

TOWN OF PINE KNOLL SHORES
BOARD OF COMMISSIONERS
REGULAR MONTHLY MEETING
July 11, 2018— 6:00 p.m.
Meeting Minutes

The Pine Knoll Shores Board of Commissioners held a Regular Meeting at 6:00 p.m., Wednesday, July 11, 2018, in the Board Room of Pine Knoll Shores Town Hall. The following were in attendance:

Board Members Present:

Ken Jones, Mayor
Clark Edwards, Town Commissioner
John Brodman, Town Commissioner
Bill Knecht, Town Commissioner
Larry Corsello, Town Commissioner
Ted Goetzinger, Town Commissioner

Staff Present:

Brian Kramer, Town Manager
Julie Anderson, Assistant Town Manager
Ryan Thompson, Police Chief
Jason Baker, Fire Chief
Kevin Reed, Town Planner
Sonny Cunningham, Public Works Director
Sarah Williams, Town Clerk
Neil Whitford, Town Attorney

Mayor Jones welcomed everyone, called the meeting to order, and led them in the Pledge of Allegiance.

Approval of the Agenda

The Agenda was approved unanimously on a motion by Commissioner Brodman with a second by Commissioner Edwards that passed unanimously.

Disclosures and Conflicts of Interest

Commissioner Goetzinger recused himself from voting and/or discussing anything pertaining to Maritime Woods.

Announcements

Mayor Jones welcomed a group of boy scouts that were in attendance. They came to the meeting to learn about local government and gain their merit badge. The Mayor then announced:

- Next Board Meeting: August 8
- Dinner with the Mayor: July 14, 5:30 p.m. CCCC

Public Comment

Buz Jenkins (130 Cypress Dr) President of PIKSCO asked the Board for a stipend since PIKSCO parks hosted many of the Town-wide events.

Wanda Mandeville (105 Live Oak Ct) asked that the dunes along Hwy 58 in the proposed Maritime Woods subdivision be preserved.

John Mandeville (105 Live Oak Ct) had concerns that ordinances and rules were not being followed in regards to the the proposed Maritime Woods subdivision and asked that the dunes along Hwy 58 in the proposed Maritime Woods subdivision be preserved.

John Fussell (1412 Shepard St Morehead City, NC) spoke about the importance of the Maritime forest and the placement of the proposed sidewalk in Town impacting the forest vegetation.

Robert Cox (260 Oakleaf) asked the that the dunes along Hwy 58 in the proposed Maritime Woods subdivision be preserved and the correct processes followed.

Christine Voss (116 Locust Ct) was concerned with the proposed Maritime Woods subdivision impacting the outstanding resource waters in Pine Knoll Shores.

John Clarke (President of PKA) asked for a moratorium on stormwater ordinances.

Presentation(s)Presentation and Award

Chief Ryan Thompson promoted Corporals Jordan Seitter and Cory Bishop to Sergeants and Officer Nancy Montanino to Police Officer II with the officers being sworn in by Mayor Ken Jones. All officers received standing ovations.

Consent Agenda

- Minutes from June 13, 2018
- Amendment to minutes from May 9, 2018 (page 3 of the minutes)
- Board re-appointments
- Surplus Property
- Tax Discoveries & Releases

Upon a motion by Commissioner Edwards, seconded by Commission Goetzinger, the Board unanimously approved the Consent Agenda.

Town Manager's Report

Sidewalk Grants: The 2016 estimate of \$529,000 has gone to \$650,000. The NCDOT STIP grant will be adjusted accordingly. The estimated cost for 10 foot wide mutli-use path would be \$1,115,000.

There is a Federal sidewalk grant, *the 2018 BUILD grant*, is being used to apply for 4.5 miles of sidewalk on Hwy 58. The Town-wide construction costs would total \$3,571,000. At a 20% share, the cost to Pine Knoll Shores would be \$703,000. The deadline for the grant is July 19.

Beach Re-nourishment Project: The Delta project with the USACE will not happen in 2018-19. The County will need to discuss options. The options available are: doing the entire island this winter, doing the island over 2 years (Emerald Isle's beach done this winter, Pine Knoll Shores and Indian Beach the next year), or do the entire island in 2 years. Waiting 2 years may provide better prices on dredging bids, there may be state funding, and the USACE DMMP may be able to provide some sand in 2019.

Quick Updates:

Stormwater Grant: The resiliency stormwater grant package was submitted to the State.

Tents on the Beach: Pine Knoll Townes II, a townhome unit in Pine Knoll Shores, asked if the Town was considering an ordinance for allowing tents on the beach. Manager Kramer spoke to other HOA's in Town and they did not believe tents on the beach were an issue.

Staff Reports

Finance/ Admin: Ms. Anderson reported that there would be some capital projects rolling over into the new fiscal year and that the County did not have funding for mosquito spraying. She also informed the Board that the Inspections Department was the busiest it had been in the last 20 years, she also pointed out there had been no inspection fee increase.

Planning: Mr. Reed informed the Board that the stormwater/ tree preservation committee wanted to bolster tree preservation. They would be focusing on current regulations, education, and how those characteristics relate to stormwater management. *LUCA:* Staff completed their review and provided feedback to the U.S. Census Bureau. No significant issues were found with the list that was provided to the Town.

Building/ Inspections: For the month of June 17 building permits were issued and a total of 83 inspections were performed. Permits generated over \$15,000 in fees. Two major landscape permits were scheduled for the July Planning Board meeting, located at 111 and 113 Dogwood Circle. 111 Dogwood was an already developed lot, the location for the septic tank at 113 was being proposed for 111, so a major landscape permit was needed for each.

Public Works: Mr. Cunningham reported the new LED lights in Town had been installed, mosquito spraying would be on Tuesday and Friday, and Atlantic Beach was still allowing the Town to utilize their yard waste truck.

Police: Police Chief Thompson gave an update on speed enforcement in Town: There was a 158% increase in speed citations for the year and 1029 vehicles had been stopped from the beginning of the year to June 30. Fireworks incidents were low for the 4th, he credited public education and officers patrolling the beach regularly throughout the holiday.

Fire: Fire Chief Baker encouraged everyone to start thinking about hurricane season, making sure you had your re-entry pass, and an evacuation plan. He offered a list for anyone that needed one. He reminded everyone that the department had smoke detectors at the station and his crew would install them in your home and/or check your existing ones. He reported that his crews were busy with training and that the new jet ski had already been used.

Unfinished Business

2018 Annual Agenda and Commissioner Reports

Mayor Jones reported that the Town's Independence Day parade had gone well and thanked Martha Edwards for her support of the event. He also thanked Town Staff, Natalie Gobble and Sonny Cunningham for their help with the beach clean-up. He said there were about 30 volunteers to clean the beach. He said that the trash was not too bad, but there were a lot of cigarette butts.

New Business

Consider a Request from Baker & Smith, LLC, for Review of a Preliminary Subdivision Plat for the Proposed Maritime Woods Subdivision

Town Planner Kevin Reed reviewed his memo with the Board, an excerpt is included:

The Town has received a request from Baker & Smith, LLC for review of a preliminary subdivision plat for the proposed Maritime Woods Subdivision (copy of and accompanying material are attached to this memorandum). The Planning Board approved a sketch plan for the proposed subdivision at its December 19, 2017. The next step in the subdivision process is preliminary plat approval.

The proposed subdivision is located on a 9.33 acre parcel at the corner of NC Highway 58 (Salter Path Road) and Pine Knoll Boulevard (NC 1746). The subdivision will contain 22 single-family lots and the property is currently zoned R-2 Residential. The R-2 Zoning District has a minimum lot size of 10,000 square feet as set forth in Section 74-283, "Minimum lot size". All of the lots meet the 10,000 square foot requirement with the smallest being 10,227 square feet (Lot 2) and the largest 22,129 square feet (Lot 22). Additionally, all of the proposed lots meet the minimum frontage requirement of 60-feet as set forth in Section 74-212, "Minimum street frontage". The subdivision will be accessed by a new public street, Evergreen Lane, which will have two connections to Pine Knoll Boulevard. These two connections are located in alignment with Roosevelt Boulevard and Pine Knoll Circle which meets the standard set forth in Section 66-4, "Design standards and improvements", Subsection (a)(3). The proposed public street right-of-way width is 35-feet which meets the standard set forth in Section 66-4, Subsection (a)(2)(a)(3). In addition to the right-of-way, the plan indicates a 10-foot utility easement on one side of the ROW and a 15-foot utility/sidewalk easement on the other side. The proposed pavement width is 18-feet which meets the standard set forth in Section 66-4, Subsection (a)(2)(c)(3). The preliminary plan indicates a 35-foot buffer along NC Highway 58 and NC 1746 (Pine Knoll Boulevard) which meets the standard set forth in Section 66-4, Subsection (e). The proposed street section also indicates a 5-foot sidewalk will be installed which meets the minimum width requirement set forth in Section 66-4, Subsection (a)(6)(b)(2). However, it should be noted that the proposed sidewalks along Salter Path Road and Pine Knoll Boulevard indicate that the 35-foot required buffer will be disturbed in some areas due to topography and the location of the sidewalk.

There are a number of issues/questions that need to be resolved which staff has brought to the attention of the engineer for the project. They are as follows and staff has included the responses received to date relative to those issues in italics.

- 1. Status of the required driveway permit from NCDOT for the two connections to Pine Knoll Boulevard as well as the sidewalks proposed along NC Highway 58 and Pine Knoll Boulevard. The engineer has informed staff that they have received confirmation from NCDOT that they will process the driveways on the standard NCDOT driveway permit form, but they want to process the sidewalks along HWY 58 and Pine Knoll Blvd as Tri-Party Encroachment Agreement. Since the installation of the sidewalks would impact the amount of clearing involved and since the Town may not wish to pursue its installation, they would like to submit the encroachment, especially since the Town would need to sign it as well after guidance from the Planning Board and Board of Commissioners. They request that these be added as a condition to preliminary plat approval.*
- 2. With regards to the wetlands, does US Army Corps of Engineers (USACE) have jurisdiction. If so, what is the status of USACE approval of wetland delineation? Additionally, is a permit required/pending for filing of the northern most wetlands located in proposed road? The engineer has the USACE does have jurisdiction on the wetlands shown on the plat. The USACE has approved the delineation and the Pre-Construction Notification (PCN) for filling the wetlands on the northern road has been submitted. Preliminary plat needs to have certification from USACE regarding wetland delineation.*
- 3. Will a stormwater plan be submitted in accordance with Pine Knoll Shore's stormwater regulations? If not, status of state permit and clarification that a waiver to Pine Knoll Shores stormwater standards will be sought with State permit in hand. The engineer has indicated they are requesting a waiver to the Town's requirements since they are filing for a state stormwater permit which will cover the entire site. Section 74-87 (3)(e) of the Town Code states, "Any project which is subject to state stormwater permitting, shall be granted a waiver from the requirements of this section. However, the town would prefer that these projects contain and infiltrate the first two inches of rainfall in a 24-hour period from any proposed development."*
- 4. What is status of approval of the design for the water distribution system? Any impact on pavement with regards to street cuts for meter/service installation? Engineer has indicated they are ready to submit formally to the Town for the water distribution system. No pavement cuts are proposed on Pine Knoll Blvd. The plan is to jack and bore a casing underneath the road. Town staff has reviewed the proposed system as shown on the preliminary plat with Public Services (Sonny Cunningham) and the Fire Department (Chief Jason Baker). Based on this review staff does have some comments to provide to the engineer relative to changes to the system.*
- 5. Status of electrical service to serve the proposed development. Engineer has provided a letter from C-CEC that they can service the proposed development. If street lighting is proposed it should be shown on the preliminary plat including location and type of lighting.*
- 6. Is the United States Postal Service (USPS) requiring a centralized mail delivery location? Engineer has indicated they will be required to provide a centralized facility for mail and will likely place a mail kiosk on the common area of the subdivision.*
- 7. Status of required State Erosion and Sediment Control Permit for the proposed development. Engineer has indicated they plan to submit after the Town approves the preliminary plat and has asked that approval of the plat be conditioned on the issuance of the State permit.*

8. *For proposed stormwater easements, please indicate who will be the “holder/recipient” of these easements. Engineer has indicated the developers will establish an owner’s association and they will hold any common areas. Language should be added to the plat that the easements are not conveyed to the Town.*

9. *Status of proof of septic suitability for the proposed 22 lots. Engineer has provided to the Town Septic System Improvement Permits issued by the Carteret County Health Department for all of the proposed 22 lots in the subdivision.*

The Planning Board considered the preliminary plat at its meeting held on June 26, 2018. At that meeting, the Board also considered the required Major Landscape Permit (MLP). Following the required public hearing for the MLP, the Planning Board voted unanimously to grant the MLP with the condition that the permit for tree removal be conditioned upon preliminary plat approval. The Board then considered the request for preliminary plat approval. Following its discussion of the request, the Planning Board voted unanimously to recommend to the Board of Commissioner that the preliminary plat be approved with the following conditions:

1. *Approval of State Stormwater Permit including a waiver of meeting Pine Knoll Shores’ stormwater regulations*
2. *Approval by NCDOT for the two “driveway” connections to Pine Knoll Boulevard*
3. *Approval by NCDOT for sidewalks along NC 58 and Pine Knoll Boulevard (subject to BOC action)*
4. *Approval by US Army Corps of Engineer (USACE) for filling of the northern most wetland area within Evergreen Lane ROW and USACE signature approving current wetland delineation*
5. *Approval of State Erosion and Sediment Control Permit*
6. *Approval of State permit for construction of the water distribution system*
7. *Approval from the US Postal Service on the location and design of the centralized mail delivery kiosk*

In accordance with Section 66-3, “Plat preparation and approval”, Subsection (e)(3)(c), the Board of Commissioners has the following options:

“If the board of commissioners concurs in the planning board’s action, a notation to that effect shall be noted on the plats. One copy shall be forwarded to the developer and the other copy shall be returned to the planning board. If the board of commissioners does not concur in the planning board’s action, it shall prepare a memorandum of its reasons and return the plats to the planning board for further consideration and appropriate further action.”

Commissioner Edwards asked for clarification about stormwater management of the proposed lot. Mr. Ron Culipher (engineer for the development) answered his inquiries while referring to the preliminary subdivision plat. An inquiry was made about saving a large tree near the mapped wetlands. Mr. Culipher answered that unfortunately, it would need to be removed if it was where the road was going.

Commissioner Brodman explained the processes for building a subdivision in Town and said that no construction would start until all the conditions were met. He asked Town Planner Reed if the lot was in the floodplain, Mr. Reed answered it was not.

Commissioner Knecht asked if the Planning Board had approved the preliminary plat. Mr. Reed answered that the Planning Board had reviewed and recommended the approval of the preliminary plat with the conditions set forth in the memo.

Commissioner Knecht made general inquiries about the wetlands located on the property. Mr. Reed answered his questions and there was general discussion on their use as a wetland retention basin and their preservation in the future.

Commissioner Corsello asked general questions about the process and asked Mr. Culipher for general timelines, Mr. Reed answered his questions referencing Town code and regulations. Commissioner Corsello asked about the proposed sidewalk and if it could be moved to the other side. Town Manager Kramer answered that moving it to the other side would align with the Pedestrian Master Plan (that the Town uses for guidance on sidewalk placement).

Commissioner Edwards made an inquiry about tree removal. Town Planner Reed answered that the tree removal met pre and post density requirements.

Commissioner Edwards made a motion to direct the Town Manager to work with the developer in lieu of requiring that the sidewalks be on the east side of Pine Knoll Blvd and placing them on the west side, along Pine Knoll Boulevard to Hwy 58 where they would connect to the Towns existing sidewalk. Commissioner Brodman made the second, with discussion. There was general discussion about the importance of having a sidewalk on Pine Knoll Blvd from Town Hall to Hwy 58. The motion carried unanimously by a show of hands, with Commission Goetzinger recusing himself.

Commissioner Edwards moved to not make any decisions until all of the external permits had been obtained. There was discussion and the developer stated that in order to move forward with plans and to gain those permits, he needed Town approval. There was no second.

Commissioner Brodman made a motion to concur with the recommendation of the Planning Board to accept the preliminary plat conditionally and that the Board of Commissioners meet for formal approval once all of the conditions were met. Commissioner Corsello made the second, and clarified that the Board was giving their conditional approval and would reconvene at a later date to confirm that the conditions had been met. The motion carried unanimously by a show of hands, with Commission Goetzinger recusing himself.

Adoption of a PKS Park Usage Policy

Manager Kramer presented a park usage policy to the Board. Excerpts from the memo are included:

Background:

The Town of Pine Knoll Shores currently hosts a number of town events at private homeowner's association parks (of a single HOA: PIKSCO). Pine Knoll Shores does not directly pay for this service. Instead, homeowner's associations provide their parks to help facilitate civic participation.

In lieu of payment, in recent years PIKSCO has come to the town to request donations annually. The town's access to parks was cited as a rationale for seeking aid from the town. In the past, The Board of Commissioners has expressed concern regarding repeated requests from one particular association. The hesitation of the Board of Commissioners stems from two reasons. First, the Board is worried about fairness. Although this year's entire town event schedule is located in parks of a single association, all associations have the potential to be used in any given year. Indeed, park location for civic activities is not stagnant; in the past, other parks have on rare occasions been used for town events. In addition, the Board would like any monies provided to associations to have a more explicit tie to functions either provided to the town or for those benefitting the town. A park usage fee would accomplish this objective. Second, the Board would prefer a more stable budget process. Standardization of a park usage fee would allow the town to budget every fiscal year for park usage, rather than consider mid year donation requests for varying amounts. The Board directed staff to examine the possibility of paying a park usage fee to the associations in exchange for their hosting of town civic events.

Current Status:

The policy of the PIKSCO and PKA organizations is to allow membership to use parks for special events such as cook-outs and parties without charge. The Town of Pine Knoll Shores is a dues-paying member of both associations. Non-members, meanwhile, are not allowed access privilege at all.

In 2017, Pine Knoll Shores sponsored 11 unique civic events. 10 of the 11 events were held at homeowner association (all PIKSCO) parks and one was on Roosevelt Boulevard. Of course, the number of town civic events is subject to change.

Relationship to Strategic Plan:

A park usage fee would relate to the Strategic Plan. Specifically, it would address:

Strategic Area Sense of Community, Objective 2: Seek and support civic activity to bring citizens together

Strategic Area Fiscal Planning, Objective 1: Responsibly steward the Town's financial resources

Existing Town HOA Financial Facts:

1. *The Town of Pine Knoll Shores pays dues in the amount of \$650.00 to PIKSCO annually for 5 lots.*
2. *The Town of Pine Knoll Shores pays dues in the amount of \$100.00 to PKA annually for 1 lot.*
3. *The Town of Pine Knoll Shores pays \$400.00 to Waste Industries for trash pick-up at 3 PIKSCO parks: McNeill, Garner and Hammer; however if they paid solid waste fees, the total would be around \$555.00*

The Town of Pine Knoll Shores pays \$521.00 to Waste Industries for trash pick-up at 4 PKA parks: Brock Basin, Hall Haven, and Ocean (x2); however if they paid solid waste fees, the total would be around \$555.00

4. *No Charge for Park Usage*
5. *Miscellaneous Support (Sonny)*

Options:

- I. *The total town usage of the parks comes out to eight half days and one full day per year. Generally, park fees in other communities range from \$50 for picnic shelters or other basic infrastructure to a few hundred dollars for use of an entire park. During the budget meeting on April 25, Buzz Jenkins spoke on behalf of PIKSCO during public comment and requested the town pay a stipend to PIKSCO for*

the use of their parks. Adopting a use fee within this figure range presents the following scenarios based on the present town civic event schedule:

- a. \$50 for a ½ day and \$100 for a full day Total: \$500
- b. \$75 for a ½ day and \$150 for a full day Total: \$750
- c. \$100 for a ½ day and \$200 for a full day Total: \$1,000

II. *Another option would be to create a fee amount per event size. An example of this payment method would be as follows:*

- a. *K4W: \$250 lump sum for use of both McNeill and Garner Parks together.*
- b. *Other large events (Easter Egg Hunt, Turkey Trot, PKS Fishing Tournament for instance): \$100 per event.*
- c. *Smaller events (CC Senior Games, Independence Day Parade, Christmas Flotilla, Christmas Parade): \$50 per event.*

The total with such a schedule would be roughly \$750 dependent on total adopted activities.

III. *K4W donation to PIKSCO*

IV. *Garden Club, Library-annual donation*

V. *Non-monetary compensation-example: spray their parks*

HOA's PAY FOR SOLID WASTE FEES

Commissioner Knecht suggested making the donations part of the budget process.

Commissioner Knecht made a motion to donate \$750 to PIKSCO for the current fiscal year and to include it in the budget process for next FY, Commissioner Goetzinger made the second and the vote passed unanimously.

Commissioner Knecht made a motion to ask the solicitor to draw up the paperwork to consolidate the 5 Town-owned lots in PIKSCO, Commissioner Goetzinger made the second and the motion passed unanimously.

Agenda Items for Next Meeting

There were no items discussed.

Public Comment #2

John Fussell estimated that his estimate was that 5 of the 65 acres of Maritime forest would be destroyed by the new proposed sidewalk. The existing vegetation acted as a barrier to the forest, protecting it. He was concerned about species being impacted.

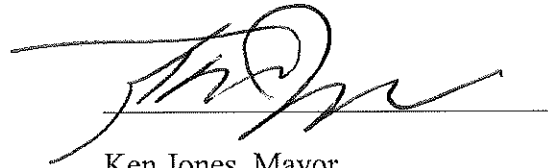
Commissioner Brodman suggested that Mr. Fussell ask the State to allow the Town to move the sidewalk closer to the road.

John Mandeville, Live Oak Ct, expressed his concerns with the conditions for the proposed preliminary plat and stormwater runoff.

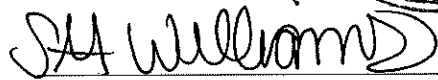
Steve Felch, 105 Yucca Ct, said he was concerned with the trees and vegetation that would be disturbed by the proposed sidewalk and would like to try to mitigate the damage by moving the sidewalk closer to the road.

Adjournment

The Board Adjourned on a motion by Commissioner Corsello with a second by Commissioner Brodman that passed unanimously at 8:14 p.m.



Ken Jones, Mayor



Sarah G. Williams, Town Clerk