

MINUTES
TOWN OF SUNSET BEACH
Regular Called Meeting, Public Hearing & Work Session
April 6, 2009
6:45 p.m.

Members Present

Mayor Ron Klein
Mayor Pro-Tem Len Steiner
Councilman Lou DeVita
Councilman Ron Watts
Councilman Bob Bobinski
Councilman Wilson Sherrill

Others Present

Mike Isenberg, Town Attorney
Gary Parker, Town Administrator
Kim Cochran, Town Clerk

6:45 PM Work Session

Parker stated the only change he had was the Minutes from the Executive Session. The clerk mistakenly had the 17th as the meeting date....it was supposed to read April 11th.Clerk to make correction.

Councilman Bobinski informed Council that the State ABC Board in Raleigh was trying to take over the municipal boards and create a merger to make a regional board. **SB 839/HB 768** would create one board per county. Bobinski stressed the need to send a letter or such to Raleigh opposing this bill. The ABC Boards were voted in by the citizens and it was not the state's place to dictate to them when, where and how they could be open. Council asked Parker and Mayor to write a letter to our local representatives in Raleigh emphasizing our opposition.

TOWN COUNCIL MEETING 7:00 pm

1 & 2. CALL TO ORDER AND PLEDGE.

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

3. APPROVE OR AMEND AGENDA- Two items deleted as shown above (Fire Fees and Recycling) and one item under old business (Annexations and Assessments) added.

4. MINUTES OF REGULAR CALLED MEETING ON Annual Retreat February 11, 2009; Executive Session February 11, 2009; Regular Called Meeting and Public Hearing March 2nd 2009; Special Called Meeting and Public Hearing March 9, 2009

Motion by DeVita to adopt minutes as with date correction, Seconded by Steiner, Motion carried.

5. REPORTS:

a. Administrator- Parker told Council the Sunset at Sunset Committee had asked that they reduce the vendor fee from \$25.00 to \$10.00. Council agreed. Mayor Klein stated they had also received a request from Jo O'Keefe to ride a vehicle on the strand as she was physically handicapped and did so much research for institutes all over the world. Mike Isenberg, Town Attorney, informed Council they could not allow one person access...they would have to re-write the ordinance to permit her to do this. The Mayor stressed they did not want to literally "throw open" the strand but she had done great work but was simply unable to drag a wagon any longer. Council instructed Parker to get together with the Town Attorney and see if something could be drafted and put on the Agenda for May.

b. Finance- Tax Collector presented Council with the County report of taxes collected. Tax rate currently was almost 98% (97.56%). The only other town higher was St. James and it was only by .045%.

c. Police- report attached. Chief Massey reported they had the suspects that vandalized the turtle statue. They were college students who were also in possession of stolen goods.

d. Fire – report attached. Captain Patrick McDonald gave a presentation of the new "File of Life" program the Fire dept was implementing. It consisted of a packet that you could write important health information on in case someone was unconscious and couldn't speak to the responders. There were phone numbers and magnets also. Captain McDonald stated he was working with the Town Clerk to have this placed on the website and in the newsletter that would be going out soon.

e. Public Works- report attached. Dustin Graham, superintendent, reported they would be finished with the cutting of tree canopies this week.

f. Building Inspections- report attached

6. NEW BUSINESS:

a. Appointment of New Member to Sunset at Sunset

Council appointed Karen Dembrowski to the committee and gave consideration to reducing fees.

Motion by Steiner to appoint Karen Dembrowski to the Sunset at Sunset committee and reduce the vendor fees from \$25.00 to \$10.00, Seconded by Watts. Motion Carried.

7. OLD BUSINESS:

a. Sewer Project Update

Mayor Klein stated they had sat down with the county to discuss assessment methods. Parker said it was a useful meeting and they received a lot of information. The Council would be having a workshop on Monday, April 20th at 2:00 pm here at Town Hall to discuss these methods.

b. Proposed Annexation of Beach Drive

DeVita inquired if Jerry Peirce had gotten back to Parker on whether the pump station at the Regency would work? Parker replied no, he had not, as of yet.

Watts suggested they wait to make a decision until the sewer issue was settled. There was discussion of whether the force main toward the Regency would work or if they would have to construct a new one serving the west side. Steiner said we would need an answer by May or June. Bobinski asked if they couldn't use the Regency, were they really going to spend \$380,000 to build a new one?

Watts answered that unless some magic came from the county, they needed to stop the annexation. Other Council members wanted to see numbers first.

Isenberg, Town Attorney, stressed they needed to decide by May in order to meet statutory time lines.

8. PUBLIC COMMENTS: *(This is an opportunity for citizens to make comments on a matter on the agenda, or on any matter of concern, but there is no dialogue with Council at this time, nor is it an opportunity to engage in questions and answers. If you wish to have an item placed on the agenda for discussion, please contact the Town Clerk)*

Carol Scott, 1214 E. Main St, stated that the town had just financed her and other volunteers to mail petitions requesting the 30 year option. They went forward and completed the job. Currently, they had received 75.8% of property owners confirming they wanted this which was a 75.2% representation of the required persons in the district to be sewerred. At that time, they thought there was no downside to a 30 year plan. If there is going to be, council needed to let citizens know. She had received over 300 calls. Some people didn't even know about the sewer. Many people were concerned they would not have the where-with-all to do this....and here they had all these petitions.

Ed Gore, 435 Shoreline Dr. W- asked for modification of the access to the beach ordinance and asked whom created the current language? He said that currently there is no provision for owners to access their own property for needs such as those of surveyors, workers, etc. Had council given that any consideration? They needed to broaden their vision. The ordinance serves the mainland very well....they mow lots with noxious growth and now it was time again. What about the beachfront owners? Council had adopted ordinances to restrain the growth. Removing it was not practical....had they considered height? He asked Council not to enact the ordinance enforcing this against their property rightsthe town's "growth" was his "noxious growth". He still owned a number of lots and would like to return them from a hedgerow. He said their argument was it would be damaging to remove but he had proof guided from engineers that it was not.

John Hutchinson, 436 6th St., stated the equally divided assessment method was the fairest. He posed this scenario....by his way of thinking, the owners that had two lots, with two single family residences and a similar cost.....what could possibly be the rationale for each to receive such differing assessments which is what would happen if they used property values.

Mayor Klein explained that it was the Council's job to determine what was fair as possible. That was the reason for the workshop on April 20th.....The state had certain methods they had to use and it was virtually impossible to use just one method and it be fair to everyone. Invariably someone would not be happy.

Watts added that there was one difference. There was a higher percentage of the cost going to the island. 13 of the 25 million was for the island. So those with property on the island probably *should* pay slightly more than average. That's where the juggling act came in to make it as palatable as possible for everyone...Should the island pay *more* than its fair share? No. It had to be fair and that's what they were dealing with...finding the fairest method. The Council's job was not to subsidize people but assess fairly. He said this was why he encouraged as many people as possible to come to this meeting.

A gentleman rose to speak about the nexus of finding a rational method of assessing, such as an incremental charge.....i.e., per bathroom, per bedroom, per frontage.....but not value. He could not find a single case where this took place.

Mike Isenberg informed the gentleman what he was reading was not North Carolina cases. North Carolina allowed such based on value.

Mayor Klein explained to everyone that they had many, many spread sheets. There was no way it will be perfect for everyone but they had to come up with the fairest method of allocation per service. Hutchinson replied that it was the Council's decision. Council reminded everyone, it was NOT their decision, it was the County's. The County would only take their recommendation.

Debbie Tuttle asked if Council was looking at land value. Steiner replied that was just one of the elements.

There was minor discussion from the audience about the sewerage and pump station needed for parallel lines near the Colony I and II. Parker responded that had nothing to do with what they were doing now. Ed Gore stated he thought the county "did all of that".....Parker replied yes, but the annexation as a different issue.

Charlie Nern, 647 Oyster Bay, stated again that council needed to follow Robert's Rules of Order.

Ray Zetts, 402 2nd st. reminded Council that the code enforcement patrolled from Memorial Day forward through the season...he asked if it was possible for them to start at Easter. There was so much trash on the beach it was unbelievable. Someone needed to be patrolling it.

Karen Joseph, 915 Sandpiper Bay thanked Council for reducing the fees and invited everyone to visit their new website at www.sas.com.

Claire Newell stood and thanked the Police dept for what they had done to help find those responsible for the destruction of the turtle statue and other vandalism. She told Council they had not let up. Sometimes this department got a bad rap and complaints but those on the island were grateful to them and she wanted Council to know.

She informed them they had a sculptor to reinforce the statue to make it heavier and more solid to prevent further vandalism.

10. ADJOURN

Motion to adjourn by Watts at 7:53 pm, Seconded by Bobinski. Motion carried.

Adopted this _____ day May, 2009.

TOWN OF SUNSET BEACH

Mayor Ron Klein

Kim Cochran, Town Clerk

