

KURE BEACH TOWN COUNCIL
PUBLIC HEARING
October 16, 2007
6:30pm

MINUTES

The Kure Beach Town Council held a public hearing on Tuesday, October 16, 2007 at 6:30pm for the purpose of receiving comments on a proposed amendment to the CAMA Land Use Plan.

COUNCIL MEMBERS PRESENT:

Mayor Tim Fuller
Mayor Pro Tem Mac Montgomery
Commissioner Jim Dugan
Commissioner Dean Lambeth

COUNCIL MEMBERS ABSENT:

Commissioner Bill Ufferman

STAFF PRESENT:

Town Clerk Nancy Avery
Building Inspector John Batson

✓Town Attorney A.A. Canoutas was in attendance.

OPENING OF HEARING:

Mayor Fuller called the meeting to order, delivered the invocation, led in the pledge of allegiance, and opened the public hearing at 6:30pm.

Mayor Fuller stated the purpose of the public hearing was to receive comments regarding a proposed amendment to the 2006 CAMA Land Use Plan that deletes items "d" and "g" from Part 2 (Plan for the Future), Section 2 (Policies for Growth and Development), Item F (Local Areas of Concern Goal, Discussion and Policies), Section 77 (Commercial Development Desired for the Business District) located on page 120 of the plan that read as follows:

d. It is Kure Beach town policy to protect the commercial/business district so as to provide continuing opportunities for "downtown" commercial development. The Town of Kure Beach policy is to allow mixed use development in the commercial district. Any residential use in the commercial center will be subordinate to a commercial use.

g. Kure Beach policy is to restrict the encroachment of residential-only site use into preexisting established commercial areas.

Mayor Fuller stated that:

- the purpose of the proposed amendment is to allow relief to property owners whose property is not suitable for commercial use because of regulatory restrictions limiting the use of the property.

- notice of this hearing was advertised in the Star News newspaper on September 10th and 24th, in the Island Gazette on October 10, 2007, posted at Town Hall and on the Town's website on August 24th, 2007
- written notice of this hearing and intent to amend the Land Use Plan was provided to the Coastal Resource Commission on August September 4th, 2007
- the public may submit support or concerns in writing up to 15 business days prior to the Coastal Resource Commission meeting scheduled for November 29 – 30th, 2007 care of: Mr. Jim Gregson, CRC Director, 400 Commerce Avenue, Morehead City, NC 28557

PUBLIC COMMENTS

1) Dan Bell commented:

- I am a resident of Kure Beach and I work in Kure Beach
- I am here on behalf of Mike Robertson and myself
- Make no mistake that this is a political decision not a legal decision. This is a case of a head strong mayor trying to bend the will of council and the city to do something that they shouldn't do and something that will not be good for the town.
- The fallout from this change, if made, will come with the tenure of Mayor Pro Tem Montgomery. As future mayor, you are the one that will catch it in your life
- This is bad because it will increase the amount of tax burden for residential property owners. In most towns, approximately 30% of the tax comes out of the business district. In Kure Beach, it is less than 10%. The difference is borne by the residential tax payer. Instead of trying to decrease the amount of money paid out of the business district, the town should be trying to increase it.
- All the plans for capital improvements to city hall have to be paid by some one. They won't be paid by the business district which is lost sales tax. This is one of the few places where the value of commercial land is less than the value of residential land
- Another reason this is a bad decision is because it will drive away and discourage any investors that want to set up a store or nice mixed use business in the business district. This amendment sows confusions, uncertainty and creates a series of hoops that someone has to get through. Investors will go the other way.
- I can't tell you how many people have come to me and said 'wouldn't it be great if we had restaurants, coffee shop or bakery'? People have to dig in their pockets to finance and they will want some sense of certainty that the infrastructure of the BI isn't going to collapse and the business won't be surrounded by large houses.
- The third reason that this amendment is a bad plan is that the simple amendment of the Land Use Plan is not the end of it. Mayor Pro Tem Montgomery's council will have to sit down and write ordinances to fit the new Land Use Plan with the reality. As I understand the proposal, if someone came to the Building Inspector to put up a residential house, the Building Inspector would say no, Planning & Zoning would say no, council would say no. The final decision would be by the Board Of Adjustment – a volunteer group compelled by the amount of money involved to be forced to sit and listen to economists, planners and lawyers to reach a decision. If the process sounds crazy, it's because it is crazy. I predict that

the decision would lead to another lawyer – what investor is going to go through that process?

- Mr. Sanders has a permit to build that was issued contrary to the Land Use Plan. Whatever happens tonight, he will lose the permit, CAMA won't let him build, he will have to come back again. He has a failed project in the 300 block of ocean front. If I was a betting man, I'd bet Mr. Sanders will tear down the building and put up a for sale sign.
- We are at a fork here. It is up to Mayor Mac (Mayor Pro Tem Montgomery) to decide which way to go. Another way is to not change the Land Use Plan, but to call a truce and be a leader by saying this is my council and we want the B1 to be something to be proud of – a gem of the coast – we can be that. Let's work together, brick by brick to put together something everyone can be proud of. That's the alternative.
- I am asking you (indicated Mayor Pro Tem Montgomery) to send a signal that the disintegration of the B1 either by strangulation or decay is not going to happen on your watch – that you will do something bigger than that – that reaches out to everyone in the town and listens to the people in town that want that. This amendment is going to kill that.

2) Steve Bowman, resident, stated that two years ago when council was seated there was a lot of discussion about helping the downtown area. Mayor Fuller – they were some of your comments. Now two years later, we are getting ready to elect a new council. Tim (Mayor Tim Fuller) won't be the mayor anyway. That's sad. We are losing the B1 district.

3) Peter Boulter, resident:

- I have concerns about what is happening. The Land Use Plan is meant to be a strategic document that defines how we are going to go forward in the future. To me, we are behaving tactically or technically and modifying every time there is a concern. We should be protecting it. These plans get discussed a long time before they are put into place and to modify is acting against the will of what everyone put into that plan.
- I would like to see a process put in that any change to the Land Use Plan should come before the electorate. When we came to live here, we thought it would be a vibrant town, not just residential. People are moving more and more to make this a suburb of Carolina Beach

4) Tom Humphries, business owner in the B1 district stated:

- The last time I spoke, I suggested the town buy the property to use for restroom facilities. I was told the owner wanted \$9 million. I asked the attorney where it was documented that the town made the offer. The attorney said there was nothing in writing. We desperately need more parking and bathroom facilities. If the property is not suitable for commercial, it could be used for parking and bathroom facilities.

5) Jimmy Lippard, resident stated:

- I came in late to the process and I am not sure what changes council wants to make.
- How will this amendment impact the residents in the B1 district?
- I have been denied to build residential. Not sure what is changing. What's the impact to me? The Town is going to help a builder but I am stuck with swamp land.

Mayor Fuller asked Building Inspector Batson if he knew the circumstances as to why Mr. Lippard was denied to build. Building Inspector Batson stated that Mr. Lippard requested a building permit when the former Building Inspector was here, but hasn't requested anything since he has been the inspector. Mayor Fuller said we can discuss later.

Mayor Pro Tem Montgomery stated that there is language that grandfathers existing home owners into the B1 district. This was discussed by Planning & Zoning as clarification of 19.323.5 of the ordinance that roughly stated "single family may be built anywhere in town as long as it meets certain specification". Planning & Zoning wanted to consider that an existing homeowner that used as residential can build as residential, but commercial can't go to residential. Mayor Pro Tem Montgomery said that he wasn't sure any action has been taken on it.

Mr. Lippard replied that it didn't change anything in the B1 district anyway. He thinks his issue is dead on it – why should a developer be allowed to build a home and he can't.

6) Jean Johnson commented:

- I don't have anything in the B1 district but I eat there, visit there and fish there.
- We need to have a sincere show of support for businesses with sales tax
- The business district is the heart of the town
- I don't want to be a bedroom community to Carolina Beach.
- I'm not sure we need a 35 ft height limit in the B1 district
- If businesses are wiped out they can't replace them viably
- I feel like we need to protect what we have in a village atmosphere
- If we need to buy the land to protect it, then buy it, you are going to come back and get our money anyway.
- We have a potential parking lot next to the gas station where they tore down a motel – what's happening to it – what's proposed for there – have we considered buying it for parking?
- We need to have a decent downtown area and parking.
- The downtown center speaks for what a lot of us came here for –a nice little village.
- We need places to keep the fishing people.
- People staying in a motel won't complain about noise, but a homeowner will.
- Let's keep places like Mr. Lippard's. He's on third avenue, so there's no fronted business on third.
- We need to protect the people that came here first, like Mike Robertson and his family and other business owners.

- The main thing is to maintain this as a little town – we have to have a place to go for the gossip, if nothing else
- When houses are built and everyone is sitting on their porch – what happens to parking on Atlantic Ave – homeowners are not going to want it there.

7) Peneloper Fongers – stated:

- I reiterate what Ms. Johnson said
- I live in Sea Watch community and claim North Carolina as my home.
- I want to say we are reacting to a lawsuit. Are we going to fold when everyone threatens us with a lawsuit?
- People purchase residences in the business district, and will complain about the noise, then are we going to change the noise ordinance to satisfy people that purchase homes in the B1?
- I see all kinds of trouble starting with this. It will be a big mess and will take away potential opportunities.
- It appears that not every opportunity has been explored.
- We should visit other towns to see what they have done in this circumstance.
- I would like to see the B1 beautified and expanded.

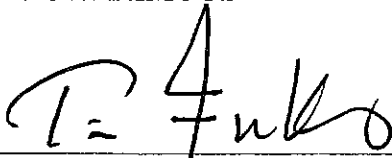
8) Steve Bowman commented:

When I served on the council 6-7 years ago, the one thing that I did notice is that people do speak up and council is up there to represent the people. I ask those in the audience opposed to the change to the Land Use Plan, to raise your hand. Obviously, the majority here are opposed. This audience has said they are opposed to building houses in the business district. Are you (council) serving the majority of the people in Kure Beach or are you serving the interests of a special interest group?

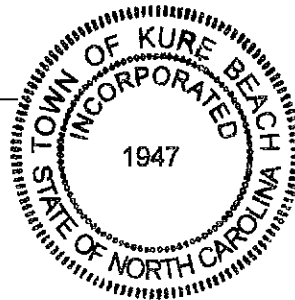
After determining there were no further comments, Mayor Fuller called for a motion to close the hearing and adjourn the meeting.

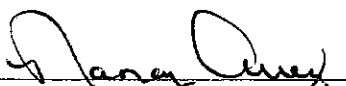
CLOSING OF HEARING

ACTION – Commissioner Dugan MADE THE MOTION to adjourn the public hearing at 7:06 pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS



Tim Fuller, Mayor



ATTEST: 
Nancy Avery, Town Clerk