

**Town of Sunset Beach
Monthly Council
Work Session, Regular Meeting and Public Hearing
August 1, 2011**

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 Chief; Lisa Massey, Police Chief; Sandy Wood, Chief Building Inspector 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.

Agenda Amendments

Mayor Klein requested the Council consider adding a Resolution Authorizing the Sale of a Surplus Vehicle as Agenda item 8i. The Council agreed.

Council Discussion

Vacant Lot - Construction Debris

Councilwoman Scott requested Attorney Isenberg to prepare a letter to the property owner of the vacant lot located on Sunset Blvd. between Bill's Seafood and Century 21 requesting the construction debris be removed immediately.

Vent Pipe Placement (Candy Cane) Ordinance

Councilwoman Scott requested an update on the development of the ordinance to regulate the placement of the sewer vent pipes. Gary Parker advised that the pipe is an air intake pipe and can be placed within 10 feet of a window or door. The ordinance will be placed on the August Work Session agenda for discussion.

Speed Limit Study for Sunset Blvd. & Main Street

Councilwoman Scott requested an update on the NCDOT speed limit study that was to be conducted during the summer months. Gary Parker stated that Bob Hammond, NCDOT, has advised that the study is in progress.

Work Session (Cont.)

Island Vacant Lots – Parking Issues

Councilwoman Scott requested that the Council consider revising the island vacant lot property owners' letter to include the cost of installing the "No Parking" signs and a reference to the ordinance stating that parking lots are not a permitted use in a residential zone. Councilwoman Scott suggested that the revised letter be mailed, in the fall, to the owners that did not respond to the first mailing.

Jim Pryor, Director Brunswick County Parks and Recreation

Mayor Pro-Tem DeVita advised that Jim Pryor will attend the August Work Session to discuss the planning approach for park development.

Solar Trash Cans

Mayor Pro-Tem DeVita advised that contact is being made with Chip Dodd, Waste Management, to discuss borrowing the solar trash compactor, demonstrated during the July Work Session, for placement in the gazebo lot as an experiment prior to ordering the units budgeted.

Parking Recommendations revisited

Councilwoman Scott requested that the Council consider discussing the postponed Parking Committee Recommendations during the September Work Session to determine if others could be implemented to improve safety on the island. The Council discussed hiring a traffic/parking engineer.

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 Hearing – Ordinance §151.217 Special Uses Permissible on Appeal to Board of Adjustment

COUNCILWOMAN SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Klein advised that the purpose of the Public Hearing is to hear comments concerning an Amendment to add Restaurants and Cafeterias as Sub-Section (B) to Ordinance 151.217.

Sandy Wood advised that the Town received a text amendment application requesting that Section 151.216 be amended to add banks, financial institutions, restaurants, cafeterias, barber and beauty shops, shoe repair, dry cleaning and laundry, churches and printers as permitted uses; the application was forwarded to the Planning Board for review. The Planning Board reviewed the proposal and determined that the current ordinance does not allow restaurants in the MB-2 Zoning District and that the MB-2 District is a corridor that abuts a residential district that must be protected from commercial development. The Planning Board reached a consensus and recommends to the Town Council an amendment to Section 151.217 by adding subsection (B) to permit restaurants and cafeterias as Special Uses on Appeal to the Board of Adjustment. This would allow the Board of Adjustment to establish conditions that would protect the neighboring residential areas. The other uses can be incorporated through the UDO process.

David Stuart – Carolina Dreams LLC Agent – Voiced opposition to the amendment that would require a special use permit for a restaurant to be located in a MB-2 District. Mr. Stuart advised the Council that the special use permitting process is expensive and would deter developers or business owners from investing in Sunset Beach. Mr. Stuart requested the Council to consider clarifying neighborhood services in the permitted use section to include the businesses listed in the text amendment application.

Jerry Strickland – 308 Heather Drive – Advised Council that the original developers of the area intended for that area to be used for professional uses not restaurants.

Paul Katopodis – 850 Sunset Blvd. – Advised Council that he owns property in the MB-2 District and has a letter from a Town Official on Town letterhead advising that he can put any type of business on his property other than a gas station.

Bill McDonald – 7487 Balmore Drive – Advised Council that the UDO Committee will be reviewing all of the zoning districts and making parameter recommendation to the Council for the permitted uses sections. Mr. McDonald advised that the Planning Board sees this amendment as a way for a business owner to apply for a special use permit to allow a restaurant in the MB-2

Public Hearing (Cont.)

district while still protecting the surrounding areas until the UDO Committee work can be completed.

COUNCILWOMAN JOSEPH MADE A MOTION TO CLOSE THE PUBLIC HEARING. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Presentation – Jeff Viscount - Bike MS Breakaway to the Beach 2011

Mayor Klein advised that Mr. Viscount is unable to attend the meeting.

Public Comments

Bill Satterfield - 103 Old Oak Lane – Voiced opposition to the boat ramp facility, the Wildlife Resources Commission Agreement and the associated cost.

Norman Cole – 404 29th Street – Questioned the need for the boat ramp facility.

Jerry Strickland – 308 Heather Drive – Voiced opposition to the boat ramp facility design, the storm water drainage plan and the removal of the trees. Council advised Mr. Strickland that the trees were not being removed.

Consent Agenda Approval

Councilman Sherrill explained that the purpose of the Consent Agenda is to streamline approval of administrative items not requiring discussion. The Consent Agenda included:

1. June 21, 2011 Work Session Minutes
2. June 27, 2011 Council Regular Meeting Minutes – July
3. July 19, 2011 Work Session Minutes
4. Police Department Report
5. Public Works Department Report
6. Building Inspection Department Report
7. Fire Department Report
8. Disposition of Directives – None

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE CONSENT AGENDA. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business

Consideration of Ordinance §151.217 Amendment

The Council discussed the proposed Amendment to Ordinance §151.217 Special Uses Permissible on Appeal to Board of Adjustment that would add Restaurants and Cafeterias as Sub-Section (B). The Council voiced a desire to attract business to the area and to simplify the permitting process; the Council also voiced a desire for the UDO Committee to define certain Parameters, if restaurants were a permitted use, to protect the areas surrounding the commercial and mixed use districts.

Old Business (Cont.)

Consideration of Ordinance §151.217 Amendment (Cont.)

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE RESOLUTION STATING THAT SECTION 151.217 SPECIAL USES PERMISSIBLE ON APPEAL TO BOARD OF ADJUSTMENT IS HEREBY AMENDED BY ADDING SUBSECTION B RESTAURANTS AND CAFETERIAS. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILWOMAN SCOTT, COUNCILMAN BOBINSKI AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILMAN SHERRILL VOTED NO. THE MOTION CARRIED BY A MAJORITY VOTE.

New Business

Consideration of Planning Board Term Membership Expiration & Set Interview

The Council discussed the two Planning Board member terms which expire in August, 2011. An application has been received from one member seeking re-appointment; the other member is not seeking re-appointment. The Council discussed whether alternate members automatically fill expiring term vacancies. Gary Parker advised that the advertisement requested applications for two regular members.

COUNCILWOMAN SCOTT MADE A MOTION TO READVERTISE THE PLANNING BOARD VACANCIES REQUESTING APPLICATIONS FOR ONE REGULAR MEMBER AND ONE ALTERNATE MEMBER. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Filling ETJ Alternate Position on Planning Board

Mayor Klein reminded the Council that Bob Tone applied for the Planning Board Alternate ETJ Member position and was interviewed on July 19, 2011.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE RESOLUTION RECOMMENDING THAT THE BRUNSWICK COUNTY COMMISSIONERS APPOINT BOB TONE TO THE SUNSET BEACH PLANNING BOARD AS AN ALTERNATE ETJ MEMBER. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval for the WRC Agreement

The Council reviewed the proposed agreement between the Town and the Wildlife Resources Commission (WRC) for the boat ramp facility. Gary Parker reminded the Council that the WRC is responsible for the major construction and upkeep and the Town is responsible for the daily maintenance. Gary Parker advised that the current plan is to preserve the trees currently located on the property and the pier cost is approximately \$30,000. Councilwoman Scott requested the Agreement be amended on Page 4 Item 6 Fixtures by inserting a coma after the word "ordinances".

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE WRC AGREEMENT AS AMENDED. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Consideration of Adoption of the Pay Plan Adjustments

Gary Parker and the Council reviewed and discussed the Pay Plan Adjustments information provided. Gary Parker recommended that the Council consider increasing the Salary Grade Number 2 – 4 by 5%; add Salary Grade Number 5 Equipment Operator III with a minimum and maximum salary range of \$27,504 - \$41,256; to increase Salary Grade Number 7 – 14 minimum and maximum by 2% and to make no changes to Salary Grade Number 16 - 23.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND THE PERSONNEL POLICY AS FOLLOWS:

- 5% SALARY GRADE INCREASE TO SALARY GRADE NUMBER 2 – 4;
AND
- ADD SALARY GRADE NUMBER 5 EQUIPMENT OPERATOR III; AND
- ESTABLISH \$27,504 - \$41,256 AS THE MINIMUM AND MAXIMUM SALARY RANGE FOR SALARY GRADE NUMBER 5;

AND TO

- HIRE A CONSULTANT TO PERFORM A SALARY STUDY TO PROVIDE A BASIS FOR THE COUNCIL TO ESTABLISH PREFERRED SALARY RANGES.

COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Gary Parker will prepare a request for proposal concerning the Salary Study Consultant for Council to consider during the September meeting.

Consideration of Using Reserve Officers on Beach Patrol

Gary Parker advised that the NC League of Municipalities, Worker Compensation Insurance Carrier, is recommending that the Council consider using sworn law officers to provide beach patrol duties instead of civilians. Gary Parker advised that Sunset Beach is the only North Carolina coastal Town using civilians to perform this service. The Council discussed the duties being performed, liability insurance coverage, scheduling, training, manpower hours desired and the cost of the proposal.

COUNCILMAN SHERRILL MADE A MOTION TO TABLE THE USE OF RESERVE OFFICERS ON BEACH PATROL PENDING FURTHER INVESTIGATION. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of the Amendments for Ordinances 50.99, 53.99, and 70.99 Penalty

Gary Parker advised that these amendments are needed to change the penalty for each to civil only in order for the Town to retain the penalty proceeds. Gary Parker requested the Council to set the amount of each civil fine.

New Business (Cont.)

Consideration of Adoption of the Amendments for Ordinances 50.99, 53.99, and 70.99 Penalty

COUNCILMAN BOBINSKI MADE A MOTION TO AMEND ORDINANCE 50.99 PENALTY BY MAKING A VIOLATION A CIVIL PENALTY ONLY AND TO SET THE CIVIL PENALTY AT \$50.00. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN BOBINSKI AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILMAN SHERRILL AND COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO AMEND ORDINANCE 53.99 PENALTY BY MAKING A VIOLATION A CIVIL PENALTY ONLY AND TO SET THE CIVIL PENALTY AT \$50.00. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. MAYOR-PRO-TEM DEVITA, COUNCILWOMAN SCOTT, COUNCILMAN BOBINSKI AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILMAN SHERRILL VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO AMEND ORDINANCE 70.99 PENALTY SUB SECTION (B) TO SET THE CIVIL PENALTY AT \$25.00. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILWOMAN JOSEPH, COUNCILMAN BOBINSKI AND COUNCILWOMAN SCOTT VOTED YES. COUNCILMAN SHERRILL VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Underground Wiring Project – N. Shore Drive (East)

Attorney Isenberg explained to the Council the special assessment process as outlined in general statutes. The first step is for Council to adopt a Preliminary Resolution stating the intent. The Council discussed the need for underground services for all of town limits. The Council reached a consensus to proceed with a Preliminary Resolution at the October meeting.

Consideration of Adoption of the Annexation Resolution of Consideration

The Council discussed the expiring Annexation Resolution of Consideration. Attorney Isenberg briefly explained the recent annexation law changes and advised Council there was no need to renew the Resolution of Consideration at this time.

COUNCILMAN SHERRILL MADE A MOTION TO ALLOW THE ANNEXATION RESOLUTION OF CONSIDERATION TO EXPIRE. COUNCILWOMAN JOSPEH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Resolution to Sale Surplus Property

The Council reviewed the Resolution needed to sale the 2002 Chevrolet S-10.

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE RESOLUTION AUTHORIZING THE SALE OF THE 2002 CHEVROLET S-10. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

Norman Cole 404 29th Street – Advised Council that the rolling back of garbage cans is a town wide problem and citations should be issued town wide. Mr. Cole voiced opposition to the underground wiring project.

Charlie Nern 647 Oyster Bay Drive – Voiced opposition to the underground wiring project and the fine amount associated with the garbage cans.

Adjournment

COUNCILWOMAN JOSEPH MADE A MOTION TO ADJOURN THE AUGUST 1, 2011 COUNCIL MEETING. COUNCILMAN BOBINSKI 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

*The August 1, 2011 Minutes were approved August 29, 2011