

**Town of Sunset Beach  
Monthly Council  
Work Session, Meeting & Public Hearing  
June 28, 2010**

**MINUTES**

**Members Present:** Mayor Ronald Klein, Mayor Pro-Tem Lou DeVita, Councilman Bob Bobinski, Councilwoman Karen Joseph, Councilwoman Carol Scott, and Councilman Wilson Sherrill.

**Members absent:** None

**Attorney & Staff Present:** Gary Parker, Town Administrator; Mike Isenberg, Town Attorney; Donna Rogers, Finance Director; Jeff Curtis, Building Inspections Department Head; Chris Barbee, Fire Department Chief; Lisa Massey, Police Department Chief and Lisa Anglin, Town Clerk.

**Work Session  
6:45 pm**

Mayor Klein called the Work Session to order and called for agenda amendments and general discussions by the Council.

**Sand Dunes Signage**

Councilwoman Scott requested the Council consider adding a discussion to the agenda concerning the “Keep off the Dunes” signs recently erected at 40<sup>th</sup> Street, 13<sup>th</sup> Street, and both sides of the pier. The Council reached a consensus and a “Keep Off The Dunes” Signs Discussion was added to the agenda at 7e.

**Sunset At Sunset Committee Offer**

Councilwoman Joseph requested the Council consider adding a discussion to the agenda concerning a Sunset At Sunset Committee offer for the Town/Council to secure and operate an informational booth during the Celebration. The Council reached a consensus and the Sunset At Sunset Committee Offer was added to the agenda at 7f.

**Bridge Tender House**

Councilwoman Scott requested the Council consider adding a discussion to the agenda concerning the relocation of the Bridge Tender House. Gary Parker, Town Administrator advised that NC DOT plans for the new bridge to be completed by mid-to-late September, however, the old bridge will be utilized until late November removing construction equipment, materials and debris. The Council reached a consensus to discuss the Bridge Tender House during the August 2, 2010 meeting.

## **Work Session-Cont.**

### **Planning Board & Building Inspection Department Request**

Councilman Sherrill requested the Planning Board and Building Inspection Department review the Ordinances concerning the Segway vehicles now being rented. Chief Massey advised that the Segways are regulated by the State.

### **ABC Revenue Distribution**

Attorney Isenberg explained NC General Statute 18B-805(e) to the Council and advised that the Town of Sunset Beach was in compliance. Attorney Isenberg advised that in August, 2001 the Council altered the ABC distribution method from the Calabash EMS to the Sunset Beach Fire Department and that the Council's decision to change the distribution was valid. Attorney Isenberg advised that the Town of Calabash was never involved with the decision and Attorney Isenberg advised that the 2001 Council Meeting Minutes have been certified and submitted to the Commission in Raleigh at the request of the ABC Commission. Attorney Isenberg informed the Council that he had conferred with the attorney for the ABC Commission regarding the Sunset Beach ABC store and distribution of net profits and that he agreed with this interpretation. Attorney Isenberg recommended that if the Council decides to change the distribution method again to formally adopt a resolution and forward it to the Commission in Raleigh.

## **Monthly Meeting 7:00 pm**

### **Call to Order & Pledge of Allegiance**

Mayor Klein called the Monthly Meeting to order at 7:00 pm and the Pledge of Allegiance was recited by those in attendance.

### **Approval or Amend Agenda**

The Monthly Meeting agenda was approved as amended during the Work Session.

### **Public Comments**

Mayor Klein called for Public Comments on Agenda Items; none heard.

### **Minutes Approval**

COUNCILMAN BOBINSKI MADE A MOTION TO APPROVE THE MAY 13, 2010 BUDGET WORKSHOP MINUTES, THE MAY 27, 2010 BUDGET WORKSHOP MINUTES AND THE JUNE 7, 2010 REGULAR COUNCIL MEETING MINUTES. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Public Hearing**

Mayor Klein opened the Public Hearing and called for public comments on the proposed 2010-2011 Budget.

Herbert Tinger 711 Oyster Bay Drive – Voiced opposition for the 2.5% cost of living raise and the 1% longevity bonus included in the proposed 2010-2011 budget.

With no further comments heard, Mayor Klein closed the public hearing for the proposed 2010-2011 budget.

**Public Hearing (Cont.)**

Mayor Klein opened the Public Hearing concerning the amendment to Ordinance §151.149 (A) (1) (d) Supplementary District Requirements to allow a fence to be placed in the front yard when the distance from the front of the house to the front property line is a minimum of 200 feet. The fence may not encroach into the 50 foot front yard setback. No public comments were heard.

Mayor Klein closed the public hearing for the amendment to Ordinance §151.149 (A)(1)(d) Supplementary District Requirements.

**Departmental Reports**

**Administrator**

Gary Parker, Town Administrator, informed the Council of the United Way Senior Aide Program in which United Way places qualified senior citizens within your organization to assist with specific tasks. Mr. Parker advised that this is a part-time position and is paid by United Way. The Council reviewed the job description.

COUNCILWOMAN SCOTT MADE A MOTION TO SIGN THE CONTRACT WITH THE UNITED WAY OF THE CAPE FEAR AREA SENIOR AIDES PROGRAM AS A HOST AGENCY CONTINGENT UPON THE TOWN ATTORNEY’S REVIEW AND APPROVAL OF THE CONTRACT. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Police**

Report submitted in writing to the Council and is on file with the Town Clerk. No verbal report given.

**Public Works**

Report submitted in writing to the Council and is on file with the Town Clerk. No verbal report given.

**Building Inspections**

Report submitted in writing to the Council and is on file with the Town Clerk. Jeff Curtis, Building Inspection Department Head, advised that BB&T has secured a contract to complete Building 3 of the Village Park Condominium project.

**Fire**

Report submitted in writing to the Council and is on file with the Town Clerk . Chief Barbee added that the department continues to wait for acknowledgement of a grant award or declination as grants are still being awarded around the country.

**Old Business**

**Consider Adopting the 2009/2010 Budget Ordinance Amendment**

The Council reviewed the information provided concerning the final amendments to the 2009-2010 Budget Ordinance totaling \$421,969.

**Consider Adopting the 2009/2010 Budget Ordinance Amendment (Cont.)**

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE 2009-2010 BUDGET ORDINANCE AMENDMENT. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Old Business (Cont.)**

Consider Adopting the 2010/2011 Budget Ordinance and the 2010/2011 Tax Rate at \$.09  
Councilwoman Scott advised that a non-unanimous consensus of the Council was reflected in the Budget Workshop minutes of May 13<sup>th</sup> and 27<sup>th</sup> and further discussion was not needed.

COUNCILMAN SHERRILL MADE A MOTION TO ADOPT THE PROPOSED 2010-2011 BUDGET ORDINANCE TOTALING \$5,865,885 AND TO SET THE 2010-2011 TAX RATE AT \$.09. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consider Adopting the Resolution to Amend Special Revenue Bike/Walk Path Fund 28 of the Town of Sunset Beach, Consider Adopting the Resolution to Amend Special Revenue Future Development Fund 23 of the Town of Sunset Beach and Consider Adopting the Resolution to Dissolve Special Revenue Fire Station 2 Fund 24 of the Town of Sunset Beach

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE RESOLUTION TO AMEND SPECIAL REVENUE BIKE/PATH FUND 28, TO ADOPT THE RESOLUTION TO AMEND SPECIAL REVENUE FUND 23 AND TO ADOPT THE RESOLUTION TO DISSOLVE SPECIAL REVENUE FIRE STATION 2 FUND 24. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Proposed RFPs on Bike Path Engineer & Surveyor Selections

The Council reviewed and discussed the proposed RFP's for the Bike Path Engineer and Surveyor Selections. The Council amended the proposals to include the specified travel allowance allowed by the IRS.

Resolution to Amend Ordinance §151.149 (A) (1) (d) Supplementary District Requirements

Gary Parker advised this Ordinance amendment, if adopted, will allow a fence to be placed in the front yard when the distance from the front of the house to the front property line is a minimum of 200 feet. The fence may not encroach into the 50 foot front yard setback.

COUNCILMAN SHERRILL MADE A MOTION TO ADOPT THE RESOLUTION AMENDING ORDINANCE §151.149 (A) (1) (d) SUPPLEMENTARY DISTRICT REQUIREMENTS. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

“Keep Off The Dunes” Signs Discussion

The Council discussed the size, lettering and need for the signs placed at 13<sup>th</sup> Street, 40<sup>th</sup> Street and on both sides of the pier. The Council reached a consensus to only remove the signs placed at 13<sup>th</sup> Street and to require the Code Enforcement Department to strictly enforce the existing prohibition ordinances.

Sunset At Sunset Committee Offer for Town/Council to have and man a Booth

The Council discussed a Sunset At Sunset Committee offer to allow the Town/Council to secure and operate an informational booth at the Sunset At Sunset Celebration to distribute information concerning the Town and Town services.

### **Old Business (Cont.)**

#### Sunset At Sunset Committee Offer for Town/Council to have and man a Booth (Cont.)

COUNCILWOMAN JOSEPH MADE A MOTION TO ACCEPT THE SUNSET AT SUNSET COMMITTEE OFFER FOR THE TOWN/COUNCIL TO SECURE AND OPERATE AN INFORMATIONAL BOOTH DURING THE SUNSET AT SUNSET CELEBRATION TO DISTRIBUTE INFORMATION CONCERNING THE TOWN AND TOWN SERVICES AND TO WORK IN CONJUNCTION WITH THE COMMITTEE TO COMPLETE THE TASK. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **New Business**

#### Consider Amending Ordinance 52.03 Septic Tanks; Privies

The Council reviewed the proposed amendment to Ordinance 52.03 Septic Tanks; Privies. Mr. Parker advised this amendment will make the Ordinance consistent with the related Brunswick County Ordinance.

COUNCILMAN SHERRILL MADE A MOTION TO ADOPT THE RESOLUTION TO AMEND ORDINANCE 52.03 SEPTIC TANK; PRIVIES. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

#### Consider Adopting Exemption Resolution on Qualifications-Based Process

Attorney Isenberg advised that the Town can exempt itself from NC General Statute 143-64.31 concerning the Bike and Pedestrian Path Project since the engineering and surveying cost is under \$30,000. Attorney Isenberg recommended the Council remove “for the reasons stated in this resolution” from number 1 of the Resolution.

COUNCILWOMAN JOSEPH MADE A MOTION TO ADOPT THE EXEMPTION RESOLUTION ON QUALIFICATIONS-BASED PROCESS AS AMENDED BY ATTORNEY ISENBERG. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

#### Consideration of Issuing Parking Permits to Turtle Program Volunteers

The Council discussed issuing parking permits to the Turtle Program Volunteers. The volunteers will park at 40<sup>th</sup> Street, which as of now has no parking allowed after dark, for beach access while monitoring the nests after dark. Presently, the volunteers are walking down the beach from the gazebo.

COUNCILMAN SHERRILL MADE A MOTION TO ISSUE FOUR (4) PARKING DECALS TO THE TURTLE PROGRAM COORDINATOR FOR DISTRIBUTION TO THE VOLUNTEERS AS NEEDED. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Public Comments**

Karen Dombrowski 719 Fairway Drive – Voiced opposition to the chain link fence currently in the NC DOT plan for controlled access near the new high rise bridge. Ms. Dombrowski stated that neither Ocean Isle Beach nor Holden Beach have this type of fencing near their high rise

**Public Comments (Cont.)**

**Karen Dombrowski 719 Fairway Drive (Cont.)**

bridges. Ms. Dombrowski requested the Council to consider negotiating with NC DOT to convert the control of access owned by NC DOT to a Town owned right-of-way. Mr. Parker, Town Administrator advised that the Town has received a \$60,000 quote for a decorative fence in place of the chain link fence proposed by NC DOT.

**Raymond Zetts 402 2<sup>nd</sup> Street** – Requested that the three (3) minute time limit for public comment speakers be applied to all uniformly.

**Charles Nern 647 Oyster Bay Drive** – Questioned if the Police Department would be handling the fireworks violators as they did last year. Police Chief Massey indicated extra officers would be on duty for July 4<sup>th</sup>. Mr. Nern questioned the delay with the sewer system work at Oyster Pointe. Mr. Parker advised that BEMC lines were not indicated correctly on the maps and the lines were being relocated by BEMC causing the delays.

**Carmel Zetts 402 2<sup>nd</sup> Street** – Requested the Council consider adding ordinances against holes being dug and abandoned on the beach strand. Ms. Zetts advised the Council that these holes are endangering people and nesting turtles.

**Linda Rudick 1008 Park Road** – Suggested the Council consider beginning a promotional campaign for our natural beach and consider exploring a green community atmosphere.

**Charlene Doolittle 621 Eastwood Park Road** – Encouraged the Council to include children safe areas along the proposed Bike Path as presently the children in the area do not have safe places to ride.

**Jim Thomas 1520 North Shore Drive** – Questioned where the proposed Bike Path is located. Mr. Parker, Town Administrator advised that a site plan is available at Town Hall.

**Adjournment**

COUNCILMAN SHERRILL MADE A MOTION TO ADJOURN THE JUNE 28, 2010 COUNCIL MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Adopted this the 2<sup>nd</sup> day of August, 2010

**Town of Sunset Beach**

*Ronald F. Klein, Mayor*

Submitted by:

*Lisa Anglin, Town Clerk*