

**Town of Pine Knoll Shores Board of Commissioners**  
**Regular Monthly Meeting**  
**April 12, 2017**  
**6:00 PM**

**Call to Order and Pledge of Allegiance**

Mayor Jones called the April 12, 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 Planner Scott Sherrill; Town Clerk Sarah Williams; and Town Attorney Neil Whitford. There were 69 members of the public.

**Approval of the Agenda**

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

**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 April 26, 2017 at 6 p.m., Town Hall would be closed on April 14, 2017, the Easter Egg Hunt would be April 15, 2017 at 10 a.m. at Garner Park, and that the Kayak for the Warriors Beach Run, Fun Run, & Walk would be May 27, 2017.

**Public Comment**

*John Godfrey, 106 Acorn Ct.*, spoke in favor of the proposed development.

*Dick Belanger, 107 White Ash Dr.* spoke in opposition of the proposed development.

*Amory Cox, 258 Oakleaf*, said that she would wait to speak out about the new project after the Planning Board made their re-zoning decision but she felt that there was a conflict of interest with Commissioner Goetzinger being present at meetings.

*Marsh Cobin, 103 Live Oak Ct.* spoke in opposition to development.

*Everett Thomas, Rector of St. Francis by the Sea*, spoke in favor of the proposed development.

*Bobbi Hill, Ocean Grove West 565 Salter Path, S2* spoke in favor of the proposed development.

*Buz Jenkins, 130 Cypress Dr.*, spoke in favor of the proposed development.

*Paula Stadiem, 124 Beechwood Dr.*, spoke in favor of the proposed development.

*David Abernathy, 123 Cypress,* spoke in favor of the proposed development.

*Wanda Mandeville, 105 Live Oak Ct.,* spoke in opposition of the proposed development.

*Marian Goetzinger, 130 Arborvitae Dr.,* spoke in favor of the proposed development.

*Robert Cox, 260 Oakleaf,* thanked the Pine Knoll Shores Police Department for their work and spoke in opposition of the proposed development.

*Bill Knecht, 538 Coral Drive,* spoke in favor of the proposed development.

*Jan Corsello, 139 Loblolly Dr.,* wanted the Town to consider purchasing the land or having an environmental group, like a land conservancy, purchase the property.

*Renee Rogers, 107 Mulberry Ct.,* gave her support for the proposed upcoming changes to the Town's dock ordinance. She asked that the Town also consider modifying the ordinance to allow for a kayak launch to be outside of the 6ft barrier.

*Craig Letchner, 146 Mimosa,* spoke in favor of the proposed development.

*Dominic Baccollo, 103 Cypress Dr.* spoke in support of the Planning Boards decision to recommend not rezoning the proposed development.

### **Presentation**

#### **Safe Boating Proclamation**

Mayor Jones proclaimed the week of May 20-26, 2017 to be National Safe Boating Week. JB Bagby, from the Fort Macon Sail and Power Squadron, along with the new Squadron Commander, were in attendance for the proclamation.

### **Consent Agenda**

The consent agenda, consisting of the minutes from the meetings on March 7, 2017 and March 22, 2017, and tax discoveries and releases, was approved unanimously on a motion by Commissioner Edwards with a second by Commissioner Goetzinger with changes to change "fire truck" to "ambulance" in the March 22, 2017 minutes.

### **Town Manager's Report**

Manager Kramer announced this would be Planner Sherrill's last board meeting and that Planner Sherrill would be leaving the Town of Pine Knoll Shores to work for the town of Concord, NC.

*Rezoning of the Parcel at the corner of Hwy58& Pine Knoll Blvd:* Manager Kramer informed the Board that the developer was amending his request to rezone to R2 and that the Planning Board would consider the request at their meeting on April 25, 2017. He explained that if the Planning Board recommended rezoning at that meeting, a public hearing could be called at the April 26 meeting of the Board of

Commissioners.

*CCEC Tree Removal on Hwy 58:* Manager Kramer informed the Board that approximately 1.4 miles moving east had been done so far and that the majority of what had been removed was volunteer and vine growth. CCEC plans to keep going to Memorial Day. He also noted that the HOA's that had engaged one-on-one with Temple's Tree Service had been satisfied with the work.

*Senate Bill 126:* Manager Kramer informed the Board that SB126 was still pending and that Pine Knoll Shores could stand to lose between \$28,000.00 and \$40,000.00. Town Manager for Emerald Isle, Frank Rush, had proposed an alternative to Senator Brown that would change the State-local split for only Tier 1 counties and spread the lost revenue state-wide.

*HB 340—Creation of a Firefighters Separation Allowance:* HB 340, Manager Kramer explained that the allowance would be set up similar to the law enforcement separation allowance. It would provide firefighters with a stipend from their retirement until age 62 and would go into effect in 2022. Manager Kramer suggested that the Town start planning the budget for this unfunded mandate.

*Crosswalks:* Manager Kramer informed the Board that the NCDOT is still considering the speed limit change request and he preferred to wait and install the small signs once the speed limit was reduced. The Town has not ordered any pedestrian activated lights because they are waiting to see if their request to Senator Sanderson will help with funding. Chief Thompson and Commissioner Edwards have identified the low light areas in Town. Some need simple arm extensions and some may require some new poles. Manager Kramer will get quotes. The main work has been in the safety campaign plan. Chief Thompson has applied for the "Watch for me NC" program and has been talking to Police Chiefs across the county, the Trinity Center, and the N.C. Aquarium to get the word out to the public. Chief Thompson is going to use Memorial Day as an education, "Yield or Ticket'.

Manager Kramer reported that there had been another crosswalk accident at the Hampton Inn, a vehicle stopped and was rear ended.

Commissioner Corsello expressed that with pedestrian activated lights, streetlights would not be necessary. Commissioner Edwards asked that the NCDOT to be reminded about safety when considering the speed limit change and Commissioner Fulcher objected to the crosswalk issue. He felt that it was the responsibility of the pedestrians.

*Town Manger Kramer provided some updates to the Board:* Manager Kramer let the Board know that the flagpole would hopefully be installed within the next several weeks and that they were planning a ceremony associated with it for Memorial Day; the ECC would be starting the water system mapping in 3 weeks; since the Bogue Banks Water connection had not come to fruition, PWD Cunningham has come up with an option to measure water going in either direction. It will be a meter that sits on top of the 6 inch line, and will be about \$4,500.00, instead of the \$50,000.00 originally budgeted. Manger Kramer said he was going to initiate this project; Manager Kramer explained that the hike in tax values for the Town was an error.

### **Staff Reports**

ATM/FO Anderson explained that the tax value that Manger Kramer referred to was real property taxes and that Town Clerk Williams would be graduating from the Municipal and County Administration class at Chapel Hill's School of Government at the end of April.

PWD Cunningham informed the Board that the new employee had started and they would be starting work on the flagpole.

Building Inspector Taylor informed the Board that there were a total of 94 inspections, 83 permits were issued that \$8,495 was collected in permit fees for the month of March. He informed the Board that there two major landscape permit applications that the CAC would be reviewing at their April meeting, he was working with Beacons Reach on their pool, and that CCCC was considering a playground area with kayak access.

Chief Baker informed the Board that the application for the PKS FD to become paramedic had been turned into the state.

Chief Thompson informed the Board that Officer Montanino was organizing a spay and neuter program at the Public Safety Building, and that he was hopeful that the onsite assessment done by the NCLM for their risk assessment would be done in the next month.

Planner Sherrill informed the Board that he would include a resolution in their May agenda for sidewalk funding for the 2019-2029 STIP and that the tree diameter subcommittee would be recommending their drafted ordinance to the CAC soon; the UDO subcommittee would be meeting April 17<sup>th</sup> at 2 PM and that the Planning Board would be holding a special meeting on April 20 at 3PM to review the Town's subdivision process.

John Halada, Strategic Planning Committee Chairman, shared initiatives with the Board that the SPC had developed. He informed the Board that the Town would be participating in a resiliency evaluation program; there was no monetary requirement and the project would take about 2 years to complete. He asked the Board to pay \$365 to participate in an asset mapping project that would help create a community vision.

Commissioner Edwards asked residents to be mindful of disposing old medications and to not flush them because they can get into the drinking water.

### **Unfinished Business**

#### **Docks**

Manager Kramer explained that the Town was making some changes to the dock ordinance. The current ordinance was discussed, along with some recommendations. Manager Kramer informed the Board they would have a proposed draft at their April 26 Board meeting.

## **2017 Annual Agenda and Commissioner Reports**

There was nothing to report.

### **New Business**

#### **Updating ROW Ordinance, 50-8**

The changes to Ordinance 50-8 remove "along the rights-of-way of Knollwood Drive, Bay Street and Pinewood Circle" from the ordinance passed unanimously on a motion by Commissioner Brodman with a second by Commissioner Goetzinger, and discussion by Commissioner Edwards. Commissioner Edwards asked Chief Thompson if No Parking signs would still be valid, no matter their placement in Town. Chief Thompson answered that they would.

### **PARC Survey**

Commissioner Brodman explained that every 5 years the PARC does a survey to see if the residents' needs are being met. The survey will be available to everyone online and in hard copy to those who do not have online access. The SPC added some questions and the PARC voted to send the survey to the Board of Commissioners. Commissioner Goetzinger asked to expand the question on employment and to add a question about being primary or secondary resident.

### **Agenda Items for Next Meeting**

Commissioner Edwards reminded everyone that the History Committee would be taking the display down at the History Place.

### **Public Comment**

*Amory Cox, 258 Oakleaf*, apologized to Commissioner Goetzinger's wife for stating that both Mr. and Mrs. Goetzinger were owners of the Pine Knoll Shores Realty but that she still felt there was a conflict of interest.

*Ted Linblad*, spoke in favor of the proposed dock changes.

*John Mandeville, 105 Live Oak Ct*, spoke in opposition to the proposed development.

*Marian Goetzinger, 130 Arborvitae Dr.*, spoke in favor of the proposed development.

*Robert Cox, 258 Oakleaf*, spoke in opposition of the proposed development.

*Larry Baldwin, Crystal Coast Waterkeeper*, spoke in opposition of the proposed development and wanted to reinforce Commissioner Edwards's earlier statements about disposing of medicines properly.

*Shannon Smylie, 128 Loblolly*, spoke in favor of the proposed development.

**Recess**

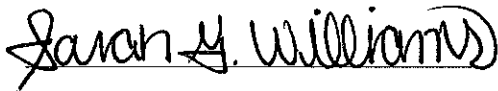
The Board took a recess from 8:13 until 8:23 PM.

**Closed Session in accordance with NCGS 143-318.11(a) (6)**

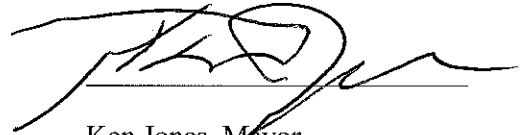
The Board went into closed session at 8:23 PM on a motion by Commissioner Fulcher with a second by Commissioner Brodman that passed unanimously.

**Adjournment**

The Board came out of Closed Session and Adjourned on a motion by Commissioner Edwards with a second by Commissioner Fulcher that passed unanimously at 8:35 PM.



Sarah G. Williams, Town Clerk



Ken Jones, Mayor

## Town Manager Report April 2017

### REZONING OF PARCEL

- No longer pursuing a request to rezone the property to a Conditional Zone.
- Amended request to R-2.
- Same zoning category as majority of the present-day Pine Knoll Association area of Town.
- The Planning Board will consider this request at its regularly scheduled 25 April Planning Board meeting.
- In a traditional rezoning of the property to an existing district:
  - No imposed conditions
  - No detailed plans until further in the subdivision process
  - Once rezoned, the Developer is free to develop the property as he sees fit as long as it complies with the R-2 zoning requirements and the other applicable ordinances.

### CCEC Tree removal on Hwy 58-

- Approx 1.4 miles in PKS done so far
- Largely effective at maintaining barrier for homeowners/condos
- Issues to date: cutting around poles, addressing vines and other non-desirable volunteer growth
- CCEC's plan: keep going
- Every HOA that has engaged person to person with TTS has come away satisfied

### Senate Bill 126

- Still pending at GA
  - PKS----loss between \$28K-\$40K
  - *Alternative presented to Sen Brown (thanks El/Frank) - change the State-local split for only Tier 1 counties*
  - spreads the lost revenue state-wide (the reduction in rev is to the general state government, not counties/municipalities).

### HB 340—creation of a Firefighters Sep Allowance

- Similar to Law enforcement provides police officers with a stipend from their retirement until age 62. It is meant to cover the gap between retirement and social security.
- The Police separation allowance cost municipalities \$30 million last year, according to the NCLM.
- would go into effect in 2022. It has passed the house and has yet to be heard by the senate.

4/12/2017

### **Crosswalks**

- Speed limit change----as of 12 April 2017
  - NCDOT still considering
  - Their issue---proximity to red light
  - Only Hampton Inn?
- Small signs purchased—wait on 35 mph
- Have not ordered ped-activated lights, pending request at NC Senate
- Ped safety Campaign Plan:
  - Chief: NC “watch for me”
  - Distribution of material planned county wide
  - Social media and media plan

### **Quick updates**

- Flagpole
- Water System Mapping
- BBWater
- Tax value--\$874M to \$879M



Richard Belanger

107 White Ash Dr

By now many of you have probably received a letter from Marion Goetzinger of Pine Knoll Shores Realty describing the long struggle that has taken place for years by a group of citizens to get the town of Pine Knoll Shores to embrace the concept and issues of aging in place which eventually was spun into a "fairy tale" age friendly community. Eventually that dream became part of the town's strategic plan. So far so good ....nothing wrong with having a plan ....but the plan in my opinion had a secondary focus ... creating a legacy project for some citizens in town with the property at the corner of highway #58 and Pine Knoll Boulevard ....probably the only parcel in town large enough to support a project of this type.

Is there anything wrong with that .....Absolutely not ....it takes people with fortitude and forward looking vision to make those types of things happen and I don't believe anyone involved was looking for praise for their efforts. Remember it was this kind of people that had the vision and took the risks to develop the jewel we all share now. Was it done for profit ...yes....was it done perfectly .....I'm sure not to everyone's standards, but probably 90 % of the past and current property owners are very grateful for what was accomplished.

From my personal perspective here is where the plan breaks down. I am not against residential development and I don't believe most of the citizens that spoke on this topic are either, but as I said in my remarks to the Planning Board I was against the proposed project as it was presented. The developers described as "visionaries" by Mrs. Goetzinger knew what had to be provided for a comprehensive review of their application to make the dream of this community come true for the group that has worked so long and hard toward this vision, but as successful businessmen they knew this would take some serious up front money to provide the detail necessary and required by the town process of approval, as well as expose the reality of change to the topography of the land, the removal of trees, and the nature of storm water control that would be required to build at the density level necessary to make this project profitable.



They made a decision to take the limited information approach maybe hoping most of the citizens in town would not notice and as a result the Planning Board had no choice but to reject their request after multiple requests for the missing information.

Now comes the wailing, gnashing of teeth, finger pointing and outrage at those of us who just want the town's process to be applicable to everyone. The vision or concept of the new "community" was never the issue and still is not for me. In my opinion the people who wanted this for so long and worked so hard to achieve this goal are the ones who need some self reflection on why the original application was denied. These people including the Realty firm representing the developers have lived in Pine Knoll Shores long enough to know the people of this town are very protective of the environment we live in even if it is not our own personal property.

As Mrs. Goetzing states in her letter "change is always frightening but inevitable and in this case a wonderful thing is possible through change. We'll lose many of the trees from the tract of land just as when our houses were built but we know from experience that the town will protect as many as possible." I would suggest that with all this knowledge in hand the primary proponents of this project along with the Realtor should have had a serious discussion and reflection with the developers on exactly what it would take to make it happen.

I would also suggest the very vocal and determined group of citizens of Pine Knoll Shores, are not at fault for the denial of the application by the Planning Board as Mrs. Goetzing suggests in her letter. The fairy tale, age friendly community is a good idea and vision, but it was doomed from the beginning by the lack of a suitable parcel of land in town to execute a high density profitable project. The attempt to force the vision into the only available parcel in town had a chance but was met with the reality of the free market principles. Had the proponents and developer taken the time and effort to lay out a density plan that respected the primary contours of the land, and maintained a majority of the significant desirable trees (which could have been tagged prior to the walk through by the planning board), it would have most likely resulted in a lower number of units at a



higher price, which would violate the original vision of somewhat affordable age friendly housing, but might have had a serious chance of approval.

Since the developer has now revised the request for zoning change to Residential I believe most of the towns citizens will support this action and if the developer and proponents do the upfront work as I have suggested was not done in the initial proposal, the community might actually get behind the project, and it could become a model for other towns to follow. Did the developer and proponents learn anything from the last attempt at this project ..... we'll have to wait and see.

