



Town of Sunset Beach  
Planning Board Meeting

**Meeting Minutes of September 15, 2016**

**Members Present:** Chairperson Tom Vincenz, Greg Jensen, Noelle Kehrberg, Bob Tone

**Members Absent:** Len Steiner

**Staff Present:** Richard Hathcock, GIS Planner; Cindy Nelson, Planning Board Secretary; Susan Parker; Town Administrator, Lisa Anglin; Town Clerk, Kevin Dempsey; Fire Chief.

Chairperson Vincenz called the meeting to order and established that a quorum was present.

**Amend or Approve Agenda:** CHAIRPERSON VINCENZ ASKED FOR A MOTION TO MOVE NEW BUSINESS AGENDA ITEM 8A BEFORE OLD BUSINESS SO THAT TOWN STAFF; LISA AND KEVIN COULD RESUME REGULAR DUTIES. MOTION WAS MOVED BY NOELLE KEHRBERG WITH A SECOND BY BOB TONE. MOTION CARRIED UNANIMOUSLY.

The Pledge of Allegiance was recited by all in attendance.

**Postponement or Withdrawal Requests:** None

**Public Comments:** None

**Consideration of Approval of Minutes** CONSIDERATION OF THE APPROVAL OF MINUTES FROM THE SEPTEMBER 1, 2016 MEETING. CHAIRPERSON VINCENZ ASKED FOR A MOTION TO APPROVE THE MINUTES OF WHICH GREG JENSEN MOVED TO APPROVE AS WRITTEN. SECOND WAS MADE BY NOELLE KEHRBERG. MOTION WAS CARRIED UNANIMOUSLY.

New Business Item 8A: Discussions Item Only (No Attachment): Use of Pine Straw Prohibited in Residential Districts.

Discussion:

Fire Chief Kevin Dempsey presented his findings to the Board regarding prohibiting the use of pine straw as a landscaping option for residential use: Kevin stated that an ordinance could be put into place and cautioned that enforcement would be difficult. He continued; pine straw is extremely flammable, it's also a natural material readily available in South East North Carolina. He went on to say the towns and cities of Raleigh, Durham, Carrboro, and Wilmington; have put ordinances in place to restrict the use of pine straw, and noted that the standards are more for commercial building.

Greg Jensen: There is a pine straw that uses a rubber coating and is flame retardant. The standard could apply to the island only as the population there is more transient and less aware of the issues than maybe a mainland resident who is here full time and is more cautious. Also, there is a much greater density on the island than the mainland.

Kevin: I can certainly appreciate your concern. The conditions over the summer months have been very dry, and there has also been a considerable amount of lightening. These are factors to consider. Once pine straw, ignites it can burn 24" per second. You see vacationers constantly using fireworks and sparklers which also ignite in pine straw. My biggest concern is using pine straw around commercial and multifamily structures. If one of those buildings were to catch on fire, it could be devastating.

Chairperson Vincenz: This is more of a Town Code issue and not one that would fall upon the Planning Board.

Susan Parker: Density on the island could be an issue. And this would be a Town Code concern. Staff will look into this further and determine how we could move forward.

Chairperson Vincenz: The only thing our Board could do was to make changes to the landscape ordinance. This would only affect new construction, and therefore not accomplish what was intended.

Kevin: The fire department will be discussing this issue with the public at Sunset @ Sunset and other events. One of the goals of the Fire Departments is to educate the public on the dangers of using pine straw as landscaping along with recommending alternative options. Another goal is to also meet with local real estate offices and educate them on this issue.

## **Old Business**

### **a. TA-16-12: Amend Article 4 Amendment/Rezoning Procedures Section 4.01 Action By Planning Board to Modify Subsection (C) (1) and Delete Subsection (C) (2).**

Chairperson Vincenz highlighted the basics of the issue from last meeting. His thought was that it would be better to advertise all text amendments and rezoning's.

#### Discussion:

Town Clerk Lisa Anglin gave the Board members a handout of the State Statute which lists the requirements for the different types of functions of the Board that would need to be advertised. (Handout has been entered into the attachments to the meeting packet.) She then explained that the Planning Board is only to give recommendation to the Town Council on topics related to the zoning code. It is the Town Council's decision to adopt or reject language. That being said, if they choose to adopt an ordinance or have a rezoning, then they must call for a public hearing. One concern from a Staff level is that if a public hearing is called for at the Planning Board level and citizens come to speak for or against an issue then there is a good chance they will not come to let their voices be heard at the public hearing for Town Council and that is where it counts. Lisa continued the cost to place a legal ad in the newspaper can run anywhere from \$250.00 to \$600.00. So it could become costly to the Town for both the Planning Board and Town Council to place advertisements for the same topic. There would be nothing to say that you could not advertise at any time, if you so desire. So if you decide to keep advertisements at the Town Council level, and want to advertise an issue in front of the Planning Board, then you could still do that. Another thought to consider is that advertising on the Planning Board level, could impact an applicant's project or a Town initiated topic because of the time it takes to advertise, schedule meetings around that time frame, then you have to wait for the approval process to continue in the same manner for the Town Council. It could take months for approvals to go through.

Questions and answers were exchanged between the Board and Lisa. Discussion ended with more consideration at the next meeting when Wes MacLeod would be available.

### **b. TA-16-02: Amend Article 6, Zoning Districts; Zoning District Development Standard for the Gateway Corridor Overlay District.**

Chairperson Vincenz stated that he talked with Wes regarding the exemptions in Section 3A. The question is should we want this district to also include multi-family development, as well as in 3b; the MUD district allows multi-family. The MUD district is a part of the corridor. And then, define 3d, what is an associated use.

The Boards overall consensus was that multi-family and other development should adhere to the Gateway standard if the development is in the Gateway Corridor District. Discussion will resume at the next meeting.

c. TA-16-11: Amend Article 6, Zoning District to allow “Privacy Fences (subdivisions)” as a Permitted Use in the Br-2 Zoning District.

Chairperson Vincenz said this was a discussion item on the last Town Council agenda and was removed from their agenda. We did approve a gate only, but it is only a gate and there is still access to the property around that gate. A small amount of discussion ensued with the Chairperson saying they will wait for further direction and move forward at that time.

d. TA-16-14: Amend Article 7.09 to clarify the Permitted Location of Fences and Walls on Single Family Residences.

Chairperson Vincenz this topic has come up years ago. The issue has come up with adjacent property owners having fences along property lines with eight to ten inches in between the fences and the area is not maintained. Also, fences are permitted on a property line. Who would be responsible for maintaining the fence? Staff responded that the property owner or permit holder would be the responsible party. That applicant applied to install the fence; they would maintain it as it is their fence. He then said that Section 7.09 (B); should it read “A fence or wall shall be constructed”, opposed to “A fence or wall may be constructed”.

Dialog ensued between the Planning Board and Staff. Discussion will continue at a later time.

### **New Business**

a. Discussion: Use of Pine straw in Residential Districts. Topic discussed at the beginning of the meeting.

b. Elect Chairperson and Vice Chairperson as Per Rules of Procedure.

CHAIRPERSON VINCENZ ASKED THE BOARD FOR THEIR INTENTION. NOELLE KEHRBERG MADE A MOTION TO ELECT TOM VINCENZ AS CHAIRPERSON AND LEN STEINER AS THE VICE CHAIRPERSON. SECOND MADE BY GREG JENSEN. MOTION WAS CARRIED UNANIMOUSLY.

**Administrative Items**

A. Director and Staff Comments: None

B. Board Member Comments and Request for Future Agenda Items

Tom Vincenz and Noelle Kehrberg were appointed by the Town Council to serve as Planning Board members.

Chairperson Vincenz explained to the rest of the Board that the fill and grade text came up again. He took a field trip with two Town Council members to address the fill and grade situation. A suggestion by one of the Council members was that our ordinance does not address fill placed on a rear property that may sit higher than the property in front of it. The ordinance only gives a standard for the sides of the property. Topic will be continued for future consideration.

**Public Comment:** None

**Adjournment: 9:50 AM. CHAIRPERSON VINCENZ ASKED FOR A MOTION TO ADJOURN. MOTION MOVED BY GREG JENSON. SECOND WAS BOB TONE. MOTION CARRIED UNANIMOUSLY.**

Town of Sunset Beach  
Planning Board

*Tom Vincenz, Chair Person*

Submitted by:

*Cindy Nelson, Planning Board Secretary*

\*\*\*Minutes were approved from the September 1, 2016 meetings at the September 15, 2016 meeting.