TOWN OF PINE KNOLL SHORES BOARD OF COMMISSIONERS

REGULAR MONTHLY MEETING July 12, 2023—6:00 p.m.

Call to Order and Pledge of Allegiance

Mayor John Brodman called the June 14, 2023, 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 Bill Knecht, Ted Goetzinger, Clark Edwards, Alicia Durham, and Robert Cox; Town Manager Brian Kramer; Assistant Town Manager/Finance Officer Julie Anderson; Public Works Director Sonny Cunningham; Police Chief Ryan Thompson; Fire Chief Jason Baker; Planning Administrator Charles Rocci and Town Clerk Missy Shine.

Approval of the Agenda

Mayor Brodman requested that items a and b under unfinished business be switched so that the Salter Path Road Contract can be discussed before Mimosa Boulevard. Commissioner Edwards made a motion to approve the agenda as amended with a second from Commissioner Goetzinger and passed unanimously.

Disclosures and Conflicts of Interest

There were no disclosures and/or conflicts of interest.

Announcements

Mayor Brodman gave announcements.

*Public Comment

Jean McDanal 112 White Ash Drive- as part of the Kayak for the Warriors we recently found out that part of our expense for the kayak paddleboard race on June 1st was a park fee of not just \$300.00 but the event was costing us \$900.00 because it had been deemed a three-day event. I don't see how this is even possible. The day before and the day after the floating platform that is used for the timers was installed. This installation in no way impeded anyone from utilizing Garner Park. They could come in with a kayak and a paddleboard, they could use the playground equipment and they could use the pavilion and the dock. Not only were we surprised that we were being required to pay \$300.00 a day but the fact that the fee went up to \$900.00 blindsided us. To me, this wasn't fair. We came in at 6:00 on the morning of the race and cleared out by 2:00 or 2:30, not even twelve hours. The board had set aside money to cover park fees for PIKSCO unless I have missed some events that the parks and rec committee puts on every year, there are a total of 13 events. 7 Music in the Park, Easter Egg Hunt, 4th of July Parade, Fishing Tournament, Turkey Trot, Flotilla, and possibly something at Christmas. 13 events x \$300 =\$3900, what is the other money used for? I am not saying that this should cover the expense that Kayak had. Kayak does fall under PARC, however, if you wish to keep it separate, I am willing to pay the \$300 fee that is now being utilized in town for park usage. But paying \$900.00 is ludicrous. We are requesting that three things be addressed. One, please revisit the designation that the race was a three-day event. Two, when an entity in town is going to get hit with a fee it

would be nice for it to have been communicated prior to the event. Three, you all need to get with PIKSCO, because they seem to be operated under a different understanding. As far as they were concerned, we should not have had to pay anything. So, we need to be on the same page. We are looking forward to your response.

Mr. Kramer states that he takes responsibility for this. So, we had the fee that we agreed to, and we did agree that it was three days but as far as the decision to expense it to Kayak, I am concerned that we maintain that we never use taxpayer dollars for Kayak, but I did not communicate that to Jean and the other ladies. That was my fault. We need to work out how we are going to expense that.

Mayor Brodman states that Kayak for the Warriors is a charity, and I think we would get in trouble with some people if we used town funds, meaning taxpayer funds, to pay for the park because not all taxpayers may want to donate to that charity.

Commissioner Durham states that we have made it so complicated. Originally, the whole thing was we were just going to give PIKSCO money for using their parks, period, regardless of the different fees and then it got more complicated. And this is showing when you make something really complicated it has consequences. We need to go back to our original intent which was to help PIKSCO to use their parks overall not just per event.

Commissioner Edwards said this goes back further than that, it goes back 8,9, 10 years. Have we communicated, concerning this event, with PIKSCO, did they not intend to charge for this event knowing it was a charity? Mr. Kramer replied following the meeting when we made the decision that we were going to give them a certain amount of money total based on all the events. It was \$300.00 per event. It will not be \$4800.00 per year. We need to have a person-to-person conversation, so we have a clear understanding.

Christine Voss 106 Locust Court - It was great to see your enthusiasm for the UDO this afternoon- and although it can be improved with some tweaking. I would like to encourage you to support it. This UDO has the potential to efficiently accomplish several important needs; it: (1) bring PKS up-to-date with current NC statutes; (2) provides comprehensive guidance to developers, building contractors, and property owners who seek to develop and redevelop property in PKS; (3) is congruent with the PKS Strategic Plan objectives and essence; (4) recognizes the importance of both our natural and built infrastructure and assets; (5) respects and considers the interests of both current and future town citizens; and (6) has mechanisms to provide reasonable 'elasticity' so as to adapt to a wide range of unique situations and future needs. I urge you to vote for and support the proposed UDO. Regarding the consideration of repaving Mimosa Blvd., such as adding a sidewalk area: I urge you to vote against the addition of a paved sidewalk at this time. Paved sidewalks DO NOT inherently make public streets safer for pedestrians, cyclists, or drivers -reduced driving speeds, common courtesy, and yes, to some degree, zonation each DO improve safety. Although a one-week study indicated that speeding is not an issue on Mimosa (and perhaps other streets in PKS?), vehicular speeding, often by contractors, is a safety issue along much of Oakleaf and popular through streets in town. A broader study of driving speeds that varies location, season, and time of day would be necessary to better understand and characterize speeding challenges in PKS. Also, drivers often slow down when a police speed monitor, which I understand was used to gather these data, is seen. We all agree that safety is paramount, but what is the best way to improve safety? The addition of paved sidewalks: (1) will broaden the vegetation-free viewscape, which tends to result in increased speeds along roadways (US DOT website); (2) will not only cost taxpayer money to install but will cost more (than grass) to maintain; (3) will increase impervious surface and thus, stormwater challenges; and (4) will likely result in less vegetation, which cools and beautifies our town – just to list a few impacts. Instead of designating a paved sidewalk, why not designate and encourage the use of the existing right-of-way for walking? We need to consider all ways in which safety can be improved. Thank you.

Chase Cullipher- Good evening, Board, I am not a resident of Pine Knoll Shores, I am an Engineer with the Cullipher Group. I am here to speak on the amendment to chapter 74-282. Where we allow eave in the side setback. I have been working with Charlie and Brian. We do a lot of work with the town with these types of developments. I was here for the planning board meeting two months ago where we talked about some stuff with the building inspector. I believe you are aware that it does not really impact the fire code or safety and things like that. I do know that working here in Carteret County that almost every municipality allows eaves in the side setbacks to some extent, either 2 feet or 3. They also have rules for uncovered porches, steps etc. I was wondering why Pine Knoll Shores didn't have it and why other towns did, so I started calling around to different engineers and building inspectors. The information I got that was not discussed at the planning board meeting was that when you get to the point to put an eave on a house it is already almost fully constructed. When we are dealing with setbacks, and we have a foundation and pilings have been driven that is something we measure on the ground. To allow for some of these near-end construction components to be able to encroach you prevent from having issues where things near to be torn down, removed, and replaced. The reason why some of these, we are aware of the rules because we work with Town Hall. And we still have an occasional mistake where we have to pay to remove a building or something to that effect. If you are not here locally and aware and come from out of town you would probably think to look for that information. The only reason we can come up with it is because we have survey equipment that has an extendable pole that will go up to the eaves at second or third flight and be able to locate it and tie it to a map. It is much easier to locate something early in the process at ground level than up in the air. I just wanted to be able to include that piece of information at this point. If you have any questions, I will be more than happy to answer those.

Kim Daniel 159 Arborvitae Drive – Good Evening, Mayor and Commissioners, as of May 11th I am now a resident of 159 Arborvitae Drive. I am here to lend my personal support to the proposed amendment to chapter 74. I think I am a living example of what this amendment can do for me. That is because we started the construction of my home in the summer of 2021, it has been a long construction process with the supply chain and the pandemic. We finally got to the point this spring where the house is complete and we got a temporary occupancy permit but around the same time, we discovered to our dismay that although we satisfied the 10-foot setoff requirement on the north side of the house from our neighbor's property at the base of the structure, ten feet high and another twenty feet high at the back of the house, a total of 75 feet there was a seven-inch encroachment on the ten-foot requirement. To make us take that 75 feet of rain gutter down off the house would be a financial burden and would defeat the purpose and cause more damage to the home and be more detrimental to us and our neighbors. We think it is

a fair and equitable resolution. That is all I have to say. We love living in the community and love this little town.

Keyma. Harris 110 Mimosa – I spent a lot of time thinking about the addition on Mimosa. I would like to add two things. Don't put a solid line in the middle of the street. My wife and I sit on our porch all of the time and people will stop if there is a family there. They will stop until those people move. The other thing I would suggest there is skip down I found my car increases the speed the people that are walking on the street we love to watch people walking I would love to see a sign at the end of the bridge that says "slow down pedestrian area." It doesn't indicate that they should be walking in the streets.

Jimmie Beckom 124 Oakleaf – this is under protest of my wife You spent so many years of your life standing with a target on your back, why are you doing this now? In saying that, we do have a concern, we all have a concern for public safety and pedestrian safety. I think the manager has come up with a very good report that will give a basis for the Board of Commissioners to make a good decision. From a personal standpoint, as a resident and as a private citizen, I support sidewalks as the best solution to aid in public pedestrian safety. I believe in general they can be applied in our situation and stay within the vision and responsibilities of our town in our barrier island community. I appreciate the opportunity to speak.

Susan Phillips 289 Oakleaf Drive – I live on the corner of Mimosa and Oakleaf, so I use Mimosa every day. My reason for standing here and I meant to do this earlier, and I didn't, I think what Brian did to have an open forum, a lot of you were there, was a great model for having a discussion about this issue before the board meeting. The 3-minute rule, I have always complained about, and just not being able to get any feedback. So, I thought it was a really good thing, he maintained order, people spoke up, and had a chance to say what they wanted to say. And that is all I wanted to say, thank you.

Ken Rozewski 104 Egret Lake Drive - I am a member of the Planning Board and I am going to be running for a seat on the Board of Commissioners. The first thing I would like to say is I appreciate the work that the Planning Board did to bring the UDO to the Board of Commissioners. In a brief two-hour period, it was covered at a high level, end to end and I hope when the Planning Board gets feedback that the Board of Commissioners comes back with your ideas and your suggestions and not just disappointment in whatever it is in there. I look forward to that. With regard to Mimosa, I took some time since the last meeting, and I drove down to Mimosa a couple of times. I came in from 58 West and made a right-hand turn and it takes almost getting to that crest to get hit 25 miles per hour. In the time it takes when you don't exceed 15 miles, it was another 3 seconds to the corner of Hawthorne. Now, if the Board of Commissioners thinks that lowering the speed limit on Highway 58 from 45 to 35 saves lives I don't know how we can't say lowering the speed limit from 25 to 15 and costing 3 seconds more of a commute to the corner of Hawthorne might not accomplish a lot of what we are looking to do here along and with removing the stripe in the middle of the road so people feel comfortable moving out of the path of the public. This is a free experiment that could have already happened. I would suggest that before we drop \$100,000 on sidewalks, which we can do at any time, it doesn't have to happen at the same time as we pave. Thank you for your time, I appreciate you.

Tom Hyzak 112 Mimosa – I was not planning on talking but then you would be disappointed. There seems to be some confusion as to the widths of Mimosa Blvd and Oakleaf. I did some research, and it appears to me that NCDOT has a recommendation that residential roads have a minimum width of 9 and a maximum width of 12 feet. I personally have now been banned from measuring streets, that is not true, but I personally measured Mimosa at multiple locations and as I mentioned at the last meeting, the issue is that it narrows down to two 9-foot lanes, and then when it gets past 119 it expands to two 10 foot lanes. So just on a whim I went down to Oakleaf and I measured Oakleaf and I find that it's 10 ½ and 10 ½, then it goes to 9 and then it goes to 11 so there is a lot of variations and I think the number one issue is I don't believe we are in any kind of code violation or against the recommendation of DOT with what is out there but I do think we should have uniformity and I thought that was the consensus of our last meeting was expanding to two 10 foot lanes and then see how that goes. Thank you.

Cory Bishop 129 Hawthorne - I would just like to speak briefly on the sidewalks. The speed concern on Highway 58, as many of you know I was a cop in Pine Knoll Shores for many years, I can't tell you the amount of speed tickets I wrote on 58 during those times for excess at the minimum 10 miles an hour over the posted speed limit. I don't have the data in front of me right now, but I would be willing to bet my next paycheck you are not going to be able to compare the numbers to the speeding tickets issued or data gathered from Mimosa or any of the tree streets to that of the speeding issue on Highway 58. So, to me, that was more of the reason, and I was involved in that, for lowering the speed limit on Highway 58. There was data to support a speeding issue. There were numerous citations issued and I could go on and on about that. As for Mimosa and the tree streets even when I was a police officer in Pine Knoll Shores, we gathered speed data numerous times. From Oakleaf, Mimosa, Cedar. Cedar is a whole other issue. I don't think anyone would buck that there is a concern there, it is used as a throughway for a lot of traffic like Hawthorne. But there was never any significant data to show that there was a speeding issue on Mimosa or Oakleaf. I personally don't care if you lower the speed limit on those two, but it still does not take care of the issue of overcrowding of the roadway, which is the issue at hand. The commonsense approach to deal with that issue is to widen the roadway and place a sidewalk there. I hear a lot of people saying there is no evidence and there is no injury. There is no data to show that we have a lot of crashes or this and that. Is it going to take a significant injury to prove that there is evidence that we need a sidewalk? I surely hope not. I think it is a complex problem. I think sidewalks are important and I think they should be placed on the right of way with consideration for the homeowners. I think education on the use of sidewalks. There is an enforcement component that can be applied to pedestrians if needed. It is difficult to walk with a baby in a stroller or a wheelchair to try and wheel on grass especially if it is wet or has been raining. A sidewalk would help eliminate that. I really hope you vote yes for the sidewalks. I know there is a lot of noise that says no but not only as a private citizen but also as a public safety professional for over 10 years there is justification for sidewalks there was justification to lower the speed limit on 58 and again, I am fine with lowering the speed limit on Mimosa, but it doesn't alleviate the overcrowding or the need for the sidewalk. Thank you.

Consent Agenda

- a. June 14, 2023, Meeting Minutes
- b. Local Water Supply Plan

A motion was made by Commissioner Goetzinger to approve the consent agenda as presented with a second by Commissioner Durham and passed unanimously.

Unfinished Business

a. Salter Path Road Contract

ELJ Inc was chosen for the Salter Path water main replacement project in April. The contract is set at \$725,000. The attorney has reviewed the contract. Mr. Whitford has given some minor changes that need to be made. This includes information from a dredging project. Mr. Whitford also stressed that we need to get builder's risk insurance. The project will move forward pending Mr. Whitford's administrative changes. The project will start on the ocean side from Willow Road, east to the connection of Atlantic Beach.

A motion to approve the Salter Path Road Contract was made by Commissioner Durham with a second by Commissioner Edwards and passed unanimously.

b. Mimosa Blvd

Mr. Kramer stated that in May we discussed altering the plan for the Mimosa repaving project. We wanted to meet with our design professional and have a town hall meeting and both of those items were accomplished. The budget includes basic repaving of the road. This option provides no additional pedestrian benefits but should be able to address the uneven road while staying within budget. Another option is widening the road to 24 feet which would offer two traveling lanes at 9 feet each with a three-foot paved shoulder for pedestrians on each side of the street. This project would have a double yellow center line with a white edge line on each side. The last option is to repave the road and add a five-foot sidewalk on the left side. This provides maximum pedestrian safety benefits. Mr. Kramer summarized the comments from the Mimosa Boulevard Town Hall Meeting. The quote obtained for repaving only would be \$67,500. To widen the road would add an additional \$120,000. Widening the road to 24 feet would cost an additional \$200,000. Widening the road with a paved shoulder on one side would cost an additional \$200,000. Placing a sidewalk on one side of the road would cost \$250,000 which includes \$67,500 for repaving.

Commissioner Knecht – a couple of things. I am not in favor of doing anything until we get better cost estimates. They don't make any sense. Option D place a sidewalk in the right of way and then repave, but to what width? I am not in favor of spending any money until we know how much it is going to cost us.

Mayor Brodman – I would like to make one simple proposal. And this is not to say this should be the option we go for. No matter what we do in terms of repaving, I think we need to standardize the width to match up with the new pavement that is on the west side of Hawthorne Drive. We have right now a road that goes from 8 feet to 9 feet to 10 feet and that whole section of Mimosa straight down from the bridge, we need to standardize the width perhaps to 10 feet each way. That will take care of the tire tracks on the side of the road. Whatever we talk about repaving, that should be the minimum. That should be repaving what we have and straightening out that width.

Commissioner Cox- Here is my position on it. I am going to vote for what is currently in the budget. The Atlantic Basin at the moment is pretty darn calm. We have no idea what demands are going to be put on our budget in the next three to four months, five months until the end of the hurricane season. I am not using that just as a reason not to go beyond what we have in the budget but there is a practical side. I don't think in the first 12 days of our budget we should be busting it by proposing things we have not already budgeted for. I will be in favor of pursuing the budget as presented and I am not going to be in favor of going beyond that. I do agree we need to have a consistent width and if that is 10 feet, whatever that is I will fully support that but beyond that, I am not going to vote for doing anything additional from what we have in the budget.

Commissioner Durham- I just want to reiterate, I met with the Contractor with Sonny. I think part of it was, if you want a consistent width be prepared for the extra cost. The contractor did explain that it costs way more. That is where it kind of started, if we widen it is it the same price to put a sidewalk in? I want to know what the price is for Option D. Leaving the road the same width and putting in a sidewalk compared to widening it with asphalt. I think what you are going to see is that there is not going to be an enormous difference of trying to get a wider road and just putting a sidewalk in

Commissioner Knecht- you look at option A, it's \$67,000 plus \$120,000 to make it uniform, that is \$197,000. Then you look at option b, you have a sidewalk plus repaving it's \$250,000. That is why I am wondering if it is repaving just existing or widening it.

Mr. Brodman- I think any kind of repaving we do has to standardize the widths. I would actually entertain a motion that we agree on that. That we have two ten-foot lanes all the way down with any kind of repaving we do. We don't want to repave it exactly as it is now because we will still have the cars going off on the side, on either side. If we talk about repaving alone, not sidewalks, not expanding the asphalt to make a pedestrian lane, simply repaving and straightening out the road, I think that is the only repaving option we should look at. And if that is the only one, we can agree on when you get a price estimate I think we can do that. And if we can't agree on sidewalks, we can always add a sidewalk at a later time.

c. Public Hearing Amendment to Chapter 74-282

Commissioner Edwards made a motion to go into public hearing with a second by Commissioner Knecht and was passed unanimously.

Public Hearing: Mr. Cullipher, I spoke earlier, and I just wanted to get up to add that piece of pivotal information that I did not think was present. I wanted to leave the table open for any questions.

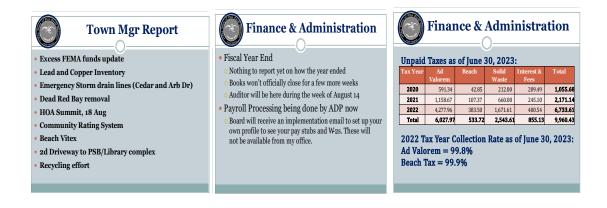
Commissioner Knecht – I have a question. I was not sure what your opinion was.

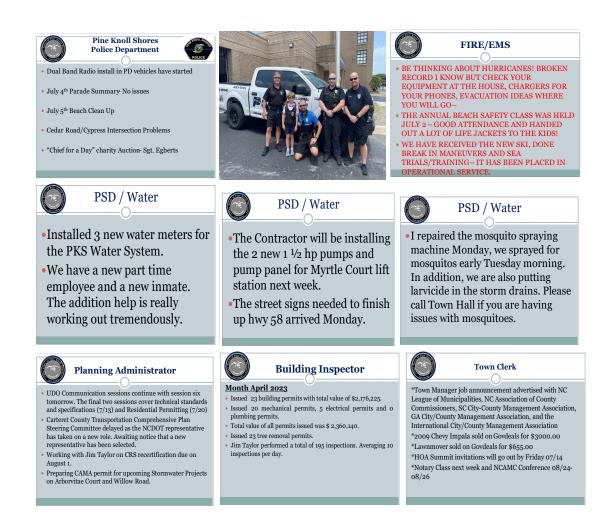
Mr. Cullipher – I am in favor of it. And the reason being, if you are in a flood zone or getting loans from a bank, you do a foundation survey early in the process of construction to make sure something is not wrong. You can do that midway in construction and not identify that a roof eave would go into a setback and it's a difficult solution later. I think it would help prevent problems down the road.

Commissioner Durham made a motion to come out of public hearing with a second by Commissioner Edwards and passed unanimously.

Commissioner Goetzinger made a motion to approve the amendment to chapter 72-282 with a second from Commissioner Durham with 4 ayes and 1 nay and passed.

Town Manager and Staff Reports





*Public Comment

Keyma Harris 110 Mimosa Boulevard – My concerns are if you do sidewalks, personally, I hope not, but when you come off the bridge, the sidewalk there, all the water that comes off the bridge comes onto our property. Whoever did that was not thinking, it causes problems. The second thing about the sidewalks is, who is going to maintain those, they crack, and weeds come into them, it doesn't make the neighborhood look good. One thing I did want to mention is that we have an incredible staff for our town. I think it was great to have the opportunity for us to come and talk. Beware of strangers. Listen to the people on the street, not an expert or a stranger that has nothing to do with the community.

Larry Corsello 139 Loblolly Drive- I just wanted to comment about the issue with PIKSCO. I just wanted to let you know PIKSCO has a new President, his name is Darryl Moore. Back when the town was discussing the issue, we were talking about \$300.00 a day so that is in line. I don't know how we are going to have to deal with that. Is there some reason it can't just come out of the funds that are donated? It was a communication issue.

Mayor and Commissioner Reports

Commissioner Edwards received two calls in the last three weeks about homeowner occupation issues. They are concerned that there are activities going on in houses that are covered by our ordinances. They are concerned about traffic and cars being parked on the right of way and the other had to do with a person who does boat motor repair, and the boats are obvious in the neighborhood. It is a home occupation issue, so I brought it to the Town Manager to deal with it.

Commissioner Knecht- I would like to report Alicia and I have received 15 applications so far for Town Manager.

Closed Session

Commissioner Goetzinger made a motion to move into a closed session with a second from Commissioner Knecht. The closed session is permissible under G.S. 143-318.11(a)(1)(5) for the purposes of property acquisition. They moved into closed session at 7:56 pm.

Commissioner Edwards made a motion to leave closed session with a second from Commissioner Knecht. The motion passed unanimously, and the board left closed session at 8:55 pm.

Adjournment

The Board adjourned on a motion by Commissioner Goetzinger with a second by Commissioner Durham that passed unanimously. The meeting adjourned at 8:56 pm.

Missy B.	Shine,	Town	Clerk	