

MINUTES
TOWN OF SUNSET BEACH
Regular Called Meeting/Public Hearing/Work Session
FEBRUARY 1, 2010
6:45 p.m.

Members Present

Mayor Ron Klein
Mayor Pro-Tem Lou DeVita
Councilman Bob Bobinski
Councilwoman Karen Joseph
Councilwoman Carol Scott
Councilman Wilson Sherrill

Others Present

Mike Isenberg, Town Attorney
Gary Parker, Town Administrator
Kim Cochran, Town Clerk

TOWN COUNCIL WORK SESSION/MEETING 6:45 pm

Parker had no changes to the agenda.

Bobinski stated the ABC Board store needed the lighting fixed and the permit would cost \$100.00. The ABC Board was requesting that the Town waive the fee. Council added this to the agenda as item 9e under New Business.

Scott informed the citizens that the Council Retreat/Workshop would be held on the 16th of February at the Sea Trail Conference Center beginning at 8:30 am.

Parker reminded Council of the Ethics Training now required and asked if they had received the information. Council concurred they did, clerk had sent email.

Parker also asked for a consensus on whether Council wanted another appraisal on the proposed five acre park site. He suggested Ingram and Craig from Wilmington as they had no ties to Sunset Beach, but had done many appraisals here so they were familiar with the area. All council agreed with having Ingram do the appraisal.

Klein spoke on the sewer project and the directional bore that would be required. The state could not cease work during peak season with the pipe exposed, so in order to complete this without causing major traffic problems, they have asked for their work hours to be extended into the night. This was against town policy but Council agreed it should be granted. Isenberg assured them they could make exceptions for government work as they had done in the past for things such as the water line.

DeVita informed all that the landscaping would take place on February 10th in front of Town Hall.

Sherrill stated the TDA breakfast he had attended gave a very good presentation on tourism cycles and he would share this information with Council.

7:00 pm

1 & 2. CALL TO ORDER AND PLEDGE.

Mayor Klein called the meeting to order and led the Council in the pledge of allegiance.

3. APPROVE OR AMEND AGENDA-Add 9e “Consideration of Waiving ABC Board Electrical fee.”

4. PUBLIC COMMENTS ON AGENDA ITEMS ONLY: none

5. MINUTES FROM SPECIAL CALLED MEETING JANUARY 11, 2010

Scott had corrections concerning the computer use policy and the sewer grant program wording specifying amounts and notifications to all town citizens at once.

Motion by Scott to adopt minutes with corrections, Seconded by Bobinski. Motion Carried.

6. PUBLIC HEARING:

Cliff Errickson spoke in opposition of the 10 year rule. He felt it did not give people a chance to reap the full depreciation benefits of the cost of their building. He and Marc Kaplan had built their storage structure on the island in good faith based on the current ordinance. See written statement incorporated by reference and made part of these minutes

a. Amendment to sections #151.148, #151.178, #151.193, #151.213, #151.273, #151.302, #151.317, #151.243 Dimensional Requirements (Setbacks on a through lot).

Curtis explained items a and b, and the proposed setbacks due to the current flexibility.

b. Amendment to #151.003 Definition of a Through lot

c. Proposed rezoning of the last area in the Town’s jurisdiction zoned AF-1 to MR-1 see map. (Certification of mailing from Town Clerk-info only)

Curtis explained the suggested change and felt the area would be better suited to an MR-1 designation.

Reuben Moore, Schuyler Dr., spoke against the rezoning. He presented Council with a petition in protest that contained 20% of owners of the proposed zoning area. See written comments incorporated by reference and made part of these minutes.

Other owners that spoke in protest of the rezoning were Lock Newland, Debra Millhouse, Dean Spatholt, Chris Bryant, Alan McCall, Charlie Nern, M. Daniel Stanaland and Larry Spainhour.

Public Hearing closed.

7. REPORTS:

- a. Administrator- none
- b. Police- see report
- c. Public Works -see report. Graham added they had installed another handicapped parking access at 40th and 1st streets.
- d. Building Inspections-see report
- e. Fire- see report

8. OLD BUSINESS:

a. Amendment to sections #151.148, #151.178, #151.193, #151.213, #151.273, #151.302, #151.317, #151.243 Dimensional Requirements (Setbacks on a through lot).

There was discussion among Council concerning the time limit for conformity.

Scott stated that the 39 year rule of depreciation of the IRS had nothing to do with town ordinances. She felt 10 years was reasonable and more than adequate.

DeVita felt the setbacks were fine, but the town should increase the time frame for businesses to recoup the costs invested in their structures. He agreed the building belonging to Mr. Errickson and Mr. Kaplan had been constructed in good faith based on the regulations in place at the time. He felt 20 years was more reasonable and manageable.

Motion by Scott to approve the amendment of Sections #151.148, #151.178, #151.193, #151.213, #151.273, #151.302, #151.317 and #151.243 Dimensional Requirements with the change that buildings built in the Beach Business District within one year before the passage of this amendment ,also have 20 years from the date of this amendment to reconstruct without being required to comply with the new setback requirements for through lots. The proposed amendments are consistent with the Land Use Plan, and are reasonable and in the public interest in that (i) they will help maintain and enhance the quality of life of the town (ii) they will help ensure that newly developed areas are developed compatible with surrounding areas and (iii) they will help reduce the encroachment of structures close to town and NC DOT Rights of Way which could present a public hazard. Seconded by Sherrill. Motion carried.

b. Amendment to #151.003 Definition of a Through lot

Motion by DeVita to adopt the Definition to clarify the intent and verified it is consistent with the Land Use Plan. Seconded by Scott. Motion Carried Unanimously.

c. Proposed rezoning of the last area in the Town's jurisdiction zoned AF-1 to MR-1 see map.

There was much discussion of the intention of the rezoning of this property. Council did not wish to have clear cutting either. Isenberg informed Council that they could still act on this tonight per General Statute under normal voting rules, because a protest petition could not be presented on the day of the Public Hearing.

DeVita suggested that if the goal was to make a minimum one acre lot zone and not allow clear cutting, they already had the model for the golf courses. Why not just fix the language in AF-1 to make it better suit the need instead of rezoning?

Motion by Scott to deny this zoning request and send back to the Planning Board for additional consideration of possible re-zoning with new wording. Sherrill added he would like it looked at in concert with the Open Space issue with the golf courses, and to make sure those items are covered so there would be no conflict. Scott **Amended her motion** to include Sherrill's suggestions, Seconded by Sherrill. Motion Carried unanimously.

10. NEW BUSINESS:

a. Adoption of Drug Policy

Motion by DeVita to adopt the new Drug Policy, Seconded by Joseph. Motion Carried Unanimously.

b. Architect Selection

Motion by DeVita to hire Garner and Brown as the Architects for the Second Fire Station, Seconded by Sherrill. Motion Carried Unanimously.

c. Appointment to Firemen's Fund Relief Board

Motion by Sherrill to appoint Allen Rundall to Fireman's Relief Fund Board, Seconded by Sherrill. Motion Carried Unanimously.

d. Resolution to Appoint Official in Connection with Mosquito Control

Motion by Sherrill to appoint Dustin Graham as Official, Seconded by Joseph. Motion carried Unanimously.

e. Consideration of Waiving ABC Board Electrical Permitting Fee

Motion by DeVita to waive permitting fee, Seconded by Joseph. Motion Carried Unanimously.

11. PUBLIC COMMENTS: *(This is an opportunity for citizens to make comments on a matter on the agenda, or on any matter of concern, but there is no dialogue with Council at this time, nor is it an opportunity to engage in questions and answers. If you wish to have an item placed on the agenda for discussion, please contact the Town Clerk)*

Charles Nern, resident, commented he was glad Council waived the ABC permit fee. He spoke about the 1.9 acres the town had purchased for a boat ramp, and felt that if the five acres was being purchased for a park, he had no problem with that. If it was for a boat ramp, he felt it was irresponsible for the town to have purchased the other property for the same reason if it couldn't be used as such.

Margaret McCarroll, 8937 Oyster Bay Ct, spoke on the problem with the Canal Dr. west original road, which she felt was not being followed with any pattern. It became a 30 ft. road when the Milligan's purchased their property. Instead of grading the road correctly on the Milligan's side they were scraping a prescriptive easement on *her* side and she wanted to know why. She felt their land was being taken and the scraping should be done on the opposite side of the street. She asked that the Shell Alley portion be corrected.

Danny Stanaland congratulated the Council for the decision on not rezoning Schuyler Dr. and the surrounding area.

Cliff Errickson commented that concerning beach parking, Main St. was curved and didn't have 50 ft wide driveways. If it curved it would create an "arcing". Was that problem still on the agenda for sewer?

13. ADJOURN

Motion to adjourn by Sherrill, Seconded by Bobinski. Motion carried.

Adopted this 1st day of March, 2010.

TOWN OF SUNSET BEACH

Mayor Ron Klein

Attest:

Kim Cochran, Town Clerk