shared FEMA recovery information
- Offered contact information (New Hanover County) to affected citizens for Mitigation Grant Funding

Admin/Finance/Legal

- Worked to coordinate contracts for debris removal immediately following the storm.
- Debris pick-up began 7 days after event.
- Reported all public spending for storm related issues to state. This was a key piece of getting both State and Federal disaster declarations

Support actions

- State Actions
 - 10/16/24 – Type 1 disaster declaration
 - Public Assistance
 - Individual Assistance – potentially grants or loans based on SBA factors
 - Disaster Recovery Center – 10/21-10/28
 - 1121 N Lake Park Blvd (Carolina Beach Recreation Center)

Support Actions

- Federal Actions
 - 10/19/24 - Federal Disaster declaration
 - North Carolina Potential Tropical Cyclone Eight (DR-4837-NC)



Town of Kure Beach – Projects Updat

Allen Oliver, Mayor

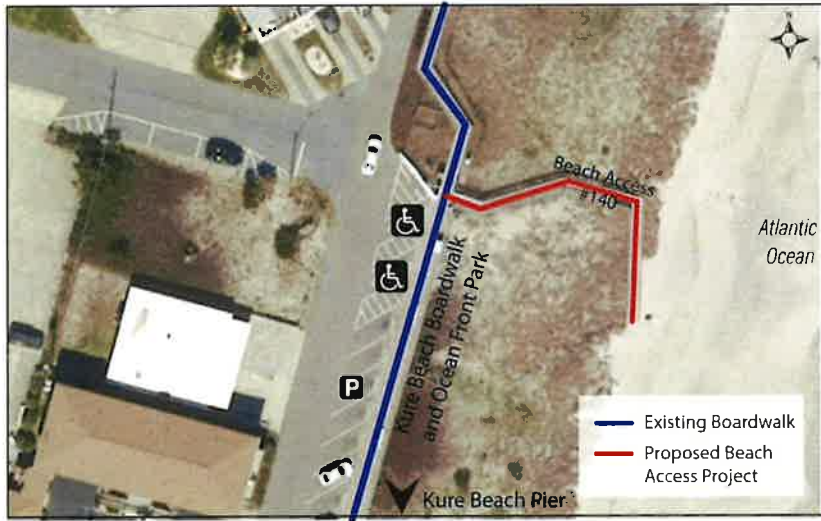
Adrienne Harrington, Founder/Owner
Moves Consulting

Upcoming Projects in Kure Beach

- Coastal Area Management Act (CAMA) Public Beach and Coastal Waterfront Program:
 - Town was awarded \$139,466 to replace Beach Access #140.
- Mid-Block Crossings Projects
 - Town was awarded \$250,000 to install seven mid-block crossings – six at Fisher Blvd and one at K Ave & Settlers Lane.
- Ft. Fisher Blvd. & K Ave. Intersection Improvements
 - Town was awarded \$359,559 to improve the intersection including high-visibility crosswalks and push-button pedestrian signals.

CAMA Beach Access Grant to Replace Beach Access

Public Beach Access #140 at L Avenue



Project Scope:

Remove existing 8' wide beach access and replace with new, fully ADA compliant access that accommodates the sh



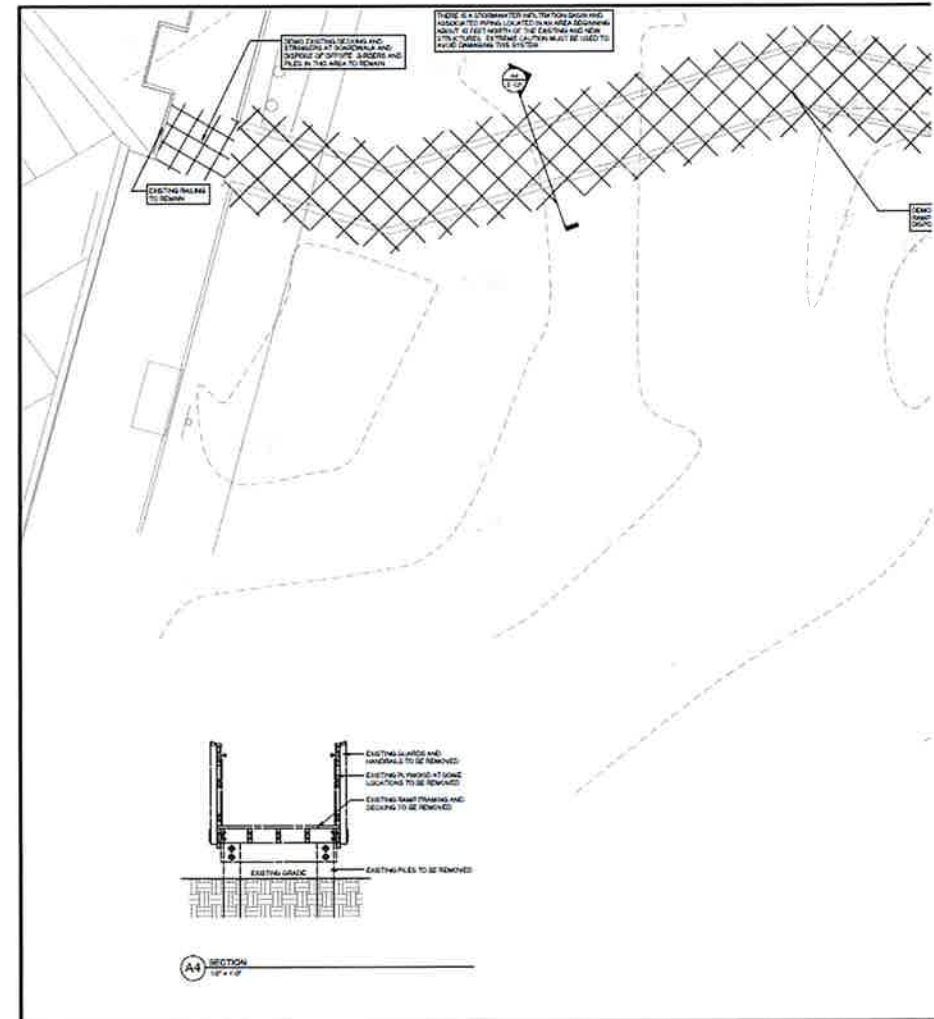
Existing
Conditions



CAMA Beach Access Grant to Replace Beach Access

Current Status:

- Andrew Engineers completed engineering and design work in August 2024, including:
 - S&ME completed Geotechnical Engineering Report in July 2024.
 - Bateman Civil Survey Company completed survey in July 2024.
- Request for Proposals for construction was open through Friday October 18, 2024.
- Next steps: Select construction firm, finalized contract, and begin construction.
- Anticipated completion date: Spring 2025.

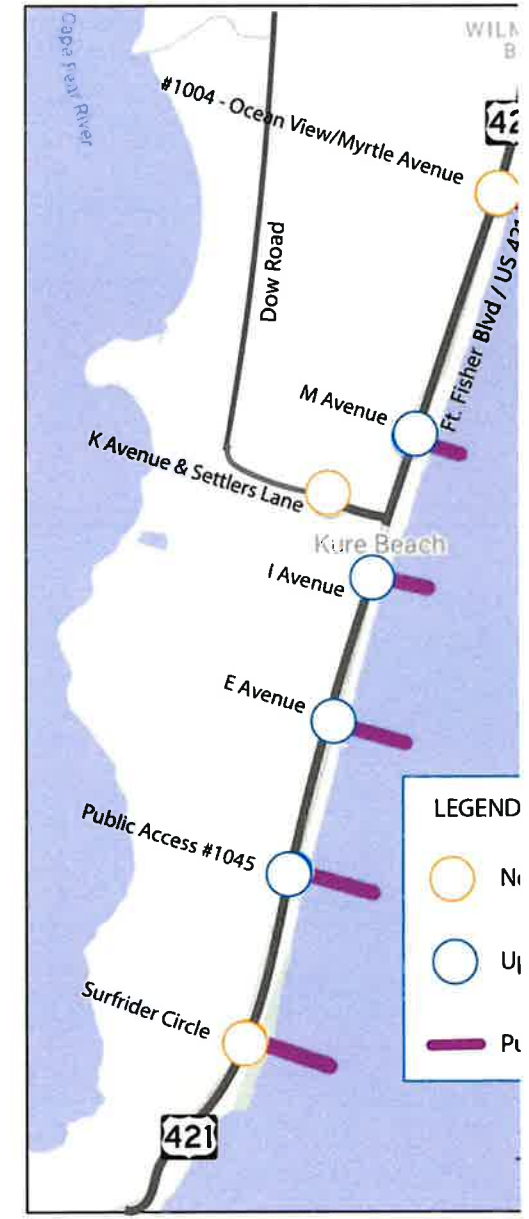


Mid-Block Crossings Project(s)

- Goal: Provide a safe location for people to cross Ft. Fisher Blvd. to access public beach access spots and other Town amenities.
- Project Scope: Install mid-block crossings in seven locations in Kure Beach:
 - Ft. Fisher Blvd. & Ocean View/Myrtle Ave.
 - Ft. Fisher Blvd. & M Ave.
 - Ft. Fisher Blvd. & I Ave.
 - Ft. Fisher Blvd. & E Ave.
 - Ft. Fisher Blvd. & Public Access #1045
 - Ft. Fisher Blvd & Surfrider Circle
 - K Ave. & Settlers Lane

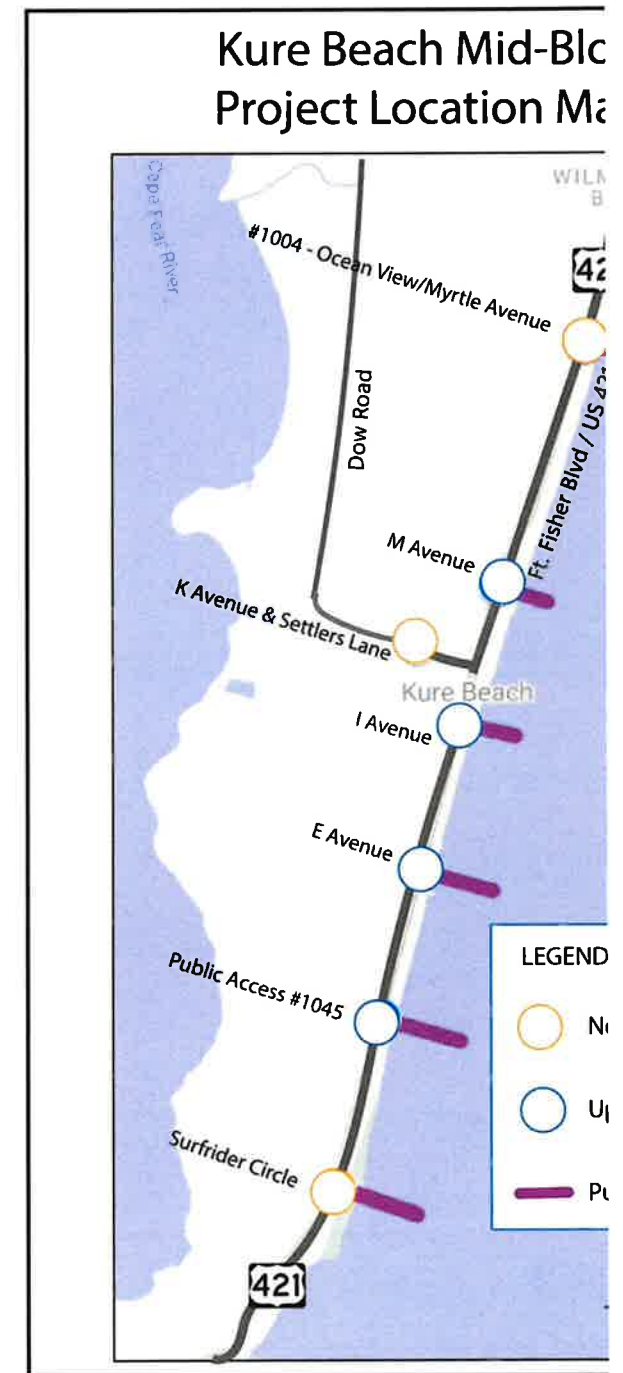


Kure Beach Mid-Block Project Location Map

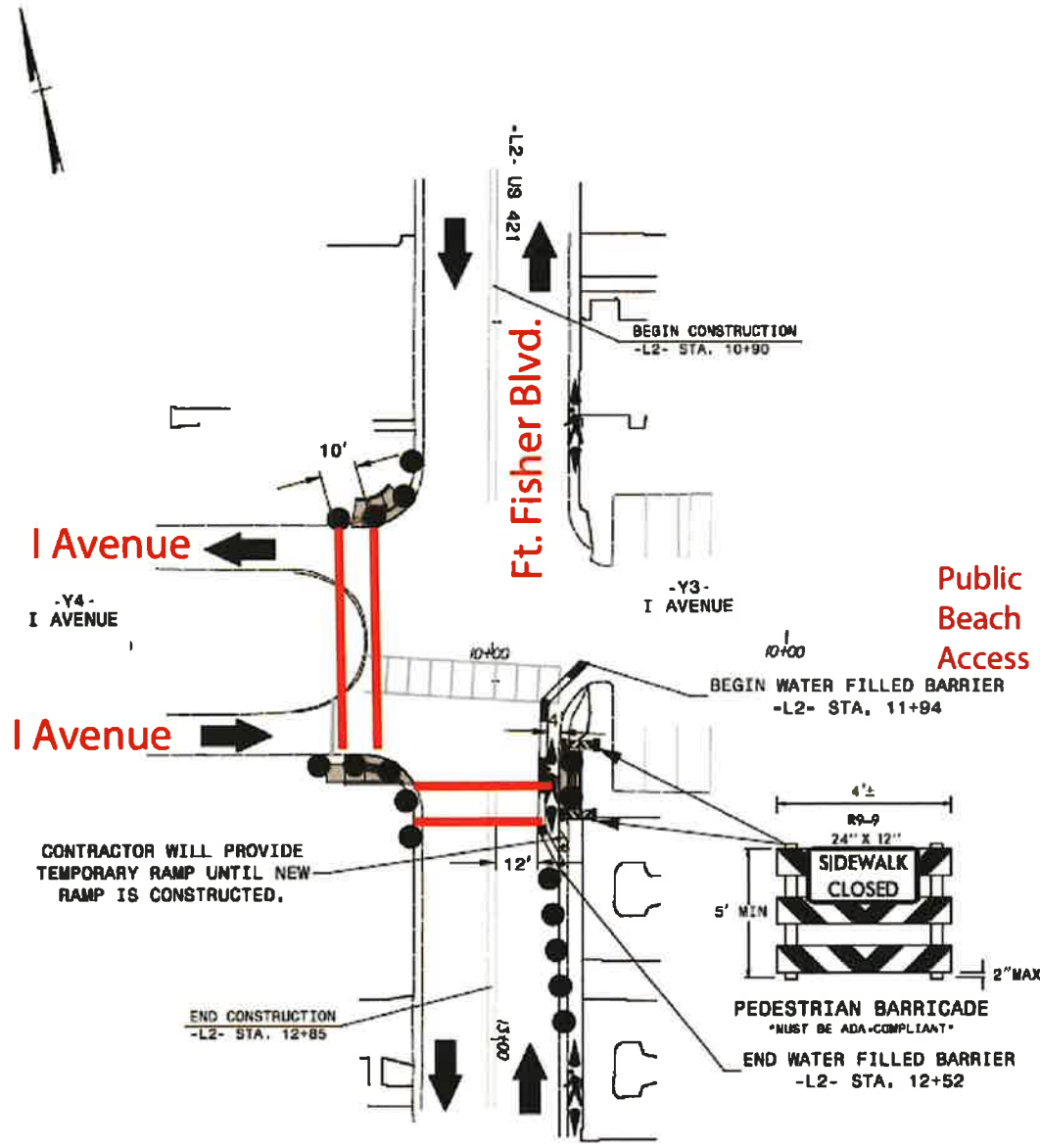


Mid-Block Crossings Project(s)

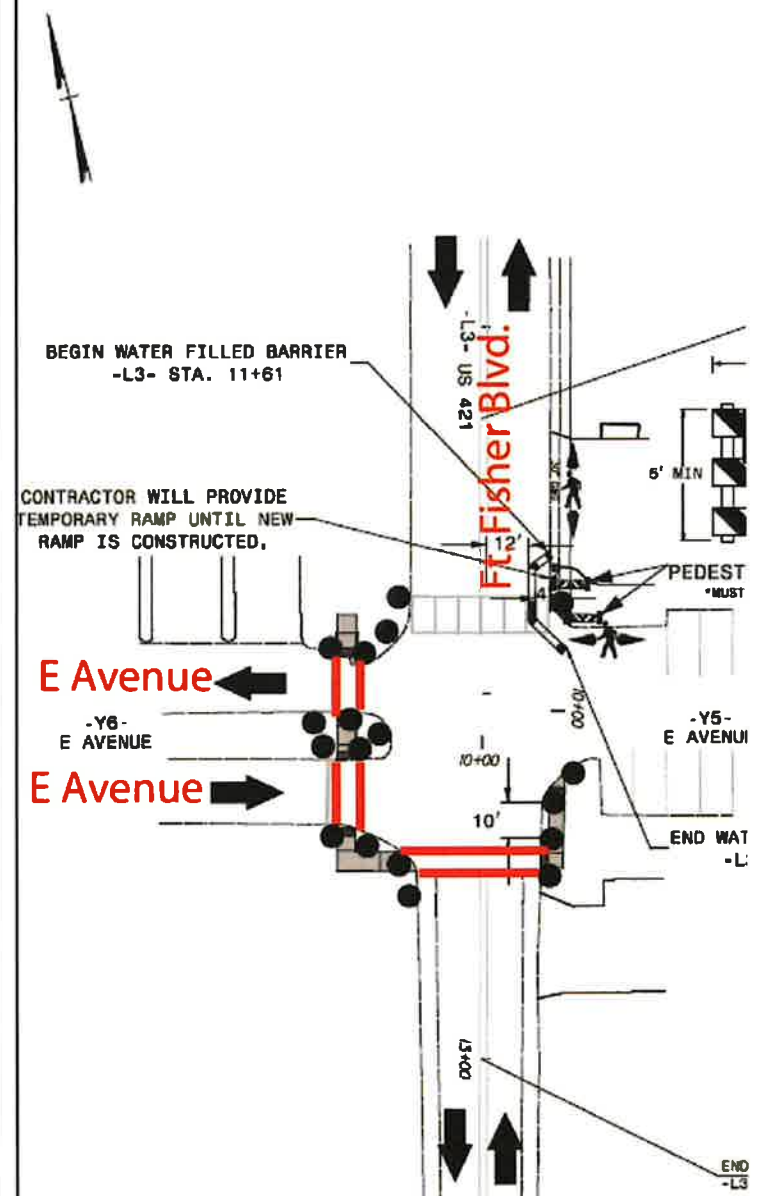
- **Current Status:**
 - Four are installed and operational:
 - Ft. Fisher Blvd. & Ocean View/Myrtle Ave.
 - Ft. Fisher Blvd. & M Ave.
 - Ft. Fisher Blvd. & Public Access #1045
 - Ft. Fisher Blvd & Surfrider Circle
 - Three require engineering and design work
 - Ft. Fisher Blvd. & I Ave.
 - Ft. Fisher Blvd. & E Ave.
 - K Ave. & Settlers Lane
 - 90% plans are complete; they have been reviewed by Town and NCDOT throughout this process.
 - 100% plans are currently underway
- **Next Steps:**
 - A reimbursement and maintenance agreement will be presented to Council in November/December.
 - Go out to bid for construction in November 2024.
 - Finalize construction contract in January 2025.
 - Construction completed by Memorial Day weekend 2025.



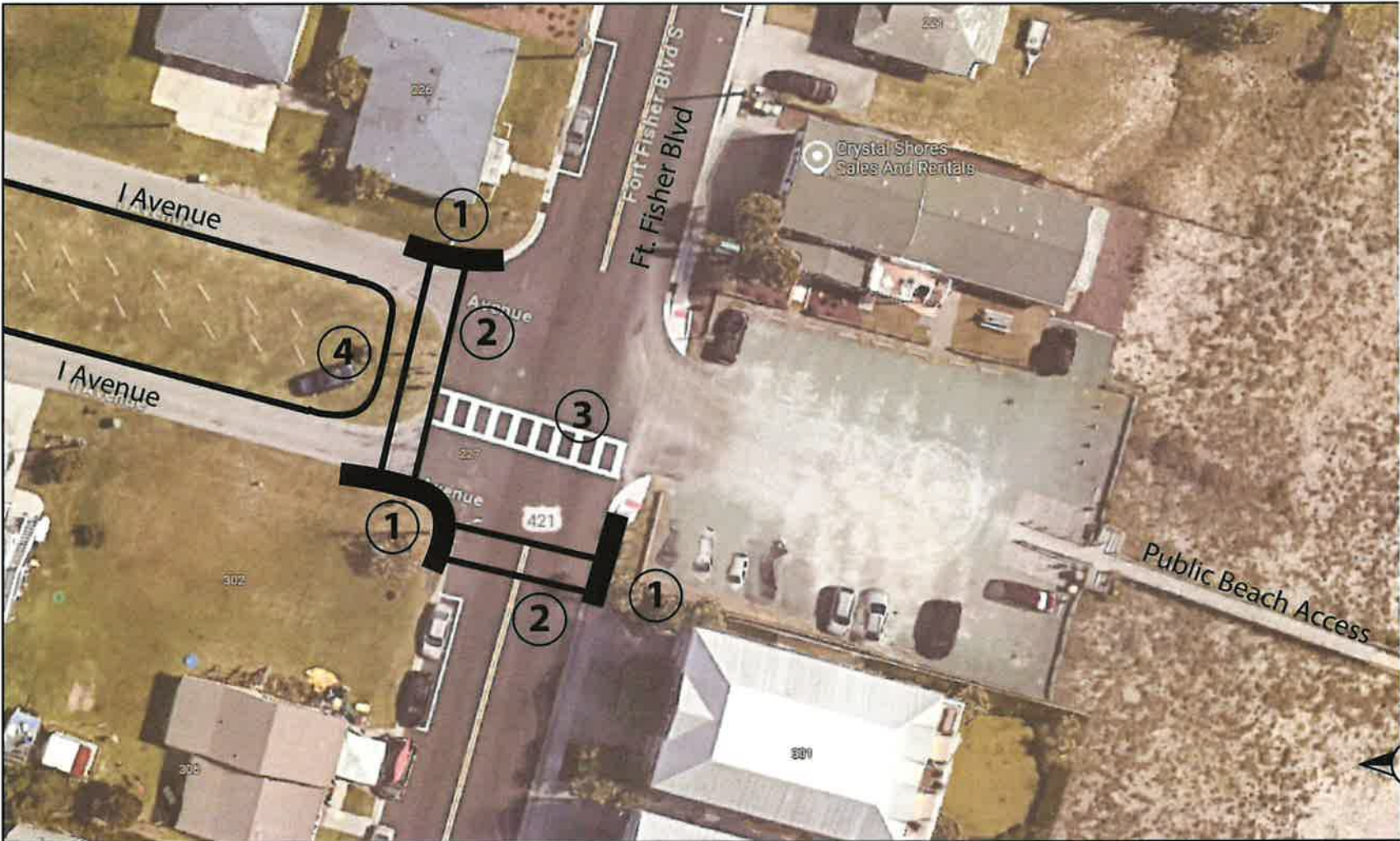
Ft. Fisher Blvd. & I Avenue Mid-Block Crossing



Ft. Fisher Blvd. & E Avenue Mid-Block Crossing

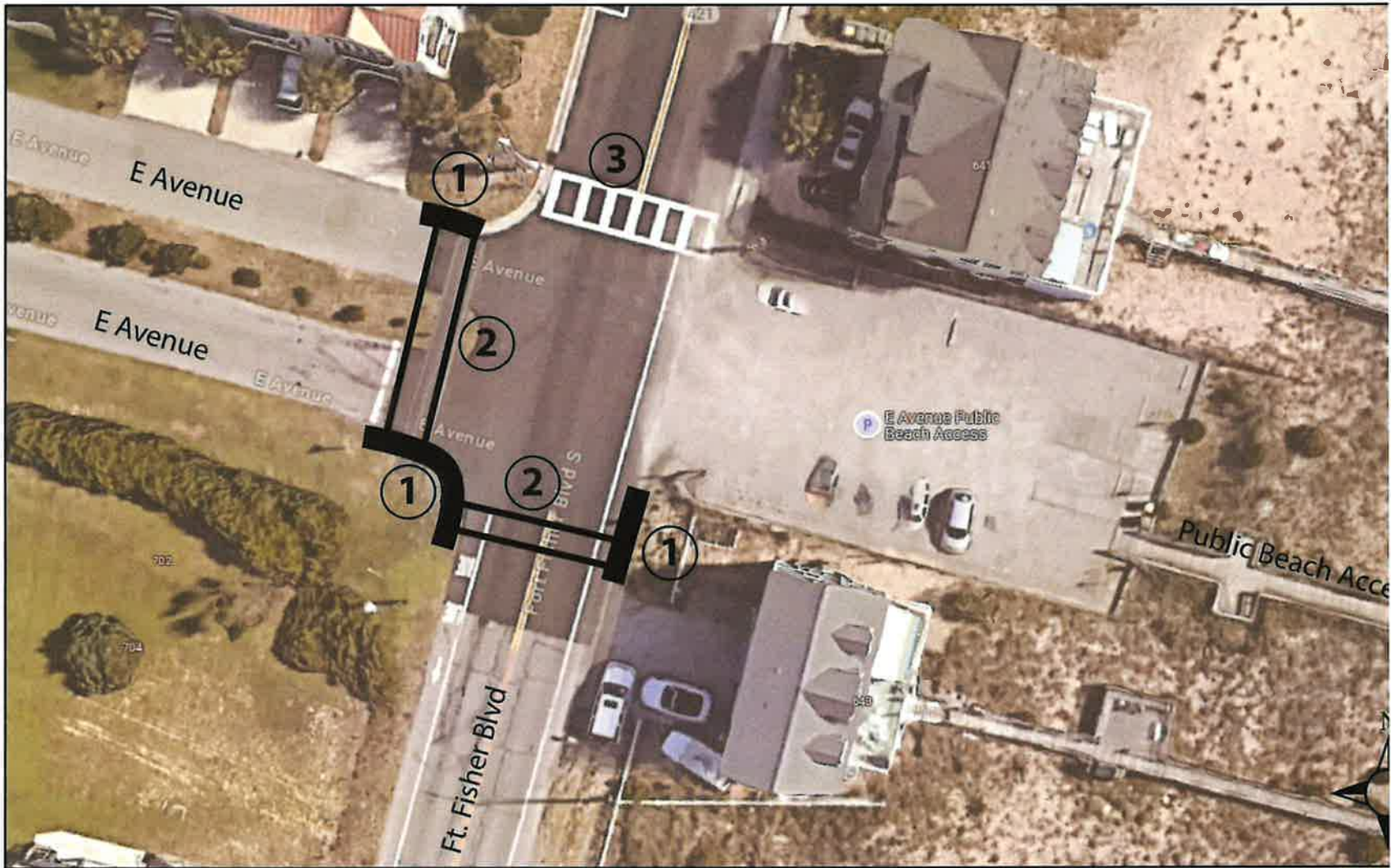


Mid-Block Crossing Improvements at I Avenue



- 1 Update/improve curb with ADA ramp
- 2 Add new crosswalk
- 3 Remove existing crosswalk
- 4 Pull back curb

Mid-Block Crossing Improvements at E Avenue



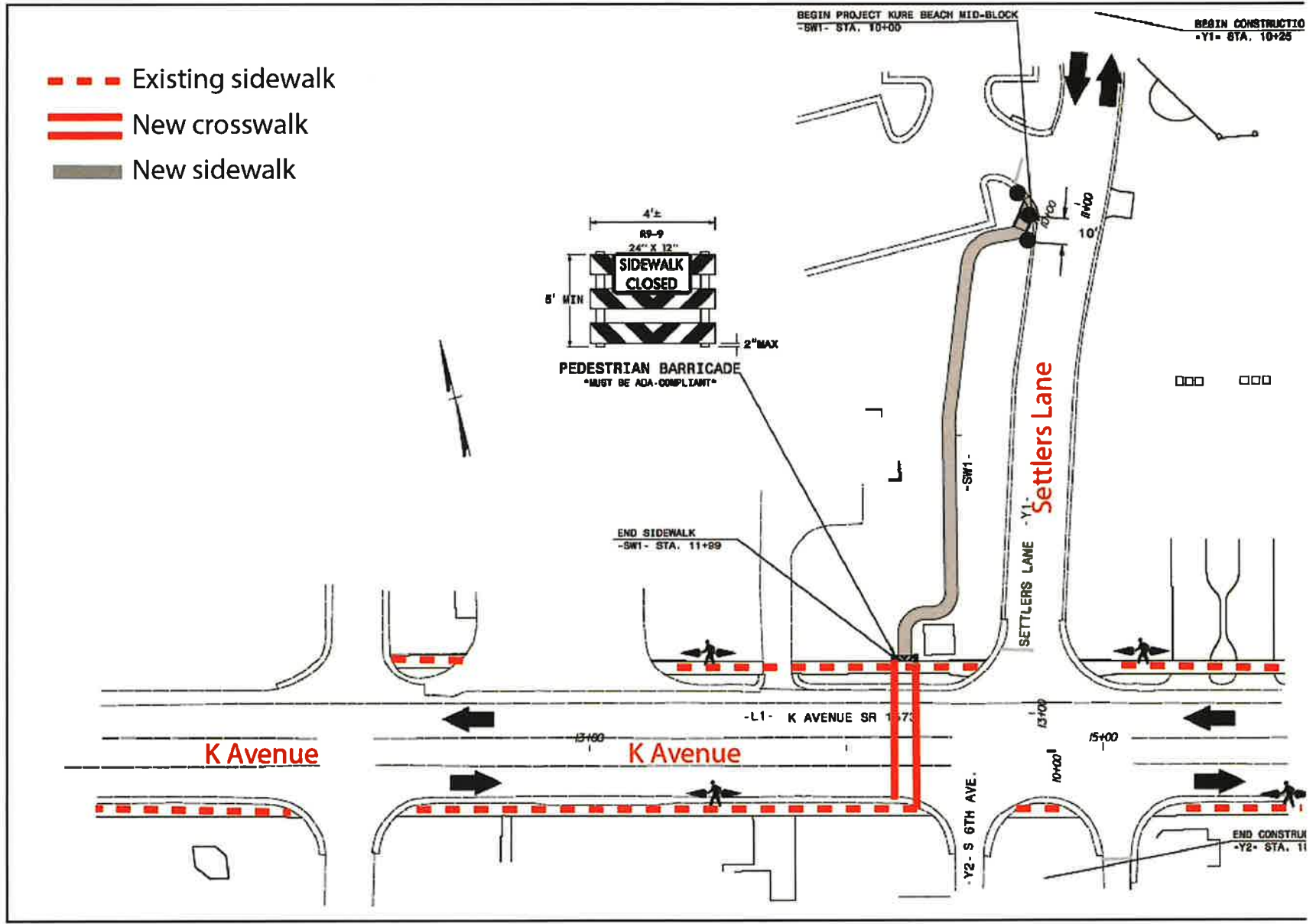
1 Update/improve curb with ADA ramp

2 Add new crosswalk

3 Remove existing crosswalk

K Avenue & Settlers Lane Mid-Block Crossing

- - - Existing sidewalk
- New crosswalk
- New sidewalk



Mid-Block Crossing Improvements at K Avenue & Settlers Lane

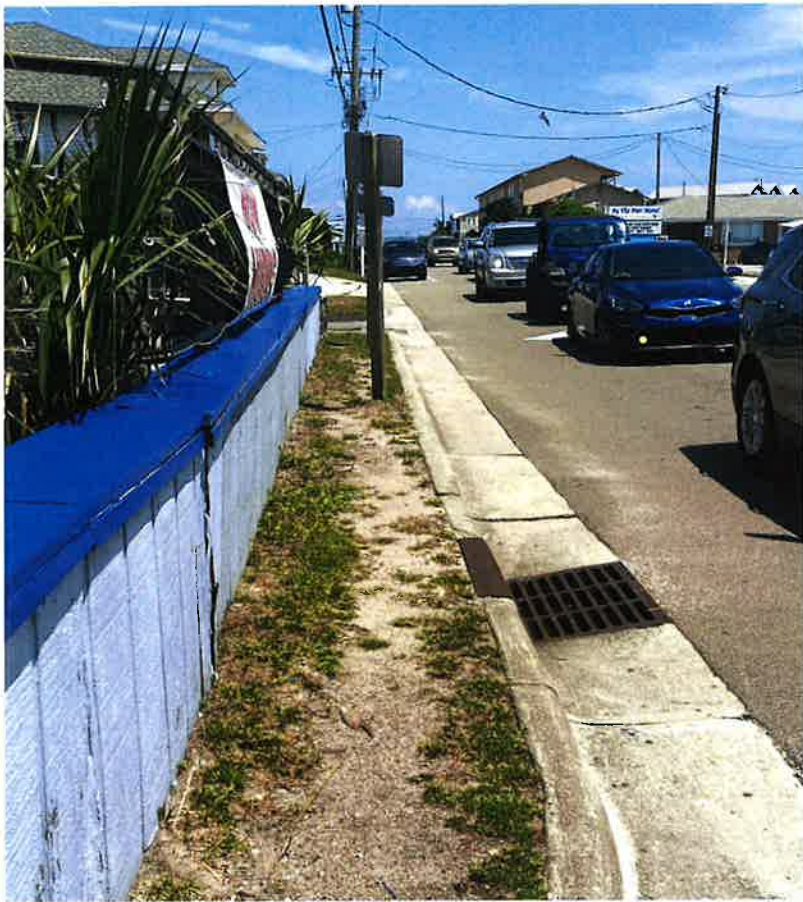


1 Add new crosswalk

2 Add new sidewalk

Ft. Fisher & K A Intersection Improvements

- Goal: Improve pedestrian safety and connectivity
- Project Scope: Improve intersection by adding visibility crosswalk, button-pedestrian sidewalk connectivity at intersection.



Ft. Fisher & K Ave Intersection Improvement

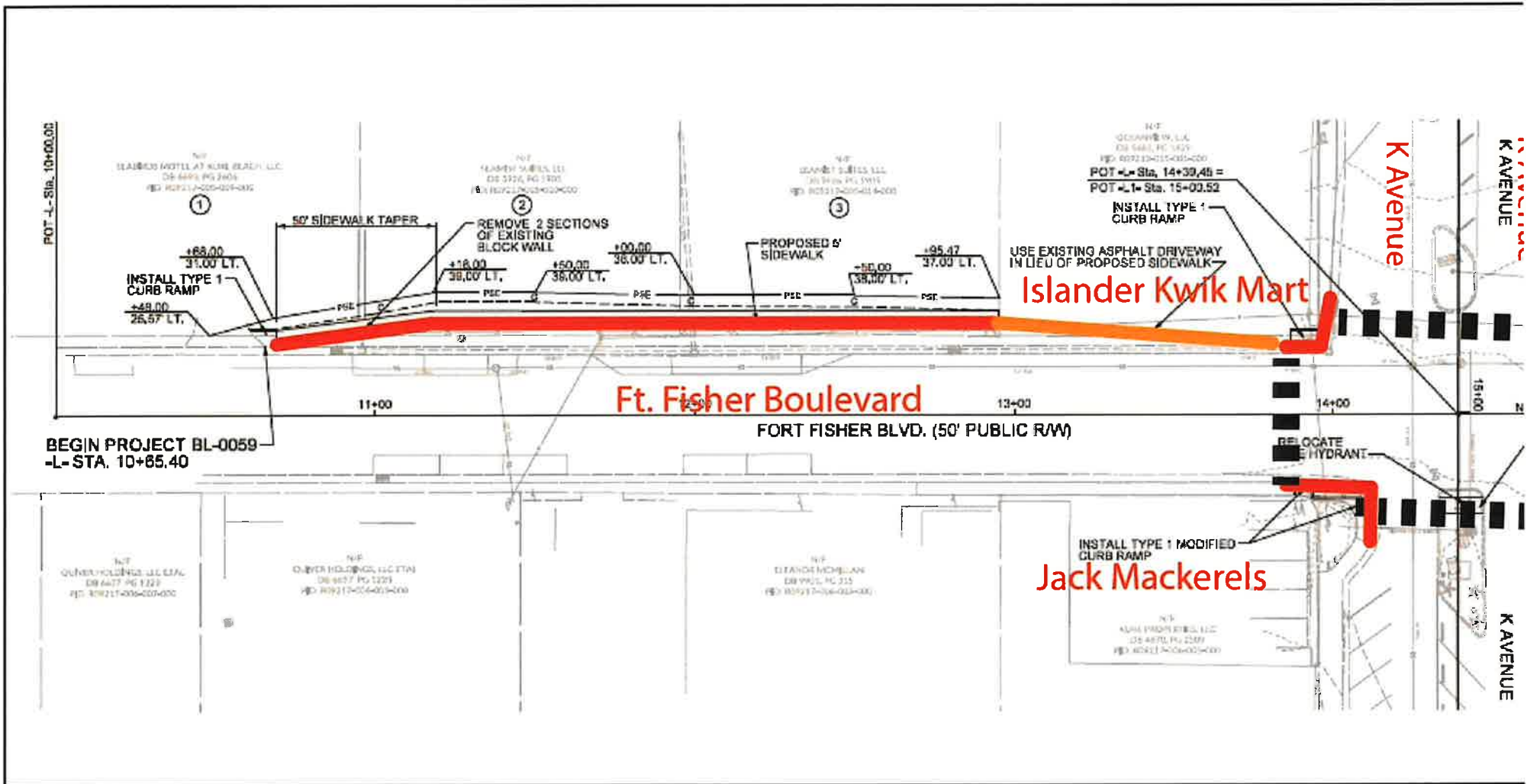
- **Current Status:**

- WithersRavenel is contracted to do engineering and design work and the right-of-way (ROW) process.
- 60% engineering plans have been reviewed by Town and NCDOT.
- WithersRavenel is working with a ROW management company, TELIC

- **Next Steps:**

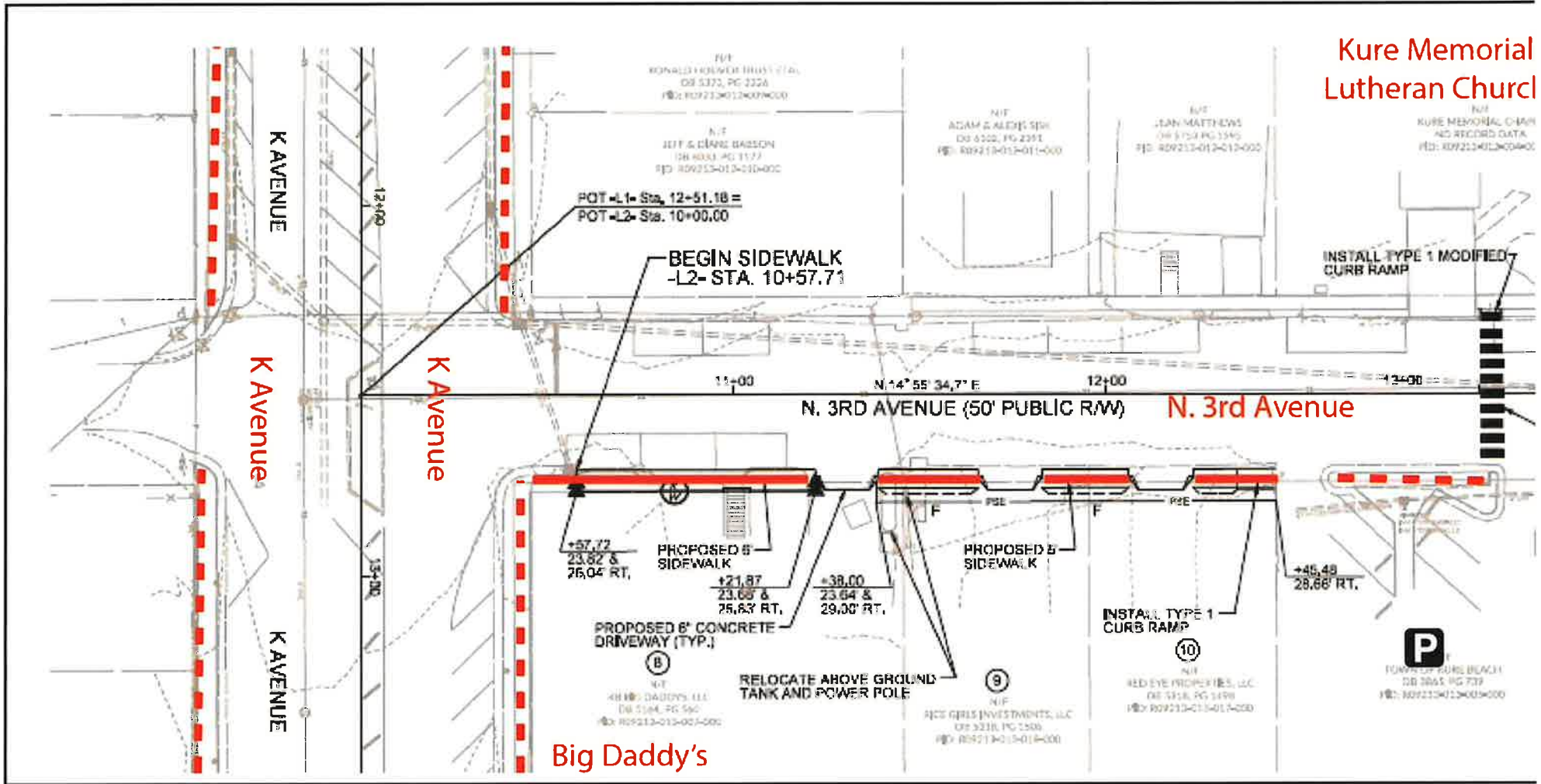
- 90% engineering plans will be presented to Town and NCDOT in early
- TELICS will work with the Town, property owners, and WithersRavene needs.
- Town will need to release a Request for Qualifications (RFQ) for const inspection services.
- 100% plans will need to be approved by NCDOT.
- Town will release a RFQ for construction.

Ft. Fisher Boulevard & K Avenue Intersection Improvements (60% Plans - B)



- New sidewalk
- New crosswalk
- New driveway crossing (marked pavement)
-

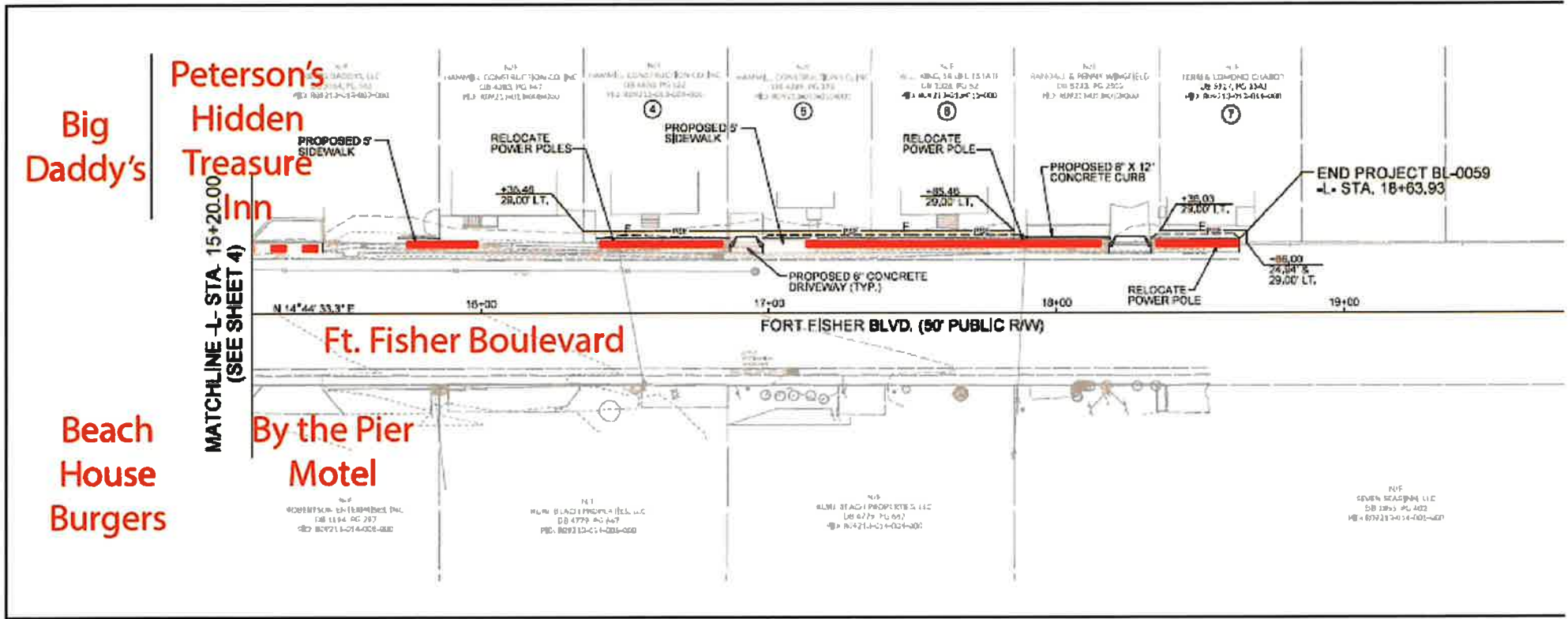
North 3rd Avenue Pedestrian Improvements (60% Plans - BL-0059)



——— New sidewalk
 ■■■■ New crosswalk
 - - - - Existing sidewalk

Ft. Fisher Boulevard & K Avenue Intersection Improvements (60% Plans - BL)

Note: This portion may be completed at a later date, depending on the cost estimates



————— New sidewalk
 - - - - - Existing sidewalk

Any Questions?