



ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

BRAXTON DAVIS  
*Director*

June 28, 2017

**MEMORANDUM**

**CRC-17-19**

**TO:** Coastal Resources Commission  
**FROM:** Ken Richardson, *Shoreline Management Specialist*  
**SUBJECT:** Town of Kure Beach Development Line Approval Request

On April 1, 2016, the Commission rules to allow oceanfront communities with large-scale beach nourishment to establish a “Development Line” as an alternative to the static vegetation line exception became effective. A static vegetation line represents the vegetation line that existed just prior to a large-scale ( $\geq 300,000$  cubic yards) beach nourishment and must be used for measuring construction setbacks. The development line is established by a local government to represent the seaward-most allowable location of oceanfront development, provided the development can meet the setback measured from the first line of stable and natural vegetation rather than the static vegetation line. Under your Development Line Rule, buildings and accessory structures could move seaward up to the approved development line provided minimum setbacks are met. Local governments are required to request approval for a development line from the Commission according to the procedures outlined in 15A NCAC 7J. 1300.

In order to receive the CRC’s approval for a Development Line, the petitioner shall establish the Development Line using on-ground observation and survey, or aerial imagery along the oceanfront jurisdiction or legal boundary. The proposed development line must be applied to the entire large-scale beach nourishment project area (length of static vegetation line) and can extend beyond the boundaries of the large-scale project to include the entire oceanfront jurisdiction or legal boundary of the petitioner. In establishing the Development Line, an adjacent neighbor sight-line approach is to be utilized, resulting in an average line of structures. In areas where the seaward edge of existing development is not linear, the Development Line may be determined on a case-by-case basis. In no case shall the development line be established seaward of the most seaward structure within the petitioner’s oceanfront jurisdiction. In addition, a Development Line must not be sited on state owned lands, or oceanward of the mean high water line or perpetual property easement line, whichever is more restrictive.

Once adopted at the local level, the petitioner shall then submit the following to the Director of the Division Coastal Management in accordance with CRC’s rules (15A NCAC 07J. 1300):

1. A detailed survey of the Development Line; to also include the static vegetation line
2. A copy of local regulations/ordinances associated with the Development Line
3. A record of local adoption of the Development Line by the petitioner

On March 21, 2017, the Town of Kure Beach adopted the town's Development Line into their ordinances, and is now requesting the Commission's approval. Staff has reviewed all information submitted by the petitioner, and has determined that all required supporting information and documentation have been submitted and attached for the Commission's consideration at the upcoming meeting in Wilmington,

**Attachment A:** Town of Kure Beach Letter Requesting the CRC's Approval of the Town's Development Line.

**Attachment B:** Town of Kure Beach Resolution to Adopt Development Line Map.

**Attachment C:** Town of Kure Beach Adoption of Development Line Ordinance.

**Attachment D:** Kure Beach Town Council Meeting Minutes.

**Attachment E:** Town of Kure Beach Development Line Map.

**Attachment A:** Town of Kure Beach Letter Requesting the CRC's Approval of the Town's Development Line

**Emilie Swearingen**  
*Mayor*  
**David Heglar**  
*Commissioner*  
**Jim Dugan**  
*Commissioner*



**Craig Bloszinsky**  
*Mayor Pro Tem*  
**Joseph Whitley**  
*Commissioner*  
**Nancy Avery**  
*Town Clerk*

***Town of Kure Beach***  
117 Settlers Lane • Kure Beach, NC 28449  
(910) 458-8216 • (910) 458-7421 Fax  
[www.townofkurebeach.org](http://www.townofkurebeach.org)

To: Braxton Davis, Director NCDCM  
From: John Batson  
Re: Development Line Request  
Date: March 22, 2017

Director Davis,

Last night, at the Kure Beach Town Council regularly scheduled meeting, I was directed to move forward with seeking approval for establishing and using a Development Line in Kure Beach.

Since 1997, the Town has had a Coastal Storm Damage Reduction Project. This project required the Town to procure perpetual easements along the entire coastline. In this request, the Town wishes to utilize the perpetual easements already restricting seaward development as its Development Line.

Please consider this letter to be a formal request for placement on the April CRC meeting agenda, and for the Town of Kure Beach to be granted permission to use a Development Line.

Thank you for your time and consideration!

Sincerely, John Batson, LPO/Bldg. Inspector

Cc: Ken Richardson  
Debbie Wilson

**Attachment B: Town of Kure Beach Resolution to Adopt Development Line Map**



**KURE BEACH TOWN COUNCIL  
TOWN OF KURE BEACH, NC**

**R**ESOLUTION R17-13

**A RESOLUTION PETITIONING THE NORTH CAROLINA  
COASTAL RESOURCE COMMISSION FOR ADOPTION OF A  
DEVELOPMENT LINE FOR THE TOWN OF KURE BEACH**

**WHEREAS**, the Town of Kure Beach utilizes what is known as the Static Vegetation Line, originally drawn by the Coastal Resource Commission (CRC); and

**WHEREAS**, this Static Vegetation Line is the point from which setbacks are measured to delineate where a property owner may build; and

**WHEREAS**, on April 1, 2016, the CRC's Development Line Procedures rules became effective, giving oceanfront communities an alternative to the Static Vegetation Line Exception; and

**WHEREAS**, the Development Line allows a community with a static vegetation line to measure construction setbacks from the first line of stable and natural vegetation, and site development no further ocean ward than the development line; and

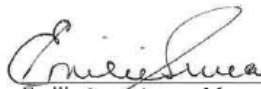
**WHEREAS**, Kure Beach Town Council believes adoption and use of a Development Line will be a benefit to property owners, particularly for development in the commercial district; and

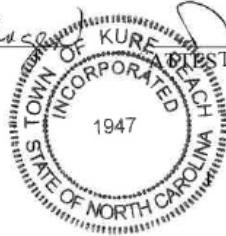
**WHEREAS**, Kure Beach Town Council took the following actions during legally-advertised meetings:

- On March 21, 2017 the Code of Ordinances, Chapter 5 (Buildings and Building Regulations), Article II (Administration) Division 4 (Permits), Section 5-61 (Prerequisite to construction, demolition, remodeling, and impervious surfaces, etc.) was amended to define both development and development line (certified copy of amendments and minutes attached).
- On June 20, 2017, the May 16, 2017 proposed Kure Beach Development Line Map was approved. This document maps out and details the location of the Development Line from the town's northern limits at Alabama Avenue to the town's southern limits at the end of The Riggings complex. Authorization was also given to the Town's Building Inspector to present the map to the CRC at its July meeting in Greenville, NC. (certified copy of minutes attached).

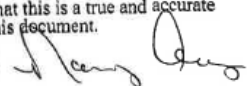
**NOW, THEREFORE BE IT BE RESOLVED THAT** Kure Beach Town Council hereby submits this official petition to the North Carolina Coastal Resource Commission to adopt a Development Line for oceanfront construction for the town, as presented and documented.

Adopted by the Kure Beach Town Council this 26th day of June, 2017.

  
Emilie Swearingen, Mayor



  
Nancy Avery, Town Clerk

I certify that this is a true and accurate copy of this document.	
6/26/17	
Date	Town Clerk

## Attachment C: Town of Kure Beach Adoption of Development Line Ordinance



### NEW ORDINANCE

That the following Section of Chapter 5 *Buildings and Building Regulations*, Article II *Administration*, Division 4 *Permits* is hereby amended as follows:

#### **Sec. 5-61. Prerequisite to construction, repair, replacement, demolition, remodeling, and development.**

(1) Definitions.

*Development:* Any activity within a duly designated area of environmental concern, as defined in 15A NCAC 7H, involving, requiring, or consisting of: the construction, repair, or replacement of structures, decks, swimming pools, and walkways; the excavation, dredging, filling, dumping, or removal of clay, silt, sand, gravel, or minerals; the bulkheading, driving of pilings, and clearing or installing land as an adjunct of any such construction, repair, or replacement; and the alteration or removal of sand dunes, the shore, bank, or the bottom of the Atlantic Ocean or any bay, sound, river, creek, stream, lake, or canal.

*Development Line:* The line established by the Town in accordance with 15A NCAC 07J.1300 representing the seaward-most allowable location of oceanfront development whereby the vegetation line or measurement line shall be used as the reference point for measuring oceanfront setbacks instead of the static vegetation line subject to the provisions of 15A NCAC 07H.0306(a)(2); “vegetation line,” “measurement line,” and “static vegetation line” being defined under 15A NCAC 07H.0305

(2) Except as provided in Section 5-62, no building construction, repairs, replacement, or remodeling; installation of driveways, parking lots, or other ground covering impervious surfaces, other construction, development, or demolition shall begin in the Town until a permit has been obtained from the Building Inspector. This section shall be applicable to all development on or abutting ocean beaches within the Town.

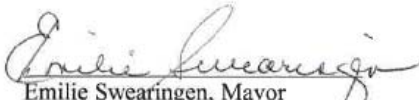
(3) No permit shall be issued if the total square footage of the buildings and impervious ground covering surface will exceed sixty-five (65) per cent of the lot; excepting therefrom, those structures located in the B-1 District or deemed commercial and within the established fire district of the Town.


(4) Any commercial construction requiring review by the New Hanover County Building Safety Department pertaining to mechanical, electrical, plumbing, or fire permits shall be obtained in conjunction with a building permit being issued by the Town’s Building Inspector.

(5) Any type of impervious surface across any Town right-of-way shall be limited to twenty-four (24) feet total.

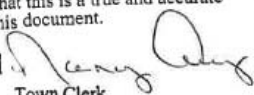
(6) No development shall occur seaward of the Town's Development Line except as allowed under 15A NCAC 07H.0309.

Ordinance adopted by Kure Beach Town Council on March 21, 2017.

  
Emilie Swearingen, Mayor

ATTEST:   
Nancy Hewitt, CMC, NCCMC  
Deputy Clerk



I certify that this is a true and accurate copy of this document.  
6/26/17   
Date Town Clerk

## Attachment D: Kure Beach Town Council Meeting Minutes



# TOWN COUNCIL MINUTES

## REGULAR MEETING

March 21, 2017

The Kure Beach Town Council held their regular meeting on Tuesday, March 21, 2017 at 6:30 p.m. The Town Attorney was present and there was a quorum of council members.

### COUNCIL MEMBERS PRESENT

Mayor Emilie Swearingen  
Mayor Pro Tem (MPT) Craig Bloszinsky  
Commissioner David Heglar  
Commissioner Joseph Whitley  
Commissioner Jim Dugan

### STAFF PRESENT

Building Inspector – John Batson  
Finance Officer – Arlen Copenhaver  
Fire Chief – Harold Heglar  
Town Clerk – Nancy Avery  
Deputy Clerk – Nancy Hewitt

### CALL TO ORDER

Mayor Swearingen called the meeting to order at 6:30 p.m., and Pastor Dan Keck from Kure Memorial Lutheran Church delivered the opening invocation and led everyone in the Pledge of Allegiance.

### AWARDS AND RECOGNITION

Mayor Swearingen awarded Certificates of Appreciation to Johnathan Lanier, a part-time employee with the Kure Beach Fire Department, and Taylor Jones, a volunteer with the department, for their participation in a rescue that occurred on March 6, 2017. The certificates acknowledged that they both acted in a manner that reflected the finest tradition of the firefighting profession and the Kure Beach Fire Department by rendering outstanding service to their fellow man as they attempted the rescue of one person and successfully rescued another; all the while, swimming in frigid Atlantic waters.

### APPROVAL OF CONSENT AGENDA ITEMS

1. Approve contract with Engineering Services in the amount of \$116,000 for surveying and engineering services for the replacement of pump station No.1
2. Approve travel to NCBIWA annual meeting in Nags Head, NC, from 4/2-4/4/17 for Mayor Swearingen and MPT Bloszinsky, at a cost of approximately \$1,450 from the Council Travel and Training Budget
3. Renew three-year term for Harry Humphries on Board of Adjustment
4. Accept Dennis Moore's resignation from the Cape Fear Disability Commission
5. Appoint Pat Triplett to the SLABPP committee as per committee's recommendation



## TOWN COUNCIL MINUTES

### REGULAR MEETING

March 21, 2017

6. Building Inspections Report – February 2017
7. Fire Department Report – February 2017
8. YTD Finance Report Meeting
9. Minutes:
  - February 21, 2017 regular meeting
  - March 10, 2017 public hearing
10. Appoint Sarah Barham as an alternate member on the Community Center Committee

MOTION – MPT Bloszinsky moved to approve adding the appointment of Sarah Barham as an alternate member on the Community Center Committee as Item 10 under Consent Agenda Items.

SECOND – Commissioner Heglar

VOTE – Unanimous

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

SECOND – Commissioner Whitley

VOTE – Unanimous

### ADOPTION OF THE AGENDA

Mayor Swearingen asked to move Item 4 under Old Business to Item 1.

MOTION – Commissioner Heglar moved to approve the meeting agenda, as amended by Mayor Swearingen.

SECOND – MPT Bloszinsky

VOTE – Unanimous

### DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

#### 1. Community Center Committee

David Sack, co-Chair, said the committee is having a plaque made in memory of Ron Griffin who conducted the weekly line dance classes for years at the center; he passed away last year. He said, with people working full time and trying to balance work and family life, it's hard to find volunteers. He said, in trying to boost volunteerism, the committee is suggesting that council occasionally recognize its current volunteers by putting articles about the committees in the Island Gazette. He said the articles could include committee mission statements and a list of the volunteers. He also suggested that some committees may want to think about moving their meeting times to accommodate people who want to volunteer but have daytime jobs.

Mayor Swearingen said the Island Gazette charges \$250 for advertisements. She said she likes the idea of the first ad being half a page listing all the committees, their mission statements and their volunteers; then, putting subsequent ads in the paper for one committee at a time.





## TOWN COUNCIL MINUTES

### REGULAR MEETING

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MPT Bloszinsky said council should look at this idea because the town's volunteers are important and should be recognized.

Mr. Sack updated council that the weeds around the town's welcome sign on Fort Fisher Boulevard have been cleaned up by them to make the area look nicer.

Mayor Swearingen stated that public works should now be able to paint the welcome sign to make the entrance even nicer looking.

Commissioner Heglar said that the request to have council put ads in the newspaper should be considered during the budget process.

#### 2. Parks & Recreation Advisory Board

Mayor Swearingen said there are only three people on the board, currently, and two of them have work that occasionally keeps them from attending meetings, so they haven't been able to get a quorum to meet which has kept them from accomplishing their mission statement. She said there was no quorum at the last meeting, but the two members that came discussed disbanding the board and agreed it would be okay and seemed relieved. She said Nikki Keely, Recreation Manager, has taken over the board's responsibilities, a separate committee is planning the 70<sup>th</sup> Anniversary, and the board's chairman is also head of the Disc Golf Association and can update council every quarter, if they'd like.

MOTION – Commissioner Heglar moved to disband the Parks and Recreation Advisory Board.

SECOND – Commissioner Whitley

VOTE – Unanimous

#### 3. Shoreline Access, Beach Protection and Parking Committee

Chairman Panicali said Spencer Rogers, with NC Sea Grant, inspected the sand dunes and said the town is in good shape, and he didn't see a need to plant sea oats this year. He said there are suggestions about putting up rope fences to protect the dunes from people skirting around the crossover stairs and access points. He said there was a question about the Hatteras ramp at Davis Road; they may recommend building the ramp up so it's not a low point through the dunes.

Inspector Batson said Mr. Rogers has mentioned in the past that the elevation of some of the crossovers is withholding the dune from growing larger at Davis Road and at the lifeguard shack. He suggested building the dune up and then building the ramp over the dune to enable the surrounding dunes to continue to grow.

Mayor Swearingen asked Mr. Panicali to have his committee look into having the work done.



## TOWN COUNCIL MINUTES

**REGULAR MEETING**

**March 21, 2017**

Commissioner Whitley asked Mr. Panicali if it was still the committee's desire to not do parking, to which Mr. Panicali acknowledged this desire.

MOTION – Commissioner Whitley moved to remove parking responsibilities and the word “parking” from the committee's name, to be named the Shoreline Access and Beach Protection Committee, since they will no longer be in charge of parking.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Commissioner Heglar said 471 surveys were completed, but about 80 of them may be duplicates; so they are still collating the surveys to make sure there aren't repeats. He asked that the subject be added to the April council meeting agenda, at which time the survey results will be ready for review.

#### 4. Non-town Committee Reports

##### a. Cape Fear Disability Commission January 2017 Meeting Minutes

Mayor Swearingen confirmed that the town's representative was still active on the commission and said she may have someone interested in taking the alternate spot, asking that the clerk remind her about this.

#### DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

##### 1. Finance Department

Finance Officer Copenhaver asked council to approve a budget amendment related to storm water that goes along with what was discussed at the council retreat to not finance part of the big project that is going on right now. He said this will take additional funds out of the town's fund balance and reallocate funds that had been designated to be transferred to the capital outlay improvements account.

MOTION – Commissioner Heglar moved to approve Budget Amendment 17-05 to appropriate additional fund balance for the storm water pipe lining project, as well as reallocate amounts originally designated as a transfer to the capital outlay-improvements account; total amount being amended is \$650,000.

SECOND – Commissioner Dugan

VOTE – Unanimous

Said budget amendment is herein incorporated as part of these minutes.

##### 2. Building Department

Inspector Batson said the county sent out an RFQ for permitting and building software services, and they found a company that has great reviews; Energov. He said the county invited him to hear more about it to see if he was interested in participating, which he is. He said he was assured there is no



## TOWN COUNCIL MINUTES

**REGULAR MEETING**

**March 21, 2017**

cost to the town and the plan is to implement the software in July 2018. He said Energov would network with the town's IT group to figure everything out. He explained that one of the main goals of the software is to create an online portal for the public to use in order to streamline the process and deliver better customer service.

### 3. Public Works Department

Commissioner Heglar said he sent a memo to council to make them aware that Public Works is down by two people and Director Beeker is going to hire one person now. He said it won't impact the budget this year since there are two people out on disability. He said they will talk about hiring a second person during the budget planning process.

### DISCUSSION AND CONSIDERATION OF OLD BUSINESS

1. Consideration of project manager for town facility expansion and new fire station project

#### CLOSED SESSION

MOTION – Commissioner Heglar moved to go into Closed Session for the purpose of consulting with an attorney, per N.C.G.S. 143-318.11(a)(3) at 7:05 p.m.

SECOND – Commissioner Dugan

VOTE – Unanimous

#### RETURN TO OPEN SESSION

MOTION –MPT Bloszinsky moved to return to open session at 8:03 p.m.

SECOND – Commissioner Whitley

VOTE – Unanimous

2. Request approval for amendments to Code of Ordinance Chapter 5 Buildings and Building Regulations, Article II Administration, Division 4 Permits, Section 5-61 Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.; for Development Line  
Inspector Batson said, if council wants him to go to the Coastal Resources Commission (CRC) to ask for enactment of a Development Line (DL) for the town, he needs council to approve the proposed ordinance language. He reviewed the map of the coastline showing the existing easement, the existing Static Line, and the proposed DL. He said, if this goes through, he doesn't think there will be a lot of extra development except maybe from people who want to put a pool in. He said 95 percent of the people who buy oceanfront property want to rent it out weekly, and they can rent it out for more money if they have a pool. He said that an important piece of changing to a DL is the business (B-1) district will benefit. He said that the corner lot adjacent to the pier that is currently not buildable would become buildable if the DL is approved. He added that the B-1's oceanfront hotels, south of K Avenue, could have a larger footprint to build within, or they could build vertically and use the extra footprint for providing the required parking for their patrons. He said council can make the DL part of the ordinance and, if they don't like it, they can revert it back to how it is now. He said, if any pools get washed away in the DL, property owners would have to ask





## TOWN COUNCIL MINUTES

REGULAR MEETING

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council for special permission to rebuild them; they can't rebuild the pools automatically. Going back to the map, he said he needs to physically draw in the DL near the end of Ocean Dunes and The Riggings because the town's easements don't go down that far; that is the end of the town's project jurisdiction. He said he will have Mr. Richardson, a specialist with the CRC, propose a DL for that area, and he will decide whether or not he likes it.

Commissioner Heglar said, it is good that there is land to build across from The Riggings since, if 50 percent or more of a building at The Riggings gets damaged by the surf, CAMA won't let them rebuild on the same spot.

MPT Bloszinsky said the proposed DL helps everyone except the people who can't be helped to begin with, and he doesn't see anyone getting harmed by the DL.

Commissioner Dugan said that the town's ongoing problem is where to get the money to support the town, year after year. He said the only thing that is left is the possibility of our commercial district improving, and this allows for that.

Commissioner Heglar said he thinks this is a good change and will make it easier for councils to deny property owners the ability to build beyond the DL.

MOTION – Commissioner Heglar moved to have the Building Inspector go to the Coastal Resources Commission (CRC) to ask for the approval of his recommendation to switch to a Development Line model for the town.

SECOND – MPT Bloszinsky

VOTE – Unanimous

When asked if a public hearing was necessary to amend an ordinance that isn't a zoning ordinance, Attorney Canoutas said that a public hearing isn't required, but it would benefit town residents to give them a chance to give council their input.

Discussion ensued on the best way to handle public notice of this amendment.

Town Clerk Avery suggested adopting the amendment and then holding a public meeting to explain it; then, if there's too much controversy, council can pull it before it goes to the CRC.

Commissioner Heglar reviewed the proposed amendments to the ordinance and said, if a public hearing isn't required, he agrees with the town clerk's suggestion.

MOTION – Commissioner Heglar moved to adopt the amendments to Code of Ordinance Chapter 5 Buildings and Building Regulations, Article II Administration, Division 4 Permits, Section 5-61 "Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.," as presented.



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**REGULAR MEETING**

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Town staff is to advertise about the change so that concerned citizens can give their input at the April council meeting, as the first item of business.

SECOND – MPT Bloszinsky

VOTE – Unanimous

Said adopted ordinance is herein incorporated as part of these minutes.

3. Approve CAMA contract No. 7136 in the amount of \$53,827 for paving of the parking area and installation of solar lighting on the beach crossover at the E Avenue access with work to occur in the fall of 2017, and authorize the finance officer to include a cash match of \$11,257 in the proposed FY17-18 budget. (voted upon together with Item 4)
4. Approve CAMA contract No. 7135 in the amount of \$65,283 for paving of the parking area and installation of solar lighting on the beach crossover at the I Avenue access with work to occur in the fall of 2017, and authorize the finance officer to include a cash match of \$14,121 in the proposed FY17-18 budget.

Town Clerk Avery said CAMA awarded the grants with its contracts to become effective April 1<sup>st</sup>. She said the mayor wanted to have the solar lights put in before summer, but public works would prefer to do all the work in the fall, which keeps the work within the same budget year.

MOTION – Commissioner Heglar moved to approve CAMA contract numbers 7135 and 7136, as presented, with the work occurring in the fall of 2017, and to authorize the finance officer to include the cash matches in the proposed FY17-18 budget.

SECOND – Commissioner Whitley

VOTE – Unanimous

Said approved CAMA contracts are herein incorporated as part of these minutes.

### NEW BUSINESS

None

### MAYOR UPDATES

Mayor Swearingen said the Special Olympics Committee would like to hold their annual Polar Plunge in Kure Beach from now on. She said they are a non-profit and the police and public works departments are fine with it, and only some parking issues need to be worked out.

### COMMISSIONER ITEMS

MPT Bloszinsky said the last storm damage construction project went quite a few days beyond the original schedule, with significant costs associated with that, but the Corps of Engineers was able to negotiate with the contractor to recover \$1.1 million of it. He said half of the money will go to the



# TOWN COUNCIL MINUTES

**REGULAR MEETING**

**March 21, 2017**

state and half will go back to ROT. He also asked council to start thinking if they want to contract for use of the downtown parking area again so he can notify the property owner.

Mayor Swearingen asked that Downtown Parking Lot Rental be added to the April council meeting agenda for further discussion and consideration.

Finance Officer Copenhaver said it needs to be included in the first budget workshop numbers.

Mayor Swearingen suggested having a teenager monitor the parking lot and collect money from people who use it instead of using tax payer money, to which MPT Bloszinsky said the main contributors of the parking lot expense are the business owners.

The finance officer said the town lost some of its business participation last year, to which MPT Bloszinsky said this is true, but the property owner took less money for the lease last year.

Commissioner Dugan commended the Police Department for their actions during the water rescue incident on March 6<sup>th</sup>. He said that, besides handling the investigation, they also handled all of the family matters.

The mayor said she met with the family of the man who died, and they were very complimentary about the town's police officers.

Commissioner Dugan commended the mayor and staff on doing a great job on the Beach Towns breakfast.

Mayor Swearingen said Mayor Saffo with the City of Wilmington said he would like the city to sponsor one of the next breakfasts.

**ADJOURNMENT**

MOTION – Commissioner Heglar moved to adjourn,

SECOND – MPT Bloszinsky

VOTE – Unanimous

I certify that this is a true and accurate copy of this document.	
6/26/17	<i>Nancy Hewitt</i>
Date	Town Clerk

The meeting adjourned at 8:43 p.m.

*Emilie Swearingen*  
Emilie Swearingen, Mayor

*Nancy Hewitt*  
Nancy Hewitt, CMC, NCCMC  
Deputy Clerk

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





## TOWN COUNCIL MINUTES

**REGULAR MEETING**

**June 20, 2017**

The Kure Beach Town Council held their regular meeting on Tuesday, June 20, 2017 at 6:30 p.m. The town attorney was present and there was a quorum of council members.

### COUNCIL MEMBERS PRESENT

Mayor Emilie Swearingen  
Mayor Pro Tem (MPT) Craig Bloszinsky  
Commissioner David Heglar  
Commissioner Joseph Whitley  
Commissioner Jim Dugan

### STAFF PRESENT

Building Inspector – John Batson  
Finance Officer – Arlen Copenhaver  
Police Chief – Mike Bowden  
Public Works Director – Sonny Beeker  
Town Clerk – Nancy Avcry  
Deputy Clerk – Nancy Hewitt

### CALL TO ORDER

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

### RECOGNITION & AWARDS

Mayor Swearingen called Kure Beach Adopt-A-Beach Volunteers to the front of the room and presented them with certificates from the town in grateful appreciation of their dedication and support to keep our beaches clean and safe through their participation in the Adopt-A-Beach program.

### APPROVAL OF CONSENT AGENDA ITEMS

1. Adopt Resolution 17-09, to authorize the KB Police Chief to temporarily provide assistance to other law enforcement agencies pursuant to N.C.G.S. 160A-288 and 160A-288.2
2. Adopt Resolution 17-10, to authorize the KB Fire Chief to provide temporary assistance to other fire protection and ocean rescue agencies pursuant to N.C.G.S. 160A-293
3. Approve Budget Amendment 17-11 to increase the Public Works budget in the General Fund by \$28,000 and the Water/Sewer Fund by \$52,500 for additional expenses incurred relating to Hurricane Matthew
4. Approve Budget Amendment 17-12 to increase the Administration budget by \$2,000 for additional expenses incurred due to a lightning strike at Town Hall
5. Approve Application for TDA Funding totaling \$4,341.56 for the 2016 Christmas Show
6. Approve Application for TDA Funding totaling \$22,575 for 2016 Ocean Front Park activities and entertainment



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**REGULAR MEETING**

**June 20, 2017**

7. Appoint Bill Moore as a regular member of the Shoreline Access & Beach Protection (SLABP) Committee
8. Appoint Edward White as an alternate member of the SLABP Committee
9. Building Inspections Report – May 2017
10. Fire Department Report – May 2017
11. YTD Finance Report Meeting
12. Minutes:
  - May 16, 2017 regular meeting
  - May 30, 2017 special meeting
  - June 6, 2017 public hearing, budget

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

SECOND – Commissioner Heglar

VOTE – Unanimous

Said resolutions, budget amendments and funding applications are herein incorporated as part of these minutes.

### ADOPTION OF THE AGENDA

Commissioner Heglar said Director Becker would address Kure Beach's water supply during his department report as Item B.

MOTION – Commissioner Heglar moved to adopt the meeting agenda, as amended.

SECOND – Commissioner Dugan

VOTE – Unanimous

### DISCUSSION AND CONSIDERATION OF PERSONS TO ADDRESS COUNCIL

1. Gilbert Alphin, 309 N. Fort Fisher Blvd

Mr. Alphin said he heard that council had approved a new building project for Town Hall and a new fire station, capping it at \$5 million. He said he didn't know anything about it, and he also talked with four business owners and six citizens who didn't know anything about it.

When asked by a council member if he had signed up to receive emails from the town's Notify Me system, he said he is a business owner, so he has tight SPAM controls on his email. He said he isn't blaming council for him not receiving email communications about the project, but he just wanted to ask council if they would put up a sign in the corral that announces the project for the public to see.

Mayor Swearingen said a construction company hasn't been hired for the project yet, but she likes his idea of having a sign erected to announce the project and will ask for one before construction begins.





## TOWN COUNCIL MINUTES

**REGULAR MEETING**

**June 20, 2017**

### DISCUSSION AND CONSIDERATION OF COMMITTEE BUSINESS

1. Community Center Committee  
MPT Bloszinsky said the committee is looking for volunteers to help with the Annual Community Center Barbecue.
2. Planning & Zoning Commission  
Chairman Ellen said the commission voted to cancel their July meeting.
3. Non-town Committee Reports
  - a. Cape Fear Disability Commission  
As Deborah McKenna did not attend the meeting to give a report on the commission, as requested by Mayor Swearingen, the clerk was asked to try again to ask her to attend a council meeting.

### DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Public Works Department
  - a. Pump Station Project update and request to approve Budget Amendment 17-10 to transfer \$106,000 from the Water/Sewer Fund for additional expenses for the Pump Station #1 project.

Director Beeker said the 12-inch main running into the lift station has some cracks and the whole length of the pipe will have to be lined, which will cost an extra \$57,217 for the lining and another \$34,662.25 for additional pump work. He said the equipment is already out there and work will start tomorrow.

Mayor Swearingen asked if there were any other pipes in that part of town that had similar problems, to which Director Beeker responded they will be looking into that, and will be doing other work that has already been budgeted.

MOTION – Commissioner Heglar moved to approve Budget Amendment 17-10 to transfer \$106,000 from the Water/Sewer Fund to the Kure Beach Pump Station #1 Capital Project budget to cover additional expenses.

SECOND – Commissioner Whitley

VOTE – Unanimous

Said budget amendment is herein incorporated as part of these minutes.

- b. Kure Beach Drinking Water

Director Beeker explained that Gen-X is a Teflon-based toxin that has been detected in the drinking water, which is being pulled from the Cape Fear River by the Cape Fear Public Utility Authority. He said, in all reports he has read, there has been no Gen-X detected in the deep well system that Kure Beach uses. He said he will have Kure Beach's water tested for toxins and will



## TOWN COUNCIL MINUTES

### REGULAR MEETING

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update council on the results. He gave council the 2016 Kure Beach water quality report and said the town follows all state and federal regulations.

Discussion ensued about doing a press release about Kure Beach's drinking water.

Director Becker said the public could be told the water is going to be tested, but he'd rather wait until he receives the results of the water analysis before sharing any more than that.

Commissioner Heglar said, if we want to do a press release, the best thing to say is council and water specialists feel it's highly unlikely that there is Gen-X in the drinking water from the deep wells/aquifers used by Kure Beach, but we will be testing the water anyway.

MPT Bloszinsky said he understands that Gen-X is a surface pollutant that goes through the water quickly, and the only reason it remains in the water is because they keep dumping it there.

A member of the public spoke up to say that it was just reported the Chemours has announced they will no longer dump the toxin into the river.

Commissioner Whitley said he spoke to two people who didn't know that the town didn't use the water from the river and, it would be good to say that in a press release to calm their fears.

Commissioner Heglar said he and Director Becker will work on a press release, to go to the Island Gazette and town website/email, informing citizens that Kure Beach will request a water test but stating that the town doesn't get its water from the Cape Fear River.

Mayor Swearingen said she spoke with someone from the Department of Natural Resources and she was told that the state is not planning to run any test on the aquifer. She asked them how someone could request a test, and they having gotten back to her with an answer.

#### 2. Administration and Recreation

a. Personnel Policy amendments for approval as discussed at January council retreat  
Town Clerk Avery said council consensus during this year's council retreat was to amend the personnel policies presented to them. She said she would like an official vote from council on the amendments, as she reviewed each of the policies to make sure council didn't have any other changes. The motions and votes were, as follows:

MOTION – Commissioner Heglar moved to eliminate all of the benefits currently listed in the town's personnel policy for part time employees, except those that are required by federal or state law, and to authorize the Town Clerk and attorney to make required changes to policy.

SECOND – MPT Bloszinsky



## TOWN COUNCIL MINUTES

**REGULAR MEETING**

**June 20, 2017**

VOTE – PASSED four to one, as follows: Mayor Swearingen, MPT Bloszinsky and Commissioners Heglar and Whitley FOR, and Commissioner Dugan AGAINST.

MOTION – Commissioner Heglar moved to allow all accumulated vacation, over 30 days, to be converted to sick time that may be used as extra service credit towards an employee’s retirement, and to authorize the Town’s Clerk and attorney to make required changes to policy.

SECOND – MPT Bloszinsky

VOTE – Unanimous

MOTION – Commissioner Dugan moved to allow an employee to use sick leave to care for healthy children, and to authorize the Town Clerk and attorney to make required changes to policy.

SECOND – Commissioner Whitley

VOTE – Unanimous

MOTION – Commissioner Heglar moved to authorize the Town Clerk and attorney to make required changes to the personnel policy to clarify that the town pays 100 percent of continued health (medical, dental and vision) insurance coverage for retirees that meet certain retirement conditions, if the insurance vendor allows it. If the vendor requires a portion of the premium to be paid by the participant, then the retiree is responsible for this cost. The policy will also clarify that the town does not pay any costs associated with Medicare eligibility, such as Part B.

SECOND – Commissioner Dugan

VOTE – Unanimous

MOTION – Commissioner Heglar moved to allow the transfer of sick time for new hires from other NC governmental agencies, to be used for reporting to the NC State Retirement System upon retirement, for use towards additional service credits, and to authorize the Town Clerk and attorney to make required changes to policy.

SECOND – Commissioner Dugan

VOTE – Unanimous

### 3. Building Department

#### a. Development Line update

Inspector Batson showed council the map of the proposed Development Line that they saw at their May 16<sup>th</sup> council meeting. He said council approved it, except for a small section along The Riggings complex, which council gave him direction to draw with the help of Division of Coastal Management staff. He said the line was drawn and he was put on the agenda to present the map during the April Coastal Resources Commission (CRC) meeting; but, at the last minute, they discovered that part of the line was removed in the last PDF created by the surveyor. He said he’s bringing the map back to council one more time so they can review it, in its entirety, and direct him to take it back to the CRC for approval at their July or September meeting. He



## TOWN COUNCIL MINUTES

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said he will present the map to them and, if the CRC wants to change anything, he will bring it back to council for further review.

MOTION – Mayor Swearingen moved to approve the May 16, 2017 map, as seen by Kure Beach Town Council, mapped out and detailed from Alabama Avenue to the end of The Riggings complex, which is the end of Kure Beach’s jurisdictional line; and to direct the Building Inspector to present the map to the Coastal Resources Commission at their July meeting.

SECOND – Commissioner Heglar

VOTE – Unanimous

#### b. Vacant Lots

Inspector Batson said his assistant, Kathleen Zielinski, researched and found that there are 277 lots available in Kure Beach, and 175 of those lots are duplex buildable or located in zoning areas that allow duplexes. He said that could either mean there could be 277 new houses built in Kure Beach, or there could be 102 new single-family houses and 350 duplex townhouse units built. He said the town could be built out in about ten years, if it keeps growing at its current rate.

#### 4. Police Department (PD)

##### a. Parking fine and penalty-type revision

Commissioner Whitley said the town charges \$50 for a parking ticket, which is higher than what other nearby municipalities charge. He said the PD would like to lower the fine to \$25 and have it become an administrative civil penalty so the revenue can go back to the town. He explained the reasoning behind lowering the fine.

Mayor Swearingen said she always thought that fines had to go towards education, to which Attorney Canoutas said, if council makes it as a civil penalty violation, the town can keep the revenue.

Commissioner Heglar asked Chief Bowden what the civil penalties are for golf carts, other than parking-related penalties.

Chief Bowden said golf carts violations are a state citation and a golf cart has to be insured, street-legal and have tags, and the driver has to be licensed.

MOTION – Commissioner Whitley moved to revise the parking fine from \$50 to \$25 and make it an administrative civil penalty.

SECOND – MPT Bloszinsky

VOTE – Unanimous

### DISCUSSION AND CONSIDERATION OF OLD BUSINESS

#### 1. Adoption of the FY17-18 Proposed Budget Ordinance and Fee Schedule



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Finance Officer Copenhaver said that the fee schedule will need to be revised with the reduced parking penalty, but no other changes have been made to the proposed budget since the May council meeting.

MOTION – Commissioner Heglar moved to adopt the FY17-18 Budget Ordinance and Fee Schedule, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

Said budget ordinance and fee schedule are herein incorporated as part of these minutes.

2. Resolution 17-12 to adopt a pilot paid parking program and authorization for enforcement to a third party vendor

Town Clerk Avery said the leases have been signed with the lot owners, and the contract with the third party vendor has been signed. She said the vendor asked for a resolution from council to give them the authority to enforce parking violations. She reviewed the details of the program.

MPT Bloszinsky said there are 120 parking spaces provided in the three, private-owned lots. He said that the town will split the proceeds with the lot owners, after all expenses are paid.

MOTION – Commissioner Heglar moved to approve Resolution 17-12 to adopt a pilot paid parking program and to authorize enforcement by a third party vendor.

SECOND – MPT Bloszinsky

VOTE – PASSED four to one, as follows: Mayor Swearingen, MPT Bloszinsky and Commissioners Heglar and Dugan FOR, and Commissioner Whitley AGAINST.

Said resolution is herein incorporated as part of these minutes.

### DISCUSSION AND CONSIDERATION OF NEW BUSINESS

1. Amend the code by revising the language in Sections 1-15 Administrative Civil Penalties, 10-237 Penalty (Motor Vehicles), 10-308 Penalty (Bicycles) and 10-234 (Time Limit Parking).

Town Clerk Avery asked council to adopt the ordinances pertaining to the parking regulations that were discussed earlier. She said one thing that wasn't mentioned in the earlier discussion was there is a reference to the Shoreline Access and Parking Committee in the ordinance that needs to be removed.

MOTION – Commissioner Heglar moved to amend the town code by revising the language in Sections 1-15 Administrative Civil Penalties, 10-237 Penalty (Motor Vehicles), 10-308 Penalty (Bicycles) and 10-234 (Time Limit Parking) to lower parking fines from \$50 to \$25, allow the



## TOWN COUNCIL MINUTES

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revenue to stay with the town and remove a reference to the Shoreline Access and Parking Committee, as presented.

SECOND – Commissioner Whitley

VOTE – Unanimous

Said code amendments are herein incorporated as part of these minutes.

2. Request to reschedule August Council meeting

Mayor Swearingen said she will be away on the date of the August council meeting and asked council if they wanted to reschedule the meeting or have it without her.

MOTION – Commissioner Heglar moved to reschedule the regular August council meeting from Tuesday, August 15, 2017 to Thursday, August 17, 2017.

SECOND – Commissioner Dugan

VOTE – Unanimous

3. Consideration of use of Port-A-Lets at seven beach accesses from July 1 through Labor Day

Town Clerk Avery said she decided to suggest installing port-a-lets at the beach accesses because she received complains about people urinating in public. She asked council if they wanted to consider putting in port-a-lets at seven public beach accesses that she listed. She presented the rental cost of the port-a-lets and the cleaning fees, adding that they would be handicapped accessible and would be cleaned twice a week.

Mayor Swearingen said this has been considered by council in past years and one of the big concerns for people whose homes are near the accesses is the foul odor coming from the port-a-lets, especially when they are being cleaned.

Commissioner Heglar said Public Works would be contacted about the port-a-lets every time someone has a complaint, even though they won't be responsible for them. He recommended only putting them at accesses where complaints were made.

Discussion ensued about reporting public urination to the PD, and about the high cost of the seven port-a-lets.

Consensus – Council agreed to take no action on this item.

### COMMISSIONER ITEMS

a. MPT Bloszinsky

He asked council how they felt about having orange cones put up to reserve parking for events at the Community Center or at the Ocean Front Park. He said he will talk to the Chief Bowden and Director Beeker for their thoughts on this.



# TOWN COUNCIL MINUTES

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Mayor Swearingen suggested the Community Center Committee come up with a proposal and present it at a council meeting.

Town Clerk Avery said they've tried doing this in the past and no one pays attention to the cones. She said it would require staff to monitor the parking.

b. Commissioner Heglar

He thanked council and staff for helping him out while he has been on travel for work.

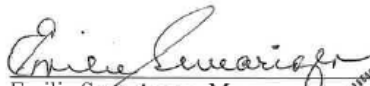
ADJOURNMENT

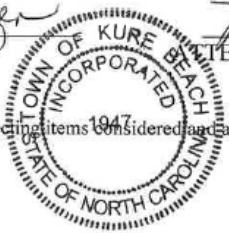
MOTION – Commissioner Whitley moved to adjourn the meeting.

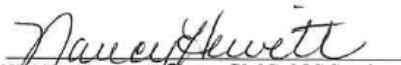
SECOND – Commissioner Heglar

VOTE – Unanimous

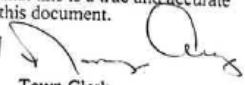
The meeting adjourned at 8:02 p.m.

  
Emilie Swearingen, Mayor



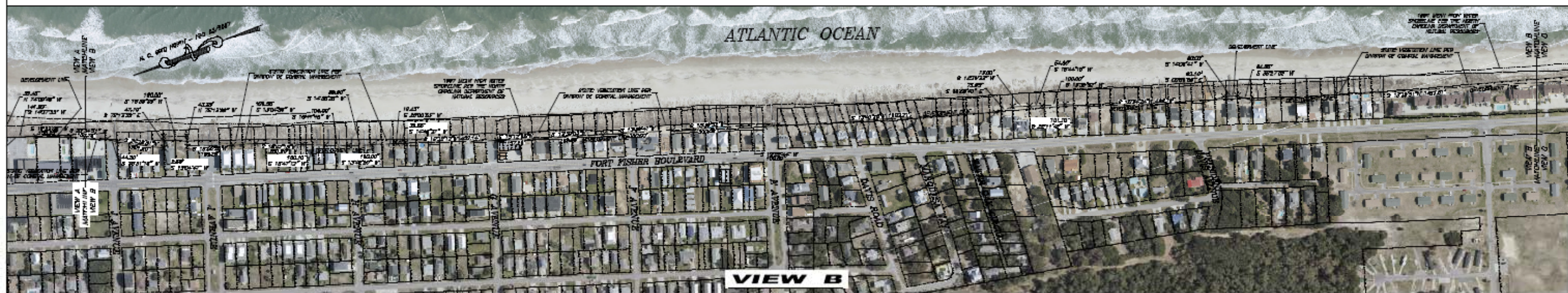
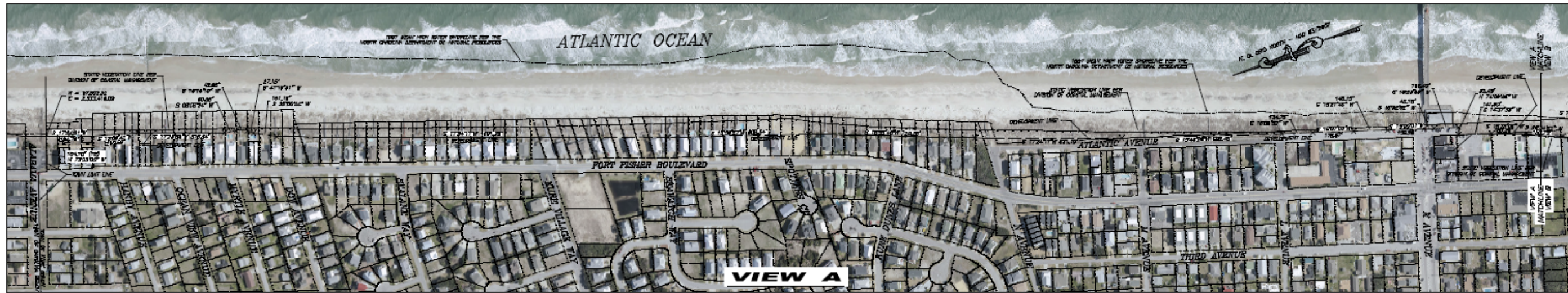
  
TEST: Nancy Hewitt, CMC, NCCMC  
Deputy Clerk

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

I certify that this is a true and accurate copy of this document.  
6/20/17   
Date Town Clerk

**Attachment E:** Town of Kure Beach Development Line Map





STATE OF NORTH CAROLINA  
 COUNTY OF NEW HANCOCK  
 I, \_\_\_\_\_, Clerk of \_\_\_\_\_ County, do hereby certify that the map on file in this office is a true and correct copy of the original map on file in this office and that the same is a true and correct copy of the original map on file in this office.

STATE OF NORTH CAROLINA  
 COUNTY OF NEW HANCOCK  
 I, \_\_\_\_\_, Register of Deeds, do hereby certify that the map on file in this office is a true and correct copy of the original map on file in this office and that the same is a true and correct copy of the original map on file in this office.

**SURVEY REFERENCES:**  
 1. MAP BOOK 5, PAGE 21  
 2. MAP BOOK 5, PAGE 22  
 3. MAP BOOK 5, PAGE 23  
 4. MAP OF STATE TERRITORY & RESERVE  
 5. STATE OF NORTH CAROLINA  
 6. STATE OF NORTH CAROLINA

**NOTES:**  
 1. CORNERS ARE MARKED AS NOTED ON MAP.  
 2. DISTANCES SHOWN HEREON ARE MEASURED ALONG THE CENTERLINE OF THE ROAD AND ARE NOT TO BE CONSIDERED A CERTIFIED DOCUMENT.  
 3. DISTANCES SHOWN HEREON ARE MEASURED ALONG THE CENTERLINE OF THE ROAD AND ARE NOT TO BE CONSIDERED A CERTIFIED DOCUMENT.

**LEGEND:**  
 - - - - - PROPERTY LINE  
 - - - - - SUBDIVISION LINE  
 - - - - - DISTRICT LINE  
 - - - - - FENCE LINE  
 X X X DAMAGED POINT  
 X X X AREA LIGHT  
 X X X POWER POLE  
 X X X SIGN  
 X X X SIGN  
 X X X SIGN

FINAL PLAT  
 FOR  
**TOWN OF KURE BEACH  
 DEVELOPMENT LINE**  
 TOWN OF KURE BEACH - FEDERAL POINT TOWNSHIP  
 NEW HANCOCK COUNTY - NORTH CAROLINA  
 SCALED 1" = 200'  
 PREPARED MAY 16, 2017 TO CLARIFY DEVELOPMENT LINE AND TO ADD 100' BEACH LINE

STATE OF NORTH CAROLINA  
 COUNTY OF NEW HANCOCK  
 I, \_\_\_\_\_, Clerk of \_\_\_\_\_ County, do hereby certify that the map on file in this office is a true and correct copy of the original map on file in this office and that the same is a true and correct copy of the original map on file in this office.

I, \_\_\_\_\_, Professional Land Surveyor No. 1-2317, certify that this plat was prepared under my supervision from an original survey made under my supervision from information furnished to me by the Town of Kure Beach, or other person, that the plat is a true and correct copy of the original map on file in this office and that the same is a true and correct copy of the original map on file in this office.

I, \_\_\_\_\_, Professional Land Surveyor No. 1-2317, certify that this plat was prepared under my supervision from an original survey made under my supervision from information furnished to me by the Town of Kure Beach, or other person, that the plat is a true and correct copy of the original map on file in this office and that the same is a true and correct copy of the original map on file in this office.

THIS DOCUMENT GENERALLY ISSUED, DRAFTED AND SCALED BY JOHN W. JONES, JR., PLS. 1-2317 ON MAY 10, 2017. THIS DEVELOPMENT LINE SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

ROBERT H. COOPER & ASSOCIATES, PA  
 LAND SURVEYORS - LAND DEVELOPERS  
 200 S. WILSON STREET  
 WILMINGTON, NORTH CAROLINA 28401  
 910-792-1111  
 WWW.RHCORP.COM

