



**MINUTES**  
**TOWN OF SUNSET BEACH**  
**Work Session, Regular Meeting & Public Hearing**  
December 4, 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 informed Council that WaterWay Landing, LLC (the owners of WaterWay Landing at the end of Park Rd.) wanted to give the boat ramp to the Town, and if the Council agreed they needed a Resolution of Adoption. There was some discussion about the ramp and the fact that if they accepted it, they could, in turn, get NC Wildlife to take it over. That way they would take over the upkeep. Fluegel also informed Council that Calvin Duncan, Aide to Senator RC Soles, invited her to lunch on Friday but she would be unable to attend so the Mayor would go in her place. She stated Senator Soles wanted to thank the Town for their support and inquire if there was anything he could help them with. She was going to give him the request (Resolution of Major Medical Insurance for Retirees) to place the Town on the NC Health Insurance Plan once again if the Council supported it.

Steiner stated he had read through the attachment for BB #151.242 (scooter rentals) and had concerns about 16 year olds on scooters, the traffic on the streets and the liability the Town would hold. Isenberg stated the Town would have no liability; scooters had to follow state regulations and the town could not regulate use on roads, only the state could do that. He said this was a legislative act and was only allowing as a special use. This does not make the Town liable.

Mayor Klien stated he had received other letters on the pool issue, after the agenda went out. There were eleven (11) against the pools and two (2) for. Bobinski asked Fluegel to get the "Strategic Directions Initiative" information that the League had.

DeVita stated he attended the official ribbon cutting ceremony for the NC Birding Trail. It's officially opened and named now. He was trying to find out when they would provide signage. Local retailers could sign up for a course to learn how to attract the birding eco-tourists to our area. The official stop will be called the "Island of Sunset Beach". East Lake and West Lake were not accepted as official birding sites due to the unavailability of off road parking.

Mayor Klein stated for information, but for discussion later in the agenda, a term used is "visual triangle" that describes a safety factor they use in intersections and line of sight. Steiner inquired where we stood on the Fire Dept. Fluegel said Chancel had worked on it last week. She was holding the final draw on the town hall to wait and see if there were any corrections to be made. The fire dept. had very minor things such as the garage door, that needed to be fixed but she was waiting to make sure it was done and see if the town hall had any problems, and if so we had something monetary to fall back on if we needed it.

DeVita asked about he history documents that Councilman Ed Hughes was working on when he passed away. Fluegel said a couple of ladies in the town had them and were going to work on them but they both had a family crisis. Jackie DeGroot had offered to put this together and she felt confident this would be a nicely done project.

Council directed Fluegel to find a tree to decorate out front of Town Hall for future use.

### **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. He announced that we were thankful that Councilman Bazemore was back with us after surgery. The other announcement was that Don Lowry had passed away.

#### **3. Minutes of Work Session and Regular Called Meeting November 6<sup>th</sup> 2006.**

**Motion** by Bazemore to adopt both sets of minutes, Seconded by Steiner. Motion Carried.

#### **4. FY 2005-2006 Audit –Presented by S. Preston Douglas-**

Johnny Britt, partner with S. Preston Douglas Accounting Firm, briefly reviewed the audit with Council. The firm gave a clean and unqualified approval of the audit. It had also been approved by the LGC. The town was in excellent shape for the New Year.

#### **5. Public hearing:**

##### **a. Text Amendment to Ordinance BR-1 #151.256 Permitted Use and Addition of #151.257 Special Uses –Swimming Pools (continuation from November)**

Mayor Klein stated in addition to the new letters he mentioned earlier, they had received many that were attached to the agenda. There were 25 against pools and 1 in favor.

Anthony Marra, owner of property in question at 607 W. Main St., thanked Council for postponing the hearing

to allow him to attend. He stated his original intent was to build an attractive duplex for his growing family

This would ultimately be a vacation home for his family. He felt a pool and hot tub would enhance their enjoyment. He stated he was trying to comply with all rules and regulations and didn't know it would be such an emotional issue. He thanked Council for their consideration.

Al Morrison, Contractor, stated he had been a builder on Sunset for 36 years. He was there to speak in favor of and make sure there were no misconceptions about the project. He pointed out that Mr. Marra would be building in the buildable area, NOT into the dunes as was stated earlier.

Mike Noonan, 423 Lakeshore spoke in favor of allowing the pool. See attachment hereby incorporated by reference and made a part of these minutes.

Joe Causey, Atty., spoke for Mr. Marra to request the pool be permitted. He stated he had lived here all his life and saw no rational reason why pools would not be permitted on the oceanfront especially since they were allowed everywhere else on the island. He reiterated that the pool would not be placed in the dunes, but the buildable portion of MR. Marra's lot. There would be a 4 ft. privacy fence which would make a lower line of sight. Mr. Causey asked for Council's consideration.

Carol Scott, 415 Main ST. W spoke against allowing pools.

Hugh Munday , 405 16<sup>th</sup> St. spoke in favor of allowing pools on the ocean front.

Jay Lucas 445 Lakeshore Dr. was against pools.

Jan Harris, 206 N. Shore Dr, was against pools

Jean Hutchinson spoke against pools.

Mayor Klein stated that chlorination transfer was a major concern and mentioned there was a filter system available to keep water pure before being dumped out.

Rich Sutra, Sunshine Pools, confirmed there were systems available that would clean the chlorination out of the waste.

John Hutchinson inquired if Council had read the letters and emails sent to them. Council concurred they had.

Ed Gore, 435 W. Shoreline Dr, spoke in favor of pools and felt those that had no oceanfront property had no standing to comment on someone else's property.

**b. Amendment to BB- #151.242 Special  
Uses Permissible**

Watts asked if this amendment had come about because this business was *not* permitted. Fluegel confirmed that was correct, it was not permitted.

Marc Kaplan, Bonaparte, stated he was the one requesting the right to rent scooters. He stated he had originally inquired about this and the planning board wondered why he was there as scooters were already allowed on the roads, but he wanted to make sure he was allowed to rent them. He stated he only had 10 scooters to rent (along with other entertainment for visitors), and was restricted to those 16 years of age and older. He commented that scooters were already allowed on the island and people were bringing them when they came; he was just requesting to rent them out for a purpose that was currently legal within Sunset Beach.

No other comments.

**b. Amendment to Flood Insurance Ordinance**

Fluegel commented this was only housekeeping to clean up and clarify the language.  
No other comments.

**d. Amendment to Permitted Uses-Modular Homes: Deletion of 151.146;  
151.286; 151.346**

No Comments.

**e. Amendment to Subdivision #150.103 B (10) Proposed Improvements**

No comments

**6. Reports**

**a. Administrator** – Budget Amendment. This amendment was to decrease monies from the proposed paving of Angels Trace (which she felt would not be dedicated to the Town) to pay for the contracted professional planning services for the Planning Board. Bazemore asked why the Town didn't just go through procedures and take the road. Isenberg replied that it wasn't that simple. There were many procedures and time constraints involved in doing this. They couldn't just take the road anyway, they had to have a commercial appraisal done first and make an offer to the owner to which he had 30 days to respond. After a certain length of time, they could get prescriptive rights to the road but it would still not be a *public* road.

Motion by Watts to adopt Budget Amendment, Seconded by Bazemore. Motion carried.

**b. Finance** - None

**c. Police**- Chief Massey gave a brief report.

**d. Fire Department** – Chief Barbee gave a brief report.

**e. Public Works**: see report attached.

**f. Building Inspections**: see report attached.

**7. New Business:**

**a. Reschedule January's meeting due to New Year's Day.**

Motion by Bazemore to reschedule meeting for Jan. 8<sup>th</sup>, Seconded by Steiner. Motion Carried.

**b. Acceptance of Deed for Boat Ramp**

Motion by Bazemore to accept Deed, Seconded by Steiner. Motion carried.

Motion Amended by Bazemore to include road set out in the deed. Seconded by Steiner. Motion carried.

**c. Resolution Requesting the Town be Allowed to Join NC State Major Medical Health Insurance Plan.**

**d. Request for Legislative Act to add property (Wyndfall)to Corporate limits.**

Motion by Bazemore to adopt c & d, Seconded by Steiner. Motion Carried.

## 8. Old Business:

### a. Text Amendment to Ordinance BR-1 #151.256 Permitted Use and Addition of #151.257 Special Uses –Swimming Pools (continuation from November)

Watts felt this was a challenge. If approved, very few people could do anything until sewer comes. He stated that even the 50 x 90 lots would be able to put in pools. He commented that if you look at the other beaches with sewer the ones installed were, from his perspective, no more than glorified hot tubs. He said if there were approximately 1200 lots on the island, 1000 were allowed to build pools and there were even oceanfront lots down in CR-1 that were allowed to build pools. He stated for these reasons he logically had trouble voting no.

Motion by Bazemore to allow the pool as a special use permitted, Seconded by Watts.

*Votes for the Motion –Watts, Bazemore*

*Votes Against the Motion – DeVita, Bobinski, Steiner.*

*Motion failed.*

### b. Amendment to BB- #151.242 Special Uses Permissible

Motion by DeVita *not* to adopt, Seconded by Steiner. Motion carried.

### c. Amendment to Flood Insurance Ordinance

Motion by Bazemore to adopt Flood Amendment, Seconded by DeVita. Motion Carried.

### d. Amendment to Permitted Uses-Modular

Homes: Deletion of 151.146; 151.286; 151.346

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

### e. Amendment to Subdivision #150.103 B (10) Proposed Improvements

Motion by Bazemore to adopt, Seconded by Bobinski. Motion carried.

## 8. Public Comments:

Carmel Zetts 406 2<sup>nd</sup> St. thanked the public works dept. for the work they had done at the gazebo and stated the walkways were full of sand and had overgrowth. Would the town have someone continue in the summer to take care of this? Also the sidewalks were broken badly and needed fixing.

## 9. Adjourn

Motion to adjourn by Steiner.

Attest:

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Kim Cochran, Town Clerk



