

**Town of Sunset Beach
Monthly Council
Work Session and Regular Meeting
August 2, 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 Department 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.

Sandpiper Bay Golf Course

Councilwoman Joseph advised the Council that Sandpiper Bay Golf Course received the 2010 Golf Course of the Year Award from the Myrtle Beach Area Golf Course Owners Association. Councilwoman Joseph requested a congratulations letter be sent and the Council agreed.

Bridge Fence

Councilman Sherrill requested an update concerning the proposed chain link fence at the base of the new bridge. Gary Parker, Town Administrator advised that the NC DOT plans to install a chain link fence have not changed. Mr. Parker advised that NC DOT will permit the Town to purchase and install a decorative fence if desired; however, the Town would incur the future fence maintenance and upkeep cost. Councilman Sherrill asked why the Ocean Isle Beach and Holden beach bridges are not fenced. Mr. Parker advised that those bridges were built before the Homeland Security rules went into effect. Mr. Parker will obtain fencing samples, pictures and cost for the Council to consider during the next meeting.

Town Council & Planning Board Meeting

Mayor Ron Klein informed the audience that the Council and Planning Board met earlier today and discussed direction and focus. The Council and Planning Board decided to schedule informational meetings.

Work Session (Cont.)

Parking Committee Membership Discussion

Mayor Klein advised the Council that agenda item 7c Parking Committee Membership Discussion can be removed.

Holes on the Beach

The Council discussed the safety issues with individuals digging and abandoning holes on the beach. Councilman Sherrill advised that the Code Enforcement Department is now advising individuals to fill in the holes prior to leaving the beach. Mr. Parker requested the Council review the Code Enforcement procedure results during the September meeting to determine if an ordinance will need to be adopted.

Special Meeting

Mayor Pro-Tem DeVita suggested the Council call a Special Meeting for August 12, 2010 at 9:00 am to discuss the Personnel Policy, to review a code of ethics for NCGS compliance and to consider the bridge fencing information. A consensus was reached to call a Special Meeting on August 12, 2010 at 9:00 am to discuss the Personnel Policy, to review a code of ethics for NCGS compliance; to consider the bridge fencing information and to discuss the Bridge Tender house in detail (added from the Old Business section of these minutes in which the Bridge Tender House was discussed).

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.

Approval or Amend Agenda

MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND THE AUGUST 2, 2010 AGENDA BY THE DELETION OF ITEM 7c PARKING COMMITTEE MEMBERSHIP DISCUSSION AND THE ADDITION OF 8e ESTABLISH SEPTEMBER REGULAR MEETING DATE DUE TO THE LABOR DAY HOLIDAY AND TO APPROVE THE AMENDED AGENDA. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

Mayor Klein called for Public Comments on Agenda Items.

Ann Bokelman 404 3rd Street – Read a statement in support of saving the bridge and advised that 4,500 signatures of support have been collected.

Karen Dombrowski 719 Fairway Drive – Read a statement in support of saving the bridge.

Susan McDonald 7487 Balmore Drive – Read a statement in support of saving the bridge.

Michael Williams 303 Shoreline Drive East – Read a statement in support of saving the bridge.

Carmel Zetts 402 2nd Street – Read a statement in support of saving the bridge. Mrs. Zetts advised Council that five turtle nests are on the island.

Public Comments (Cont.)

Linda Rudick 1008 Park Road – Voiced support for saving the bridge and suggested allowing the tender house to be open to the public and used to display the historical artifacts from the bridge.

William Ducker 1420 Inlet Drive – Voiced support for saving the bridge and creating an area with other amenities that could be used by the residents and visitors.

Janet Benton 409 40th Street – Voiced support for saving the bridge.

Minutes Approval

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE JUNE 28, 2010 REGULAR COUNCIL MEETING MINUTES. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Departmental Reports

Administrator

No report given.

Fire

Report submitted in writing to the Council and is on file with the Town Clerk . Chief Barbee added that the severe storm that moved through the area on Thursday (July 29th) caused spotty damage in the Sandpiper Bay community. Councilwoman Scott requested the Fire Chief and Building Inspections Department Director review the area to determine if protective measure recommendations could be suggested.

Police

Report submitted in writing to the Council and is on file with the Town Clerk. Chief Massey informed the Council that 149 citations were issued on the island; a large amount of fireworks was confiscated on July 4th. Councilwoman Scott advised that a police presence was not visible on the island during the 4th due to overtime issues and requested the Council consider this during the next budgeting process.

Public Works

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

Building Inspections Department

No report given.

Old Business

Fire Station Two Design Discussion

Mr. Scott Garner, Garner & Brown Architects, PA presented the Fire Station Two preliminary design including sketches to the Council. Mr. Garner advised that the preliminary design is in compliance with the Federal Stimulus Grant guidelines utilizing a Geo-Thermal Heat Pump, solar energy for hot water, generating electricity (that will be sold to BEMC) with photo-voltaic panels and by day lighting the building by strategic placement of the windows. Mr. Garner advised that the next step is to proceed with the detailed design phase and to submit documentation to FEMA for approval.

Old Business (Cont.)

COUNCILWOMAN JOSEPH MADE A MOTION TO ACCEPT THE FIRE STATION TWO PRELIMINARY DESIGN, TO INSTRUCT SCOTT GARNER TO PROCEED WITH THE DETAILED DESIGN PHASE AND TO SUBMIT THE NECESSARY DOCUMENTATION TO FEMA FOR APPROVAL. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion of the Bridge Tender House

Mr. Parker advised the Council that himself and Dustin Graham, Public Works Director, inspected the pontoon bridge and met with Mark Hackney, English Construction Company Foreman to discuss the relocation of the bridge including which sections are feasible for the Council to consider. Mr. Parker advised the Council of the three options discussed:

- (1) the tender house only (requiring a space of approx. 25');
- (2) the tender house and middle wooden plank span (requiring a space of approx. 50');
- (3) the tender house, middle span and the ramps (requiring a space of approx. 100').

Mr. Parker advised that if the third option is chosen, the tender house will need to be placed on a raised foundation to accommodate the angle of the ramps. Mr. Parker advised that Amanda Glenn, NC DOT has provided a list of items that they must retain such as the gates, stands, arms, lights, navigation instruments, levers, engines, etc. Mr. Parker advised that Mr. Mark Jennings, English Construction Company Representative will need the Town's response as soon as possible in order to make the necessary arrangement to have the bridge removed by the NC DOT deadline. The Council discussed the need to secure a video documentary of the bridge while still in operation; Staff will research. The Council agreed to add the Bridge Tender House discussion to the August 12, 2010 Special Meeting agenda.

New Business

Consider Resolution to Alter the Distribution of ABC Revenue

The Council reviewed the proposed Resolution to Alter the Distribution of ABC Revenue to the Town's general fund as recommended by the local ABC Board.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE RESOLUTION TO ALTER THE DISTRIBUTION OF ABC REVENUE TO PROVIDE THAT 100% OF THE ABC STORE NET PROFITS NOW BE DISTRIBUTED TO THE GENERAL FUND OF THE TOWN OF SUNSET BEACH EFFECTIVE OCTOBER 1, 2010. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consider Police Mutual Assistance Agreement with the Town of Ocean Isle Beach

MAYOR-PRO-TEM DEVITA MADE A MOTION TO APPROVE THE POLICE MUTUAL ASSISTANCE AGREEMENT WITH THE TOWN OF OCEAN ISLE BEACH. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Planning Board Vacancies Discussion

The Council discussed the procedure for appointing members whose terms are expiring but have voiced interest in reappointment and the procedure for filling terms that are vacant due to resignations. A consensus was reached to advertise all available positions, interview potential candidates and make the appointments during the September 13, 2010 Regular Meeting.

New Business (Cont.)

Consider RFQ for Land Use Ordinances Updates

The Council discussed the Request For Qualifications (RFQ) for the Land Use Ordinance updates.

COUNCILMAN SHERRILL MADE A MOTION TO AMEND THE RFQ FOR THE LAND USE ORDINANCE UPDATES TO INCLUDE A COMPLETION SCHEDULE, PROJECT COST AND QUALIFICATIONS AND TO BE SUBMITTED TO THE TOWN BY AUGUST 27TH. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Establish September Regular Meeting Date due to Labor Day Holiday

COUNCILWOMAN SCOTT MADE A MOTION TO HOLD THE SEPTEMBER REGULAR MEETING ON MONDAY, SEPTEMBER 13, 2010 BEGINNING AT 6:45 PM DUE TO THE LABOR DAY HOLIDAY. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

Janice Harris 206 North Shore Drive – Submitted her resignation from the Parking Committee to the Council citing poor organization, management and recordkeeping by the Parking Committee.

Charles Nern 647 Oyster Bay Drive – Voiced concerns about the parking problems on the island. Mr. Nern thanked the Police Department for their presence on July 4th and advised that over the past 18 years that he has been a property owner the police protection has improved.

Beth Frink 558 Medcalf Drive – Voiced opposition to saving the bridge as a large scale project; suggested saving small items instead of the entire tender house.

Robert Shanafelt 207 Twin Lakes Court – Asked why the Fire Station Two design didn't include space for meetings, groups or weddings. Mayor Klein advised space constraints.

William Ducker 1420 Inlet Drive – Suggested the Council create a village type atmosphere centered around the tender house and including outdoor picnic areas, space for weddings, gatherings, etc.

Susan McDonald 7487 Balmore Drive – Suggested that a documentary of the bridge might already exist and advised to contact NC Public TV.

Annie McNellie 1413 Inlet Street – Voiced support for a video documentary of the bridge, urged the Council to address the parking problems on the island as it is getting worse and suggested the Council conduct a beach litter sweep while it is still tourist season so the visitors can participate

Closed Session

COUNCILWOMAN SCOTT MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO CONSULT WITH THE TOWN ATTORNEY EMPLOYED OR RETAINED BY THE PUBLIC BODY IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE BETWEEN THE ATTORNEY AND THE PUBLIC BODY, WHICH PRIVILEGE IS HEREBY ACKNOWLEDGED AND TO APPROVE THE JUNE 7, 2010 CLOSED SESSION MINUTES. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Closed Session (Cont.)

The Council met in Closed Session for approximately 30 minutes. No action was taken.

COUNCILWOMAN SCOTT 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.

Adjournment

COUNCILMAN SHERRILL MADE A MOTION TO ADJOURN THE AUGUST 2, 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