

**MINUTES**  
**TOWN OF SUNSET BEACH**  
**Regular Called Meeting/Public Hearing/Work Session**  
**October 5, 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

**TOWN COUNCIL WORK SESSION/MEETING 6:50 pm**

Mayor Klein called the meeting to order. He reported that there was an error in the Beacon Newspaper ad which had run for the first two public hearing items, so they will be deferred to November's meeting. Items 6a and 6b, Annexation of Fire Station #2 and the Rezoning of said property.

Mr. Parker initiated conversation on the subject of Handicap Access on the Strand that they had changed at last month's meeting. Mr. and Mrs. Hargett had requested that their son Doug, be allowed to use a golf cart as he was a paraplegic. Parker asked for direction on what Council wished to do. They had options of leaving it as is; amend to include motorized wheelchairs, or re-word it to allow golf carts for confirmed handicapped persons only. Devita was concerned about the possibility of an accident on the strand if they allowed golf carts. Council amended agenda and added this as *Item a* under New Business.

**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. Agenda amended by adding New Business Item a. "Vehicles on Strand and deleting the Executive Session.**

**3. PUBLIC COMMENTS ON AGENDA ITEMS ONLY:**

Carol Santavicca, Forest Dr, was in favor of allowing some sort of motorized vehicles for handicapped persons with a special permit. She also suggested that Code Enforcement be allowed to issue these on weekends as the Town Hall was closed.

**4. MINUTES FROM SEPTEMBER 2, 2009**

**MINUTES FROM EXECUTIVE SESSION SEPTEMBER 14, 2009**

**MINUTES FROM SPECIAL CALLED MEETING SEPTEMBER 14, 2009**

**Motion** by Bobinski to adopt all sets of minutes listed above, Seconded by Steiner, Motion carried.

**5. PUBLIC HEARING:**

a. Annexation of Parcel 2270003901, 1.6 acres site on Old Georgetown Rd. belonging to the Town of Sunset Beach – **deferred to November**

b. Rezoning of Parcel 2270003901 from County R-7500 to (Certification of notices sent by clerk attached-for info only)- **deferred to November**

c. Amendment to Zoning Sections #151.212(M) MB-1, 151.242(D)BB-1; #217(D)MB-2, and #151.392(A) MUD, Electronic Gaming Operations as a Special Uses Permissible on Appeal to the Board of Adjustment. Section #151.077 Off-Street Parking Space Requirements and Section #151.003 Definitions included.

Building Inspector Jeff Curtis spoke to Council on this item. Isenberg informed Council they could zone these types of businesses but that they could not make the definitions pertaining to illegal businesses more restrictive than the State. There was much discussion about the cases in litigation now with the state. Isenberg stated they could add hours of operation to this amendment.

**No comments by the public.**

d. Amendment to Section #151.218 (D) Dimensional Requirements in a MB-2 District. Curtis spoke on this item also. He stated it was really basic housekeeping.

**No comments by the public.**

e. Amendment to Section #151395(J), Supplemental District Requirements, in the Mixed Use District.

Curtis spoke on this item.

**No comments from the public.**

**Public Hearing closed.**

Before the Mayor opened the meeting for Reports, he asked Karen Joseph to speak on the Sunset at Sunset Celebration and its success. Ms. Joseph thanked Council and staff (especially Fire and Police) for their help and expertise. She stated the event was a huge success and the vendors were all pleased. She thanked the Steering Committee for their dedication, their kind and caring help. She announced they still had a few calendars and T-shirts left if anyone wished to purchase one. Council was very pleased and praised Ms. Joseph and the committee members for their hard work.

**6. REPORTS:**

a. Administrator-

Parker stated he had written comments refuting some of the omissions and incorrect information being circulated by Richard Cerrato, writer for the Tax Payers Digest. He felt the public should know the errors and actual audited numbers the Town had on file. Mr. Parker read his written comments of facts which is hereby incorporated by reference and made part of these minutes. He encouraged anyone that had any questions about Town finances to please feel free to call him or stop by Town Hall to speak with him.

b. Police- see report attached. Chief Massey thanked everyone for the successful Beach sweep.

c. Public Works -see reported. Crim stated the 40<sup>th</sup> st. access was completed. Mayor Klein announced to all that Mr. Crim would be retiring at the end of January. They thanked him for his many years of service.

d. Building Inspections- report attached

e. Fire- see report. Chief Barbee stated the fall hydrant inspections were going on now.

Council thanked town staff and the fire department for their hard work in procuring the grant for the 2<sup>nd</sup> fire station.

## 7. OLD BUSINESS:

a. Annexation of Parcel 2270003901, 1.6 acres site on Old Georgetown Rd. belonging to the Town of Sunset Beach – **Deferred to November**

b. Rezoning of Parcel 2270003901 from County R-7500 to (Certification of notices sent by clerk attached-for info only)-**Deferred to November**

c. Amendment to Zoning Sections #151.212(M) MB-1, 151.242(D)BB-1; #217(D)MB-2, and #151.392(A) MUD, Electronic Gaming Operations as a Special Uses Permissible on Appeal to the Board of Adjustment. Section #151.077 Off-Street Parking Space Requirements *and* Section #151.003 Definitions included.

Isenberg stated adding hours was not a significant change.

**Motion** by Steiner to adopt above amendment and include hours of operation from 9:00 am to 12:00 pm midnight and that the proposed amendments have been found to be consistent and in accordance with the Land Use Plan and the other officially adopted plans, and are reasonable and in the public interest for the following reasons: The purpose of these amendments are to protect the community from adverse development and to encourage as much as is practical that all development be designed and placed so as to be compatible with our existing coastal town character. Seconded by Bobinski. Motion carried.

Curtis asked Council to confirm that if a business opened at 7:00 am (for example) did that mean the gaming machines could not be operated until 9:00 am? Council confirmed.

**d. Amendment to Section #151.218 (D) Dimensional Requirements in a MB-2 District.**

**Motion** by Watts to adopt above amendment and stated the proposed amendment has been found to be consistent and in accordance with the Land Use Plan and the other officially adopted plans and is reasonable and in the public interest for the following reasons: All Multi-family development must adhere to the Town's building and development regulations and to the density requirements set forth in the Zoning Ordinances. By adding these requirements to the MB-2 district, all multi-family developments will be treated equally throughout the Town. Seconded by Sherrill. Motion carried unanimously.

**e. Amendment to Section #151395(J), Supplemental District Requirements, in the Mixed Use District.**

**Motion** by Sherrill to adopt the above amendment and stated the proposed amendment has been found to be consistent and in accordance with the Land Use Plan and the other officially adopted plans and is reasonable and in the public interest for the following reasons: This proposal would ensure that adequate open space and/or recreational areas exist for Multi-Family projects located in the MUD district. It would also make the zoning ordinance consistent by requiring that the common areas within a Multi-Family project in the MUD district be held in nonprofit corporate ownership by the owners of the dwelling units in the same manner as in the MR-3 and MB-1 districts. Seconded by Watts. Motion carried.

**f. Approval of Purchasing Five Acre Tract.**

Parker announced that the five acre property has an appraised value of 4.65 million and that the owners had accepted the offer of 4.25 million contingent on the town receiving 50% matching grant funds and Council approval of contract.

**Motion** by Watts to defer consideration of purchasing this property until December when they will receive notice of whether the town will receive a grant. Seconded by Sherrill.

Motion Called by Mayor:

**In Favor:** Watts, Sherrill

**Against:** Steiner, DeVita, Bobinski

**Motion failed.**

**Motion** by Watts to decline the Town's offer of 4.25 million to Tidal Ventures, Seconded by Sherrill.

Motion Called by Mayor:

**In Favor:** Watts, Sherrill

**Against:** Steiner, DeVita, Bobinski

**Motion failed.**

**Motion** by Steiner to accept the contract as presented which included a receipt of a 50% grant match and Council approval. Seconded by Bobinski.

Motion Called by Mayor:

**In favor:** Steiner, Devita, Bobinski

**Against:** Watts, Sherrill.

**Motion Carried 3-2.**

**8. NEW BUSINESS:**

**a. Review of Motorized Vehicles on the Strand Ordinance**

There was much discussion of allowing access to the strand by motorized vehicles. Devita was against any type of vehicle. Steiner felt if the person was legitimately medically restricted, they should try it. Devita agreed and confirmed with the town attorney that they could restrict it to motorized wheelchairs or similar devices.

**Motion** by DeVita to modify the Vehicles on strand Ordinance to allow motorized Wheelchairs or similar devices. Seconded by Steiner. Motion Carried unanimously.

**9. 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)*

Duane Lewis, 522 Medcalf Dr, SW, again commented on the road issue at Medcalf Dr. He implored the

Council to come up with a policy to fix the roads. Council explained again to Mr. Lewis that they legally could *not* fix roads with Powell Bill funds and tax payers dollars for streets that did not belong to the town. There were still many streets inside the city limits that the town did not own. The owners would have to bring them up to standards first.

Ed Apalinski, 118 Crooked Gulley Cr., felt that the statement read by Mr. Parker involving the 2<sup>nd</sup> Fire Station should have included all overhead expenses instead of just the cost of the property and the grant awarded. That would have made it clearer as to the true cost. He also inquired as to why Councilman DeVita had changed his mind in favor of purchasing the 5 acre boat ramp/park site.

Herb Tinger, 711 Oyster Bay Dr., stated he and others were frustrated by the lack of information regarding the anticipated cost of sewer and the out-of-pocket cost to property owners. There were no details regarding monthly fees and asked Council to provide this information. He asked Council to provide citizens with the information before election time.

Mayor Klein informed all that the county will soon be resending information on the sewer of the town. Steiner stated emphatically that there was no way possible for the county or council to know what the true costs would be until the entire project had been completed and that was 2 to 2 1/2 years down the road. Parker informed Mr. Tinger that there had been many public meetings on this topic and there was currently a section on the Town's and County's website and newsletters had been sent giving all pertinent information on the sewer from the beginning. It had always been available.

Allard Branham, 514 Medcalf complained about the roads not being up to standards and he felt the town should be responsible for doing so.

**11. ADJOURN**

**Motion** to adjourn by Watts, Seconded by Bobinski. Motion carried.

Adopted this 2nd day November, 2009.

**TOWN OF SUNSET BEACH**

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*Mayor Ron Klein*

Attest: \_\_\_\_\_

***Kim Cochran***, Town Clerk

