



MINUTES
TOWN OF SUNSET BEACH
Work Session, Regular Meeting & Public Hearing
November 6, 2006
6:30 p.m.

Members Present

Mayor Ron Klein
Councilman Carl Bazemore, Mayor Pro-Tem
Councilman Len Steiner
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 started by saying that the computer rendering that a Raleigh company had produced for the Town (of Sunset Blvd)... she wanted to hire to create the same renderings of Beach Business showing multi-family dwellings, landscaping and a re-aligned road. They wanted to make Beach Business more attractive but not take away the parking. She said the company could come for a day for \$2,000 and asked if Council was interested. After some discussion, Council authorized Fluegel to proceed with this request.

Fluegel also presented to Council a map of Lot 3 at the end of Cobia St. owned by George Page. Mr. Page was requesting the town withdraw dedication of the road in order for him to try and retrieve some of his lot...He was in the process of trying to get CAMA to issue a permit in order for him to do this. The erosion was on the feeder canal. Mike Isenberg explained if they withdrew dedication, half of the town's street would go to him and the other half to the opposite lot owners on the other side of the street. After some discussion of surveys and setting precedence, Council asked for a survey before any decisions were made.

Fluegel stated she had received a memo from the Dept. of Transportation about the bike paths. Dec. 1st was the deadline for applying for funds and Council would have to choose between bike paths and pedestrian walkways. Bazemore asked if they should do this at the risk of D.O.T. tearing up the streets during the

sewer placements. After discussion, Council decided to hold off for a year rather than risk getting a “bad name” with D.O.T if they couldn’t use the money right away.

Fluegel handed out a corrected attachment #2 but the Clerk had already given corrected copies to Council. Fluegel stated she had a letter from Causey Law Firm stating the owner of the property (for the public hearing item) was unable to attend and asked that Council reschedule the public hearing.

Fluegel explained her amendment to the garbage can ordinance on the Agenda, stating the only change/addition was the time. Sometimes the trucks didn’t get here early enough, and if a company hired comes to pull it back it wouldn’t be ready. This would cause much confusion and defeat the purpose. She had a call from a Mrs. Henderson who felt it was not fair. Fluegel told Ms. Henderson she would report her opinion Council.

Mike Isenberg informed Council they had three ways to approach the public hearing. They could postpone it, hold it, or allow those to speak that were here and continue it over to the next meeting. Council agreed to continue it over to the next meeting in December.

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 October 2nd, 2006.

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

4. Public hearing:

a. Text Amendment to Ordinance BR-1 #151.256 Permitted Uses and Addition of #151.257 Special Uses.

Carole Scott, 1214 Main St. East, asked if it was being heard, as she was confused.

After some discussion, Council confirmed they were. She stated she had driven 450 miles to get here and was concerned that she would not be able to be here at the next meeting to prepare and hear the other’s comments. Her reasons for being against it were 1). Environmental Reasons; if pools were permitted in the buildable areas of a lot, the septic fields would be pushed back into the frontal dunes.

2). Aesthetics: She felt the citizens are blessed with one of the most naturally beautiful beaches. We now have unobstructed views of dunes and ocean. If allowed, we would be looking over 4-6 ft privacy walls surrounding pools. Furthermore, noise pollution would result from the use of swimming pools. Sunset Beach cannot be all things to all people. There were other beach communities available to do all the things they want to do. There are other communities such as Ocean Isle and Myrtle Beach, that offer resort amenities such as pools and high rise buildings. Sunset Beach had a special niche as offering a more natural experience. She felt that was why most property owners bought here and what the majority of visitors here value most as a Sunset Beach vacation. Swimming pools and resulting fences do not fit into that value

3). Safety Issues: most of the of ocean front homes were rented in spring, summer and fall months and have a large amount of weekly visitors including young children. The transient population increased the safety risk of swimming pools. Vacationer tended toward more liberal behaviors such as breaching fence structures and forgetting to lock gates protecting pools. She stated there were a number of environmental issues that Jan Harris would speak to at the next meeting. Mayor Klein thanked Mrs. Scott for her comments.

Jay Lucas, 445 Lakeshore Dr., Mr. Lucas stated he was representing himself and about 90 other oceanfront property owners and brought along about 30 emails from others. They do not want oceanfront pools for simplistic reasons. There is a public access by this property and it runs about 100 yards before you get to the dunes. To the left was natural vegetation that was rotting, it’s been destroyed. As you cross the dunes, at the top of the dunes, you see the sea oats and the ocean, and you look down on septic fields. He said this

is not a Kodak moment. This will not be on the webpage for Sunset Beach ,on rental brochures, on postcards, or in pictures to send back to their families. He felt it was the wrong thing to do. We were blessed to have Sunset Beach and stated our fore fathers looked at this and said, “We want to keep the natural beauty of this beach”. He stated that “at the rate we're going, we're trying to balance, and we're doing a good job of trying to balance the development and keep the beauty and the uniqueness of Sunset Beach. But we need to take a stand and keep it the way it is.” He felt Council should protect Sunset Beach and its dune system. Mayor Klein thanked Mr. Lucas for his comments.

Joe Polanski, 703B West Main St. stated he had spent an entire day at Ocean Isle looking at minimal dunes, pools, fences, walkways, gazebos, houses falling into the water.....Council should take a look at Ocean Isle to see what Sunset would look like in fifty years. He hoped they wouldn't go that direction but very well could if they started a route. They were not just voting on one pool. They would be voting to allow all pools. Once sewer is here they could tear out their septic tanks and put in pools. There were safety issues. He read a book that quoted 600 children a year drown in pools. There 155 beach houses with potential for a kid under 10 to drown. Parents watch their kids carefully but when they get close to the hose they get distracted...they run inside for a beer, or sandwich or run to the bathroom. Allowing Swimming pools was ridiculous. Mayor Klein thanked Mr. Polanski for his comments.

Jan Harris, 206 N, Shore Dr, Mrs. Harris stated that she hoped Council would vote tonight on this issue and if they didn't she wanted to reserve the right to speak at the net meeting. She felt one problem with the text amendment as written was there were no dimensional requirements. They could potentially end up with Olympic size pools. She stated she knew of at least one, maybe more that own the lot next to them. They could put as big a pool as they wanted and there needed to be restrictions. Harris gave Council a copy of a wetland map .She asked council to look at the oceanfront where wetlands were delineated. Pools needed to be backwashed and drained. Where would this highly chlorinated water go? There were only two places it could go...either the 404 wetlands or into the storm drains which ALL empty into the highly fragile eco-systems of our estuaries on the backside. Allowing pools was a bad idea. This would force the septic system to run through the 404 wetland out to the frontal dunes. The Reason? The frontal dunes, other than the actual building site itself, are the only areas that will perk for septic tank. It will result in the bulldozing of these wetlands and the extensive dune system that we are fortunate to have. It removes protection for that particular homeowner and it removes hurricane protection for the rest of us. We don't have sewer and so allowing pools would create a rush of septic systems in our frontal dunes...creating potential for disaster. Harris suggested the pool issue be readdressed after a sewer system is in place. Mayor Klein thanked Mrs. Harris for her comments.

Motion by Bazemore to continue this meeting at the next regular December meeting. Seconded by Watts.

Joseph Causeway stated he would like to speak at the next meeting but not now. Steiner asked Joseph Causey, Mr. Marra's Atty, if he was prepared to present his case without his client? Mr. Causey stated he would speak if they were inclined to vote tonight but he was here to represent his client. Mayor Klein announced anyone could speak if they had *new* comments to make.

The Motion was called: **For: Watts, Steiner, DeVita, Bazemore**
Against: Bobinski

Motion Carried. The public hearing would continue at the next meeting.

b. Amendment to Alteration of Sand Dunes #150.306

Edward Gore, 435 Shoreline Dr West, stated he had no problem getting the permits to do alterations to the vegetation but it was inflexible. He lived on the beach oceanfront for 20 years and maintained his lots. He respected the low subtle dunes .All it required was mowing. It was regrettable that the lack of care by someone that removed the myrtles and their roots to put in a tank...didn't get it cleaned up. He stated there was no such thing as destroying it by mowing. It had an aggressive root system and it would grow sprouts when it was cut. Before this is acted on, he asked Council to go out to the beach and allow him to do a

demonstration as a project. He preferred the view he had for 20 years over letting it grow back wild and letting it obstruct dunes without any care at all. Mayor Klein thanked Mr.Gore for his comments.

c. Zoning Change to BR-2a

No Comments

d. Amendment to MB-2 #151.218 Dimensional Requirements

No Comments

5. Reports

a. Administrator – None

b. Police- Chief Massey gave a brief report. See attached

c. Fire Department – Chief Barbee gave a brief report. See attached. Steiner inquired about the pricing of inspections and asked Chief Barbee to get figures together and have them ready for the next budget meeting.

d. Public Works: see report attached.

e. Building Inspections: see report attached. Steiner asked Inspections again to supply the year versus actual figures on their reports.

Mayor Klein read two letters for residents praising Police Chief Massey and Officer Joe Smith and Fire Personnel.

6. New Business

a. Appointment to Firemen’s Relief Fund Board

Motion by Bazemore to appoint Larry Keiley, Seconded by Steiner. Motion Carried.

b. Appointment to ABC Board

Motion by Bazemore to reappoint Don Safrit, Seconded by DeVita .Motion Carried.

c. NCBIWA’s Annual Budget

Bazemore explained there was an original request from the NCBIWA for \$2000 to join and they had requested a budget for review. DeVita felt most of it was going to consulting...Steiner stated he had a brochure from the consortium and was confused about the overlapping of the two. At their last meeting they covered the same material. Watts felt it looked a little “top heavy” and didn’t see the benefit. He didn’t conceptually mind having a NC group and a Brunswick County group but when you look at their budget, at least half the money they would contribute would go to the executive director. Bazemore felt it was good to get the communities together and discuss future plans. Most of the money may be going to the director but he was, after all, the one that had to keep it going. After much discussion, **Motion** by Bazemore to join the NCBIWA. Seconded by Watts. Watts stated he would rather spend a couple hundred bucks to send Carl to a conference to better understand this group.

After more discussion, Mayor Klein called the vote. **Opposed- Steiner, DeVita and Bobinski.** Motion failed.

d. Resolution Authorizing the Disposition of Certain Personal Property in Private Sale
Motion by Steiner to adopt Resolution of Disposition, Seconded by DeVita. Motion Carried.

e. Planning Board Recommendations:

i. Amendment to BB- #151.242 Special
Uses Permissible

ii. Amendment to Flood Insurance Ordinance

iii. Amendment to Permitted Uses-Modular Homes 151.146;
151.286; 151.346 and 151.003

iv. Amendment to Subdivision #150.103 B (10) Proposed Improvements
Motion by Bazemore to call for a public hearing on December 4th on all the above items, Seconded by Steiner. Motion
amended by Bazemore to delete item #4 from the public hearing. Motion carried.

7. Old Business:

**a. Text Amendment to Ordinance BR-1 #151.256 Permitted Use and Addition of
#151.257 Special Uses**

Motion by Steiner to continue the public hearing over to December 4th, Seconded by Bazemore Motion carried.

b. Amendment to Alteration of Sand Dunes #150.306

Mike Isenberg added the words "removal of debris".

Motion by Steiner to adopt with the addition of Mike Isenberg's language. Seconded by Watts. Motion carried.
Watts asked Fluegel to send letters out to the ocean front property owners.

c. Zoning Change to BR-2A

Motion by DeVita to adopt zoning change. Seconded by Bobinski. Motion Carried.

**d. Amendment to MB-2 #151.218 Dimensional
Requirements**

DeVita stated he had a problem with this and the exception should be applied for. Fluegel informed him it was a permitted use. Al Siebert gave explanation to Council why this was done and reminded them this zone allowed for apartments above. It only ran from Town Hall to Crabby Odd waters. He stated that the condition that caused this (Sea Trail) was a totally different condition. They had to reach a reasonable compromise. DeVita asked the Chairman to consider changing the current height exception language in all zoning districts to special permitted use with a Board of Adjustment hearing required for approval. Siebert said this could be done.

Motion by Steiner to adopt as written, Seconded by DeVita. Motion Carried.

e. Amendment to #50.03 Garbage Containers

Watts and Bazemore felt this would not work. There were operational problems. The people leaving needed to be able to push the cans out when they left. There was much discussion and debate about the

garbage containers. **Motion** by Bazemore to do nothing tonight and still find someone to push them back. Seconded by Steiner. Motion Carried.

Motion by DeVita to adopt this amendment as written.- **Motion died for lack of second.**

Fluegel asked Council what she was supposed to do. Council decided to do nothing on this tonight.

Motion by Bazemore to rescind ALL prior motions, Seconded by Steiner. Motion Carried.

Motion by Steiner to leave the ordinance as it is for the time being. Seconded by Bazemore. **Watts opposed.** Motion carried.

8. Public Comments:

Jan Harris asked if the minutes tonight would reflect the comments made at the public hearing. Council confirmed.

John Hutchinson, 436 6th ST. expressed displeasure at the way the public hearing was held.

Rich Cerrato asked if the Town was still assessing 8,000 per lot for the sewer or had they pursued a betterment bond. Isenberg replied that this was a County issue. It would be their sewer.

Carmel Zetts complained about the current trash company laying the trash cans down on their sides. She felt this made a bigger mess.

9. Adjourn

Motion to adjourn by Bazemore.

Attest:

Kim Cochran, Town Clerk

