



TOWN COUNCIL AGENDA

REGULAR MEETING

Feb 20, 2018 @ 6:30 p.m.

**Asterisks indicate documentation is included in agenda packet*

Call to Order – Mayor Bloszinsky

Invocation & Pledge of Allegiance – Rev. Thomas Williams, Lay Pastor

APPROVAL OF CONSENT AGENDA ITEMS

1. * Approve closing Atlantic Avenue to public vehicle traffic between K and L Avenues from early morning hours through 7 pm on Saturday, April 28, 2018 and allow for participation of food trucks and art, craft, and food vendors during the annual Street Festival
2. * Appoint Amanda Stiles to the Marketing Committee as an alternate
3. * Appoint Randy McNeely to the Board of Adjustment as an alternate
4. * Approve contract and engagement letter with the auditing firm of Bernard Robinson and Company LLP, in the amount of \$18,700 for FY17-18
5. Approve travel to UNC School of Government Essentials of Municipal Government Training in Sunset Beach, NC from 2/15/18 to 2/17/18 for Mayor Bloszinsky, Commissioner Ellen, Commissioner Oliver, Commissioner Whitley, at a cost of approximately \$1,612.56 from the Council Travel and Training Budget
6. Approve travel to ASBPA Coastal Summit in Washington, DC from 3/20/18 to 3/22/18 for Mayor Bloszinsky and Commissioner Oliver, at a cost of approximately \$2,107.72 from the Council Travel and Training Budget
7. Approve travel to NCBIWA 2018 Local Coastal Governments Meeting in Pine Knoll Shores, NC from 4/23/18 to 4/24/2018 for Mayor Bloszinsky and Commissioner Oliver, at a cost of approximately \$650.00 from the Council Travel and Training Budget
8. *Building Inspector Report January 2018
9. *Finance report through February 13, 2018
10. *Minutes:
 - January 22, 2018 regular

Consent agenda items are voted on as one item. If a member of Council wishes to discuss an individual item, a motion must be made and approved to move the item to the agenda.

ADOPTION OF THE AGENDA

PUBLIC HEARING – Proposed amendments to Chapter 19 (Zoning) regarding setbacks
Notice of the public hearing was advertised in the Star News on February 4, 2018 and in the Island Gazette on February 7 and 14, 2018 as per N.C.G.S. 160A-364. Amendments do not change any setbacks but clarify and bring consistency to the language in all sections and zoning districts that relate to setbacks.

Opening of public hearing – Mayor Bloszinsky

Comments

Closing of public hearing – Mayor Bloszinsky



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REGULAR MEETING

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DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL
Sign up at podium

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee
2. Marketing Committee
3. Planning & Zoning Commission
4. Non-town Committee Reports
5. Shoreline Access and Beach Protection Committee
*Proposed new multi-part sign to be installed at 14 beach accesses

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation
2. Finance Department
*Tax and ROT dollar allocations
3. Building Department
4. Police Department
5. Public Works Department
*Cost of free bulk trash pick up

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. *Proposed amendments to Chapter 19 (Zoning) regarding setbacks
Approval requires motion to adopt Resolution 18-01 and Consistency Statement 18-01 as presented
2. * Pickleball petition received at January 2018 meeting
- 3.*Approve budget calendar for FY18-19
4. *Reschedule March and April meetings
6. Town facility improvement project update – Oliver

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

- 1.*Proposed text amendment to Chapter 19 (Zoning, Div. 4, RA-2 Residential Dist. Section 153 Dimensional requirements) of Code of Ordinances to change the current rear setback of 10 feet to 5 feet requested for property located at 434 S. Fourth Avenue (*requires public hearing before adoption*)



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2. *Proposed text amendment to Chapter 3 (Alcoholic Beverages, Section 2 Requirements for bars and taverns) of Code of Ordinances to allow public access to any enclosed open air deck or patio extending directly from any bar and/or tavern for property located at 108 K Avenue (*does not require public hearing*)

3. *Request to allow underground electric feed across beach access # 139 (J Ave) parking lot for property located 201 S FFB

4. *Committee policy requiring full time residency to serve

MAYOR UPDATES (no action required)

COMMISSIONER ITEMS (no action required)

CLOSED SESSION, if needed

ADJOURNMENT

PROJECTS IN PROGRESS TRACKING

1. Request for potential wheelchair access at beach access 1004-1/2 (Myrtle/Oceanview)
PW to provide quote at Feb or March meeting (1/22/18 meeting)

2. Signage on beach for Ethyl-Dow structure (1/22/18 meeting)
SLABP committee to provide wording
Authorized 5 signs
2 N&S 250 feet from center
2 E&W --one at each end
1 E&W at center

CONSENT AGENDA



MEMO

TO: Town Council

FROM: Nikki Keely, Recreation Manager

RE: Council Actions for Street Festival – Saturday, 4/28/2018

DATE: 2/8/18

The Kure Beach Street Festival Planning Committee is working on plans for the Annual Street Festival scheduled for Saturday, April 28, 2018. This year the plan is to scale the event back to the time/footprint prior to last year's 70th Anniversary Celebration, which is 11am through 5pm on Atlantic Avenue between K and L Avenues and Ocean Front Park. The area of K Avenue east of Fort Fisher Boulevard will remain open throughout the event.

The Committee is interested in having food trucks/vendors, art and craft vendors, children's entertainment, and live music. Beer and wine sales for consumption on site will not be included. However, a wine vendor would be able to provide 1 oz. samples of their product to customers of legal drinking age and sell closed bottles for consumption off site with proper ABC permits.

The Annual Street Festival expense budget is currently \$6,000, with a matching revenue budget of \$6,000. The Committee will be able to produce a wonderful event within the budgeted expense amount. In addition, the goal is to meet or exceed the projected revenue through the solicitation of sponsors and the sale of vendor space and other fundraising items.

Before event planning can further progress, Council action is required on the following items:

- Close Atlantic Avenue to public vehicle traffic between K and L Avenue from the early morning hours through 7 p.m. on Saturday, April 28, 2018.
- Allow for the participation of food trucks and art, craft, and food vendors during event hours.

nk



TOWN OF KURE BEACH
REQUEST FOR APPOINTMENT
Board/Commission/Committees

RECEIVED
1-19-18

Current

MUST BE A FULL-TIME RESIDENT TO SERVE ON BOARD OF ADJUSTMENT,
COMMUNITY CENTER COMMITTEE OR PLANNING AND ZONING COMMISSION

Request for Appointment to: Marketing Committee

Name Amanda Stiles

KB Property Address 611 4th Ave. S Kure Beach, NC 28449

Mailing Address 611 4th Ave. S Kure Beach, NC 28449

Contact PH# 865-740-7520 Email as@amandastiles.com

(You will receive the majority of correspondence via email)

Length of full-time residency in Kure Beach 2 years

Employment Wilmington Magazine

Job Title Managing Editor

Professional Activities Oversee the design, editorial direction, and content of publication, manage freelance writers & photographers, attend local social & business events as representative for Wilmington Magazine.

Volunteer Activities Walking Tall Wilmington

Other committee work, past or present Big Buddy Program Wilmington, Food Pantry, non-profit event planning

What is your understanding of the purpose of this committee?

Advisor to Wilm & Beaches Visitors Bureau on mktg & advt efforts to promote travel & tourism to KB.

Why are you interested in serving on this committee?

Feel as though my background, skills, and interests align with the purpose of the committee.

In what specific concerns or areas are you interested?

A strong city-wide infrastructure, support of local businesses, coastal environmental protection

What days and/or times between 8am-8pm, Monday through Friday, are you unable to attend meetings?

Available for all

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature Amanda Stiles Date 1/19/17

Thank you for your interest in serving the Town of Kure Beach

Please submit your application to:

Town Clerk, Kure Beach Town Hall, 117 Settlers Lane, Kure Beach, NC 28449

NOTE: All financial obligations to the town must be satisfied to be a Kure Beach committee member.

Town Use Only

Date Received 1-19-18 Initials NA Financial Obligations Satisfied YES NO

Interview Date _____ (If applicable) Appointment Date _____

Term Length _____ Term Expiration _____



TOWN OF KURE BEACH
REQUEST FOR APPOINTMENT
Board/Commission/Committees

Rec'd 11/2/17
TC Tracy

MUST BE A FULL-TIME RESIDENT TO SERVE ON TOWN COMMITTEES

Request for Appointment to: ~~Planning and Zoning Commission~~

BOA Alternate 1/25/18

Name Randy McNecly

Address 821 Cutter Ct.

Telephone _____ Cell 910-524-1897

Email rmcnecly@wmjordan.com (You will receive the majority of correspondence via email)

Length of permanent residence in Kure Beach 1 month /6 years part time

Employment W.M. Jordan Company (Commercial Building Contractor)

Job Title Senior Project Manager

Professional Activities NAIOP, Leadership Raleigh,

Volunteer Activities Board of Directors for Ronald McDonald House of Durham, 1 million meals, Apex Music Festival

Other committee work, past or present President of HOA, President of High School Booster Club, Chairman of Building Committee for major Church renovation.

What is your understanding of the purpose of this committee?

Review Town zoning requirements and control development. Review zoning requirements to keep current with changing needs.

Why are you interested in serving on this committee?

Now that I live here full time I would like to be involved and give back to the community.

What specific concerns or areas are you interested in?

Controlled and Organized growth and Development

Are there any time blocks from 8am-8pm, Monday through Friday, when you cannot attend meetings?

8-5 Monday-Friday

Any misrepresentation of fact on this application will subject the applicant to legal proceedings as prescribed by law.

Signature Randy McNecly Date 10/31/17

Thank you for your interest in serving the Town of Kure Beach

Please return ORIGINAL to: Town Clerk - Town of Kure Beach 117 Settlers Lane, Kure Beach, NC 28449

Town Use Only

Date Received _____ Initials _____ Utilities Current YES NO
Interview Date _____ (If applicable) Appointment Date _____
Term Length _____ Term Expiration _____



January 24, 2018

To the Town Council
Town of Kure Beach, North Carolina
117 Settlers Lane
Kure Beach, North Carolina 28449

We are pleased to confirm our understanding of the services we are to provide the Town of Kure Beach, North Carolina for the year ending June 30, 2018. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Kure Beach, North Carolina as of and for the year ending June 30, 2018. Accounting standards generally accepted in the United States of America (“GAAP”) provide for certain required supplementary information (RSI), such as management’s discussion and analysis (MD&A), to supplement the Town of Kure Beach, North Carolina’s basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Kure Beach, North Carolina’s RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- Management’s Discussion and Analysis.
- Law Enforcement Officers’ Special Separation Allowance – Schedule of Funding Progress
- Other Postemployment Benefits – Schedule of Finding Progress.
- Other Postemployment Benefits – Schedule of Employer Contributions.
- Schedule of the Proportionate Share of Net Pension Assets – Local Government Employee’s Retirement System
- Schedule of Contributions – Local Government Employee’s Retirement System



We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Kure Beach, North Carolina's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- Budgetary comparison of the general fund and water and sewer fund.
- Schedule of Ad Valorem Taxes Receivable
- Analysis of Current Year Levy

Audit Objective

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of Town of Kure Beach, North Carolina's financial statements. Our report will be addressed to the Honorable Town Mayor and Members of the Town Council of the Town of Kure Beach, North Carolina. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Town or to acts by management or employees acting on behalf of the Town

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States of America.

In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Controls

Our audit will include obtaining an understanding of the Town and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Kure Beach, North Carolina's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance, and we will not express such an opinion.

Other Services

We will also assist in preparing the financial statements and related notes, and supplementary information of Town of Kure Beach, North Carolina in conformity with accounting principles generally accepted in the United States of America based on information provided by you. In addition, we will perform a cash basis to accrual basis accounting adjustment and propose standard, adjusting, or correcting journal entries or other changes affecting the financial statements based on information provided by you as part of the nonattest services you have requested.

We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements and related notes, supplementary information, performing a cash basis to accrual basis accounting adjustment, and proposing of standard, adjusting, or correcting journal entries or other changes affecting the financial statements previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities, for the selection and application of accounting principles; and for the preparation and fair presentation in the financial statements in conformity with accounting principles generally accepted in the United States of America.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the Town from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the Town involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Town received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the Town complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with accounting principles generally accepted in the United States of America. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities relating to the financial statements and related notes, supplementary information, performing a cash basis to accrual basis accounting adjustment, and proposing of standard, adjusting, or correcting journal entries or other changes affecting the financial statements, and any other nonattest services we provide.

You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes, supplementary information, performing a cash basis to accrual basis accounting adjustment, and proposing of standard, adjusting, or correcting journal entries or other changes affecting the financial statements, and that you have reviewed and approved the financial statements and related notes, and supplementary information prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

The audit documentation for this engagement is the property of Bernard Robinson & Company, L.L.P. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the North Carolina Local Government Commission or its designee. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Bernard Robinson & Company, L.L.P. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies. The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the Government.

Victor Blackburn is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

To ensure that Bernard Robinson & Company, L.L.P.'s independence is not impaired under the *AICPA Code of Professional Conduct*, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$18,700 for the year ending June 30, 2018. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. We will invoice you for these fees at the following intervals: 1) completion of our fieldwork; and 2) delivery of the financial statements. Invoices are payable upon presentation. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. The Town of Kure Beach, North Carolina will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

You agree to hold us harmless and to release, indemnify, and defend us from any liability or costs, including attorney's fees, resulting from management's knowing misrepresentations to us.

We appreciate the opportunity to be of service to Town of Kure Beach, North Carolina and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know.

If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Bernard Robinson & Company, L.L.P.

BERNARD ROBINSON & COMPANY, L.L.P.

RESPONSE:

This letter correctly sets forth the understanding of the Town of Kure Beach, North Carolina.

Town Management

By: *Allen Copenhagen*

Title: *Finance & Budget Officer*

Governance

By: _____

Title: _____



POTTER & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS

Report on the Firms' System of Quality Control

November 15, 2017

To the Partners of Bernard Robinson & Company, L.L.P. and the Peer Review Committee of the NCACPA,

We have reviewed the system of quality control for the accounting and auditing practice of Bernard Robinson & Company, L.L.P. (the firm) in effect for the year ended May 31, 2017. Our peer review was conducted in accordance with Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary (<http://aicpa.org/summary>). The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included audits under *Government Auditing Standards*, compliance audits under the Single Audit Act and audits of employee benefit plans.

As a part of our review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Bernard Robinson & Company, L.L.P. in effect for the year ended May 31, 2017, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of pass, pass, with deficiency, or fail. Bernard Robinson & Company, L.L.P. has received a peer review rating of pass.

Potter & Company, P.A.

CONTRACT TO AUDIT ACCOUNTS

Of The Town of Kure Beach

Primary Government Unit

N/A

Discretely Presented Component Unit (DPCU) if applicable

On this 24th day of January, 2018,

Auditor: Bernard Robinson & Company, LLPAuditor Mailing Address: 1501 Highwoods Blvd., Suite 300Greensboro, North Carolina 27410

Hereinafter referred to as The Auditor

and Town Council(Governing Board(s)) of The Town of Kure Beach

(Primary Government)

and N/A

: hereinafter referred to as the Governmental Unit(s), agree as follows:

(Discretely Presented Component Unit)

1. The Auditor shall audit all statements and disclosures required by accounting principles generally accepted in the United States of America (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning July 1, 2017, and ending June 30, 2018. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with auditing standards generally accepted in the United States of America. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards*, (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board). **County and Multi-County Health Departments:** The Office of State Auditor will require Auditors of these Governmental Units to perform agreed upon procedures (AUPs) on eligibility determination on certain programs. Both Auditor and Governmental Unit agree that Auditor shall complete and report on these AUPs on Eligibility Determination as required by Office of the State Auditor (OSA) and in accordance with the instructions and timeline provided by OSA.
3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's Auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unqualified opinion being rendered. If during the process of conducting the audit the Auditor determines that it will not be possible to render an unqualified opinion on the financial statements of the unit, the Auditor shall contact the SLGFD staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

Primary Government Unit

N/A

Discretely Presented Component Unit (DPCU) if applicable

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract. **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the SLGFD within four months of fiscal year end. Audit report is due on: October 31, 2018. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC.** (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoices shall be sent via upload through the current portal address: <https://nctreasurerslgfd.leapfile.net>. Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date shall be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Government shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (Note: **Fees listed on Fees page.**) This does not include fees for any Pre-Issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item #12).
10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall submit to the SLGFD either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to the SLGFD simultaneously with the

Primary Government Unit

N/A

Discretely Presented Component Unit (DPCU) if applicable

Governmental Unit's audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the fiscal year end.
12. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit shall not be billed for the pre-issuance review. The pre-issuance review shall be performed **prior** to the completed audit being submitted to the SLGFD. The pre-issuance review report shall accompany the audit report upon submission to the SLGFD.
13. The Auditor shall electronically submit the report of audit to the SLGFD as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. **Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit report Reissuance form.** These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If the SLGFD determines that corrections need to be made to the Governmental Unit's financial statements, those corrections shall be provided within three days of notification unless another deadline is agreed to by the SLGFD.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the SLGFD.

The SLGFD's process for submitting contracts, audit reports and invoices is subject to change. Auditors shall use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.
15. If an approved contract needs to be amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload the amended contract is <https://nctreasurerslgfd.leapfile.net>. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

Primary Government Unit

N/A

Discretely Presented Component Unit (DPCU) if applicable

16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit shall be attached to the contract, and by reference here becomes part of the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #23 of this contract. Engagement letters containing indemnification clauses shall not be accepted by the SLGFD.
17. Special provisions should be limited. Please list any special provisions in an attachment.
18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.
19. The contract shall be executed, pre-audited, physically signed by all parties including Governmental Unit and t h e Auditor and then submitted in PDF format to the Secretary of the LGC. The current portal address to upload the contractual documents is <https://nctreasurerslgfd.leapfile.net>. Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of November 2017. These instructions are subject to change. Please check the NC Treasurer's web site at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx> for the most recent instructions.
20. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. **The audit should not be started before the contract is approved.**
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. **E-Verify.** Auditor **shall comply** with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor **shall require** such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

SIGNATURE PAGES FOLLOW FEES PAGE

The Town of Kure Beach

Primary Government Unit

N/A

Discretely Presented Component Unit (DPCU) if applicable

FEES – PRIMARY GOVERNMENT

AUDIT: \$ 14,800

WRITING FINANCIAL STATEMENTS: \$ 3,900

ALL OTHER NON-ATTEST SERVICES: \$ 18,700

For all non-attest services the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a “significant threat” requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ 14,025

** NA if there is to be no interim billing

FEES – DPCU (IF APPLICABLE)

AUDIT: \$ N/A

WRITING FINANCIAL STATEMENTS: \$ N/A

ALL OTHER NON-ATTEST SERVICES: \$ N/A

For all non-attest services the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Governmental Auditing Standards* (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a “significant threat” requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ N/A

** NA if there is to be no interim billing

Contract to Audit Accounts (cont.) The Town of Kure Beach
Primary Government Unit
N/A
Discretely Presented Component Unit (DPCU) if applicable

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:
Bernard Robinson & Company, LLP
Name of Audit Firm
By Victor Blackburn, Partner
Authorized Audit firm representative name: Type or print

Signature of authorized audit firm representative
Date January 24, 2018

vblackburn@brccpa.com
Email Address of Audit Firm

Governmental Unit Signatures:
The Town of Kure Beach
Name of Primary Government
By Craig Bloszindky, Mayor
Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board
Date

By N/A
Chair of Audit Committee - Type or print name


Signature of Audit Committee Chairperson **
Date

** If Governmental Unit has no audit committee, mark this section "N/A"

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

By Arlen Copenhaver, Finance & Budget Officer
Primary Government Unit Finance Officer:
Type or print name


Primary Government Finance Officer Signature
Date 2/20/2018
(Pre-audit Certificate must be dated.)

a.copenhaver@townofkurebeach.org
Email Address of Finance Officer



Date _____ Government Governing Body
Approved Audit Contract - G.S. 159-34(a)

*****Please provide us the most current email addresses available as we use this information to update our contact database*****

Kure Beach Inspections Dept.-All Permits Issue Date: 1/1/2018 - 1/31/2018

PermitNo	Issue Date	Applicant	Owner	Project Addr	Est Cost	Fee	Description	Final
Building								
R-2								
180002	1/16/2018	BIANCHI, DAVID R REV TRUST ETAL	BIANCHI, DAVID R REV TRUST ETAL	1100 S FORT FISHER BLV	\$7,200	\$150.00	Bathroom remodeling	
180005	1/25/2018	SIMOTAS, SPIRIDON JIANNOUNA	SIMOTAS, SPIRIDON JIANNOUNA	318 FOURTH AVE S	\$30,000	\$250.00	Porch remodel	
180009	1/30/2018	GIBBS, LAWRENCE AND JESSICA	GIBBS, LAWRENCE AND JESSICA	1100 FORT FISHER BLV S	\$41,000	\$300.00	General Renovations	
				Total R-2 3	\$78,200	\$700.00		
R-3								
180001	1/2/2018	CHISHOLM, NANCY	CHISHOLM, NANCY	210 ASSEMBLY AVE	\$420,000	\$9,460.00	New SFD	
180003	1/17/2018	FAULKNER, MICHAEL	FAULKNER, MICHAEL	853 S FORT FISHER BLV	\$28,500	\$250.00	Rebuild deck	
180004	1/23/2018	RAGON, HUGH B LIBBY L	RAGON, HUGH B LIBBY L	710 SLOOP POINTE LN	\$321,290	\$9,557.00	New SFD	
180006	1/25/2018	FUNK, JILL RUSSELL	FUNK, JILL RUSSELL	102 S SIXTH AVE	\$2,000	\$50.00	New deck addition	
180007	1/25/2018	SEEMANN, JASON A HEATHER J	SEEMANN, JASON A HEATHER J	1254 S FORT FISHER BLV	\$12,000	\$200.00	Deck Additions	
180008	1/25/2018	313 NORTH FT FISHER BLVD CO,	313 NORTH FT FISHER BLVD CO,	313 FORT FISHER BLV N	\$28,748	\$250.00	Deck renovations	
180010	1/30/2018	ASHBRIDGE, BYRON L JR JEANNE E	ASHBRIDGE, BYRON L JR JEANNE E	302 KURE VILLAGE WAY	\$18,600	\$200.00	renovation	
180011	1/31/2018	JONES, DONALD R	JONES, DONALD R	306 F AVE	\$130,000	\$1,010.00	New UNIT B	
				Total R-3 8	\$961,138	\$20,977.00		
				Total Building 11	\$1,039,338	\$21,677.00		
Fence								
R-3								
180001	1/9/2018	AUSTIN, TOMMY L SUZANNE S	AUSTIN, TOMMY L SUZANNE S	301 FOURTH AVE S	\$0	\$25.00	New 4 and 6' fence	
180003	1/23/2018	TURNER, MICHAEL B	TURNER, MICHAEL B	1721 PINFISH LN	\$0	\$25.00	New 6' fence	
				Total R-3 2	\$0	\$50.00		
				Total Fence 2	\$0	\$50.00		
Landscape								
R-3								
180001	1/3/2018	RGL DEVELOPMENT INC, John Rimer	RGL DEVELOPMENT INC, John Rimer	848 S FORT FISHER BLV	\$0	\$25.00	Lot clearing	
180002	1/3/2018	MAYHEW, BELINDA MARSHALL	MAYHEW, BELINDA MARSHALL	506 FOURTH AVE S	\$0	\$25.00	Lot clearing	
180003	1/23/2018	HODGE, DENNIS M PATRICIA W	HODGE, DENNIS M PATRICIA W	353 KURE DUNES LN	\$0	\$25.00	Ground level deck	
180004	1/23/2018	TIPTON, JOYCE ETAL	TIPTON, JOYCE ETAL	200 SEAWATCH WAY	\$0	\$25.00	Tree removal	
180005	1/23/2018	HAYNES, RICHARD D DEBORAH C	HAYNES, RICHARD D DEBORAH C	294 SEAWATCH WAY	\$0	\$25.00	Tree removal	
				Total R-3 5	\$0	\$125.00		
				Total Landscape 5	\$0	\$125.00		
				Total Permits: 18	\$1,039,338	\$21,852.00		

TOWN OF KURE BEACH
REVENUE AND EXPENDITURE SUMMARY
JULY 1, 2017 TO FEBRUARY 13, 2018

REVENUES

	2018 Initial Bud.	2018 Amend. Bud.	Actual 2/13/2018	% Collected
GENERAL FUND				
Property Taxes (Cur. & PV)	\$ 2,491,300	\$ 2,491,300	\$ 2,450,708	98.4%
Local Option Sales Tax	\$ 850,075	\$ 850,075	\$ 507,262	59.7%
Garbage & Recycling	\$ 382,350	\$ 382,350	\$ 232,804	60.9%
Franchise & Utility Tax	\$ 234,500	\$ 234,500	\$ 117,555	50.1%
TDA Funds	\$ 205,650	\$ 205,650	\$ 53,609	26.1%
CAMA Grants - Beach Access Paving	\$ 89,332	\$ 89,332	\$ -	0.0%
Communication Tower Rent	\$ 79,125	\$ 79,125	\$ 52,590	66.5%
Bldg. Permit & Fire Inspect. Fees	\$ 59,300	\$ 59,300	\$ 53,060	89.5%
Sales Tax Refund	\$ 54,000	\$ 54,000	\$ 57,479	106.4%
Com Ctr/Parks & Rec/St Festival	\$ 20,500	\$ 20,500	\$ 9,643	47.0%
Motor Vehicle License Tax/Decals	\$ 15,000	\$ 15,000	\$ 14,270	95.1%
Town Facility Rentals	\$ 15,000	\$ 15,000	\$ 13,381	89.2%
ABC Revenue	\$ 14,600	\$ 14,600	\$ 12,729	87.2%
OFF - Bluefish Purchases	\$ 11,000	\$ 11,000	\$ 3,960	36.0%
Beer & Wine Tax	\$ 9,500	\$ 9,500	\$ -	0.0%
All Other Revenues	\$ 6,185	\$ 466,571	\$ 15,616	3.3%
Other Financing Sources	\$ 70,000	\$ 70,000	\$ 31,668	45.2%
Total Revenues	\$ 4,607,417	\$ 5,067,803	\$ 3,626,334	71.6%

EXPENDITURES

	2018 Initial Bud.	2018 Amend. Bud.	Actual 2/13/2018	% Spent
GENERAL FUND				
Governing Body	\$ 38,505	\$ 38,505	\$ 26,523	68.9%
Committees	\$ 120,010	\$ 120,010	\$ 2,719	2.3%
Finance	\$ 150,786	\$ 150,786	\$ 103,774	68.8%
Administration	\$ 407,848	\$ 583,848	\$ 378,133	64.8%
Community Center	\$ 23,300	\$ 23,300	\$ 10,296	44.2%
Emergency Mgmt./Elections	\$ 3,100	\$ 3,100	\$ 2,653	85.6%
Tax Collections	\$ 27,000	\$ 27,000	\$ 15,224	56.4%
Legal	\$ 28,950	\$ 28,950	\$ 16,946	58.5%
Police Department	\$ 1,308,960	\$ 1,315,160	\$ 742,604	56.5%
Fire Department	\$ 701,867	\$ 695,667	\$ 403,502	58.0%
Lifeguards	\$ 196,850	\$ 196,850	\$ 93,666	47.6%
Parks & Recreation	\$ 146,027	\$ 146,027	\$ 73,628	50.4%
Bldg Inspection/Code Enforcement	\$ 135,201	\$ 135,201	\$ 77,242	57.1%
Streets & Sanitation	\$ 863,848	\$ 863,848	\$ 480,568	55.6%
Debt Service	\$ 360,615	\$ 564,042	\$ 262,921	46.6%
Transfer to Other Funds	\$ 46,450	\$ 127,409	\$ 127,409	100.0%
Contingency	\$ 48,100	\$ 48,100	\$ -	0.0%
Total Expenses	\$ 4,607,417	\$ 5,067,803	\$ 2,817,808	55.6%

WATER & SEWER FUND

Water Charges	\$ 805,000	\$ 805,000	\$ 473,735	58.8%
Sewer Charges	\$ 1,155,000	\$ 1,155,000	\$ 662,549	57.4%
Tap, Connect & Reconnect Fees	\$ 37,200	\$ 37,200	\$ 48,020	129.1%
All Other Revenues	\$ 8,455	\$ 8,455	\$ 6,692	79.1%
Other Financing Sources	\$ 145,000	\$ 145,000	\$ 31,958	22.0%
Total Revenues	\$ 2,150,655	\$ 2,150,655	\$ 1,222,954	56.9%

WATER & SEWER FUND

Governing Body	\$ 17,505	\$ 17,505	\$ 10,023	57.3%
Legal	\$ 28,950	\$ 28,950	\$ 16,946	58.5%
Finance	\$ 186,200	\$ 186,200	\$ 115,917	62.3%
Administration	\$ 260,170	\$ 260,170	\$ 162,735	62.5%
Operations	\$ 1,657,830	\$ 1,657,830	\$ 837,501	50.5%
Total Expenses	\$ 2,150,655	\$ 2,150,655	\$ 1,143,122	53.2%

STORM WATER FUND

Total Revenues	\$ 630,094	\$ 630,094	\$ 425,798	67.6%
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STORM WATER FUND

Total Expenses	\$ 630,094	\$ 630,094	\$ 425,798	67.6%
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POWELL BILL FUND

Total Revenues	\$ 65,070	\$ 65,070	\$ 65,335	100.4%
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POWELL BILL FUND

Total Expenses	\$ 65,070	\$ 65,070	\$ 1,328	2.0%
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SEWER EXPANSION RESERVE FUND (SERF)

Total Revenues	\$ 30,330	\$ 30,330	\$ 2,172	7.2%
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SEWER EXPANSION RESERVE FUND (SERF)

Total Expenses	\$ 30,330	\$ 30,330	\$ -	0.0%
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BEACH PROTECTION FUND

Total Revenues	\$ 47,090	\$ 47,090	\$ 47,210	100.3%
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BEACH PROTECTION FUND

Total Expenses	\$ 47,090	\$ 47,090	\$ -	0.0%
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FEDERAL ASSET FORFEITURE FUND

Total Revenues	\$ 50,000	\$ 50,000	\$ -	0.0%
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FEDERAL ASSET FORFEITURE FUND

Total Expenses	\$ 50,000	\$ 50,000	\$ 16,155	32.3%
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**TOWN OF KURE BEACH
CASH AND INVESTMENTS
AS OF JANUARY 31, 2018**

<u>FUND</u>	<u>CASH IN BANK</u>	<u>INVESTMENTS</u>	<u>TOTAL CASH & INVESTMENTS</u>
General	\$3,327,874	\$344,624	\$3,672,498
Water/Sewer	\$1,452,195	\$589,634	\$2,041,829
Storm Water	(\$1,580)	\$242,276	\$240,696
SERF	\$55,978	\$92,004	\$147,982
Powell Bill	\$334,148	\$20,088	\$354,236
Beach Protection	\$158,090	\$176,754	\$334,844
Federal Asset Forfeiture	\$57,324	\$0	\$57,324
Capital Project Funds	\$391,028	\$0	\$391,028
TOTAL	\$5,775,057	\$1,465,380	\$7,240,437
<u>INSTITUTION</u>			
BB&T	\$5,775,057	\$0	
First Bank - Certificates of Deposit	\$0	\$913,422	
NCCMT Term Portfolio	\$0	\$542,533	
NCCMT Governmental Portfolio	\$0	\$9,425	
TOTAL	\$5,775,057	\$1,465,380	

TOWN OF KURE BEACH
SUMMARY OF CONTINGENCY FUND AND COMMITTEE
EXPENDITURE ACTIVITY
07/01/2017 - 02/13/2018

CONTINGENCY FUND

Fiscal Year 2018 Budget	\$48,100.00
Less:	
No activity	<u>\$0.00</u>
Remaining Budget as of 02/13/2018	<u><u>\$48,100.00</u></u>

COMMITTEE (Shoreline Access and Beach Protection) EXPENDITURES

Fiscal Year 2018 Budget	\$120,010.00
Less Expenditures:	
Dune Signage	\$718.60
E & I Ave. Beach Access Parking - Design & Engineering - Capital Project	<u>\$2,000.00</u>
Total Expenditures	\$2,718.60
Projects Approved By Council But Not Yet Expended:	
E & I Ave. Beach Access Parking Project - Capital Project	<u>\$112,710.00</u>
Total Approved, Not Expended	<u><u>\$112,710.00</u></u>
Remaining Budget as of 02/13/2018	<u><u>\$4,581.40</u></u>

**TOWN OF KURE BEACH
DEBT LISTING
FEBRUARY 20, 2018**

LOAN PURPOSE/DESCRIPTION	FUND	LENDER	DATE OF LOAN	AMOUNT FINANCED	INTEREST RATE	LOAN TERM (YRS)	DATE PAID OFF	BALANCE AT 2/20/18	PAYMENT FREQUENCY	PAYMENT AMOUNT	NEXT PAY DATE	INT. EXPENSE LIFE OF LOAN
Fire Station/Town Hall Project (a)	G, W/S	BB&T	12/11/2017	\$5,000,000	2.58%	15	12/11/2032	\$5,000,000.00	Semi-annual	\$231,166.67	6/11/2018	\$999,750.00
Sewer Rehabilitation Project (b)	W/S	Fed Gov	5/1/2010	\$432,660	0.00%	20	5/1/2030	\$137,224.32	Annual	\$10,555.72	5/1/2018	\$0.00
Ocean Front Park (development)	G	BB&T	7/12/2011	\$347,000	4.39%	17	7/12/2028	\$224,529.44	Annual	\$30,268.60	7/12/2018	\$137,099.64
Ocean Front Park (acquisition)	G	BB&T	12/19/2007	\$3,600,000	4.28%	20	12/19/2027	\$649,038.55	Annual	\$92,682.71	12/19/2018	\$690,135.16
Kure Beach Pump Station #1	W/S	1st Bank	6/28/2017	\$475,000	2.11%	10	6/28/2027	\$453,587.13	Semi-annual	\$26,507.64	6/28/2018	\$55,152.80
334 S. 4th, 402 H & 406 H Ave. Water Tower & Well House & Town Hall Expansion (c)	G, W/S	BB&T	3/12/2015	\$409,471	2.49%	10	3/12/2025	\$327,576.91	Annual	\$49,103.79	3/12/2018	\$56,077.07
2016 John Deere Backhoe (d)	W/S, SW	BB&T	4/11/2007	\$1,187,187	3.92%	15	5/7/2022	\$431,108.77	Semi-annual	\$52,716.71	5/7/2018	\$394,314.33
2018 Police Dodge Durango	G	BB&T	11/9/2016	\$105,273	1.87%	5	11/9/2021	\$84,991.26	Annual	\$22,250.35	11/9/2018	\$5,978.75
2017 Freightliner Garbage Truck	G	1st Bank	10/19/2017	\$31,668	1.95%	4	10/19/2021	\$31,668.00	Annual	\$8,312.14	10/19/2018	\$1,558.73
Compact Excavator (d)	W/S, SW	1st Bank	8/23/2016	\$179,756	1.70%	5	8/23/2021	\$145,006.54	Annual	\$38,303.62	8/23/2018	\$9,270.57
(2) 2016 Police Dodge Chargers	G	1st Bank	7/28/2017	\$63,915	1.80%	4	7/28/2021	\$63,915.00	Annual	\$16,714.37	7/28/2018	\$2,901.83
O'Brien 7065 Hydroletter (d)	W/S, SW	1st Bank	11/9/2016	\$63,500	1.60%	4	11/9/2020	\$48,000.96	Annual	\$16,524.00	11/9/2018	\$2,560.16
2016 Chevrolet Silverado	G	1st Bank	7/26/2016	\$36,867	1.60%	4	7/26/2020	\$49,712.69	Annual	\$17,149.28	8/13/2018	\$4,202.44
Cutter Court Drainage Project	SW	B of A	7/23/2005	\$875,000	4.40%	15	6/23/2020	\$27,868.52	Monthly	\$9,593.55	7/26/2018	\$1,486.39
FY 2016 Equipment & Vehicles (e)	G, W/S	BB&T	9/14/2015	\$186,000	2.01%	4	9/14/2019	\$177,290.08	Annual	\$6,677.76	3/23/2018	\$326,995.49
(2) 2015 Police Cars	G	BB&T	3/27/2015	\$48,359	2.19%	4	3/27/2019	\$94,850.52	Annual	\$48,859.87	9/14/2018	\$9,439.48
2015 Ford F-250 Utility Truck	W/S	BB&T	10/24/2014	\$32,216	2.19%	4	10/24/2018	\$24,703.23	Annual	\$12,758.83	3/27/2018	\$2,676.33
Downtown Improvement Project	G	BB&T	1/17/2014	\$117,000	1.93%	4.5	6/17/2018	\$8,317.58	Annual	\$8,499.73	10/24/2018	\$1,782.92

FUND CODES

G - General Fund
W/S - Water/Sewer Fund
SW - Storm Water Fund

TOTAL OUTSTANDING DEBT AT 2/20/2018:

General Fund \$ 6,050,399.92
Water/Sewer Fund \$ 1,676,911.83
Storm Water Fund \$ 276,599.56
Total \$ 8,003,911.30

NOTES

- (a) - 88% of loan is General Fund and 12% is Water/Sewer Fund.
- (b) - Total amount borrowed was \$432,660. As part of ARRA, the unpaid balance was immediately reduced by one-half of the loan amount.
- (c) - 78% of loan is Water/Sewer Fund and 22% is General Fund.
- (d) - 50% of loan is Water/Sewer Fund and 50% is Storm Water Fund.
- (e) - 55.5% of loan is General Fund and 44.5% is Water/Sewer Fund.

LOAN PAYMENTS DUE (Next 12 Months):

02/21/2018 - 03/31/2018 \$ 68,540.38
04/01/2018 - 06/30/2018 \$ 365,699.02
07/01/2018 - 09/30/2018 \$ 180,922.57
10/01/2018 - 02/20/2019 \$ 489,898.75
Total \$ 1,105,060.72

**TOWN OF KURE BEACH
KURE BEACH PUMP STATION #1
CAPITAL PROJECT FUND SUMMARY
AS OF 02/13/2018**

	<u>APPROVED BUDGET</u>	<u>ACTUAL AS OF 02/13/18</u>
<u>EXPENDITURES</u>		
<u>ENGINEERING SERVICES, PA</u>		
Land Surveying Fees	\$4,000	\$4,000.00
Engineering Planning	\$5,000	\$0.00
Engineering Design	\$47,000	\$47,000.00
Bidding Assistance	\$6,500	\$6,500.00
Construction Administration	\$25,000	\$22,500.00
Construction Inspection	<u>\$28,500</u>	<u>\$25,650.00</u>
Total Engineering Services, PA	<u>\$116,000</u>	<u>\$105,650.00</u>
<u>OTHER PROJECT COSTS</u>		
Legal Fees	\$4,750	\$26.00
LGC Loan Application Fee	<u>\$1,250</u>	<u>\$1,250.00</u>
Total Other Costs	<u>\$6,000</u>	<u>\$1,276.00</u>
<u>CONSTRUCTION</u>		
T&H CONSTRUCTION OF HAMPSTEAD, NC	\$632,514	\$600,733.14
AVRETT PLUMBING CO., INC.	<u>\$57,217</u>	<u>\$67,217.00</u>
Total Construction Costs	<u>\$689,731</u>	<u>\$667,950.14</u>
<u>GRAND TOTAL EXPENDITURES</u>	<u><u>\$811,731</u></u>	<u><u>\$774,876.14</u></u>
<u>PROJECT REVENUE SOURCES</u>		
Transfer From Water/Sewer Fund to Pump Station #1 Capital Project Fund	\$186,731	\$186,731.00
Transfer From Sewer Expansion Reserve Fund (SERF) to Pump Station #1 Capital Project Fund	\$150,000	\$150,000.00
Installment Financing	<u>\$475,000</u>	<u>\$475,000.00</u>
<u>GRAND TOTAL PROJECT REVENUE SOURCES</u>	<u><u>\$811,731</u></u>	<u><u>\$811,731.00</u></u>

**TOWN HALL RENOVATION AND NEW FIRE STATION
CAPITAL PROJECT FUND SUMMARY
AS OF 02/13/2018**

	APPROVED BUDGET	ACTUAL AS OF 02/13/18
<u>EXPENDITURES</u>		
<u>OAKLEY COLLIER ARCHITECTS</u>		
Feasibility Study	\$28,500	\$28,500.00
Schematic Design	\$74,407	\$74,407.40
Design Development	\$55,806	\$55,805.55
Construction Documents	\$148,815	\$148,814.80
Bidding & Negotiation	\$18,602	\$18,601.85
Contract Administration	\$74,407	\$12,396.27
Reimbursable Expenses	\$14,720	\$13,213.96
Retainer	\$0	\$7,000.00
Total Oakley Collier Architects	\$415,257	\$358,739.83
<u>OTHER PROJECT COSTS</u>		
Surveys	\$6,500	\$4,200.00
Legal Fees	\$25,000	\$21,334.98
LGC Loan Application Fee	\$1,250	\$1,250.00
Bank Loan Fees	\$2,900	\$2,900.00
Special Inspections	\$16,000	\$0.00
Other	\$500	\$150.00
Total Other Project Costs	\$52,150	\$29,834.98
<u>PROJECT MANAGEMENT COSTS</u>		
Constructive Building Solutions	\$100,000	\$30,000.00
<u>CONSTRUCTION</u>		
Town Hall	\$2,496,343	\$65.00
Fire Station	\$2,267,209	\$65.00
Total Construction Costs	\$4,763,552	\$130.00
<u>GRAND TOTAL EXPENDITURES</u>	\$5,330,959	\$418,704.81
 <u>PROJECT REVENUE SOURCES</u>		
Transfer From General Fund	\$330,959	\$330,959.00
Installment Financing	\$5,000,000	\$5,000,000.00
Interest on Project Fund Bank Account	\$0	\$68.38
<u>GRAND TOTAL PROJECT REVENUE SOURCES</u>	\$5,330,959	\$5,331,027.38



TOWN COUNCIL MINUTES

REGULAR MEETING

January 22, 2018 @ 6:30 p.m.

The Kure Beach Town Council held a Regular Meeting on Monday, January 22, 2018 at 6:30 p.m.

The town attorney was present and there was a quorum of council members.

COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky
Mayor Pro Tem (MPT) David Heglar
Commissioner Joseph Whitley
Commissioner John Ellen
Commissioner Allen Oliver

COUNCIL MEMBERS ABSENT

All present

STAFF PRESENT

Finance Officer – Arlen Copenhaver
Town Clerk – Nancy Avery
Building Inspector – John Batson
Fire Chief – Ed Kennedy
Police Chief – Mike Bowden
Utility Systems Operator/Crew Leader – Jimmy Mesimer
Administrative Assistant – Nancy Applewhite

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 6:30 p.m. and delivered the opening invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. *Accept resignation of Jeannie Gordon from the Community Center Committee
2. *Community Center Committee requests Council's approval moving Lisa Lepo from Alternate Position to Full Member
3. *Building Inspections Report – December 2017
4. *Fire Department Report – November 2017
5. *Approve application for TDA funding totaling \$178,202.68 for lifeguard services summer 2017
6. *Approve application for TDA funding totaling \$8,800 for summer concerts at FFAFB



TOWN COUNCIL MINUTES

REGULAR MEETING

January 22, 2018 @ 6:30 p.m.

7. *Finance Report
8. *Minutes:
 - *December 11, 2017 regular/organizational

MOTION – Commissioner Heglar moved to approve Consent Agenda Items, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

ADOPTION OF THE AGENDA

MOTION – Commissioner Whitley moved to adopt the meeting agenda, as presented.

SECOND – Commissioner Heglar

VOTE – Unanimous

PUBLIC HEARING – System Development Fee

Mayor Bloszinsky opened the Public Hearing at 6:33 p.m. on the proposed System Development Fee assessment of \$592.26 for water and sewer connection for all new development, per unit. The hearing was advertised in the Star News on January 14th and in the Island Gazette on January 17th. Additionally, a 45 day public comment period was held from November 7 to December 22, 2017.

MPT Heglar asked the public if they were understanding of the fee and its purpose. He then explained that the original fee of \$2,500 for new construction had been invalidated by the NC State Legislature. Then the General Assembly of North Carolina enacted and amended Chapter 162A of the General Statute to implement a one-time proposed System Development Fee. The amount of the fee to be \$ 592.26 per unit.

PUBLIC COMMENTS

None

Mayor Bloszinsky closed the Public Hearing at 6:36 p.m.

DISCUSSION AND CONSIDERATION OF PRESENTATIONS TO COUNCIL

1. William Wickliffe, 417 N. 4th presented a prepared statement, pictures and a signed petition of 23 signatures to council. Mr. Wickliffe stated that the Pickleball players and supporters of Pickleball of Kure Beach appreciate the reconditioning of the basketball and tennis courts with the inclusion of the Pickleball lines. Their observations and suggestions to council included putting pea gravel around the edges of the court which can easily be swept clean. The border of sand and weeds transfers onto the court upon entry and also when the players chase errant balls.



TOWN COUNCIL MINUTES

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He then referenced the USA Pickleball Association (USAPA) guidelines stating: *If adding lines to an existing tennis and basketball court, the “tone on tone” lines in the same color family as the court itself should be used.* Mr. Wickliffe stated that the Pickleball players of Kure Beach suggest that the Town of Kure Beach allow them to fund the purchase of approved line paint and repaint the lines on the tennis court according to USAPA specifications.

Mayor Bloszinsky stated that the matter would be taken under advisement, discussed and someone would get back in touch with Mr. Wickliffe and the Pickleball players of Kure Beach.

2. Debbie Elliot of the Kure Beach Marketing Committee presented the proposed Rollover Budget Recommendations for 2018. She explained that the funds raised are through room occupancy tax earmarked for travel and tourism marketing. The two part presentation was from information provided by the advertising agency Clean, with the second part of the rollover budget from the public relations agency. She reported the primary audience for use of the rollover budget is within state from the Triangle Area, Winston-Salem, Greensboro, Charlotte and Fayetteville. The secondary audience is from the feeder markets of Richmond VA, Columbus, OH, Pittsburgh, PA, Myrtle Beach, SC, Baltimore, MD, Charleston, WV, Knoxville, TN and Lexington, KY. This is a 60/40 financial in state/out of state target split applied to all spring media.

The first rollover media recommendation for the spring of 2018 is Facebook video. It is a \$15,000 recommended budget with the objective to boost awareness and drive engagement amongst Facebook users and the Kure Beach brand. Facebook’s comprehensive targeting will be leveraged to reach audiences interested in travel with a 15 second pre-rolled video. Creative options for the video will be presented to the Marketing Committee by Clean Design for an opportunity to weigh in and give opinions.

The second recommendation is for the use of TripAdvisor. The objective is to increase awareness of Kure Beach as a destination and to drive deeper engagement while capitalizing on TripAdvisor’s audience of vacation planners. TripAdvisor will direct qualified audiences to the Kure Beach website. The \$5,000 ad cost in February and March will provide 236,900 guaranteed impressions served on North Carolina coastal related pages and Kure’s tourism pages on TripAdvisor.

The third recommendation is an Influencer Campaign through iExplore. Influencers are people who are online which yield a great deal of influence. They may be bloggers or you tube users with a great number of followers. The objective is to supplement a spring influencer campaign with incremental funds to increase coverage and engagement opportunities. The \$5,000 cost includes one influencer trip to Kure Beach, 75 guaranteed social media posts, 2 blog posts on influencer’s blog and one on TravelMindset.com



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Mayor Bloszinsky asked how the influencer would be selected. Debbie Elliot explained that decision for selection is based on data acquired from on line travel influencers who are having an effect on travel and tourism areas impacting individual and family travel decision making. She stated that research indicates people are making their choices based on recommendations and reviews posted on line from influencers. Those chosen for Kure will have clearly demonstrated that they have the ability to influence. She explained that most of the funds used by Clean will be going towards the influencer for Kure Beach.

The mayor asked if Carolina Beach and Wrightsville Beach are using influencers. She responded and stated she could not advise definitively that they are using influencers, but she commented that she would be surprised if they were not using them. Commissioner Ellen asked about the guarantees and the Marketing Committee tracking used against the money paid. Debbie Elliot explained that the guarantees are for the number of impressions received, and that they are definitely being tracked. Examples of the iExplore campaign postings by influencers were presented. She reported the Spring 2017 Campaign results to be:

- 3,650,000 influencer social post impressions
- 39,312 native article pageviews
- 3,400 native article shares
- 601 “likes” on social media
- 204 average seconds spent on articles
- 71 influencer posts on social media

The funds from the rollover budget will be allocated in February and March for both the TripAdvisor and the Influencer Campaign in the amount of \$10,000. The Facebook video pre-roll is allocated in March and April in the amount of \$15,000 bringing the total spending to \$25,000.

Debbie Elliot provided a review of the proposed Rollover Budget:

- | | |
|-----------------|----------|
| • Digital Media | \$25,000 |
| • Social Media | \$ 6,350 |
| • Contingency | \$ 4,703 |
| • Total | \$36,053 |

Said proposed Rollover Budget is herein included as part of these minutes.

She then presented the recommendations from French West Vaugh:

- Video Content Amplification recommending amplifying spring video content with paid support to extend the reach of the video content. Potential reach is



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477,000 individuals in a 4 month campaign with a budget of \$5,600. Video content is more engaging than static content.

- Facebook & Instagram Live incorporating motion into social media content mix encouraging engagement, motion of all types, live video content heavily promoted. Nearby Carolina Beach Facebook events performing well. The average view per event is 4,406 and the average engagements per event were 311. French West Vaugh recommends testing live video for Kure Beach in the spring and at the anniversary of the Battle of Fort Fisher and utilizing livestream capabilities on Facebook and Instagram. The budget for this is \$750.

Mayor Bloszinsky explained the importance of the Marketing Rollover Budget to the audience. He advised that the money acquired comes from Room Occupancy Taxes (ROT) paid by tourists staying at Kure Beach. He stated that the state government advises Kure Beach on how the money is to be spent and that part of the spending is to be used generating new tourism activities. The mayor said approximately \$250,000 is dispersed to costs associated with lifeguards and other things relative to Kure Beach.

Mr. Galbraith, a UNCW Director and a Professor of the School of Business, commented that the university has a Department of Recreation and Hospitality, a Department of Marketing and a Department of Computer Science and Film Studies. He stated there are approximately 10 graduate students who prepare videos. He also advised that there is an Entrepreneurship Program at the university, as well as individuals within the community who are accomplished in this type of work. He made a recommendation that in the future the committee look internally to Wilmington, to avoid economic leakage with funds generated in the community going to Raleigh. Mayor Bloszinsky recommended the university meet with Kim Hufham of the Wilmington and Beaches Visitors Bureau as she is involved in the decision making concerning this matter.

MOTION – MPT Heglar moved to approve the requested budget with a contingency of \$4,703, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Planning & Zoning Commission

- Craig Galbraith, Vice Chair of Planning and Zoning, provided an overview of the interview process conducted with the five applicants
- One permanent position and one alternate position available



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- Interviews were conducted by the commission with each candidate
- Commission went into Closed Session for discussion
- A unanimous agreement by the commission of all five candidates on qualifications and ability to work with any one of the candidates
- Recommendations of two candidates documented in minute packet presented to council

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Administration and Recreation – Town Clerk Avery reported that the state permits for storm water exemption and DOT were received and the notice to proceed is issued for January 23, 2018 for the expansion/renovation and the new fire station. She reported that the contract is a 300 day contract and after said days liquated damages go into effect unless the fault is the responsibility of the town or the weather. She advised that the ground breaking is to be scheduled the week of February 12th.

2. Fire Department – Fire Chief Kennedy requested council to direct the Marketing Committee to work with the Fire Department on their fundraiser, which is a fishing tournament. He stated the step is preliminary to see if this would be an allowable resource for the department to use. MPT Heglar advised that the last 34 years the “Got Em On Classic Fishing Tournament” has raised over \$181,000 for each of the fire departments. The money raised helped build the current Carolina Beach Fire Station. MPT Heglar stated the tournament has requested the two Fire Departments to assist with marketing the program. MPT Heglar asked council to provide the allowance of the Fire Chief to work with the Marketing Committee, if permissible under the marketing rules. Also, he would like the committee to offer advice as to what kind of opportunities they can provide to support the Fire Department.

Mayor Bloszinsky recommended checking with the CBV to see if marketing funds can be used to support the tournament. He also stated if this was not possible, a request could be made for the Marketing Committee to assist the Fire Department.

COUNCIL CONSENSUS – Council directed the Fire Chief to work with the Marketing Committee reviewing the option to work with the Fire Department in support of the fundraiser.

Commissioner Ellen stated that the Marketing Committee meets on January 23rd, and he will present the matter to the committee. Fire Chief Kennedy committed to attending the meeting held at the Community Center on the 23rd.

3. Public Works Department – No report was provided
MPT Heglar provided an overview to those in attendance on the update of the matter on Third Street. He communicated that a homeowner requested assistance with storm water issues. He



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explained that the town handles this by providing drainage on public property, and the homeowner is responsible to get the water from private property to public property

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Appointments to Planning and Zoning Commission for the regular and alternate position Mayor Bloszinsky asked each of the candidates to stand for the council and audience, with the exception of Robert Young who was out of town. He encouraged the candidates to get involved in other committees if they were not selected for Planning and Zoning.

MOTION – Commissioner Whitley moved to appoint Retha Deaton as the permanent member of the Planning and Zoning Commission.

SECOND – Commissioner Ellen

VOTE – Unanimous

MOTION – Commissioner Whitley moved to appoint Robert Young as the alternate member of the Planning and Zoning Commission.

SECOND – MPT Heglmar

VOTE – Unanimous

2. Proposed draft amendments to Chapter 19 (Zoning) of the Code of Ordinances regarding setback regulation clarification and consistency submitted by P&Z in November 2017.

Commissioner Ellen reported that the matter had been presented previously when he was Chair of Planning & Zoning. He provided a summary of the accounts and research conducted and brought to council. Mayor Bloszinsky confirmed that there were no changes to the setbacks just clarity provided to the language in 19 places to be consistent to the current setbacks. Mr. Galbraith communicated that the attorney went through the document carefully cleaning up the language.

MOTION – Commissioner Ellen moved to schedule a Public Hearing to address the proposed draft amendments on Chapter 19 (Zoning) of the Code of Ordinances regarding setback regulation clarification consistency as the first order of business at the February meeting.

SECOND – Commissioner Whitley

VOTE – Unanimous



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3. Proposed System Development Fee assessment of \$592.00 for water and sewer connection for all new development, per unit.

MOTION – Commissioner Heglar moved to adopt the fee of \$592.00, as presented, amending Chapter 17, Section 42(c), 48, 126 (b-c) and 127 (a-d) of the Code of Ordinances and the Fee Schedule presented.

SECOND – Commissioner Oliver

VOTE – Unanimous

An audience participant asked if there was a way to recoup the money lost. MPT Heglar responded that it is not retroactive and the town acted as quickly as possible per legislative directives.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Appointment to WMPO CAC Committee

MOTION – Commissioner Ellen moved to appoint John Cawthorne to the WMPO CAC Committee

SECOND – MPT Heglar

VOTE – Unanimous

Commissioner Ellen stated that he would advise the candidate of his appointment to the WMPO CAC Committee.

2. Request for potential wheelchair access at beach access 1004-1/2 (Myrtle/Oceanview)
Mayor Bloszinsky advised there is no handicap access at the north end of the town. A request has been received from the citizens for handicap access. MPT Heglar stated that a ramp needs to be installed. Building Inspector Batson confirmed that the issue was not a CAMA issue. MPT Heglar communicated that a permit was needed to install a ramp, and with the approval of council Public Works could evaluate the situation with the engineer and provide a presentation to council for approval to be completed.

MOTION – MPT Heglar moved to direct Public Works to evaluate the cost and make a recommendation to council at the February meeting to make this an ADA compliant beach access.

SECOND – Commissioner Whitely

VOTE – Unanimous



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3. Overpayments/refunds on utility payments

MPT Heglar reported that council has seen issues regarding this matter three times. Changes were made in the July budget to have an increase added to residents' second garbage receptacle; therefore, costing more than the first receptacle. The Finance Department made adjustments to the billing process reflective of the changes. When this was completed three citizens requested refunds for charges of the second garbage receptacle, which they stated had never been received. The Finance Officer made advisement to council of the two year statute of limitations for refund of overbilling on utility bills. In these three incidents refunds were made to the citizens for over two years, approved by council. MPT Heglar stated that it has been 6 months since the change occurred, and the citizens have had ample time to request refunds.

MOTION – MPT Heglar moved to follow state policy regarding the 2 year statute of limitation on refunding overbilling.

SECOND – Commissioner Whitley

VOTE – Unanimous

4. DOT request to update ordinances on speed limits

Town Clerk Avery reported that a request was received from the NC Department of Transportation. She stated that they are trying to update their ordinances on speed limits, and explained that there are no changes to speed limits only changes to both DOT and Town ordinances reflective of what exists today. Town Clerk Avery communicated that the request was reviewed by both the Police Chief and the Town Attorney. She requested a motion to adopt the changes.

MOTION – MPT Heglar moved to adopt DOT traffic ordinances 1031880, 1031881, 1072288 and 1072525 and amend Chapter 10, Section 82-5 of the Code of Ordinances, as presented.

SECOND – Commissioner Ellen

VOTE – Unanimous

5. Signage on beach for Ethyl-Dow structure

Mayor Bloszinsky reported that input from neighbors along the beach front have been received regarding the beach front just south of the Seawatch entrance at the public access within view of the pier. He explained the hidden structure in the water to be corroded steel spikes, and the numerous actions and great deal of work taken by council to protect people from the structure in the water. Discussions revolved around the signage sizing, posting, placement, and the defined distance between the signage. Confirmation of what is not allowed in the wording of the signage was received from the attorney.

MOTION – MPT Heglar moved to authorize the Shoreline Access and Beach Protection (SLABP) Committee to work with the following guidelines for signage on the beach for Ethyl-Dow Structure, with recommendations to be brought back to council. Two signs are to be placed



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north and south 250 feet from the center of the structure facing north and south. Two signs are to be placed facing east and west, one on each end of the actual structure. A fifth sign is to be placed in the center of the structure at the entrance of the walkway pointing east and west, with the SLABP Committee to recommend the size and the wording for the signs after research completed.

SECOND – Commissioner Ellen

VOTE – Unanimous

MAYOR UPDATES

The mayor reported that North Carolina Byways will be travelling to Washington, DC in March to talk with congressional representatives about drilling along the coast. He stated that council may be joining the delegation. MPT Heglar confirmed that Town Council is in opposition of the drilling.

MPT Heglar and Commissioner Whitley requested that the dates of the March and April meeting be placed on the February Agenda for discussion and changes.

COMMISSIONER ITEMS

MPT Heglar reported that the new commissioners will be in receipt of emergency training requirements 1, 2, 7 & 8 sometime in February which may be completed on-line. He explained the importance of the training of those in leadership positions for FEMA filing requirements to receive FEMA relief and reimbursement in case of storms.

ADJOURNMENT

MOTION – Commissioner Ellen moved to adjourn the meeting.

SECOND – Commissioner Whitley

VOTE – Unanimous

The meeting adjourned at 8:03 p.m.

Craig Bloszinsky, Mayor

ATTEST: Nancy Avery, Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting.

PUBLIC HEARING



KURE BEACH
PLANNING & ZONING COMMISSION

P&Z Meeting Date: 11/01/2017

P&Z Agenda Item# 6.a.

ZONING CONSISTENCY STATEMENT
N.C.G.S. 160A-383

X This recommendation is CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan ("LUP") adopted by Council on 9/27/06 and by the Coastal Resources Commission on 11/17/06

_____ This recommendation is NOT CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan

X This recommendation is consistent with Part 3, Section 2.B. *Land Use Compatibility* of the LUP.

X Consideration of recommended text amendments to The Town of Kure Beach Code:

Chapter 19 Zoning, Art. I, Sect. 19-1, *Definitions*.

Chapter 19 Zoning, Art. III, Divs. 2-14, Sects. 19-93-95; -109-110; -153-155; -168-169; -178-180; -188-190; -204-205; -224-225; -244; -246; -265; -267; -284; -286; -304-305; -317; and -319, *District Regulations*.


Chapter 19 Zoning, Art. IV, Sects. 19-320-321.5; -326; and 328, *Supplemental District Regulations*.

Chapter 19 Zoning, Art. V, Sect. 357, *Nonconforming Uses*.

The Planning and Zoning Commission requests Town Council's consideration and approval of the proposed text amendments attached hereto and considers its recommendation to be reasonable and in the public interest based on its findings that: i) the amendments more effectively regulate the function and use of setbacks within the Town's Zoning Districts and ii) effective setback regulations are consistent with the goal on land use compatibility set forth in Part 3, Section 2.B. of the LUP which provides, in pertinent part, as follows:

Kure Beach desires to ensure that future development will be consistent with the historic small town nature of the community...and will work to...ensure that any uses of the land and water minimize negative environmental impact and avoid risks to public health, safety and welfare, and will not exceed the capability of the land or man-made features to support such use.

Kure Beach Planning and Zoning Commission:

 Chairman

CHAPTER 19 "SETBACK" TEXT AMENDMENTS

Sec. 19-1. - Definitions.

The terms for allowable uses are listed in this section of Kure Beach's Zoning Ordinance and the extracts of the 1987 Standard Industrial Classification Manual (SIC), presented in Appendix A, will be used to determine a uses classification.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building shall mean a structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars and trailers; provided that, however, the term "building" shall not mean nor be construed so as to include a container. The term "building" shall be construed as if followed by the words or part thereof.

Building line shall mean a line, which established the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot. (See yard requirements)

Building permit shall mean permission granted by the building inspector for the erection, relocation, reconstruction or structurally altering any building.

Pergola. A structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.

Setback shall mean the distance between the minimum building line and the street right-of-way line required to obtain the front side, or rear yard open space provisions of this chapter in order to provide for runoff control, health, safety, firefighting, free flow of air and adequate off-street parking. In the event there is not a street right-of-way involved, then the property line shall be used in establishing the setback.

Structures shall mean anything constructed or erected, the use of which requires location on the land including freestanding billboards, signs and fences. The term structure shall be construed as if followed by the words, or part thereof.

Yard shall mean an open space on the same lot with a building (primary and accessory), unoccupied and unobstructed from the ground upward except by trees, shrubbery, ~~or screen walls, or fences,~~ ground level decks and walkways, or as otherwise provided for or required underin this chapter. ~~The minimum allowable depth or width of a yard shall be determined by a line parallel to or following the curvature of the property line a constant distance there from.~~

Yard, front shall mean a yard across the full width of the lot, extending from the front line of the nearest building on the lot to the front line of the lot.

Yard, rear shall mean a yard across the full width of the lot, as measured from the furthest rear point of the principal building to the rear line of the lot.

Yard, side shall mean a yard across the full width of the lot, extending from the side line of the principal building on the lot to the side line of the lot.

(Ord. of 8-19-03; Ord. of 11-20-07; Ord. of 4-15-08; Ord. of 3-17-09; Ords. of 5-17-2016)

Cross reference— Definitions and rules of construction generally, § 1-2.

DIVISION 2. - RA-1 RESIDENTIAL DISTRICT

Sec. 19-93. - Dimensional requirements.

The following dimensional requirements shall apply to all uses in the RA-1 district unless other requirements are stated herein.

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback and corner side yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet;
- (6) Off-street parking shall be provided as required in section 19-334 et seq.

(Ord. of 8-19-03)

Sec. 19-94. - Modification to required lot area and required yards/setbacks.

A dwelling may be erected on a lot or plot having less than the minimum area and width in section 19-93, provided the same existed under one (1) ownership, to include heirs at law or legislators, by virtue of a recorded plat or deed recorded in the office of the register of deeds of New Hanover County prior to the original passage of this requirement. The following modifications ~~X(?)~~ to required lot area and required yards/setbacks shall apply in this case:

- (1) Required lot area shall be five thousand (5,000) square feet.
- (2) ~~Front yards shall mean n~~No modification shall be allowed in front yards/setbacks.
- (3) Side yards/setbacks ~~may be shall not be~~ reduced to ~~not~~ less than five (5) feet on each side and the total width of the two (2) side yards/setbacks shall not be less than ten (10) feet.
- (4) Rear yards/setbacks ~~may be shall not be~~ reduced to ~~not~~ less than ten (10) feet.
- (5) ~~Reserved c~~Corner lot side yard/setback shall not be allowed to reduce the buildable width of the main building to less than twenty (20) feet.

(Ord. of 8-19-03)

Sec. 19-95. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

(Ord. of 8-19-03)

Sec. 19-96. - Signs.

The regulations and requirements for signs in this district shall conform to the Sign Code, Article VI of this chapter.

(Ord. of 8-19-03)

Secs. 19-97—19-106. - Reserved.

DIVISION 3. - RA-1A RESIDENTIAL DISTRICT

Sec. 19-109. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-1A district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-110. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that, however, off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 4. - RA-2 RESIDENTIAL DISTRICT

Sec. 19-153. - Dimensional requirements.

The following dimensional requirements shall apply to all uses in the RA-2 district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-154. - Modification to required lot area and required yards/setbacks.

- (a) A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded plat or deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- (b) The following modification to required lot area and required yards shall apply in this case:
 - (1) Front yards/setbacks shall ~~have no modification in front yards not be modified~~;
 - (2) Rear yards/setbacks shall ~~have no modification allowed to required rear yards not be modified~~.

(Ord. of 8-19-03)

Sec. 19-155. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 5. - RA-2A RESIDENTIAL DISTRICT

Sec. 19-168. - Dimensional requirements.

- (a) The following dimensional requirements shall apply to all uses in the RA-2A district unless other requirements are stated herein:
- (1) Minimum required lot area shall be five thousand (5,000) square feet;
 - (2) Minimum required mean lot width shall be fifty (50) feet;
 - (3) Minimum required front yard/setback shall be twenty (20) feet;
 - (4) Minimum required side yard/setback shall be five (5) feet;
 - (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-169. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 6. - RA-2T RESIDENTIAL TRAILER DISTRICT

Sec. 19-178. - Dimensional requirements.

- (a) The following dimensional requirements shall apply to all uses in the RA-2T district unless other requirements are stated herein:
- (1) Minimum required lot area shall be five thousand (5,000) square feet;
 - (2) Minimum required mean lot width shall be fifty (50) feet;
 - (3) Minimum required front yard/setback shall be twenty (20) feet;
 - (4) Minimum required side yard/setback shall be five (5) feet;
 - (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-179. - Modification to required lot area and required yards/setbacks.

- (a) A dwelling together with its accessory buildings may be erected on a lot or plot having less than five thousand (5,000) square feet provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue or a recorded deed in the office of the register of deeds of New Hanover County prior to the original passage of this requirement in January 1961.
- (b) The following modification to required lot area and required yards shall apply in this case:
- (1) Front yards/setbacks shall ~~have no modification in front yards~~ not be modified;
 - (2) Rear yards/setbacks shall ~~have no modification allowed to required rear yards~~ not be modified.

(Ord. of 8-19-03)

Sec. 19-180. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 7. - RA-3 RESIDENTIAL DISTRICT

Sec. 19-188. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-3 district unless other requirements are stated herein:

- (1) Minimum, required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet;
- ~~(6) Off-street parking shall be provided as required in section 19-334 et seq.~~

(Ord. of 8-19-03)

Sec. 19-189. - Modification to required lot area and required yards/setbacks.

The following requirements are for lots having less than the required minimum area:

- (1) A dwelling may be erected on a lot or plot having less than the required minimum area and width provided the same existed under one (1) ownership, this to include heirs at law or legators, by virtue of a recorded plot or deed recorded in the office of the register of deeds of New Hanover County prior to the original passage of this requirement.
- (2) The following modification to required yards/setbacks shall apply in this case:
 - a. Front yards/setbacks shall ~~have no modification allowed in front yards not be modified except as provided in b. herein.~~
 - b. The required side yard/setback on every lot having less than thirty-eight (38) feet frontage may be reduced by one half foot for each foot said lot is less than forty (40) feet in width, provided further, however, that no side yard/setback/ in this case shall be less than three (3) feet in width.
 - c. The side yard/setback on the street side of a reversed corner lot shall have a width not less than fifty (50) percent of the front yard/setback depth required on lots in the rear of such a reversed corner lot, ~~and no accessory building on such reversed corner lot shall project beyond the front yard of the lots in the rear of such reversed corner lot. This regulation for reversed corner lots~~The modifications provided for in this sub-section shall not have the effect of reducing the buildable width of the main building, to less than twenty-six (26) feet or for accessory buildings to less than twenty (20) feet on any lot of record at the time of the adoption of this modification in January, 1961.

(Ord. of 8-19-03)

Sec. 19-190. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 8. - RA-3A RESIDENTIAL DISTRICT

Sec. 19-204. - Dimensional requirements.

- (a) The following dimensional requirements shall apply to all uses in the RA-3A district unless other requirements are stated herein.
- (1) Minimum required lot area shall be five thousand (5,000) square feet;
 - (2) Minimum required mean lot width shall be fifty (50) feet;
 - (3) Minimum required front yard/setback shall be twenty (20) feet;
 - (4) Minimum required side yard/setback shall be five (5) feet;
 - (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-205. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 9. - RA-4 RESIDENTIAL DISTRICT

Sec. 19-224. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RA-4 district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-225. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 10. - B-1 BUSINESS DISTRICT

Sec. 19-244. -- Yards/Setbacks.

All areas zoned B-1 except the established fire district shall have a minimum front, side, and rear yards/setbacks of three (3) feet ~~front yard, three (3) foot side yard, and three (3) feet rear yard~~each.

(Ord. of 8-19-03)

Sec. 19-246. - Parking.

Parking shall be provided as required in sections 19-334 through 19-339 for all tourist lodgings including any residential and related uses; otherwise no off-street parking shall be required.

DIVISION 11. - B-2 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 19-265. - ~~Yards/Setbacks.~~

The following are the B-2 district setback requirements:

- (1) ~~Twenty (20) feet~~Minimum required yard/setback from a major thoroughfare shall be twenty (20) feet;
- (2) ~~Twenty (20) feet~~Minimum required yard/setback from a minor thoroughfare shall be twenty (20) feet;
- (3) ~~Five (5) feet setback from a side yard~~Minimum required side yard/setback shall be five (5) feet;
- (4) ~~Ten (10) feet~~Minimum required rear yard/setback shall be ten (10) feet. ~~from a rear yard.~~

(Ord. of 8-19-03)

Sec. 19-267. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 12. - B-3 BUSINESS DISTRICT

Sec. 19-284. - Parking.

Parking shall be as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

(Ord. of 8-19-03)

Sec. 19-286. ~~Yards/Setbacks.~~

The following are the setbacks and yard requirements in the B-3 district:

- (1) ~~Twenty (20) feet~~ Minimum required -yard/setback from a major thoroughfare shall be twenty (20) feet;
- (2) ~~Twenty (20) feet~~ Minimum required yard/setback from a minor thoroughfare shall be twenty (20) feet;
- (3) ~~Five (5) feet side-yard~~ Minimum required side yard/setback shall be five (5) feet;
- (4) ~~Ten (10) feet rear-yard~~ Minimum required rear yard/setback shall be ten (10) feet.

DIVISION 13. - RB-1 RESIDENTIAL BUSINESS DISTRICT

Sec. 19-304. - Dimensional requirements.

(a) The following dimensional requirements shall apply to all uses in the RB-1 district unless other requirements are stated herein:

- (1) Minimum required lot area shall be five thousand (5,000) square feet;
- (2) Minimum required mean lot width shall be fifty (50) feet;
- (3) Minimum required front yard/setback shall be twenty (20) feet;
- (4) Minimum required side yard/setback shall be five (5) feet;
- (5) Minimum required rear yard/setback shall be ten (10) feet.

(Ord. of 8-19-03)

Sec. 19-305. - Parking requirements.

Parking shall be provided as required in sections 19-334 through 19-339; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

DIVISION 14. - B4 RESIDENTIAL/LABORATORY DISTRICT

Sec. 19-317. - Parking.

Parking shall be as required in sections 19-334 through 19-339, provided that off-street parking for residential uses shall only be allowed in the front yard/setback.

(Ord. of 8-19-03)

Sec. 19-319. - Yards/Setbacks.

The following are the setbacks and yard requirements in the B-4 district:

- (1) ~~Twenty (20) feet~~ Minimum required yard/setback from a major thoroughfare shall be twenty (20) feet;
- (2) ~~Twenty (20) feet~~ Minimum required yard/setback from a minor thoroughfare shall be twenty (20) feet;
- (3) ~~Five (5) feet side yard~~ Minimum required side yard/setback shall be five (5) feet;
- (4) ~~Ten (10) feet rear yard~~ Minimum required rear yard/setback shall be ten (10) feet.

Sec. 19-320. - Control of yards/setbacks.

Any building or other structure requiring a building permit shall not be permitted in the setback area with the exception of the following items:

- (1) Fence.
- (2) Beach walkovers that are at least ten (10) feet to the rear of the building, and meet the 1996 Hurricane Replacement Standards.
- (3) Ground level walkways.
- (4) Ground level aprons for pools.

Sec. 19-321. - Reduction of lot and yards/setbacks areas-prohibited.

No lot area shall be so reduced or diminished such that the yards/setbacks or other required open spaces shall be smaller than prescribed by this chapter. No yard/setback or other open space about any building or non-permitted structure for the purpose of complying with the provisions of this chapter shall be considered as providing a yard/setback or other open space for the purpose of complying with the provisions of this chapter on an adjoining premises or open space on a lot whereon a building is to be erected.

Sec. 19-321.5. - Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.

Except as provided in section 5-62, no building, building repairs remodeling, installation, driveway, parking lot, other structures, or other ground-covering impervious surfaces, other construction or demolition thereof shall be commenced within the Town's jurisdictional limits begin in the town until a permit has been obtained from the building inspector.

No permit shall be issued if the total square footage of the buildings, other structures, and impervious ground-covering surface will exceed sixty-five (65) percent of the lot; excepting therefrom, those structures located in the B-1 district and the established fire district of the town. Any type driveway or impervious surface across the town right-of-way shall be limited to twenty-four (24) feet wide total.

Impervious surface coverage in the side yard/setback area of residential lots shall be limited to fifteen (15) percent of the yard/setback.

Driveways located in the front yard/setback area of residential lots shall be limited to thirty-six (36) feet in width. Driveways constructed of drip-through wooden, or gravel, or other permeable materials driveways are permissible in any district when serving a single-family residence.

Sec. 19-326. - Location of accessory buildings on residential lots.

Accessory buildings shall be in the rear yard and shall not exceed one (1) story with a height limit of fifteen (15) feet. Accessory buildings shall meet the setback requirements of a residence, and shall be erected, reconstructed or structurally altered in accordance with the building code.

Sec. 19-328. - Modification to front yards/setbacks in residential districts.

Where lots comprising twenty-five (25) percent or more of the frontage on one side of a block are developed with buildings at the time of the adoption of this ordinance, no building hereafter erected or structurally altered shall project beyond the average front yard/setback line so established by the pre-existing buildings, provided that, however, further that this regulation shall not be construed or so interpreted so as to require a front yard/setback depth of more than thirty (30) feet. No front yard depth need exceed the average provided for the two (2) adjoining buildings, one on either side thereof, if such two (2) adjoining buildings are less than two hundred (200) feet apart.

Sec. 19-357. - Continuance of nonconforming situation.

The lawful use of a structure, land, or use of structure and land existing at the time of the passage of this ordinance from which this section was derived may be continued although such does not conform with the provisions of this chapter provided they conform to the following provisions:

- (1) *Minimum single lot requirements.* Where the owner of a lot, or his successor in title thereto does not own sufficient land to enable him to conform to the area requirements of this chapter, the lot may be used as a building site, provided that the minimum back, front, and side yard/setback requirements for the district in which the lot is located are met.
- (2) *Extension in yard/setback space.* A structure that is nonconforming as to yard/setback requirements but conforms to the permissible use within the district in which it is located shall not be enlarged or extended in any direction (horizontally or vertically) into the required open space of the yard/setback area, except for energy conservation enclosures in subsection (9) below, and changes in roof design in subsection (10) below, and ramps, lifting devices and hand rails or a combination of these for the handicapped in subsection (11) below.
- (3) *Change of use.* A nonconforming use shall be changed to only those uses that are permitted in this chapter for the district in which such nonconforming use is located.
- (4) *Extension in use.* There shall be no extension in a nonconforming use that would increase the building's occupancy, square footage, production, servicing or utility demands except that any structure used for single-family residential purposes and maintained as a nonconforming use or structure may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard/setback requirements size which at a minimum should comply with the RA-1A residential requirements.
- (5) *Repairs and alterations.* Normal maintenance, repairs, and improvements of nonconforming buildings shall be permitted provided that it does not violate sections (2)—(4) above.
- (6) *Damage or destruction.* Any nonconforming structure or any building containing a nonconforming use which has been damaged, destroyed, demolished, or removed either by accident or by natural causes may be reconstructed and used as before if a building permit is applied for within one (1) year from the date of destruction, provided, it does not violate subsections (2)—(4) above.
- (7) *Cessation.* If active operation of a nonconforming use is discontinued for a period of twelve (12) consecutive months, such nonconforming use shall thereafter be used only for a conforming use. A cessation will also occur when a structure is willfully removed. Once a nonconforming situation has been changed to a conforming situation, it shall not revert back to a nonconforming situation.
- (8) *Transfer of nonconforming property.* Nonconforming situations cannot be transferred with a lot if it is vacant at the time of transfer, except as noted in subsection (1) above.
- (9) *Energy conservation.* A covered entrance way already in existence within the setback area, which has a permanent foundation and floor and is covered by an existing roof, may be enclosed for energy conservation purposes. The inside dimensions of the enclosure shall be less than seventy (70) square feet in area.
- (10) *Change of roof design.* A flat roof may be changed to a pitched roof provided that such roof shall not exceed a four (4) to twelve (12) ratio. The pitched roof shall not extend horizontally any further than existing nonconforming the situation, nor shall it exceed the current building height limitation. Gutters and downspouts shall be provided to control runoff when adjoining property would be affected as a result of this modification. Where gutters are required, they shall not encroach on the adjoining property.
- (11) *Facilities for handicapped persons.* A ramp, lifting device and hand rails or a combination of these may be constructed in the setback area, provided that no other suitable conforming alternative exists, for the use of persons who are unable to enter or leave their place of dwelling without the

assistance of other persons or a self-propelled method of travel. The facilities listed in this section may not encroach upon the adjoining property. Application for the facility will be made to the building inspector who will investigate and make recommendation to the planning and zoning commission. After their review, planning and zoning will make recommendations to Kure Beach Town Council. After council's review of the case, and upon approval, they will instruct the building inspector to issue a permit and monitor the construction.

(Ord. of 8-19-03; Ord. of 3-18-08(8))

COMMITTEE BUSINESS

Nancy Avery

From: Dennis Panicali <dlpanicali@gmail.com>
Sent: Thursday, February 1, 2018 3:02 PM
To: Nancy Avery
Subject: New Beach Access signs.
Attachments: Beach Access 102(1).JPG

Nancy,

Could you please forward the attached draft of a new multi-part beach access sign to the members of the Town Council and ask them for any comments or concerns on the design and the content. I'd like to get their input prior to formally presenting the proposal.

The SLABP Committee is proposing to put them at the following locations initially and the perhaps at all access points in the future.

They can email or call me directly.

Starting from the north.

1. 344 N. Atlantic Ave
2. 140 N. Atlantic Ave
3. 130 N. Atlantic Ave
4. 120 N. Atlantic Ave
5. 110 N. Atlantic Ave
6. 100 N. Atlantic Ave
7. 99 S. Atlantic Ave
8. 139 S.Fort Fisher Blvd J Ave.
9. 227 S.Fort Fisher Blvd I Ave.
10. 343 S.Fort Fisher Blvd H Ave.
11. 443 S.Fort Fisher Blvd G Ave.
12. 541 S.Fort Fisher Blvd F Ave.
13. 643 S.Fort Fisher Blvd E Ave.
14. 1342 S. Fort Fisher Blvd

Thank you

Dennis

ARTWORK DISCLAIMER

Sign
ERN COMPANY

NS. BANNERS. DESIGN & MORE

thernSignCompany.com
910-794-8243

PLEASE REVIEW AND VERIFY THAT ALL GRAPHICS, COPY AND SPELLING ARE CORRECT. Once this proof is approved, the order is immediately put into production. Any copy and/or changes after proof approval are subject to an additional charge. Southern Sign Company is NOT responsible for any copy errors based on approved artwork.

All layouts and proofs are the intellectual Property of Southern Sign Company and will not be reproduced, in any way, without written consent.

Welcome to KURE BEACH

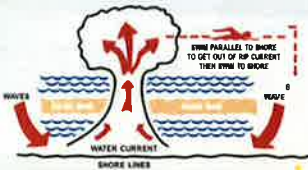


110 N. ATLANTIC AVE.

BEACH CONDITION FLAG SIGNAL

- GREEN**
SAFE SWIMMING CONDITIONS
- YELLOW**
MODERATE SWIMMING CONDITIONS
- RED**
DANGEROUS SWIMMING CONDITIONS
- PURPLE**
DANGEROUS MARINE LIFE
- BLACK / NO FLAG**
OFF DUTY NO GUARD

RIP CURRENT SAFETY



FOR YOUR SAFETY

BEACH RULES

- All dogs are required to be on a leash.
 - Pet waste must be removed from the beach. Dog walkers must carry a "means of disposal".
 - Littering including cigarette butts is prohibited.
 - Trespassing on the sand dunes is prohibited.
 - Alcohol is prohibited on the beach at all times.
 - Fireworks are prohibited on the beach at all times.
 - Fires and Grills are prohibited on the beach at all times.
 - Beach equipment (chairs, tents, etc.) must be removed from the beach between 7pm and 8am.
 - Beach equipment is not allowed within 15 feet of the dune line.
 - Holes cannot be left unattended. All holes must be filled in before leaving the beach.
 - Vehicles on the beach are prohibited.
 - Swimming or surfing within 250 feet of the fishing pier is prohibited.
- POLICE OFFICERS PATROL THE BEACH STRAND DAILY.**
FINES UP TO \$250 - STRICTLY ENFORCED

This Beach Access is HANDICAP ACCESSIBLE



BEACH WHEELCHAIRS AVAILABLE
910.458.2014



**NO DOGS ALLOWED
ON BEACHES**
Apr. 1st - Sept. 30th
FINES UP TO \$150

**HANDICAP
ACCESSIBLE
BEACH RAMP
ACROSS FROM**

E Avenue
H Avenue
L Avenue
Ocean Front Park

**For Non-Emergencies,
Vandalism or Repairs**

Please contact
The Town of Kure Beach
910-452-8216

For All Town Information
including a calendar of events, Visit:
www.KureBeach.org

IN CASE OF AN EMERGENCY, DIAL 9-1-1



Beach Rules and Regulations

- **All dogs** are required to be on a leash.
- **Pet waste** must be removed from the beach. Dog walkers must carry a “means of disposal”.
- **Littering** including cigarette butts is prohibited.
- **Trespassing** on the sand dunes is prohibited.
- **Alcohol** is prohibited on the beach at all times.
- **Fireworks** are prohibited on the beach at all times.
- **Fires and Grills** are prohibited on the beach at all times
- **Beach equipment** (chairs, tents, etc.) must be removed from the beach between 7pm and 8am.
- **Beach equipment** is not allowed within 15 feet of the dune line.
- **Holes** cannot be left unattended. All holes must be filled in before leaving the beach.
- **Vehicles** on the beach are prohibited
- **Swimming or surfing** within 250 feet of the fishing pier is prohibited.

Police officers patrol the beach strand daily

Fines up to \$250 strictly enforced

Beach Rules and Regulations

- **All dogs** are required to be on a leash.
- **Pet waste** must be removed from the beach. Dog walkers must carry a “means of disposal”.
- **Littering** including cigarette butts is prohibited.
- **Trespassing** on the sand dunes is prohibited.
- **Alcohol** is prohibited on the beach at all times.
- **Fireworks** are prohibited on the beach at all times.
- **Fires and Grills** are prohibited on the beach at all times
- **Beach equipment** (chairs, tents, etc.) must be removed from the beach between 7pm and 8am.
- **Beach equipment** is not allowed within 15 feet of the dune line.
- **Holes** cannot be left unattended. All holes must be filled in before leaving the beach.
- **Vehicles** on the beach are prohibited
- **Swimming or surfing** within 250 feet of the fishing pier is prohibited.

Police officers patrol the beach strand daily

Fines up to \$250 strictly enforced



KURE BEACH PLANNING & ZONING COMMISSION REGULAR MEETING

The Kure Beach Planning and Zoning Commission held their regular meeting on **Wednesday, February 7, 2018**. A quorum of commission members was present.

P&Z MEMBERS PRESENT

Chair Craig Galbraith
Vice Chair Bill Moore
Member Kenneth Richardson
Member Retha Deaton

P&Z MEMBERS ABSENT

Member John Cawthorne

STAFF PRESENT

John Batson – Building Inspections
Nancy Avery – Town Clerk
Kathleen Zielinski – Secretary

~~~~~  
Councilman Joseph Whitley, Liaison  
Attorney James E. Eldridge

### **1. CALL TO ORDER**

Chairman Galbraith called the meeting to order at 7:00 p.m.

### **2. SWEARING IN OF NEW MEMBER**

Retha Deaton took the Oath of Office, sworn in by Clerk Avery as the newest member of the commission.

### **3. APPROVAL OF AGENDA**

**MOTION** – Ken Richardson moved to approve the meeting agenda as presented

**SECOND** – Bill Moore

**VOTE** – Unanimous

#### **4. APPROVAL OF MEETING MINUTES**

**MOTION** –Bill Moore moved to approve the minutes from the regular meeting, held January 10, 2018

**SECOND** – Retha Deaton

**VOTE** – Unanimous

**MOTION** – Ken Richardson moved to approve the minutes from the closed session, held January 10, 2018

**SECOND** – Bill Moore

**VOTE** – Unanimous

#### **5. PUBLIC COMMENTS**

None

#### **6. OLD BUSINESS**

Town Council has scheduled a public hearing February 20, 2018 for the purpose of hearing public comments on the proposed text amendments and consistency statement approved by P & Z at the November 1, 2017 meeting.

No action required

#### **7. NEW BUSINESS**

##### **a. Election of Officers**

Craig Galbraith volunteered to serve as Chairperson for the coming year.

**MOTION** – Ken Richardson moved to appoint Craig Galbraith P & Z Chairman

**SECOND** – Bill Moore

**VOTE** - Unanimous

**MOTION** – Ken Richardson moved to appoint Bill Moore as P & Z Vice Chairman

**SECOND** – Craig Galbraith

**VOTE** - Unanimous

##### **b. Request for text amendment regarding rear yard setbacks for accessory buildings**

Inspector Batson presented to the commission that he noticed a shed being erected at 434 S. Fourth Ave. He informed the gentleman performing the work that he needed to apply for a permit and that the shed under construction was non-compliant. No permit was applied for and no final inspection was performed. Inspector Batson notified the owner of the shed by certified mail that its location was in violation of town ordinances. Subsequently, Linda Brett-Kell, the owner of the property in question, submitted an application for a text amendment, requesting that rear setbacks for accessory buildings be changed from ten feet to five feet.

Ms. Brett-Kell rose to address the commission. She explained of her need for a storage shed due to the small size of her house and the lack of a garage. When she first contracted to have the shed built, she was unaware of the 10-foot setback requirement and chose the current location to accommodate her small yard. She said that the setback for accessory buildings used to be five feet and asked if



someone could explain why that was changed. Ms. Brett-Kell distributed a packet of pictures illustrating several neighbors' sheds that are also located in setbacks, some as close as two feet from the property line.

Chairman Galbraith inquired about so many instances of accessory buildings in setbacks to which Inspector Batson replied that many people do not request a permit and he, therefore, in many cases is unaware of the installation until after the shed construction is complete. He said there are such examples in every district of the town and informed the commission that he gets many requests to have the ordinance changed.

In response to Member Richardson's question regarding the required space between buildings for emergency vehicles, Inspector Batson read the definition of a setback from the Code of Ordinances. Ms. Brett-Kell pointed out that a fire truck could not get to many buildings in the old part of town, that water runoff is not an issue and that property values are affected in a negative way when such a restriction is applied.

The discussion turned to determining what was built prior to and after the adoption of the ordinance, what is in violation versus legally non-conforming and when a variance request is more appropriate than a text amendment request.

Attorney Eldridge then suggested the commission bring the focus to the current application and consider the implications in the event the text is amended and how that would apply to the entire district. He also pointed out that fences are permitted on the property line and not restricted by the setback and suggested that the location of accessory buildings could be applied in the same manner. But the broad definition of a building, according to the code, must be considered.

Several commissioners expressed concern about changing the ordinance if doing so would restrict emergency vehicles. They would like to know the reasoning behind changing the rear setback from ten feet to five feet before making a determination about the current request. Furthermore, Chairman Galbraith mentioned the problem with selective enforcement, positing that if we enforce for one should we not enforce for all. He said there would be a lot of cost associated with doing so and admitted that this is a conundrum. He also suggested that a variance request might be a possible solution.

Ms. Brett-Kell pointed out that the setback requirement for emergency vehicles and water flow is discounted by the non-conforming properties since they would still be causing the same problem. She also described the enormous expense and effort that would be required if she were to move the shed in order to conform with the current ordinance.

Attorney Eldridge then reviewed the application for the text amendment with the commission in which Ms. Brett-Kell was requesting a change to sections 19-153 and 19-326, referencing setbacks in the RA-2 district and setback requirements for accessory buildings respectively.

Member Richardson expressed concern about approving a text amendment to an entire district. He also stated that the reason for the change from five feet to ten feet should be determined before moving forward, noting that there may be good reason that the ordinance is written as is. Attorney Eldridge explained further that the commission provides an advisory function and their recommendation to council is not binding.

Chairman Galbraith stated that he was concerned about selective enforcement in allowing some code violations and not others. He is of the opinion that all violations should be pursued. He recommended not approving the request and explained to the applicant that she would have the right to appeal to council because they make the final decision.

**MOTION** – Chairman Galbraith moved to recommend to council to deny the request for a text amendment

**SECOND** – Member Deaton

**VOTE** – Unanimous

Attorney Eldridge invited the members to read through the proposed consistency statement denying the request to change 19-153 and 19-326 in the Code of Ordinances that he had prepared. Chairman Galbraith asked that the statement be revised to accurately reflect the exact wording in the current code. He also would like to draw attention to the fact that similar conditions occur throughout all districts and many property owners are in violation of the ordinance as written.

**MOTION** – Chairman Galbraith moved to accept the consistency statement subject to his recommended amendments

**SECOND** – Member Richardson

**VOTE** - Unanimous

Chairman Galbraith will present the revised consistency statement to council with an explanation of the commission's recommendation.

## **8. MEMBER ITEMS**

Chairman Galbraith and Councilman Whitley will be unavailable for the next regularly scheduled meeting.

**MOTION** – Member Richardson moved to reschedule the next meeting for March 15, 2018

**SECOND** – Vice Chairman Moore

**VOTE** - Unanimous

## **9. ADJOURNMENT**

**MOTION** – Member Deaton moved to adjourn the meeting.

**SECOND** – Vice Chair Moore

**VOTE** - Unanimous

The meeting was adjourned at 7:57 p.m.

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Chairman  
Planning and Zoning Commission

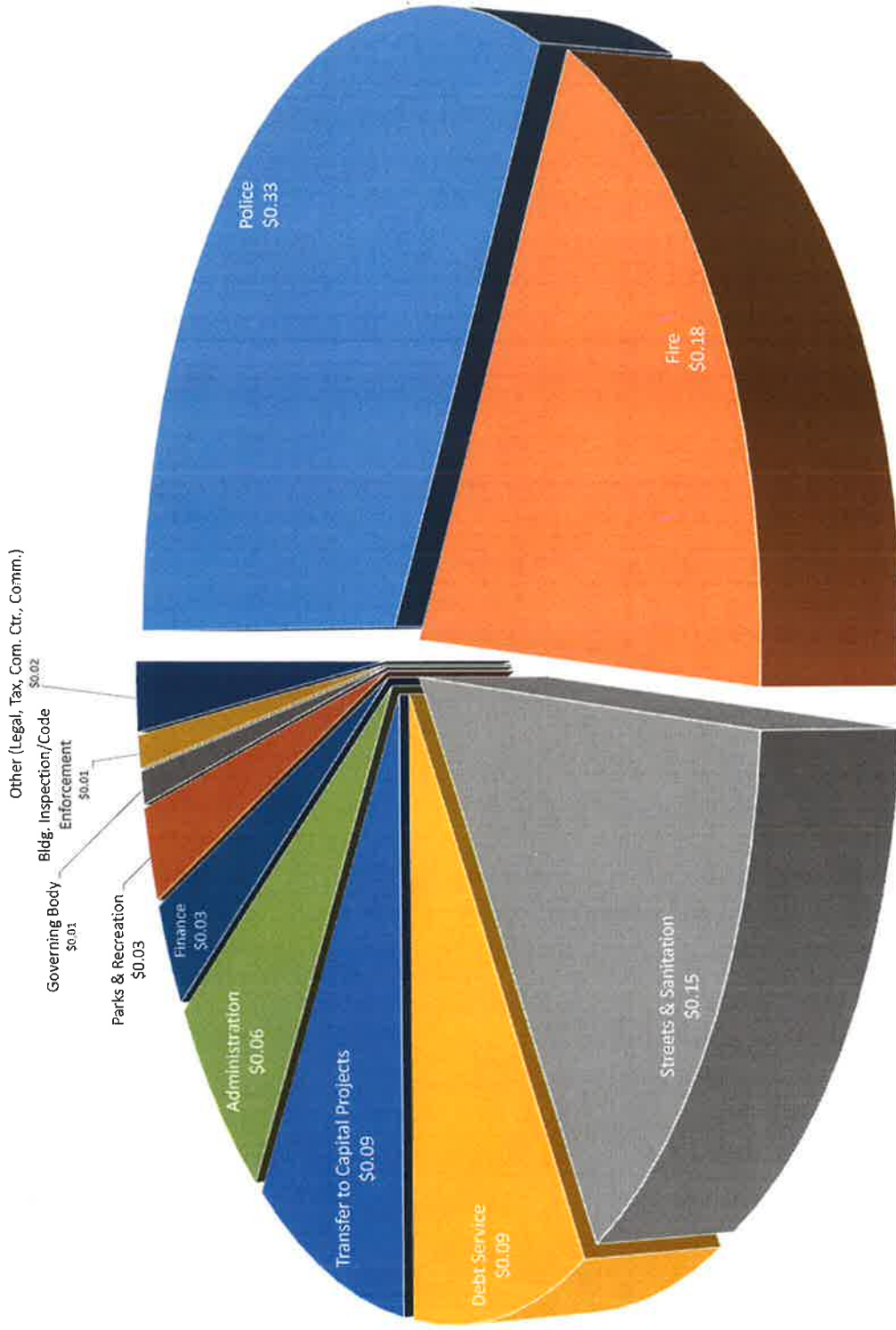
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Kathleen Zielinski, Secretary

NOTE: These are minutes reflecting items considered and actions taken by the Planning & Zoning Committee and should not be considered a transcript of the meeting.

**DEPARTMENT HEAD  
TAX AND ROT DOLLAR  
ALLOCATIONS**

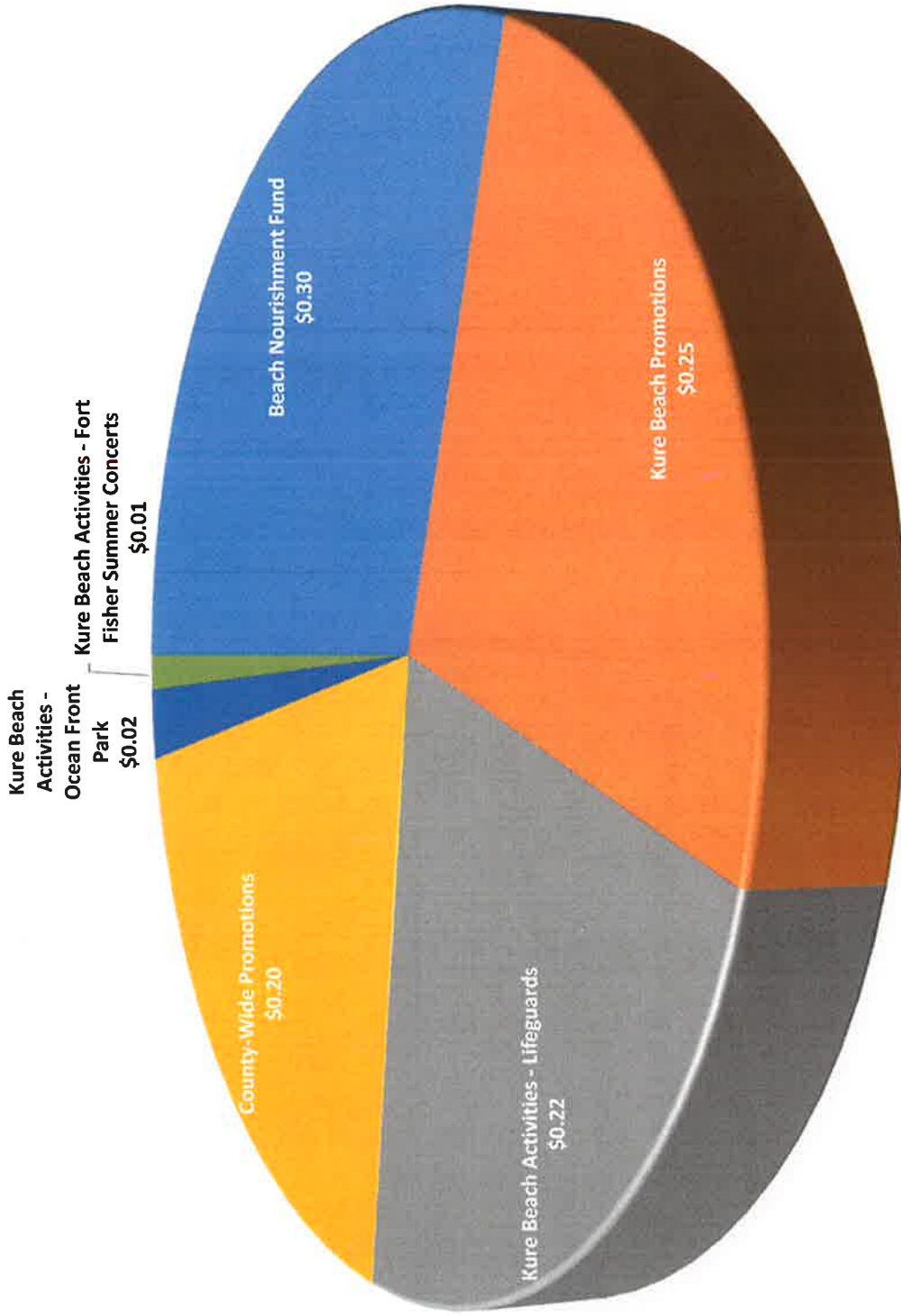
# WHERE DO MY TAX DOLLARS GO?



Average Expenditure Per Dollar of Property Tax Levied in Kure Beach - Fiscal Year 2017

Every property tax dollar funds several components of local government in Kure Beach. This graph shows where on average each property tax dollar went in Fiscal Year 2017.

**WHERE DOES THE ROOM OCCUPANCY TAX (ROT)\* PAID BY KURE BEACH TOURISTS GO?**



**Average Use Per Dollar of Room Occupancy Tax Paid By Kure Beach Tourists - Fiscal Years 2015 to 2017**

\* Every operator of a business or any individual furnishing a taxable accommodation in New Hanover County is subject to charging a 6% ROT. The first 3% is allocated 60% to beach nourishment and 40% to county-wide promotion and the second 3% is allocated 50% to Kure Beach tourism-related activities and 50% to Kure Beach promotion. Short-term rentals are: rentals less than 90 days in a hotel, motel, beach house, condo, corporate apartments or other such short-term rental.

**OLD BUSINESS**

**ITEM # 1**

**P&Z RECOMMENDED**

**AMENDMENTS ON**

**SETBACKS**



KURE BEACH  
TOWN COUNCIL

Council Meeting Date: 2/20/2018

Council agenda Item# Old Bus #1

Date(s) Public Hearing(s) held:  
2/20/2018

ZONING CONSISTENCY STATEMENT 18-01  
N.C.G.S. 160A-383

- X Consideration of recommended text amendments to the Code of Ordinances:  
Chapter 19, Zoning:
- Article I (Definitions), Section 1 Definition of setback and yard
  - Article III (District Regulations), Divisions 2-14, Sections 93-95; 109-110; 153-155; 168-169; 178-180; 188-190; 204-205; 224-225; 244; 245; 265; 267; 284; 304-305; 317 and 319
  - Article IV (Supplemental District Regulations), Sections 320; 321.5; 326 and 328
  - Article V (Nonconforming uses) Section 357
- X The Town Council considers adoption of these amendments CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan adopted by Council September 27, 2006 and Coastal Resources Commission November 17, 2006 and is particularly consistent with Part 3, Section 2.B *Land Use Compatibility* of the Land Use Plan.

The Town Council hereby adopts amendments to the referenced articles and sections to more effectively clarify and regulate the function and use of setbacks with the Town's Zoning Districts and effective setback regulations are consistent with the goal on land use compatibility set forth in Part 3, Section 2.B. of the Land Use Plan which provides, in pertinent part, as follows:

“Kure Beach desires to ensure that future development will be consistent with the historic small town nature of the community... and will work to ...ensure that any uses of the land and water minimize negative environmental impact and avoid risks to public health, safety and welfare, and will not exceed the capability of the land or man-made features to support such use.”

Attest:

\_\_\_\_\_  
Nancy Avery, Town Clerk

\_\_\_\_\_  
Craig Bloszinsky, Mayor



TOWN COUNCIL  
TOWN OF KURE BEACH, NC

**R**ESOLUTION R18-01

**A RESOLUTION AMENDING CHAPTER 19 ON ZONING OF THE CODE OF ORDINANCES REGARDING SETBACKS**

**WHEREAS**, the Town of Kure Beach Planning and Zoning Commission, after much discussion and review of current setbacks and associated ordinances, directed the attorney for its board to provide amendments to the Code to clarify and regulate more effectively the function and use of setbacks with the Town's Zoning Districts; and

**WHEREAS**, the Planning and Zoning attorney presented said amendments to the Code to the Planning and Zoning Commission at the November 1, 2017 meeting; and

**WHEREAS**, the Planning and Zoning Commission voted at that same meeting to recommend to the Town Council adoption of said amendments; and

**WHEREAS**, the Town Council scheduled a public hearing on said amendments for February 20, 2018

**NOW, THEREFORE BE IT RESOLVED** by the Kure Beach Town Council that Chapter 19 (Zoning) of the Code of Ordinances of the Town of Kure Beach, North Carolina is hereby amended in the following sections and subsections:

**Article I In general**

Section 1 Definition of Setback and Yard

**Article III District Regulations**

Section 93 RA-1 Residential District, Dimensional requirements, subsections 3 - 5

Section 94 Modification to required lot area and required yards and subsections 2-5

Section 95 Parking requirements

Section 109 RA-1A Residential district, Dimensional requirements, subsections 3-5

Section 110 Parking requirements

Section 153 RA-2 Residential district, Dimensional requirements, subsections 3-5

Section 154 Modification to required lot area and required yards, and subsections b1 and b2

Section 155 Parking requirements

Section 168 RA-2A Residential district, Dimensional requirements, subsections 3 -5

Section 169 Parking requirements

Section 178 RA-2T Residential Trailer District, Dimensional requirements, subsections 3-5

Section 179 Modification to required lot area and required yards and subsection b1 and b2

Section 180 Parking requirements





## TOWN COUNCIL TOWN OF KURE BEACH, NC

Section 188 RA-3 Residential district, Dimensional requirements, subsections 3-6  
Section 189 Modification to required lot area and required yards, and subsections a – c  
Section 190 Parking requirements  
Section 204 RA-3A Residential district, Dimensional requirements, subsections 3 – 5  
Section 205 Parking requirements  
Section 224 RA-4 Residential district, Dimensional requirements, subsections 3 – 5  
Section 225 Parking requirements  
Section 244 B-1 Business district, Setbacks  
Section 265 B-2 Neighborhood business district, Setbacks, subsections 1-4  
Section 267 Parking requirements  
Section 284 B-3 Business district, Parking  
Section 286 Setbacks and subsections 1 -4  
Section 304 RB-1 Residential business district, Dimensional requirements, subsections 3 – 5  
Section 305 Parking requirements  
Section 317 B4 Residential/laboratory district, Parking  
Section 319 Setbacks and subsections 1-4

### **Article IV Supplemental District Regulations**

Section 320 Control of setbacks and subsection 3 and 4  
Section 321 Reduction of lot and yard  
Section 321.5 Prerequisite to construction demolition, remodeling and impervious surfaces, etc  
Section 328 Modification to front yards in residential districts

### **Article V Nonconforming Uses**

Section 357 Continuance of nonconforming situation, subsections 1, 2 and 4

Adopted by the Kure Beach Town Council this 20th day of February, 2018.

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Attest: Nancy Avery, Town Clerk

---

Craig Bloszinsky, Mayor

"That Chapter 19 (Zoning) of the Code of Ordinances of the Town of Kure Beach, North Carolina is hereby amended in the following sections and subsections, as follow:"

**Article I In General**

Section 1 Definition of Setback and Yard

**Article III District Regulations**

Section 93 RA-1 Residential District, Dimensional requirements, subsections 3 - 5  
Section 94 Modification to required lot area and required yards and subsections 2-5  
Section 95 Parking requirements  
Section 109 RA-1A Residential district, Dimensional requirements, subsections 3-5  
Section 110 Parking requirements  
Section 153 RA-2 Residential district, Dimensional requirements, subsections 3-5  
Section 154 Modification to required lot area and required yards, and subsections b1 and b2  
Section 155 Parking requirements  
Section 168 RA-2A Residential district, Dimensional requirements, subsections 3 -5  
Section 169 Parking requirements  
Section 178 RA-2T Residential Trailer District, Dimensional requirements, subsections 3-5  
Section 179 Modification to required lot area and required yards and subsection b1 and b2  
Section 180 Parking requirements  
Section 188 RA-3 Residential district, Dimensional requirements, subsections 3-6  
Section 189 Modification to required lot area and required yards, and subsections a – c  
Section 190 Parking requirements  
Section 204 RA-3A Residential district, Dimensional requirements, subsections 3 – 5  
Section 205 Parking requirements  
Section 224 RA-4 Residential district, Dimensional requirements, subsections 3 – 5  
Section 225 Parking requirements  
Section 244 B-1 Business district, Setbacks  
Section 265 B-2 Neighborhood business district, Setbacks, subsections 1-4  
Section 267 Parking requirements  
Section 284 B-3 Business district, Parking  
Section 286 Setbacks and subsections 1 -4  
Section 304 RB-1 Residential business district, Dimensional requirements, subsections 3 – 5  
Section 305 Parking requirements  
Section 317 B4 Residential/laboratory district, Parking  
Section 319 Setbacks and subsections 1-4

**Article IV Supplemental District Regulations**

Section 320 Control of setbacks and subsection 3 and 4  
Section 321 Reduction of lot and yard  
Section 321.5 Prerequisite to construction demolition, remodeling and impervious surfaces, etc  
Section 328 Modification to front yards in residential districts

**Article V Nonconforming Uses**

Section 357 Continuance of nonconforming situation, subsections 1, 2 and 4

## PROPOSED AMENDMENTS

### Article I In General

#### 19-1 Definitions

##### Definition of Setback

First sentence add between distance and required 'between the minimum building line and the street right-of-way line'

At end of last sentence, add new sentence 'In the event there is not a street right-of-way involved, then the property line shall be used in establishing the setback.'

##### Definition of Yard

Second sentence

Delete 'or' both times it appears

Third sentence

- Add between fences, and as 'ground level decks and walkways, or'
- Add between provided and or 'for'
- Add between required and this 'under'
- Delete 'in'

Fourth sentence

Delete 'The minimum allowable depth or width of a yard shall be determined by a line parallel to or following the curvature of the property line a constant distance there from'

---

### Article III District regulations

#### Division 2 RA-1 Residential district

#### Section 93 Dimensional requirements

##### Subsection 3

Add after yard '/setback' both times it appears

##### Subsection 4 and 5

Add after yard '/setback'

#### Section 94 Modification to required lot area and required yards

Add after yards '/setbacks'

Last sentence of section

Add '/setbacks' after yard

##### Subsection 2

Delete 'Front yards shall mean'

Add 'shall be' between modification and allowed

Add '/setbacks' after yards

Subsection 3

First line Add '/setbacks' between yards and reduced

First line Replace 'may be' with 'shall not be'

First line Delete 'not'

Second line Add '/setbacks' after yard

Subsection 4

Add '/setbacks/' after yards

Replace 'may be' with 'shall not be'

Delete 'not'

Subsection 5

Delete 'Reserved'

Add '/setback' after yard

Section 95 Parking requirements

Add after 19-339 '; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.'

---

Division 3. RA-1A Residential district

Section 109 Dimensional requirements

Subsections 3, 4 and 5

Add '/setback' after yard

19-110 Parking requirements

Add after 19-339 '; provided that, however, off-street parking for residential uses shall only be allowed in the front yard/setback.'

---

Division 4 RA-2 Residential district

Section 153, Dimensional requirements

Subsections 3, 4 and 5

Add '/setback' after yard

Section 154, Modification to required lot area and required yards

Add '/setbacks' after yards

Subsections b1 and b2

Add '/setbacks' after yards

Replace 'have no modification in front yards' with 'not be modified'

Section 155 Parking requirements

Add after 19-339 '; provided that off-street parking for residential uses shall only be allowed in the front yard/setback'

---

Division 5 RA-2A residential district

Section 168 Dimensional requirements

Subsections 3, 4 and 5

Add '/setback' after yard

Section 169, Parking requirements

Add after 19-339 ' ; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.'

---

Division 6 RA-2T Residential Trailer District

Section 178, Dimensional requirements

Subsection 3, 4 and 5

Add '/setback' after yard in each

Section 179, Modification to required lot area and required yards

Add '/setbacks' after yards

Subsections b1 and b2

Add '/setbacks' after yard

Replace 'have no modification in front yards' with 'not be modified'

Section 180 –Parking requirement

Add after 19-339 ' ; provided that off-street parking for residential uses shall only be allowed in the front yard/setback'

---

Division 7 RA-3 Residential District

Section 188, Dimensional requirements

Subsections 3, 4 and 5 add '/setback' after yard

Subsection 6 delete entire subsection

Section 189, Modification to required lot area and required yards

Add '/setbacks' after yards

Subsection 2

Add '/setbacks' after yards

Subsection 2a

Add '/setbacks' after yards

Replace 'have no modification allowed in front yards' with 'not be modified'

Delete 'except as provided in b. herein'

Subsection 2b

First line

Add '/setback' after yard

Third line

Add '/setback' after yard

Subsection 2c

First line

Add '/setback' after yard

Second line

Add '/setback' after yard

Delete 'depth'

Add 'a' between such and reversed

Third line

Delete 'and no accessory building on such reversed corner lot shall project beyond the front yard of the lots in the rear of such reversed corner lot. This regulations for reversed corner lots'

Add at the beginning of the sentence before shall 'The modifications provided for in this sub-section'

Section 190 Parking requirements

Add after 19-339 '; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.'

---

Division 8 RA-3A Residential district

Section 204, Dimensional requirements

Subsections 3, 4 and 5

Add '/setback' after yard

Section 205 Parking requirements

Add after 19-339 '; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.'

---

Division 9 RA-4 Residential district

Section 224, Dimensional requirements

Subsection a3, a4, a5

Add '/setback' after yard

Section 225 Parking requirements

Add after 19-339 '; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.'

---

Division 10 B-1 Business district

Section 244 Setbacks

Add 'Yards/' before setbacks

Delete 'a'

Delete 'front yard, three (3) feet side yard, and three (3) feet rear yard'

Add 'front, side and rear yards/' between minimum and of

---

Division 11 B-2 Neighborhood Business District

Section 265

Add 'Yards/' before setbacks

Subsection 1 and 2

Delete 'twenty (20) feet'

Add before setback 'Minimum required yard/'

Add after thoroughfare 'shall be twenty (20) feet'

Subsection 3

Replace 'Five (5) feet setback from a side yard' and replace with 'Minimum required side yard/setback shall be five (5) feet'

Subsection 4

Delete 'Ten (10) feet' and 'from a rear yard.'

Add before setback 'Minimum required rear yard/'

Add after setback 'shall be ten (10) feet.'

Section 267, Parking requirements

Add after 19-339 '; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.'

---

Division 12 B-2 Business district

Section 284, Parking

Add after 19-339 '; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.'

Section 286 Setbacks

Add 'Yards/' before Setbacks

Subsections 1 and 2

Delete 'twenty (20) feet'

Add before setback 'Minimum required yard/'

Add after thoroughfare 'shall be twenty (20) feet'

Subsection 3

Replace 'Five (5) feet setback from a side yard' and replace with 'Minimum required side yard/setback shall be five (5) feet'

Subsection 4

Delete 'Ten (10) feet' and 'from a rear yard.'

Add before setback 'Minimum required rear yard/'

Add after setback 'shall be ten (10) feet.'

---

Division 13      RB-1 Residential business district

Section 304 subsections 3, 4 and 5

Add '/setback' after yard

Section 305, Parking requirements

Add after 19-339 '; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.'

---

Division 14      B4 Residential/Laboratory district

Section 317, Parking

Add after 19-339 '; provided that off-street parking for residential uses shall only be allowed in the front yard/setback.'

Section 319, Setbacks

Add 'Yards/' before Setbacks

Subsection 1 and 2

Delete 'twenty (20) feet'

Add before setback 'Minimum required yard/'

Add after thoroughfare 'shall be twenty (20) feet'

Subsection 3

Delete 'Five (5) feet setback from a side yard' and replace with 'Minimum required side yard/setback shall be five (5) feet'

Subsection 4

Delete 'Ten (10) feet' and 'from a rear yard.'

Add before setback 'Minimum required rear yard/'

Add after setback 'shall be ten (10) feet.'

---

Article IV Supplemental District Regulations

19-320 Control of setbacks

Add 'yards/' before setbacks

First sentence

Add between any and structure 'building or other'

Add subsection 3 'Ground level walkways'

Add subsection 4 'Ground level aprons for pools'



Section 321 Reduction of lot and yards prohibited  
Delete 'areas' and replace with 's/setbacks' after yard

First sentence  
Add between diminished and that 'such'  
Add after yards '/setbacks'  
Add between other and open 'required'

Second sentence Add after yard '/setback'  
Add between or and open 'other'

Third sentence  
Add between building and shall 'or non-permitted structure'  
Delete 'for the purpose of complying with the provisions of this chapter'

Fourth sentence  
Add after yard '/setback'  
Add between or and open 'other'  
Add 'for the purpose of complying with the provisions of this chapter'  
Delete 'on an adjoining premises or open space on a lot whereon a building is to be erected'

Section 321.5 Prerequisite to construction, demolition, remodeling ad impervious surfaces, etc.

First paragraph, second sentence  
Add between lot, and other 'other structures'  
Delete 'or'  
Delete 'other construction'

Third sentence  
Add before shall 'thereof'  
Add after shall 'be commenced within the Town's jurisdictional limits'  
Delete 'begin in the town'

Second paragraph, first sentence  
Add between buildings and and 'other structures'

Third paragraph  
Add before setback 'yard' in both places

Fourth paragraph  
Add before setback 'front yard/'  
Delete 'area'  
Add before drip 'Driveways constructed of'  
Delete 'or'  
Add between gravel and are 'or other permeable materials'  
Delete 'driveways' at the end of the second sentence

Section 328 Modification to front yards in residential districts  
Add after yards '/setbacks'

Third sentence  
Add after yard '/setback'  
Delete 'so'

Fourth sentence  
Add between established and provided 'by the pre-existing buildings'  
Add after provided 'that, however'  
Delete 'further that'  
Add between be and so 'construed or'

Fifth sentence  
Delete 'so'  
Add after yard '/setback'  
Delete 'depth'  
Delete 'No front yard depth need exceed the average provided for the two (2) adjoining buildings, one on either side thereof, if such two (2) adjoining buildings are less than two hundred (200) feet apart.'

---

Article V Nonconforming Uses

Section 357, Continuance of nonconforming situation

Subsection 1  
Third sentence  
Add before yard '/setback'

Subsection 2  
Add before setback 'yard' in three places

Subsection 4  
Sixth sentence  
Add after yard '/setback requirements'  
Delete 'size'

**OLD BUSINESS**

**ITEM # 2**

**PICKLEBALL**

**PETITION**

Meeting  
TC  
Aug

We, the pickleball players and supporters of pickleball of Kure Beach, do appreciate the reconditioning of the basketball and tennis courts with the inclusion of the pickleball lines. Although installed late in the fall/early winter, we were able to use the courts minimally before the weather got cold. Our observations and suggestions are included below.

1. The basketball/pickleball court has a border of sand and weeds which transfers onto the court upon entry and from chasing errant balls. This presents a slip hazard for the athletes which creates a liability for the Town.

Our suggestion is to use pea gravel around the edges which can easily be swept clean.

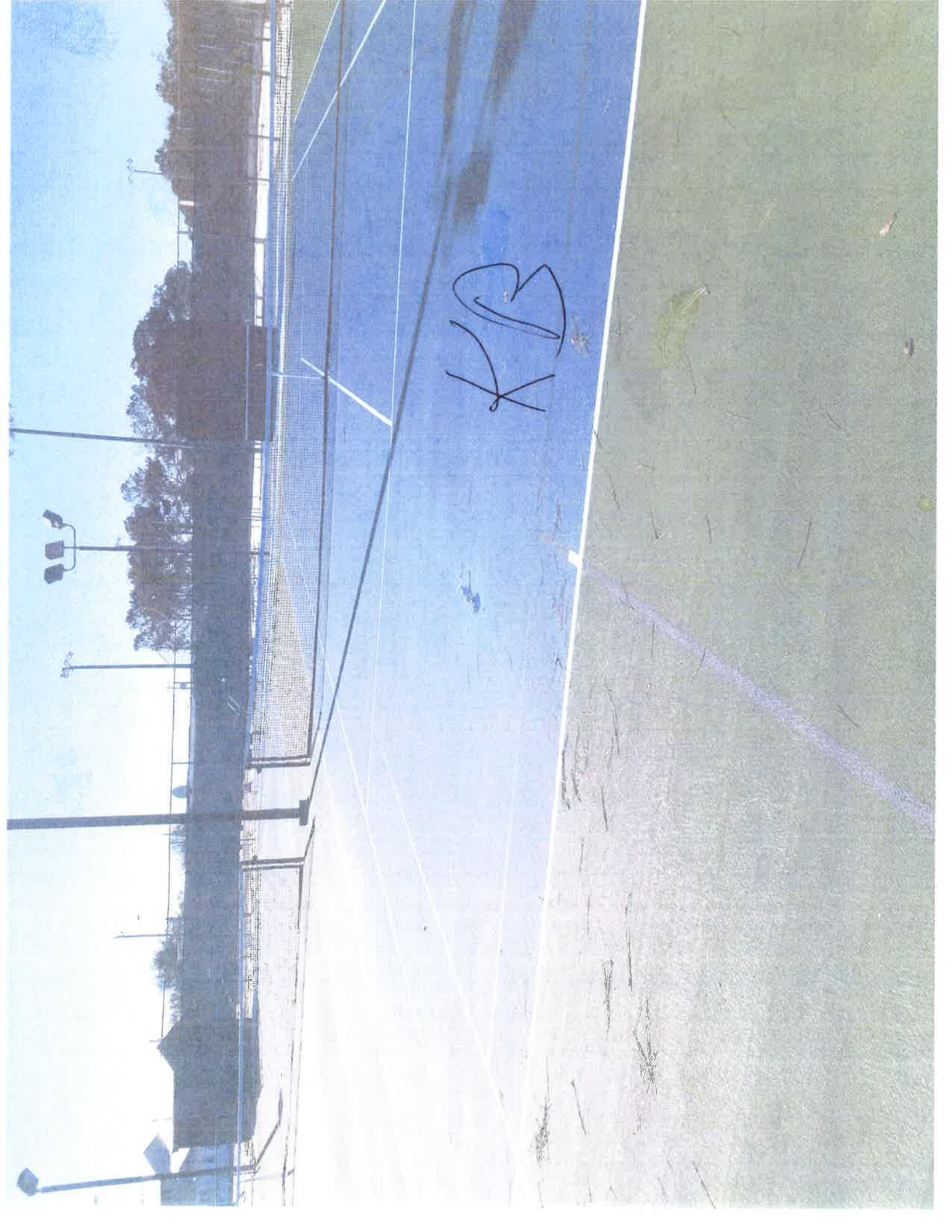
2. The tennis/pickleball court is painted with non-contrasting colors which makes seeing the boundary lines very difficult, especially with the sun angled. According to the USA Pickleball Association (USAPA) guidelines: *If adding lines to an existing tennis and basketball court, "tone on tone" lines in the same color family as the court itself should be used.*

Our suggestion is that the Town allow the pickleball players of Kure Beach to fund the purchase of approved line paint (<http://www.welchtennis.com/store/Pickle-Ball-Paint/Line-Paint>) and repaint the lines on the tennis court according to USAPA specifications (<https://www.usapa.org/outdoor-court-surfaces-faq/>).

Signed by Town of Kure Beach residents

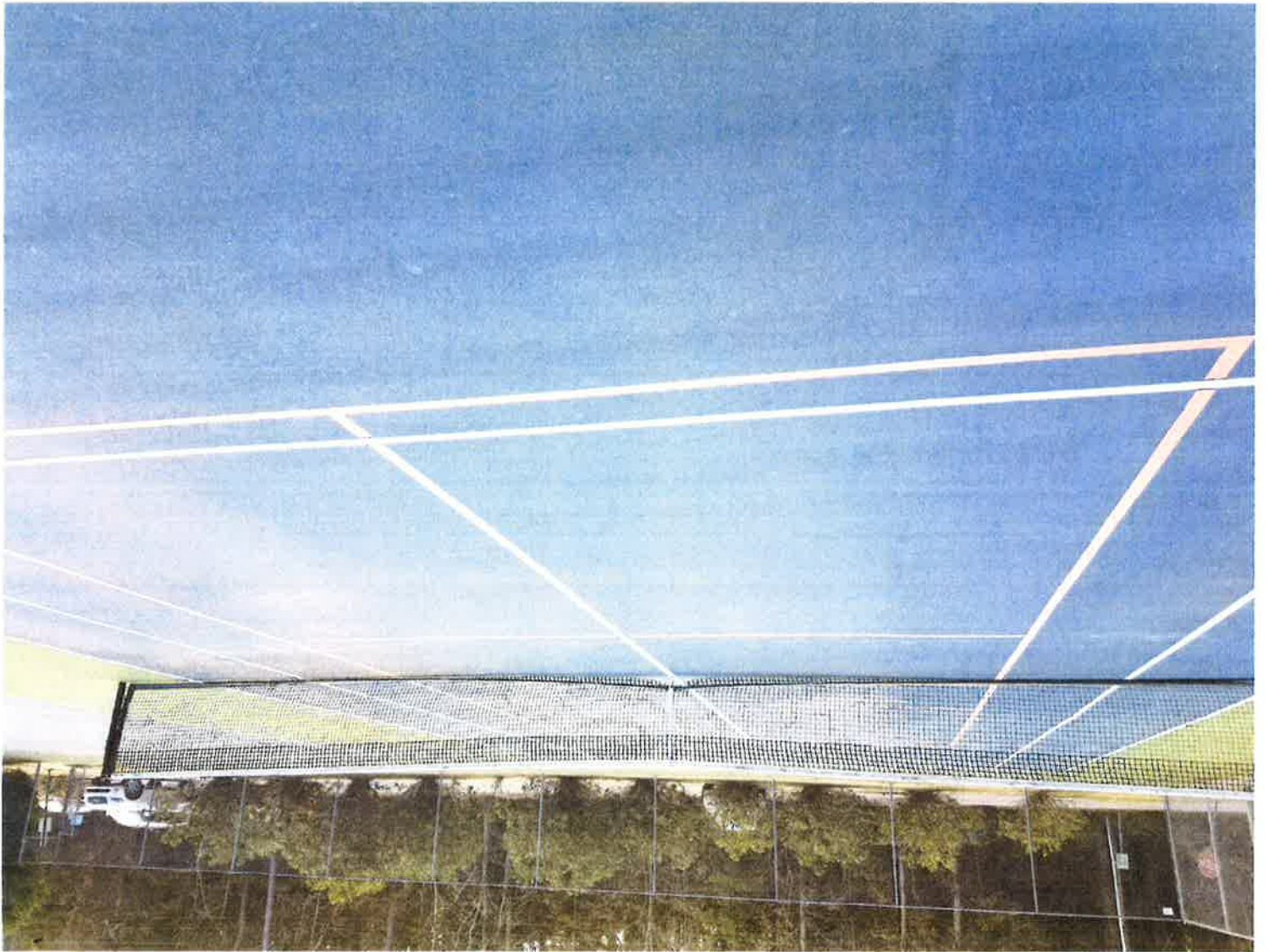
| Name                   | Address | Email                       |
|------------------------|---------|-----------------------------|
| 1. <u>[Signature]</u>  | _____   | _____                       |
| 2. <u>[Signature]</u>  | _____   | <u>adhuskey@gmail.com</u>   |
| 3. <u>[Signature]</u>  | _____   | <u>MORSE@KUREBEACH.HT</u>   |
| 4. <u>[Signature]</u>  | _____   | _____                       |
| 5. <u>[Signature]</u>  | _____   | _____                       |
| 6. <u>[Signature]</u>  | _____   | _____                       |
| 7. <u>[Signature]</u>  | _____   | <u>MORSE@KUREBEACH.HT</u>   |
| 8. <u>[Signature]</u>  | _____   | _____                       |
| 9. <u>[Signature]</u>  | _____   | <u>terridoggs@gmail.com</u> |
| 10. <u>[Signature]</u> | _____   | _____                       |

| Name                              | Address                                     | Email                        |
|-----------------------------------|---------------------------------------------|------------------------------|
| 10. <u>Henry Adams</u>            | <u>400 Tiera Dr</u>                         | <u>HGPALWIS19@GMAIL.COM</u>  |
| 11. <u>C. W. Kruger</u>           | <u>3209 Astor Ct</u>                        | <u>CKR1600R@BARRON.COM</u>   |
| 12. <u>Kay Bentley</u>            | <u>424 Lightning Whisk Way Williamsport</u> |                              |
| 13. <u>Robert P. ...</u>          | <u>6621 Sago Palm Dr</u>                    | <u>RAPDIR14R@GMAIL.COM</u>   |
| 14. <u>Dennis Bruce</u>           | <u>6621 Sago Palm Dr.</u>                   |                              |
| 15. <u>Andrea Gallati</u>         | <u>700 Tiera Dr</u>                         |                              |
| 16. <u>Mary Ann McConnell</u>     | <u>431 N 7th Ave</u>                        |                              |
| 17. <u>Craig Hubbard</u>          | <u>1518-1 Searcy Ln</u>                     | <u>yolocheer@hotmail.com</u> |
| 18. <u>Julia Waddell</u>          | <u>404 K Avenue</u>                         | <u>twinz.momj@Yahoo.com</u>  |
| 19. <u>Guenter Raas</u>           | <u>702 Tiera Dr.</u>                        | <u>g.kraas@att.net</u>       |
| 20. <u>Becky Wetzel</u>           | <u>606 S. 4th St. CB</u>                    | <u>twel246414@aol.com</u>    |
| 21. <u>JOHN LOWE</u>              | <u>400 VIRGINIA "ZOLA"</u>                  | <u>JALEW244@NE.EDU</u>       |
| 22. <u>Michael C. Steinhilber</u> | <u>500 Searcy Dr CB NC 28428</u>            | <u>MSTEIN@CHARTER.NET</u>    |
| 23. <u>Jerry Waddell</u>          | <u>404 K. AVE KB28449</u>                   | <u>TWENZDADS@Yahoo.com</u>   |
| 24. _____                         | _____                                       | _____                        |
| 25. _____                         | _____                                       | _____                        |
| 26. _____                         | _____                                       | _____                        |
| 27. _____                         | _____                                       | _____                        |
| 28. _____                         | _____                                       | _____                        |
| 29. _____                         | _____                                       | _____                        |
| 30. _____                         | _____                                       | _____                        |
| 31. _____                         | _____                                       | _____                        |
| 32. _____                         | _____                                       | _____                        |
| 33. _____                         | _____                                       | _____                        |
| 34. _____                         | _____                                       | _____                        |
| 35. _____                         | _____                                       | _____                        |



KB

XB



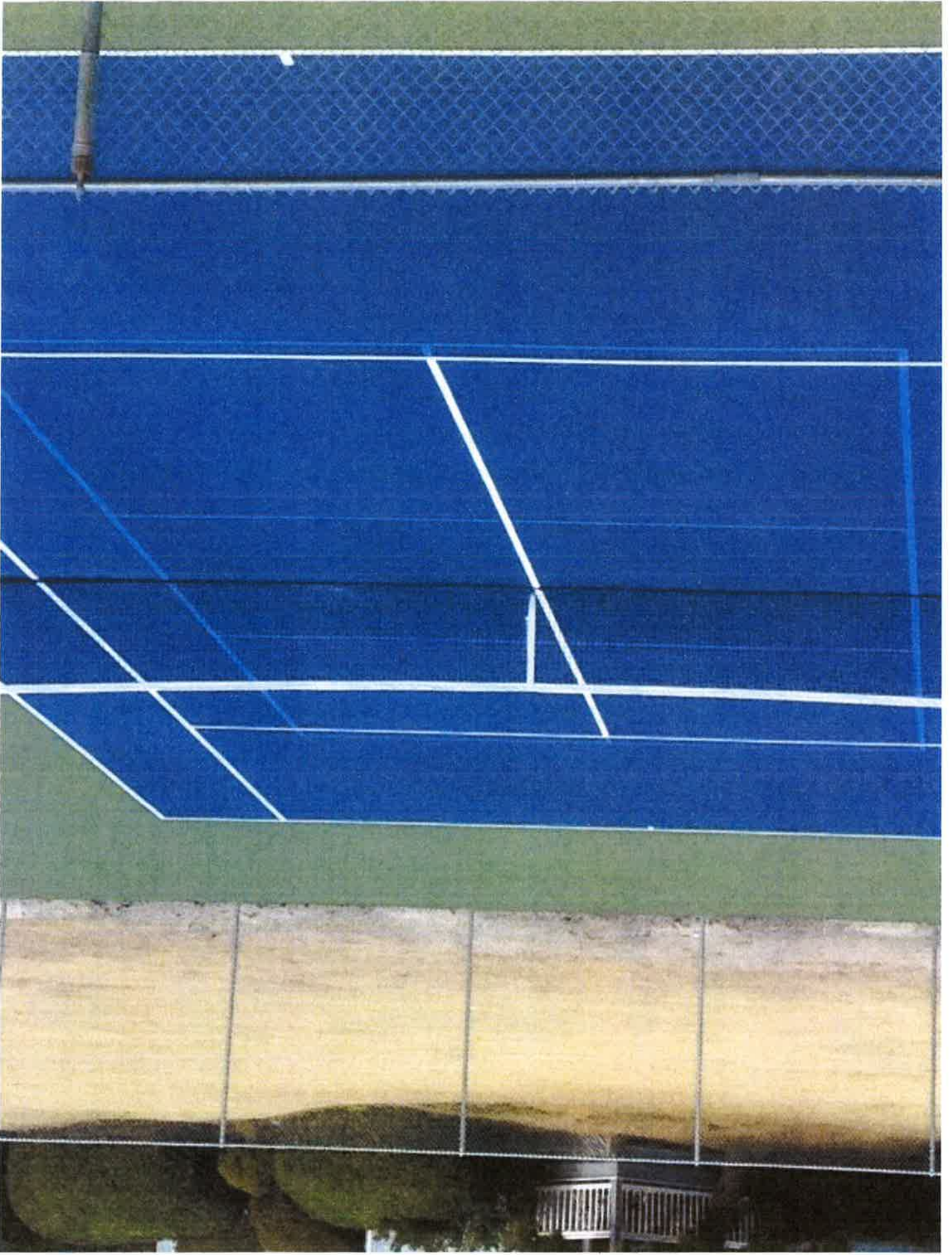
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MIKE CHAPPEL PARK





STANNAKER P. 1.

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1/22/2018

**OLD BUSINESS**

**ITEM # 3**

**APPROVE BUDGET**

**CALENDAR**

## PROPOSED FY 2018/2019 BUDGET CALENDAR

| DATE                     | DESCRIPTION OF ACTIVITY                                                                                                      |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Friday<br>Feb. 9, 2018   | Outside Agency Funding Request Application made available to outside agencies via Town website                               |
| Friday<br>Mar. 2, 2018   | Provide budget guidance and worksheets to Department Heads and solicit budget requests from Town Committees                  |
| Friday<br>Mar. 9, 2018   | Deadline for Outside Agency Funding Request Applications (12 PM)                                                             |
| Friday<br>Mar. 23, 2018  | Departmental budgets and Town Committee requests due to Budget Officer                                                       |
| Friday<br>Apr. 6, 2018   | 9:00 AM – Budget Workshop – Review initial department budgets, committee requests and funding requests from outside agencies |
| Friday<br>Apr. 20, 2018  | 9:00 AM – Budget Workshop – Review draft budget                                                                              |
| Tuesday<br>May 15, 2018  | Regular Council meeting – Draft budget and budget message provided to Council and copy of budget filed for public inspection |
| Tuesday<br>June 5, 2018  | 6:30 PM – Public Hearing                                                                                                     |
| Tuesday<br>June 19, 2018 | Adoption of FY 2018/2019 Budget (at regular Council meeting)                                                                 |

**OLD BUSINESS**

**ITEM # 4**

**RESCHEDULE MARCH  
AND APRIL MEETINGS**



## **2018 Town Council Meeting Dates**

|         |                            |           |
|---------|----------------------------|-----------|
| Tuesday | January 16 <sup>th</sup>   | 6:30 p.m. |
| Tuesday | February 20 <sup>th</sup>  | 6:30 p.m. |
| Tuesday | March 20 <sup>th</sup>     | 6:30 p.m. |
| Tuesday | April 17 <sup>th</sup>     | 6:30 p.m. |
| Tuesday | May 15 <sup>th</sup>       | 6:30 p.m. |
| Tuesday | June 19 <sup>th</sup>      | 6:30 p.m. |
| Tuesday | July 17 <sup>th</sup>      | 6:30 p.m. |
| Tuesday | August 21 <sup>st</sup>    | 6:30 p.m. |
| Tuesday | September 18 <sup>th</sup> | 6:30 p.m. |
| Tuesday | October 16 <sup>th</sup>   | 6:30 p.m. |
| Tuesday | November 20 <sup>th</sup>  | 6:30 p.m. |
| Tuesday | December 18 <sup>th</sup>  | 6:30 p.m. |

# March 2018

| SUN                                                       | MON                                                 | TUE                                                                                                                                                                         | WED                                                                                                                                       | THU                                                                                                                           | FRI                                                                                                | SAT                                                       |
|-----------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                                           |                                                     |                                                                                                                                                                             |                                                                                                                                           | 1<br>Commissioner John Ellen - Away - Out of State                                                                            | 2<br>Commissioner John Ellen - Away - Out of State                                                 | 3<br>Commissioner John Ellen - Away - Out of State        |
| 4<br>Commissioner John Ellen - Away - Out of State        | 5<br>Commissioner John Ellen - Away - Out of State  | 6<br>Commissioner John Ellen - Away - Out of State<br><b>5:00 pm SLABP Meeting @ TH</b>                                                                                     | 7<br>Commissioner John Ellen - Away - Out of State<br><b>7:00 pm Planning &amp; Zoning Meeting Rescheduled - meeting moved to 3/15/18</b> | 8<br>Commissioner John Ellen - Away - Out of State                                                                            | 9<br>Commissioner John Ellen - Away - Out of State                                                 | 10<br>Commissioner John Ellen - Away - Out of State       |
| 11<br>Commissioner John Ellen - Away - Out of State       | 12<br>Commissioner John Ellen - Away - Out of State | 13<br><b>9:30 am Community Center Committee Meeting @ CC</b>                                                                                                                | 14<br><b>2:00 pm MPO Citizens Advisory Comm.@ City Hall - 320 Chestnut St 6th Flr. Conf. Rm.</b>                                          | 15<br><b>7:00 pm Planning &amp; Zoning Mtg. rescheduled from 3/7/18</b>                                                       | 16                                                                                                 | 17                                                        |
| 18                                                        | 19                                                  | 20<br>Commissioner John Ellen - Away - Out of the country<br><b>6:30 pm Town Council Meeting @ TH</b><br><b>ASBPA - Washington DC - Mayor Bloszinsky &amp; Comm. Oliver</b> | 21<br>Commissioner John Ellen - Away - Out of the country<br><b>ASBPA - Washington DC - Mayor Bloszinsky &amp; Comm. Oliver</b>           | 22<br>Commissioner John Ellen - Away - Out of the country<br><b>ASBPA Washington DC - Mayor Bloszinsky &amp; Comm. Oliver</b> | 23<br>Commissioner John Ellen - Away - Out of the country                                          | 24<br>Commissioner John Ellen - Away - Out of the country |
| 25<br>Commissioner John Ellen - Away - Out of the country |                                                     | 27<br>Commissioner John Ellen - Away - Out of the country<br><b>11:30 am Marketing Committee Meeting @ TH</b><br><b>7:00 pm Board of Adjustment Meeting @ TH</b>            | 28<br>Commissioner John Ellen - Away - Out of the country<br><b>3:00 pm MPO Board Meeting 320 Chestnut St 6th Fl Conf Rm</b>              | 29<br>Commissioner John Ellen - Away - Out of the country                                                                     | 30<br>Commissioner John Ellen - Away - Out of the country<br><b>Good Friday - Town Hall Closed</b> | 31<br>Commissioner John Ellen - Away - Out of the country |

# April 2018

| SUN                                                       | MON                                                                                                                 | TUE                                                                                                                                                                                  | WED                                                                                                                               | THU                                                       | FRI                                                       | SAT                                                       |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|
| 1<br>Commissioner John Ellen - Away - Out of the country  | 2<br>Commissioner John Ellen - Away - Out of the country                                                            | 3<br>Commissioner John Ellen - Away - Out of the country<br><b>5:00 pm SLABP Meeting @ TH</b>                                                                                        | 4<br>Commissioner John Ellen - Away - Out of the country<br><b>7:00 pm Planning &amp; Zoning Meeting</b>                          | 5<br>Commissioner John Ellen - Away - Out of the country  | 6<br>Commissioner John Ellen - Away - Out of the country  | 7<br>Commissioner John Ellen - Away - Out of the country  |
| 8<br>Commissioner John Ellen - Away - Out of the country  | 9<br>Commissioner John Ellen - Away - Out of the country                                                            | 10<br>Commissioner John Ellen - Away - Out of the country<br><b>9:30 am Community Center Committee Meeting Rescheduled &amp; moved to 4/17/18</b>                                    | 11<br>Commissioner John Ellen - Away - Out of the country<br><b>2:00 pm MPO Citizens Advisory Comm. Location to be determined</b> | 12<br>Commissioner John Ellen - Away - Out of the country | 13<br>Commissioner John Ellen - Away - Out of the country | 14<br>Commissioner John Ellen - Away - Out of the country |
| 15<br>Commissioner John Ellen - Away - Out of the country | 16<br>Commissioner John Ellen - Away - Out of the country                                                           | 17<br>Commissioner John Ellen - Away - Out of the country<br><b>9:30 am Community Center Meeting @CC</b><br><b>6:30 pm Town Council Meeting @ TH</b>                                 | 18<br>Commissioner John Ellen - Away - Out of the country                                                                         | 19<br>Commissioner John Ellen - Away - Out of the country | 20<br>Commissioner John Ellen - Away - Out of the country | 21<br>Commissioner John Ellen - Away - Out of the country |
| 22<br>Commissioner John Ellen - Away - Out of the country | 23<br>Commissioner John Ellen - Away - Out of the country<br><b>NCBIWA Conf. Mayor Blaszynsky &amp; Comm. Allen</b> | 24<br><b>11:30 am Marketing Committee Meeting @ TH</b><br><b>7:00 pm Board of Adjustment Meeting @ Town Hall cancelled</b><br><b>NCBIWA Conf. Mayor Blaszynsky &amp; Comm. Allen</b> | 25<br><b>3:00 pm MPO Board Meeting 320 Chestnut St 6th Fl Conf Rm</b>                                                             | 26                                                        | 27                                                        | 28                                                        |
| 29                                                        | 30                                                                                                                  | MAY 1 <sup>ST</sup><br><b>5:00 pm SLABP Meeting @ TH</b>                                                                                                                             | MAY 2 <sup>ND</sup><br><b>7:00 pm Planning &amp; Zoning Meeting</b>                                                               |                                                           |                                                           |                                                           |

**NEW BUSINESS**

**ITEM # 1**

**TEXT AMENDMENT**

**434 S FOURTH AVENUE**





**KURE BEACH  
PLANNING & ZONING COMMISSION**

PZC Meeting Date: 02/07/2018

PZC Agenda Item No.: 7.b.

**ZONING CONSISTENCY STATEMENT  
N.C.G.S. 160A-383**

X Consideration of proposed text amendment to The Town of Kure Beach Code:

1. Chapter 19 Zoning, Art. IV, Sec. 326, *Location of Accessory Buildings on Residential Lots*; and
2. Chapter 19 Zoning, Art. III, Div. 4, Sec. 153, *Dimensional Requirements (RA-2)*.

\_\_\_\_\_ The proposed text amendments are CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan ("LUP").

\_\_\_\_\_ The proposed text amendments are CONSISTENT WITH Section \_\_\_\_\_ Part \_\_\_\_\_ of the LUP.

X The proposed text amendments are NOT CONSISTENT WITH Part 3, Section 2.B. of the LUP.


The Planning and Zoning Commission ("Commission") requests Town Council's consideration of Ms. Brett-Kell's ("Applicant") application for the proposed Chapter 19 text amendments attached hereto, recommends that Council deny the application, and considers its recommendation to deny the application reasonable and in the public interest based on the following:

1. Applicant seeks to amend Sec. 19-326 by requiring accessory buildings to meet a five (5) foot rear setback whereas the current provision requires meeting the setback requirements of a residence.
2. Applicant also seeks to amend Sec. 19-153 to provide for a five (5) foot rear setback in the RA-2 District whereas the current requirement is for a ten (10) foot rear setback.
3. Adopting Applicant's text amendments would reduce the required rear yard setback for all properties in the RA-2 District which could negatively impact runoff control, health, safety, firefighting and free flow of air. *See* Sec. 19-1 (definition of "Setback").
4. Amending the rear setback in the RA-2 District to five (5) feet would therefore be inconsistent with the goal on land use compatibility set forth in Part 3, Section 2.B. of the LUP which provides, in pertinent part, as follows:

Kure Beach desires to ensure that future development will be consistent with the historic small town nature of the community...and will work to...ensure that any uses of the land and water minimize negative environmental impacts and avoid risks to public health, safety and welfare....

5. The Commission finds and draws Council's attention to the fact that there are accessory buildings in all of the Town's Zoning Districts which are in violation of current setback requirements.

**TOWN OF KURE BEACH  
PLANNING AND ZONING COMMISSION:**

 , Chairman

Received TC Aug  
12/4/17  
Heard by P.2  
2/7/18

TOWN OF KURE BEACH  
APPLICATION FORM  
Requesting text amendment to Code of Ordinances

PLEASE READ THOROUGHLY BEFORE COMPLETING  
TYPE OR PRINT ONLY PLEASE

|                                                                                                     |                                                                                                                         |                                               |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <u>Name of Applicant</u><br>Linda Brett-Kell                                                        | <u>App. No.</u><br>18-01                                                                                                | <u>Zoning Area</u><br>RA-2                    |
| <u>Applicant's Phone No.</u><br>910.540.4390                                                        | <u>Date</u><br>12-6-17                                                                                                  | <u>Address of Applicant</u><br>434 S. 4th Ave |
|                                                                                                     |                                                                                                                         | <u>Zip Code</u><br>28449                      |
| <u>Name of Text to be changed</u><br>Sec. 19-326<br>Location of accessory<br>building on Res. Lot S | <u>Section of Text to be changed</u><br>Sec. 19-153 Dimension<br>Reg.<br># 5<br>Division 4 RA-2 Residential<br>District |                                               |

**APPLICATION FOR A TEXT AMENDMENT**

**CONTENT OF THE APPLICATION; FEES**

Application must be received and reviewed by the Town Clerk for completeness prior to acceptance. A \$100 fee payable to Town of Kure Beach MUST accompany the application. Should the text amendment be for Chapters 15 "Subdivision" or 19 "Zoning" the petition must be reviewed by the Planning and Zoning Commission and a recommendation made by them to Town Council before Town Council may act. The Planning and Zoning Commission and/or the Town Council reserve the right to require additional information, if needed, to assure that the proposed text amendment is in accordance with all of the Town's plans and policies. The Town Council gives final approval for all text amendments to the Code of Ordinances.

**GUIDE TO REVIEW PROCEDURES**

Applications for a text amendment are first referred to all departments for review and comment. Should the request be for an amendment to Chapters 15 or 19, the Kure Beach Planning and Zoning Commission must also review and make a recommendation before being acted upon by the Kure Beach Town Council. Applications must be received in the office of the Town Clerk twenty (20) working days before the Planning and Zoning Commission meeting or the Town Council meeting (should Planning & Zoning involvement not be required) to allow adequate time for processing and review.

Planning and Zoning Commission meetings are held at 7:00pm in the Kure Beach Town Hall, 117 Settlers Lane, North Carolina, on the first Tuesday of each month. The Planning and Zoning Commission's recommendation regarding this application will automatically be referred to the Kure Beach Town Council. Town Council meetings which are held on the third Tuesday of each month at 6:30 pm at Town Hall as referenced above.

### EXISTING TEXT

Accessory buildings shall be in Rear yard and not exceed one story with height limit of 15ft.  
\* Accessory buildings shall meet setback requirements of a residence, which is currently 10ft.

### PROPOSED TEXT CHANGE

Accessory buildings shall meet the setback requirement of 5 feet and be in the rear yard not to exceed height limit of 15ft.

## Nancy Avery

---

**From:** John Batson  
**Sent:** Tuesday, December 12, 2017 2:59 PM  
**To:** Nancy Avery  
**Subject:** Brett-Kell Text Amendment Request 12/12/17

Nancy,

Based on what Mrs. Brett-Kell submitted in the text amendment form, and based on the conversation that I had with her, I believe the following is what she would like to see changed in the ordinance:

### EXISTING

Sec. 19-326. - Location of accessory buildings on residential lots.

Accessory buildings shall be in the rear yard and shall not exceed one (1) story with a height limit of fifteen (15) feet.

Accessory buildings shall meet the setback requirements of a residence, and shall be erected, reconstructed or structurally altered in accordance with the building code.

(Ord. of 8-19-03)

### PROPOSED

Sec. 19-326. - Location of accessory buildings on residential lots.

Accessory buildings shall be in the rear yard and shall not exceed one (1) story with a height limit of fifteen (15) feet.

Accessory buildings shall meet ~~the setback requirements of a residence~~ a minimum 5' setback from all property lines, and shall be erected, reconstructed or structurally altered in accordance with the building code.

(Ord. of 8-19-03)

In the same conversation, I informed her that this needed to be a change that she needed to draft, and submit. What she submitted does not make sense, as it would allow a 5' rear setback for all structures in Kure Beach. Rest assured, this is not a change that the Town would make.

I also made her aware that this conversation is not new with Planning and Zoning meetings, and that it is imperative for her to be there and argue her case for this proposed text amendment.

I am not recommending this language, but only attempting to help the process. This amendment would apply to all accessory structures from pools to garages to pergolas etc; *it is a big deal.*



# MEMO


To: P&Z Commission  
From: Nancy Avery, Town Clerk  
Subject: Text amendment request from Linda Brett-Kell  
Date: January 18, 2018

In speaking with Mrs. Brett-Kell regarding the submitted text amendment, I tried to explain that the requested change to the code was confusing and I wasn't sure what she wanted the commission to approve.

She stated that the only thing she wanted was for the rear setback to be put back to 5 feet rather than the current 10 feet. She stated it used to be 5 feet for years and then it was changed to 10 feet.

I responded that the current commission had just submitted draft amendments to the code to Town Council for the purpose of clarifying and making existing restrictions for setbacks more consistent and that I thought she should know there was a good chance that the commission would not be in favor of her request.

Mrs. Brett-Kell stated she still wanted to submit the text amendment.

  
Nancy Avery  
Town Clerk

**CODE OF ORDINANCES  
EXCERPTS OF REFERENCED SECTIONS FOR TEXT AMENDMENT  
As requested by Mrs. Brett-Kell**

**ARTICLE IV. - SUPPLEMENTAL DISTRICT REGULATIONS**

**Sec. 19-326. - Location of accessory buildings on residential lots.**

Accessory buildings shall be in the rear yard and shall not exceed one (1) story with a height limit of fifteen (15) feet. Accessory buildings shall meet the setback requirements of a residence, and shall be erected, reconstructed or structurally altered in accordance with the building code

**DIVISION 4. - RA-2 RESIDENTIAL DISTRICT**

**Sec. 19-153. - Dimensional requirements.**

The following dimensional requirements shall apply to all uses in the RA-2 district unless other requirements are stated herein:

- Minimum required lot area shall be five thousand (5,000) square feet; (1)
- Minimum required mean lot width shall be fifty (50) feet; (2)
- Minimum required front yard shall be twenty (20) feet; (3)
- Minimum required side yard shall be five (5) feet; (4)
- Minimum required rear yard shall be ten (10) feet. (5)



## *Kure Beach Town Council*

Request to Department Heads for review and comment

Date 02/12/18 Department BUILDING Completed by BATSON

Town Council requests your review and comments on two proposed text amendments to the Code of Ordinances. **Please return to the Town Clerk by Wednesday, February 14 by 5 pm** for the Council agenda packet.

1. *Property Address is 108 K Avenue, Bud and Joe's SandBar, Zoning district is B1*

Proposed text amendment changes the Code of Ordinances to allow access to any enclosed open air deck or patio extending directly from any bar and/or tavern. This type of access is currently restricted by Code. Reference Chapter 3 (Alcoholic Beverages), Section 3-2 (Requirements for bars and taverns), Subsection F

*Code reads:*

No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted to any open air decks or rooftops from any bar and/or tavern.

*Text amendment changes code to read: (new language in red)*

No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted ~~to any open air decks or rooftops from any bar and/or tavern.~~ **to any rooftops from any bar and/or tavern. Public access is permitted to any enclosed open air deck or patio extending directly from any bar and/or tavern.**

Comments/concerns:

This change would render the roped off area and BJ's acceptable and code compliant.

---

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2. *Property Address is 434 S. 4<sup>th</sup> Avenue, private residence, Zoning district is RA-2*

Proposed text amendment changes the Code of Ordinances to allow a 5 foot rear setback in all zoning districts from the current 10 foot rear setback. Actual language for text amendment is not included here, because it doesn't reflect what the applicant is requesting.

Comment on allowing a 5 foot rear setback instead of a 10 foot setback in terms of safety, security, noise, etc. in neighborhoods. Other setbacks are 20 feet in the front and 5 feet on the sides.

As I understand the text amendment applied for, it would allow any structure to come within 5' of the rear setback. This would not be good for density, impervious coverage, etc. I hear same concerns from property owners all the time; no room for shed or otherwise in back yard. These requests for text amendments will probably keep coming up.



## *Kure Beach Town Council*

Request to Department Heads for review and comment

Date: 2/8/2018 Department: **FIRE** Completed by: EDMUND KENNEDY

Town Council requests your review and comments on two proposed text amendments to the Code of Ordinances. **Please return to the Town Clerk by Wednesday, February 14 by 5 pm** for the Council agenda packet.

1. *Property Address is 108 K Avenue, Bud and Joe's SandBar, Zoning district is B1*

Proposed text amendment changes the Code of Ordinances to allow access to any enclosed open air deck or patio extending directly from any bar and/or tavern. This type of access is currently restricted by Code. Reference Chapter 3 (Alcoholic Beverages), Section 3-2 (Requirements for bars and taverns), Subsection F

*Code reads:*

No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted to any open air decks or rooftops from any bar and/or tavern.

*Text amendment changes code to read: (new language in red)*

No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted ~~to any open air decks or rooftops from any bar and/or tavern.~~ **to any rooftops from any bar and/or tavern. Public access is permitted to any enclosed open air deck or patio extending directly from any bar and/or tavern.**

Comments/concerns:

NONE

2. *Property Address is 434 S. 4<sup>th</sup> Avenue, private residence, Zoning district is RA-2*

Proposed text amendment changes the Code of Ordinances to allow a 5 foot rear setback in all zoning districts from the current 10 foot rear setback. Actual language for text amendment is not included here, because it doesn't reflect what the applicant is requesting.

Comment on allowing a 5 foot rear setback instead of a 10 foot setback in terms of safety, security, noise, etc. in neighborhoods. Other setbacks are 20 feet in the front and 5 feet on the sides.

**DECREASING THE SETBACK TO 5 FEET WILL INCREASE THE NEIGHBORING HOMES RISK OF EXPOSURE. ESSENTIALLY, THE CLOSER HOMES ARE TOGETHER, THE MORE LIKELY THEY ARE TO SPREAD TO OTHER HOMES, AND THE MORE DIFFICULT FIRE SUPPRESSION OPERATIONS WILL ALSO BE.**



# **Police Department Concerns**

## **Bud and Joe's code change**

- Hours of the Patio? My recommendation is to close patio at 11pm.
- How big will the patio be? (can the patio be expanded after approval from council)
- What type of Barrier separates the public from patio?
- Will there be an employee on the patio? (Patrons tend to wander in parking lot with drinks)
- What effect will patio noise have on the Ocean Front Park? (weddings and concerts)
- Will outdoor lighting be required?

## **Setback Concerns**

- Noise ordinance issues with houses being closer (barking dogs, neighbors on porches making noise)
- Bigger house (parking)
- Property owners or renters walking to close to another property.

**NEW BUSINESS**

**ITEM # 2**

**TEXT AMENDMENT**

**108 K AVENUE**



Property Address  
108 K Avenue

Rec'd 2/10/18  
TC Aug

TOWN OF KURE BEACH  
APPLICATION FORM  
Requesting text amendment to Code of Ordinances

PLEASE READ THOROUGHLY BEFORE COMPLETING  
TYPE OR PRINT ONLY PLEASE

|                                              |                       |                                                                                           |                          |
|----------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------|--------------------------|
| <u>Name of Applicant</u><br>MICHAEL RITCHIE  |                       | <u>Application No.</u><br>18-02                                                           | <u>Zoning Area</u><br>B1 |
| <u>Applicant's Phone No.</u><br>704-674-2337 | <u>Date</u><br>2/8/18 | <u>Address of Applicant</u><br>605 I AVE<br>a                                             | <u>Zip Code</u><br>28449 |
| <u>Name of Text to be changed</u><br><br>(F) |                       | <u>Section of Text to be changed</u><br><br>SEC. 3.2 REQUIREMENTS<br>FOR TAVERNS AND BARS |                          |

Chapter 3  
of Code

**APPLICATION FOR A TEXT AMENDMENT**

**CONTENT OF THE APPLICATION; FEES**

Application must be received and reviewed by the Town Clerk for completeness prior to acceptance. A \$100 fee payable to Town of Kure Beach MUST accompany the application. Should the text amendment be for Chapters 15 "Subdivision" or 19 "Zoning" the petition must be reviewed by the Planning and Zoning Commission and a recommendation made by them to Town Council before Town Council may act. The Planning and Zoning Commission and/or the Town Council reserve the right to require additional information, if needed, to assure that the proposed text amendment is in accordance with all of the Town's plans and policies. The Town Council gives final approval for all text amendments to the Code of Ordinances.

**GUIDE TO REVIEW PROCEDURES**

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## EXISTING TEXT

- F. No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted to any open air decks or rooftops from any bar and/or tavern.

## PROPOSED TEXT CHANGE

No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted to any rooftops from any bar and/or tavern. Public access is permitted to any enclosed open air deck or patio extending directly from any bar and/or tavern.

**Sec. 3-2. - Requirements for taverns and bars.**

- (a) Definition. Bar or tavern licensed by the Alcoholic Beverage Control Board of North Carolina shall mean any place primarily engaged in the sale of malt beverages as provided in G.S. § 18B-1000(7).
- (b) All bars and taverns shall provide bathroom facilities as required by the North Carolina State Building Code, Volume I.
- (c) All bars and taverns during the hours of operation shall keep the windows and doors closed. Air cooling and ventilation shall be from mechanical means only and shall comply with the standards contained in Table 1500, Ventilation Design Criteria of the North Carolina State Building Code, Volume III, for restaurants.
- (d) All bars and taverns shall have a person managing the business on the premises during the hours of operation at all times. The name of such person shall be conspicuously displayed at the entrance of the business premises.
- (e) All bars and taverns shall provide off street parking spaces as required by the Code.
- (f) No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted to any open air decks or rooftops from any bar and/or tavern.
- (g) Civil penalty. Any operator of any bar or tavern who violates any of the provisions of this section shall be subject to a civil penalty of fifty dollars (\$50.00) per each day of continuing noncompliance.
- (h) Injunctive relief. Whenever the town council has reasonable cause to believe that any person is violating or threatening to violate any section of the Code of the town, the town may either before or after the institution of any other action or proceeding authorized by this Code, institute a civil action in the name of the town for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the appropriate division of the General Court of Justice in New Hanover County. The institution of an action for injunctive relief under this subsection shall not relieve any party to such proceeding from any civil or criminal penalty proscribed for violations to this Code.

(Ord. of 4-20-83)

# B1 Commercial District

## Sec. 19-243. - Permitted uses.

The following are the permitted uses and special uses (S) in the B-1 district:

- (1) Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
- (3) Banks, finance and loan companies (6021, 6022);
- (4) Bus terminal (4173); (S)
- (5) Churches and other places of worship (8661);
- (8) Dwelling when constructed in conjunction with permitted use provided such dwellings are an integral part of the main building of such a permitted use; (S)
- (9) Eating and drinking establishments (5812, 5813);
- (10) Service stations (5541); (S)
- (11) Food stores (5411, 5431, 5441, 5451, 5461);
- (12) Hotels and motels (7011);
- (14) Parking lots (7521); (S)
- (15) Offices for professional business activities (80-11, 21, 31, 41, 42, 43, 49; 8711, 12, 21; 8111);
- (16) Personal service establishments such as barber and beauty shops (7231, 7241, 5611, 5651);
- (17) Public buildings and facilities;
- (18) Retail stores not otherwise listed: (5251, 5261, 5912, 5921, 5932, 5941, 5942, 5943, 5944, 5945, 5947, 5948, 5949, 5961, 5992, 5993, 5995, 5331, 5399, 5712, 5722, 5731);
- (19) Arcades (7993); (S)
- (20) Theaters when housed in a permanent structure (6512); (S)
- (21) Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
- (23) Reserved;
- (24) Real estate offices (6531);
- (25) Home occupation as defined in section 19-1.

(Ord. of 8-19-03; Ord. of 4-15-08; Ord. of 4-19-11, § 9)



## *Kure Beach Town Council*

Request to Department Heads for review and comment

Date: 2/8/2018 Department: FIRE Completed by: EDMUND KENNEDY

Town Council requests your review and comments on two proposed text amendments to the Code of Ordinances. **Please return to the Town Clerk by Wednesday, February 14 by 5 pm** for the Council agenda packet.

1. *Property Address is 108 K Avenue, Bud and Joe's SandBar, Zoning district is B1*

Proposed text amendment changes the Code of Ordinances to allow access to any enclosed open air deck or patio extending directly from any bar and/or tavern. This type of access is currently restricted by Code. Reference Chapter 3 (Alcoholic Beverages), Section 3-2 (Requirements for bars and taverns), Subsection F

*Code reads:*

No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted to any open air decks or rooftops from any bar and/or tavern.

*Text amendment changes code to read: (new language in red)*

No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted ~~to any open air decks or rooftops from any bar and/or tavern.~~ **to any rooftops from any bar and/or tavern. Public access is permitted to any enclosed open air deck or patio extending directly from any bar and/or tavern.**

Comments/concerns:

NONE

2. *Property Address is 434 S. 4<sup>th</sup> Avenue, private residence, Zoning district is RA-2*

Proposed text amendment changes the Code of Ordinances to allow a 5 foot rear setback in all zoning districts from the current 10 foot rear setback. Actual language for text amendment is not included here, because it doesn't reflect what the applicant is requesting.

Comment on allowing a 5 foot rear setback instead of a 10 foot setback in terms of safety, security, noise, etc. in neighborhoods. Other setbacks are 20 feet in the front and 5 feet on the sides.

DECREASING THE SETBACK TO 5 FEET WILL INCREASE THE NEIGHBORING HOMES RISK OF EXPOSURE. ESSENTIALLY, THE CLOSER HOMES ARE TOGETHER, THE MORE LIKELY THEY ARE TO SPREAD TO OTHER HOMES, AND THE MORE DIFFICULT FIRE SUPPRESSION OPERATIONS WILL ALSO BE.



# Kure Beach Town Council

Request to Department Heads for review and comment

Date 2-7-18 Department Police Completed by M.P. Bowden

Town Council requests your review and comments on two proposed text amendments to the Code of Ordinances. **Please return to the Town Clerk by Wednesday, February 14 by 5 pm** for the Council agenda packet.

*1. Property Address is 108 K Avenue, Bud and Joe's SandBar, Zoning district is B1*

Proposed text amendment changes the Code of Ordinances to allow access to any enclosed open air deck or patio extending directly from any bar and/or tavern. This type of access is currently restricted by Code. Reference Chapter 3 (Alcoholic Beverages), Section 3-2 (Requirements for bars and taverns), Subsection F

*Code reads:*

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*Text amendment changes code to read: (new language in red)*

No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted ~~to any open air decks or rooftops from any bar and/or tavern.~~ **to any rooftops from any bar and/or tavern. Public access is permitted to any enclosed open air deck or patio extending directly from any bar and/or tavern.**

Comments/concerns:

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*2. Property Address is 434 S. 4<sup>th</sup> Avenue, private residence, Zoning district is RA-2*

Proposed text amendment changes the Code of Ordinances to allow a 5 foot rear setback in all zoning districts from the current 10 foot rear setback. Actual language for text amendment is not included here, because it doesn't reflect what the applicant is requesting.

Comment on allowing a 5 foot rear setback instead of a 10 foot setback in terms of safety, security, noise, etc. in neighborhoods. Other setbacks are 20 feet in the front and 5 feet on the sides.

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# Police Department Concerns

## Bud and Joe's code change

- Hours of the Patio? My recommendation is to close patio at 11pm.
- How big will the patio be? (can the patio be expanded after approval from council)
- What type of Barrier separates the public from patio?
- Will there be an employee on the patio? (Patrons tend to wander in parking lot with drinks)
- What effect will patio noise have on the Ocean Front Park? (weddings and concerts)
- Will outdoor lighting be required?

## Setback Concerns

- Noise ordinance issues with houses being closer (barking dogs, neighbors on porches making noise)
- Bigger house (parking)
- Property owners or renters walking to close to another property.



## *Kure Beach Town Council*

Request to Department Heads for review and comment

Date 02/12/18 Department BUILDING Completed by BATSON

Town Council requests your review and comments on two proposed text amendments to the Code of Ordinances. **Please return to the Town Clerk by Wednesday, February 14 by 5 pm** for the Council agenda packet.

1. *Property Address is 108 K Avenue, Bud and Joe's SandBar, Zoning district is B1*

Proposed text amendment changes the Code of Ordinances to allow access to any enclosed open air deck or patio extending directly from any bar and/or tavern. This type of access is currently restricted by Code. Reference Chapter 3 (Alcoholic Beverages), Section 3-2 (Requirements for bars and taverns), Subsection F

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*Text amendment changes code to read: (new language in red)*

No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted to ~~any open air decks or rooftops from any bar and/or tavern.~~ **to any rooftops from any bar and/or tavern. Public access is permitted to any enclosed open air deck or patio extending directly from any bar and/or tavern.**

Comments/concerns:

\* This change would render the roped off area and BJ's acceptable and code compliant.

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2. *Property Address is 434 S. 4<sup>th</sup> Avenue, private residence, Zoning district is RA-2*

Proposed text amendment changes the Code of Ordinances to allow a 5 foot rear setback in all zoning districts from the current 10 foot rear setback. Actual language for text amendment is not included here, because it doesn't reflect what the applicant is requesting.

Comment on allowing a 5 foot rear setback instead of a 10 foot setback in terms of safety, security, noise, etc. in neighborhoods. Other setbacks are 20 feet in the front and 5 feet on the sides.

\* As I understand the text amendment applied for, it would allow any structure to come within 5' of the rear setback. This would not be good for density, impervious coverage, etc. I hear same concerns from property owners all the time; no room for shed or otherwise in back yard. These requests for text amendments will probably keep coming up.

**NEW BUSINESS**

**ITEM # 3**

**REQUEST TO BURY**

**ELECTRIC**

**201 S FFB**

## Nancy Avery

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**From:** John Ellen  
**Sent:** Thursday, February 8, 2018 2:09 PM  
**To:** Heglar, David W; Craig Bloszinsky; David Heglar; Joseph Whitley; Allen Oliver; Nancy Avery  
**Cc:** Sonny Beeker; John Batson  
**Subject:** Re: 201 Ft Fisher Blvd - underground power feed request

I also support the request based on previous discussed rules for repair.

John

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**From:** Heglar, David W <HeglarDW@Corning.com>  
**Sent:** Thursday, February 8, 2018 11:50:40 AM  
**To:** Craig Bloszinsky; David Heglar; Joseph Whitley; John Ellen; Allen Oliver; Nancy Avery  
**Cc:** Sonny Beeker; John Batson  
**Subject:** RE: 201 Ft Fisher Blvd - underground power feed request

I support approval of this request with the responsibility for repair (or paying for repair) to access following maintenance if it is ever required.

David

---

**From:** Craig Bloszinsky [mailto:c.bloszinsky@townofkurebeach.org]  
**Sent:** Thursday, February 8, 2018 11:16 AM  
**To:** David Heglar; Joseph Whitley; John Ellen; Allen Oliver; Nancy Avery  
**Cc:** Sonny Beeker; John Batson  
**Subject:** Fw: 201 Ft Fisher Blvd - underground power feed request

Team, this is another item we need to be ready to discuss, John B. and Sonny have weighed in with no concerns beyond the stipulation for repair in Sonny's note below. We should close this item, affirmative or not, on Council as well.

Regards  
Craig

---

**From:** Sonny Beeker  
**Sent:** Wednesday, February 7, 2018 11:51 AM  
**To:** Craig Bloszinsky  
**Subject:** Re: 201 Ft Fisher Blvd - underground power feed request

Craig, I can see a possible safety situation with the installation of the power line crossing the access, but the town Public Works department deals with buried utilities on a daily basis. It may slightly hinder the repairs after a major storm to the access, having to work around or waiting for the line to be replaced or repaired, but

that would be minor inconvenience considering the situation. So, with that said, I don't have a major problem with the request, but if granted, I would make sure there is something stating he is responsible for repairs to the access if maintenance to the line is needed. Sonny

Sent from my iPhone

On Feb 7, 2018, at 11:09 AM, Craig Bloszinsky <[c.bloszinsky@townofkurebeach.org](mailto:c.bloszinsky@townofkurebeach.org)> wrote:

Hi Eric, our Council meetings are generally the third Tuesday of each month unless rescheduled for Council attendance reasons. I have forwarded your request to the necessary dept. heads for their input. We will get back to you shortly. Safety is an important consideration for future work on the beach access by Public Works. That guidance will be forthcoming if approved.

Regards  
Craig Bloszinsky

---

**From:** Eric Davis <[eric@artdavisco.com](mailto:eric@artdavisco.com)>  
**Sent:** Wednesday, February 7, 2018 11:02:17 AM  
**To:** Craig Bloszinsky  
**Cc:** Sonny Beeker; John Batson; David Heglar  
**Subject:** Re: 201 Ft Fisher Blvd - underground power feed request

Hi Mr Bloszinsky,

Should I plan to attend the Council Meeting this evening to present this request?

Thanks,

Eric Davis

[eric@artdavisco.com](mailto:eric@artdavisco.com)  
M (917) 846-0101

On Feb 2, 2018 11:24 AM, Craig Bloszinsky <[c.bloszinsky@townofkurebeach.org](mailto:c.bloszinsky@townofkurebeach.org)> wrote:  
Eric, thanks for the diagram, it is helpful. I will look into this and advise.

Regards  
Craig Bloszinsky

---

**From:** Eric Davis <[eric@artdavisco.com](mailto:eric@artdavisco.com)>  
**Sent:** Friday, February 2, 2018 7:57:01 AM  
**To:** Craig Bloszinsky  
**Subject:** 201 Ft Fisher Blvd - underground power feed request

Good Morning Mayor Bloszinsky,

This email is a follow up to the voicemail I left on your office phone yesterday. I am building a house at 201 Ft Fisher Blvd S which is just south of the Ave J public beach access. We would like

to request permission for Duke Energy to run their power feed underground across the beach access parking lot. Please see the attached for a diagram of the proposed location.

As I mentioned in the voicemail, we were told by Sonny (via Brenda) with Operations, that this required Council approval and to submit the request to you. Please advise if there is someone else we should contact and/or how we should proceed with the process.

Thank you,

Eric Davis



[eric@artdavisco.com](mailto:eric@artdavisco.com)  
M (917) 846-0101

**NEW BUSINESS**

**ITEM # 4**

**COMMITTEE POLICY**

## Nancy Avery

---

**From:** Nancy Avery  
**Sent:** Monday, February 5, 2018 11:17 AM  
**To:** Craig Bloszinsky; John Ellen  
**Subject:** RE: Bike Ped

Policy states a committee member must be a full time resident. Council would either have to change policy or exempt this appointment from the policy.

Nancy Avery  
Town Clerk  
Town of Kure Beach  
117 Settlers Lane  
Kure Beach, NC 28449  
[www.townofkurebeach.org](http://www.townofkurebeach.org)  
910-458-8216 office  
910-707-2016 direct  
910-443-0410 cell  
[n.avery@tokb.org](mailto:n.avery@tokb.org)

**From:** Craig Bloszinsky  
**Sent:** Monday, February 5, 2018 10:46 AM  
**To:** John Ellen <[j.ellen@townofkurebeach.org](mailto:j.ellen@townofkurebeach.org)>; Nancy Avery <[n.avery@townofkurebeach.org](mailto:n.avery@townofkurebeach.org)>  
**Subject:** Re: Bike Ped

I know Jonathon Perrotto. He is often in town, a taxpayer with oceanfront property and a vested interest in the town. Nancy, I would be ok with this if we are not breaking any specific rules. Please advise is we can make this appt.

Regards  
Craig Bloszinsky

---

**From:** John Ellen  
**Sent:** Saturday, February 3, 2018 8:46:23 PM  
**To:** Nancy Avery  
**Cc:** Craig Bloszinsky  
**Subject:** Bike Ped

Does the KB bike/ped person have to be a resident? I have a willing participant (Jonathan Perrotto) who owns a home across street from Mayor B. He is an avid biker and would like the task. Is there an application form on town website?

John Ellen

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## Nancy Avery

---

**From:** Craig Bloszinsky  
**Sent:** Monday, February 5, 2018 10:46 AM  
**To:** John Ellen; Nancy Avery  
**Subject:** Re: Bike Ped

I know Jonathon Perrotto. He is often in town, a taxpayer with oceanfront property and a vested interest in the town. Nancy, I would be ok with this if we are not breaking any specific rules. Please advise is we can make this appt.

Regards  
Craig Bloszinskky

---

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**To:** Nancy Avery  
**Cc:** Craig Bloszinsky  
**Subject:** Bike Ped

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John Ellen

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## **Article 1. COMMITTEES**

### **Section 1.01 General Policy**

Adopted 2/16/2010, Updated 02/21/2012

#### **A. GENERAL POLICY REGARDING AD HOC COMMITTEES**

*Ad Hoc Committees are herein identified as: Community Center, Marketing, and Shoreline Access and Beach Protection (SLABP).*

1. The Kure Beach Town Council is responsible for the creation and management of all ad hoc, standing committees and boards of the Town. The Town Council will fix the membership number of each committee unless otherwise prescribed by statute.
2. It is the policy of the Kure Beach Town Council that all committee membership will represent a cross section of the Town of Kure Beach to the extent possible, consistent with the goals and operations of the committee.
3. All committees or boards required by the N.C. General Statutes will perform the duties and functions required by the statutes. Anything in this policy relating to such committees is superseded by the statutory requirements.
4. Committees and appointees thereto must uphold Town policies pertaining to the committee. The Kure Beach Town Council may, at its discretion, replace any committee members who violate town policies or conducts themselves in any way detrimental to the Town or the purpose of the committee.
5. All committees and boards, unless required by statute, are ad hoc and serve at the pleasure of the Council.
6. The Kure Beach Town Council may waive, at the discretion of Council, any policies or procedures herein set forth.

#### **B. AD HOC COMMITTEE MEMBERSHIP**

1. Except as noted below, any full-time resident of Kure Beach is eligible to serve on appointed committees, boards and commissions. Any Kure Beach property owner who is not a full-time resident of Kure Beach may apply to serve as a non-voting member on the Marketing Advisory Committee and the Shoreline Access and Beach Protection Committee.

2. No person may be appointed to serve on, or in any way be associated with, any committee if that person has an unpaid financial obligation to the Town.
  - a. Such obligations include past due taxes, water and sewer and related fees more than 60 days in arrears and unpaid citations, unless under contest or other obligations as may be determined by the Town.
  - b. A full-time resident or property owner becomes eligible to serve upon certification by the Town Finance Officer or Town Clerk that all financial obligations to the Town of Kure Beach have been satisfied.
3. No person may be appointed to, or serve on, any committee except upon submittal of proper application and appointment by a vote of the Kure Beach Town Council.
4. Each committee of the Town is requested to prepare and submit to Town Council a list of minimum requirements for committee membership. The Town Clerk will maintain such lists as approved by the Council. Each committee may update the requirements periodically as needed. (*Exemption –Marketing Committee*)
5. Requirements of this section notwithstanding, any person serving on an appointed committee and or board at the time this policy is adopted, may serve out the term of appointment.
6. No person may serve upon more than three committees at one time nor serve as chairperson of more than one committee.

#### C. AD HOC COMMITTEE TERMS AND VACANCIES

1. All committee appointees for ad hoc committees have no set term limits. (revised 1/24/12 and 2/21/12)
2. Committee members are required to attend all regularly scheduled committee meetings unless excused by the committee chair or a vote of the committee. Three unexcused absences shall be deemed a resignation from the committee and reported as such to the Kure Beach Town Council. Vacancies resulting from such absences shall be filled according to the procedure listed below.
3. The chair of each committee shall report all committee vacancies to the Town Clerk who is hereby authorized to advertise for volunteers to submit applications to serve on Town committees.

4. Vacancies on ad hoc committees will be filled by the following procedure:
  - a. Applications received by the Clerk will be forwarded to the appropriate committee and Town Council members for review. All applications shall be retained for a period of one (1) year.
  - b. Incumbent committee members will interview applicants at a regularly scheduled meeting of the committee in open session.
  - c. In open session, committee members will, by vote of the committee, select two applicants for each vacancy to forward to Town Council for consideration.
  - d. Town Council will, by vote of the Council, approve one applicant for each position. The Town Council may reject any and all committee recommendations and appoint any qualified person to fill any committee vacancy.

#### D. AD HOC COMMITTEE RESPONSIBILITIES

1. Committees, commissions or boards established by state statute will perform the duties and functions required by the statute.
2. Committees shall organize themselves by electing a chairperson and secretary.
3. Committees shall conduct regularly scheduled meetings, open to the public, with meeting minutes and actions recorded.
4. Committees shall diligently pursue the objectives or tasks assigned by the Town Council and shall regularly report to the Town Council on the progress of their work.
5. Annually, committees shall prepare and submit to the Town Council a budget for their projected initiatives. (See F, below)
6. Committees shall at all times conduct their business with proper decorum and with due regard to the greater good of the Town of Kure Beach.
7. Committees shall, at the beginning of each calendar year, submit to the Town Clerk a list of all current committee members, member contact information and the regular meeting date, time and location.

## E. CONFLICTS OF INTEREST

1. If a committee member has a financial, personal, or employment related interest in an issue that comes before the committee, the member shall notify the committee chair and committee members of such interest and be excused from voting on the matter.
2. Any question relating to a potential conflict of interest should be referred to the Kure Beach Town Attorney for advice and counsel.

## F. AD HOC COMMITTEE BUDGETS AND EXPENDITURE OF FUNDS

1. At the beginning of each budget cycle, committees shall submit to the finance commissioner a budget for the coming year. Such budgets should include all expected expenditures and a recommended source of funding whether it be receipts for expected activities, grants or the revenue of the Town.
2. No committee may expend funds except upon approval of the Finance Officer or the issuance of a proper purchase order or contract by Town staff. All town procedures and state requirements in the solicitation of bids and the issuance of purchase orders or contracts shall be followed.
3. Committees shall not financially obligate the Town except as authorized by an approved appropriation or purchase order properly approved and executed.

*(The Marketing Committee is exempted from the budgeting requirement because it is not funded by the Town.)*

## G. COMMITTEES AND THE NORTH CAROLINA OPEN MEETINGS LAW

1. All committees, commissions and boards of the Town of Kure Beach are subject to the North Carolina Open Meetings Law. Committees may conduct special meetings, but such meetings must be advertised as required by North Carolina General Statutes.
2. It is the intent of Kure Beach Town Council that the Town Council of Kure Beach and all boards, commissions and committees of the Town of Kure Beach will comply with the letter and spirit of the Open Meetings Law. It is the express policy of the Kure Beach Town Council that no committee, commission or board appointed by the Town Council shall conduct any "closed" or "executive" session.

3. All committees, boards and commissions of the Town of Kure Beach will conduct regularly scheduled meetings, open to the public, with meeting records and minutes taken. (*Exemption – Damage Assessment and Emergency Operations.*)

#### H. DAMAGE ASSESSMENT AND EMERGENCY OPERATIONS COMMITTEES

The Town Council has two committees established for emergency management situations only. These committees do not hold regularly scheduled meetings and serve only during potential emergency situations to either represent the Town at the County Emergency Operations Center or to assist the Building Inspector and department heads in damage assessment after an emergency.

The only part of this policy applicable for these two committees is the following:

Vacancies for both shall be advertised by the Clerk. Applications received by the clerk will be forwarded to Town Council members for review. All applications shall be retained for a period of one (1) year. Town Council members will interview applicants at a properly scheduled meeting of the Council in open session. Town Council will, by vote of the Council, approve one applicant for each position. Incumbent members do not interview applicants, only Town Council.

#### I. COMMISSIONS AND BOARDS REQUIRED BY N.C. GENERAL STATUTE

Commissions and Boards covered by this section include the Kure Beach Board of Adjustment and the Kure Beach Planning and Zoning Commission.

This policy is applicable with the following exceptions:

##### *Membership*

1. Neither the Board of Adjustment nor the Planning and Zoning Commission shall be required to prepare and submit to Town Council a list of minimum requirements for membership.
2. Members shall hold no other public office under the town government and shall be appointed by the Town Council.

##### *Terms and Vacancies*

1. Board of Adjustment members shall serve a three-year term. Successors shall be appointed for three-year terms to fill the expiring term (not staggered).
2. Planning and Zoning Commission members shall serve a five-year term. Vacancies occurring for any reason other than for expiration of term shall be filled as they occur for the period of the unexpired term (staggered).

3. Vacancies for both shall be advertised by the Clerk. Applications received by the Clerk will be forwarded to Town Council members for review. All applications shall be retained for a period of one (1) year. Town Council members will interview applicants at a properly scheduled meeting of the Council in open session. Town Council will, by vote of the Council, approve one applicant for each position. Incumbent members do not interview applicants, only Town Council.  
(Revised 2/16/10)
4. Members, after a public hearing, may be removed by the Town Council for inefficiency, neglect of duty or malfeasance in office.
5. Faithful attendance of the meetings is considered a prerequisite for the maintenance of membership.
6. All members have equal voting on all matters that come before them.
7. Members shall elect a chairman to serve a one-year term or until a successor is elected and shall be eligible for re-election.
8. There shall be a quorum of three members for the purpose of taking any official action required by this article.

*References*

*Refer to Code of Ordinance requirements as follows:*

*Board of Adjustment – Chapter 19 (Zoning), Article II (Administration), Division 2 (Board of Adjustment), Sections 41 – 46.*

*Planning and Zoning Commission – Part II Code, Chapter 2 (Administration), Article III (boards, commissions, committees), Division 2 (P&Z), Sections 41 – 56.*