



KURE BEACH TOWN COUNCIL PUBLIC HEARING
PROPOSED BOARDWALK ON ATLANTIC AVENUE
AUGUST 11, 2008

COPY

MINUTES

On Monday, August 11, 2008, the Kure Beach Town Council held a public hearing for the purpose of receiving comments on a proposed boardwalk to be built on Atlantic Avenue between L and N Avenues. Notice of the public hearing was advertised in the Island Gazette newspaper on July 30 and August 6, 2008 and posted at Town Hall on July 18, 2008.

COUNCIL MEMBERS PRESENT:

Mayor	Mac Montgomery
Mayor Pro Tem	Jim Dugan
Commissioner	Dean Lambeth
Commissioner	Barry Nelder
Commissioner	Jim Vattr

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator	Michelle James
Building Inspector	John Batson
Town Clerk	Nancy Avery

Town Attorney A. A. Canoutas was in attendance. A quorum of the Council was present.

Call to order

Mayor Montgomery called the meeting to order at 6:03 pm stating the purpose of the meeting is to hold a public hearing to receive comments from the public on a proposed boardwalk to be built on Atlantic Avenue between L and N Avenues. Notice of the public hearing was advertised in the Island Gazette newspaper on July 30 and August 6, 2008 and posted at Town Hall on July 18, 2008.

Opening of public hearing

Mayor Montgomery opened the public hearing at 6:06 pm.

1. Chuck Keener, resident at 807 Largo, stated:

- I am here to answer some questions regarding the Atlantic Avenue boardwalk and to confess and take responsibility for the flawed procedure that got us to this point.
- The grant process is that a pre-application is submitted to CAMA (Coastal Area Management Authority) on a project and when that is approved, there is a final application submitted. Then there is a contract between CAMA and the Town. The important part is deciding how much money to ask for. The boardwalk was different. I received estimates from two

vendors and I used the highest. The price range was from \$155,000 to \$400,000. The final price ended at \$296,000.

- The original plans were presented as 10-15 feet out in the sand, 3 feet high, possibly with rails. The problem with the plan was that I can see the people on Atlantic Avenue sitting on the porch and having to look beneath the railings to see the ocean, so we worked on lowering the height of the boardwalk. We had a meeting with the Beautification committee chairman, a contract vendor, the Public Works Director, and Commissioner Lambeth.
- The concerns and topics of discussion in the meeting were maintenance, height, and location of the boardwalk from out in the sand to closer to the street. We then had John Sawyer Architects draw new plans based on that idea. The problem is that no one got to see those plans. No residents or anyone at Town Hall. There was no hearing.
- Building Inspector Batson was then put in charge and suggested a 5 foot setback instead of a 3 foot setback.
- I was the money man and not part of the planning.
- This should have been named a 'walking path' not a 'boardwalk'.
- It was designed to eliminate any excess beach activity, such as unloading zones.
- The walking path could be made of rocks, or whatever. That will make everyone happy.
- I think residents of Atlantic Avenue are willing to share.

2. Candace Clark, resident of Atlantic Avenue, stated:

- I thank Council for having this public hearing.
- It's been a long time since the preliminary plans have been put to the public.
- Even I, as a member of the Beautification committee, wasn't sure we had a grip as to what was going on.
- From one minute to the next, things have happened that have not been based on expert documentation or based on citizen's rights to get information.
- Things have gone awry in the planning process.
- Consultation between citizens, staff, and Council has failed.
- CAMA has done a few things wrong too, such as issuing a permit before it was vetted by the public. CAMA did not live up to the provisions of state law 113.120 that states 'a responsible official or body shall deny an application for permit if the development is inconsistent with the local land use plan'.
- I'm not sure that the architects knew about the Land Use Plan.
- I'm not sure citizens know the boardwalk in the business district is held up by a bulkhead and that the rest of Atlantic Avenue doesn't have bulkheads.
- Has anyone considered the fact that there are 18 storm water drain pipes --is that incorporated in any of these plans?
- I don't think that the people that should be aware of these things sought expert advice.

- CAMA says they only control up to 120 feet from the first line of vegetation to the west.
- Where are the reports that address these engineering, technical types of issues?
- I couldn't get from Mr. Mairs (CAMA) how this project meets the Land Use Plan which talks about this being a quiet, neighborly, friendly area and nothing should be done that impacts the relationship between the residents and visitors on the beach.
- State statute also states 'an official body in charge of giving permits should deny a permit in any case that considering engineering requirements and all economic costs, there is a practical alternative that will accomplish the overall project with less adverse impact on public resources'.
- The cost to build and maintain this comes from state and federal taxes.
- Because CAMA didn't live up to the letter of the law, I am going to have to file a third party appeal to the decision they made. I don't want to do that.
- I am asking that Council consider a slightly different project so we don't have to go through any appeals. (Note - Ms. Clark gave a handout to Council members—said handout is herein included in the minutes).
- I am introducing a proposal for a walking path instead of a boardwalk that eliminates the need for handrails, stops trash collecting under the boardwalk, and doesn't allow a nesting area for animals. One of the most important advantages of this walking path over the boardwalk is that it doesn't signal psychologically to people in the business district to come into the residential area. Other neighborhoods would not want that. The best advantage of all from the point of view of state statute is the walking path would cost less. If don't want to use the hatteras style, we have been researching a product called "mister boardwalk" that costs \$77 per linear foot for a total cost of \$77,000 plus 10 to 15 % shipping. It is ADA compliant and tough enough to bear the weight of emergency vehicles.
- I am begging Council to build a walkway and not a boardwalk.

3. Helen Peterson, property owner on Atlantic Avenue stated:

- My family has been coming here since the 1920's. I've been coming here for 74 years and I don't think I've ever missed a year.
- I am handing out a proposed design that best represents and addresses demonstrated needs and safety as residents and guest enjoy the advantages of the two blocks of Atlantic Avenue. There are three drawings done by Ken Withrow. The top two drawings are the same with one difference – one has a 3 foot setback and the other has a 5 foot setback. The third drawing represents what a raised boardwalk would look like – it doesn't show the arbors in the present plan and those should be included. (Note – said drawings are herein included as part of these minutes)
- I don't see putting an overbearing raised structure or obtrusive lighting.
- With my proposed plan, you wouldn't have to worry about putting pilings 6 feet in the ground in a critical and sensitive area.
- This is a safe, hatteras walkway, bordered by neat fencing with native plantings that this will discourage drive offs and won't disturb the landscape.
- The cost will be definitely less than a raised walkway.

- I don't see a need for the arbors that are in the present plan. My opinion is that only one arbor is desirable and that would be at N Avenue. One at L and M Avenues would impede the view.
- Arbors are intrusive and will encourage people to gather and congregate. This is not appropriate in any neighborhood.
- In my proposed plan, you don't see large, boxy, ugly enclosures for trash receptacles. They are obscured in the proposed drawings and are not at each cross over.
- I do see large plastic unhealthy bags of garbage in the existing trash cans. This boardwalk will encourage abuse and will take tax money to maintain. Garbage cans are unacceptable as they are already provided in other locations.
- I have been given the argument that at holidays, weekends, etc. the extra trash barrels are needed. Let that be, but only as a short term solution to the problem.
- I have been told that the plan has been approved that redirects the traffic flow from N Avenue south and exits out L Avenue and the traffic flow from K Avenue exists out L Avenue. That will take care of an awful lot of problems. I think that is an excellent plan.
- The second and third blocks of Atlantic Avenue are important. It is a unique place and is natural and unspoiled. We want to share its beauty and it should be preserved at all costs. These two blocks are an established residential neighborhood. An overbearing raised boardwalk is unacceptable in any neighborhood.
- I enjoy seeing the community enjoy the two block area on Atlantic Avenue. From a maintenance perspective, a boardwalk on the other side of the fence in 'no man's land' would be harder to protect. I would like to see the roadway and the setback appropriately planted to guard against unacceptable pull offs.
- All of these events and activities may have caused consternation, but an in depth research and study has come about because of this. Alerting, involving and informing so many individuals enriches the notification process and has brought the project back to the people.
- This should be a project that brings pride to an exceptional community.

4. Cosmo Smith, 313 Atlantic Avenue, stated:

- This is a thoughtful meeting and I'm pleased to see that. I met Commissioner Nelder when I was out getting signatures for a petition against a monstrous boardwalk.
- A friend of mine at CAMA said that a hatteras style boardwalk would be best here.
- Out of nowhere a new plan came about. I'm not sure if this new plan is for real or if it is a mix of older plans. The new plans don't seem to have studies or objectives associated with it. They may exist but have not been communicated.
- Something has happened from a hatteras style walkway to a debate over lighting, large structures and attacks by rabid foxes.
- We were communicated to as citizens of Kure Beach that there would be a responsible, thoughtful walkway on Atlantic Avenue. We need to figure out the objectives and plans for what we are trying to do. We can't go back once it is

built. If we get to a point and we have studies and objectives, we can make more responsible decisions. Let's do what costs the least, that doesn't interfere with anyone, that promotes safety and doesn't compromise the goals and beauty of Kure Beach.

- It is good to see a healthy, thoughtful debate.

5. Mr. Tolson, 305 Atlantic Avenue, stated:

- I have had property on Atlantic Avenue since 1946 and I have seen a lot of changes. There didn't used to be a road there.
- Most of the changes are not for the good. Our kids and grandkids say Kure Beach is the place to come because it is a family beach.
- I like the hatteras walkway on the land.
- We want to be a part of Kure Beach.
- We want all of this to be brought out in the open and meetings to be held in public for all the people and not just a few.
- I hope you will consider a hatteras walkway with beautiful plantings.
- I appreciate your efforts as a Council.

6. Diana Snell stated:

- I am speaking for my entire family. We have been a part of the fabric of the Town for 60 years. We have rented and are now property owners. We come from all over America to enjoy Kure Beach. Atlantic Avenue allows us that simplicity.
- Families that own and rent properties on Atlantic Avenue don't need more amenities.
- The proposed raised boardwalk will not allow people the luxury of dog walking and pushing strollers because it will be bumpy. They will have to walk two by two rather than as a larger group on the street. I wager folks will use the street instead.
- There is no need for parking, pergolas, or seating.
- These things will only contribute to the view pollution.
- I have been told this is a 'done deal', that property owners on Atlantic Avenue can't fight Town Hall.
- As you see our faces and listen to our voices, you will know we don't want the boardwalk you have proposed.
- The infrastructure of the street and dune can't withstand the damage a boardwalk will cause.
- Divert the traffic flow from the business district west on L to 421, move the sand fencing closer to street to prevent illegal parking and protect vegetation.
- Remove the forest of signs on the street, plant native shrubs and grasses on the right of way.
- Stop and rethink this plan and send it back to the Beautification committee
- Work on improving the business district to entice more day visitors to that area.
- We will all walk down Atlantic Avenue to the business district to spend our money.

7. Donald Lindsay, 311 Atlantic Avenue, stated:

- My wife's family has owned property here since the early 1940's.
- We are not here just as spectators or for minor issues, but for specific issues that relate to Atlantic Avenue.
- Atlantic Avenue is only three blocks. One block is zoned business, two blocks are zoned residential.
- The Land Use Plan has been put in place and we should follow it.
- Atlantic Avenue is only a single lane traffic width. I've heard stories of someone wanting to build a boardwalk in a residential area that is supposed to have streets and sidewalks. Boardwalks are for business districts.
- Never has so much time, effort, and attention been applied to develop an acceptable plan for what started as a simple project started by a citizen's committee.
- When the Town hired a landscape architecture firm about a year ago, the citizen's committee involvement became less and less. Earlier this year, the Town Council assigned the Town Building Inspector with what appears to the public as a free rein with this project.
- Atlantic Avenue property owners received a copy of the application to CAMA for a permit for this project. Under a description for this project, it states only 1200 feet plus or minus and no wider than -- then there is a squiggle mark -- and no boardwalk dimensions were provided -- even with a magnifying glass -- I couldn't determine the details. I examined the full size drawings located in Town Hall, couldn't find dimensions on those either and there was no Town official to explain the dimensions.
- The Town residential blocks of Atlantic Avenue will not stand still while the Town Council expands the business district into our residential neighborhood in violation of the Land Use Plan and the Town's zoning ordinance.
- Details have not been efficiently, publicly disclosed.
- I have two specific issues. One is to the boardwalk extension. If Council wishes to build a sidewalk, which is what you have in a residential area not a boardwalk, on the two residential blocks of a residential avenue, then build it with the same specification as any other sidewalk in any other neighborhood in Kure Beach.
- Property owners deserve a sidewalk and road that doesn't have washed out areas.
- We will not accept a wide high rise above ground boardwalk that even hints at extending the boardwalk from the business area.
- The Mayor said on TV that a ground level hatteras walkway was unsafe.
- The proposed drawings submitted by Ms. Peterson show the unobstructed view of the ocean. Can you imagine what a raised high rise walkway will look like? It will look like a high rise railroad in the Chicago stock yard.
- My second item is gazebos, which have been watered down to be called arbors. There are negative issues with public arbors being erected along the east side of a residential avenue that are too numerous to document and discuss here. Are there any other residential streets in Kure Beach that have public arbors and gazebos?
- Why does the Council want to build arbors/gazebos on Atlantic Avenue to destroy the unobstructed view on Atlantic Avenue for everyone?

- The present Atlantic Avenue crosswalks over the dunes serve the purpose of protecting the sea grass and providing adequate access to the oceanfront for all residents and visitors. There are also personal access zones for people to unload their vehicles and items between K and L Avenues.
- Council has forgotten that two blocks of Atlantic Avenue is zoned residential. The primary function of the street is to provide their right to access to their property. They deserve the same benefit of privacy, safety, peace and quiet as any other property owner in Kure Beach.
- Trash, dirty diapers, etc. and filth will attract disease infected insects and stray and wild animals to these public arbors.
- Arbors will have people congregating, will attract noise and will block the unobstructed view of the ocean front. That is not acceptable to any property owner.
- Council should find a spot in the business district to build gazebos/arbors or in the new park but not in the two residential blocks on Atlantic Avenue.
- Remember it is tax money that you are spending. Tax money will be required to police them, additional personnel to collect garbage, and repair and maintain them. This is not a private piece of property – it is public. Today people don't respect public property or even private property.
- This is a sincere request to Council to please consider the information all citizens have presented and accept it with an open mind and spirit of cooperation and citizens needs.
- Apply the 'keep it simple and safe' principal for the Atlantic Avenue project.

8. Priscilla Smith, resident of General Whiting Boulevard, stated:

- I have been a member of the Beautification committee since this project started.
- One of the concerns is drainage pipes and the paving of Atlantic Avenue. There is already funding and a project in place to take care of these problems.
- Why was it changed from a raised boardwalk instead of hatteras? Because hatteras is blah, a raised boardwalk can be removed, stored and replaced in case of a hurricane and it is an expense savings.
- The other problem that keeps arising is the 2-5 foot setback from the road. The footprint for Atlantic Avenue is not straight. We can't do anything about the footprint. We have to work around it and we will have different setbacks.
- This is not new to the Beautification committee. It started in 2004. Originally the plan was to plant indigenous plants. This idea was met with angst and horror. The committee never had time to pursue it and it was tabled.
- I thank Candace Clark for joining the Beautification committee. She has been a great asset by obtaining a grant for plantings for our welcome signs and landscaping in front of Town Hall. To help with the Atlantic Avenue project, she agreed to poll her neighbors for their ideas. She returned to the committee with ideas and the project took off. Architects were hired, grant applications submitted, and now we are in the final phase we are back to the original proposal which is what to do between the end of the road and the start of the walkway. We originally wanted to plant indigenous plants and a border to dissuade people from parking that would be a really nice showcase.

- There were 14 meetings alone just on Atlantic Avenue and we are finally coming to the end. I am really delighted with the final outcome. It is much better than the first one that cut through the dunes. A hatteras boardwalk in my opinion is nothing. This one is two feet high and doesn't require a railing. It is a nice walkway and I think it's a good thing for Kure Beach.

9. Donna Moffitt, 511 Surf Drive, stated:

- I am here as a user of Atlantic Avenue. My husband and I walk there frequently and I don't like stepping into people's yards and sandspurs when I have to get out of the way of the cars.
- Since this is not in my front or back yard, details are not as critical to me, but we really need something for people like me to be able to walk safely without having to constantly look over our shoulders for oncoming cars.
- Please work to solve the legitimate concerns presented, don't waste anytime, we need something.

10. Leon Milner, contractor, stated:

- The existing boardwalk needs a lot of repairs.
- I am not here to put down or tell you what to do or not do.
- I was asked for and provided estimates for this project to the Town.
- I have done a lot of work in the area and in the Town.
- The Corps of Engineers used to run everything and now CAMA has taken over.

11. Gilbert Alphin, resident, stated:

- We had a plan approved in the winter of 2007 and in 2008 the plans changed. We are just now getting involved – where's the democracy?
- I am handing out a picture I took last Saturday of several cars parked on Atlantic Avenue to show that it is used as a parking spot.

12. Holly Smith, 313 Atlantic Avenue, stated:

- I am submitting a petition into the record with 63 signatures of Kure Beach homeowners that states we don't favor the Town's direction of a raised boardwalk on pilings set back 5 feet from Atlantic Avenue in a residential district, but prefer a grade level walkway, set 2-3 feet from the road with the sand fencing reinstalled on the ocean side of the walkway. No lighting is needed, no port-potties and only one gazebo at N Avenue.

13. Nancy Hahn, 225 B North Fort Fisher Boulevard, stated:

- I take my grandchildren over M street to the beach. I have a hard time getting them up the stairs and over to cross the beach. A ramp would be nice there instead of steps. It would be so much easier for older people and those with strollers and young children. I would like Council to consider a flat access or an inclined ramp instead of stairs.

Letters submitted to public record:

Mayor Montgomery read the names of those that submitted letters to be acknowledged as part of the public record and minutes and gave a brief description of the comments in each letter as follows:

1. Paul Williams, former property owner/frequent visitor, expressed concern that serious consideration be given about any type of walkway..
2. Alyssa Peterson, 213 Atlantic Avenue, voiced the same objections brought out tonight about the development of the boardwalk and the CAMA issue.
3. Ron and Judy Younts, 305 Atlantic Avenue, co-owners of property on Atlantic Avenue stated support for using "mister boardwalk" material, and asked that Council consider concerns of those that live on Atlantic Avenue on a daily basis.
4. Annie Rice, no address given, expressed concern about wildlife problems, stated she doesn't want porta - potties in the area and wants tax money used wisely.
5. Mitch Klein, 238 North Fort Fisher Boulevard, suggested putting in a sample boardwalk section first to see what it would look like to give everyone an open opinion.
6. Barbara Grantham Robl, property owner on Atlantic Avenue, expressed concern about growth in a residential area requesting Council to keep values the same in residential areas and concentrate on the business area.
7. Laird and Elizabeth Dunlop, 330 Third Avenue North, expressed concerns about lights and not turning it into a 'Vegas' style business district. If intention is to expand the business district, take it up K Avenue instead of down Atlantic Avenue.
8. Patrick Webster, 301 Atlantic Avenue, highlighted concerns about the effects on the coastal habitat. He doesn't want Kure Beach to turn into Wrightsville Beach which is not community friendly.
9. Dominic and Cynthia Perno, 209 N Avenue, expressed concern about the notification process. They stated they would like to see more information about the process posted on the website such as minutes for the meeting and how they can obtain them. They think Atlantic Avenue should be preserved at all costs.
10. Mary Hull Webster, 301 Atlantic Avenue, outlined items and issues stated by the first few speakers tonight – noise, destruction of vegetation, vehicles leaving Atlantic Avenue and creating tire ruts, construction in violation of the Land Use Plan.
11. Jerry and Helen Clonaris, Riggins homeowners, commented they have vacationed in Kure Beach for many generations and are concerned about an elevated boardwalk. Keep it simple and preserve as much as possible of the natural environment.

The eleven letters referenced above are herein included as part of these minutes.

More public comments:

1. Archie Tsangerides, 4th Avenue, stated:

- I heard it mentioned about raised platforms to be in sections to be dismantled and stored in case of hurricanes. Why? You would have to provide a place to store them.
- You can't stop weeds through a hatteras or raised boardwalk – either way you'll have weeds.

2. Gilbert Alphin, ADA committee, stated the committee will resume meetings in September (first Tuesday of month) and they will be talking about Atlantic Avenue and Americans with Disabilities issues. Everyone is welcome to attend.

3. Rob Bates, 342 North Fort Fisher stated:

- I am against the boardwalk idea - a walk way is alright. I can see walkway boardwalks bringing porta - johns.
- I am against gazebos blocking the view.

4. Donald Lindsay asked if the letters will be included when the minutes are published and will they be available on line?

Mayor Montgomery replied yes to both.

5. Philip Humphrey, John Sawyer Architects, stated:

- We started the process with questionnaires. Maybe we should have started with the CAMA permit process. That seems to have made it more real to people.
- Our goal has always been to create a vegetative buffer so people won't park on the side of the road.
- We debated about what to do with the sign litter.
- The road is in distress and the road will be destroyed when sewer system gets repaired.
- We take our orders from all of you. The first order was a hatteras style ramp. We went to CAMA and they said no, so we came back with an elevated one. The Corps of Engineers also requires anything put in the dunes to be in 8 foot sections that can be removed for their access requirements.
- CAMA has now said a hatteras style ramp is okay.
- We are willing to do whatever the Town wants us to do.
- Our goal always was to keep this as low to the ground as possible.
- We have no dog in this fight. We are trying to make everybody happy.

6. Candace Clark stated that if any ones wants to sign the petition there are empty lines.

Closing of public hearing

Mayor Montgomery closed the public hearing at 8 pm.

Commissioner comments/questions

Commissioner Vatrt

Commissioner Vatrt asked Mr. Humphrey of John Sawyer Architects the following questions:

Q. The current walkway is how high?

A. Mr. Humphrey responded that because we have to maintain an ADA slope requirement, there are grade changes in the walkway. There may be a point we have to stay up higher to stay within the 1 and 20 ADA slope requirements, and there could be points where it drops below 12 inches. It won't exceed more than a foot over the lowest point.

Q. From an ADA standpoint, if a hatteras style is used is there an ADA issue?

A. Mr. Humphrey responded that there is not an issue as long as the grade is at 1 and 20. If there is a point where the grade exceeds the 1 and 20 requirement, then that would have to be addressed. We don't have a TOPO plan that is exact enough for us to go along every foot of the walkway to make sure it stays within the 1 and 20. If the natural grade can be manipulated to stay within the 1 and 20 requirement and not take the dunes down, we could ease the grade to accommodate.

Q. Is it feasible to do a hatteras walk and still be ADA compliant?

A. Mr. Humphrey responded yes it is feasible based on the TOPO info we have but it is not exact for the whole length of the street.

Q. What's the next step if we choose to do a hatteras walk?

A. Mr. Humphrey responded that we would have to get a site plan the exact distance off the road for the walkway location and measure along that route at 10 or 20 foot intervals to check the grade.

Q. Would there be a huge change in numbers in construction costs?

Mr. Humphrey responded that it could be significant, but he couldn't comment on an exact number since prices change all the time.

Q. What would you estimate the time frame is to change to a hatteras style?

A. Mr. Humphrey responded that it depends on how quickly you can get a survey from a surveyor. There is a survey that has been done but it mostly done on the street way measuring manhole covers and that sort of thing. We would have to revise the drawings and based on our current workload, it would be at least a month and a half to two months after the survey was received.

Q. Would you be able to remove sections of the path if it is done in a 'hatteras' style design?

A. Mr. Humphrey responded that you could but it might not be necessary. That would be up to CAMA and the Corps of Engineers. It is possible CAMA and the Corp would accept it, but I can't promise that.

Q. Are you familiar with the 'mister boardwalk' material?

A. Mr. Humphrey responded that he is not familiar with the material.

Mr. Chuck Keener stated that the 'mister boardwalk' material is a Brazilian hardwood that is non destructible and there is a tremendous difference in cost. We may not have enough money to cover the difference.

Q. Commissioner Vatr asked Building Inspector Batson if putting in a non - removable hatteras style, when we start the digging work for the sewer rehab, will that create a problem in the infiltration systems for water run off that will eventually drain into the retention ponds.

A. Building Inspector Batson replied that Public Works Director Beeker would be the one to answer that question, but that he thinks you would want it in sections.

Mr. Chuck Keener stated that the material comes built in sections.

Q. Commissioner Vatr asked Mr. Keener about products that sparkle such as asphalt with broken glass. Is there any advantage to that type of material since there will be no lights on the walk? Would this show better at night?

A. Mr. Keener replied that he couldn't say. The 'mister boardwalk' material is a different color which would reflect light better.

Candace Clark stated that when she spoke with the manufacturer of "mister boardwalk" she was given a cost for a 6 foot wide section of \$77 per linear foot plus shipping.

Mayor Pro Tem Dugan

Mayor Pro Tem Dugan asked Mr. Humphrey of John Sawyer Architects:

Q. If we put a walk on soil/sand that has a potential to shift, could we be ADA compliant the day the work is finished and a week later we wouldn't be?

A. Mr. Humphrey replied that it is possible, but hatteras style is pretty stable and not as likely to shift. Chances of shifting are greater with the 'mister boardwalk' material. A lot is dependent on how well it is packed into the sand. There are also lifecycle costs. Pilings are more likely to stay in the ground whether there is a deck on it or not. A storm surge will most likely take away a hatteras ramp.

Q. In terms of ADA, is there a requirement for a raised lift on the sides for wheelchairs?

A. Mr. Humphrey replied not for the hatteras because it is at grade, but for the raised version, there must be at least a 2 inch lip. It is considered acceptable if the wheelchair goes off into the sand.

Mayor Pro Tem Dugan stated that:

- From my position on Council, based on what we knew when we took the vote, I wouldn't change my vote. A lot of new information has been given. As a Council, we had architects, our Department Heads, and the Beautification committee members all give the same recommendation.
- Regarding the outside distance from the road, nothing negative was given to us at the meeting. I understand the feelings of being in a residential area and not wanting it to be turned into a business area.
- My job up here is to do what I feel is best for the community as a whole and a home owner on the street may not like it.
- As far as code enforcement, police, fire are concerned, if they say no parking, there won't be any parking. A significant number of tickets have been issued.

Comments from audience and responses from Council:

Mr. Lindsay - we took pictures of cars parked on Atlantic Avenue, there were no tickets on the cars. We tried calling the police department on a Saturday afternoon and got a recording.

Ms. Peterson – are police cars and sheriff department cars exempt? I saw both cars parked there.

Mayor Pro Tem Dugan stated that no one is exempt unless there is an emergency situation.

Mayor Montgomery stated that the district is zoned by district and the accompanying streets. Specifically for this part of Atlantic Avenue it is zoned RA-3 which allows one, two multi family homes, hotel/motels, restaurants, real estate offices, dentist offices, etc.

Ms. Lindsay stated that a couple of years ago we came to meet the architect, and one of the first things I said was safety. If you have a sidewalk up higher with kids and older people, they turn their ankles because they have to get out of the way. It's ridiculous to put something up that high.

Mr. Jim Smith asked aren't we talking about something that is one foot high and six foot wide? Why is everyone talking about such a high boardwalk when it is only one foot?

Commissioner comments:

Commissioner Nelder

Commissioner Nelder stated:

- I am really pleased with the high degree of citizen involvement shown here tonight.
- I think a lot of the problems came about because of the four different sets of plans that have been talked about during the lifecycle of this project. It started out as hatteras style and is now getting back to a hatteras style.
- Everyone being heard tonight is important.

- I hope we will come to a final agreement that will be in best interest of all citizens, those that live on Atlantic Avenue and walk along Atlantic Avenue.
- I understand Atlantic Avenue residents concerns about increase of traffic. I have the same problem where I live. Hopefully, I don't think there will be that high a degree in traffic, but we will have to wait and see.
- I think getting something at ground level will be in the best interest of everyone.

Commissioner Lambeth

Commissioner Lambeth stated:

- One of my duties when sitting on Council is to make sure citizens are heard and I thank Mayor Pro Tem Dugan for changing his vote at the last Council meeting and allowing citizens to have this public hearing.
- This is one of the best public hearings we have had.
- The hatteras style is something we can live with.
- I don't think I know anyone that knows more about ADA than I do.
- With the CAMA grant of \$222,000, where is the \$73,000 in kind contribution budgeted?
- If we save money on this, we can use savings to fund other funding requests.
- I charge Council that if we don't revisit this idea, we are foolish.
- You have my heartfelt sympathy for letting this go this far.
- I'm surprised that John Sawyer Architects didn't have an engineer shoot the elevations before giving an estimate.

Town Administrator James stated the money is budgeted in this year's budget under grants.

Mayor Montgomery stated that the grant has been approved and the \$73,000 has been approved to be allocated from Tourist Development Authority Room Occupancy Tax funds.

Mayor Montgomery

Mayor Montgomery commented:

- My concerns are about ADA and stability for wheelchairs.
- All cross beach accesses built in Kure Beach are built to a far higher standard.
- In the long term, whatever we put down, it is important that it remains stable.
- I share concerns about the residential area and having it compatible.
- I see nothing above the sand fence, and am adamantly opposed to any lighting because I think the street lights, if functioning, should be adequate.
- It is a residential area, I concur, but unless you live in an area covered by a homeowner's association, the zoning Kure Beach lives under today basically allows short term rentals in every district, except HOA's.
- This is a town where people come to visit. We have to deal with it.
- The Police department is aware of the issues we have with rentals and turning them over to 17 and 18 year olds in the middle of a residential area.

- I face this issue with short term rentals on my street. I am concerned about the effect of that in our community.
- Trash, drug use, etc. are in every community in the United States, but if you compare the problems we have with alcohol, drug use, etc. with other coastal communities, we have one of the best areas. We have minimum issues with that. Zero tolerance.
- I don't see us turning into Wrightsville Beach where if you don't own property, you aren't welcome there.
- Thank you for coming.

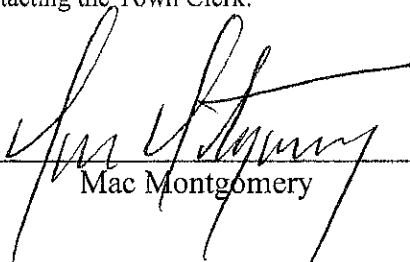
Audience comments

Donald Lindsay stated that someone parked right across his driveway and he couldn't get in or out. His daughter went to the beach asking for the owner of the car and the owner wouldn't move the car until she said we would have it towed. It was immediately moved.

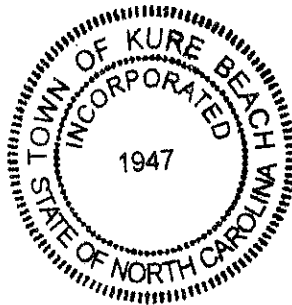
Adjournment

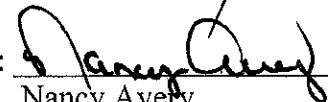
ACTION – Commissioner Nelder MADE THE MOTION to adjourn at 8:58 pm. Commissioner Vatrtr seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

NOTE: These are minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.



 Mac Montgomery



ATTEST: 

 Nancy Avery