



# HISTORICAL PRESERVATION COMMITTEE MINUTES

**REGULAR MEETING**

**Thursday, November 5, 2020 @ 6:00 pm**

The Kure Beach Historical Preservation Commission (HPC) held its regular meeting on Wednesday, November 18, 2020. A quorum of members was present and Attorney Jim Eldridge attended.

## **HPC MEMBERS PRESENT**

Chairman Craig Galbraith  
Vice-Chair Kenneth Richardson  
Member Kathleen Zielinski  
Member David Garceau  
Member Tony Garibay (Via Conference Call)

## **HPC MEMBERS ABSENT**

None.

## **STAFF PRESENT**

Mandy Sanders, Town Clerk  
John Batson, Building Inspector  
Beth Chase, Deputy Town Clerk

## **CALL TO ORDER**

Chairman Galbraith called the meeting to order at 6:05 p.m.

## **ADOPTION OF AGENDA**

MOTION- Member Richardson made a motion to adopt the agenda as presented  
SECOND- Member Garceau  
VOTE- Unanimous

## **APPROVAL OF MEETING MINUTES:**

- October 7, 2020 Regular Meeting

MOTION- Member Garceau made a motion to adopt the minutes as presented  
SECOND- Member Richardson  
VOTE- Unanimous

## **PUBLIC COMMENTS**

None.



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## **OLD BUSINESS**

1. Proposed design guidelines for HPC proposal

Attorney Eldridge stated:

- SWCA has presented the revisions for the designation report and the HPC needs to reach a consensus on the deliverables
- Need to determine if revision is needed and where to insert into the designation report
- If satisfied with the report then need to turn discussion to the design guidelines
- Secretary of Interior Standards included in the agenda packet
- PZC will approach it as a text amendment process to draft text amendments to the Zoning regulations to make recommendation to Town Council
- If Town Council adopts those proposed text amendments the district will be designated
- Once the district is designated the Town cannot regulate the district till the Commission adopts design guidelines
- Rules of Procedures for HPC will need to be revised on how to conduct quasi-judicial hearings for when citizens bring forward a COA
- The Commission will need training on quasi-judicial hearings
- Memo included in the agenda packet regarding the historic district procedural timeline

Attorney Eldridge presented the historic district procedural timeline for the designation report attached herein, incorporated into the minutes.

Chairman Galbraith stated he does think HPC needs to hold a Public Hearing for the design guidelines in January. He will review the revisions SWCA have provided and will work on combining the revisions into the designation report to review at the December HPC meeting. The State recommended to use the Secretary of Interior Standards to use as the design guidelines once the district is designated.

Attorney Eldridge stated a citizen will apply for a COA and for it to be granted it must form to the design guidelines. Quasi-Judicial Hearings are handled more like a trial than a Public Hearing. The applicant must present materials and evidence to meet the guidelines. The HPC has \$2,000 allocated in the budget so if HPC tweaks the Secretary of Interior Standard guidelines and then sends it to April Montgomery using the architectural narrative to come up with a few detailed provisions for the design guidelines to use for a short term period.

Chairman Galbraith stated he will reach out to April Montgomery to request a quote.

Town Clerk Sanders to poll the Town Council to enter into a contract with SWCA once Chairman Galbraith receives the quote for the detailed provisions for the design guidelines from April Montgomery with SWCA.



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#### 2. COA approval process for Historic district

Chairman Galbraith stated he does not feel the Commission needs to discuss this topic tonight but HPC should review the matrix for COA approval at the December meeting. Requests the Building Inspector to review the matrix before the next meeting.

Attorney Eldridge stated the approach of the matrix is to let minor work be handled administratively rather than a hearing. Once HPC determines what information will be used he will insert it into a text amendment.

Building Inspector Batson to review the matrix provided in the agenda packet.

### NEW BUSINESS

None.

### MEMBER ITEMS

None.

### ADJOURNMENT

MOTION- Member Richardson made a motion to adjourn the meeting at 6:51 p.m.

SECOND- Member Garceau

VOTE- Unanimous

ATTEST: Mandy Sanders  
Mandy Sanders, Town Clerk

Craig Galbraith  
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.

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## MEMORANDUM

**TO: KURE BEACH HPC**  
**FROM: JAMES E. ELDRIDGE, TOWN ATTORNEY**  
**DATE: NOVEMBER 18, 2020**  
**RE: HISTORIC DISTRICT PROCEDURAL TIMELINE**

### INTRODUCTION

In the event SWAC's revisions to the Designation Report are acceptable, then the report can be finalized and transmitted to PZC with a recommendation to implement the procedures necessary for Council's potential designation of the historic district. Recalling that such a designation is achieved by adopting text amendments to Chapter 15, *Zoning*, then PZC will draft the text amendments, review them, and recommend Council's adoption of the same. Council's adoption of the text amendments results in the designation of the historic district.

Notwithstanding being designated as such, regulating the historic district cannot proceed until HPC adopts design guidelines and amends its Rules of Procedure to provide for the quasi-judicial procedures utilized when deciding applications for certificates of appropriateness [required before any major changes can be made to the exterior features of historic district properties]. Thus, while PZC and Council undertake the amendatory process, HPC will be adopting the guidelines and amending its Rules of Procedure.

With these considerations in mind, the following timeline is offered for discussion. The indicated meeting dates are only discussion points at this juncture given potential COVID issues, scheduling conflicts, previous commitments, and **the fact that the time between the November and December meetings is 2 weeks with the Thanksgiving holiday embedded therein.**

### POTENTIAL TIMELINE

#### Meeting Dates/Proposed Actions

11/2020:

- HPC considers SWAC's revisions to the report.
- HPC reaches consensus on final draft of report.
- Provided there is a final draft of the report, then HPC forwards report to PZC with recommendation that PZC draft the Chapter 15 text amendments.

- HPC begins to discuss design guidelines, considers whether (revised) DOI Rehabilitation Standards can serve as initial set of guidelines and who so revises.

12/2020

- HPC continues discussion of and possibly adopts design guidelines.

01/2021

- If needed, HPC adopts design guidelines.
- HPC discusses proposed text amendments to its Rules of Procedure setting forth quasi-judicial hearing procedures.
- PZC reviews the proposed Chapter 15 text amendments, makes its recommendation to Council regarding the same, and adopts the requisite consistency statement.
- Council fixes date for 02/2021 public hearing on proposed text amendments. [Because of COVID-related legislation, Council cannot act on text amendments on the same date on which the public hearing was conducted and must wait until its next special/regular meeting].

02/2021

- HPC adopts amendments to its Rules of Procedure providing for quasi-judicial hearing procedures. [Note that quasi-judicial training will be needed].
- Council conducts a public hearing on the proposed Chapter 15 text amendments.

03/2021

- Council considers and acts on the proposed Chapter 15 text amendments and adopts requisite consistency statement whereby the district is designated.