



TOWN COUNCIL MINUTES

**WORK SESSION WITH HPC
TOWN HALL**

Thursday, January 28, 2021 @ 4:00 p.m.

The Kure Beach Town Council held a work session with the Historical Preservation Committee to discuss the design standards for the Kure Beach Downtown Preservation and Historic District. The Town Attorney and a quorum of Council was present.

COUNCIL MEMBERS PRESENT

Mayor Craig Bloszinsky
Mayor Pro Tem David Heglar
Commissioner Joseph Whitley
Commissioner Allen Oliver
Commissioner John Ellen
Commissioner Joseph Whitley

COUNCIL MEMBERS ABSENT

HPC MEMBERS PRESENT

Chairman Craig Galbraith
Member Kathleen Zielinski
Member Tony Garibay
Alternate Member James Dugan

HPC MEMBERS ABSENT

Member Kenneth Richardson
Member David Garceau

STAFF IN ATTENDANCE

Building Inspector John Batson
Town Clerk Mandy Sanders

CALL TO ORDER

Mayor Bloszinsky called the meeting to order at 4:00 p.m.

PURPOSE OF MEETING

The purpose of the meeting is to hold a joint work session with the Historical Preservation Commission to discuss the Design Standards and Proposed Text Amendments for the Kure Beach Downtown Historic District.

Chairman Galbraith reported on the Kure Beach Downtown Preservation and Historical District and the proposed Design Guidelines. Design Standards are hereby incorporated into the minutes.

MOTION- Chairman Galbraith made a motion to excuse Member Richardson from the meeting

SECOND- Member Zielinski

VOTE- Unanimous

MOTION- Chairman Galbraith made a motion to excuse Member Garceau from the meeting

SECOND- Member Garibay

VOTE- Unanimous



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Attorney Eldridge gave a description of the Kure Beach Downtown Historic District and the importance in preserving the character of the B-1 district.

- The policy the Land Use Plan put forth 15 years ago is almost verbatim to what the HPC is trying to do today
- By statute, the Historic District is developed by Text Amendments in Chapter 15
- The only thing the Historic District Design Guidelines will regulate is exterior features
- There is a statutory prohibition to regulating exterior features of residential buildings
- The only way in North Carolina to regulate exterior features, is through the Historic District designation

Chairman Galbraith stated special use permits manage use and not design, therefore are not effective in regulating exterior features.

Mayor Bloszinsky asked if any residents were concerned with exterior regulations and what would be troublesome about this to business owners in the B-1 district.

Chairman Galbraith stated residents that came to the original meetings were only concerned with regulation of interior features and that owning property in the Historic District reduces the risk of negative externalities, such as a neighbor doing something that would damage your property value. The concern would be, if someone wanted something modern and not harmonious to the district, they would not be able to do it.

Member Zielinski stated she struggles with the administrative procedure for minor repairs. She feels it puts undue burden on the homeowner.

Mayor Bloszinsky stated it sounds like it would be an extension of the regular permit application.

MPT Heglar stated he is concerned with work not being able to be done on your property for up to 2 months.

Chairman Galbraith stated the Commission can discuss and change the timelines. He agrees the Commission wants to make decisions as quickly as possible.

Attorney Eldridge stated the purpose of the timeline is for staff to digest the application and create a report for HPC to decide.

MPT Heglar is concerned with the suggestion that the design standards may regulate height. If any property in Kure Beach can go to 35 feet, then any citizen should be allowed to go to 35 feet. The board could easily restrict based on the way the design guidelines are written.

Chairman Galbraith stated it was never the intention of the board to be restrictive.



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Attorney Eldridge suggested adding a revision that no application will be denied based on height that meets the Code of Ordinances 35 ft limit.

Mayor Bloszinsky asked if the deck on Jack Mackerels restaurant would be approved under the Historic District? What about the Big Daddy's outdoor area?

Building Inspector Batson stated they would need to go in front of the HPC for a Certificate of Appropriateness.

Attorney Eldridge stated if it looks consistent with the rest of the downtown, it would be allowed.

Attorney Eldridge reported on the proposed Text Amendments. Proposed text amendments are hereby incorporated into the minutes.

MOTION- MPT Heglar made a motion to take a 5-minute Break at 5:16 p.m.

SECOND- Commissioner Whitley

VOTE- Unanimous

MOTION- MPT Heglar made a motion to return to the meeting at 5:23 p.m.

SECOND- Commissioner Whitley

VOTE- Unanimous

MPT Heglar asked if a citizen wanted to tear down Bud and Joes Bar and put up a 3-structure building with commercial on the bottom and residential on the front, would it be allowed right now?

Building Inspector Batson stated it would be allowed right now but could be denied once the design standards are approved.

Chairman Galbraith commented he does not want to burden an applicant financially by requiring expensive engineering reports, etc.

Attorney Eldridge stated it is left open in ordinance, but the burden of proof is on the applicant. HPC shall base its decision on the design structure.

Mayor Bloszinsky asked could he build a 1968 McDonald's? Beyond the regular restrictions there are no other restrictions to the business?

Attorney Eldridge stated HPC in its discretion would decide that.



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Chairman Galbraith stated there are not restrictions to businesses, other than what is already in the regulation. It does not regulate the use, only the architectural design.

MPT Heglar stated his main concerns

- 35 ft height – no restrictions beyond what the rest of the town has
- Simple to read and understand – remove the word “fenestration”
- Minor work decision process time needs to be reasonable

Member Zielinski stated the timeline is if the citizen appeals a denial. The Commission tried to make the design guidelines so that it would be very easy for Building Inspector to approve.

MPT Heglar stated when you buy in an HOA, the citizen signs a contract with HOA rules, however for the homeowners in the Historic District, the citizen did not.

Attorney Eldridge stated a COA decision is no different than a variant decision of BOA or a special use decision. HPC decisions on COA's are appealed to BOA.

Attorney Eldridge stated it is about being consistent with the design standards.

Commissioner Ellen commented he agrees with dropping the word historic and wants to know if it will be dropped on the next draft of the design standards.

Attorney Eldridge stated by statute we need to keep the board as historic, but we can take the word historic out of the district name.

Chairman Galbraith stated that meeting next week will likely have a vote and pushed to council for the February Council Meeting.

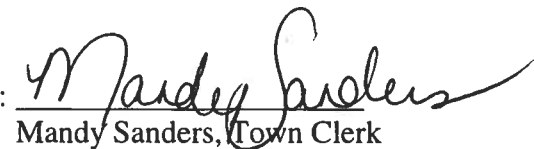
ADJOURNMENT

MOTION – Commissioner Whitley made a motion to adjourn the work session at 6.04 p.m.

SECOND – MPT Heglar

VOTE – Unanimous


Craig Bloszinsky, Mayor

ATTEST: 
Mandy Sanders, Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. An audio recording of the meeting is available on the town's website at www.townofkurebeach.org, under government/kurebeachcouncil.