



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, December 4, 2019 @ 7:00 pm

The Kure Beach Planning and Zoning Commission (P&Z) held its regular meeting on Wednesday, December 4, 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
Member Robert Young

P&Z MEMBERS ABSENT

STAFF PRESENT

Mandy Sanders, Town Clerk
Beth Chase, Deputy Town Clerk

CALL TO ORDER

Chairman Galbraith called the meeting to order at 7:00 pm.

APPROVAL OF AGENDA

MOTION – Member Richardson made a motion to approve the agenda as presented
SECOND – Member Garibay
VOTE - Unanimous

APPROVAL OF MEETING MINUTES:

1. November 6, 2019 Regular Meeting

MOTION – Member Garceau made a motion to approve the meeting minutes for November 6, 2019
SECOND – Member Garibay
VOTE- Unanimous

OLD BUSINESS

1. Presentation by intern(s)

Gloria Abbotts stated:

- Based on the meeting last month the Town has already done a lot towards being green
- Currently working on a green audit of the Town
- Met with Building Inspector Batson, Recreation Director Keely and Chairman Dennis Panicali from SLABP Committee
- At the February meeting will have the green audit complete for review



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2. Graffiti Ordinance

MOTION-Chairman Galbraith made a motion to table this item to the January agenda

SECOND- Member Richardson

VOTE- Unanimous

NEW BUSINESS

1. Accept Robert Young's resignation from the P&Z Commission

MOTION – Chairman Galbraith made a motion to accept the resignation of Robert Young from the P&Z Commission

SECOND – Member Richardson

VOTE- Unanimous

2. Interview P&Z Alternate Robert Rhoads

- Currently lives at 117 4th Ave N
- Lived in Kure Beach for the past year and a half
- Spent 20 years as a project manager in Pennsylvania
- Prior to being a project manager he was a sales consultant and systems engineer
- Thought he would apply to help improve the community and offer any input that might be relevant

INTERVIEW QUESTIONS AND ANSWERS:

1. Does he have an engineer degree?
2. Where did he receive his degree?
3. What were his duties as a project manager?
4. After living here for the past year and a half, does he have any ideas he would like to see improved in the Community?
5. Has he been involved in your previous communities?

Robert Rhoads answered he has a Bachelor of Science in Electronic Engineering Technology. He received the degree from The Capital Institute of Technology in Maryland. His duties as a project manager were to review specifications, purchase orders, and also worked with other departments to make sure the project was on time and in budget. He does not have anything currently he would change about the Town. He has not been involved in any previous communities.

3. Interview P&Z Alternate Kathleen Zielinski

- Lives at 714 Settlers Lane
- Lived in Kure Beach for the past 5 years
- Volunteered for the Community Center Committee until hired into the Building Inspections Department
- Assistant to Building Inspector John Batson and served as the secretary for the P&Z Commission and Clerk to Board of Adjustment



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- Now that she is away from Town employment she saw the opportunity to volunteer in this position and has the background to help contribute to the Town
1. Now that she is no longer employed by the Town what areas does she see that could be improved?
 2. How long has she lived here?
 3. Where did she move from?

Kathleen Zielinski stated the Town is doing a great job and nothing comes to mind. She noticed the Town has created the Historic Preservation Commission and if chosen to serve will spend time getting caught up on the Commission. She has lived here for 5 years and is originally from New York.

4. Light Pollution ordinance and Dark Sky regulations

MOTION- Member Garceau made a motion to table this agenda item to the January meeting

SECOND- Member Moore

VOTE- Unanimous

5. Legislative update and recommendations

Attorney Eldridge stated:

- Not too much to report on tonight but it is a working progress
- Town Council approved PZC and Attorney Eldridge to move forward reviewing the legislative changes that are currently effective and the new chapter 160D which will become effective a year from this January
- Given the authorization was on November 20 and the Thanksgiving Holiday only just begun the review of part one which are the current changes
- There are probably 3 of 4 that will concern the Commission and are relevant to look at and need to cross check the code to see if any amendments are necessary for that
- Not aware of any current applications that these new changes would impact so it is a working progress and will bring back more detail the report and recommendations on part one the currently legislative changes
- Also wanted to mention the legislative changes are now not as simple as they use to be and the language is more complicated
- Spend the next 30 days reviewing and will figure out if any code amendments are necessary and will make those recommendations and proceed as instructed

Chairman Galbraith stated the Commission has had several discussions regarding how the Commission needs to change the activities or businesses that are allowed in the various districts because of the court case. Need to make the language consistent. His recommendation is for the Commission to review the list of prohibited uses in each district.



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Attorney Eldridge commented the Chairman is talking about supplementing the provision in the zoning chapter of prohibited uses. We have eliminated the problematic language and the Town is effectively using that provision of prohibited uses. The Town is okay in respect to the legal ruling but the point the Chairman has made consistently is adding to the list of prohibited uses.

6. Right of Way Obstructions

Member Richardson gave a presentation on Right of Way Obstructions. Said presentation is herein incorporated as part of these minutes.

Member Richardson stated:

- Had a meeting with the Parking Committee and at the meeting Building Inspector Batson brought up an issue that is becoming more of a concern regarding the right of way
- First two pictures on the presentation is what a right away should look like
- The rest of the photos show residents have put boulders and stakes to keep people from parking in the right away
- Building Inspector Batson wants the Commission to tighten up the ordinances regarding the right of ways
- Spoke with the Mayor and he supported this item

Commissioner Whitley commented 23 certified letters have gone out regarding this issue.

Attorney Eldridge stated:

- Member Richardson has identified the problems
- The Town regulations allows the property owner to park on the unpaved portion of the right of way
- A problem that is emerging from this is vehicles are being parked in those spaces that are not the property owner
- Member Richardson drafted a Right of Way definition
- Town Council may want to more expressively provide a prohibition against construction in the right of way but don't need to include in the right of way language
- ROW is currently defined in Chapter 10.10.010 of Code: Public right-of-way
- Obstructions in ROW covered in Chapter 13.02.60: Removal Of Obstructions And Encroachments. Upon a report that there are obstructions or encroachments on any of the streets, sidewalks, wharves or other public places in the town, the town shall give written notice to any person causing such obstruction or encroachment to remove same immediately
- These provisions can be tweaked for greater clarity such as, for example, including a reference to property lines in the definition for public right-of-way. In 13.02.60, "public right-of-way" could be substituted for "streets," a reference could be made to Chapter 10's ROW definition, and express prohibitions against owners roping off or barricading within the ROW could be included.



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- Tweaking 13.02.60 as noted above should be sufficient for owner purposes. In the event of non-owner related “construction or maintenance vehicles parking in the ROW of private residences,” it may be sufficient to ticket them for parking illegally.
- Recommend against regulating, in the definitions themselves, permissible and non-permissible actions. Definitions define and do not regulate. If it is decided to expressly regulate permissible and non-permissible actions with respect to ROW’s, then recommend doing so in express provisions as suggested above.
- Amending Chapter 15 (the new number for the Zoning Chapter) may not be necessary since obstructions are a ROW issue and apparently do not concern property owner’s actions on their property.

MOTION- Chairman Galbraith made a motion for Planning & Zoning Attorney Eldridge to proceed with the appropriate recommended amendments to Chapter 10 and Chapter 13 regarding the amendments on Right of Way

SECOND- Member Richardson

VOTE- Unanimous

7. Rescheduling January 1, 2020 meeting

MOTION – Chairman Galbraith made a motion to reschedule the January 1, 2020 meeting to January 14, 2020 at 7:00 p.m.

SECOND – Member Richardson

VOTE- Unanimous

MEMBER ITEMS

MOTION- Member Garceau made a motion to recommend to the Town Council Kathleen Zielinski as the alternate member of the P&Z Commission

SECOND- Member Moore

VOTE- Unanimous

ADJOURNMENT

MOTION – Member Richardson made a motion to adjourn the meeting at 7:51 p.m.

SECOND – Member Moore

VOTE- Unanimous



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ATTEST: Mandy Sanders
Mandy Sanders, Town Clerk

Craig Galbraith
Craig Galbraith, Chairman

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