

MINUTES
TOWN OF SUNSET BEACH
Regular Called Meeting
August 3, 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

Parker asked Council to delete 9d “Recycling” from the Agenda as there were more issues to discuss regarding the contract. DeVita shared that he had started “points of contact” within the community to help garner information on what was needed.

Parker also informed Council that he had more information regarding their discussion of exploring the land acquisition of the waterway lot. He had discovered that there was a grant opportunity of five million dollars that had been freed up with “Water Access Marine Funding”. He was exploring that option and Larry Crim was working on the application now.

Mayor Klein stated that the bids on sewer were due Tuesday at 3:00 pm at the County and reminded Council to be considering a new date for September’s regular called meeting due to Labor Day.

Watts asked Council to reconsider the wording of the skateboard ordinance. He felt there wording had gone a little too far. There were many people on roller skates and blades over on the island. There was more discussion about skating and rollerblading and how to make the amendment more effective.

Mayor Klein commented on the rumors being spread that the Town had no EMT’s. He stated this was serious and wished for everyone to know this was not correct. The Town’s firemen and many volunteers had been through training and were EMT certified. He didn’t want anyone to be afraid to turn down an opinion from one of our firemen to go to the hospital, because they were afraid the fireman wasn’t properly trained. He wanted to get the word out and make sure everyone knew this and not to disregard the Firemen/EMT’s opinion if they had a medical emergency.

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:

Duane Lewis, 522 MedCalf Dr. was concerned about the Resolution of Consideration specifically not naming streets. Town Attorney, Mike Isenberg explained to Mr. Lewis that the Resolution may look vague but it references the map on file and that’s what you went by with that type of resolution. Mr. Lewis then spoke about the streets and the fact that they were in terrible condition. He felt the town should be more active in repairing them since it had annexed that area. See written comments hereby incorporated by reference and made part of these minutes.

4. MINUTES OF REGULAR CALLED MEETING/BUDGET HEARING JUNE 29, 2009 AND SPECIAL CALLED MEETING/ RECYCLING WORKSHOP JULY 15, 2009

Motion by Watts to adopt both sets of minutes, Seconded by Steiner, Motion carried.

5. PUBLIC HEARING:

a. Amendment to #151.489 Zoning Board of Adjustment Fees.

No comments.

Public Hearing closed.

6. REPORTS:

- a. Administrator- no comments
- b. Police- see report attached
- c. Public Works -see reported. Dustin Graham also announced the town was now spraying for Mosquitoes
- d. Building Inspections- report attached
- e. Fire- see report. Chief Barbee also stated that the D.O.T. had given the town the right of way beside the Fire dept. that they had always held. They would have no need for it now with the new bridge, so they had graciously deeded it to Sunset Beach.

7. OLD BUSINESS:

a. Amendment to #151.489 Zoning Board of Adjustment Fees

Motion by Watts to adopt new zoning fees, Seconded by Steiner. Motion carried unanimously.

b. Renew Resolution of Consideration for Medcalf Lakes Subdivision

Motion by Steiner to renew Resolution of Consideration, Seconded by Watts. Motion carried unanimously.

c. Amendment to Chapter #71.08and #71.09 Vehicles on Strand

Council made sure that bicycles were not in the list as being banned.

Motion by Steiner to adopt Amendment to 71.08 and71.09 with bicycle clarification, Seconded by Bobinski. Motion carried unanimously.

d. Purchase of Property from MAS Properties for Second Fire Station

Parker informed Council they had an acceptance of the town’s offer of \$275,000, and the property was appraised at 330,000. The only outstanding feature was getting an easement across Sunset Commons Shopping Center for sewer.

Motion by Watts to accept offer to purchase the land from MAS properties by contract for \$275,000. Seconded by Steiner. Motion carried.

Town Attorney Isenberg informed Council, for their information, that the Land was now under the name of Remuda Run, LLC. It was the same owners, just a different name.

8. NEW BUSINESS:

a. Appointment to the Firemen’s Fund Relief Board.

Motion by Steiner to appoint Larry Keily to Firemen’s Fund Board, Seconded by Sherrill. Motion carried.

b. Adoption of NC State Retention schedule

Motion by Sherrill to adopt the new State retention schedule, Seconded by Watts. Motion Carried.

c. Resolution Tax Force

There was discussion among Council that perhaps this would not be a good idea for Sunset Beach, being the majority of people here were 65 or over. This would considerably cut our tax revenue.

Motion by Steiner to table this resolution indefinitely, Seconded by Bobinski. Motion carried.

d. Recycling-TABLED.

e. Proposed Skateboard Ordinance

Council debated on the wording of the proposed ordinance as there were many people that used skates and rollerblades, especially on the island. Isenberg stated they should concentrate on item 3 and designate right-of-ways and/or streets not allowing skates and rollerblades. They should devise a list of places that were off limits to skate boarders, such as thoroughfares. Maybe they should list where it was permitted. Council directed staff to take a look at the streets to be banned, such as private property, town property, the gazebo and to make sure the ordinance states they must give the right-of-way to pedestrians. Watts stated they would not get them off the streets until they designated an area. Council worried about signage and Isenberg said it wasn’t a sign issue, as it was never “a given” to roller-skate on state streets.

Watts asked to comment on the parking problem. He stated he knew this was changing the subject a little but they had a serious parking problem and briefly asked that they consider creating a committee on parking somewhere down the road.

Going back to Skateboards, Parker stated they needed something now to have on record while they started getting a list of streets, etc. to add later.

Motion by Watts to accept ordinance now with the changes deleting A2 and A3, making #4, # 2 and B-adding “shall at all times yield to pedestrians after crossing public roads and public sidewalks”. Seconded by DeVita. Motion carried unanimously.

f. Change September’s Council Meeting due to Labor Day

Motion by Watts to change September’s meeting day from the 7th to the 14th, 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. He stated the answers in his

July letter concerned him. The road was bad and would continue to deteriorate. He stated they were told the roads could be greatly improved, but he had no idea they could be allowed to deteriorate. Mr. Lewis had many concerns, namely the dam and roads. See written comments already incorporated by reference at the beginning of the meeting.

Parker explained to Mr. Lewis that the annexation of that area did not include streets. The Town never accepts streets unless they are brought up to standards. In the meantime, the town was trying to help them by patching holes. We could not spend Powell Bill fund money paving streets that did not belong to the town.

Carol Santavicca, Forest Dr. asked Council about the speed limit signs on Hwy #179. They went from 35 to 15 at the curve then back to 55...it was crazy. Could Council do something? Council stated they had previously contacted DOT about them but they were state roads and we had no authority. All we could do was suggest. Chief Massey informed Mrs. Santavicca she was already looking into that with the Department of Transportation and that the 15 mph at the curve was a *suggested* speed limit.

Rich Cerrato, 517 Twisted Oak Lane, read from a written statement concerning Town purchases. The Town was building more government buildings and hiring more staff without thought to the necessary things that went with them...like electricity and furnishings. Who was going to pay for all this? He also stated all personnel needed to be EMT certified. He had many arguments against the purchases Council was considering, i.e., another 5 acre boat ramp, when we already had one, a two million dollar parking area, etc.....he again asked who was going to pay for all this.

Charlie Nern, 647 Oyster Bay Dr, wanted to speak about the can roll back problem. He stated he had a house on the island as well as the mainland. He felt the island generated more accommodation tax and sales tax than the mainland and the town should take care of the rollbacks. There was no way to determine the tax amounts paid separately by the island and mainland, but as a side note, Sea Trail may complain about their tax dollars paying for a second pick up on the beach but they too paid taxes and were also getting a second pick-up.

10. Executive Session to Consult with Town Attorney regarding some legal issues that have arisen concerning the West Canal Avenue right-of-way and give the Town Administrator parameters for negotiating the 5 acres at 206 Sunset Blvd. owned by Tidal Ventures, LLC.

Motion by Watts to go into executive session for the above stated reason, Seconded by Steiner. Motion carried unanimously.

Council returned to open session at 8:40 pm. **Motion** by Watts to return to open session, Seconded by Sherrill. Motion carried unanimously.

Council gave Parker authority to go further with negotiations and received legal advice on West Canal Ave. No further action was taken.

11. ADJOURN

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

Adopted this ____ day September, 2009.

TOWN OF SUNSET BEACH

Mayor Ron Klein

Attest: _____

Kim Cochran, Town Clerk

