



TOWN COUNCIL MINUTES

REGULAR MEETING

March 19, 2018 @ 6:30 p.m.

The Kure Beach Town Council held a Regular Meeting on Monday, March 19, 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 (FO) – Arlen Copenhaver
Town Clerk – Nancy Avery
Fire Chief – Ed Kennedy
Police Chief – Mike Bowden
Building Inspector John Batson
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 Pastor Chris Howell of Kure Beach Baptist Church delivered the invocation and led everyone in the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

Call to Order – Mayor Bloszinsky

APPROVAL OF CONSENT AGENDA ITEMS

1. * Approve debris guidelines for No Charge Debris Removal the week of April 2, 2018
2. * ~~Amend Facility Reservation General Policy to add a daily fee, allow kegs, and address parking availability, as presented (moved to regular agenda under new business)~~
3. * Authorize Pleasure Island Youth Baseball to sell concessions, including mobile food carts, on game nights only, during the season at Joe Eakes Park
4. * Approve application for TDA funding of \$16,670 for OFP entertainment summer/fall 2017
5. * Approve application for TDA funding of \$4,925.84 for Fantasy Christmas Show 2017
6. * Appoint Sharon Lambeth to the Community Center Committee as an alternate
7. * Appoint John Shalanski to the Community Center Committee as an alternate
8. * Renew Anne Brodsky's appointment as a member of the BOA for another 3 year term



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9. * Renew Bryant Bass' appointment as a member of the BOA for another 3 year term
10. * Minutes:
 - February 20, 2018 regular
 - January 26, 2018 retreat continued to February 20, 2018

Mayor Bloszinsky requested removing item number two on Facility Reservation Policy from the Consent Agenda to the regular agenda as item number one under new business.

MOTION – MPT Heglar moved to remove item number two on Facility Rental Policy from the Consent Agenda to the regular agenda as item one under new business.

SECOND – Commissioner Whitley

VOTE – Unanimous

MOTION – MPT Heglar moved to approve the Consent Agenda, as amended.

SECOND – Commissioner Whitley

VOTE – Unanimous

ADOPTION OF THE AGENDA

MOTION – Commissioner Ellen moved to adopt the meeting agenda, with the addition of a new item under new business on Facility Reservation Policy.

SECOND – Commissioner Oliver

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

Connic Merkle and Tony Karboski, 454 North Forth Fisher Boulevard

Ms. Merkle requested guidance from Council on the process of obtaining permission from the town to install a pool that will encroach into the CAMA setback. Building Inspector Batson provided an overview of past history regarding pool encroachments on ocean front property. An e-mail was sent to Town Council on Friday, March 16, 2018 from Ms. Merkle and Mr. Karboski pertaining to this matter. Said document is herein incorporated as part of these minutes.

CONSENSUS – Council agreed to consider a survey and encroachment agreement when presented.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee

Linda Brett-Kell, Committee Co-chair, provided a committee update. The committee has full membership with the current approval of the newly appointed alternate members. The indoor yard sale held was a success, with an overwhelming response from attendees. The vendors and committee Members were very impressed with the outcome. All white folding chairs were sold.



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A total of \$273.52 has been earmarked for the operating expense fund of the Community Center, with the remaining funds raised to go to the Town of Kure Beach. A new barn door will be installed separating the kitchen from the event area. Roses have been planted in front area of the center. Also, an additional yard sale is scheduled for October. Costs for tables for the upcoming garage sale will be \$10.00.

2. Planning & Zoning Commission

Commissioner Whitley provided a report stating paid parking will not be pursued this year. The attorney has finished his work on the parking ordinances. The changes will be brought before the Planning and Zoning Commission at the April meeting and then to Town Council also in April. The ordinances will provide management of parking. Preliminary approval of a new development at the Trading Post site was provided.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Public Works Department

Crew Leader Mesimer provided a diagram of a proposed crossover at beach access 1004 1/2. Said diagram is herein incorporated as part of these minutes. The existing crossover is outlined in green, the dunes are in red and the blue area is outlined for the ramp. Proposed meetings are to be scheduled with CAMA and Building Inspector Batson for approval of the ramp installation, as a switch back may be necessary. Acquired information including cost estimates will be brought before Town Council in April

Crew Leader Mesimer also provided an update on the Dow Signage. The signs have been ordered and will be installed replacing the old signage as soon as they are received.

In addition, Crew Leader Mesimer reported that he met with the residents concerning the drainage on 4th St. and Avenue I to provide them with assistance on their situation.

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Review revised information on ROT dollar allocation presented at February meeting FO Copenhaver presented and original and a revised pie chart graphic. The first was presented in February, and the new one provides an overview of the combination of countywide and Kure Beach promotion ROT allocations. Said graphics are herein incorporated as part of these minutes.

MPT Heglar gave an overview of the pie charts confirming that Kure Beach taxes have not been used to put sand on the beach. He also explained that the payment of lifeguards is funded by discretionary spending from the monies received. He stated that sharing this information with the citizens was of importance because he would like the residents to respond appropriately when asked by council to write congress and senate in support. He also confirmed to the audience



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members that the graphics will be placed on the website with appropriate verbiage. Mayor Bloszinsky stated the information documented indicates the importance of short-term rentals (less than 90 days), and what is paid by visitors to Kure Beach.

Mayor Bloszinsky requested the 2018 ROT tax roll to be acquired so that it may be checked against 2017. FO Copenhaver will obtain the information and provide it to Council.

Questions were presented by the members of the audience regarding rental companies and the reporting of taxes. Council provided an explanation stating that most certified rental companies of Kure Beach do a good job reporting taxes. They also stated that the rental owner does not pay the fee; the ROT tax and sales tax are added onto the rental fee, which is paid by the renter.

An additional pie chart graphic was shown with the addition of New Hanover Property Tax to the Kure Beach Property Tax indicating total bill allocation. FO Copenhaver gave an explanation of the diagram stating 69% of the property tax bill goes to New Hanover County. Kure Beach Property Tax is the smaller portion, and the diagram provides an overall idea of how property taxes are allocated. The proposal will be sent to FO Copenhaver by MPT Heglar for addition to the Kure Beach Town Website.

2. Estimated cost of installation of ADA access beach access 1004-1/2, Myrtle/OV
Mayor Bloszinsky confirmed pending of the matter based on the architectural drawing as discussed under department head business.

3. Town facility improvement project update

Commissioner Oliver provided an updated report on the facility improvement project. Plumbing and electrical rough-ins are taking place. The floorings have been poured, and the areas around the building are being finished. The slab is being prepared for the Fire Department with a scheduled date for pouring of March 26. All demolition has been concluded, and the interior wall framing is being done ahead of time. The architect and project manager are pleased with the progress being accomplished. Commissioner Oliver communicated one issue that has been presented. A storm water line replacement has been recommended for the water line that runs from Settlers Lane to the Fire Department. The cost is estimated to be around \$40,000. Commissioner Oliver stated that both Public Works Director Beeker and Crew Leader Mesimer were informed of the water line issue, and they were in agreement to proceed with the work to be done at the estimated cost. Commissioner Oliver stated he would provide the updated synopsis received by Constructive Building Solutions, LLC for inclusion in the meeting minutes. Said document is herein incorporated as part of these minutes.

4. *Finalization of Council Goals for FY18-19

Proposed Council Goals as presented at the January retreat were presented. Mayor Bloszinsky communicated that the goals are guiding principles to be worked on and should also be used to



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guide the Department Heads. Commissioner Whitley confirmed that the Department of Defense Land Use Plan meeting is scheduled on April 11, to be attended by both he and Building Inspector Batson.

MOTION – MPT Heglar moved to approve and accept the Council Goals, as presented.

SECOND – Commissioner Ellen

VOTE – Unanimous

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

Recreation Manager Keely requested amending the Facility Reservation General Policy agreement for the rental of the Community Center with the proposed revisions. Discussions ensued regarding the use of glass drinkware as opposed to plastic drinkware. Rental agreement currently allows wine and beer. Beer is restricted to cans and does not provide many options. The use of kegs will allow renters to provide more of a variety of beer choices for guests. Police Chief Bowden did not have any concerns with the addition of kegs to the policy. Removal of the \$10 additional fee was discussed, as well as non-designated parking spaces.

MOTION – Commissioner Oliver moved to adopt the proposed amendment, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

MAYOR UPDATES

Mayor Bloszinsky recognized the Kure Beach Fire Department with a letter received from Ms. Paula Withrow in gratitude for the assistance she received regarding the smoke detectors for her home and their installation by the Kure Beach Fire Department. Said letter is herein incorporated as part of these minutes.

The Mayor also made note of the Police Inspection and Compliance Report received from Sunny Point regarding the parcels of rented land by Kure Beach. Said report is herein incorporated as part of these minutes.

Mayor Bloszinsky communicated that he was in receipt of a request to sponsor pre-meeting snacks in the amount of \$800 for the next N.C. Beach, Inlet & Waterway Association meeting in Pine Knoll Shores. Since the town already paid for two free registration fees, that amount will be deducted and the actual amount will be \$550. Discussions followed pertaining to this matter. MPT Heglar requested that Ms. Riely be advised to submit a proposal for sponsorship for the following year.

MOTION – Commissioner Ellen moved to not support the proposal.

SECOND – Commissioner Whitley

VOTE – Unanimous



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CLOSED SESSION

MOTION – MPT Heglar moved to enter closed session as per N.C.G.S. § 143-318.11 (a6)

Personnel at 7:23 p.m.

SECOND – Commissioner

VOTE - Unanimous

MOTION – Commissioner Ellen moved to return to open session at 7:53 p.m.

SECOND – Commissioner Oliver

VOTE – Unanimous

ADJOURNMENT

MOTION – Commissioner Whitley moved to close the meeting.


SECOND – MPT Heglar

VOTE – Unanimous

The meeting adjourned at 7:54 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.

SIGN IN SHEET
 TO ADDRESS KURE BEACH TOWN COUNCIL

MEETING TYPE & DATE

Regular Council - April 19, 2018

NAME	ADDRESS
Tony Karbocki/COUNCIL MEMBER	454 N Fort Fisher
STEWART PITTMAN	2518 Royal Palm Ct. Wilmington
Robert Lanthier	629 84th Ave South
Steve MacLeamy	1003 D Bennett Ln. Carolina Beach
Luke Merius/Student Eng.	102-D Cinema Drive, Wilmington

Nancy Avery

From: connie@mearkle.com
Sent: Wednesday, April 18, 2018 11:04 PM
To: Craig Bloszinsky
Cc: David Heglar; Joseph Whitley; John Ellen; Allen Oliver; John Batson; aa.canoutas@yahoo.com; Nancy Avery
Subject: RE: Request to Address the Town Council prior to its meeting on 3/19/18

Dear Mayor Craig Bloszinsky,

Sorry we didn't get these documents to you earlier. It was a bit of a scramble to get everything in order and make sure they were correct. We addressed the town council at the last council meeting regarding our desire to build a pool. We said we would abide by all previous restrictions put on the others homeowners who received permission to build a pool. The council seemed to be favorable to it and agreed that we could outlay the funds for the surveyor and attorney to do the paperwork and return for approval. We hired Ned Barnes, who did the last Encroachment Agreement the town council approved. Ned drew up the exact same agreement for us. We hired a surveyor who worked with John Batson to ensure we had the proper survey completed.

We also met with two different pool designers and a contractor to come up with a design that would be least invasive while still meeting our desires of a usable pool. Although the design is not finalized, what is shown on the survey is the maximum footprint, both pool and decking that would work with our house. We will be asking for approval to build within that footprint. Looking at minutes from the council meeting when the last pool was approved, our understanding is that the owners were asked not to encroach more than 35 feet. The footprint we are asking for would encroach just a little over 27 feet.

Attached are copies of the Encroachment Agreement we wish to execute and the survey showing the the maximum footprint for your review prior to the council meeting. We plan to address the town council during the open agenda portion of its meeting on 4/19/18.

Thanks ... Tony Karboski & Connie Mearkle
454 North Fort Fisher Boulevard

----- Original Message -----

Subject: RE: Request to Address the Town Council prior to its meeting on 3/19/18

From: <connie@mearkle.com>

Date: Fri, March 16, 2018 9:52 am

To: c.bloszinsky@tokb.org

Cc: d.heglar@tokb.org, j.whitley@tokb.org, j.ellen@tokb.org, a.oliver@tokb.org, j.batson@tokb.org, aa.canoutas@yahoo.com, n.avery@tokb.org

Dear Mayor Craig Bloszinsky,

We are requesting to address the town council during the open agenda portion of its meeting that will be held on 3/19/18. It is our intent to seek the appropriate approval for locating a swimming pool at 454 North Fort Fisher Boulevard. We did not fill out the CAMA MINOR Development Permit, as the pool is in the Easement Area and would be

PREPARED BY: Ned M. Barnes, Attorney at Law
A-3 Pleasure Island Plaza
Carolina Beach, NC 28428

RETURN TO: Ned M. Barnes

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

ENCROACHMENT AGREEMENT

This Agreement, entered into this _____ day of _____, 2018, by and between the TOWN OF KURE BEACH, NORTH CAROLINA, a North Carolina municipal corporation, having an address of 117 Settlers Lane, Kure Beach, NC 28449 (hereinafter "Grantor") and ANTHONY J. KARBOSKI and wife, CONNIE MEARKLE, citizens and residents of Potomac, Maryland, hereinafter referred to as "Grantee".

WITNESSETH

WHEREAS, by virtue of that General Warranty Deed recorded in Book 5031 at page 2335 of the New Hanover County Registry, Grantee is the owner of that certain property known as Lot 13, Kure Dunes, Phase 1 as shown on that map recorded in Map Book 29, Page 126 of the New Hanover County Registry ("Subject Property"); and

WHEREAS, by virtue of an instrument entitled Perpetual Easement for Beach Renourishment recorded on December 11, 1995 in Book 1962 at Page 558 of the New Hanover County, Grantee's predecessor in title granted a beach renourishment easement ("Easement") over and across the eastern portion of the Subject Property ("Easement Area"), as more fully set forth in said instrument;

WHEREAS, Grantee desires to encroach upon the Easement Area for the purposes of constructing a swimming pool and accompanying deck, said improvements

event that Grantee fails to remove, repair, alter and/or replace the encroachment within thirty (30) days of Grantee's receipt of notice from the Grantor, then (a) Grantor shall have the right to immediately remove, repair, alter and/or replace the encroachment, and (b) Grantee shall reimburse Grantor for the full costs of removing, repairing, altering and/or replacing the encroachment. If Grantee fails to reimburse Grantor in full within thirty (30) days of Grantee's receipt of an invoice from Grantor for such work performed by Grantor as described above, then Grantor shall have the right to file a lien with the Office of the Clerk of Court of Superior Court for New Hanover County upon Grantee's Subject Property in favor of Grantor in an amount equal to the full costs of removing, repairing, altering and/or replacing the encroachment.

5. To the fullest extent permitted by law, Grantee shall release Grantor, its agents, officials and employees from any and all responsibility or liability for claims, damage or injury of any kind or nature to all officials or employees of Grantor, and to all property proximately caused by, incident to, resulting from, arising out of, or occurring in connection with, the design construction, installation, maintenance or use by Grantees of the encroaching facilities within the Easement Area described herein.

6. Grantee agrees to restore all areas disturbed by the construction, installation, operation, maintenance and use of this encroachment to a condition satisfactory to the Building Inspector for the Town of Kure Beach and to all property proximately caused by, incident to, resulting from, arising out of, or occurring in connection with, the design, construction, installation, maintenance or use by Grantee of the encroaching facilities within the Easement Area described herein.

7. Grantee agrees to obtain all necessary permits and pay any associated permit fees.

8. Grantee agrees to have available at the construction site, at all times during construction, copies of the required permits and a copy of this Agreement evidencing approval by Grantor.

9. In the case of noncompliance with any term of this Agreement by Grantee, Grantor reserves the right to stop all work until the facility has either been brought into compliance or been removed from the Easement Area.

10. This Agreement runs with the land and any obligation of Grantee under this Agreement shall be binding upon Grantee's heirs, successors, agents, officials, employees, independent contractors and subcontractors in the event of nonperformance, regardless of cause.

11. Grantee will comply with any applicable federal, state and local standards, regulations, laws, statutes, ordinances and zoning, subdivision or other land use regulations.

IN WITNESS WHEREOF, each of the parties to this Agreement has caused the same to be executed the day and year first above written.

GRANTOR:

TOWN OF KURE BEACH, NC

By: _____
Craig Bloszinsky, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

_____(SEAL)
Anthony J. Karboski

_____(SEAL)
Connie Mearkle

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, the undersigned, a Notary Public for the State and County aforesaid, certify that that _____ being known to me, personally came before me this day and acknowledged that he/she is the Town Clerk of the Town of Kure Beach, North Carolina, and that by authority duly given and as an act of the municipal corporation, the foreclosing Encroachment Agreement was signed in its name by Craig Bloszinsky, its Mayor, sealed with its corporate seal, and attested to by herself as its Town Clerk.

WITNESS my hand and notarial stamp or seal, this the ____ day of _____, 2018.

Notary Public
My commission expires: _____

