

**Town of Sunset Beach
Monthly Council
Work Session and Regular Meeting
March 7, 2011**

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; Dustin Graham, Public Works Department Director; Chris Barbee, Fire Chief; Lisa Massey, Police Chief and Lisa Anglin, Town Clerk.

**Work Session
6:45 pm**

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

Draft Agenda Discussion

Gary Parker advised that Agenda Item 7c can be removed from the agenda because the Local Government Commission is the final review and Council acceptance is not required. Councilwoman Scott requested that the Council consider adding a discussion concerning Terminal Groins to this agenda. A consensus was reached to add a discussion concerning Terminal Groins as an Agenda Item under the Old Business section.

Public Records Policy

The Council discussed public records, distribution and charges for copies. Gary Parker advised that Staff and Attorney Isenberg are reviewing other municipal Public Records Policies and drafting a Policy for the Council to consider during the April Meeting including the establishment of what amount to charge for providing copies. The Council reached a consensus to display 20 copies of the agenda and all accompanying documentation in the Council Chambers distribution rack for the Regular Meetings.

Sewer Project

Councilwoman Joseph advised of citizen complaints concerning the sewer project (no prior notice, driveways blocked, utility lines cut, work beginning before 7 am, etc.) and requested that Gary Parker and Mayor Klein meet with Brunswick County Representatives to seek relief of these issues.

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.

Presentation – UDO Draft Table of Contents – Landin Holland

Landin Holland, Holland Consulting Planners, updated the Council on the Unified Development Ordinance (UDO) Committee activities and meetings. Mr. Holland reviewed the major items of concern to the UDO Committee Members. Mr. Holland advised that the Draft Table of Contents is a combination of existing and new sections proposed to make the completed document more consistent and user friendly. Mr. Holland advised that with the acceptance of the table of contents, his company will compile the first UDO draft to be distributed to the Committee members by the end of April for their review with a meeting scheduled three (3) weeks later. Mr. Holland advised that the draft will be available on the Town website and a comment form for citizens to provide information, ideas, suggestions, etc. will also be included.

Public Comments

Jan Harris 206 North Shore Drive – Informed the Council of current legislation concerning terminal groins and urged the Council to take action.

Betty Oakes 412 Cobia Street – Addressed the Council concerning the ABC law enforcement contract.

Ron Watts 419 Sunset Blvd. – Spoke in opposition of the Council discontinuing the service of the Public Works Staff rolling back carts on the island.

Carol Santavicca 9109 Forest Drive – Spoke in opposition of terminal groins and encouraged the Council to place draft minutes on the website.

Len Steiner 613 Kings Trail – Spoke in favor of paying off the notes to save money if the Council could get a commitment from the bank to loan the Town money if needed it in the remainder of this budget year.

Minutes Approval

Concerning the February 18, 2011 minutes, the Council corrected page 2, #6 to read:

The Council agreed to take action concerning no parking on Canal Drive between 6th Street and 13th Street. The Council postponed discussing parking on Canal Drive from 13th Street to the east end of Canal Drive pending further investigation.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE FEBRUARY 7, 2011 REGULAR COUNCIL MEETING MINUTES AND THE FEBRUARY 9, 2011 COUNCIL RETREAT MINUTES AS WRITTEN AND TO APPROVE THE FEBRUARY 18, 2011 SPECIAL MEETING MINUTES AS CORRECTED. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Departmental Reports

Administrator

No Report given.

Police

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

Public Works

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

Building Inspections Department

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

Fire

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

Old Business

Consideration of an Ordinance Amendment for Chapter 50 Garbage - §50.03 A (2) Containers

The Council reviewed the proposed ordinance amendment and discussed the placement and removal times and the required location for the carts on non-collection days.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND ORDINANCE §50.03 A (2) CONTAINERS TO READ:

All carts must be kept at the house and out of view, and placed at the street no earlier than 6 pm the day prior to collection, and at least by 6 am on the scheduled day of collection, and pulled back to the house and out of view by 6 pm on the day after collection.

COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN BOBINSKI, COUNCILWOMAN JOSEPH AND COUNCILMAN SHERRILL VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Ordinance Amendments for Chapter 72 Parking Regulations - §72.06 Parking Prohibited At All Times on Certain Streets; §72.10 No Parking At Intersection; §70.99 Penalty

The Council reviewed the proposed ordinance amendments and made the following corrections:

- §70.99 – Established the civil penalty of \$50.
- §72.06 – Canal Drive – added from Cobia Street westward to 6th Street and removed Marlin, Dolphin, Sailfish and Cobia Streets from the list.
- §72.10 – Reworded the sentence to read: There shall be no parking within 30 feet of the corner of any street intersecting with another street, unless otherwise posted.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND ORDINANCE §70.99, §72.06 AND §72.10 WITH THE ABOVE REFERENCED CORRECTIONS. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business (Cont.)

Consideration of an Ordinance Amendment for Chapter 93 Health and Sanitation; Nuisances - §93.01 Premises To Be Kept Clean; Notice of Violation

The Council reviewed the proposed ordinance amendment and discussed the removal time if a reusable container is used. The Council agreed to add a removal time of 6 pm on the day of collection.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND ORDINANCE 93.01 (B) (3) AS CORRECTED TO ADD A REMOVAL TIME OF 6 PM ON THE DAY OF COLLECTION. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Payoff for the Town Hall/Fire Department and Fire Truck Notes

The Council questioned the payoff and savings figures provided and requested Staff to investigate further. The Council reached a consensus to table this payoff consideration until the April meeting.

Consideration of an Appointment to the Connection Assistance Program Committee

COUNCILMAN SHERRILL MADE A MOTION TO APPOINT JIM JONES TO THE CONNECTION ASSISTANCE PROGRAM COMMITTEE. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion of Terminal Groins Resolution

The Council discussed proposed legislation that would allow the installation of terminal groins along the North Carolina coastline. The Council discussed an early Resolution adopted by the Council in opposition of terminal groins and the eight (8) Coastal Resources Commission (CRC) recommendations.

COUNCILMAN SHERRILL MADE A MOTION TO FORWARD A RESOLUTION TO ALL OF THE GENERAL ASSEMBLY MEMBERS STATING THAT THE TOWN OF SUNSET BEACH IS OPPOSED TO ANY LEGISLATION THAT WOULD ALLOW TERMINAL GROINS ALONG THE NORTH CAROLINA COASTLINE; HOWEVER, IF LEGISLATION IS PASSED TO ALLOW TERMINAL GROINS THAT THE LEGISLATION MUST INCLUDE THE EIGHT (8) CRC RECOMMENDATIONS. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE CARRIED BY UNANIMOUS VOTE.

New Business

Resolution Establishing Beach Erosion & Beach Access Fund

The Council discussed amending the purpose of the established Beach Erosion Fund to allow the existing funds to be used to repair and replace beach access walkways. The Council reached a consensus to postpone this discussion until the budget process to allow Staff time to complete building and compliance plans, cost estimates and a work schedule for the replacement or repair.

New Business (Cont.)

Consideration of the ABC Law Enforcement Contract

The Council reviewed the proposed ABC Law Enforcement Contract. Councilman Bobinski advised that pursuant to NCGS 18B the ABC Board is required to contract with the local law enforcement agency or hire an ABC law enforcement officer. NCGS 18B also requires the local board to spend for law enforcement an amount set by the board which shall be at least five percent of the gross receipts remaining after the distribution required by G.S. 18B-805 (c) (1), thus the inclusion of the \$300 provision in the contract which also states that the amount will be adjusted to equal the amount required. The Council discussed the indemnification clause included in the State's model contract but removed from the Sunset Beach contract. Attorney Isenberg advised the Council to remove the indemnification clause since police officers are granted certain immunities under the law which the Town might lose the benefit of and also the Town was not being paid enough consideration to provide indemnification.

COUNCILWOMAN SCOTT MADE A MOTION TO AMEND THE CONTRACT BY REDUCING THE PAYMENT AMOUNT FROM \$300 TO \$200 AND TO OTHERWISE APPROVE THE ABC LAW ENFORCEMENT CONTRACT AS PRESENTED WITHOUT THE INDEMNIFICATION CLAUSE. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILWOMAN SCOTT AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILMAN SHERRILL VOTED NO. COUNCILMAN BOBINSKI WAS EXCUSED FOR VOTING. THE MOTION CARRIED BY MAJORITY VOTE.

Public Comments

Roy Cundiff 598 Kings Trail – Requested the Council consider installing bike & walk path directional sign to and from the island, Shoreline Drive and Park Road; thanked the Council and the Staff for the support and assistance with last year's Multiple Sclerosis Bike Ride and advised that the organizers plan to include Sunset Beach in this year's event.

Sara Williams 203 Shoreline Drive – Requested the Council to replace the trash barrels with ones more attractive.

Bill Satterfield 103 Olde Oak Lane – Advised the Council that no parking signs will be needed to assist the traveling public with determining exactly where not to park; encouraged the Council to put the terminal groins Resolution on the website.

Steve Blair 201 Shoreline Drive – Encouraged the Council to consider installing a stop light at the bridge intersection, having Town Staff monitor the sewer project contractors, videoing the Council meeting and including all information on the website.

Erik Jensen 1403 Bay Street – Advised that his yard debris was not picked up this morning. Staff advised that the crews running behind schedule due to equipment failure.

Brian Blaine 726 Longleaf Drive – Spoke in opposition of the park purchase and advised of a petition circulating through the community also opposing the park purchase.

Gene Method 112 Discovery Lake Drive – Read opposition statements collected while gathering signatures on the petition opposing the park.

Joe Santavicca 9109 Forest Drive – Request the Council put the audited balance sheet on the website; questioned the interest rates on the Town's investments; thanked the fire department staff for their quick response and professionalism during his recent house fire.

Closed Session

COUNCILWOMAN JOSEPH MADE A MOTION TO GO INTO CLOSED SESSION TO:

- a. Approve the February 7, 2011 Closed Session Minutes to prevent the disclosure of information that may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session pursuant to NCGS 143-318.10(e); and,
- b. To instruct the Town Attorney concerning the handling of the action entitled “Margaret K. McCarrel vs. State of North Carolina and Town of Sunset Beach, 10 SP 1205” pursuant to NCGS 143-318.11 (a) (3); and
- c. To discuss a charge or grievance against an employee pursuant to NCGS 143-318.11 (a) (6).

COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately one (1) hour.

COUNCILMAN SHERRILL MADE A MOTION TO RETURN TO THE REGULAR MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RECONVENE THE REGULAR COUNCIL MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Klein advised that during the Closed Session the Council approved the February 7, 2011 Closed Session Minutes; instructed the Town Attorney concerning the handling of the action entitled “Margaret K. McCarrel vs. State of North Carolina and Town of Sunset Beach, 10 SP 1205”, and discussed a personnel matter involving a charge or grievance against a town employee.

Adjournment

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE MARCH 7, 2011 COUNCIL MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Ronald F. Klein, Mayor

Submitted by:

Lisa Anglin, Town Clerk