



MINUTES
TOWN OF SUNSET BEACH
Work Session and Regular Meeting
July 3rd, 2006
6:30 p.m.

Members Present

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
Kimberly Cochran, Town Clerk

Members Absent

Mayor Ron Klein

Work Session - 6:30 pm

Steiner spoke on the Mutual Aid Agreement between Ocean Isle Beach and Sunset Beach, informing all that this was an agreement that had been between the two towns for years. It committed us to help in an emergency and held each other harmless if something were to happen.

Mike Isenberg stated this was essentially a direct copy of the General Statute.

DeVita informed all that the State had accepted us as a part of the NC Birding Trail but would not approve the East and West lakes because of the right of way issue (no parking). They are in the process now of printing books and will keep them informed as it progressed further.

Watts broached the subject of the vegetation (wax myrtles). He wondered how liberal the Town would be? He felt that *not* pruning was extreme and that it should be allowed to a certain extent. Steiner inquired if maybe they could place regulations such as hardship clauses and height restrictions. After some discussion on the vegetation, Steiner asked about the Expo Center listed on the agenda, and who would be using it. DeVita said all kinds of groups would use it. C.I.S. would be in charge and there were financial backers to help with the expense.

There was discussion about the Transportation Study being requested.

Fluegel asked Jeff Curtis, Building Inspector if he had seen the CAMA permit issued to the owner who had cut down the vegetation. Curtis replied he had and the ones cutting had cleaned up and even put down mats to prevent ruts.

Steiner asked if the arcade was closed as it was all boarded up. Curtis said no, it was open to the public.

Council Meeting -6:56 pm.

1 & 2. Call to Order & Pledge

Mayor Pro-Tem Bazemore called the meeting to order and led the Council in the Pledge of Allegiance.

3. Minutes of Work Session and Regular Called Meeting June 5th, 2006

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

4. Request to be Heard:

Hugh Munday cancelled.

Robert Shanafelt addressed Council on his opposition to the new Beachwear Store. See written comments attached hereby incorporated by reference and made a part of these minutes.

5. Reports

a. Administrator –None

b. Finance - None

c. Police-Joey Adams provided a brief report to Council and informed all of the terrible fatality of the teen on Hwy #179 in front of the Colony.

d. Fire Department – Chief Barbee gave a brief report and told Council the recycling bin behind the station was in terrible shape. People were still throwing contaminated goods and even dumping garbage into the bays at the fire department. Watts suggested just letting the recycling area on Hwy. #904 handle it. Council would continue to monitor the situation.

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

f. Building Inspections: see report attached. Watts asked Curtis what the outside of the beachwear store was going to be, to which the reply was stucco. Steiner stated people should know that plans were submitted in advance and that the owners of the store went well over the minimum requirements and felt everyone would be surprised at how nice it was going to look.

6. New Business

a. Police Mutual Assistance agreement between Ocean Isle Beach and Sunset Beach

Motion by Watts to adopt agreement, Seconded by Steiner. Motion Carried.

b. Resolution in Support of Transportation Study

Motion by Steiner to adopt Resolution of Support, Seconded by Watts. Motion Carried.

c. Resolution in Support of a Brunswick County Expo Center

Motion by DeVita to adopt, Seconded by Bobinski. Motion Carried.

d. Town Sign easement Provided by Mark Saunders

Bazemore explained that Mr. Saunders had given the Town an easement at Angels Trace and the Village for new welcome signs.

e. Amendment to Ordinance #150.306 Alteration of Sand Dunes

Motion by Steiner to call for a Public Hearing on August 7 for the sand dune ordinance, Seconded by DeVita. Motion Carried.

7. Old Business: None

8. Public Comments:

There was discussion of how terrible the traffic was going to be at the bridge, and the State not allowing the Town to form an Architectural Board. Regarding the Architectural Review Board, Isenberg stated the Town could not have such a board as a POA does....they have to have *specific objective standards* to review based on town ordinances, not discretionary type of approvals. They were not allowed to have an Architectural Board made up of citizens. POA's could do this as it was contract between the buyer, developer and the P.O.A. but towns could not not, except in limited circumstances, such as a state approved historical districts. Revision to the codes would only work if there are specific objective standards set forth in the code, not just based on what they like or don't like. Even in those areas a town cannot completely deny certain aspects of what property owners are allowed to do...Towns had to follow lighting, setbacks, height restrictions, parking, etc., They are preempted by the State Building Code and the State has control over delegating municipal authority. The Town could not require anything greater than the State Building Code. He explained to the public that no public hearing is required when someone applies for a building permit, which is what happened. It was a simple matter of an owner coming in to apply for one, just as they would. The Town did not have to advertise this. He said also, as a general rule, a Town could not dictate color or style unless you were in a special district and the State has given the authority to do that. The only thing they could accomplish was specific criteria for certain zones...not color or style. He commented their quotes have been used to argue the exact opposite point-- That the government shouldn't be used to restrict use of a homeowner's property. The law is that if there's any ambiguity, it has to be interpreted in favor of the property owner's use of their property. Someone brought up Hilton Head in S.C. and Litchfield to which Isenberg replied that was South Carolina; he dealt with North Carolina law.

Steiner said someone had brought up traffic patterns but the Town had no control over the traffic pattern on North Carolina state roads. Watts asked Fluegel about the bridge delay. Fluegel stated she could get nothing in writing but was at the meeting when they said it had been delayed until late 2007. Council asked Fluegel to get a resolution together asking D.O.T, to continue on schedule with the replacement bridge.

Isenberg asked to comment again on the building codes. He explained to the public that places like St. James and Bald Head Island were created by special acts of the General Assembly years ago and it had given them a little more power over some things -He reminded them that those places were developed by *one* developer, *one* property owner from the beginning in those instances and even those powers had to be phased out over a period of time.

Steiner asked about the Open House for the new buildings .Bazemore suggested Labor Day weekend and Council agreed. Mayor Pro-Tem Bazemore then asked if someone else had something to contribute other than the Beachwear store to please go first. He then opened the floor to **Public Comment:**

Jan Harris, 206 N. Shore Dr., spoke on the amendment to #150.306, Alteration of Sand Dunes. She felt Council should consider what individuals people pay for those oceanfront lots, and that the penalty of \$100 (which she compared to the same penalty for a dog off the leash) for cutting down myrtle bushes was just a “tip for afternoon tea” and the two were drastically different. Watts asked Harris how she felt about trimming and she replied she didn’t see where trimming was necessary unless you were only trimming out a dead branch. The wax myrtles were a natural barrier against hurricanes to other homes as well.

Carol Marchell, Rice Mill Circle stated she walked the beach after dinner and there was no beach patrol. She always carried bags for the animal waste, and more, for those that don’t have one. She even had someone ask about bringing out a pet alligator and she felt it was getting bizarre. Couldn’t code enforcement do something after hours? Bazemore asked what the hours were and was there a reason we couldn’t have someone out there to patrol after hours, to which Fluegel replied “yes, money”.

Dave Jenkins, resident, asked if some sort of architectural control couldn’t be set up within the Planning Board. Isenberg said what standards they applied had to be objective standards. The laws were controlled by State building code. The town had *zoning* powers.

Carolyn Myers, resident, commented they were new and were not familiar with what areas were zoned what. Could the zoning codes be revisited? Fluegel informed Mrs. Meyers she was welcome to come into Town Hall and look at the zoning map ...one was always available in inspections. Watts suggested the planning board use an existing meeting to review existing codes, maybe hold a once a year orientation process.

Steiner stated any Council member outside the regular meeting would be happy to meet with constituents, but no one had ever asked. It could be done calmly without all the yelling and clapping which was disruptive.

Carol Marchell stated she had read where Little River had stopped the growth and Sunset Beach could do the same. Watts informed Mrs. Marchell that it was Horry County that did that, not the city.

Fluegel informed all the Planning Board meets regularly on the 1st Thursday for work sessions, and was meeting on the 6th (tomorrow) and would be reviewing the CAMA Land Use Plan Update. Everyone was welcome to attend.

Susan Shackleton, resident, stated she was pleased with Councilman Watt's response and felt, personalities aside, a lot of negativity from Councilman Steiner. She understood the zoning standards but when a problem came up it had to be brought forward. She felt everything along this street was coming along nicely but they wouldn’t want anything crazy. When something slips through the cracks, they should review the codes and zoning. They should go forward like this, with standards, nothing crazy with bright pink to pop up near the beautiful town hall and banks.

Councilman Bazemore invited Mrs. Shackleton to go to the planning board to get a better feel of what zoning is all about. They deal with this every day and he was very proud of this. They all had the town’s best interests at heart, but sometimes they (the public) wanted to do things that were beyond the scope of what the town was allowed to do.

Stephanie Sullivan, Oyster Pointe, stated she found out about the Regency after she had moved here, and that it was 5 stories high. What happened to the 3 story limit?

Bazemore and Watts stated there was a limit of where you could go back 1 ft. up to this height and they were allowed to do this in Mainland Business.

Charlie Nern, Oyster Pointe, stated the Fireworks on the beach were out of control and asked how many summons were given out for possession of fireworks? Joey Adams said that last year his vehicle was full. Nern replied the answer was “none”. In addition, the Regency was terrible. The trash and the sewage pump, you could not see coming around that curve.

Watts thanks Fluegel and the Town Clerk for the online Newsletter that had been created. The Clerk gave instructions on how to sign up for the newsletter.

Candy Fowler requested a traffic study at the bridge and provided a flow chart. She stated the area she lived in previously was reactive instead of proactive and felt the citizens here should be proactive. She felt it was going to be their worst nightmare especially with the new beachwear store that she felt was “grotesque”. She also felt the hook and ladder fire trucks pulling out onto #179 would not be able to make it. She stated she just felt that basically it would be a disaster when this store opened. Bazemore asked if she had seen the layout for the new bridge. She stated she was not a believer in the bridge. The paper said it was delayed again and “that was fine but it wasn’t here now”. She felt there would be lots of traffic accidents.

Trish Shanafelt, felt the lighting was a big concern. There were 14 lights on the side of the beachwear store and two street lights and felt this was excessive.

Jay Lucas 445 Lakeshore Dr, asked if they could establish incentives to new businesses? Isenberg asked what kind? Mr. Lucas stated tax incentives. The answer was no. Mr. Lucas felt there should be offered some kind of economic incentive to design it the way they felt it should be designed. Isenberg stated the town could explain what they would like but they could not condition any of their legal rights on the suggestions.

Kathleen Donaldson, Sea Trail resident, asked if we could get a traffic light at the intersection at the bridge. Bazemore stated it took forever to get the turn lane but we could certainly ask. Watts felt it would not happen because the D.O.T. would look at the new plans coming for the bridge and would not want to install something in a place that will be a secondary intersection. He commented you should never say never, but felt it wouldn’t happen.

Ray Zetts, 402 2nd St. stressed at the last meeting he had asked someone to clean up the gazebo and nothing had been done. There were beer bottles, whiskey bottles, etc, and they (the turtle volunteers) had cleaned it up. He asked again if someone would clean the green mold off of it and make it beautiful again.

9. Adjourn

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

Attest:

Kim Cochran, Town Clerk

