



TOWN COUNCIL MINUTES

REGULAR MEETING

Monday, April 19, 2021 @ 6:00 p.m.

The Kure Beach Town Council held its regular meeting on Monday, April 19, 2021 at 6:00 p.m. The Town Attorney was present and there was a quorum of Council members present.

COUNCIL MEMBERS PRESENT

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

COUNCIL MEMBERS ABSENT

STAFF PRESENT

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

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

APPROVAL OF CONSENT AGENDA ITEMS

1. Minutes:

- April 5, 2021 Budget Workshop #1
- March 15, 2021 Public Hearing
- March 15, 2021 Regular
- Joint Workshop Town Council/ HPC

MOTION- MPT Heglar made a motion approve the consent agenda as presented

SECOND- Commissioner Whitley

VOTE- Unanimous

ADOPTION OF THE AGENDA

MOTION- Commissioner Oliver made a motion to add discussion of text amendment to 7.18.020 B Containers and approval of Carolina Beach and Kure Beach Sewer Authority Rates under New Business and approve the agenda as amended

SECOND- Commissioner Whitley

VOTE- Unanimous



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PUBLIC COMMENT

None.

DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

None.

DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Bike/Ped Committee

Mo Linqvist stated:

- Two items to bring forth to Town Council tonight
- Recently filled out the Land Use Plan survey which is trying to create a more livable community and what residents would like to see
- Last meeting Commissioner Ellen requested to put under Committee on the website the Tour De Blueberry
- The event will be held virtually unless the citizen is a member
- Requesting from Town Council to create a Kure Beach virtual team
- \$40 fee for citizens to join the virtual ride and the Committee will require a Town waiver for each member to sign
- The event will be held from June 12, 2021 to June 19, 2021
- The second item is Abby Lorenzo with Wilmington MPO reached out to the Committee for the grant to create a Comprehensive Bike/Ped plan
- The request was approved with 100% financial support for fiscal year 2022

Commissioner Oliver commented he supports this item and thinks it will create team support throughout Town.

Recreation Director Keely stated she supports the event and it would only require some advertising from the department for the event.

MOTION- Commissioner Oliver made a motion to accept the request from the Bike/Ped Committee to approve the virtual Kure Beach team for the Tour De Blueberry

SECOND- Commissioner Whitley

VOTE- Unanimous

2. Community Center Committee

Mayor Bloszinsky stated the Committee did meet and will be advertising for new members to fill the vacancies on the Committee.



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3. Historical Preservation Commission

- Approval of proposed text amendments to the following sections of Chapter 15 Zoning of the Town of Kure Beach Code and on the zoning map amendment for the proposed Downtown Preservation Overlay District overlaying the existing B-1 Business District.
 - 15.08.100 Overlay Districts
 - 15.08.110 K Avenue Mixed-Use Overlay District
 - 15.08.120 Downtown Preservation Overlay District
 - 15.08.040 District Regulations

Chairman Galbraith stated:

- Bringing forward to Town Council the proposed text amendments
- The Public Hearing was held and provided recordings and answered questions received by citizens
- Designed to address compatibility issues with major structure exterior items
- It is a straightforward process and the document is only 2-3 pages
- This does not restrict building up to 35 feet and had a minor change after discussion after the last HPC meeting to not have minor changes or repairs fall under the COA process

Attorney Eldridge stated:

- Needed to clarify aspects of the preservation district regulations
- Under G Minor Work Excepted under 2 included the following statement Ordinary maintenance, repairs, and other work which does not involve any change to any exterior feature in the POD district are excepted from and are not subject to these regulations.
- Inserting the catch all provision under 15.08.040 district regulations to compensate for the supreme court regarding the table of uses
- Any use that comes in that is not in the table of uses the Town will find something similar in the code and analyze it that way or otherwise it will be a Special Use Permit

MPT Heglar asked are the design standards included in the agenda packet?

Attorney Eldridge stated no, the only change from the joint workshop that eliminates some of the minor work repairs.



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MOTION- Commissioner Whitley made a motion to approve text amendments for the Downtown Preservation Overlay District, 15.08.100 Overlay Districts, 15.08.110 K Avenue Mixed-Use Overlay District, 15.08.120 Downtown Preservation Overlay District

SECOND- Commissioner Ellen

VOTE- 4-1 Vote, Mayor Bloszinsky, Commissioner Ellen, Commissioner Whitley, Commissioner Oliver For, MPT Heglar Against

MOTION- Commissioner Whitley made a motion to approve the consistency statement for the text amendments for the Downtown Preservation Overlay District, 15.08.100 Overlay Districts, 15.08.110 K Avenue Mixed-Use Overlay District, 15.08.120 Downtown Preservation Overlay District

SECOND- Commissioner Oliver

VOTE- Unanimous

MOTION- Commissioner Whitley made a motion to approve the historic district text amendment 15.08.040 District Regulations

SECOND- MPT Heglar

VOTE- Unanimous

MOTION- MPT Heglar made a motion to approve the Historic District Consistency statement for 15.08.040 District Regulations

SECOND- Commissioner Whitley

VOTE- Unanimous

- Discussion of future Membership for the Historic Preservation Commission

Chairman Galbraith stated Town Council needs to have discussion tonight regarding the membership of the Commission. His own opinion is to have one member of the Preservation Commission be from the B1 district.

Attorney Eldridge stated HPC membership is unique and has several requirements set forth by statute. So, need to approach generally about membership and the alternate member policy.

Commissioner Whitley stated there is interest from the B1 district to be on the Commission.

Mayor Bloszinsky stated Commission will consist of the five HPC members, one member from the B1 district, one from at large and two alternate members.



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MOTION- Commissioner Whitley made a motion to make the board the five HPC members, one member from the B1 district, one from at large and the two alternate members

SECOND- MPT Heglar

VOTE- Unanimous

4. Land Use Plan Committee

Commissioner Whitley stated held the meeting and approved the Land Use Plan survey and it is being sent out by Town Clerk Sanders on the Town Website and the deadline is June 4th for citizens to complete.

5. Marketing Committee

Commissioner Ellen this Committee is currently not meeting. He attended the Pleasure Island Chamber meetings and the new Pleasure Clamber logo is almost complete.

6. Parking Committee

Mayor Bloszinsky commented the Town Council needs to figure out how to handle service vehicles and the longer spaces identified for parking on N Fort Fisher Boulevard. The recommendation from Police Chief Bowden is to shorten the parking zones to 20 feet.

MPT Heglar stated if the resident pays for both parking spots will the resident be ticketed is what the building inspector is asking. He does not believe the system is set up to work that way.

Building Inspector Batson stated defined in the Town Code of Ordinances only passenger vehicles are prohibited to park in Town. Non-passenger and all other vehicles are prohibited in Town parking spots. Passenger vehicles are defined in the Code. Also, in the Code of Ordinances it states parking spots should not exceed more than 20 feet.

Mary Ann Hitter, 401 Margo Way

She owns an RV and those are the only parking spots that accommodate her RV parking and now she will have nowhere to park in Town.

Craig Galbraith commented the other lots in Town not owned by the Town may allow for RV parking.

MOTION- MPT Heglar made a motion to direct Public Works Director Messimer to repaint parking spaces in Town that are longer than 20 ft to 20 ft

SECOND- Commissioner Whitley

VOTE- Unanimous



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7. Planning & Zoning Commission

- Discussion of Chapter 160D Public Hearing
Schedule date for Public Hearing

Attorney Eldridge:

- The Chapter 160D consolidates land and development for cities and counties into one place and makes a few minor changes
- This does effect boards, and the Historic district
- The Town Code currently has a Chapter 12 labeled Reserved and will delete the redundancy in Chapter 15 Zoning
- Presentation to Town Council will be all 4 chapters for to review before a Public Hearing is held in June before the Town Council meeting
- A special meeting will be held at the end of June for adoption as the deadline is July 1, 2021

8. Stormwater Oversight Committee

MPT Heglar stated:

- Submissions received by all Pond Owners and currently working on building the records by the State
- The Attorney is working on the Ordinances that will need to be adopted by July 2022
- The audit will not be looked at till late Summer and the permit is continued till addressed sometimes in the fall

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Building Inspections Department

- Approval for Deck Encroachment at 429 Settlers Lane

Building Inspector Batson stated:

- Request from Property owner at 429 Settlers Lane
- Very similar to two other requests Town Council has approved in the past with most recent a year ago at 309 Settlers Lane
- 25 foot utilities easement along the back side of property owners that backs up to Sunny Point that Town Council is well aware of
- Town Council has approved these requests in the past as long as the Public Works Director has okay it
- This request is significantly larger, than the last request as the last deck was 9x16



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- It is the Town easement and it is up to Town Council if the Town approves the deck and the property owner is on the phone

Commissioner Oliver asked shouldn't Town Council have a memo from the Public Works Director that states nothing is there, and shouldn't the Town have the utilities marked on the map?

Mayor Bloszinsky is this the Patricia Martin request? The request is very specific in her note regarding the deck. Is this size a lot more significant than the other ones approved?

Building Inspector Batson stated the last deck approved was located at 309 Settlers Lane and it was a 9x16 size deck.

Commissioner Oliver stated Mr. Mayor, Town Council does not have anything that shows what utilities are in the easement and how that could potentially impact this deck. He has concerns if the forced main is in that area. He thinks the Town requirements states that the Public Works Director has to send something in writing for the file that states what is in the area and what would possibly need to be done. He is concerned with the 30 days' notice. He does not have a problem with it but if there is a major problem the Town is not going to wait 30 days for them to move the deck.

Mayor Bloszinsky stated it could come down to the Town has to move the deck.

Commissioner Oliver stated he is reading it and it says she has 30 days to remove it.

Public Works Director Messimer stated it is detachable like the other decks.

Building Inspector Batson stated he would like to point out that Town Council approved almost the exact same request at 309 Settlers Lane written the same way. It stated 30 days' notice.

Commissioner Oliver commented but Town Council was told there was no utilities in the easement at that time and now we find out there is a forced main there.

MPT Heglar stated Public Works Director has been working with LDSI on it, can Public Works Director Mesimer get it on the map so the Town Council can address Commissioner Oliver's concern. He is sorry to hold up the applicant, but the Commissioner is making sure the Town won't have a problem with the forced main.

Applicant Patricia Martin stated if the request is approved is there any way to have an option to screen it in?



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MPT Heglar stated that is a Building Inspector question but Public Works Director Mesimer how long to receive that drawing? Do you have it now for the specific lot? Can you email it to Town Council the drawing along the back of the property as it could be on the back edge. There is 13 feet clearance if it is on the back five feet and Council would probably feel different. He is sure it is not by the foundation of the property but unsure of how many feet from the property line. Need to satisfy Commissioner Oliver's so Town Council can help the citizen who wants the deck.

Commissioner Oliver commented he does not have a problem with the deck in that area but has a problem if it impacts the forced main.

Public Works Director stated he does not have it on him, but he does have the maps and will email it to Town Council.

Mayor Bloszinsky stated there is no concern regarding the deck but the size of the deck as it may impact being able to work on the forced main. The next action is Public Works Director Mesimer will work on determining the distance of the forced main. Is there a distance Council is looking for from the forced main to the deck?

Commissioner Oliver commented he is unsure what that number should be.

MPT Heglar stated honestly, he is not concerned about it but should satisfy Commissioner Oliver request but has minimal concern about this issue other than staffs work and making sure it gets on the drawing. He is comfortable with approving the request and Public Works Director Mesimer fix the staff work of putting it on the drawing.

MOTION- MPT Heglar made a motion to approve the encroachment for the deck at 429 Settlers Lane with Public Works Director Mesimer fixing the map and sending it to Town Council

SECOND- Commissioner Ellen

VOTE- Unanimous

2. Fire Department

Fire Chief Kennedy commented the life guard towers are being placed on the beach as of today and will be completed by tomorrow. The towers will remain unpainted for up to 3 months per the recommendation. Thank you to SLABP Committee for working on the beach location markers.



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3. Public Works Department

- Update of the video review of piping following the repair at Fire Department

Public Works Director stated spent time reviewing the slideshows and would like to bring to Councils attention the areas the company determined needed immediate attention. He does not want to alarm anyone, but it is a potential stormwater project to take care of within the next year. The Department needs to review other ways to be able to fix the piping. Brian Cox with Engineering Services asked if the Town may be interested in an AIA grant. The grant is for Water & Sewer funds. It would be \$150,000 for Sewer and \$150,000 for Water. The match would be \$30,000 a piece. The deadline for the grant would be September and would work with engineering services.

Commissioner Oliver asked Public Works Director Mesimer has he compared it to the video the Town did prior to the construction of Town Hall. This was filmed before the project started and discussed the issues and determined it was not that pressing of an issue in 2017.

MPT Heglar commented Town Council needs to look that Public Works may be doing an extensive project throughout Town Hall. LDSI will be reviewing the videos presented to check the facts.

CONSENSUS- Town Council agreed for Public Works Director Mesimer to proceed with the AIA grant for Water & Sewer funds and bring back further information

4. Recreation Department

- Film Permit - Night Own Productions, LLC
- Proposed Changes to Ocean Front Restrooms
- 2021 Accessible Parking Assessment

MPT Heglar asked did Night Own Productions get approval from the other requests?

Brandon with Night Own Productions answered yes the company has received approval and will communicate with citizens regarding the filming. He has been in contract with all businesses as well.

MOTION- MPT Heglar made a motion to approve as requested the Film Permit for Night Own Productions, LLC

SECOND- Commissioner Oliver

VOTE- Unanimous



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- Policy regarding Ocean Front Restrooms, two changes regarding time and changing the day to after New Years

Recreation Director Keely stated the second item is regarding the policy of the Ocean Front Park restrooms. Currently from December 1st through Memorial Day restrooms close at 4 or 5 pm and Town is now busier more year-round. Second change is transitioning the day from December 1st to after New Years for closing the restrooms for the off season.

MOTION- Commissioner Whitley made a motion to approve the proposed policy changes to the Ocean Front Park Restrooms

SECOND- MPT Heglar

VOTE- Unanimous

- 2021 Accessible Parking Assessment

Recreation Director Keely stated this is a follow up from the Town ADA plan that Nancy Avery did that showed the Town had multiple deficiencies in the amount of spaces the Town had but the Recreation Department couldn't see her methodology on that. So redid the plan and the Town is currently short two parking spots at the I beach access.

MOTION- MPT Heglar made a motion to direct Public Works Director Mesimer to change two spots to handicap spots at the I Beach Access per the recommendation of the 2021 Accessible Parking assessment

SECOND- Commissioner Whitley

VOTE- Unanimous

DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Island Women donation of Beach Accessibility Mat

Recreation Director Keely stated she collected all questions from the Town Council and set up a meeting with the Island Women but Island Women canceled the meeting and has not yet rescheduled.

DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Review of Town Hurricane Plan and opening review process for 2021

MPT Heglar stated will work with staff to review the Town Hurricane Plan and any suggestions need to be submitted to Town Clerk Sanders the week before the May meeting.



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2. Schedule Public Hurricane Sessions

MPT Heglar stated he proposes if Town Council is okay with Friday, May 21st and Saturday May 22nd for the Hurricane Sessions at Town Hall and will work with Town Clerk Sanders to advertise. He will rewrite the hurricane letter and will send it out to the Island Gazette.

MOTION- MPT Heglar made a motion to direct Town Clerk Sanders to advertise for the Hurricane information sessions

SECOND- Commissioner Whitley

VOTE- Unanimous

3. Proposed Text Amendment 7.18.020 B Containers

Building Inspector Batson stated:

- Reviewed with Code Enforcement Officer White and Town Attorney Eldridge to address issues not clearly defined in the Town ordinances
- Before being able to enforce legally needed to amend the Containers ordinance
- New language is included in red in the agenda packet and the language to be removed is crossed through

MPT Heglar asked why was number 6 removed from the code? If someone wants a third container does that cause any issues.

Building Inspector Batson commented he is unsure why it was ever inserted into the Code. After referring with Public Works Director Mesimer the Town doesn't have the time or manpower to treat short term rental properties as commercial properties to pick up trash every single day.

Public Works Mesimer commented no three trash cans won't cause any issues.

MOTION- MPT Heglar made a motion to approve proposed text amendment 7.18.020 B Containers

SECOND – Commissioner Whitley

VOTE- Unanimous

4. Carolina Beach and Kure Beach Sewer Authority rates

MPT Heglar stated met with Carolina Beach and received the proposed changes. Small decrease in fixed costs and a small increase in variable costs based on reduction of gallons in Kure Beach. The Town will receive a small payment back in the amount of \$3,200 once the rates are adopted.



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MOTION- MPT Heglar made a motion to approve the Carolina Beach and Kure Beach Sewer Authority Rates as adjusted

SECOND- Commissioner Whitley

VOTE-Unanimous

COMMISSIONER ITEMS

Commissioner Oliver stated still looking for alternate federal funding for beach nourishment in the fall. It is still currently on track for the fall and developing plans and scopes. Supporting package is currently in Atlanta and once approved there will move forward to Washington.

ADJOURNMENT

MOTION- Commissioner Ellen made a motion to adjourn the meeting at 8:25 p.m.

SECOND- MPT Heglar

VOTE- Unanimous

ATTEST: Mandy Sanders, 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>agendas&minutes