



# HISTORICAL PRESERVATION COMMISSION MINUTES

**SPECIAL MEETING**

**Wednesday, January 5, 2021 @ 5:00 pm**

The Kure Beach Historical Preservation Commission (HPC) held its Special meeting on Wednesday, January 5, 2022. A quorum of members was present and Attorney Jim Eldridge attended.

## **HPC MEMBERS PRESENT**

Chairman Craig Galbraith (Via Conference Call)

Vice Chair Jim Dugan

Member Kathleen Zielinski

Member Joe Barlok

Member Gary Glossop

Member Byron Ashbridge

## **HPC MEMBERS ABSENT**

Member Tony Garibay

## **STAFF PRESENT**

Mandy Sanders, Town Clerk

Beth Chase, Deputy Town Clerk

John Batson, Building Inspector

## **COUNCIL LIAISON PRESENT**

Commissioner Whitley

## **CALL TO ORDER**

Vice Chairman Dugan called the meeting to order at 5:00 p.m.

## **PURPOSE OF THE MEETING**

The purpose of this Special meeting is to hold a training session with the Cape Fear Council of Government.

Wes MacLeod, AICP, ASLA, with the Cape Fear Council of Government gave a presentation hereby incorporated into the minutes.

## **Highlights of Presentation:**

- **Legislative** – Policy decisions including adoption, amendment, or repeal of regulations. Examples: zoning text amendment, rezoning (map amendment) and also annexation, budget.  
Final decisions reserved for the governing board (board of aldermen, council).
- **Advisory** – Not final decisions, therefore, less regulated. Typically a function of the planning board and/or staff. Examples: recommendations on plans, text and map amendments, etc.



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- **Administrative** – Routine activities typically handled by professional staff, but sometimes by planning board or governing board. Examples: issuing permits, approving plans or plats, enforcement, application of non-discretionary standards.
- **Quasi-judicial** – Formal actions where the decision makers apply discretion in applying existing policies to individual or special cases. Quasi-judicial (i.e. court-like) decisions use evidentiary hearings to gather facts and evidence and have very specific requirements. Examples: special use permits, COAs, variances, and appeals. Decisions can be made by the governing board, planning board, or board of adjustment. Or historic preservation commission for COAs.
- **Quorum** – Depends on local ordinance, simple majority or 4/5ths.
- **Voting** – Requires 4/5ths (0.8) majority to grant variance, simple majority to decide any other matter, or affirm/deny an appeal. Vacant seats and disqualified members are not considered members for determining majority where qualified alternates not available.
- **Hearing** – Evidentiary hearing to gather facts, not public opinion. A detailed record of the hearing is required, including detailed minutes or, preferably, verbatim transcripts or recordings. Hearing for each case must be opened and closed.
- **Witnesses** – Evidence must be presented under oath and cross-examination must be allowed. Chair may subpoena witnesses. The chair or clerk to board may administer oaths.
- **Findings** – Written findings of fact are required. Where there is conflicting evidence, the Board must specify what it determines to be the facts that are the basis for the decision.
- **Evidence** – Evidence must be **substantial, competent, and material** and must be entered into the record and kept on file. Hearsay and non-expert testimony cannot be the basis for a decision or for establishing a fact. Board members **may not gather evidence outside of the hearing** and ex-parte communication is not allowed. Only evidence presented at the hearing and subject to cross-examination should be considered.


## ADJOURNMENT

MOTION- Member Dugan made a motion to adjourn the meeting at 6:45 p.m.

SECOND- Member Glossop

VOTE- Unanimous

ATTEST:

  
Mandy Sanders, Town Clerk

  
Craig Galbraith, Chairman