

MINUTES
TOWN OF SUNSET BEACH
Regular Called Meeting/Public Hearing/Work Session
JANUARY 11, 2010
6:45 p.m.

Members Present

Mayor Ron Klein
Mayor Pro-Tem Lou DeVita
Councilman Bob Bobinski
Councilwoman Karen Joseph
Councilwoman Carol Scott
Councilman Wilson Sherrill

Others Present

Mike Isenberg, Town Attorney
Gary Parker, Town Administrator
Kim Cochran, Town Clerk

TOWN COUNCIL WORK SESSION/MEETING 6:45 pm

Mayor Klein stated that S. Preston Douglas was here to present the **08/09** audit. They would be added to the agenda along with item 10 k- Resolution of Repetitive Losses under New Business.

Parker stated he and Jeff Curtis were still working on the Golf Course Open Space and suggested that Council put it off further so it could be worked on a little more. Staff requested that they withdraw it from the public hearing and resume the work on it so it could be presented between now and March. Parker also asked that they remove the Drug Use policy from the agenda as it needed a little more work and corrections.

DeVita spoke on the setbacks on thru lots and the impact it would have on people. He felt Council should set a payback period so people would not lose their investment, maybe 10 years or so (though he did not feel 10 years would help) and didn't think what we had was the intention. He explained that what they had tonight was an opportunity to correct it. Sherrill agreed and stated he felt they should go somewhere between 27 and 40 years regardless of size, and referred to the IRS guidelines of what would be more amenable.

Scott stated this issue was not to provide for depreciation according to IRS schedules. It was for a change in regulations that any town could do, regardless of the effect on a particular building. CAMA regulations change all the time and they did not follow IRS rules. As a punitive matter, she too, would hate to see someone lose their investment in their structure but did not think the town needed to use the 25-30 year rule just because the IRS has it. They needed to decide on a reasonable period of time to keep someone from losing their investment.

She also spoke on an article that was in the Beacon about Holden Beach requiring residents to change propane tanks and eroded electrical panels. Had they given any thought to starting a sort of inspections program? The Mayor and Parker stressed that this was the homeowner's responsibility. Tanks are controlled by the gas companies. Curtis stated they were regulated by Agriculture Dept. and all he could do was report it, and if they currently see an electrical panel that looks dangerous, they reported it to the owner. Currently it was up to the electrical company and the homeowners to keep watch on their property.

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. APPROVE OR AMEND AGENDA-Add 10k- Resolution of Repetitive Losses to New Business and strike the Open Space zoning scheduled for the Public Hearing.

**4. MINUTES FROM SPECIAL CALLED MEETING NOV.18, 2009
MINUTES FROM DECEMBER 7, 2009**

Motion by Bobinski to adopt both set of minutes as presented, Seconded by Sherrill. Motion Carried.

5. FY 08-09 Audit Presented by John Britt of S. Preston Douglas.

Britt briefed the Town on its financial position. He stated the audit was approved by the LGC and S. Preston Douglas had given the Town a clean, unqualified opinion. The town was in excellent shape.

6. PUBLIC HEARING:

- a. Re- Zone Sea Trail Golf Course Areas from Mainland Residential -3 to Open Space-1 District; Re-Zone Sandpiper Bay Golf Course Areas from Mainland Residential -3 to Open Space- 1 District; and Oyster Bay Golf Course Areas from Mainland Residential-2 to Open Space-1 District.**

Isenberg suggested the Council defer consideration indefinitely until decided how they wished to proceed. Parker stated that town staff would be meeting with owners to see how to approach this and they would bring it back to council possibly around March. Isenberg stated two of the problems were 1) determining exactly which tracts the proposed zoning affected and 2) if this was placed in OS zone, neither the property owners nor neighbors were happy with the zone. They would also need a more thorough definition of the zone they adopted.

Motion by Joseph to defer consideration of this matter indefinitely, Seconded by Sherrill. Motion carried.

b. Amendments to sections 151.117 (C) and 151.119 (11) (a). Delete section #151.117(E) (Political and Campaign Signs

c. Amendment to Section 151.394 Uses Not Permissible in a Mixed Use District

Curtis explained each and stated MUD was basically housekeeping. No comments from the public.

Public Hearing closed.

7. REPORTS:

- a. Administrator- Parker announced Larry Crim's retirement at the end of this month and thanked Larry Crim for his 25 years of invaluable service to the town.
- b. Police- see report
- c. Public Works -see report
- d. Building Inspections-see report
- e. Fire- see report. Chief Barbee stated the SAFER grant applications had been extended until Jan. 15th even though we'd gotten ours in on time.

8. OLD BUSINESS:

a. Re- Zone Sea Trail Golf Course Areas from Mainland Residential -3 to Open Space-1 District; Re-Zone Sandpiper Bay Golf Course Areas from Mainland Residential to Open Space- 1 District; and Oyster Bay Golf Course Areas from Mainland Residential-2 to Open Space-1 District.

Deferred indefinitely.

b. Amendments to sections 151.117 (C) and 151.119 (11) (a). Delete section #151.117(E) (Political and Campaign Signs

Motion by Joseph to adopt the resolution amendment to Political and Campaign signs above and made the findings that it conformed to the Land Use Plan and was reasonable and in the public interest in (i) the amendments will promote public safety along town roads and rights of way, (ii) will enhance the appearance of the town and maintain existing residential, retirement and small scale resort characteristics of the town, and (iii) it will provide for notice and awareness of town requirements for those persons erecting signs. Seconded by Bobinski. Motion carried.

c. Amendment to Section 151.394 Uses Not Permissible in a Mixed Use District

Motion by DeVita to adopt the resolution for the amendments to #151.394 and made the findings that it conformed to the Land Use Plan and was reasonable and in the public interest in (i) this amendment will keep the zoning ordinance consistent throughout, (ii) will help avoid confusion when using the ordinance, and (iii) will help manage growth and development. Seconded by Sherrill. Motion carried.

9. BLANK

10. NEW BUSINESS:

a. Amendment to sections #151.148, #151.178, #151.193, #151.213, #151.273, #151.302, #151.317, #151.243 Dimensional Requirements (Setbacks on a through lot).

b. Amendment to #151.003 Definition of a Through lot

c. Proposed rezoning of the last area in the Town's jurisdiction zoned AF-1 to MR-1 see map.

Motion by DeVita to call for a Public Hearing on February 1st for the above three items a, b, and c. Seconded by Joseph. Motion Carried.

d. A Resolution in Support of a Veteran's' Care Facility

Motion by DeVita in support of Veteran's Care Facility for Brunswick County, Seconded by Scott. Motion Carried.

e. Amendment to Personnel Policy Regarding Drug Use- tabled

f. Consideration of Adoption of Computer Use Policy

Scott recommended inserting the wording change that in addition to on site Town Computers, all messages composed, sent and received on town computers that are off site , is also subject to the Public Records law.

Motion by Sherrill to adopt Computer Use as presented and add wording change recommended by Scott, Seconded by Bobinski. Motion Carried.

g. County Sewer Grant Program

Discussion ensued about the leftover SBWSA monies and who could or should receive it. They also discussed handicapped persons and Scott requested that they specify the level of funding that should be approved . Also, she asked that the island owners be notified the same time as the rest of the Town about the SBWSA money availability in case they qualified .This way, any handicapped island owners would not be left out of this application process nor face the risk of the money running out after the first installation.

h. Approval of Offer Contract and Update on Status of Land Acquisition Grant Applications

Parker stated that "Site Solutions" was working on the grants. He produced a rendering of a park concept designed for the five acres. This site would be a park only and the other site would be the boat access with parking. It would give them 1600 ft. of waterfront park. The grant writer and County parks decided this would be the best approach.

After some discussion, Parker proposed to make an offer conditional that they receive a grant of 50% on or before Sept. 2010. The price the owners agreed to was \$3.75 million and 50% would be from a grant. The owners agreed to donate the difference between that amount and the IRS appraised value to the town.

Sherrill stated that they were assuming the only contingency was grant money, but there were other issues. Parking was one major issue and these problems needed to be mitigated.

Scott inquired as to why the town had not asked for 2 or 3 different appraisals. Land values were

not what they once were and she wanted at least two appraisals .Sherrill felt the current appraisal was way out of line. Even the 3.75 million was not reality and had a huge concern about this. After more discussion, Isenberg stated they could make the proposal contingent upon a second appraisal and to verify the contract is 4.65 million with a \$900,000 credit as a gift and 50% grant contingency would be upon which amount? Council agreed the grant amount would have to be what the town had to expend.....3.75 million.

Motion by Scott to obtain a second appraisal with someone familiar with Sunset Beach and the new values, Seconded by DeVita.

Call for votes-

In favor-Scott, DeVita, Sherrill and Joseph

Against- Bobinski.

Motion carried to get two appraisals.

DeVita stated they had to tie the offer to the appraisal somehow...Isenberg suggested they make it contingent that the appraisal equals at least the offer.

Motion by Joseph to authorize Parker to execute the contract with contingency that the second appraisal will be at least equal to or greater than the 3.75 million asking price and the grant monies be equal to half of the 3.75 million. Seconded by Bobinski.

Call for Votes-

In favor- DeVita, Joseph, Bobinski

Against- Scott, Sherrill

Motion carried.

i. Consideration of Awarding Recycling Service Bid

Parker stated that the only bidder was Waste Industries for \$311,000 which was much more than the first time. Since the County is considering county-wide service, he recommended they not accept the bid and wait and see what the county will be doing.

Council agreed to reject the bid and table.

j. Consideration of Architectural Firm Interviews

Parker stated they had received twelve proposals from architectural firms. They had narrowed it down to three (Garner and Brown, Pike and Gage) with all good reviews and recommendations.

Parker asked Council to set a date for interviews.

Council set date for January 19th beginning at 1:30. The interviews would be at 2:00, 3:00 and 4:00 pm.

k. Repetitive Loss Resolution

Curtis, Building Inspector stated the town received a grant back in May of 2009 for \$125,000 to elevate this structure. And through the process of having to do a feasibility study, discovered it would not work. They had to go back and ask for a change in scope of work and it was approved as an acquisition. It appraised at \$103,000 and the owners have agreed to this price. This Resolution is for Council to verify that this is just compensation for the structure. After closing, Curtis stated he was trying to coordinate with the fire dept to have it burned as part of their training. The lot will be deeded to the town with the restriction that the lot always remains empty. It could be used as yardage for other houses on the street.

Isenberg stated there was no liability unless Council created some sort of dangerous condition on the property like a sink hole or something. **Motion** by DeVita to adopt Resolution of Repetitive Loss and offer the fair compensation of \$103,000; tear down the building and clear the land. Seconded by Joseph.

Motion carried.

11. 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)*

Carol Santivicca, 9109 Forest Dr., felt that we should have gotten two appraisals before the price was negotiated and if they were too far apart- get a third. She asked that no more property be bought by the town without the proper appraisal process.

John Rush, 287 Heather Dr. stated he loved this area and he was in favor of the property, but the prices being thrown around confused him. He recited all the tax information listed on Brunswick Co.'s tax site. He stated that BC has had a land drop value of 28.5 % so why didn't Council just use the 2009 tax value and drop it 28%. The town was stewards of the taxpayer's money, not the federal government.

Rich Cerrato, Twisted Oak Lane, thanked Council on behalf of those that are handicapped hearing for the new audio system. He also thanked Council for what he stated was one of the most open, refreshing sessions he had been to.

Herb Tinger, 711 Oyster Bay Dr. stated the last election spoke of the challenges to have a more open government. He stated the Mayor's campaign boasted of the only town that allowed a for citizens comment period. But it rings hollow when they were answered with a wall of silence. The two new officials had an opportunity to create a session where the citizen could actually get an answer. He stated he was formally asking council to change this section of the meeting to an open forum where the citizens could get an answer.

Charles Nern, 647 Oyster Bay Dr., spoke about how the recycling on 904 was always full. No one had an answer and he hoped the county had one. As far as the land purchase went, he felt the parking spaces were not enough, especially for an amphitheater.

13. ADJOURN

Motion to adjourn by Sherrill, Seconded by Scott. Motion carried.

Adopted this 1st day of February, 2010.

TOWN OF SUNSET BEACH

Mayor Ron Klein

Attest

Kim Cochran, Town Clerk

