



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, October 13, 2021 @ 6:30 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday October 13, 2021. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Craig Galbraith
Vice-Chair Kenneth Richardson
Member Kathleen Zielinski
Member Jim Dugan
Member Tony Garibay
Alternate Member Joe Barlok (Via Conference Call)

P&Z MEMBERS ABSENT

Member Tony Garibay

STAFF PRESENT

Beth Chase, Deputy Town Clerk
John Batson, Building Inspector (Via Conference Call)

COUNCIL LIAISON PRESENT

Commissioner Whitley

CALL TO ORDER

Chairman Galbraith called the meeting to order at 6:45 p.m.

ADOPTION OF AGENDA

MOTION- Member Richardson made a motion to amend the agenda to add discussion of proposed text amendments

SECOND- Member Zielinski

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- September 1, 2021 Regular Meeting

MOTION- Member Zielinski made a motion to approve the minutes

SECOND- Member Richardson

VOTE- Unanimous



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PUBLIC COMMENTS

None.

OLD BUSINESS

1. Land Use Plan Update

Commissioner Whitley commented the next meeting won't be held till December and in February will hold public input session. The Council of Government has done a great job so far on the plan.

2. Electric Vehicle Chargers

Chairman Galbraith commented he took his electric vehicle on a trip for 10 days across county and he clearly selected places based on if they had free chargers. Since last month he has researched the major supplier of free chargers for the Town. It would cost around \$5,000 for these types of free chargers. The installation is not included in this pricing.

NEW BUSINESS

1. Discussion of the relationship between PZC, the Land Use Plan Committee, and other Ad Hoc Committees

Member Richardson commented in the future when an ad-hoc committee is making a recommendation to Town Council that affects the Land Use Plan he thinks the PZC should be a filter to ask questions and make sure it fits into the plan of the Town.

Attorney Eldridge commented any recommendation an ad-hoc committee makes regarding a development regulation to the Town Code the statutory procedure brings it before the PZC to review and then Town Council holds a public hearing before it is approved or denied. Any changes to Chapter 15 require PZC and Town Council to adopt a consistency statement. Chapter 160D also provides that if Town Council takes an action on a zoning amendment that PZC finds inconsistent with the Land Use Plan than by statute the plan is amended to allow for the inconsistent change.

2. Proposed Text Amendments to Town Code

Attorney Eldridge stated the Town will have another comprehensive revision of the Town Code from top to bottom. The General Assembly decriminalized ordinance enforcement effective December 1, 2021. He will be working with Police Chief Bowden to review the code to identify which provisions allow for criminal enforcement and delete the provision if it is on the checklist of ordinances that cannot be enforced criminally.

Member Zielinski asked are not all the penalties in Chapter 15 a civil penalty? So, these changes would not affect PZC as the Commission only deals with Chapter 15.

Attorney Eldridge stated yes, but he still needs to double check the ordinances to make sure it is all



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civily enforced. A lot of the Chapters in the Code have development regulations so PZC must review multiple chapters in the Town Code.

Attorney Eldridge commented this past week he has worked with Wes from the Cape Fear Council of Government coordinating the quasi-judicial training. While coordinating the training they ended up focusing on the issue of unauthorized practice of law. The state bar has codified a set of ethical rules called Professional Responsibilities. He has witnessed in the past architects that present the case for a variance for their client. Those professionals are engaging in the unauthorized practice of law because the only individual that can present a case on behalf of an applicant is an attorney. He does not advise Town Council or a decision-making board on quasi-judicial hearing, so he does not become a witness. He would like to amend the code to add a clause in the Town Code to make it clear the applicant can only be represented by an attorney or the applicant has to present their own case.

Chairman Galbraith commented he understands why but he is concerned that during a quasi-judicial hearing the attorney would stay silent. Would it make more sense during a quasi-judicial for the Town Council to authorize a different attorney to represent the Commission to ensure the Commission follows the appropriate processes?

Attorney Eldridge stated he has seen this happen, but it still runs the risk of having someone bring forward a claim. He would like to still add the clause he recommended. He will do more research regarding the hearings and bring forward more information to the Commission.

3. Geospatial Mapping

Chairman Galbraith stated this item came up at a Land Use Plan meeting and has been communicating with a grad student from UNCW. He invited her to the PZC meeting, but she was unavailable to attend this month but will hopefully be able to attend the November meeting to present.

MEMBER ITEMS

Member Zielinski commented PZC should reach out to former applicant Byron Ashbridge and see if he is still interested in serving on the Commission.

Deputy Town Clerk Chase commented she would reach out to the applicant and invite him to the November PZC meeting.

ADJOURNMENT

MOTION- Member Richardson made a motion to adjourn the meeting at 7:37 p.m.

SECOND- Member Zielinski

VOTE- Unanimous



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ATTEST: Mandy Sanders
Mandy Sanders, Town Clerk

Craig Galbraith
Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Planning and Zoning Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>planning and zoning.