

Town of Pine Knoll Shores Board of Commissioners
Regular Monthly Meeting
May 10, 2017
6:00 PM

Call to Order and Pledge of Allegiance

Mayor Jones called the May 10, 2017 First Regular Monthly Meeting of the Pine Knoll Shores Board of Commissioners to order at 6 PM and led the Pledge of Allegiance. Also present for the meeting were Commissioners Clark Edwards, John Brodman, Larry Corsello, Fred Fulcher and Ted Goetzinger; Town Manager Brian Kramer; Assistant Town Manager/ Finance Officer Julie Anderson; Public Services Director Sonny Cunningham; Building Inspector Jim Taylor; Fire Chief Jason Baker; Police Chief Ryan Thompson; Town Clerk Sarah Williams; and Town Attorney Richard Stanley.

Approval of the Agenda

The agenda was approved unanimously on a motion by Commissioner Corsello with a second by Commissioner Edwards.

Disclosures/Conflicts of Interest

Commissioner Goetzinger said that he planned to recuse himself from any vote on the undeveloped parcel at the corner of Pine Knoll Blvd and Hwy 58.

Announcements

Mayor Jones announced that the next Board Meeting would be May 24, 2017 at 6 p.m., that the Kayak for the Warriors Beach Run, Fun Run, & Walk would be May 27, 2017, Town Hall would be closed on May 29, 2017, and that the Kayak for the Warriors Auction would be June 1, 2017 and the race June 3, 2017.

Mayor Jones read a letter from the Pine Knoll Shores Garden Club thanking Town staff for their help and the Board for their contribution and support.

Public Comment

Terry Hassler, 308 Pine Knoll Circle, spoke in opposition to the proposed development at the corner of Pine Knoll Blvd and Hwy 58.

Mary Jane Munch, 106 Live Oak Ct, spoke in opposition to the proposed development at the corner of Pine Knoll Blvd and Hwy 58.

Barbara Pagels, 144 Arborvitae Dr, spoke in opposition to the proposed development at the corner of Pine Knoll Blvd and Hwy 58.

Martha Edwards, 106 Carob Ct, would like to see bike trails in the state-owned parcels located in Pine Knoll Shores. She is forming a committee to look into the issue and asked the Board and public, for their help and support.

John Godfrey, 106 Acorn Ct, asked that when members of the public comment on the proposed lot at the corner of Pine Knoll Blvd and Hwy 58 that they not make personal attacks.

Consent Agenda

The consent agenda, consisting of the minutes from the meetings on April 12, 2017 and tax discoveries and releases, was approved unanimously on a motion by Commissioner Edwards with a second by Commissioner Brodman.

Town Manager's Report

Manager Kramer reported on the following:

Senate Bill 126: Manager Kramer informed the Board that SB126 had been approved by the Senate Finance Committee and that Pine Knoll Shores could lose \$70,000 annually. The NCLM was expecting a significant fight in the house. He let the Board know that he and Mayor Jones (as well as delegates from Emerald Isle and Morehead City) would be traveling to Raleigh on May 24 for a legislative breakfast on this issue.

Beach Nourishment Fund: The General Assembly has established a fund for coastal storm damage reduction. This will be a dedicated state fund for beach nourishment. No money has been allocated to the fund, but having it as a placeholder in the General Statutes is an achievement.

CCEC Tree Removal on Hwy 58: Manager Kramer informed the Board that the tree trimming was moving toward Pinewood. The lots between Dogwood and Memorial Park had taken more time than other areas due to the vegetative growth.

Town Manager Kramer provided some updates to the Board: Manager Kramer let the Board know that the flagpole would be installed prior to Memorial Day and that on May 18th at 10 a.m. UNCW students would be presenting a study on impervious surface differences between 1993 and 2014.

Staff Reports

ATM/FO Anderson informed the Board that the auditor would be coming the following Monday for an interim audit.

Building Inspector Taylor informed the Board that there were a total of 107 inspections, 64 permits were issued and that \$2,607 was collected in permit fees for the month of April. He informed the Board that there were potentially three major landscape permit applications that the CAC would be reviewing at their June meeting and that 101 Maple Ct., a home that had been damaged by fire, had been issued a demolition permit.

Chief Baker informed the Board that the application for the PKS FD to become paramedic had been approved by the state and that the station should be operating with a paramedic by July 1. Mayor Jones congratulated Chief Baker on his inspection going well. The inspection was performed by the State Fire Marshall, a branch of the Department of Insurance.

Chief Thompson reminded the Board that the spay and neuter program at the Public Safety Building would be the Saturday following the Board meeting and that with the speed limit reduction there have been fewer crosswalk accidents.

Public Works Director Cunningham reported that his staff had been rehabbing storm drains, mosquito spraying had started, there had been two water main breaks, and that they were working on taking down the flagpole at the Public Safety Building so that the new one could be put up.

Public Hearing

Commissioner Edwards made a motion that passed unanimously to go into a public hearing for the rezoning of Pine Knoll Blvd/ Hwy 58 parcel seconded by Commissioner Brodman.

Martha Edwards, 106 Carob Ct., asked that the facts be given, not innuendos.

Joan Lamson, 110 Arborvitae Dr, asked the Board to re-consider the original zoning application that was for conditional zoning.

Paula Stadium, 124 Beechwood Dr. asked the Board to move forward with R2 zoning.

Amy Hahn, 3701 Mandy Ln. Morehead City who works at PKS Realty and volunteers with PKS events asked that the Board rezone to R2.

Bobbi Hill, 565 Salter Path Rd, asked the Board for their endorsement (and to move forward with the R2 zoning) and she felt that the town guidelines were consistent with the plans for development.

Marion Goetzinger, 130 Arborvitae Dr, said that the developer is nature-friendly and will take care of the development. She asked the Board to vote for R2 zoning.

Craig Letchner, 146 Mimosa, stated there was a person hanging the American flag upside down in neighborhood but it had been corrected. He had nothing to add to the re-zoning discussion. He felt everything had been said.

Abby Wiser, 104 Live Oak Ct, gave/read a statement for Robert and Amory Cox asking the Board not to rezone the property and study the parcel.

Suzanne Wheatcraft, 2 West Court, (also owns 111 Live Oak Ct) asked the Board to consider all of their options.

Marsh Cobin, 103 Live Oak Ct., spoke against rezoning the parcel to R2. He referenced the varying topography and read an excerpt from the Town's Strategic Plan from the "Environmental/ Natural Resources" objective.

Wanda Mandeville, 105 Live Oak Ct, asked the Board to maintain the current OP zoning and work with the owners of the property to preserve property.

May 10, 2017 6 PM

Elizabeth Brown, 108 Live Oak Ct, read letter from Theodore Roosevelt IV that said he was concerned about disturbing the eco system and bio diversity and asked the Board to consider putting the parcel into permanent conservation. *This letter is included herein by reference and attached to these minutes.*

John Mandeville, 105 Live Oak Ct, would like clarifications on the plans and said that if the R2 zoning was going to go through, then the Town should make the most of it.

Larry Baldwin, Crystal Coast Waterkeeper, expressed concern about the speed of the project. He would like to see the project slow down, the lot to be preserved, and he urged both sides to slow down.

David Abernathy, 123 Cypress, said he was in favor of re-zoning and believed that the current zoning was less favorable than residential zoning. He continued that if interested parties wanted to buy the property and make the land a park, then they needed to come together and buy the land.

Don Hathaway, 106 Hemlock Ct., said that his property backs up to the parcel in question. He proposed that the zoning stay until the next election in November and the residents could vote for or against for making the town a park.

Dr. Pete Peterson, 230 Oakleaf, said that the parcel in question has interesting topography with wetlands and an old dune system and that it was not impossible for people to come together to buy the land. He referred to a group that had tried to buy the land the west of Pine Knoll Blvd when talk of developing that parcel started. The group had come very close to purchasing the property.

John Fussell, 1412 Shepard St. Morehead City, he has a master's degree in Zoology, Botany from NC State Referenced charts from 1875 where most of the island was maritime forest used to walk the forest when it was heavily wooded, have a list of breeding birds from 1971 in PKS. He said that every year the town loses a little bit of maritime forest and that the last tract of maritime forest was owned by PKS/ Beacon's Reach.

Mayor read letter from Sister Mary Filand urging the Board to re-zone the parcel to R2.

The Board came out of the public hearing on a motion by Commissioner Edwards with a second by Commissioner Corsello.

Unfinished Business

Re-Zoning Pine Knoll Blvd/ Hwy 58 Parcel

Attorney Richard Stanley spoke to the Board and let them know they could approve, deny, or decide that the parcel uses be studied more before making a decision. He informed the Board that they had valid standing and information necessary to make a rezoning decision.

Manager Kramer presented slides to the Board. They are incorporated herein by reference and attached to these minutes. He informed the Board that he had spoken to the Coastal Federation about a conservancy agency. The N.C. Coastal Federation suggested he have Dr. Pete Peterson and Mr. John Fussell look at the land and that he called the N.C. Land Conservancy about helping to purchase the 4.4 acres of the

southern property that would be hard to build on. Manager Kramer said that he had spoken to the developer and that he was willing to consider the idea and that the area would need to be surveyed and appraised.

Commissioner Corsello expressed his concern with the lot due to the differing views from the public on how they felt about uses for the parcel. He did not feel that the Town is in a position to buy the land and that the parcel provided a good chance to have an age-friendly neighborhood. He didn't feel that the Board would be able to know if buying a section of the parcel would work without the Board first rezoning the parcel and then discussing the possibility of buying the southern portion (of the parcel).

Commissioner Edwards made a motion to have further study on the parcel as stated in the Land Use Plan, with a second by Commissioner Fulcher with further discussion.

Commissioner Brodman noted that he had always favored conditional zoning and that with conditional zoning, more information would have been needed (as compared to an R2 application) particularly a major landscape permit. Then the Planning board would have had the tools to make an informed decision. Commissioner Brodman said that he did think R2 was better than OP and that when someone comes in to request rezoning to R2, the BOC is not approving any development. They are allowing someone to put together a proposal to develop the property and that all of the approvals would come in the next steps. He stated that he was in favor of slowing things down and studying things before making a decision.

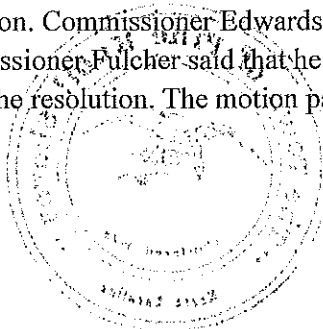
Commissioner Fulcher said that whatever was proposed for the parcel should be compatible with the other neighborhoods and he commended the Manager Kramer for coming up with the facts and for gathering data and information about the lot. He urged citizens to put on a referendum and vote on the land.

There was further discussion on the parcel and the possibility of using another town-owned parcel as a possible match for grant funding, if the Board moved forward with buying the southern portion of the parcel. Attorney Stanley advised the Board to put a time-limit on the study of the lot.

Commissioner Edwards amended his motion to make the study up to 60 days, with a second by Commissioner Fulcher. The motion passed 3-1 with Commissioner Corsello voting against.

Sidewalk Funding and Resolution

Mayor Jones asked that the date of the adoption of the pedestrian plan be added to the sidewalk resolution. Commissioner Brodman moved to approve the resolution as amended with a second by Commissioner Goetzing, with discussion. Commissioner Edwards said that he would still like to consider multi-use paths as well. Commissioner Fulcher said that he was against sidewalks and removal of vegetation, so he would vote against the resolution. The motion passed 4-1 with Commissioner Fulcher voting against.



2017-2018 Budget

Manager Kramer reviewed the proposed 2017-2018 budget with the Board. Manager Kramer reviewed the model/budget timeline with the Board: during the 2nd meeting in May, Manager Kramer reads the budget message and the Board calls for a Public Hearing at their June meeting.

Commissioner Fulcher questioned why the Town would spend \$41,000 to design sidewalks and made a motion to remove the \$41,000 for sidewalk design and add it to the General Fund with a second by Commissioner Corsello. There was discussion on allocating funding for sidewalk design. The motion failed 2-3 with Commissioners Edwards, Brodman, and Goetzing voting against.

2017 Annual Agenda and Commissioner Reports

Commissioner Edwards noted that the History Display for the Board Room is moving forward.

Commissioner Corsello said that the financial policy had been reviewed and could be removed from the Annual Agenda, as well as sand fencing. There were no objections to having those 2 items removed.

New Business

2016-17 Budget Amendment

The budget amendment passed unanimously on a motion by Commissioner Edwards with a second by Commissioner Brodman.

Agenda Items for Next Meeting

There were no additions.

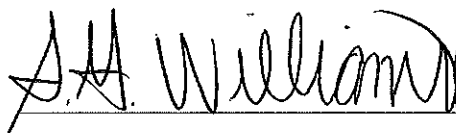
Public Comment

John Mandeville, 105 Live Oak Ct, asked the Board how the public would stay involved during the 60 day study process.

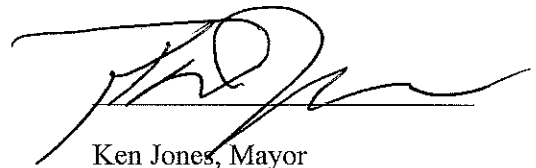
Commissioner Edwards answered that some of the discussion would be done through Town meetings. Commissioner Fulcher asked Attorney Stanley about the developer meetings. Attorney Stanley answered that he assumed that Manager Kramer would hold those meetings and present his findings to the Board at their Board meetings.

Adjournment

The Board Adjourned on a motion by Commissioner Fulcher with a second by Commissioner Edwards that passed unanimously at 8:40 PM.



Sarah G. Williams, Town Clerk


Ken Jones, Mayor

Town Manager Report May 2017

Senate Bill 126

- Approved by Sen Finance Committee
- Loss forecasts increased: PKS now stand to lose \$70K annually
- NCLM: significant fight in House
 - May hold off until July 2018?
 - May adjust distribution
- Ken and I (EI, MHC); to Raleigh on 24 May

CCEC Tree removal on Hwy 58-

- Started on Monday as planned
- PKS rep (not an Arborist) will be on site
- Opportunity to meet with CCEMC on their own (e.g. Oceans)
- 2 month long project, per CCEC---may stop if veg growth takes off

NCGA establishes Fund for Coastal Storm Damage

- Dedicated rev source for our beaches
- But: no \$ allocated
- Rudi: Placeholder....but in b/w in Raleigh
- Good anyway---achievement for NCBIWA's
- Rep McElRaft supprting

Ref only

General Assembly Of North Carolina Session 2017

Page 198 Senate Bill 257 S257-PCS55078-MLxfr-10 [v.5]

SECTION 13.11. *Article 21 of Chapter 143 of the General Statutes is amended by adding a new Part to read:*

"Part 8D. Coastal Storm Damage Mitigation.

"§ 143-215.73M. Coastal Storm Damage Mitigation Fund.

(a) Fund Established. – The Coastal Storm Damage Mitigation Fund is established as a special revenue fund. The Fund consists of General Fund appropriations, gifts, grants, devises, monies contributed by a non-State entity for a particular beach nourishment or damage mitigation project or group of projects, and any other revenues specifically allocated to the Fund by an act of the General Assembly.

(b) Uses of the Fund. – Revenue credited to the Fund may only be used for costs associated with beach nourishment, artificial dunes, and other projects to mitigate or remediate coastal storm damage to the ocean beaches and dune systems of the State.

(c) Conditions on Funding. – Any project funded by revenue from the Fund must be cost shared with non-State dollars as follows:

6/6/2017

(1) The cost share for dredging projects located, in whole or part, in a development tier one area, as defined in G.S. 143B-437.08, shall be at least one non-State dollar for every three dollars from the Fund.

(2) The cost share for dredging projects not located, in whole or part, in a development tier one area, shall be at least one non-State dollar for every two dollars from the Fund.

(d) Return of Non-State Entity Funds. – Non-State entities that contribute to the Fund for a particular project or group of projects may make a written request to the Secretary that the contribution be returned if the contribution has not been spent or encumbered within two years of receipt of the contribution by the Fund. If the written request is made prior to the funds being spent or encumbered, the Secretary shall return the funds to the entity within 30 days after the later of (i) receiving the request or (ii) the expiration of the two-year period described by this subsection."

Joan Lamson
Maritime Woods Project
Public Hearing
May 10, 2017

1. The subject property is not a park. It is privately owned and currently zoned O/P. The current owner or a developer who purchases the property **without any rezoning** can build a multi story office building there and a large parking lot to accommodate employees and clients.
2. There has been no discussion at this time with the prospective developer of building anything other than single story cottages suitable for age-friendly homeowners. Not condos, not townhouses.
3. More and more persons aging into their 70's, 80's and even 90's would be able to stay here in Pine Knoll Shores if more suitable housing was available. Many of us do not want the "early check-in" to a costly institutional setting. We want to continue independent living as long as possible near our friends and doctors and dentists we know and trust. We might have 10 years before we need assisted living services.
4. Pine Knoll Shores is, and has been an attractive location for persons nearing retirement and that trend looks to be continuing as more of the baby-boomers reach time for a simpler life-style. Many folks here call this paradise. And, I've heard many of you in the audience say that as well.
5. All municipalities seek "economic development." Good development increases the tax base and enables the municipality to continue needed services to its residents at lower and more stable tax rates.
6. All development is not "good" development. We have an opportunity on this undeveloped piece of land to build a community that will continue to define Pine Knoll Shores well into the future as a community of respectful, caring, compassionate, and environmentally friendly citizens.
7. What if the Community College had an interest in offering classes in Pine Knoll Shores? A Community Center might be an ideal location. The zoning change originally asked for CZR/CZC will result in a better designed community and I respectfully ask that the Board of Commissioners consider approving the original request.
8. Thank you for your consideration.

My name is Wanda Mandeville. My residence in Pine Knoll Shores is 105 Live Oak Court.

Major Jones, Town Commissioners, staff, and neighbors,

It's All About the Character of PKS. I am opposed to the rezoning of the 9.3 acres from OFFICE AND PROFESSIONAL TO R2 ZONING. For decades this property has been zoned as O&P and has provided valuable protection for the town of pine knoll shores and the natural habitat residing there. I respectfully ask that you maintain the current O&P zoning. I believe this is in the best interests of the town and its residents. I also ask that the town work with the owners of the property of this largest tract of undeveloped acreage along Bogue Banks for this property to be preserved permanently. Avenues to be studied may include accepting private donations, and grant funding requests to both non-profit conservationist and environmental groups, and state agencies such as the Clean Water Management Trust Fund. With its heavily wooded canopy of trees and vegetation, this parcel has provided and can continue to provide protection of endangered fauna, flower, birds, wildlife, etc. I ask that this area be maintained as part of our state's maritime forest. This parcel should be designated as a passive park providing a learning laboratory for people of all ages for three purposes: (1) to seek solitude, (2) to learn all about our natural environment, and (3) most importantly, to appreciate the beauty our Heavenly Father has given us. Aside from the Indians who were the original inhabitants of this land, our town's first environmentalist, Alice Hoffman, desired to keep areas of this town as natural as possible. To preserve the character of PKS and these precious natural resources, I ask that you deny the rezoning request. Thank you.

Dear Commissioners,

A number of your constituents have asked me to share my views with you about the merits of preserving the nine acre parcel located on the NW corner of Highway 58 and Pine Knoll Boulevard. I am doing so with some hesitation as I recognize that I am an outsider and not a member of the Pine Knoll Shores community. This particular parcel is representative of a type of coastal shore land that is under immense development pressure. In this instance it is also part of the breeding habitat for the painted bunting one of our nation's loveliest birds. Sadly, the painted bunting is designated a species of concern by the US Fish and Wildlife Service. Furthermore, because of its beauty it is frequently trapped in Mexico and Cuba and sold to the wildlife trade. We should do everything that we can to protect the bird. The parcel also has a small wetland which would in all probability be threatened by the high density development that you are considering. Coastal wetlands are a small fraction of what they were at the end of the 19th century and should be protected as they are essential for maintaining biodiversity.

May I respectfully ask you to reconsider the idea of developing this parcel and put it into permanent conservation where it will be available for the residents of Pine Knoll Shores and their children's children to enjoy? I believe that we all have a responsibility to act as stewards for the land and wildlife and putting this parcel into permanent conservation would be a magnificent way of meeting this obligation.

Sincerely yours,

Theodore Roosevelt IV

