

MINUTES
TOWN OF SUNSET BEACH
Regular Called Meeting
June 1, 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 MEETING 6:45 pm

Mayor Klein asked Council to set a date for the last budget meeting before the end of June. Council set the meeting date for Wednesday, June 10 at 1:30 pm here at Town hall. They only had a few items left to discuss which were the copier, ponds, dump truck and recycling.

Steiner asked Council and Town Attorney Mike Isenberg about video gaming and if there was something we could do to stop it. We had some in town opening up. Isenberg stated that there was a state wide injunction regarding the enforcement of the state video gaming laws. The municipalities' ordinances cannot conflict with the state statutes. The state defined what gambling is; we cannot define it ourselves. Upstate a group had challenged that their video gaming business did not violate this state law and had won so far on some points but the judge hadn't ruled on others so we can't stop it now until the lawsuit is completed. If the conduct is illegal under the state law *then* you can enforce it but there is a question as to whether this is illegal under state law.

DeVita asked if they had finished defining the vehicles on the strand. Parker replied they were almost done.

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 AGENDA ITEMS ONLY:

Carol Scott had a question about the Sewer Chapter #52.03. She said it didn't address septic repairs and that concerned her. Isenberg stated repairs and maintenance is allowed but they are going to re-write it for clarification. They needed to define what was routine....such as pumping one out, etc.

Marcus Daniel Stanaland asked to speak for a few seconds about an invention that would reduce citizens' electric bill by half....it would run off of biomaterial, forestry scrap, etc....and would produce enough power to run 500 homes. The Mayor interrupted Mr. Stanaland and said this subject did not meet requirements for an agenda item and that he would have to wait until the end under public comments.

Comment period ended.

4. MINUTES OF REGULAR CALLED MEETING MAY 4, 2009 AND EXECUTIVE SESSION MAY 4, 2009; SPECIAL CALLED MEETING/WORKSHOP ON SEWER ASSESSMENTS APRIL 20, 2009; BUDGET MEETING MAY 18, 2009

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

5. PUBLIC HEARING:

a. Amendment to Section 150.220(5) (c)(i) Post Firm Structures

Building Inspector Jeff Curtis stated this was to cover additions to Post-Firm structures. In June of 2006, new flood maps were adopted and it changed the zones. This proposed amendment allows any homeowner who chose to add a non- substantial addition(less than 50% of the value) of the structure to their existing home, the flood zones that were then in effect when the home was constructed, apply. The new rules had created a real hardship on homeowners. The language for this came from a FEMA model ordinance. He couldn't say what it would do to homeowners insurance. This amendment does meet the intent of our ordinances.

No comments.

5. REPORTS:

a. Administrator- Mayor Klein read a certificate of thanks from the Ocean Isle Museum Board of the Ingram Planetarium for helping upgrade to the new digital system. He then read a letter from University of Chapel Hill congratulating Jeff Curtis on graduating from the Municipal Administration Course which included all aspects of administrative duties.

Parker asked Council if they had thought anymore about the shutters for Town Hall. He apprised Council of the information Curtis had gotten from FEMA, which was that we were eligible for 100% of the grant, so he was raising the issue again in case the cost was an original objection. Bobinski asked how it would look. Had anyone seen a rendering of the building with shutters. Parker said they probably not look good on the front atriums but they could just put the up when a hurricane is pending....a CAT 4 or 5.

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 also reported the walkway repairs were going very well.

e. Building Inspections- report attached

f. **Fire-** report attached.

6. OLD BUSINESS:

a. Amendment to Sewer Ordinance 52.03

Isenberg stated that the county required us to adopt one along the lines of theirs since they had the sewer and were presently enforcing (IF sewer was available). He stated any new building permit would trigger identification and there would be mandatory hook-up. However, he didn't have a lot of directive from County but the contract required us to stay within their requirements.

Sherrill posed the scenario that if he were to put up a carport he would have to hook-up to sewer...they would not force physical hook-up but he would still have to pay the fees, correct? Isenberg stated there was not an availability charge right now for those not hooked up but *if* the county does require it, we will have to do it also.

Sherrill then asked about the first line of the amendment. What happened to vacant lots between now and the time sewer gets here...was he saying they could not put in a septic tank?

Isenberg replied yes they could, he had spoken to the county attorney and they can make it effective at the time sewer is available.

Isenberg stated he and Parker would rewrite the amendment but needed guidance from Council on the maintenance definitions. Amendment tabled until the next meeting on June 29, 2009.

b. Amendment to Section 150.220(5) (c) (i) Post Firm Structures

Motion by Steiner to adopt amendment to #150.220 (c) (i), Seconded by Sherrill, Motion carried unanimously.

c. Discussion of Proposed Budget or Consideration of Setting a Second Budget Workshop

Council set the last budget meeting for Wednesday, June 10th, 2009 at 1:30 pm here at Town Hall.

7. 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)*

Charlie Nern, 647 Oyster Bay Dr, commended Parker on his recent editorial article in the newspaper. He stated

there were flyers full of untruths being distributed and placed in people's mail boxes all around the community.

He read one and trashed it, but then got an email along the same lines, which he stated was the last straw. He stated his email is a private one and did not know how this individual got it. It was illegally obtained. The letter was full of innuendo, half-truths and outright lies printed about the town.

Duane Lewis, 522 Medcalf, stated his subdivision over in Medcalf lakes was half in and half out of the town limits. They had bylaws and homeowners meetings and from now on, someone will always try to attend the town meetings to better improve their relations with the town. Tonight, he wanted to speak about the annexation of half the subdivision. He realized the town was trying to incorporate the rest of the subdivision following state statutes, but asked Council to please keep them informed of the progress. He also had a couple of requests.....1. The pavement patch the town uses...could they please make it better? The sand served no purpose that he could see and the potholes on Medcalf and Sunset Lakes was an

example. They wanted the whole subdivision to be annexed into the town. They needed serious help on the damn issue. He asked Council to please lend a helping hand with the dam that kept caving in.

Richard Cerrato, Sunset Resident, stated he was not sure he understood the procedural items. Watts informed Mr. Cerrato that the Public Comments item was for anyone to speak. The first comment period at the beginning of the meeting was for agenda items *only*.

Mr. Cerrato presented a list of nine items he wished to have placed on the agenda at the next meeting. He then read the list which is hereby incorporated by reference and made part of these minutes.

Carol Santavicca, Forest Dr., asked about recycling. She stated this past week she had gathered all her batteries and light bulbs and asked Council if they knew where the recycling center placed them? Right on top of the big pile! With the exception of the two times per year they collect it, nothing special is ever done with the recyclables. She asked council to please be aware as they worked on recycling to make sure the county had a program and not just the townspeople doing the work and them negating the work.

Herb Tinger, 711 Oyster Bay Dr. spoke on the sewer assessments and how varied the income was here at Sunset. It was not all wealthy people and some people just could not pay this assessment. See Mr. Tinger's statement which is hereby incorporated by reference and made part of these minutes.

Susie Horne, complained that over Memorial weekend there was a frayed and torn American flag flying on the bridge. She had to make many phone calls to locate someone to get this taken down and replaced. She felt deeply about her country and her flag and asked Council to make sure in the future all flags were properly displayed and disposed of.

Watts thanked Chief Massey for removing the flag on Monday. Chief Massey informed Ms. Horne that she already had contacts that disposed of tattered flags properly.

Alan Rundall, Green Pointe Dr., stated he was concerned about the stories circulating that were untrue. The Aerial Ladder truck was purchased for EVERY building in Sunset Beach, not just one. Also, if anyone had a flag to dispose of, they could take it to him as he belongs to the VFW. Chief Massey said she had the Boy Scouts come by every six months to collect the flags.

Marcus Daniel Stanaland, addressed Town Council concerning private property issues he had regarding the Kings Grant given to the Stanaland family

Carol Scott stated the Town had taken no position on hardened groins and asked them to please place it on the next agenda. She stated she had brought it up at the last 2 or 3 meetings and asked them to let her make a presentation.

Jerry Strickland, Heather Dr., stated that while they were speaking of terminal groins, Sunset Beach is one of the few beaches that accrue sand, and it is due to the jetties built out through Little River inlet, so hardened groins are not that bad. They do create some accruing. We owe our life to those groins. He asked Mr. Parker if, when he was at Holden beach, didn't URS Greiner provide drawings for sewer and did Sunset have them for our sewer so we could make an accurate cost estimate? Parker said yes, they did. He asked if he could come in and look at them. Parker confirmed he could. He then asked if anyone got a cost break if they paid early, and Council confirmed they did.

b. Call for Executive Session with Town Attorney regarding Real Estate Matters

Motion by Watts and seconded by Steiner 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.

Council returned to open session.

Council returned to opened session.Council authorized Parker to begin negotiations on a parcel of land for the 2nd fire station.

Motion made by Watts to correct the identity of the property they discussed which is 1.7 acres out of parcel 22700039 on Hwy #904 owned by MAS Properties. Seconded by Sherrill. Motion Carried.

Motion by Steiner to authorize Gary Parker to contract with a grant writer for \$600 to apply for ARRA assistance for fire fighters Fire station grant. property. Seconded by Sherrill. Motion carried.

9. ADJOURN

Motion to adjourn by Watts, Seconded by DeVita. Motion carried.

Adopted this _____ day June 2009.

TOWN OF SUNSET BEACH

Mayor Ron Klein

Attest:

Kim Cochran, Town Clerk

