



MINUTES
TOWN OF SUNSET BEACH
Workshop, Regular Meeting & Public Hearing
June 5, 2006
6:30 p.m.

Members Present

Mayor Ron Klein
Councilman Len Steiner
Councilman Carl Bazemore
Councilman Lou DeVita
Councilman Bob Bobinski
Councilman Ron Watts

Others present

Linda Fluegel, Town Administrator
Mike Isenberg, Town Attorney
Kim Cochran, Town Clerk

Work Session - 6:30 pm

Fluegel introduced items that should have been on the Agenda, the two Planning Board appointments and the recycling bins. Council added these to "New Business". She instructed Council to remove Hugh Munday from the Agenda, as he would not be present. He had asked to speak regarding the ordinance that restricted cutting near the dunes. He had not gotten permission from Council to cut down Myrtle bushes, but had done so, been ordered to stop and was seeking permission to continue. Fluegel stated it was the Building Inspector's opinion that he had gone beyond the scope of what the ordinance allowed. Council believed the same, stating he had cut a lot more than was necessary. They discussed whether stiffer penalties should be imposed.

There was discussion of the recycling bin on the island that was being abused. This was discussed at the last meeting when Council decided to increase the signage and see what happened. They felt it was unfortunate but it had to be removed due to the high expense of disposing of contaminated recyclables. This item would be added as "J" under New Business.

There was minor discussion about Hugo Neu and Fluegel stated she had received another bid for \$9,000 to push the garbage cans back after they had been emptied. There was discussion about the waste cans. Council added to "New Business" item "k"-Consider Revision of Garbage Ordinance.

Council Meeting -7:00 pm.

1 & 2. CALL TO ORDER & PLEDGE.

Mayor Klein called the meeting to order and led the Council in the pledge of allegiance.

3. Minutes of Work Session and Regular Called Meeting May 1, 2006

Minutes of Budget Workshop May 10, 2006

Minutes of Budget Workshop May 18, 2006

Motion by Bazemore to adopt all three sets of minutes, Seconded by Steiner. Motion Carried.

4. HUGH MUNDAY TO ADDRESS COUNCIL – Cancelled. Mr. Munday was not present

5. PUBLIC HEARING:

a. Fiscal Year 2006-2007 Budget

Rich Marchell, Rice Mill Circle, inquired why there was \$7,000 in the budget for pushing back cans when Council had only allocated \$4,000 at the budget meeting. Council stated Mr. Marchell was mistaken, there was only \$4,000 and showed him the budget line item. Marchell stressed that the residents of Rice Mill had the same situation, and Council would be setting a precedent if they proceeded with this plan. He commented on the Bridge lighting, stating he did not know if it would be beneficial. He was concerned about the “turtle situation”. He asked if the lighting was not done would the money go back in the General Fund. Council confirmed it would. He then inquired about the Ladder truck that money had been put aside for and wondered if the owners/developers (constructing taller buildings) couldn't be asked to help contribute to the ladder truck. He asked if the present truck was inadequate. There was discussion of the lack of ability of the present truck to douse fires from the roofs of the condominiums and the problems it posed.

Marchell felt there should be a reserve fund for lavatories on the island. Council explained the problem with doing this in that the island was in a flood zone and a lavatory would have to be a permanent fixture. Zoning problems require it to be placed on pilings, reinforced and made handicapped accessible. The cost would be tremendous.

Patty Scholl, 593 Summer Green Ct. asked what the height limit was in Sunset Beach. Council replied it depended on the area. The highest limit now in a certain zone was 60 ft. Scholl then commented, “So you would need this (ladder) truck?” Steiner confirmed yes, in order to get to the roof. She also suggested the builders help with the cost.

Public Hearing Closed 7:10 pm

5. REPORTS:

a. Administrator – Budget amendments. Fluegel stated she had to move money to increase street repairs. Motion by Watts to approve budget amendment, Seconded by Bazemore. Motion carried.

b. Finance - None

c. Police- Chief Massey out sick.

d. Fire Department – Chief Barbee provided a brief report and said it had been a very busy month. Watts inquired what our responsibilities were if we were called outside the city limits. Barbee replied it was the same. People outside city limits were still in our fire district and paid fire fees to Sunset

Beach. Bobbinski asked if we were covered by insurance if a firefighter left the city limits and got hurt. Barbee stated yes, we had a mutual aid agreement. Each city provided Worker's compensation on their own employees.

e. Public Works: John Hancock provided a brief report to Council.

f. Building Inspections: Report unavailable.

6. New Business

a. Nominations to the Coastal Resource Commission.

Motion by Bobbinski to nominate Len Steiner. Motion withdrawn. Watts commented the town had missed the deadline.

Motion by Bazemore to take no action, Seconded by Steiner. Motion carried.

b. Letter of Opposition to Hugo Neu and Request for Support of De-Annexing Navassa.

Motion by Steiner to support Resolution of Opposition, Seconded by Watts.

Bazemore disagreed and felt the issue was the State taking towns rights. He felt the danger of precedence outweighed the Resolution.

Mayor Klein called for votes: Ayes – Watts

Steiner

Bobbinski

DeVita

Noes- Bazemore

Motion Carried.

c. Withdrawal of Dedication of 34 ft. of Right of Way of Canal Dr. in front of Sailfish Canal

Watts excused himself due to his business relations with the owners.

Fluegel explained the situation of the owners not having access to water. They are requesting a small portion of the town's dedicated right of way be withdrawn so they can build a pier to the canal. The neighbor has given up their 15 ft of riparian rights to allow them to access the canal until the town makes a decision. She stated CAMA would not issue a permit until the town released this portion to the owners. Mike Isenberg advised Council there were steps that would have to be taken. The only thing they could do tonight was pass a resolution proposing to close the street. They would have to give four weeks notice in order to do this and then call for a public hearing. Council would only be giving up a *portion* of the right of way and then the reconveyance becomes part of their (the owners) property. The town could retain all easements. He asked if this was a street right of way or a canal right of way, because if it wasn't a street, they could not do this.

After discussion, **Motion** by Bazemore to table until further investigation, Seconded by Steiner. Motion Carried.

d. Amendment to Water Ordinance 50.21 & 50.22

Fluegel explained the rate change that was decided upon at the budget workshop. The irrigation schedule was never spelled out in the ordinance so it, too, was added. There was no minimum on irrigation.

DeVita felt this was double charging for the same water. He commented it only worked for amounts over 3,000 gallons. Discussion ensued about the rate configuration. Steiner suggested passing it as it was and revisit the ordinance later.

Motion by Bazemore to adopt water ordinance, Seconded by Watts. Motion carried.

e. Establishment and Maintenance of Special Revenue, Future Street Paving Fund

f. Establishment and Maintenance of Special Revenue Bike/Walk Paths

g. Establishment and Maintenance of Special Revenue Ladder Truck Fund

h. Establishment and Maintenance of Special Revenue Bridge Lighting Fund

Motion by Watts to adopt all four Resolutions (e, f, g, & h) of Special Revenue funds, Seconded by Bazemore. Motion Carried.

i. Appointment to Planning Board (2 positions-ETJ & Town alternates)

Motion by Steiner to appoint Bob Perry for the Town position and T.S. Childers for the ETJ position, Seconded by Bazemore. Motion Carried.

j. Recycling Bin Removal

Motion by Bazemore to remove the island and fire dept. bin. There was discussion about the bin behind the fire station.

Motion amended by Bazemore to remove the container on the island only and watch the other for awhile, Seconded by Steiner. Motion carried.

k. Garbage Can Ordinance

DeVita read the garbage can ordinance and suggested re-phrasing it. There was much discussion of the cans being pushed back and the scheduling

Motion by DeVita to amend the ordinance.

Watts and Bazemore supported hiring someone to push the cans back. DeVita, Steiner and Bobinski stressed the importance of having them take care of their own cans and enforcing the ordinance. DeVita felt strongly about issuing a summons to the owner offending the ordinance to which Steiner disagreed at this point.

Motion by DeVita to modify the ordinance language to read “all cans to be pushed out no earlier than 3 pm prior to the day scheduled for collection and must be pulled back no later than 6 pm on the day of collection, with the fine of \$50 dollars for each case of not putting it out or taking it back.”. Bazemore and Steiner disagreed with the enforcement.

Isenberg stressed all DeVita was proposing to change was the time. It was already a violation not to follow the ordinance.

Watts felt Council should recognize they had two different communities. DeVita disagreed and stated Sea Trail had the same problem. The town could find a service and let the owners subscribe. Watts felt everyone was after the same thing; achieving a clean community. Steiner agreed that if a service could be found it should be the responsibility of the owner.

Motion failed for lack of second. Subject tabled for further discussion.

7. OLD BUSINESS:

a. Adopt Fiscal Year 2006-2007 Budget

Motion by Steiner to adopt the budget with the 1.5 cents tax mileage increase, Seconded by Bazemore. Motion carried.

8. OPEN FOR DISCUSSION:

Richard Cerrato, resident, stated he “applauded Councilman DeVita’s passion” but the town still did not have a microphone installed for the hearing impaired and the town was violating the ADA. He asked when something would be done. Steiner stressed it was in the budget for the coming year and was being

seriously looked at. Cerrato then asked if the Town had any openings and were they going to hire qualified minorities?

Ray Zetts, Second St., informed Council the gazebo was in terrible condition and needed to be cleaned. The median and cracks were full of weeds and there were still trucks with debris going down the beach roads. He suggested a "Clean-Up" day every year where citizens could bring out their old appliances, mattresses, etc... He also felt that the Council made a mistake not appointing Jan Harris to the Planning Board.

Ed Gore, 435 Shoreline Dr., spoke on the issue of closing the street. He suggested putting in a new bulkhead further out and backfilling to it. The owner cannot ask for CAMA permits without ownership. He felt the solution would be a non-exclusive easement to them if the neighbor agreed to the continuing encroachment of their riparian rights. Isenberg stressed that the town may not have legal rights to it. They wouldn't know unless it was surveyed. Gore then mentioned the ladder truck they were speaking of earlier and said that Ocean Isle Beach got theirs because of the Twin Towers; and LaDane Williamson was the reason Calabash got theirs-whether there were conditions on it he didn't know. He then suggested creating an impact fee for each unit. In addition, the reason Sunset Beach had an occupancy tax was for tourism; he felt it was not unreasonable to use a portion of this money for rolling back the cans.

Motion by Steiner to go into Executive Session at 9:35 pm for a personnel matter, Seconded by Bobinski. Motion Carried.

Council returned to regular session at 9:44 pm.

Motion by Bazemore to adjourn Executive Session and return to regular session, Seconded by Watts. Motion carried.

9. Adjourn

Motion to adjourn by Bazemore, Seconded by Steiner, Motion Carried.

Attest:

Kim Cochran, Town Clerk

