

**Town of Sunset Beach
Monthly Council
Work Session and Regular Meeting
November 1, 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

The Council reached a consensus to add a Closed Session agenda item pursuant to NCGS 143-318.11 (a) (5).

Parking Committee

The Council suggested the Parking Committee hold two meetings to receive public comments. Councilwoman Scott will relay the Council suggestion to the Parking Committee.

Bridge Walk

Councilwoman Joseph thanked Owen Weddle for proposing the Bridge Walk to the Council. The Walk was held on November 1st and was well attended.

Personnel Policy

Mayor Pro-Tem DeVita asked if the final draft of the Personnel Policy was ready for Council approval. Gary Parker, Town Administrator, advised that the Personnel Policy would be on the December agenda for Council consideration.

Town Website

Councilwoman Joseph advised that the Website design phase is nearly complete. A conference call is scheduled for November 2nd to finalize the design, colors, pictures, fonts, etc. The proposed launch date for the new site is mid-December.

Videographer for Old Bridge

Councilwoman Joseph advised that the Videographer was here last week filming and conducting interviews; the script and film edits are the next steps.

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

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.

Rich Cerrato 517 Twisted Oak Lane – Requested the Council review the budget planning process during the Retreat and preparing an operating budget with a 10%-20% reduction for the next fiscal year; voiced opposition of the 5 acre purchase, longevity awards and the closed session.

Minutes Approval

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE OCTOBER 4, 2010 REGULAR COUNCIL MEETING MINUTES AND THE OCTOBER 14, 2010 SPECIAL CALLED MEETING MINUTES. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Departmental Reports

Administrator

Gary Parker read a prepared statement in response to comments made and publications written and distributed by Rich Cerrato.

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

Ordinance Amendments – 151.148 (N), 150.110 (2) (c), 151.003, 151.178 (E) and 151.193 (M)
The Council and Attorney Isenberg reviewed Ordinance 151.148 (N) and discussed the verbiage changes requested by Council during the October 4, 2010 Regular Meeting. Ordinance 150.110 (2) (c), 151.003, 151.178 (E) and 151.193 (M) amendments are only necessary if 151.148(N) is adopted.

Old Business (Cont.)

Ordinance Amendments–151.148(N), 150.110(2)(c), 151.003, 151.178(E) & 151.193(M) (Cont.)
MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND THE TEXT OF THE ORDINANCE IN THE PROPOSED RESOLUTION ADOPTING ORDINANCE 151.148 (N), MR-1 MAINLAND RESIDENTIAL DISTRICTS, DIMENSIONAL REQUIREMENTS, OPEN SPACE REQUIREMENTS FOR SINGLE FAMILY DEVELOPMENTS, BY ADDING THE FOLLOWING LANGUAGE AT THE END OF SECTION 4 ENTITLED LEGAL INSTRUMENT FOR PERMANENT PROTECTION : “IN ADDITION, THE DEVELOPER OR GOLF COURSE OPERATOR MAY AT ALL TIMES RESTRICT OR PROHIBIT ACCESS TO ALL PLAYING AREAS OF THE GOLF COURSE”, AND TO ADOPT THE RESOLUTION AS AMENDED . 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 ADOPT THE RESOLUTIONS AMENDING ORDINANCE 150.110 (2) (c) REQUIRED IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISION, ORDINANCE 151.003 OPEN SPACE AND NET AREA DEFINITIONS, ORDINANCE 151.178 (E) MR-2A MAINLAND RESIDENTIAL DISTRICTS DIMENSIONAL REQUIREMENTS AND ORDINANCE 151.193 (M) MR-3 MAINLAND RESIDENTIAL DISTRICTS DIMENSIONAL REQUIREMENTS. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business

Holland Consulting Planners Presentation on Updating Town Land Use Ordinances

Mr. Dale Holland presented the Citizen Participation Plan for Preparation of a Unified Development Ordinance (UDO) to the Council. The Council and Mr. Holland discussed the time line for each development phase and discussed the appointment of an UDO Drafting Committee. The Council reached a consensus to appoint the UDO Drafting Committee during the December 6, 2010 Meeting.

COUNCILWOMAN SCOTT MADE A MOTION TO ACCEPT THE CITIZEN PARTICIPATION PLAN. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Resolution Authorizing Sale of 2004 Chevrolet Impala

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE RESOLUTION AUTHORIZING THE SALE OF THE 2004 CHEVROLET IMPALA. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

NC DOT Speed Limit Ordinance Adoptions

The Council reviewed the request from NCDOT concerning the speed limits on certain State Roads within the Town limits. Lisa Massey, Police Chief, advised the Council that item number 2 on the Resolution would reduce the speed limit from the Intracoastal Waterway to the intersection of Sunset Blvd and North Shore Drive to 35 mph speed limit thereby allowing golf carts to travel from the mainland to the island causing potential safety issues. The Council

New Business (Cont.)

NC DOT Speed Limit Ordinance Adoptions (Cont.)

reached a consensus to delete item number 2. Attorney Isenberg will send the NC General Statutes concerning golf cart regulations to the Council.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND THE SPEED LIMIT RESOLUTION BY DELETING ITEM NUMBER 2 AND TO RENUMBER THE REMAINING ITEMS AND TO ADOPT THE AMENDED SPEED LIMIT RESOLUTION. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Waste Industries Contract

The Council reviewed the proposed 2011 Waste Industries Contract which excludes the pick-up of the beach barrels. Gary Parker proposed contracting with Waste Industries for a dumpster to be placed at the Town Shop; the Public Works Department collecting the garbage from the beach barrels a minimum of three times per week and disposing it into the Shop dumpster which will then be emptied by Waste Industries. Additional manpower may be needed. The Council discussed the proposed Countywide Recycling Program and the need for a termination clause within the Contract if the County does begin a recycling program as the contracted service would no longer be needed.

COUNCILWOMAN SCOTT MADE A MOTION TO AMEND THE 2011 WASTE INDUSTRIES CONTRACT BY ATTORNEY ISENBERG ADDING A TERMINATION CLAUSE AND TO APPROVE THE AMENDED CONTRACT. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Review of the 2011 Annual Calendar

COUNCILWOMAN JOSEPH MADE A MOTION TO ADOPT THE 2011 ANNUAL MEETING CALENDAR FOR THE TOWN COUNCIL, PLANNING BOARD AND BOARD OF ADJUSTMENT. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Waiver of Noise Ordinance for Sewer Project

Gary Parker advised that the Sewer Project Contractor will bore continuously for 24 - 72 hours until the drill reaches the island, attaches to the pipe and retrieves it to the mainland through the bored hole under the waterway. A waiver of Town Ordinance Chapter 94 will be required.

MAYOR-PRO-TEM DEVITA MADE A MOTION TO GRANT A WAIVER OF TOWN ORDINANCE CHAPTER 94 TO THE CONTRACTOR(S) PERFORMING THE BORING WORK UNDER THE WATERWAY IN CONNECTION WITH THE EXISTING SEWER PROJECT. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Council Planning Retreat Items

Gary Parker requested that the Council be prepared during the December 6, 2010 Meeting to establish the Annual Planning Retreat date(s) and to discuss and finalize the Agenda topics to allow sufficient time for Staff to research and gather background information.

Public Comments

Charles Nern 647 Oyster Bay Drive – Thanked the Parking Committee for good job; and recommendations concerning the parking situation on the island; requested the Council consider reducing the Main Street speed limit from 35 mph to 25 mph during the summer months; commended Staff for longevity, knowledge and continuing education training.

Karla Squier 209 Olde Oak Lane – Encouraged the Council to wait until after the tax re-evaluations in January before continuing negotiations concerning the 5 acres.

Rich Cerrato 517 Twisted Oak Lane – Read and distributed a prepared statement to the Council.

Bob Tone 9030 Sea Lane – Requested the Council to consider reducing the speed limit on Main Street from 35 mph to 25 mph during the season.

Closed Session

MAYOR PRO-TEM DEVITA MADE A MOTION TO GO INTO CLOSED SESSION 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). 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 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 the Council instructed Staff to continue negotiations with Tidal Ventures LLC concerning the purchase of the 5 acres on the waterway.

Adjournment

COUNCILMAN BOBINSKI MADE A MOTION TO ADJOURN THE NOVEMBER 1, 2010 COUNCIL MEETING. COUNCILWOMAN SCOTT 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