



Town of Kure Beach

BOARD OF ADJUSTMENT

Annual Organizational Meeting
Tuesday, February 23, 2016, 7:00pm
A Quorum was present

MEMBERS IN ATTENDANCE:

Peter Boulter, Chairman
Harry Humphries
Tony Garibay
Anne Brodsky

MEMBERS ABSENT:

Bryant Bass

STAFF ATTENDANCE:

Josie Fitzgerald, BOA Secretary

I. CALL TO ORDER

Chairman Boulter called the meeting to Order at 7:00 p.m.

II. MEMBER ITEMS

Oath of Office – Anne Brodsky

III. APPROVAL OF AGENDA:

MOTION: Member Brodsky moved to approve Agenda

SECOND: Member Garibay

VOTE: Unanimous

IV. APPROVAL OF MINUTES: (3/24/15)

MOTION: Member Humphries moved to approve the Minutes

SECOND: Member Garibay

VOTE: Unanimous

V. ORGANIZATIONAL MEETING

A. 2015 Annual Report

Members reviewed the Annual Report and commented that very little transpired concerning cases presented which indicated residents were adhering to rules.

A Member asked what were the latest issues being addressed since their last meeting in 2015 in an attempt to get up to speed on what is going on in the Town.

Attorney Eldridge stated that the Planning and Zoning Commission by direction from Council was addressing the issue of whether to permit container homes to be brought into Kure Beach. Attorney Eldridge offered a background as to how the issue initially arose and some of the issues P&Z are addressing for their recommendation to Council. He discussed some of the legal and zoning matters that could arise, the pros and cons of these structures and how complex the issues are. The members appreciated the summary and were assured that they will be apprised of the outcome by Council so as to be educated on the matter in the event there is a future case involving a decision concerning container homes.

MOTION: Member Humphries moved to accept the 2015 Annual Report
SECOND: Member Garibay
VOTE: Unanimous

B. Election of Officers for 2016

MOTION: Member Humphries nominated Peter Boulter to serve as Chairman for 2016
SECOND: Member Brodsky
VOTE: Unanimous

MOTION: Chairman Brodsky nominated Tony Garibay to serve as Vice Chair for 2016
SECOND: Member Humphries
VOTE: Unanimous

VI. OLD BUSINESS

None

VII. NEW BUSINESS

A. Training Schedule for 2016

Attorney Eldridge offered to present a training session similar to the one he presented last year as a refresher for those members who were present last year and for the benefit of Member Brodsky who was not present on the Board in 2015.

All agreed to schedule the training at the regular meeting on Tuesday, April 26, 2016 at 7:00pm.

B. Question: Member Garibay posed the question about the Town's reaction and handling of flooding and storm water runoff.

Attorney Eldridge discussed the issue offering what the Town of Bellville has done to address the issue of storm water runoff.

- Many times local government is faced with the problem of who has jurisdiction of the area flooding and storm water runoff.

- A current civil action was filed against the Town of Bellville for property damage resulting from storm water.
- Storm water is a big problem. For example, a quarter of a million dollars in infrastructure repairs was realized in a subdivision that was built as recent as 1990. It is difficult to determine who is responsible when a privately owned drainage system is overwhelmed with storm water.
- Discussion—What happens if one property owner builds and causes run off to another property?
- Ash Wednesday Storm – There were two weeks of tremendous offshore wind which backed up the ocean and then the waves washed over the Outerbanks. NC was sued by a homeowner regarding the Surface Water Doctrine. Is there legal precedent for property owners to sue for damage due to an adequate system and prevention?
- This is a complex issue when it comes to who is responsible to maintain and prevent storm water runoff especially in an HOA where there are swales.
- If infrastructure fails, who is responsible? Who owns a swale, the developer, the HOA, was the swale dedicated to the Town? Responsibility falls on the property owner. Who owns the storm water permit?

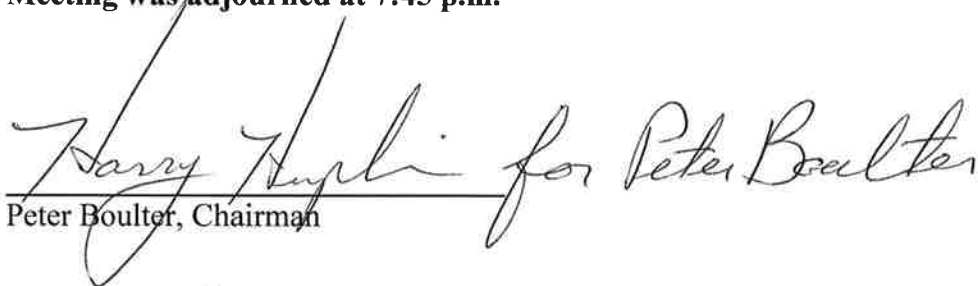
VIII. ADJOURNMENT

MOTION: Member Brodsky moved to adjourn the meeting

SECOND: Member Garibay

VOTE: Unanimous

Meeting was adjourned at 7:45 p.m.


 Peter Boulter, Chairman

Attest: 
 Kathleen Zielinski, Secretary