



**KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING ♦ Wednesday, December 3, 2014**

**A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on  
Wednesday, December 3, 2014. A quorum of the Commission was present.**

**P&Z MEMBERS IN ATTENDANCE**

Craig Galbraith, Chair  
Joe Whitley, Vice Chair  
Member Alan Votta  
Member Tom Theisen  
Member John Ellen

**ABSENT**

Liaison: Craig Bloszinsky (partial attendance)  
Attorney: James E. Eldridge

**STAFF PRESENT**

John Batson, Bldg. Insp.  
Josie Fitzgerald, Administrative Assistant

**I. CALL TO ORDER:**

Chairman Galbraith called the P&Z meeting to order at 7:02 p.m.

**II. APPROVAL OF AGENDA:**

**MOTION: Member Whitley moved to adopt the Agenda**  
**SECOND: Member Theisen**  
**VOTE: Unanimous**

**III. APPROVAL OF MINUTES:**

**MOTION: Member Votta moved to approve the P&Z minutes of November 5, 2014**  
**SECOND: Member Ellen**  
**VOTE: Unanimous**

**IV. PUBLIC COMMENTS:**

**Bill Moore, President of Ocean Dues HOA addressed the Commission to follow up the  
parking issue. He would like no parking enforced.**

**V. OLD BUSINESS:**

- A. Member Whitley met with DOT and Tony Gonsalves to discuss the parking issue.**
- DOT is aware of the parking situation on Ft. Fisher and is familiar with the area.

- It is up to the Town as to what we want to do. Restrict or regulate, on all or part of 421.
- Parking can be restricted but public can still use right of way to access the beach.
- DOT will put up and maintain signs and it will be the Town responsibility to enforce.
- An ordinance will need to be passed and notify DOT.
- Question is, do we want to address directly the specific location or do we want to address parking strategy for all 421?
- Council designated us to look into the parking issue, now do we pass it back to SLAP or report to Council and let Council decide how to proceed.
- P&Z found out what we can do about the issue and have satisfied Council's request. Now it would be appropriate to put it back in hands of Council for a decision on how they want to proceed.
- We can give Council recommendations for addressing the specific area where parking issue is obvious problem.
- It would be a mistake to study every inch of 421 and grow into a massive project.
- Attorney suggested that P&Z report its findings and offer recommendation. It is Council's responsibility to proceed and can ask P&Z for assistance drafting an ordinance.
- P&Z requests Council regarding further action and ask Council what they are looking for and what they would like from P&Z. We can offer suggestions, have joint committee with SLAP, other committees should be included.

**MOTION: Member Ellen moved to report P&Z findings about the parking issue to Council and request this issue be placed on Council's December agenda.**

**SECOND: Member Theisen**

**VOTE: Unanimous**

## **B. Rental Certificates**

Attorney Eldridge – reviewed the draft of possible proposed ordinance.

- Concept to address the complaints of excessive noise, disorderly conduct, traffic, illegal parking with vacation rental homes is to issue a permit to owners who rent property.
- Vacation home rentals needs to be defined, permit holders would need to meet requirements in the proposed ordinance entitling them to rent.
- The Town would have delegated police power to protect public health, safety and welfare.
- There should be no First Amendment issues.
- There are no Equal Protection Clause issues since vacation home owners are not a protected class and the ordinance does not involve exercise of any fundamental rights.
- Even though there are out-of-state owners, the ordinance does not appear to violate the Commerce Clause of the United States Constitution by discriminating against interstate commerce.

### **RECOMMENDS:**

- Rewording to conform to the Town Code
- A reasonable fee to mitigate administrative cost
- Include a reference that this is a civil penalty, not criminal violation
- Reduce maximum penalty to \$500 from \$1,000
- Delete the revocation provision from the penalties section and separately provide that Council decide revocation in a hearing

- Insert a provision for administrative hearing in accordance with Sec. 1-15(d) of the Code, for denied permits and contesting citations/penalties.

**MOTION:** Chair Galbraith moved to request attorney Eldridge make the revisions discussed and present at the January meeting.

**SECOND:** Member Theisen

**VOTE:** Unanimous

**C. Sea View subdivision**

Permit process started

**VI. NEW BUSINESS:**

**VII. MEMBER ITEMS:**

**VIII. ADJOURNMENT:**


**MOTION:** Member Ellen moved to adjourn the meeting.

**SECOND:** Member Whitley

**VOTE:** Unanimous

**P&Z Meeting was adjourned at 7:35 p.m.**

  
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Craig Galbraith, P&Z Chairman

  
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Josie Fitzgerald, Secretary