



BOARD OF ADJUSTMENT
ANNUAL ORGANIZATIONAL MEETING ♦ JANUARY 26, 2010

MINUTES

A variance hearing of the Kure Beach Board of Adjustment was held January 26, 2010, beginning at 7:30 pm at Kure Beach Town Hall, located at 117 Settlers Lane, Kure Beach, NC. A quorum was present.

MEMBERS IN ATTENDANCE:

Harry Humphries, Chair
Anne Brodsky
John Gordon
Peter Boulter

MEMBERS ABSENT

Charlie Allo

STAFF IN ATTENDANCE:

Board of Adjustment Attorney Holt Moore
Commissioner Liaison Barry Nelder
Secretary Aimee Zimmerman

CALL TO ORDER

Chairman Humphries called the meeting to order at 7:35 p.m.

ELECTION OF CHAIR AND VICE CHAIR

Election of Chair:

ACTION: Member Brodsky made a motion that Harry Humphries remain Chair for an additional year. Member Boulter seconded the motion. The motion carried unanimously.

Election of Vice Chair:

ACTION: Member Brodsky made a motion that John Gordon remain as Vice Chair for an additional year. No second was received. Motion died for lack of a second.

Member Gordon indicated his desire to join the Environmental Committee and is considering stepping down from the Board. He indicated that he has served two (2) terms totaling six (6) years. Member Gordon declined the nomination. Member Gordon recommended that Member Boulter assume the duties of Vice Chair. Member Brodsky indicated her willingness to become Vice Chair.

Commissioner Nelder stated that the Town Ordinances provide that members of the Board of Adjustment cannot serve on any other committee. Commissioner Nelder quoted Sec. 19-41(b) of the Town of Kure Beach Code of Ordinances. Commissioner Nelder further stated that since this is listed in Sec. 19, it would require a public hearing to amend the ordinance. Commissioner Nelder also indicated that he, Mayor Lambeth and Chris May (SOG) met regarding the residency requirement for appointment on Boards and Committees within the Town. Member Brodsky stated there has been some question as to her actual residency. Member Brodsky quoted the definition of residency from the Internal Revenue Service. She further stated that her driver's license, tax information, vehicle registration all lists her Kure Beach address. Commissioner Nelder is seeking clarification to this issue. Mayor Lambeth indicated that some committee guidelines will be revamped and the committees will receive proposed changes from Town Council including changing the ordinance to state that if a person pays taxes in that community, that indicates residency. Committees are being asked to review information received from Council and to respond no later than February 10th. Additionally, Council is proposing that no elected official chair any of the Kure Beach committees. Commissioner Nelder indicated that there are constitutional issues attached to allowing "property owners" to serve on a committee.

ACTION: Chair Humphries made a motion to table the election of a Vice Chair and any renewal of membership terms until the Board receives clarification from Town Council as to whether or not they will allow property owner, taxpayer, nonresidents to be members of boards and committees. Chair Humphries made a motion that that question be proposed to Council for consideration at their February meeting. Member Brodsky seconded the motion. The motion carried unanimously.

APPROVAL OF ANNUAL REPORT

ACTION: Member Brodsky made a motion to approve the annual report. Member Boulter seconded the motion. The motion carried unanimously.

REVIEW OF THE RULES OF PROCEDURE

Chair Humphries indicated that he felt the policies and procedures were fine. As to training, BOA was asked several months ago whether they felt additional training was necessary. Chair Humphries was still of the opinion that no further training is necessary. Mayor Lambeth indicated that at a recent training session it was stated that council members and/or any elected official cannot speak at any hearing unless they are called upon to testify.

Member Brodsky stated that the current Board is very meticulous when it comes to following the policies and procedures on record. Member Gordon also stated that as to the training, Tony Garibay, if elected to the Board, might need some training. Member Boulter also stated that perhaps the Board should have regular/annual training sessions. Mayor Lambeth suggested that if the Board feels that way, they can send that recommendation to Council.

ACTION: Chair Humphries made a motion to ask Council, if they agree, to allow a training session to be held by Penny Tysinger and the Council of Government at a date and time to be scheduled later. Member Gordon seconded the motion. The motion carried unanimously.

Mayor Lambeth suggested scheduling the training session for the next scheduled monthly meeting. The Secretary was directed to contact the School of Government to schedule a training session with Penny Tysinger for the regular February meeting.

ACTION: Chair Humphries made a motion to rescind his prior motion pertaining to forwarding a request to Town Council for training. Member Brodsky seconded the motion. The motion carried unanimously.

REVIEW OF MEMBERS TERMS

This matter was tabled in an earlier motion.

APPOINTMENT OF ALTERNATE MEMBER

Application was received from Tony Garibay to serve as an alternate. Chair Humphries indicated that he feels Mr. Garibay is qualified for the position and would do justice to the Board by serving.

ACTION: Chair Humphries made a motion to ask Council to approve Tony Garibay as an alternate to the Board of Adjustment. Anne seconded the motion. The motion carried unanimously.

Mr. Garibay expressed his excitement to be on the Board and that he feels he can really bring something new to the Board.

Chair Humphries indicated that advertising for another alternate will need to continue.

APPROVAL OF MINUTES

ACTION: Member Gordon made the motion to approve the minutes from the September 22, 2009, meeting. Member Boulter seconded the motion. The vote of approval was unanimous.

ADJOURNMENT

ACTION: Chair Humphries adjourned the meeting at 8:15 p.m.

Harry B. Humphries

Harry Humphries, Chair

ATTEST:

Aimee Zimmerman

Aimee Zimmerman, Secretary