

MINUTES
TOWN OF SUNSET BEACH
Regular Called Meeting
May 4, 2009
6:30 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

TOWN COUNCIL MEETING 6:30 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. PUBLIC COMMENTS ON SEWER ASSESSMENTS ONLY

Carol Scott, 1214 E. Main St, read a prepared statement against assessing based on land values or any portion thereof. See Statement incorporated by reference and hereby made a part of these minutes.

John Hutchinson reminded Council most of the thirty-some people she was speaking for felt the same way, they just elected her to speak for them as per Council's request at the last meeting.

Carla Squire, 209 Olde Oak Lane stated she had been here 7 years. She was reading the paper and saw where BB&T owed taxes on 37 properties. She felt the banks owing money should not even be considered. Watts informed her that neither BB&T nor Bank of America was being considered by the County.

Richard Cerrato stated he had five suggestions: 1) Council meet with Commissioners Cooke and Sue about getting all the information regarding sewer. 2) Have the project stopped immediately until they have all the actual information before we're placed in a "no exit" position 3) Deed the boat ramp to the county as collateral for their services completed 4) once you obtain all the information that has been verified by a

neutral party it would be nice if you could formally communicate that to all the citizens of Sunset Beach and 4) Hold a special election with a ballot for sewer.

Carol Church, Shoreline Drive, E., stated she had been a resident for 17 years. She was very distressed about the whole assessment. Where she came from, infrastructure was voted on by the public. She felt the Council had indebted its citizens to around \$10,000 apiece and there was no telling how much more. She was distressed that there was no vote, no survey, nothing. She said she found it out by reading the Myrtle Beach paper. She felt the least Council could do was make the payments as low and as fair as possible. After all, they didn't want to see lots that won't perk right now, built upon later. Once sewer was in that would certainly happen. It would be that way from Myrtle Beach to Wilmington. She then asked if anyone had looked at basing the assessments on the number of bedrooms and bathrooms.

Mike Isenberg, Town Attorney informed Mrs. Church that was not part of NC Statutes. They could not assess by bedrooms or bathrooms. It was not a legal assessment method.

Joan Aach, Great Oak Circle, said her concerns were mainly about the grinder pumps and the maintenance on them. How will they know if it stops working? It was just another piece of equipment to maintain.

Brian Blaine, Long Leaf Dr., stated he just couldn't put the numbers together he kept reading and hearing about ...they were looking at the project costing \$35 million and being roughly \$10,000 per property. If they had that kind of money coming in as assessments, what were they bonding for? He had not heard anyone putting numbers together.

An unnamed citizen spoke up about having to sell her house because she couldn't afford to pay for the assessment, and that was the only way it could be paid .Mayor Klein stated it was a tax assessment. It would have to be added to the sale of the house. Isenberg replied it was just like a tax bill.....in fact; it *was* a lien against the property and would have to be satisfied before it could be sold.

Comment period ended at 7:00 pm.

4. MINUTES OF REGULAR CALLED MEETING APRIL 6, 2009

Correction by Watts on minutes of who made a statement.

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

5. REPORTS:

a. Administrator- Parker presented each Council member with a budget proposal packet and thanked Donna Rogers and the various dept. heads for their hard work. He commented the Public Hearing would be in June and a copy of the budget would be available for all citizens to look at. He stated that despite concerns about revenue, the town was not really adversely affected but the economy was still taken into consideration for the budget.

Council needed to call for a date for the first workshop.

Council set the first budget meeting for 9:00 am Monday, May 18th here at Town Hall.

Parker asked Council to consider hurricane shutters for the Town Hall. We were eligible for a grant from FEMA, possibly 100%, though in all likelihood it would probably be 75% and we would match 25%.Watts asked what winds our building would withstand as he would hate to find out we purchased shutters for windows that didn't meet qualifications. Council instructed Parker to go ahead and gather the information and prepare the application. Mayor Klein interjected a comment about the grinder pumps. He stated that the county would put them where needed, and while he understood the worry about something happening, they also had a 400 gallon capacity. So it has a backup that would serve a household for several days in an emergency. There was an insurance policy that you could purchase for \$5 a month that took care of everything. He stated he was still hoping the stimulus money would come through, and in addition there are small hookup grants for those that cannot afford it.

c. Police- see report attached. Chief Massey stated they were working with Meredith College on interrogations about the vandalism here.

d. Public Works – report attached. Dustin Graham reported they had 106 tons of leaf and limb this month and the canopies were finished.

e. Building Inspections- report attached

f. Fire- report attached. Chief Barbee reported the hydrant flushing was completed.

6. OLD BUSINESS:

a. Annexation of Beach Dr. Discussion

After much discussion about the burden of a pump station requirement costing \$380,000 and the current state of our economy, Parker asked Council whether they wished to proceed with this annexation.

Motion by Watts not to proceed with the annexation. He said it was a wonderful area but felt it should be delayed indefinitely for the future - if ever. Seconded by Steiner. Motion carried unanimously.

b. Sewer Assessments

Parker reminded Council and citizens of the burden of so many people congregating together and the multitude of septic tanks causing major pollution to our waters. In the Sunset Beach drafting of the Land Use Plan, there were septic limitations on almost all of Sunset Beach...*severe* limitations. That's why we had so many "No Shell fishing" signs...he asked them not to lose sight of that and the great benefit a sewer system would be to us all and the ecosystem around us.

He also stated that after meeting with the county it looked as if the cost was going to be equal...not 21 million for the island vs. 14 for the mainland. It looked now like it would be roughly 17 each. Council discussed the cost change that keeps coming from the County.

Steiner said he was definitely in favor of this being one project, not two. If we got stimulus monies, then more the better for the town. Council also agreed this would be based fairly by assessing each parcel, not value. Sherrill stated that statutes aside, what concerned him most was the continuation of inadequate numbers coming from the county; it was like a revolving door...they needed to send a message to the county and the engineers to get their stuff together.....he did not want this to turn into a D.O.T. project where one guy was holding the shovel and the other five were leaning on a shovel...he understood they couldn't get accurate figures until the bids came in but he felt there was still engineering going on and they needed to contact the County and have them report back on the project itself and a more accurate cost. Council all agreed with this. Steiner said he felt like we were a moving target. Watts stated that bottom line, it was going to be what they said it would be originally, which was within the \$6,000 to \$10,000 range per parcel.

Motion by Steiner to recommend to County the Sewer project be treated as one project and to assess per parcel. Seconded by Watts. Motion carried unanimously.

Watts stated the methods had been fluid through the years, going from 3 years to 10 years and then finding out in August there was a thirty year option.....using the 30 year method gave them a higher interest rate and after 10 years still left them owing 60-70% of the base assessment. It just wasn't realistic to use the thirty year option.

Motion by Watts to tell the County to continue with the ten year payback method with a small discount for those that paid up front, Seconded by Steiner. Motion carried unanimously.

Council thanked Carol Scott for all her hard work with the petitions.

c. Amendment to Sewer Ordinance 52.03

There was some discussion amongst Council of the question of what to do with the septic tanks when sewer comes in. Ultimately it was the responsibility of the Health inspector to decide what will be done. Council agreed to table the amendment to #52.03.

d. Amendment to Ordinance 71.09

Mayor Klein introduced Jean Hutchinson, whom spoke on behalf of the Sunset Beach Turtle Watch program. Mrs. Hutchinson read a prepared statement that saying that allowing vehicles on the strand would inhibit many baby turtles to get to the ocean...whether it is tracks left from the wheels or general disruption of any kind. She inquired who would carry the liability if someone were hurt or in an accident? Had they thought about accidents? Does Sunset Beach currently allow all disabled persons doing research beach access via a mechanical vehicle? She suggested Council look further into this ...if they were disabled and doing research, the Town should require valid paperwork and conduct a review through the institutions said persons were representing..they needed safeguards for animals and humans.....they should do a risk analysis once they had this information. She stated our website said “leave only your footprints in the sand” and felt this was a beautiful sentiment and that is truly *all* that should be left.

Mayor Klein informed everyone that this was originally done for a woman that did great work for many institutions. She provided beautiful photographs and important documentation of various sea creatures to many colleges around the country. She has severe physical limitations and simply could not pull a wagon any longer down the strand.

Motion by Watts to deny this amendment. DeVita spoke up and said that it needed to be fixed anyway.....bikes are currently allowed and they are considered vehicles. If they wanted to keep bikes on the beach it needed to be looked at for more defined regulations.

Motion was called. Motion was seconded by Bobinski. Motion carried to deny amendment.

Isenberg stated he and Gary would prepare a draft for the next meeting to reflect their wishes.

7. NEW BUSINESS:

a. Resolution Against Senate Bill 1004 and House Bill 1252 “Level Playing Field Act”

Motion by Steiner to adopt resolution, Seconded by Watts. Motion carried unanimously.

Watts congratulated Dinah and Ed Gore on the new aquatic and fitness center at the college. It had two pools, a basketball court and other amenities as well and invited all to go visit and try it.

Watts also announced that Sunset Properties would be having a kite competition. It was open to the public, the cost was \$10.00 and everyone was invited to attend. It would be from 12pm to 2pm and part of the proceeds would go to the Bird Island Preservation Fund.

Council moved public comments before they called for an executive session so residents would not have to sit through this and wait to speak.

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)*

Ray Zetts wished to congratulate Councilman DeVita for his attempt to clean up the medians and make it as nice as possible. He felt Ocean Isle Beach and Sea Trail’s entrances were beautiful and he asked for volunteers to help the beautification committee.

Carol Scott inquired about the construction of the storage unit behind the Island Market. She said she was sure it met current codes but the problem was it was built on a through lot (once side fronts Main St. and the other 27th St.) She suggested the Planning Board look at the ordinance and address this should it happen again in the future. Also, she was waiting for someone to raise the issue of hardened groins on the island. The County was siding with Ocean Isle about hardened groins. Her concern was that if they erected one on Ocean Isle then erosion will occur on Sunset Beach.

Joe Santavicca, 9109 Forest Dr., stated that on the town's website there was discussion of the proposed sewer project. They spoke of the people that opted to tap in at their cost. The county says those that opt to tap in...if done within the first year, will not have grinders or a tap fee and another small fee...he didn't know who would pay those cost but somehow it has to be figured out who will pay for it.....the problem that came up is, you have to come in within one year to get it. Carol Scott said if those places petitioned to come onto the system, would only have 60-90 days to pay for it. He stressed that the town needed to complain, because if our community decided to join in at a later date, we should have the same benefits and rules as everyone else.

Marcus D., Stanaland spoke of the crime against the marine habitat and ecosystem and thanked Council for trying to fix it. He said there were people that were elderly and needed their homesteads protected such as the proposed Homestead Act at the tax office. Ed Gore and Odell Williamson are the original founders of Ocean Isle Beach. He spoke of the new bridge and the ability of the fire dept to get there quickly. People should look into reverse mortgages to help with the sewer project. He wanted to go on record to reserve his rights of the 830 acres if any annexations took place but that would have to be taken up another time.

b. Call for Executive Session with Town Attorney regarding Real Estate Matters (8:35 pm)

Motion by Watts and seconded by Bobinski to go into closed session for the purpose of instructing the town administrator as to the council's negotiating position with respect to price and other material terms of a proposed contract to purchase approximately 1 to 1.5 acres of the Chadwick property located at the north entrance to Sunset Commons Shopping Center. Motion carried.

Motion by Watts to return to open session at 8:45 pm, Seconded by Steiner. Motion carried. Council authorized Parker to begin negotiations on a parcel of land for the 2nd fire station.

9. ADJOURN

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

Adopted this _____day June 2009.

TOWN OF SUNSET BEACH

Mayor Ron Klein

Kim Cochran, Town Clerk

