

**Town of Sunset Beach
Monthly Council
Work Session and Regular Meeting
October 4, 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; Lisa Massey, Police 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.

Agenda Amendments

Mayor Klein requested that the Council consider New Business prior to Old Business due to the number of attendees present to hear the Council discussion and decision concerning the proposed Ordinance Amendments; Council agreed. The Council reached a consensus to add the following Old Business Items:

- d. Bridge Walk Proposal
- e. Save the Bridge (Parts) Discussion & Directions for English Construction
- f. Discussion concerning Hiring a Company to Video the Bridge Operation

Sunset at Sunset Celebration

Marci Berry, Sunset at Sunset Celebration Chairwoman, thanked everyone involved with making the 4th Annual Sunset at Sunset Celebration, held October 2, 2010, a tremendous success. Ms. Berry also thanked the State of North Carolina for the Bridge Dedication Ceremony and the reception immediately following.

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. None heard.

Minutes Approval

COUNCILMAN BOBINSKI MADE A MOTION TO APPROVE THE SEPTEMBER 9, 2010 SPECIAL CALLED MEETING MINUTES AND SEPTEMBER 13, 2010 REGULAR COUNCIL MEETING MINUTES. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Hearing

Mayor Klein opened the Public Hearing. Attorney Isenberg advised that the subsections listed for §151.148, §151.178 and §151.193 were numbered incorrectly due to previous amendments that were not yet codified; therefore the correct subsections are §151.148 (N), §151.178 (E) and §151.193 (M) with no substantive changes in the text amendments. Mayor Klein called for public comments on the following proposed 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 (N) Open Space Requirements for Single Family Developments
- Ordinance Amendment of MR-2A Mainland Residential District
§151.178 – Dimensional Requirements
Amendment will add subsection (E) 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 (M) Open Space Requirements for Single Family Developments as set forth in MR-1 Section of §151.148

Public Hearing (cont.)

Charles Nern 647 Oyster Bay Drive – Spoke in favor of the proposed Ordinance amendments.

Tim Tilma, Sandpiper Bay Golf and Country Club General Manager – Spoke in opposition of the proposed Ordinance amendments.

Elaine Jordon, Coastal Communities Attorney – Spoke in opposition of the proposed Ordinance amendments.

Dan Weeks, Coastal Communities - Spoke in opposition of the proposed Ordinance amendments.

With no further comments heard, Mayor Klein closed the Public Hearing.

Departmental Reports

Administrator

Gary Parker informed the Council of the efforts put forth seeking approval to relocate the bridge to the fishing pier-boat ramp area and advised that a variance could not be granted because the area is a primary nursery area (PNA). Gary Parker explained that a PNA is protected and structures that do not allow natural sunlight to penetrate to the PNA are prohibited. Therefore, the bridge structure would not be allowed.

Police

Report submitted in writing to the Council and is on file with the Town Clerk; no verbal report given. Mayor Klein read a letter from the Town of Ocean Isle Beach thanking Officer Joe Smith for assistance given to a fellow officer during a recent drug bust.

Public Works

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

Building Inspections Department

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

Fire

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

New Business

The Council reviewed and discussed the following proposed Ordinance Amendments:

1. Ordinance §150.110 (2) (C) Required Improvements and Minimum Standards of Design for Subdivision
2. Ordinance §151.003 Open Space and Net Area Definitions Mainland Residential Districts Dimensional Requirements
3. Ordinance §151.148 (N) MR-1
4. Ordinance §151.178 (E) MR-2A
5. Ordinance §151.193 (M) MR-3

New Business (Cont.)

Concerning Ordinance §151.148 (N) MR-1, Council requested Jeff Curtis, Chief Building Inspector, Attorney Mike Isenberg and Planning Board Chairman Bill McDonald to modify, clarify and amend Ordinance §151.148 (N) MR-1 by incorporating Council instructions obtained through the discussion and to correct any inconsistencies contained within.

COUNCILMAN SHERRILL MADE A MOTION TO TABLE THE PROPOSED ORDINANCE AMENDMENTS UNTIL NOVEMBER 1, 2010 PENDING THE AMENDMENTS OF §151.148 (N) MR-1 FROM JEFF CURTIS, MIKE ISENBERG AND BILL MCDONALD. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business

ABC Board Member Term Expiration – October 2010

Gary Parker advised that the ABC Board vacancy was advertised in the September 16, 2010 edition of the Brunswick Beacon; no applications were received.

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

Councilman Bobinski was excused from voting.

Land Use Ordinances Update Proposals

Gary Parker advised that three bids were received: Cape Fear Council of Governments - \$19,500; Holland Consulting - \$39,500 and LandArt Associates - \$75,000 +.

COUNCILWOMAN JOSEPH MADE A MOTION TO AWARD THE LAND USE ORDINANCES UPDATE PROJECT TO HOLLAND CONSULTING FOR \$39,500. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Code of Ethics Policy

The Council reviewed the Resolution containing the Code of Ethics Policy drafted by Councilwoman Scott for compliance with the North Carolina General Statute adopted in 2009.

COUNCILWOMAN SCOTT MADE A MOTION TO ADOPT THE RESOLUTION CONTAINING THE CODE OF ETHICS POLICY. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Bridge Walk Proposal

Mayor Klein called upon Owen Weddle 706 North Shore Drive to inform the Council of his Bridge Walk Proposal. Mr. Weddle proposed designating a day prior to the bridge opening for vehicular traffic to allow people to walk across the new Mannon C. Gore Bridge. The Council reached a consensus that this was a good idea and instructed Staff to meet with Mr. Weddle, form a committee and plan the Bridge Walk event.

Old Business (Cont.)

Save the Bridge (Parts) Discussion & Directions for English Construction

The Council discussed the unanimous decision to save the Tender House, Middle Span and Ramps made during the August 12, 2010 Called Meeting. Questions concerning restoration, maintenance, liability insurance and security were raised and discussed.

COUNCILMAN SHERRILL MADE A MOTION TO SAVE ONLY THE TOP PORTION OF THE BRIDGE TENDER HOUSE. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. COUNCILWOMAN SCOTT, COUNCILMAN BOBINSKI AND COUNCILMAN SHERRILL VOTED YES. COUNCILWOMAN JOSEPH AND MAYOR PRO-TEM DEVITA VOTE NO. THE MOTION CARRIED BY MAJORITY VOTE.

Discussion concerning Hiring a Company to Video the Bridge Operation

The Council discussed hiring a filming company to film the bridge in operation for preservation purposes. The Council requested Gary Parker to research and report findings to the Council during the October 14, 2010 Called Meeting.

Public Comments

Raymond Zetts 402 2nd Street – Spoke in opposition of saving the bridge tender house, purchasing the 5 acres and the expected sewer cost to the homeowners. Mr. Zetts requested Council to consider reducing taxes and placing the bridge issue on the ballot.

Bill Geisler 101 Forest Walk – Spoke in opposition of saving the bridge.

Chris Wilson 410 29th Street – Expressed disappointment with the Council's decision not to save the bridge tender house, middle span and the ramps. Ms. Wilson also expressed disappointment that the Council did not consult with the Bridge Preservation Society before making this decision.

Karen Dombrowski 719 Fairway Drive – Expressed disappointment with the Council's decision not to save the bridge.

Charles Nern 647 Oyster Bay Drive – Expressed disappointment with the Council going back on it word to save the bridge.

Richard Cerrato 517 Twisted Oak Lane – Read a prepared statement concerning Staff salaries.

Linda Rudick 1008 Park Road – Encouraged the Council to consider preserving open space in areas other than within subdivision for residents that live outside of subdivisions.

Closed Session

COUNCILWOMAN SCOTT MADE A MOTION TO GO INTO CLOSED SESSION TO APPROVE THE SEPTEMBER 9, 2010 AND THE SEPTEMBER 13, 2010 CLOSED SESSION MINUTES TO PREVENT THE DISCLOSURE OF INFORMATION THAT IS MADE PRIVILEGED OR CONFIDENTIAL BY NCGS 143-318.10(e) AND TO INSTRUCT THE PUBLIC BODY'S STAFF CONCERNING THE POSITION TO BE TAKEN ON BEHALF OF THE PUBLIC BODY IN NEGOTIATING THE PRICE AND OTHER MATERIAL TERMS OF A PROPOSED CONTRACT FOR THE ACQUISITION OF REAL PROPERTY OWNED BY TIDAL VENTURES LLC AND LOCATED AT 206 SUNSET BLVD. N. SUNSET BEACH, NC 28468 PURSUANT TO NCGS 143-318.11(a) (5). COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

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

COUNCILMAN BOBINSKI 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 September 9, 2010 and September 13, 2010 Closed Meeting Minutes and instructed Staff for continuing negotiations with Tidal Ventures LLC concerning the purchase of the 5 acres on the waterway.

Adjournment

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE OCTOBER 4, 2010 COUNCIL MEETING. COUNCILMAN SHERRILL 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