

KURE BEACH TOWN COUNCIL
PUBLIC HEARING
NOVEMBER 20, 2007
7:00pm
Continued from October 30, 2007

MINUTES

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

Town Attorney A.A. Canoutas was in attendance.

The Kure Beach Town Council on October 30, 2007 continued a public hearing for the purpose of receiving comments on a proposed amendment to Chapter 19, Zoning, Article I, Section 19-1, Definitions, of the Code of Ordinances for the Town of Kure Beach, Section 19-1 Definitions regarding community facilities.

The public hearing was called to order on October 30th, 2007 at 6:31pm and continued to November 20th, 2007 at 7pm or soon thereafter pending receipt of a recommendation from the Planning and Zoning Commission. The hearing was advertised in the Star News on October 20th, 2007 and the Island Gazette on October 24th, 2007 and posted at Town Hall and on the Town's website on October 20, 2007.

1. CALL TO ORDER

Mayor Fuller called the hearing to order at 7:04pm stating the purpose of the hearing is to receive comments on a proposed amendment to the Code of Ordinances. Mayor Fuller read the proposed amendment to Chapter 19, Zoning, Article I, Section 19-1, Definitions, of the Code of Ordinances for the Town of Kure Beach.

Section 19-1 Definitions - amended by adding the following bolded language:

Common areas and facilities shall mean those areas of a housing project and of a property upon which it is located **within the jurisdiction of this ordinance** that are for the use and enjoyment of the owner of family units located in the project. The areas may include the land, roofs, main walls, elevators, staircases, lobbies, halls, parking space, and community facilities. **Community facilities are non-commercial recreational facilities such as a club house, swimming pool, tennis court or beach access for the exclusive use and enjoyment of the owners of family units located in the project.**

Commissioner Lambeth explained that a beach club owned by non-residents wouldn't be required to pay taxes to the Town, yet the Town would have to provide fire, water, sewer, police and other services.

2. OPENING OF HEARING

Mayor Fuller opened the public hearing for comments at 7:04pm.

1. Anne Brodsky, resident, stated it seems foolish that a Town would be expected to provide services to a property without getting anything in return.

2. Mary Beth Whitton, resident asked if this is what happened at Ocean Isle Beach? Are you saying we are supporting this or not?

Commissioner Lambeth stated yes this is what happened there and we are not in favor of this.

3. Jim Vattr, resident, asked if this is an issue that will set the Town up for a law suit? Mr. Vattr also asked what can we do as a Town to be pro-active on this and does this preclude a person from building a beach club?

Mayor Fuller responded that the Town is always at risk for lawsuits. In this case, the Town has not been formally approached, so there wouldn't be a basis for a law suit. Legislation is pending in the General Assembly and a bill should be introduced in the spring.

Commissioner Lambeth responded that it doesn't preclude a property owner from leasing property to someone else because they would still have to pay taxes. It would preclude non-resident beach clubs.

4. Charlie Allo, resident, asked if this applies to common property not open to the public. Mr. Allow also stated that:

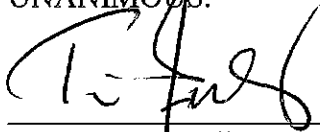
- current beach clubs in the Town are not open to the public
- anything set aside as a business, has a different ruling
- his impression is that Council's intent was to treat stand alone beach clubs by private individuals as separate entities
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Mayor Fuller said it has to be property related to residences in Kure Beach and it is our intention to treat as a separate entity.

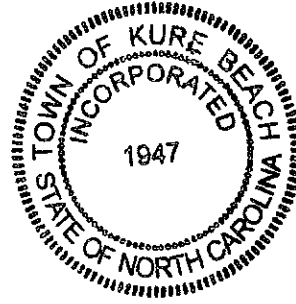
Mayor Fuller closed the public hearing at 7:14pm after determining there were no further comments from the public.

3. ADJOURNMENT

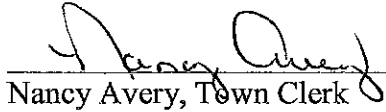
ACTION – Mayor Pro Tem Montgomery MADE THE MOTION to adjourn at 7:15pm. Commissioner Lambeth seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Tim Fuller, Mayor



ATTEST:



Nancy Avery, Town Clerk