

**Town of Sunset Beach  
Monthly Council  
Work Session and Regular Meeting  
October 3, 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; 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**

Attorney Isenberg requested the Council add a Closed Session concerning the McCarrel litigation and Gary Parker requested a personnel matter to be added. Fire Chief Barbee requested the Council add a discussion concerning a Safer Grant application. The Council reached a consensus to add a Closed Session and a discussion concerning the Safer Grant Application to the Agenda.

**Council Discussion**

**Violation Update**

Councilwoman Joseph requested an update concerning the business that is in violation of Section 151.095 F (2) of the Sunset Beach Code of Ordinances and is accruing civil penalties. Sandy Wood advised that as of today the violation continues and the civil penalty of \$17,900 has not been paid. The Council authorized Attorney Isenberg to proceed with the legal system to resolve this matter and collect the penalty.

**October Work Session Agenda**

Councilwoman Scott requested the Council consider discussing the beach walkways and handicap accesses during the October Work Session. The Council agreed.

### **Work Session (Cont.)**

#### **NC DOT Speed Study Update**

Gary Parker advised that the study was conducted during the summer months and that NC DOT is now compiling and reviewing the results to make a determination if the speed limit should be lowered on the island.

#### **Election Candidates**

Mayor Pro-Tem DeVita advised that the Brunswick Beacon and ATMC will not host a Meet the Candidates forum.

#### **Grinder Pump Installation**

Councilman Sherrill encouraged property owners that will have a grinder pump installed to meet with the contractor to determine where the pump needs to be located.

## **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.

### **Sunset at Sunset Celebration**

Mayor Klein thanked the Committee for a wonderful and well organized event. Councilwoman Joseph thanked the Fire and Police Department Staffs for being on site and handling several emergency situations.

### **Public Comments**

Karen Dombrowski 719 Fairway Drive – Thanked the Town Council, the Town Staff members, and the community at-large for their support of Sunset at Sunset. Special recognition was given to Council Liaison Joseph for her support of the SAS Committee.

Carol Santavicca 9109 Forest Drive – Voiced opposition to the Parking and Salary Study expenditures; advised that the parking issues were caused by the sewer project and the no parking regulations; encouraged Council to wait for the completion of the sewer project before hiring an engineer.

Rich Cerrato 517 Twisted Oak Lane – Voiced opposition to the Salary Study.

Nina Marable 502 North Shore Drive – Voiced opposition to the Parking RFQ.

Jean Hutchinson 433 6<sup>th</sup> Street – Voiced opposition to the Parking RFQ.

Terry Bond 1817 East Main Street – Voiced opposition to the Parking RFQ.

Ann Bokelman 404 3<sup>rd</sup> Street – Encouraged the Council to evaluate parking after next summer.

Ray Zetts 402 2<sup>nd</sup> Street – Voiced opposition to the Parking RFQ.

Charles Nern 647 Oyster Bay Drive – Thanked Public Works Department Staff for cleanup efforts after Hurricane Irene; voiced concerns with safety issues and parking; voiced opposition to the hiring of additional firefighters; advised that the roll cart violation fine is too high.

### **Consent Agenda Approval**

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE FOLLOWING  
CONSENT AGENDA ITEMS:

1. August 26, 2011 Emergency Meeting Minutes
2. August 29, 2011 Regular Meeting Minutes
3. September 15, 2011 Special Called Meeting Minutes
4. Departmental Reports:
  - a. Police
  - b. Public Works
  - c. Building Inspections
  - d. Fire
5. Disposition of Directives
  - a. Amendments to 151.217, 50.99, 53.99 & 70.99 prepared for Municode – 08/04/11
  - b. Adoption of 52.05 & 52.06 prepared for Municode – 08/30/11
  - c. ABC Board position advertisement ran in Brunswick Beacon – 08/31/11
  - d. Personnel Consultant RFP Advertised in Raleigh, Charlotte, Wilmington and the Brunswick Beacon – 08/31/11
  - e. Planning Board Oaths of Office administered – 09/01/11
  - f. Letter Authorizing ABC Board to amend and use Town Travel Policy Amended and Delivered - 09/01/11
  - g. Police Mutual Assistant Agreement with Ocean Isle Beach signed and mailed – 09/01/11
  - h. Updated Planning Board Website page with Bob Tone and Thomas Vincenz – 09/12/11
  - i. Hurricane Irene Debris Removal completed – 09/14/11
  - j. Updated Roll Cart Letter with dumpster amendment & email to printer – 09/15/11
  - k. Annual Report sent to the printer – 09/21/11
  - l. Park & Boat Ramp “Future Home” signs - in progress

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

### **Old Business**

#### **Consideration of North Shore Drive (East) Underground Wiring Project Resolution**

Gary Parker advised the Council that BEMC has provided a cost estimate of \$22,000 to complete the underground utility project on North Shore Drive and 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> Streets. The Council discussed other related cost such as running the underground wiring from the source to the homes, and removal of the poles and overhead wiring. The Council requested Staff to contact a BEMC Representative to be present at the October Work Session to provide a line item cost for both the Town and the affected property owners. Attorney Isenberg reviewed the Resolution with the Council advising that the purpose is to establish the intent of the Town to place the power lines underground, to state that the affected property owners will be assessed either by front footage or a per lot basis and to call for a public hearing.

**Old Business (Cont.)**

Consideration of North Shore Drive (East) Underground Wiring Project Resolution (Cont.)

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE PRELIMINARY ASSESSMENT RESOLUTION AND TO CALL FOR A PUBLIC HEARING TO BE HELD IN THE TOWN HALL COUNCIL CHAMBER ON DECEMBER 5, 2011 AT 7:00 PM. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Salary Adjustments for Certifications

The Council reviewed the proposed amendment to the Personnel Policy Section 18 Salary Adjustments for Certifications. The Council discussed the types of certifications that might warrant a salary adjustment.

COUNCILWOMAN JOSEPH MADE A MOTION TO TABLE THE SALARY ADJUSTMENTS FOR CERTIFICATIONS DISCUSSION UNTIL THE PERTINENT INFORMATION CONCERNING THE TYPES OF CERTIFICATION THAT MIGHT WARRANT A SALARY ADJUSTMENT CAN BE PROVIDED FOR INCLUSION IN THE AMENDMENT PROPOSED. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Draft RFQ for Engineering Consultant

The Council reviewed and discussed the draft RFQ for Engineering Consultants. The Council agreed that the sewer project needs to be completed before further parking discussions occur.

COUNCILMAN SHERRILL MADE A MOTION TO INDEFINITELY TABLE THE CONSIDERATION OF AN ENGINEERING CONSULTANT. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**New Business**

Discussion of Roll Cart Enforcement

COUNCILWOMAN SCOTT MADE A MOTION TO AMEND ORDINANCE 50.99 (C) TO REDUCE THE CIVIL PENALTY TO \$25. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Pro-Tem DeVita advised that the warning period is from October 1<sup>st</sup> – December 31<sup>st</sup>. The Council reached a consensus that during this time the Public Works Department staff will weekly compile a list of roll cart violations and provide the list to the Administration Department staff to mail warning letters to the property owners in violation and to generate a Council report. The Council encouraged all residents to permanently display their address on their roll cart. Mayor Klein will contact Waste Industries to ensure that displaying an address on the roll carts is allowed; the website will be updated with that information.

## **New Business (Cont.)**

### **Consideration of Position Classification & Pay Plan Proposals**

The Council discussed the reasons for obtaining a salary range study and the most cost effective manner in which to obtain verification that the Town's salary ranges are appropriate.

COUNCILMAN SHERRILL MADE A MOTION TO NOT CONTRACT WITH THE NCLM TO PERFORM A SALARY STUDY AND THAT THE STUDY BE CONDUCTED IN HOUSE BY COUNCILMAN SHERRILL AND MAYOR PRO-TEM DEVITA AND COUNCILWOMAN JOSEPH WILL ASSIST IN THE CREATION OF THE MATERIAL TO BE PRESENTED. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Consideration of Applying for Safer Grant to hire additional Fire Personnel**

Chief Barbee gave a brief history concerning the second fire station and the six year plan which includes additional firefighters. Chief Barbee and the Council discussed applying for a Safer Grant to offset the payroll for the additional firefighters needed.

COUNCILWOMAN JOSEPH MADE A MOTION TO AUTHORIZE CHIEF BARBEE TO APPLY FOR THE SAFER GRANT FUNDS TO HIRE THREE (3) FIREFIGHTERS. COUNCILMAN BOBINSKI SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN SHERRILL, COUNCILWOMAN JOSEPH AND COUNCILMAN BOBINSKI VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY A MAJORITY VOTE.

## **Public Comments**

Marci Berry 7428 Preswick Court – Thanked the Town Council, Staff, local business and the residents for attending and making Sunset at Sunset Celebration a success.

Norman Cole 404 29<sup>th</sup> Street – Advised that when wiring was placed underground in the past the east end property owners were assessed by front footage and thinks the west end property owners should also be assessed by front footage.

Nancy O'Shea 717 Bermuda Walk – Advised the Council of a kiting accident on the beach in which she was rendered unconscious; advised of safety hazards on the beach strand and requested the Council to consider kite regulations

Karla Squier 209 Olde Oak Lane – Requested the Council consider adding an insert in the Annual Report outlining the changes made about the Roll Carts; advised that Waste Industries will assist handicap property owners with the roll carts if an application is completed.

Rich Cerrato 517 Twisted Oak Lane – Voiced opposition to applying for the Safer Grant to hire additional firefighters, voiced opposition to the proposed salary adjustments based on received certifications.

Geraldine Andujar 953 Bay Point Drive – Reminded the Council and property owners that insurance premiums were lowered due to the rating of the fire department.

Linda Rudick 1008 Park Road – Asked if a photo history of the 2<sup>nd</sup> fire station was being done since this building is being constructed with modern and energy efficient materials.

**Closed Session**

COUNCILWOMAN JOSEPH MADE A MOTION TO GO INTO CLOSED SESSION TO:

- a. Approve of the August 29, 2011 Closed Session Minutes to prevent the disclosure of information that may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session pursuant to NCGS 143-318.10(e); and,
- b. Instruct the town attorney concerning the handling of the action entitled "Margaret K. McCarrel vs. State of North Carolina and Town of Sunset Beach, 10 SP 1205" pursuant to NCGS 143-318.11 (a) (3);
- c. Consider the performance of an employee pursuant to NCGS 143-318.11 (a) (6).

COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately 30 minutes.

COUNCILMAN SHERRILL 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.

The Council approved the August 29, 2011 Closed Session Minutes. No further action taken.

**Adjournment**

COUNCILMAN SHERRILL MADE A MOTION TO ADJOURN THE OCTOBER 3, 2011 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*

\*The October 3, 2011 minutes were approved November 7, 2011.