

The following
Closed Session Minutes
were approved for release by
Town Council
on
Tuesday, March 17, 2009
at a Regular Council Meeting

Please contact the Town Clerk if you have
any questions.



KURE BEACH TOWN COUNCIL
CLOSED SESSION
November 6, 2008

MINUTES

Mayor Montgomery called the closed session to order at 3:47 pm on November 6, 2008 stating the purpose of the meeting was to discuss one item: beach front easement encroachment.

Town Attorney A.A. Canoutas was in attendance. A quorum of the Town Council was present.

COUNCIL MEMBERS PRESENT:

Mayor	Mac Montgomery
Mayor Pro Tem	Jim Dugan
Commissioner	Dean Lambeth
Commissioner	Barry Nelder
Commissioner	Jim Vatr

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Town Administrator	Michelle James
Building Inspector	John Batson
Town Clerk	Kaysie Pralle

Discussion topics

The discussion centered on Kure Beach property owners who have beach front property informing them of the easement line on their property, and how it may or may not impact them.

Topics of the discussion were as follows:

1. Beach front property owners who do not have structures encroaching easement.
2. Beach front property owners who do have structures encroaching easement.
3. Property currently under construction that are requesting permit for pool. The entire pool and deck would encroach upon easement.
4. Future forward. What will the town's policy be?

1. Mayor Montgomery suggested that the town should send letters to all beach front property owners informing them of the easement line. The letter would be mailed to the property owner on record. A copy of the letter would also be mailed to the US Army Corps of Engineers, CAMA and the North Carolina Board of Commissioners.

2. Attorney Canoutas suggested sending a second letter to property owners whose homes are encroaching upon the easement.

DISCUSSION – The Council, Building Inspector Batson, and Attorney Canoutas agreed the letter should state the following:

- The structures encroaching will be removed if necessary for the US Army Corps of Engineers beach re-nourishment. (Batson)
 - The town is not asking them to remove the structure today. (Vatrt)
 - The structure will be removed at the owner's expense. Neither the town, nor the US Army Corp's of Engineers will reimburse the property owner for this expense. (Canoutas)
 - A copy of the letter would also be mailed to the Army Corps of Engineers, CAMA and the North Carolina Board of Commissioners. (Montgomery)
 - The letter will be sent registered mail. (Montgomery)
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3. The property located at 530 N. Fort Fisher Blvd. is requesting a pool permit. The pool and deck would encroach on easement line. The issue is whether the town should grant them the permit.

- Attorney Canoutas recommended that the town deny them the pool permit based on the easement in place, but ultimately the decision is the council's to make.
- Commissioner Nelder expressed that the town cannot continue to make this mistake.
- Attorney Canoutas stated that in the past the town unknowingly granted permits that would allow building past easement.
- Commissioner Lambeth mentioned that there are pools that are designed for "temporary structure" status and questioned if this could be another option.
- Commissioner Vatrt questioned whether the US Army Corps of Engineers would consider changing the easement line.
- Building Inspector Batson stated that the homeowner could petition the US Army Corps of Engineers to have the easement line moved on their property. He will gather more information and present a proposal for the council to review.

DISCUSSION – The council agreed to discuss this matter further based upon the findings of Building Inspector Batson.

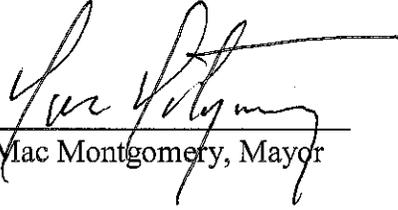
4. Attorney Canoutas proposed changing the ordinance to state that pools will not be allowed in easement. Mayor Montgomery would like the ordinance to clearly define how much latitude would be provided for future permit requests. He suggested this be included in Building Inspector Batson's proposal.

Administrator James suggested that the ordinance address the issue of natural disasters. The ordinance should define at what percentage should the structure, if destroyed, be allowed to be rebuilt.

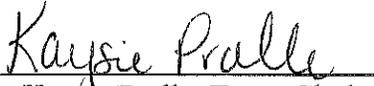
DISCUSSION – The council agreed that future pool permit requests, which would encroach upon easement, would be denied.

DISCUSSION – The council agreed that the proposal should address the issue of natural disaster rebuilding.

The closed session adjourned at 4:26 pm.


Mac Montgomery, Mayor

ATTEST:


Kaycie Pralle, Town Clerk

