

**Town of Sunset Beach
Monthly Council
Work Session and Regular Meeting
December 6, 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; 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; called for agenda amendments and general discussions by the Council.

Alcoholic Beverage Control (ABC) System Resolution

Councilman Bobinski requested the Council to consider a Resolution in Support of the Current ABC System. A consensus was reached to add the Resolution to the agenda.

Sunset at Sunset Celebration Artwork

Councilwoman Joseph advised that the winning Artwork of the swing bridge has been framed and hung in the Administration lobby of Town Hall. Councilwoman Joseph thanked Sunset River Market Place for framing the artwork at a discounted price. Also thanked were Judy Presnell, Customer Service Representative, for obtaining a plaque listing the name of the artist including the date and Dustin Graham, Public Works Director for hanging the artwork and plaque.

New Town Website

Councilwoman Joseph advised that the website design has been completed, it is now in the programming phase and data is being uploaded. A target launch date of mid to late January is expected.

January Meeting

Councilwoman Scott advised that the January Meeting will be held January 10, 2011 as per the approved 2011 Annual Calendar.

Sunset at Sunset Celebration Committee Presentation

Mayor Klein presented Certificates of Appreciation to the Sunset at Sunset Celebration Committee members: Marci Berry, Karen Dombrowski, Ann Bokelman, Jean Hutchinson, Beverly Williams and Lois Grogan.

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

Edward Gore Sr. 435 Shoreline Drive W. – Read a prepared statement in opposition to the proposed Resolution to opt out of the development permit extension law.

Elaine Jordon, Coastal Communities Attorney – Spoke in opposition to the proposed Resolution to opt out of the development permit extension law.

Minutes Approval

COUNCILMAN BOBINSKI MADE A MOTION TO APPROVE THE NOVEMBER 1, 2010 REGULAR COUNCIL MEETING MINUTES. COUNCILMAN SHERRILL 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. Mayor Klein advised that the Governor has appointed Jeff Curtis, Chief Building Inspector, to the NC Code Officials Qualifications Board and the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors.

Fire

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

Old Business

Adoption of the Amended Personnel Policy

COUNCILWOMAN SCOTT MADE A MOTION TO ADOPT THE PERSONNEL POLICY AS REVISED AND TO ADOPT THE ORDINANCE AMENDING SECTION §30.39 (B) (6) OF THE CODE OF ORDINANCES AS IT RELATES TO THE REVISED PERSONNEL POLICY. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business

Consideration of Resolution for DWR Grant

The Council reviewed the Resolution for the DWR Grant. Councilwoman Scott requested the Council to consider amending #2 of the resolution to read "In the event that the Council proceeds with the acquisition and development of said property, the Council shall be responsible for securing the remainder of the funds necessary for the project." The Council agreed.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND #2 OF THE RESOLUTION AS STATED AND TO APPROVE THE AMENDED RESOLUTION FOR THE DWR GRANT. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion concerning Main Street Speed Limit

The Council discussed the current speed limits posted on the island. Mr. Parker advised that NCDOT would consider reducing the speed limit on Main Street and Sunset Blvd. (from North Shore Drive to Main Street) if the Town agreed to change out the signs when needed. The Council discussed lowering the speed limits during tourist season and recognized the need for uniformity to decrease confusion for visitors and residents.

COUNCILWOMAN SCOTT MADE A MOTION TO AMEND THE CURRENT SPEED LIMITS ON THE ISLAND TOWN OWNED ROADWAYS TO 25 MPH AND TO SUBMIT A REQUEST TO NCDOT TO CONSIDER REDUCING THE SPEED LIMIT ON ALL OF MAIN STREET AND SUNSET BLVD FROM NORTH SHORE DRIVE TO MAIN STREET TO 25 MPH. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council requested Mr. Parker to contact NCDOT for removal of the 35 mph sign that is posted in error between the bridge and North Shore Drive since the Council has not agreed to reduce the speed limit in that location from 45 mph as of yet.

Discussion of proposed Golf Cart Ordinance

The Council briefly discussed the proposed Golf Cart Ordinance and decided that additional research is needed.

COUNCILWOMAN SCOTT MADE A MOTION TO TABLE THE PROPOSED GOLF CART ORDINANCE UNTIL THE JANUARY 10, 2011 MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

UDO Drafting Committee Appointment

Councilman Sherrill requested the Council to consider adding Allen Doolittle to the list of candidates for the UDO Drafting Committee.

COUNCILWOMAN JOSEPH MADE A MOTION TO APPOINT THE FOLLOWING INDIVIDUALS AS THE UDO DRAFTING COMMITTEE:

Charlie Nern, Marci Berry, Tom Vincenz, Jim Strandquist, Bill McLane, Becky Noble, Al Seibert, Bill McDonald, Eddie Walters, Carol Santavicca and Allen Doolittle

COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Waste Industries Contract

Mr. Parker advised the Council that Waste Industries did not agree to the Contract amendment made by Council during the November meeting. The Council reviewed a second contract proposed by Waste Industries. The Council discussed the proposed Brunswick County Recycling program.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND THE PROPOSED WASTE INDUSTRIES CONTRACT BY REDUCING THE TERM FROM THREE (3) YEARS TO TWO (2) YEARS AND REMOVING THE RECYCLE BIN CLAUSE AND TO APPROVE THE AMENDED CONTRACT. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Sunset Beach Fire Department Fireman's Relief Fund Board Member Appointment

COUNCILWOMAN JOSEPH MADE A MOTION TO ADVERTISE FOR THIS POSITION. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Development Approvals Extension by one Additional Year

The Council discussed the State Law (SL) 2010-177 "opt out" provision for local governments. SL 2010-177 amended SL 2009-406 by adding one year to existing permit extension of development approvals thereby extending the deadline to December 31, 2011. The Council discussed the negative impact on property owners who are paying monthly mortgage payments and associational dues but are unable to build upon their lots due to the extension. The Council also discussed the positive impact on developers who are allowed to postpone infrastructure construction and completion due to the extension.

COUNCILMAN SHERRILL MADE A MOTION FOR THE COUNCIL NOT TO EXERCISE THE OPT OUT PROVISION OF SL 2010-177. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. COUNCILMAN SHERRILL, COUNCILMAN BOBINSKI, COUNCILWOMAN JOSEPH AND COUNCILWOMAN SCOTT VOTED YES. MAYOR PRO-TEM DEVITA VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Determine Council Retreat Date and Establish Retreat Agenda

COUNCILMAN SHERRILL MADE A MOTION TO HOLD THE RETREAT ON FEBRUARY 9, 2011. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Council members will submit agenda items to Mr. Parker.

Alcoholic Beverage Control (ABC) System Resolution

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE RESOLUTION IN SUPPORT OF NORTH CAROLINA'S CURRENT PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

Bill Satterfield 103 Old Oak Lane – Asked what the initials DWR represent as stated in the Consideration of Resolution for DWR Grant agenda item and the purpose of the grant. Mr. Parker advised that DWR stands for the Division of Water Resources and the grant application is for funding assistance with the proposed five (5) acre land acquisition.

Karla Squier 209 Olde Oak Lane – Encouraged the Council to consider pay freezes as the federal government has announced and to be mindful of spending during the upcoming budget process.

Charles Nern 647 Oyster Bay Drive – Informed the Council that the Sewer project is moving along now that a new contractor is handling the job; thanked the Police Department for their quick response to the citizen calls concerning solicitors in the neighborhood.

Rich Cerrato 517 Twisted Oak Lane – Requested the Council consider a street light at the intersection of Sunset Blvd. and the new bridge. Mr. Cerrato also read and distributed a prepared statement to the Council.

Herb Tinger 711 Oyster Bay Drive – Informed the Council of a newspaper article concerning the Town of Holden Beach and a waterway property purchase and encouraged the Council to delay negotiations concerning the five (5) acre purchase until after the County's property re-evaluation.

Closed Session

Mr. Parker advised Council that item b. under the Closed Session section of the agenda could be deleted as there is nothing to report.

MAYOR PRO-TEM DEVITA MADE A MOTION TO GO INTO CLOSED SESSION TO APPROVE THE OCTOBER 4, 2010, OCTOBER 14, 2010 AND NOVEMBER 1, 2010 CLOSED SESSION MINUTES PURSUANT TO NCGS 143-318.10(e) AND TO CONSIDER, REVIEW AND EVALUATE THE COMPETENCE, FITNESS AND PERFORMANCE OF THE TOWN ADMINISTRATOR PURSUANT TO NCGS 143-318.11 (a) (6). 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.

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 the Council approved the October 4, 2010, October 14, 2010 and November 1, 2010 Closed Session Minutes. Mayor Klein advised that the Council considered, reviewed and evaluated the competence, fitness and performance of the Town Administrator.

Adjournment

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADJOURN THE DECEMBER 6, 2010 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