

Investigate-Research-Develop-Recommend
(North Carolina General Statute 160A-387)

Sunset Beach Planning Board-Town of Sunset Beach
Minutes From September 17, 2009
Special Call Meeting

Members Present

Bill McDonald-Chairman
Gene Allen-Vice Chairman
Eddie Walters
Leon August
Bob Perry
Sybil Kesterson
Al Seibert

Members Absent

None

Staff

Jeff Curtis
Randy Walters-
Acting secretary

1. Call to Order-9:00 am

2. Roll Call-Quorum Present

3. Agenda Comments-Jeff stated that Mike Isenberg made us aware that when the council adopts an amendment they are required to explain why the Planning Board considered it to be reasonable in the best interest of the public. This is to be stated in the motion as it is made from the Planning Board, and will be forwarded to the council along with the recommendation. Jeff further said he would give the board the proposed language to be used.

4. Approval of Minutes-None

5. Building and Zoning Administrator Report-None

6. Public Hearing Topics-None

7. Old Business-Special Call Meeting Topic

a. Election of Chairman and Vice Chairman

Vote for Chairman: **Bob nominated Bill McDonald. Al motioned the nomination be closed. Gene seconded the motion. Motion carried unanimously.**

Vote for Vice Chairman: Bob nominated Gene. Gene nominated Bob. **Bill moved to close the nomination, and asked for all those in favor of Mr. Perry? Motion carried unanimously.**

b. Section 151.212 (M) MB-1, 151.242 (D), BB-1, 151.217 (D), MB-2, and 151.392 (A) MUD, Electronic Gaming Operations as a Special Use Permissible on Appeal to the Board of Adjustment.
Section 151.077 Off-Street Parking Requirements
Section 151.003 Definitions

Jeff explained that he contacted Mike Isenberg after the last meeting to confirm the number of machines allowed after the board approved one machine. Mike was of the opinion that allowing only one or four machines was not reasonable. He recommended calling other jurisdictions to find out what they allow. Jeff said everyone but Calabash allows twenty, Calabash allows one hundred. Jeff's proposal was to allow ten machines.

Jeff voiced concern in that the town could be challenged if the number of machines allowed would be too restrictive. Discussion ensued about the number of machines we would allow.

Bill asserted the Town Attorney should give us a range of how many machines would be permitted.

Leon commented that there are no restrictions in the proposed ordinance to address the Planetarium where children and families visit. Jeff considered the Planetarium as a regular business and would be restrictive to the live/work businesses surrounding it if it were included.

Eddie agreed with Jeff. Sybil did not agree. Her thoughts indicated this was an area where children would go for education.

Eddie said in order to get this going we should make a motion.

Al requested that before a motion was made that we should include museums and planetariums.

Al motioned that we recommend to council to revise sections as outlined on a memo from building department except that under (M) we include museums and planetariums and the number of the minimum the state will permit but not exceed ten...

Gene clarified with a question this was under (c)? The response was yes.

Al continued with his motion...and that we concur the purpose of this amendment is to protect the community from adverse development and to encourage as much as is practical and that all development be designed and in place so as to be compatible with our existing coastal town charter.

Motion seconded by Gene.

Jeff said that once we get clarification from the Town Attorney he will email the amendment to the board members for review before it goes to council.

After more discussion on the motion on the floor, the minimum number of machines to be allowed, and the need for clarification from the Town Attorney, Bill said the motion on the floor needed to be amended. Al withdrew his motion as did Gene withdraw his second.

A new motion was made by Bill which states as follows: Motion to include in (M) subtitle (a) add the words museums and planetariums and that the Planning Board will recommend a maximum of ten with the stipulation that our attorney research this as to what can be done...

Eddie interjected a suggestion that the council, town manager, and town attorney consider the reality of a legal issue. If there is a legal challenge, it can be changed if needed.

Bill continued with his motion to say: ...That we concur that the purpose of this amendment is to protect the community from adverse development and to encourage as much as is practical that all development be designed and placed so as to be compatible with our existing coastal town character. We shall include off-street parking requirements and definitions as addressed.

Motion made by Al. Seconded by Bob. Motion carried unanimously.

At this time there was no motion to close the public hearing in order to move on to the worksession.

Worksession discussions are typically not recorded nor are the minutes documented. However, since the meeting continued, the highlights of discussion for the worksession are mentioned.

8. New Business-Worksession

a. Add Section 150.331 Maintenance of Docks, Piers, and Bulkheads

Jeff explained that Randy proposed this as something that needed to be in place because there are a lot of docks, piers, and bulkheads that are aging and people are not maintaining them. This proposed section is to have some mechanism in place that will allow the town to enforce repairs or removal of the structures if needed.

Highlights of discussion as follows:

- How might an inspector determine if a dock, pier, or bulkhead is unsafe, and should language for specific criteria or guidelines be listed for that determination and enforcement?
- The seven day time limit proposed is not sufficient time for the homeowner to remedy a situation, and that additional language would need to be added to allow for that, also, to allow for the town's position should a structure need to be removed.
- The Board determined docks, piers, and bulkheads are accessory structures to the property and further language would need to be added to make the proposal more complete in treating them as such.

Jeff will make changes as discussed and bring the topic back to the next regular planning board meeting.

b. Proposed Changes to Section 151.117 (C), Delete Section 151.177, Proposed Change to Section 151.119 (11) (a) Requirements for the Placement of Political Campaign Signs.

Jeff said that all the information is in our ordinance now but some items were duplicated throughout the ordinance and some of the information was listed under Special Events, and this should not be considered a special event issue.

This proposal also requires a candidate to get a permit, of no charge, to say they understand the ordinance and will adhere to the rules as stated.

Highlights of discussion as follows:

- Bill did not agree with imposing a time limit for putting up campaign signs. He did agree with having a time limit for the removal of signs after an election. The board was in agreement.
- Eddie asked if other towns required candidates to have a permit. How would the rules be enforced if a candidate does not know to obtain a permit? Bill said some towns write letters to the candidates to inform them of the requirements.

Jeff will make changes as discussed and bring the topic back to the next regular planning board meeting.

c. Proposed Changes to Section 151.213 (A) (1). Dimensional Requirements for Commercial Uses in MB-1

This proposal is in relation to the other set back recommendations that have been addressed recently in other zoning districts.

Highlights of discussion as follows:

- Jeff asked the board if they wanted to change the current set back in the MB-1 zoning district from the current 5ft from the property line abutting any street right of way.
- Eddie thought this should be addressed as it has been in other districts.
- Jeff said it this topic might be difficult to consider because of parking and landscaping issues.
- The board would like to discuss this in more detail at the next meeting.

9. Visitor Comments-None

10. Adjournment-Meeting adjourned at 10:13 am. **Motion moved by Bob. Seconded by Leon. Motion carried unanimously.**

Bill McDonald-Chairman

Randy Walters-Acting Secretary

*Cindy Nelson-Regular Secretary-Minute
Writer*