

**Town of Sunset Beach  
Monthly Council  
Work Session and Regular Meeting  
September 13, 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; Dustin Graham, Public Works Department Director; Jeff Curtis, Chief Building Inspector, Chris Barbee, Fire Department Chief; Brian Bartlett, Police Officer 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.

**Recycling Bin on the Island**

Gary Parker, Town Administrator and the Council discussed if the recycling bin should remain on the island year round. Bob Tone, Code Enforcement Department Head, advised that an increased amount of construction and non-recyclable materials are turning up in the bin now that the season is over. Gary Parker advised that the bin will need to be closed at 3:00 pm by the Public Works Department staff instead of at 5:00 pm by the Code Enforcement Officers since the season is over. The Council reached a consensus to remove the recycling bin and fence during the off season.

**Bridge Fence**

Gary Parker, Town Administrator advised the Council that NC DOT is requesting a decision concerning the Town installing a decorative fence. The Council reached a consensus to wait until the chain link fence and landscaping have been completed by NC DOT to determine if the appearance is acceptable. If not, the Town will then decide to add additional landscaping or install a decorative fence.

**Code of Ethics Policy**

Councilwoman Scott requested the Council delay the Code of Ethics Policy discussion and adoption until the October 4, 2010 meeting due to the drafting delay.

## **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.

### **Public Comments**

Mayor Klein called for Public Comments on Agenda Items.

The following residents spoke in favor of the Town purchasing the 5 acres on the waterway:

John Hutchinson 436 6<sup>th</sup> Street  
Michael Dickman 224 Baroney  
Nina Marable 502 North Shore  
Linda Rudick 1008 Park  
Pam Silberman 547 Sandpiper Bay  
Sandra Morckel 222 Sea Trail  
Jan Harris 206 North Shore  
Michael Williams 303 Shoreline Drive East  
Janet Benton 409 40<sup>th</sup> Street  
Ann Bokelman 404 3<sup>rd</sup> Street  
Marcus Daniel Stanaland 1840 Beach Drive

The following residents voiced opposition to the Town purchasing the 5 acres on the waterway:

Karla Squier 209 Olde Oak Lane  
Richard Cerrato 517 Twisted Oak Lane  
Charles Nern 647 Oyster Bay Drive  
Brain Blaine 726 Long Leaf Drive  
Bill Satterfield 103 Olde Oak Lane  
Bill Bushkie 611 Lakeshore Drive

### **Minutes Approval**

Councilwoman Scott requested the meeting time of 5:30 pm be added to the August 2, 2010 Council/Planning Board Meeting Minutes.

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE AMENDED AUGUST 2, 2010 COUNCIL/PLANNING BOARD MEETING MINUTES; THE AUGUST 2, 2010 REGULAR COUNCIL MEETING MINUTES AND THE AUGUST 12, 2010 SPECIAL CALLED MEETING MINUTES. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

## **Schedule a Public Hearing**

COUNCILWOMAN SCOTT MADE A MOTION TO HOLD A PUBLIC HEARING ON OCTOBER 4, 2010 AT 7:00 PM TO HEAR PUBLIC COMMENTS CONCERNING THE FOLLOWING ORDINANCE AMENDMENTS:

- Ordinance Amendment of §150.110 (2) (C) -  
Required Improvements and Minimum Standards of Design for Subdivision  
Amendment will allow reference to open space requirements in both subdivision ordinance and zoning ordinance
- Ordinance Amendment of §151.003 - Definitions  
Amendment will expand the existing Open Space definition and add a definition for Net Area within Chapter 151 Zoning section
- Ordinance Amendment of MR-1 Mainland Residential District  
§151.148 – Dimensional Requirements  
Amendment will add subsection (M) Open Space Requirements for Single Family Developments
- Ordinance Amendment of MR-2A Mainland Residential District  
§151.178 – Dimensional Requirements  
Amendment will add subsection (D) Open Space Requirements for Single Family Developments as set forth in MR-1 Section of §151.148
- Ordinance Amendment of MR-3 Mainland Multi-Family Residential District  
§151.193 – Dimensional Requirements  
Amendment will add subsection (L) Open Space Requirements for Single Family Developments as set forth in MR-1 Section of §151.148

COUNCILWOMAN JOSEPH 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 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 Department

Jeff Curtis, Chief Building Inspector advised the Council of ordinance violations including health and safety issues at 516 Great Oak Circle. Mr. Curtis advised the Building Inspections Office has been working since February to get the resident to bring the residence into compliance however all attempts have been unsuccessful. Mr. Curtis requested the Council consider authorizing the Town Attorney to proceed with legal action.

**Departmental Reports (Cont.)**

**Building Inspections Department (Cont.)**

COUNCILMAN SHERRILL MADE A MOTION TO AUTHORIZE MIKE ISENBERG, TOWN ATTORNEY TO PROCEED WITH LEGAL ACTION TO ELIMINATE THE ORDINANCE VIOLATIONS AND THE HEALTH AND SAFETY ISSUES AT 516 GREAT OAK CIRCLE. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Fire**

Fire Chief Barbee informed the Council that the Town was notified by email on August 10, 2010 that the Town was not successful in obtaining the Safer Grant. Chief Barbee requested permission to proceed with filling the three firefighter positions budgeted. Permission to proceed was granted.

**Old Business**

**Planning Board Member Appointments**

Gary Parker, Town Administrator advised that the available Planning Board seats were advertised; however, no applications were received. Gary Parker advised that Bill McDonald and Leon August both expressed interest in being reappointed to the Planning Board. The Council requested the remaining ETJ Alternate Member seat be re-advertised.

COUNCILWOMAN SCOTT MADE A MOTION TO REAPPOINT BILL MCDONALD AND LEON AUGUST TO THE PLANNING BOARD EACH FOR A THREE YEAR TERM. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**RFP Summary - Bike & Pedestrian Path Surveying & Engineering Services**

The Council reviewed the surveying bid packages received from East Coast Engineering and Surveying, Bid \$25,000; Tompkins Land Surveying, Bid \$27,500; B.M. Long & Associates, Bid \$24,500; Norris & Ward Land Surveyors, Bid \$27,500 and Cape Fear Engineering and Surveying, Bid \$19,500.

COUNCILWOMAN SCOTT MADE A MOTION TO AWARD THE SURVEYING BID TO CAPE FEAR ENGINEERING AND SURVEYING WITH A BID PRICE OF \$19,500. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council reviewed the engineering bid packages received from Compass Pointe Engineering, Bid \$25,000; Bowman Design and Engineering, Bid \$16,000; Norris, Kuske & Tunstall Consulting Engineers, Bid \$56,300 and Cape Fear Engineering and Surveying, Bid \$26,800.

COUNCILMAN SHERRILL MADE A MOTION TO AWARD THE ENGINEERING BID TO COMPASS POINTE ENGINEERING WITH A BID PRICE OF \$25,000. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Old Business (Cont.)**

**Code of Ethics Policy**

The Council reached a consensus to place the Code of Ethics Policy on the October 4, 2010 Meeting agenda for consideration.

**New Business**

**Discussion of Potential Acquisition of 5 Acres on the Waterway**

The Council discussed the acquisition of the 5 acres on the waterway with each member voicing their respective position. Councilman Sherrill and Councilwoman Scott were opposed to the acquisition citing the upcoming property re-evaluation in which values are expected to decrease by 25 – 40 %, the current economic conditions and the funding needs for other Town projects. Councilwoman Joseph and Mayor Pro-Tem Devita were in favor of the acquisition citing the public desire to preserve open space, the need to minimize commercialization and the disappearance of available waterway acreage within Town limits. Councilman Bobinski was both in favor of and against the acquisition citing the aforementioned reasoning. The Council all agreed that the Town needed to negotiate a better purchase price.

COUNCILWOMAN SCOTT MADE A MOTION FOR THE COUNCIL TO DISCONTINUE NEGOTIATIONS AT THE PRESENT TIME, TO POSTPONE THE PURCHASE OF THE 5 ACRES FOR AN UNDETERMINED AMOUNT OF TIME SO THE COUNCIL CAN SOLVE SOME OF THE OTHER CURRENT ISSUES WHILE CONTINUING THE DISCUSSIONS INTERNALLY CONCERNING THE PRIORITIES AND THE FINANCIAL CONDITION OF THE TOWN AND FOR THE POSTPONEMENT TO BE REVISIT AT A LATER DATE. COUNCILMAN SHERRILL SECONDED THE MOTION.

Discussion continued with the Council restating their respective positions.

COUNCILWOMAN SCOTT AMENDED THE MOTION TO INCLUDE THAT THE NEGOTIATIONS BE POSTPONED UNTIL AFTER THE REEVALUATIONS WERE COMPLETED WHICH WILL BE THE FIRST QUARTER OF 2011. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. COUNCILMAN SHERRILL AND COUNCILWOMAN SCOTT VOTED YES. COUNCILMAN BOBINSKI, COUNCILWOMAN JOSEPH AND MAYOR PRO-TEM DEVITA VOTED NO. THE MOTION DID NOT PASS.

MAYOR PRO-TEM DEVITA MADE A MOTION TO CONTINUE THE NEGOTIATIONS WITH TIDAL VENTURES LLC TO OBTAIN THE BEST PURCHASE PRICE AND CONTRACT TERMS POSSIBLE FOR THE TOWN AND TO CONTINUE TO WORK WITH TIDAL VENTURES LLC. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN BOBINSKI AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILWOMAN SCOTT AND COUNCILMAN SHERRILL VOTED NO. THE MOTION PASSED BY MAJORITY VOTE.

**New Business (Cont.)**

ABC Board Member Term Expiration – October 2010

COUNCILMAN SHERRILL MADE A MOTION TO ADVERTISE THE ABC BOARD MEMBER VACANCY. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of the Constitution Week Proclamation

COUNCILWOMAN JOSEPH MADE A MOTION TO PROCLAIM SEPTEMBER 17 – 23, 2010 AS CONSTITUTION WEEK TO COMMEMORATE THE 223<sup>RD</sup> ANNIVERSARY OF THE DRAFTING OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consider Resolution Adoption for the Sale of Fixed Assets

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO SALE SURPLUS TOWN PROPERTY - A 1999 CHEVROLET PICKUP TRUCK. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Public Comments**

Richard Cerrato 517 Twisted Oak Lane – Suggested the Council allow the residents to vote for or against the purchase of the 5 acres on the waterway

Marci Berry 7428 Prestwick Court – Encouraged all to attend the Mannon C. Gore Bridge dedication ceremony scheduled for Friday, October 1<sup>st</sup>, followed by a reception at Sea Trail – tickets are \$25. Encouraged all to attend the 4<sup>th</sup> Annual Sunset at Sunset Celebration scheduled for Saturday, October 2<sup>nd</sup> from 10:00 am – 5:00 pm at the Ingram Planetarium. Music, food, arts/crafts vendors, fun run/walk and shagging at the end of the day are planned.

Robert Tone 9030 Sea Lane – Advised Council that a manmade hole approximately 22' X 37' X 6' was discovered near Tubbs Inlet.

Charles Nern 647 Oyster Bay Drive – Requested the Council to review the roadway damage at the intersection of Oyster Pointe and Oyster Bay Drives as it is a hazard for motorist. Encouraged the Council to accept the open space ordinance amendment recommendations forwarded from the Planning Board as the Board has put together an excellent plan.

Bill Satterfield 103 Olde Oak Lane – Commented on the fund needs for the new boat ramp, fire station #2 and the parking on the island.

Michael Dickman 224 Baroney Place – Suggested the Town install parking meters on the island to generate additional funds.

**Closed Session**

MAYOR PRO-TEM DEVITA MADE A MOTION TO GO INTO CLOSED SESSION TO APPROVE THE AUGUST 2, 2010 CLOSED SESSION MINUTES TO PREVENT THE DISCLOSURE OF INFORMATION THAT IS MADE PRIVILEGED OR CONFIDENTIAL BY NCGS 143-318.10(e) and TO ESTABLISH OR TO INSTRUCT THE PUBLIC BODY'S STAFF OR NEGOTIATING AGENTS CONCERNING THE POSITION TO BE TAKEN BY OR ON BEHALF OF THE PUBLIC BODY IN NEGOTIATING THE PRICE AND OTHER MATERIAL TERMS OF A CONTRACT OR PROPOSED CONTRACT FOR THE ACQUISITION OF REAL PROPERTY BY PURCHASE, OPTION, EXCHANGE OR LEASE PURSUANT TO NCGS 143-318.11(a) (5). COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

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.

COUNCILMAN SHERRILL 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 while in Closed Session the Council approved the August 2, 2010 Closed Meeting Minutes and instructed Staff to continue negotiations with Tidal Ventures LLC concerning the purchase of the 5 acres on the waterway.

**Adjournment**

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE SEPTEMBER 13, 2010 COUNCIL MEETING. COUNCILMAN BOBINSKI 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*