



KURE BEACH TOWN COUNCIL
CONTINUED MEETING
(from regular meeting May 15, 2007)
MAY 21, 2007 * 3PM

MINUTES

THIS AGENDA MAY BE AMENDED AT ANY TIME AND IS SUBJECT TO CHANGE. ITEMS MAY BE ADDED TO OR DELETED FROM THIS AGENDA.

COUNCIL MEMBERS PRESENT:

ABSENT:

Mayor	Tim Fuller
Commissioner	Jim Dugan
Commissioner	Bill Ufferman
Commissioner	Dean Lambeth

COUNCIL MEMBERS

Mayor Pro Tem Mac Montgomery

STAFF PRESENT:

Town Clerk	Nancy Avery
Building Inspector	John Batson
Fire Chief	Harold Heglar

Town Attorney A.A. Canoutas was in attendance

OTHERS IN ATTENDANCE

Tom and Debra Humphrey, proprietors Jack Mackerel's Island Grill
Tilman Herring, Architect
Alan Votta, Contractor
Matt Davis, Office of New Hanover County Fire Marshall

Mayor Fuller called the continued meeting to order at 3pm on Monday, May 21, 2007 stating the purpose of the continued meeting was to discuss the request received from Tom & Debra Humphrey to exempt their business, Jack Mackerel's Island Grill, from the Town's Fire District (FD).

Mr. Humphrey stated:

- he would like to be released from the Fire District
- his understanding of the intent of the Fire District is to prevent fire in a way that the area doesn't cause loss of an entire block
- in this case, the back side of the building is the block with an alleyway on the side
- his building is 200 feet from South Wind's property
- he doesn't see as a fire hazard
- he can make more architecturally attractive if out of Fire District
- his neighbors are fine with Jack Mackerel's not being in Fire District

- removal from Fire District is consistent with Town's Land Use Plan
- several business owners said they were excited about the remodeling of restaurant
- he is trying to give it some curb appeal and aesthetics
- wants to have cabana type feel – not allowed in Fire District
- with new seats brings occupancy to 115 non smoking and 70 smoking
- he is frustrated – everything in limbo – he can't move forward

Matt Davis, Office of New Hanover County Fire Marshall stated:

- interpretation of Ben Low, of the School Of Government, is that Fire District is established so entire town wouldn't burn down due to one fire
- General Assembly left it to town council or Commissioner of Insurance to determine location of Fire District – but by law, must have a Fire District.
- a 200 foot buffer zone is required by building code
- from a fire side, separation of buildings is the big thing – when remodeling is finished it will end up with three buildings connected
- a town may have secondary fire districts
- removal from FD doesn't cure all issues – occupancy may require sprinklers, etc that are exceptions to fire code - make sure all bases are covered.

Tilman Herring, Architect commented:

- there has to be two masonry walls in Jack Mackerel building
- type 4 (Fire District) restrictions requires heavy timber construction for a longer burn time.
- type 5 restrictions (non FD) don't require non-combustible material or heavier timber
- difference is between 2 hour barrier wall and 1 hour barrier wall on north side
- 2 hour barrier must have fire shutters and no windows in a barrier wall
- original plans drawn as type 5 – not in Fire District - structure proposed wooden structure separated from nearest structure by road on both sides – west elevation, sidewalk and then street
- need deck to not have holes because people will be eating underneath - if in Fire District (FD) can't have impervious - out of FD can have impervious
- significant difference in cost in structural requirements and labor between being in FD or not

Council comments/concerns:

- if entire fire district is wiped out by hurricane, how would it rebuild with these restrictions?
- it is required to have a FD, but there is no requirement for size
- as downtown develops, business district could end up being less protected if this building is taken out of FD
- new development will be built to higher standards
- Council needs to help business owners
- taking out of FD doesn't take building out of the block

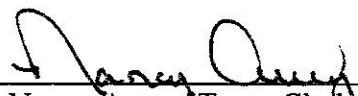
- if other issues exist is it reasonable to work through other issues first and come back to Council if still need to be out of fire district
- asking council to set precedence with little fact

ACTION – Commissioner Ufferman MADE THE MOTION to approve removing Jack Mackerel’s from the Fire District. The motion died for lack of second.

ACTION – Commissioner Ufferman MADE THE MOTION to adjourn at 4:01pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS



Tim Fuller, Mayor

ATTEST: 

Nancy Avery, Town Clerk

