

MINUTES
TOWN OF SUNSET BEACH
Regular Called Meeting, Public Hearing & Work Session
April 7, 2008
6:45 p.m.

Members Present

Mayor Ron Klein
Mayor Pro Tem Len Steiner
Councilman Ron Watts
Councilman Bob Bobinski
Councilman Lou DeVita
Councilman Wilson Sherrill

Others Present

Mike Isenberg , Town Attorney
Gary Parker, Town Administrator
Kim Cochran, Town Clerk

6:45 PM Work Session

Gary Parker, Town Administrator asked Council to add the Resolution of Consideration for all ETJ areas of the town. This was a biyearly renewal. We missed the required two year deadline by a couple of days but this would put it back on the books. Council added item under New Business "F".

Parker had the clerk hand out packets about the new "circuit breaker" law coming into effect in 2009 that the County told them about. It was going to be a very difficult process and he asked Council to look at the information and consider having the county bill for the town. It would be on May's agenda.

Mayor Klein expressed how beautiful the median looked after the beautification committee had finished. DeVita gave an update on the beautification committee and informed everyone that their "first" meeting attempt would be on Wednesday. He stated they also had another project, which was the war memorial designed with the help of Bob Hanania. It was originally planned for the planetarium but they were now considering the park at the Village Center. He exhibited renderings of where and how the memorial might be placed. There was discussion of maybe having to go into the buffer to make it work, the "give and take" of the situation, but they wouldn't know until the area of placement was decided upon and the planning board had given their okay.....they were meeting with one of the owners, Mr. Frankovitch on April 14th to discuss.

TOWN COUNCIL MEETING 7:00 pm

1 & 2. CALL TO ORDER AND PLEDGE.

Mayor Klein called the meeting to order and led the Council in the pledge of allegiance.

3. APPROVE OR AMEND AGENDA

Council added Resolution of Consideration under item “f” New Business.

3. MINUTES OF REGULAR CALLED MEETING AND PUBLIC HEARING MARCH 3RD, 2008 AND RETREAT MINUTES FROM MARCH 19TH, 2008

Motion by Sherrill to adopt both sets of minutes with typo corrections given to the clerk, Seconded by DeVita. Motion carried.

4. PUBLIC HEARING OPENED 7:06 pm:

a. Creation of Chapter #151.467 Technical Review Committee

Parker explained this was an effort to structure the process of reviewing all development proposals. To make sure every aspect was covered well. It provides clear instruction on what will take place and who might be involved.

b. Amendments to Permitted Uses: AF-1 (Agricultural Forestry) BB-1 (Beach Business), BR-1 Beach Residential, CR-1 (Conservation District), MB-1 (Mainland Business), MB-2 (Mainland Business MH-2 Mobile Home Residential, MUD (Mixed Use District), RI-1 Recreational and Institutional)

Parker explained that right now substations are special uses... with the sewer coming it was reasonable to make them permitted uses.

c. Amendment to Non-Conforming Uses and Buildings; 151.005, 151.056, 151.057, 151.058, 151.059 & 151.060

Curtis, Building Inspector, explained that in the past it had always been interpreted that the use couldn't extend into the non-conforming area. Now, the way it's written, you could interpret that it couldn't be added into at all -even if you had the room. This was to clarify the ordinance.

Public Hearing closed at 7:21 pm.

5. REPORTS:

a. Administrator- Parker advised Council that dredging petitions would be going out within 2 weeks for citizens to respond to and return within 30days.

b. Police- see report attached and letter from Chief Massey originally requesting the penalty be increased for fireworks. Mike Isenberg, Town Attorney, explained to Council and citizens that the State of NC preempts the Town. Sunset Beach cannot set a civil penalty as it was already a state misdemeanor. (For example, you cannot issue a penalty for DUI.)The only thing they could regulate was small things like sparklers. Chief Massey explained that instead of issuing town citations, they would be issuing state citations, for which the penalty was \$500.00 or thirty days in jail, depending on what the judge would do. He may not do anything but at least they would have to show up for court even if they are from out of town and court costs was \$120.00. This was strictly a police issue. Code Enforcement could not issue citations.

c. Fire- see report attached. Chief Barbee added that while they were speaking of fireworks, they had one a couple of weeks prior due to a kid setting them off. If the wind had not been blowing toward Ocean Isle it could have been a lot worse.

d Public Works – see report attached

e. Building Inspections- see report attached

6. NEW BUSINESS:

a. Resolution Seeking Amendments to the NC General Statutes Concerning Property Tax Exemptions for Certain Homeowner Association Property

Town Clerk explained that another Town had asked for support with this issue. This was for homeowners associations outside the town's jurisdiction coming into the town to build clubhouses and getting tax exempt status. Sunset Beach, so far, had only one on the beach belonging to Ocean Ridge, but they were still paying taxes.

Motion by Steiner to adopt Resolution seeking Amendments to General Statutes Concerning Property Tax, Seconded by Watts. Motion carried.

b. Appointment of Zoning Administrator and Officer

Parker explained this was just a formality for himself and the other inspectors that had been recently hired.

Motion by Steiner to appoint Gary Parker, Zoning Administrator; Sandy Wood, Zoning Officer, Randy Walters, Zoning Officer and Dawn Horne, Zoning Officer. Seconded by DeVita. Motion carried.

c. Resolution Authorizing Waiver of Bid Procedure

Donna Rogers, Finance Director, reiterated the "Waiver of Bid Procedure" and the purchase by piggybacking.

Motion by Watts to adopted Resolution Authorizing Waiver of Bid Procedure. Seconded by Steiner. Motion carried.

d. Resolution Authorizing the Execution and Delivery of Loan Documents

Rogers detailed the Resolution for the loan with RBC for 5 years at 2.3%.

Motion by DeVita to adopt Resolution Authorizing the Execution and Delivery of Loan Documents, Seconded by Steiner. Motion Carried.

e. 2008 Elder Abuse Awareness Resolution

Motion by Watts to adopt Elder Abuse Awareness Resolution, Seconded by Sherrill. Motion carried.

f. Resolution of Consideration for ETJ

Mayor Klein explained this was not a declaration of intent. It just states that sometime in the future it's possible the town could consider annexation.

Motion by Steiner to adopt Resolution of Consideration, Seconded by Bobinski. Motion Carried.

7. OLD BUSINESS:

a. Creation of Chapter #151.467 Technical Review Committee

Motion by Watts to adopt Creation of Technical Review Committee, Seconded by Sherrill. Motion Carried

b. Amendments to Permitted Uses: AF-1 (Agricultural Forestry) BB-1 (Beach Business), BR-1 Beach Residential, CR-1 (Conservation District), MB-1 (Mainland Business), MB-2 (Mainland Business MH-2 Mobile Home Residential, MUD (Mixed Use District), RI-1 Recreational and Institutional)

Motion by Watts to adopt Amendments to Permitted Uses, Seconded by DeVita, Motion Carried.

c. Amendment to Non-Conforming Uses and Buildings; 151.005, 151.056, 151.057, 151.058, 151.059 & 151.060

Motion by DeVita to adopt amendments to Non-Conforming Uses and Buildings, Seconded by Sherrill. Motion Carried.

8. PUBLIC COMMENTS:

Jean Hutchinson, 433 6th St, asked for clarification from Mr. Isenberg about what the fireworks statute stated and what the police were allowed to do. She was disappointed Sunset Beach could not also increase their fees to five hundred dollars.

Lynn Eisnacher, 407 38th St., was concerned with fireworks also. She stated this goes on throughout the year, not just on July 4th. She inquired if the town had budgeted for more police officers. She stated they were doing a great job, that's not what she meant, just that as the town expanded, more officers would be needed to keep them from being stretched too thin. Parker, Town Administrator, stated that they had not budgeted for more officers. For a town this size the department was adequate. If the town annexed more areas, there was a report of services that had to be completed. It would state what was available and whether the services would be adequate to cover the new areas.

Watts asked for a confirmation of the sewer meeting on April 24th, from 4-7 pm at Seaside Methodist Church on Hwy #904.

Ann McNally, asked Council if they knew how much the dredging, if it was done, would cost. Watts explained the process and that the town couldn't even begin the project unless 50% or more of homeowners agreed. Right now, we had no way of knowing what the cost was. She asked if there was any intention for Bay and Inlet being done. Council stated that no one in that area had requested it but if they wished they were certainly welcome to send in petitions if CAMA allowed it. They (CAMA) would be the ones to determine whether or not it could be dredged.

Julia Thomas, Shoreline Dr., reminded everyone that the voting place had changed this year, from town Hall to the property owners association at Station Trail next to Century 21.

There was discussion among Council as to where and what type of signs could be placed for the election. Isenberg stressed it was very hard to regulate right now due to federal laws. Stating no right-of-ways was fine but on private property there was very little than could be done.

10. EXECUTIVE SESSION TO INSTRUCT STAFF CONCERNING THE POSITION TO BE TAKEN ON BEHALF OF THE COUNCIL IN NEGOTIATING THE PRICE AND OTHER MATERIAL TERMS OF A PROPOSED CONTRACT FOR THE ACQUISITION OF REAL PROPERTY AND ALSO TO DISCUSS A PERSONNEL ISSUE.

Motion by Steiner to go into Executive Session for the above stated purpose, Seconded by Sherrill. Motion carried unanimously.

Motion to return to regular session by Sherrill, Seconded by DeVita. Motion carried.

No action taken.

9. ADJOURN

Motion to adjourn by Bobinski.

Adopted this 5th day of May, 2008.

TOWN OF SUNSET BEACH

Mayor Ron Klein

Kim Cochran, Town Clerk

