



HISTORICAL PRESERVATION COMMITTEE AGENDA

REGULAR MEETING

Wednesday, November 6, 2019 @ 6:00 pm

CALL TO ORDER

ADOPTION OF AGENDA

APPROVAL OF MEETING MINUTES:

- October 7th, 2019 Regular Meeting

PUBLIC COMMENTS

OLD BUSINESS

1. Presentation by intern(s)
2. Rules of Procedure including provisions for remote participation

NEW BUSINESS

MEMBER ITEMS

ADJOURNMENT



**RULES OF PROCEDURE
HISTORIC PRESERVATION COMMISSION
TOWN OF KURE BEACH, NORTH CAROLINA**

Adopted by the Historic Preservation Commission on _____, 2019.

ARTICLE I. LEGAL AUTHORITIES

1.01. The Town of Kure Beach Historic Preservation Commission (“HPC”) shall be governed by the applicable provisions of the General Statutes of North Carolina, the applicable provisions of the Code of the Town of Kure Beach, and these Rules of Procedure (“Rules”). HPC members shall thoroughly familiarize themselves with these authorities.

ARTICLE II. OFFICERS AND DUTIES

2.01. Chairman. A Chairman shall be elected from the members by a majority vote of the HPC. The term of office shall be for one (1) year beginning on the date the Chairman is elected and until a successor is elected at the next annual organizational meeting. Previous and serving Chairmen shall be eligible for re-election. Subject to these rules, the Chairman shall decide all points of order and procedure, unless directed otherwise by a majority vote of the HPC.

2.02. Vice-Chairman. A Vice-Chairman shall be elected from the members by a majority vote of the HPC and for the same term as the Chairman. The Vice-Chairman shall serve as Acting Chairman in the Chairman’s absence and shall, at such times, have the powers and duties of the Chairman. Previous and serving Vice-Chairmen shall be eligible for re-election.

2.03. Clerk. The Town Clerk or his/her designee shall serve as Clerk to the HPC. The Clerk shall keep all records of the HPC, and shall produce minutes of each meeting, including a separate production of the minutes for any closed sessions, wherein he/she shall record the identities of attending and absent members, important facts pertaining to the meeting, a description of every action taken by the HPC, and the votes of all members upon any matter considered and acted upon. All minutes shall be filed in the Office of the Town Clerk and, with the exception of closed session minutes, are public records.

ARTICLE III. ALTERNATE MEMBERS

3.01. Alternate members of the HPC appointed by Town Council shall be seated as a regular HPC member in the event a member resigns or becomes incapacitated and unable to serve. Alternate members are encouraged to attend all meetings and familiarize themselves with HPC deliberations and actions.

3.02. At no time shall more than five (5) members officially participate in any meeting.

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ARTICLE IV. RULES OF CONDUCT FOR MEMBERS

4.01. Members of the HPC may be removed by the Town Council for cause including any violations of these rules.

4.02. Faithful attendance at all HPC meetings and conscientious performance of the duties required of its members shall be a prerequisite for continuing membership on the HPC.

4.03. No member shall take part in any deliberations or action upon any matter in which they, their relatives, or their business associates may stand to gain financially or in which they are or perceived to be financially interested. Members shall endeavor to avoid a conflict of interest, including a perception thereof, in any matter brought before the HPC.

4.04. No HPC member shall discuss any case with any parties thereto before the hearing on that matter, provided that, however, members may receive information pertaining to the case from the Clerk or from another member of the HPC.

4.05. No HPC member exercising quasi-judicial functions shall participate in or vote on a quasi-judicial matter in a manner violating the affected persons' due process rights to an impartial decision maker. Such violations include, but are not limited to, a member having: a fixed opinion on the quasi-judicial matter that is not subject to change; undisclosed *ex parte* communications concerning the matter; a close, familial, business, or other relationship with the affected person; or a conflict of interest with respect to the outcome of the matter.

4.05. Members shall recuse themselves from deliberating or voting on any matter in which they may have a real or perceived conflict of interest or in which their participation would violate an affected person's constitutional right to an impartial decision maker. In the event a member objects to another member's deliberation or voting on a matter and that member does not recuse his or herself, then the remaining members shall, by majority vote, rule on the objection. An objection sustained by a majority vote shall have the effect of recusing and excusing the member's vote on that matter.

ARTICLE V. MEETINGS

5.01. Annual Organizational Meetings. Annual organizational meetings of the HPC shall be held each January. An organizational meeting shall consist of electing officers, approving the annual report, reviewing the Rules, and considering other administrative matters.

5.02. Regular Meetings. Regular meetings of the HPC shall be held on the 4th Tuesday of every month beginning at 6:30 p.m..

5.03. Special Meetings. The Chairman may call special meetings of the HPC at any time provided that at least forty-eight (48) hours' written notice of the date, time, place and purpose of the special meeting is given by the Clerk to each member of the HPC, the public, and the media.

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5.04. Agendas. The Clerk shall prepare a proposed agenda for each meeting which shall be considered and adopted by a majority vote of the members at that meeting. Items may be added to or deleted from the proposed agenda of a regular meeting by a majority vote. The HPC shall not add or delete items from the proposed agenda or purpose stated in the notice of a special meeting.

5.05. Cancellation of Meetings. In the event there is not any business for the HPC to conduct, or if so many members notify the Clerk in advance that they cannot attend the meeting such that a quorum will not be available, then the Chairman may dispense with a meeting by providing written notice of the cancellation to all HPC members and the Clerk not less than twenty-four (24) hours before the time set for the meeting.

5.06. Quorum. A quorum shall consist of three (3) members of the HPC physically present at the meeting.

5.07. Meetings Recessed and Adjourned to a Time and Place Certain. Any duly noticed and assembled meeting may be recessed and adjourned to a date, time, and place certain upon the majority vote of a quorum of the HPC. No further notice need be given of a meeting so recessed and adjourned provided that the date, time, and place of the reconvened meeting is announced at the meeting that is being recessed and adjourned.

5.08. Voting. Excepting remotely participating members considering a quasi-judicial matter, all members of the HPC may vote on any issue unless they are disqualified from voting for one or more of the reasons listed in Article IV *Rules of Conduct for Members*. A majority vote shall decide issues before the HPC.

5.09. Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

1. Roll Call;
2. Adoption of the agenda;
3. Approval of minutes from the previous meeting;
4. Hearing and determination of applications for certificates of appropriateness;
5. Old business;
6. New business; and
7. Adjournment.

ARTICLE VI. REMOTE PARTICIPATION IN MEETINGS

6.01. Purpose. To promote greater participation in the Town's governmental activities, this article sets forth the procedures and restrictions for HPC members participating remotely in meetings. While providing for remote participation, it is strongly recommended that HPC members physically attend meetings whenever possible and that remotely participating in meetings is not used to defeat the purposes of the State's Open Meetings Law.

6.02. Minimum Requirements for Remote Participation.

1. A member shall be permitted to participate remotely only if physical attendance at the meeting would be unreasonably difficult.

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2. Members participating remotely and all persons present at the meeting location shall be clearly audible to each other.
3. A quorum of the HPC, including the person chairing the meeting, shall be physically present at the meeting location. Members participating remotely in the meeting shall not be counted for the purpose of establishing a quorum.
4. Members shall not be permitted to participate remotely in closed sessions due to the difficulty of verifying that no other person is present at the remote location.
5. Members participating remotely may vote on all matters coming before the commission excepting quasi-judicial matters.
6. All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

6.03. Technology. The following media shall constitute acceptable methods for remote participation:

1. Telephone, internet, or satellite-enabled audio or video conferencing.
2. Any other technology enabling the remote participant and all persons present at the meeting location to be clearly audible to one another.
3. When video technology is being used, the remote participant shall be clearly visible to all persons present at the meeting location.
4. HPC, by majority vote, shall determine which of the acceptable methods may be used for remote participation.
5. The person chairing the meeting may decide how to address technical difficulties arising as a result of remote participation provided that, whenever possible, discussion of an agenda item is suspended pending reasonable efforts to resolve any such technical issues. In the event a remote participant is disconnected from the meeting, that fact and the time at which it occurred, shall be noted in the meeting minutes.

6.04. Procedures for Remote Participation.

1. A HPC member intending to participate remotely shall, as soon as reasonably possible prior to the subject meeting, notify the Chairman and the Clerk of his/her request to participate remotely and the facts supporting the request.
2. The Clerk shall distribute to remote participants, in advance of the meeting, copies of any documents reasonably anticipated to be used during the meeting.

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3. At the start of the meeting, the person chairing the meeting shall announce the name of the member participating remotely and the technological means of that participation and this information shall be recorded in the minutes of the meeting.

ARTICLE VII. AMENDMENTS

7.01. Amendments to Rules. These rules may be amended at any time by a majority vote of the HPC, provided that the amendment(s) be presented in writing at a regular or special meeting duly noticed and assembled prior to the meeting during which a vote will be taken on the amendment(s).

These Rules of Procedure have been approved and adopted by the HPC on this date.

This the ____ day of _____, 2019.

CHAIRMAN



HISTORICAL PRESERVATION COMMITTEE MINUTES

REGULAR MEETING

Monday, October 7, 2019 @ 6:30 pm

The Kure Beach Historical Preservation Committee held its regular meeting on Monday, October 7, 2019. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Craig Galbraith
Member Bill Moore
Member David Garceau
Member Kenneth Richardson (Via Telephone)

P&Z MEMBERS ABSENT

Member Robert Young

STAFF PRESENT

Nancy Avery, Town Clerk
John Batson, Building Inspector
Beth Chase, Admin Assistant

CALL TO ORDER

Chairman Galbraith called the meeting to order at 6:30 pm.

MOTION – Member Moore made a motion to approve the agenda as presented

SECOND – Member Garceau

VOTE - Unanimous

APPROVAL OF MEETING MINUTES:

- August 9th, 2019 Special Meeting

MOTION – Member Garceau made a motion to approve the minutes as presented

SECOND – Member Moore

VOTE - Unanimous

OLD BUSINESS

1. Presentation by intern

Joe Donohoe stated:

- Reviewed the Town of Kure Beach Land Use Plan:
 - Part 1
 - Section 1: *Community Concerns & Aspirations*
 - Section 6: *Analysis of Land Use & Development*
 - Part 2
 - Section 2: *Policies for Growth and Development*
 - *Land Use Compatibility*
- Reviewed South Person/South Blount example



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- Strong example of a Historic Designation Report
- Sections within report
 - Background
 - Recommendations
 - Comprehensive Plan Significance
 - Historic and Cultural Significance
 - Historic Research
 - Inventory
- Cataloged Buildings in B1
- Conducted Preliminary Research on the History of Downtown Kure Beach
- Primary Sources
 - New Hanover County
 - Property Information (construction date, building materials, etc....)
- Federal Point History Center
 - Oral Histories
 - Newspaper Clippings
- Newspapers.com
 - Newspaper reports for specific events
- Secondary Sources
 - Federal Point History Center
 - Informational Pamphlets
- Current Topics of Interest
 - Kure Beach Pier
 - Bud & Joe's
 - Fort Fisher Railroad
 - Kure Cottage
 - The Lower Cape Fear during the Second World War
- Kure Beach Fishing Pier
 - Constructed in 1923
 - Rebuilt several times
 - Very important to the History and Culture of Kure Beach
- Bud & Joe's
 - Barracks from Fort Fisher
 - Converted barracks were very common in Kure Beach
 - It may have been the first Town Hall building?
- Focus of research and report should focus on cultural moving forward
- Overlay will be supported by the Land Use Plan
- Fort Fisher Railroad
 - Hans Kure's railroad
 - Transported people and building supplies from the river into "downtown"
- Kure Beach During WWII
 - Impact of WWII on Kure Beach



HISTORICAL PRESERVATION COMMITTEE MINUTES

REGULAR MEETING

Monday, October 7, 2019 @ 6:30 pm

- Housing shortage in Wilmington led to housing boom in Kure Beach
- Camp Davis
- Federal Point Historic Preservation Society & History Center
 - Plaque Program
 - 50 & 75 year old designations
- Building in B1
 - Most residential units constructed between 1940's-1960's
 - Oldest from 1921
 - Most recent from 2018
 - Most business units constructed between 1950's-1970's
 - Downtown ranges from 1935-1975
- Two Questions for the board
 1. What are the desired boundaries for the overlay?
 2. What is the desired timeline for completion?

Chairman Galbraith stated the goal is not to preserve the homes but to maintain the feel and culture of the town. People may come in and knock down Bud & Joes but the Town would want it to be replaced with a building that feels and looks like the 1950s. The motion of the Town Council for the HPC was limited to the B1 district and it might raise red flags at this time if we go beyond the B1. The Town Council will have to hold public hearings but should have a rough draft of the study before the Town Council does so. If the Commission can have a rough draft of the study by December, the Town Council can start in January with the public hearings.

Attorney Eldridge commented first he wants to make sure the Commission is consistent with the terminology. The HPC is not talking about an overlay district but a historic district. These are two very different items. Need to keep in mind that the reason the Town Council may be going down this path of designating a historic district is so the Town can control the exterior appearances. Architecture does play a role and when you look at the slides in Intern Joe Donohoe's presentation, Kure Beach is definitely a small town family beach. Architecture is a relevant consideration when trying to preserve the small town beach.

HPC Intern Joe Donohoe commented he would be willing to extend the internship further than the semester. He believes he could have a rough draft of the study by December but the final draft would take longer to complete. He will now focus more on the B1 District.

Member Garceau commented he agrees with focusing strictly on the B1 district.

2. Remote Participation in Meetings

Attorney Eldridge stated:

- In your agenda packet you have a memoranda and a recommended policy
- The policy was set up as a code amendment but after speaking with Town Clerk Avery he will change it to a generic policy



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- Remote Participation is an open issue under NC law
- Courts have not addressed remote participation but there are court decisions that permit it
- Provisions in the open meetings laws favor remote participation as well but the Commission needs to put it into context
- P&Z Commission is an advisory board so remote participation proposes little risk
- HPC will be making quasi-judicial decisions so this is something to consider
- His recommendations are listed in the memoranda
- A. Allow remote participation only when enough members are physically present to constitute a quorum.
- B. Do not allow remote participation in closed sessions due to the difficulty of ensuring no one else is present at the remote location.
- C. Permit voting only when a remote member is participating by telephone or video.
- D. Permit voting on all matters coming before either commission excepting quasi-judicial matters coming before the HPC.
- He drafted the proposed policy as presented in the agenda packet
- Regarding the section on Technology bring attention to number 2 and 5
- (2) Any other technology enabling the remote participant and all persons present at the meeting location to be clearly audible to one another.
- (5) The person chairing the meeting may decide how to address technical difficulties which may arise as a result of the remote participation provided that, whenever possible, discussion of an item is suspended pending reasonable efforts to resolve any such technical issues. In the event a remote participant is disconnected from the meeting, that fact and the time at which it occurred, shall be noted in the meeting minutes.
- The Town Council would need to adopt the policy so recommends the Commission makes a decision if this would work and report on it to Town Council

MOTION – Member Garceau made a motion to submit the rewritten policy to Town Council regarding remote attendance to approve the remote participation policy for the HPC as presented

SECOND – Member Moore

VOTE – Unanimous

NEW BUSINESS

MOTION- Chairman Galbraith made a motion to change the HPC regular meeting start time from 6:30 p.m. to 6:00 p.m.

SECOND- Member Moore

VOTE- Unanimous

MOTION- Member Moore made a motion to adjourn the meeting at 7:14 p.m.

SECOND- Member Garceau

VOTE- Unanimous



HISTORICAL PRESERVATION COMMITTEE MINUTES

REGULAR MEETING

Monday, October 7, 2019 @ 6:30 pm

ATTEST: _____
Beth Chase, Administrative Assistant

Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Historical Preservation Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>planning and zoning.