

BOARD OF ADJUSTMENT
MEETING MINUTES ♦ February 28, 2012

MINUTES

A meeting of the Kure Beach Board of Adjustment was held February 28, 2011, at Kure Beach Town Hall, located at 117 Settlers Lane, Kure Beach, NC for the purpose of training. A quorum was present.

MEMBERS IN ATTENDANCE:

Peter Boulter, Chair
Harry Humphries
Tony Garibay
Sandra Whaley

MEMBERS ABSENT:

Dolores Coe

Attorney Holt Moore was not requested to attend

STAFF ATTENDANCE:

John Batson, Code Enforcement Officer - Absent
Secretary, Josie Fitzgerald

CALL TO ORDER:

Chairman Boulter called the meeting to Order at 7: 04 pm

APPROVAL OF AGENDA (Feb. 28, 2012):

MOTION: Member Humphries
SECOND: Member Garibay
VOTE: Unanimous

APPROVAL OF THE MINUTES (Meeting Nov. 29, 2011):

MOTION: Member Garibay
SECOND: Member Humphries
VOTE: Unanimous

A. Review 2011 Annual Report

Member reviewed the 2011 Annual Report. There were no comments and no revisions

MOTION: Member Humphries moved to accept the 2011 Annual Report

SECOND: Member Garibay

VOTE: Unanimous

B. Board Vacancy

It was noted that Member Charles Allo resigned from the BOA creating a vacancy. Town Council has approved Alternate Sandra Whaley as a Member. The Oath of Office was administered by Nancy Avery, Town Clerk

C. Election of Officers

Chairman Boulter called for an election of officers for 2012. Member Humphries nominated Member Peter Boulter to remain as Chair. Member Boulter accepted the nomination.

MOTION: Member Humphries moved to elect Member Boulter as Chair

SECOND: Member Whaley

VOTE: Unanimous

Member Coe was nominated as Vice Chair

MOTION: Member Garibay moved to elect Member Coe as Vice Chair

SECOND: Member Humphries

VOTE: Unanimous

D. Review of Rules of Procedure

The Rules of Procedure were reviewed. There was discussion regarding clarifying language.

Sec. IV. Rules of Conduct for Members. It was agreed that the wording "faithful attendance at all meetings" needed to be modified. In the past if a member missed more than two consecutive meetings, they were asked to resign. There was discussion that if members advise the secretary of an absence, there shouldn't be a problem.

Members agreed on language change:

If a member misses two consecutive meetings, then they should resign or communicate their intentions whether they want to stay on the Board or submit a resignation by the third scheduled meeting.

Sec. III Alternate Members. This section was discussed and it was agreed that alternates should attend all meetings, hearings and training sessions. The alternate may be excused from a meeting or hearing only if their attendance is not required. They should attend all training sessions.

Suggested language, alternate members should be required to attend all hearings where one or more members are absent.

All alternates are required to attend all meetings and hearings and once we have a quorum, the chairman can excuse the alternate.

Alternates are required to attend training sessions and participate in the entire session.

Members agreed on language change:

Alternate members of the Board are required to attend all meetings, hearings and training sessions and may be excused from hearings only if their attendance is not mandatory for a quorum.

Sec. V. Meetings

The 24 hr. requirement to cancel a meeting seemed to be a reasonable amount of time by the members unless there was an emergency and it was agreed that the current language should stand. If the cancellation impacts an appearance by someone presenting a training session, the meeting can be cancelled without a 24 hr. notice.

Language to remain "...not less than twenty-four (24) hours..."

MOTION: Member Garibay moved to make the language changes to the Rules of Procedure as noted in Sec. III and Sec. IV and Sec. V should stand as is.

SECOND: Member Whaley

VOTE: Unanimous

E. Training session

The tentative training schedule of May, August and November was discussed. It was suggested to eliminate November and schedule two sessions, one in May and one in September. Last year there was a problem in November because of Thanksgiving. The members would like another session by Inspector Batson and one presented by the Council of Governments.

MOTION: Member Humphries moved to schedule training session, one in May and one in September

SECOND: Member Whaley

VOTE: Unanimous

OLD BUSINESS:

Attendance of members and alternate members was discussed and it was agreed to modify the language in the Rules and Procedures to address these issues.

Chairman Boulter noted that there are no alternate members. There will need to be an advertisement for two alternates. Town Clerk Nancy Avery will be requested to advertise for two alternate members for the Board of Adjustments.

NEW BUSINESS

Attendance of Attorney Holt Moore at meetings and procedure to follow. Attorney Holt charges for his appearance. There was discussion that this may be a Council decision because it was not clear what the contract states.

It was suggested that Attorney Moore's attendance at training sessions is not necessarily required, but is required at Hearings.

It may be that he can attend by invitation to other meetings.

Chairman Boulter suggested that they should get Council's opinion as to their intention and what is in the contract. If his contract states attend all meetings, Council may need to reconsider that issue.

Chairman Boulter requested this issue to be placed on the next Council agenda for an opinion and request they get back to BOA with an answer.

Pending an answer from Council, the members agreed that Attorney Holt Moore should attend all hearings and may attend other meetings by invitation if we require his attendance.

MEMBER ITEMS:

The members discussed the training sessions and agreed they would like a representative from the Council of Government for one session. The other session will be presented by Inspector John Batson. The question arose if Inspector Batson trains the Board is there a conflict when hearing a case that is brought regarding a decision he has made. The contents of the trainings sessions presented by Inspector Batson will need to be neutral, include new codes and ordinance updates and avoid anything that could appear to be a conflict.

All agreed that they would like one session presented by the Cape Fear Council of Government and one by Inspector John Batson.


AJOURNMENT:

MOTION: Member Humphries moved to adjourn the meeting

SECOND: Member Garibay

VOTE: Unanimous

Meeting adjourned at 7:43 p.m.



PETER BOULTER, Chair

ATTEST: 

JOSIE FITZGERALD, Secretary