

**Town Council
Regular Meeting
May 5, 2015**

Council Members Present:

Mayor A.D. (Zander) Guy, Jr
Mayor Pro-Tem Douglas Medlin
Nelva Albury
Michael Curley
Don Helms
W.J. (Buddy) Fowler

Town of Surf City Staff:

Trey Carter- Town Attorney
Larry Bergman- Interim Town Manager
Jane Kirk- Assistant Town Manager
Stephanie Hobbs- Town Clerk
Todd Rademacher- Planning Director
Allan Libby- Tourism
Randall Worthington- Public Works
David Price- Public Works

Members of Public Present:

Dennis Miller
Tony Treveatha
Erwin Martin
Shannon Fisher
Lorie Roland
Pat Moylan
Susan Meyer
Johnny Davis
Betsy Martin

A. Call to Order

Mayor called the meeting to order 7:00pm.

B. Invocation

Mr. Medlin gave the invocation.

C. Pledge of Allegiance

D. Recognition

E. Proclamations

Tourism Week

Municipal Clerk Week
National Police Week
EMS Week
ALS Month

B. Beautification & Appearance

Home of the Month- William & Theresa Harris at 120 Leyland Way
Business of Month- Beach Bunny at 508 Roland Ave

C. Approval of Minutes

Regular Meeting Minutes- April 7, 2015

Mr. Carter recommended approval of the April 7, 2015 regular meeting minutes. Mrs. Albury made a motion to approve the minutes. Mr. Helms seconded the motion and it was carried.

D. Public Hearing

Public Hearing Opened at 7:15

1. Wicks Annexation

Mr. Rademacher stated the applicant is seeking annexation of the property located off Tortuga Lane, belonging to the Deborah McArthur Wicks, containing all 1.205 acres. A petition for the 1.205 acres of contiguous annexation of property located on Tortuga Lane was received by Mrs. Deborah McArthur Wicks on March 3, 2015. Clerk did Certificate of Sufficiency on April 7, 2015.

If annexation request is granted, effective date is requested to be set for May 5, 2015. The Planning Board recommends setting the zoning district as RA, Rural Agricultural.

Public Hearing Closed 7:17

Mr. Medlin made a motion to accept annexation as presented, as of May 5th. Mrs. Alburry seconded the motion and it was carried.

2. Sullivan Rezoning

Public Hearing Opened 7:18

Mr. Rademacher stated the applicant, Richard Sullivan would like to rezone the property located at on Charlie Medlin Dr. located directly behind the Shipwreck Point mini-golf. The existing zoning is C3 which is our most intense commercial district. The property was originally part of the Bishop's Creek Apartment complex site. This particular piece was foreclosed upon recently and put up for sale by the bank, purchased by David Ward who rezoned it to C3 and has recently sold it to Mr. Sullivan. The subject property is 1.722 acres. The adjacent properties are mini-golf, office buildings and vacant land. Adjoining

zoning districts are C3 commercial and MFC or Multi Family Cluster. The land use plan calls this area Mainland Business Corridor which calls for mainly business uses to be developed. A rezoning to MFC would allow for all uses allowed in the table of uses under MFC to be constructed on this property provided all local, state and federal rules are met. MFC allows for the construction of residential units at a ratio of 10 lots per acre. Units can be a mixture of multiple housing types. The Planning Board does recommend this rezoning to MFC as it is consistent with the uses proposed in the land use plan, surrounding uses.

Public Hearing Closed 7:20

Mr. Helms made a motion to accept the rezoning as presented. Mr. Fowler seconded the motion and it was carried.

3. Utilities Text Amendment
Public Hearing Opened 7:21

Mr. Bergman stated the background is that the state of North Carolina does periodic inspections. Recently we were noted as having enough meters to warrant needing back flow preventer meters. These prevent any type of back flow from in other system into our water supply. These rules have been created at a state level and have been passed onto the local level for enforcement. In doing so it is essentially required for a back flow prevention device on all irrigation meter systems. These meters will be inspected on an annually basis for insurance of back flow prevention. This is also a great time to put into place a maintenance schedule to manage this going forward. This program would identify place with irrigation meters and they would be added to a program allowing us the ability to manage yearly inspections. Half of the irrigation meters in town already have these devices attached. Others would be required to come into compliance. For a fee the Town could install one for the homeowners. This would also save the town and citizens from costly state fines. The Onslow County residents have already been effected by these regulations from ONWASA, their water supplier.

Mrs. Betsy Martin 1825 N New River Drive these are just for irrigation systems?

Mayor stated yes only irrigation systems.

Public Hearing Closed 7:29

Mr. Helms made a motion to approve the ordinance and the program as presented. Mr. Fowler seconded the motion and it was carried.

E. New Business

1. The Arbors Final Subdivision Plat Phase I

Mr. Rademacher stated the applicants are requesting the approval of a final plat. The applicant, Saltwater Landing LLC, is seeking final approval of a 4-lot residential subdivision which is the first phase of a 33 lot subdivision. The property is located within the existing Saltwater Landing subdivision. The property is zoned R-10 residential and allows for residential development on minimum 10,000 square foot lots. The developers have designed the sewer and water lines, including a new lift station. The utilities plan has been reviewed for compliance by the Town Public Works Department as well as the Town's contracted engineer. Water and sewer lines have been installed as well as the majority of the lift station site. A water connection or loop of the water line has been installed into Dogwood Lakes. The sidewalks, street trees and lighting have been designed, but are not installed per the Town subdivision ordinance. All uncompleted improvements have been bonded by the developer to ensure compliance with the required construction. Items not completed and not included in the bond have been paid in full to the appropriate utility or contractor to ensure completion of the project. The bond amount for the outstanding improvements is \$191,214.00 and has been provided by the developer. Recommend approval of the final plat as the developer has met the requirements of the ordinance in regard to bonding or completion of the improvements. No certificate of occupancies for homes will be issued until the required improvements are completed.

Mr. Fowler made a motion to approve the plat as submitted with the noted improvements. Mr. Medlin seconded the motion and it was carried.

2. The Anchors Watch Final Plat at Saltwater Landing

Mr. Rademacher stated the applicants are requesting approval of a final plat. The applicant, Saltwater Landing LLC, is seeking final approval of a 4-lot residential subdivision which is the first phase of a 33 lot subdivision. The property is located within the existing Saltwater Landing subdivision. The property is zoned R-10 residential and allows for residential development on minimum 10,000 square foot lots. All improvements to the subdivision have been made in accordance with State, Federal, and local ordinances. The planning board is recommending final plat approval as the developer meets are requirements.

Mrs. Alburry made a motion to approve the final plat as presented. Mr. Fowler seconded the motion and it was carried.

3. Noise Ordinance Modification Request

Mr. Bergman stated we received a request from Mrs. Shannon Fisher in regards to the noise ordinance.

Mrs. Shannon Fisher 1609 N New River Drive

Mrs. Fisher stated, I am proposing that the town decrease the noise ordinance time frame from 11pm to 10pm. The ordinance currently states till 11:00pm. The reasons are there have been an outside bar addition to a local establishment that plays every night to the week. There are children and elderly that need that extra hour of sleep back. The area has been degraded and is no longer family friendly due to this establishment. This extra hour could defer the rowdiness that takes place after the music stops. There are many intoxicated people out after leaving the bars. The property values have declined because of this establishment. This area is now considered an undesirable area to live

Mr. Tony Trevatha 419B N New River and owner of Trailer Bar. The difference and one hour makes a big difference to the businesses in Surf City. The people on the streets is going to happen. The state of NC allows people to drink to 2:00am. The bar encourages people to walk but will purchase a cab for anyone as well. The property values have not declined to my knowledge, this would have to be shown on paper. The Trailer Bar is a well known establishment.

Mrs. Fisher stated we are not trying to close your business. We are just asking for the noise to go inside at 10:00pm. I do have proof of the property value decline.

Sgt. Voorhees stated I am not prepared at this time to make comments. I would like to prepare comments before making any statements.

Mr. Ervin Martin at 1825 N New River Drive stated on behalf of the Trailer Bar that he Trailer Bar raised \$37,000 for breast cancer. Every year we have December in July and other bars contribute money and have silent auctions. We raised on \$20,000 for the children of this area. I am beach person raised in Warsaw in Duplin County. I have been coming here for 60 years. Taking away the bars takes away revenue away. I still love to party, and thing do not start happening to ten or eleven. This is a vacation place and the tourist come to drink and have fun. It does not make a difference where you go on vacation it is all about drinking and the revenue. We are fortunate that we have a curfew. This island businesses depend on this May to September traffic and most of the time it starts jumping after 10:00pm. Thank you for your consideration.

Mrs. Lorie Roland 401 Triton Lane I live in a community that has a pool and clubhouse and the noise is very loud. So neighborhoods are effected as well? Some people are barley getting home from work and this cuts into their personal time at their communities.

Mrs. Pat Moylan 231 N Shore Drive Peter Outlaw has a decimal speaker and has been through this before.

Mrs. Susan Meyer with Brass Pelican sounds to me that your concerns are not necessarily just the noise but parties. Often these individuals around town never make it to the bar but merely just partying around town.

Mr. Dennis Miller 6017 6th St stated he lives near the Trailer Bar and purchased his property has been recently been offered more than originally paid. Eleven pm is not too late to curtail the music. The curfew is appropriate for the area.

Mrs. Fisher stated when the residents got together we bought our properties a long time ago and we can not sell and this is a different environment than how we stated out. If there is another solution we are open to that as well.

Mr. Johnny Davis stated he works at the Trailer Bar we try to keep the music down. The people walking down the street there is not much we can do for that. We are currently looking into sound proof materials. We try to keep it down and we realize there are people out and about. We get the proper permits and the people right next door still call the police.

Mr. Martin stated that the neighbors are most willing to turn down the music and generally if you knock on the door they will. The area is a great area.

Mrs. Betsy Martin 1825 N New River most of the bars were here before the houses were bought. This is an island people come to visit to vacation. When we bought we knew the bars were here.

It was the consensus of Council to further research the details. There was no action at this time.

F. Public Forum

Mr. Martin stated would like to reconsider putting bulldozers on the beach. But for every foot we loose beach. This is a temporary fix that washes away. At high tide you can currently not stay on the beach. The bulldozers have got to stop. This hurting the houses and the sand dunes and takes them away. There needs to be a barrier off the island and protect our beach. The current will take our beach away as long as there is a current. You can now build a barrier off island with striped ships and a reef. This will buildup the beach we currently have. Please reconsider putting those bulldozers on the beach next year.

G. Managers Reports

Mr. Bergman stated he had no reports at this time.

H. Council Forum

Mr. Curley stated it has been a wonderful night and he thanked everyone for coming out. The Topsail Island Shoreline Commission (TISPC) is presently seeking to increase occupancy tax. The current rate is state controlled at a rate of 6%, with a 50% allowance of revenues for beach nourishment. Surf City currently gets 3% and the county gets the other 3%. The proposed amendment would raise occupancy tax to 8% island wide. This amendment is closely modeled after Mecklenburg County.

Mr. Medlin stated it is good to see everyone. He asked everyone to invite others, and it is all greatly appreciated.

Mrs. Ablury stated she was thankful for everyone who came out tonight as well. She said we try to solve problems everyone's problems the best we can.

Mr. Fowler stated he also thanked everyone for coming out tonight and sharing their opinions. There are pros and cons to both sides. There are many wonderful events at our Community Center check out the website for more information.

Mr. Helms stated thanked all of the employees for coming out tonight and the wonderful job they do. Great job!

The Mayor stated that we take all request seriously. We thank you for your demeanor, we try to be fair to everyone in our decisions. Please feel free to contact our clerk if you have any questions for us. Thank you all for coming out tonight.

I. Adjournment

Mrs. Ablury made a motion to adjourn. Mr. Fowler seconded the motion and it was carried.

A.D. (Zander) Guy Jr., Mayor

Attest:

Stephanie Edwards Hobbs, Town Clerk