



# TOWN COUNCIL MINUTES

## REGULAR MEETING

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

The Kure Beach Town Council held its regular meeting on Tuesday, November 20, 2018 beginning at 6:30 pm.

### COUNCIL MEMBERS PRESENT

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

### COUNCIL MEMBERS ABSENT

None

### STAFF PRESENT

Town Clerk – Nancy Avery  
Finance Officer (FO) – Arlen Copenhaver  
Deputy Town Clerk – Mandy Sanders  
Building Inspector – John Batson  
Fire Chief – Ed Kennedy  
Police Chief – Mike Bowden  
Public Works Director- Jimmy Mesimer  
Recreation Director – Nikki Keely

Mayor Bloszinsky called the meeting to order at 6:30 pm. Rev. Thomas Williams gave the invocation and led in the Pledge of Allegiance.

### APPROVAL OF CONSENT AGENDA ITEMS

1. Approval of Proclamation 18-04 America Recycles Day
2. Accept resignation of regular member John Cawthorne from P&Z
3. Direct the Town Clerk to advertise for an alternate on P&Z
4. Authorize closure of K Avenue (East of FFB) and Atlantic Avenue (between K and L Avenues) to vehicle traffic from the early morning hours on Monday, December 31, 2018 through the early morning hours on Tuesday, January 1, 2019 for the Island of Lights New Year's Eve event and allow for one food truck to operate within the event from 9pm until midnight.
5. Minutes:
  - October 22, 2018 Public Hearing
  - October 22, 2018 Regular



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### ADOPTION OF THE CONSENT AGENDA

MOTION – Commissioner Oliver motioned to approve agenda as presented

SECOND – Commissioner Whitley

VOTE - Unanimous

### ADOPTION OF THE AGENDA

MOTION – Commissioner Ellen motioned to approve the agenda as presented

SECOND – MPT Heglar

VOTE - Unanimous

## DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

### 1. Bill Moore stated:

- Member of HOA for Ocean Dunes located at 2003 Surf rider Court
- Follow up on an issue that Ocean Dunes has been facing since the storm (Hurricane Florence)
- The storm drain was destroyed during the storm and he is having trouble figuring out who owns the pipe
- The county says they don't own it, and neither does the Town
- To reroute the pipe it will cost him (HOA) between 80-90 thousand dollars, he can cap it because no one owns it
- Need some guidance from Council and financial help to fix the storm drain
- Insurance won't help him and HOA doesn't qualify for assistance from FEMA
- Have to tear down the walkway (public beach crossover) to build a trench and will not be rebuilding it

### Council Comments and Questions:

Mayor Bloszinsky asked what schedule are you on Mr. Moore?

Mr. Moore replied they would like to start the first full week of December, the week of the 5th. They appreciate any guidance from the Town. He can cap the storm drain which no one seems to care but is concerned about Ocean Dunes running into liability issues.

MPT Heglar stated he disagrees that no one cares about the situation and, asked what the engineers had to say.

Mr. Moore replied he was unsure of exactly what the reports say but he knows to reroute the pipe near the walkway, and tear it down it could end up costing 80,000 dollars.

Mayor Bloszinsky stated the initial letter from the Town said the Town was responsible for the walkway. Council can sit down and review any of the information Mr. Moore has regarding the storm water issue.



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Building Inspector Batson commented that he does have the application, but doesn't have the revised drawings yet.

Commissioner Ellen asked, does anyone have a plan of where that pipe goes currently?

Mr. Moore replied, that at this point they have ripped out the entire cement that was there. Best guess is that it helps eliminate water from 421(Highway) and Camp Wyatt.

MPT Heglar commented that Council can't promise money without a written plan, they need a list of each item and the cost. Once Council receives, they can legally respond after they review.

Mr. Moore asked, can we cap it?

MPT Heglar answered, according to your permit it doesn't say that you can.

Question from audience to Mr. Moore: Does your storm water drain through this pipe and do the outfalls run through private property?

Mr. Moore replied yes

2. Bernard Robinson & Co., Victor Blackburn, presentation of FY 2017-2018 audit

Mr. Blackburn reviewed highlight of the FY 2017-2018 audit as referenced in attached presentation, herein incorporated as part of these minutes.

- GASB 75 relates to accounting and financial reporting for postemployment benefits other than pensions (OPEB).
- For Kure Beach, GASB 75 applies to the medical, dental and vision insurance provided to retirees based on years of service to the Town.
- Implementation of GASB 75 required the Town to record the beginning total OPEB liability and the effects on net position of benefit payments and administrative expenses paid in the measurement period (period ending 12/31/17).

### Council Comments and Questions:

Mayor Bloszinsky stated, Financial Officer Copenhaver does a great job, does Council do a good job with direction? The unassigned fund of 66% is that a good, great or poor position for the Town to be in?

Mr. Blackmore replied, it's a great position, 66% is 7 months operation expenses, if the Town didn't bring in any revenue for those months. The state only requires a town to have 2 months of revenue, so anything above half a year is a great position to be in.



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MPT Heglar stated, the audit is to inform Council on how we're doing, was there a letter stating it was an unqualified audit?

Mr. Blackmore replied you received a letter at the beginning of the audit, and it also says that there were no disagreements with management.

2. Andro Keck, Special Olympics Athlete and Global Messenger  
Mayor Bloszinsky said:

- Andro is going to address the Council but I think it warrants stating that we have a local hero and celebrity in our Town. Andro is a gold medal winner in the Special Olympics in golf for his age group. Congratulations and thank you for representing the Town so well.

Mr. Keck said: (He)

- Lives in Kure Beach and attends Ashley high school as a senior
- Special Olympics athlete and global messenger
- Thank you for hosting the polar plunge here in Kure Beach, which is a perfect spot
- Moved to NC in 2012 and competed in golf and swimming
- The Special Olympics are important to him because he looks forward to competing and has become a stronger and more confident person because of the sport.
- Played in the US games in Seattle WA and had a blast competing, he had to really work hard against the other athletes on a very challenging course
- All his hard work paid off when he won a gold medal in his division for golf
- You're never too old, athletes can be kids or adults
- Look at the NC Special Olympics website to find out more information

3. Arlene Diaz, Public Affairs Specialist with the (SBA) U. S. Small Business Administration, Office of Disaster Assistance

Ms. Diaz said:

- Member of the SBA office, office of Disaster Assistance
- More than 60% of loans that are approved are for homeowners and renters
- Provides assistance to businesses of all sizes
- Low interest of 3.675% for businesses, nonprofits 2.5%
- Low interest rates for property owners of 2%
- Homeowners which may apply up to \$200,000 to repair or to replace their home
- \$40,000 for personal property
- For businesses we have two types of loans, the physical (building and machinery) and economical injury (loss of business), if combined it can be up to 2 million dollars



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- Program extended till December 13th for homeowners, June 14<sup>th</sup> for economical business loans
- Two centers located here in Wilmington
- Encourages individuals to do the applications with SBA, but you will need to go to FEMA first
- Also can apply through the website SBA.gov

## DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

### 1. Planning & Zoning Commission (P&Z) – Chairman Galbraith

- Recommend amending Code of Ordinances, Chapter 19 (Zoning), Article VI (Signs), Section 371 (Definitions) to add a new definition for ‘Monument Sign’
- Recommend amending Code of Ordinances, Chapter 19 (Zoning):
  - Article I (Definitions) to add new definitions for ‘Habilitation/Rehabilitation Facility’; ‘Halfway House’; Homeless shelter’; ‘Religious institution’; and ‘Religious annex’
  - Article III (Administration), Divisions 1, 2, 4, 6, 7, 10 and 12 on Permitted Uses to delete ‘Churches and other places of worship including parish houses and Sunday schools (8661)’ and add new verbiage regarding ‘Religious institutions’

### P&Z Chairman Galbraith said:

- Two items on the agenda to address and both will require public hearings
- First is the approval process for the signs for HOAs, needed to include a definition for monument signs
- Second is a request from First Baptist Church that was brought to P&Z a couple of months ago about the use of an accessory building, the definition didn’t fit the usage. We couldn’t just change it for one church because that would be spot zoning. So we recommend a change to all districts.
- Current definition of an accessory building doesn’t fit the building type that it is being used for so we recommend it being changed to a Church Annex
- The churches are in the residential zone, and we were concerned about some of the usage so there will be some limitations, such as homeless shelters, and drug rehab shelters.
- Code refers only to churches and not other religious institutions, so the language has been recommended

### Comments:

Mayor Bloszinsky said P&Z did a great job on the terminology, but this does not preclude them from hosting special meetings there. Only from residing for long periods of time.

Chairman Galbraith answered that yes they could, just prevents long term types of residences.



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MOTION: MPT Heglar motioned to schedule a Public Hearing for the proposed amendments to Chapter 19, Articles I and III for December 18<sup>th</sup> at 5:30 pm

SECOND- Commissioner Oliver

VOTE: Unanimous

Commissioner Whitley and Attorney Eldridge will send the Town Clerk verbiage on the advertisement for code amendments.

### 2. Shoreline Access and Beach Protection Committee

MPT Heglar asked about the storm water pipes on the beaches, is there funding for fixing the outfalls? Or will it be done with the beach nourishment?

Mayor Bloszinsky stated they will be fixed as part of the beach nourishment if they're within the template. If the pipes aren't part of the nourishment template we will have to address then.

Public Works Director Mesimer asked if they can pick up the broken storm water outfalls and put them on Davis Road.

Financial Officer Arlen Copenhaver stated all inspections have been completed by FEMA so okay to move.

CONSENSUS- Directed Public Works to begin removing damaged storm water outfalls from the beach

## DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

### 1. Recreation

- Proposed Dates for 2019 OFP Summer Programs

Recreation Director Keely said:

In the packet you have the the dates for the summer program and events at Ocean Front Park which mirrors the last 5 years but she welcomes discussion. If no concerns she is requesting motion to approve as presented.

MPT Heglar asked the Police and Fire Chiefs who handle this weekend if they have any issues with the concerts on Labor Day weekend?

Police Chief Bowden stated they're short staffed on the beach so he was okay with a small local group to play a concert to help get people off the beaches.



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MOTION – MPT Heglar motioned to approve dates for 2019 Ocean Front Park Summer Programs, as presented

SECOND - Commissioner Ellen

VOTE - Unanimous

*Said programs and events are herein included as part of the minutes*

## DISCUSSION AND CONSIDERATION OF OLD BUSINESS

### 1. Parking update

Commissioner Whitley commented:

- They have held two public information sessions, one on a Monday evening and the other on a Saturday morning
- Mayor Bloszinsky did a phenomenal job, and he is the Mayor this Town needed
- Nobody from the south side of town was present, only the north side of town
- There seemed to be an overwhelming consensus that the suggested future spots were not popular. The only streets that had approval were I, E and 6<sup>th</sup> street.

Mayor Bloszinsky stated:

- 85-90 folks attended the meetings, and they don't want parking on the streets
- Residents were worried about children playing on the streets and want to manage the parking another way and don't want resident street parking in the neighborhoods

MPT Heglar asked Police Chief Bowden how was parking on the streets? Are you still giving out warnings?

Chief Bowden stated they're only getting a few people parking on the streets in the neighborhoods, and haven't had a lot of tickets in the recent months.

MPT Heglar said he wants to know where people are parking in the neighborhood. Are the HOAs enforcing the parking?

Mayor Bloszinsky commented absolutely.

Commissioner Ellen answered yes by sending out letters to residents.

CONSENSUS - Mayor Bloszinsky and Commissioner Whitley to give more information to Council on potential parking spaces, so Council can direct on how to proceed forward.

### 2. Town facility construction project update

- Approval of Landscaping Contract in the amount of \$15,509.00  
Funding to be from project contingency budget
- Approval of annual landscaping maintenance contract for the Town Hall, Police and



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Fire facility in the amount of \$3,810.00 for January – December of 2019 with one-half of cost to be charged to current Public Works General Fund budget and the second half to be budgeted as part of next year's Public Works General Fund budget.

Commissioner Oliver said he needs approval on these two items.

MOTION – Commissioner Oliver made a motion to approve Landscaping Contract for Freeman Landscape, INC in the amount of \$15,509.00. Funding to be from project contingency budget

SECOND – Commissioner Whitley

VOTE – Unanimous

MOTION- Commissioner Oliver made a motion to approve annual landscaping maintenance contract from Freeman Landscape, INC for the Town Hall, Police and Fire facility in the amount of \$3,810.00 for January – December of 2019 with one-half of cost to be charged to current Public Works General Fund budget and the second half to be budgeted as part of next year's Public Works General Fund budget.

SECOND – MPT Heglar

VOTE-Unanimous

Commissioner Oliver Said:

- December 18<sup>th</sup> is the tentative date for the Fire Department to move into the building
- They will then start working on old Fire Department to renovate it for Police department
- Flooring has been installed
- Hard hat rules have been relaxed, its ok to visit the construction site but check in with the superintendent first

3. Request from P&Z for direction regarding Overlay district for business district  
Commissioner Whitley stated Planning and Zoning will take this topic up in the December meeting, but to start the process they're looking to Council for direction on how to move forward. Any thoughts on the process?

Mayor Bloszinsky commented: He doesn't feel that he is ready to start the overlay process, he would like some time spent discussing it. Council should determine what type of study the Town should do to make sure we're on the right path, ideas would be great at this time but don't get too much into details.

Commissioner Oliver commented he agrees with the Mayor, it's something to look into but we first need to define the character of the central business area. A lot of potential and a lot of potential headaches down there. He is not opposed to it but wants to make sure we do this the right way.





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Mayor Bloszinsky stated he would like to add that as a Council we need to determine how to engage with the business owners, their input is critical.

Chairman Galbraith commented that with his amount of experience doing overlay districts how the Council can propose this to P&Z. If you have an image of what you would like to see the downtown area look like. P&Z will have public hearings and reach out to the business communities to get their input. This will be a 6-7 month type of effort. He suggests turning it over to P&Z to start looking into it and holding public hearings to see the options that are out there.

Attorney Eldridge said the overlay doesn't have to be comprehensive it's up to Council. It can be quasi-judicial but doesn't have to be.

CONSENSUS – Directed Planning and Zoning to begin the process of developing an overlay district in the B1 district to maintain a village feel and involve property owners

### 4. Re-entry process for emergencies

Commissioner Oliver stated:

Council decided last month to use stickers as presented.

MPT Heglar stated we will include a letter to residents with the stickers stating this was the resolution from the feedback gathered from the resident property owners during and after the storm.

MOTION –MPT Heglar to approve the change for the re-entry sticker process effective January 2019

SECOND – Commissioner Whitley

VOTE – Unanimous

*Said process is herein incorporated as part of these minutes*

## DISCUSSION AND CONSIDERATION OF NEW BUSINESS

### 1. Start time for Council meetings – change from 6:30 to 6:00 pm

Mayor Bloszinsky stated this was his idea to move up the meeting time which will allow staff to get home earlier in the winter months. Many residents who attend the meetings leave before the meeting is adjourned because the council meetings can be long.

MPT Heglar asked to move the council meetings to Monday nights instead of Tuesdays?

MOTION – MPT Heglar motioned to approve Council meeting date change from the third Tuesday at 6:30 pm to third Monday at 6:00 pm effective January 2019



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SECOND – Commissioner Whitley

VOTE – Unanimous

2. Encroachment request for 633 S Fort Fisher Blvd to encroach upon Easement area and utility area to construct a deck

Building Inspector Batson commented the easement request is very similar to other requests, they would like to utilize the 10ft alleyway to extend their deck to surround the pool, closer to the ocean.

Mayor Bloszinsky asked is this easement request not any deeper into the berm?

Building Inspector Batson replied he doesn't remember any of them being 4-6 feet.

Commissioner Whitley expressed concern that these requests keep getting larger, he feels the others were smaller at 4-6 feet.

Building Inspector Batson explained they want to use the Town's 10 foot alleyway not beach nourishment easement.

MOTION – MPT Heglar made a motion to approve encroachment request for 633 S Fort Fisher Boulevard to encroach upon the Town's 10 foot alleyway and utility easement to construct a deck

SECOND Commissioner Oliver

VOTE – Unanimous

Building Inspector Batson requested to re-review the encroachment for the proper language before the Mayor signs.

Mayor Bloszinsky stated it's approved with the proper language.

## MAYOR UPDATES

1. Naming Committee

Mayor Bloszinsky stated:

- The naming committee has met and he will be sending out a note to the Town committees for opportunities to name the new Fire Department building. He is looking for input as it's not the intention for the naming committee to name every meeting room or building in the Town
- Both buildings should be finished in January and would prefer to have one grand opening, to be held in February if possible



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MPT Heglar stated hosting an open house in December would be easier on the Fire staff with the current call volume. Chief Kennedy can plan and schedule to have extra staff on hand. Chief Kennedy will decide whether to do the open house or wait for grand opening.

## COMMISSIONER ITEMS

1. Beach Storm Damage Control

Commissioner Oliver commented:

Bidding has started by the Corps of Engineers. The Engineers come up with the budget amount, but can reward up to 25% over that amount. Beach Nourishment should start first of year just waiting on the Corps to open bids and award a contract.

2. MPO Focus

Commissioner Ellen stated:

- Member of Metropolitan Planning Organization
- Big developments coming in 2020, 2024, and 2026 which is near future for transportation
- College Road and MLK to install overpass over Martin Luther King Jr Parkway to improve safety
- College Road and Oleander – Intersection will see improvements to have less impacts of traffic flow
- Monkey Junction - Continuous flow intersection will be installed with overpass to have less impact to traffic flow
- US 421 at Isabel Holmes Bridge – Trumpet interchange installed to increase safety and eliminates prevalent crash pattern at intersection


## ADJOURNMENT

MOTION – Commissioner Ellen motioned to adjourn at 8:35 pm

SECOND – MPT Heglar

VOTE – Unanimous

ATTEST:

  
Nancy Avery, Town Clerk

  
Craig Bloszinsky, Mayor

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>council.