



MINUTES
TOWN OF SUNSET BEACH
Regular Called Meeting, Public Hearing & Work Session
October 1, 2007
6:45 p.m.

Members Present

Mayor Ron Klein
Councilman Ron Watts
Councilman Bob Bobinski
Councilman Lou DeVita
Councilman Len Steiner

Members Absent

Councilman Carl Bazemore

Others Present

Linda Fluegel, Town Administrator
Mike Isenberg, Town Attorney
Kim Cochran, Town Clerk

6:45 PM Work Session

The Town Administrator had a number of items to be added to the agenda under "New Business": Mayor Klein stated he had added the termination of the Peed contract under "D". She reminded them they had appointed Councilman Bobinski to replace Nancy Smith on the ABC Board in July....since her term would officially be up this month did Council want to run ads again for the position or just reappoint Councilman Bobinski? They would reappoint Bob Bobinski under item "E".

Suggestions from Councilman DeVita on the Beautification Committee. Add item "F".

The Land Use Plan Update will be on October 18th at the regular Planning Board meeting. Did Council wish to attend? This would be the time to review it before it goes to the State. Council added item "G" to officially call for a Special Called Meeting/Work Session.

Fluegel stated she had contacted the County and they informed her that the plans for a park off of Georgetown Rd was at least three years down the road. It was strictly conceptual right now.

Council set Monday October 8, 2007 at 11:00 am as a closed session meeting to review potential candidates for the administrative position. **(CLOSED SESSION)**

Isenberg asked Council to authorize Fluegel to terminate the contract with Joe Peed on the proposed boat ramp. Mayor Klein to explain when they reached the item under New Business.

Fluegel presented Council with the idea that staff be allowed to call for a public hearing after Planning Board meetings. It would significantly cut time by 1 to 2 months in between the planning board stage and actually hearing the item at a meeting. Council added as item "H".

7:00 pm. TOWN COUNCIL MEETING

1 & 2. CALL TO ORDER AND PLEDGE.

Mayor Klein called the meeting to order and led the Council in the pledge of allegiance.

3. MINUTES OF REGULAR CALLED MEETING AND PUBLIC HEARING SEPTEMBER 10, 2007

Motion by DeVita adopt minutes as presented. Seconded by Watts, Motion Carried.

4. PUBLIC HEARING:

a. Text Amendment to #151.212 Special Uses Permissible On Appeal.

Cindy Wolfe, Representative with Withers and Ravel, spoke on behalf of the applicant to allow boat storage in Mainland Business. Water access was limited and felt Council should introduce marinas, boatminiums, wet and dry slips as part of special uses with provisions.

Tom Johnson, Attorney for the applicant, also spoke in favor of this text amendment.

Colie Dooley, resident, stated he had no objection but had been to hundreds of coastal areas and had yet to see one that was esthetically "nice". He was opposed.

Carole Scott, 1214 Main St E., stated there were issues not covered on this text amendment and asked Council to follow the Planning Boards recommendation not to go forward.

Eddie Walters, Planning Board Member, addressed Council and reminded them this amendment would address ALL districts. The question was, did they want these? He stated he too, had looked around, and boat storages were basically a large metal box. They had environmental concerns, and felt this was an intensive use of extremely sensitive property adjacent to public waters.

Tom Johnson explained this would not change. The special use had to be in harmony with the area in which it was placed.

Mike Isenberg explained to Council even if this was passed, no project could be considered, this is *allowing* people to make applications. Whoever asked for this would have to go back to the Planning Board and remit plans and ask for permission. This was no green light for any particular project right now.

Carol Santivicca, Bonaparte II, asked who had the final approval. Fluegel stated the Board of Adjustments. Isenberg instructed Council whether or not they approved this, they must make statement whether or not it was consistent with the existing Land Use Plan and why their action would be in the public's interest whether it was rejected or adopted.

b. Amendment to Zoning Ordinance #151.211; 151.216(G); #151.241 Permitted Uses MUD Design Guidelines.

No comments.

c. Amendment to Zoning Ordinance #151.146 Permitted Uses

Carol Santivicca, asked about current business offices their routine operations. Currently there was a major real estate office in town and would be allowed to continue?

Fluegel stated it was already allowed and would continue to be so.

Santivicca asked once all the land was sold what happened? For instance, once Sea Trail sold all property would they still be allowed to operate at the end of development.?

There was discussion among Council and they explained this was resort business and rentals were part of "routine operations". This was a permitted use.

d. Amendment to Zoning Ordinance #151.010 (referring to prefabricated dwelling units, trailers and the like).

No comments from the public.

Public Hearing Closed.

5. REPORTS:

a. Administrator – Fluegel introduced Carol Santivicca, with the Town Celebration Committee, whom was here to submit a committee summary. (Pictures provided on CD to the clerk). She stated it was a great success. They had given out 640 raffle tickets for 40 door prizes and suggest it be done every year. See written comments hereby incorporated by reference and made part of these minutes.

b. Police-see report attached. Chief Massey apologized for being absent at the last meeting, but understood there were questions, and she would be available at the end of the meeting if anyone wished to speak with her.

c. Fire Department – See report attached.

d. Public Works: See report attached.

e. Building Inspections: see report attached

6. NEW BUSINESS:

a. Resolution Requesting the Dept. of Transportation Board Award Low Bid for Replacement Bridge #198 Over the Intercoastal Waterway.

Motion by DeVita to adopt Bridge Resolution and send immediately to the Dept. of Transportation, Seconded by Steiner. Motion carried.

b. Zoning Amendment Request from MR-2A to MB-1

Motion by Steiner to call for a public hearing on November 5th, the next regular Council meeting. Seconded by DeVita. Motion carried.

c. Adoption of Brunswick County's Animal Control Ordinance

Motion by Steiner to adopt the County's Animal control Ordinance, seconded by DeVita. Motion Carried.

d. Authorization for Fluegel to terminate Land Contract with Joe Peed.

Isenberg informed Council he had collected back the earnest money from Mr. Peed. Mayor Klein explained the derailments, such as not enough parking and the fact that wildlife now says they will not endorse. It had old filling station gas tanks underground and concerns about polluted land. They felt there were too many risks of wiping out docks if dredged as Mary's Creek was very narrow. All this led the Council to terminate the contract.

Motion by Steiner to allow Fluegel to terminate the contract, Seconded by DeVita. Motion carried.

e. Appointment to the ABC Board

Motion by DeVita to reappoint Councilman Bobinski to the ABC Board, Seconded by Steiner. Motion carried

f. Beautification Proposal

Councilman DeVita announced that he and a small group of citizens were working on the medians. Planting cuttings, flowers etc, and felt they should enlarge beach sweep. They could paint, pick up trash, etc. just generally make the town look better. Maybe the town could provide coffee, doughnuts, and supplies (paint, gloves, etc) and make it a yearly or biyearly thing. He reiterated to everyone that Beach Sweep 2007 would start at 9:00 am on Saturday and encouraged everyone to attend.. DeVita asked the Town Attorney if the Town could sponsor the beautification committees. Isenberg replied yes.

g. CAMA Plan Use Plan Scheduled with Council

Motion by Steiner to call for a Special Called Meeting/Work Session with the Planning board on October 18th, at 9:00 am here at Town Hall. Seconded by Bobinski. Motion carried

h. Amendment to the Public Hearing Rule.

Motion by DeVita to authorize Fluegel to call for public hearings on recommended items from the Planning Board, Seconded by Steiner. Motion carried

7. Old Business:

a. Text Amendment to #151.212 Special Uses Permissible On Appeal.

Motion by DeVita to adopt this amendment to special uses. Motion died for lack of second.

Steiner felt there was not enough work done on it. He felt Council should take their recommendation and deny it. He felt it should be studied more thoroughly.

Motion by Steiner to take the Planning Boards recommendation and deny. He felt it didn't fit the general health and welfare of the town and its appearance in MB-1 at this time. The Land Use Plan makes very generalized comment on this subject, and felt it wasn't specific enough to whether it was violating or not. He felt was inconsistent with the Land Use Plan.

Watts agreed with the Planning Board and preferred not to do it. He didn't think they had enough information between the new and old land use plan and should defer it until they meet with the Planning Board on the new CAMA Land use Plan.

Motion by Watts to defer consideration until they study it at the next Land Use Plan meeting on October 18th

Motion amended by Watts to defer decision until the November 5th regular Council meeting. Seconded by Steiner. Motion Carried

b. Amendment o Zoning Ordinance #151.211;151.216(G);#151.241 Permitted Uses MUD Design Guidelines.

Motion by DeVita to adopt with addition of adding the vendors' phone numbers to the rack. Seconded by Bobinski. Motion carried.

c. Amendment to Zoning Ordinance #151.146 Permitted Uses

Motion by DeVita to approved items c and d. Bobinski wished to discuss item "d". DeVita amended motion to adopted C only. Seconded by Watts . Motion carried.

d. Amendment to Zoning Ordinance #151.010 (referring to prefabricated dwelling units, trailers and the like).

Fluegel stressed they had never been allowed and they were now specifying trailers, etc. ones that have to be hooked up to electricity, lights, etc. Bobinski had concerns about pup tents such as the ones children place in the back yards. Council stated if they were used for children in backyards for play, they were not subject to this regulation.

e. Investigation Results of Councilman Residency Status

Watts stated this was ridiculous. Councilman Bazemore was a resident.

Mayor Klein reiterated the proof Bazemore's neighbors and the Beacon paper had given them that he did live in Sunset Beach. Several Councilmen stated when they called Councilman Bazemore it was to his Sunset Beach number and he answered. They had done various investigations and spoke to neighbors.

It was Council's conclusion that Bazemore was, in fact, a resident of Sunset Beach.

Isenberg restated the Council's responsibility which was to hear the complaint, along with evidence by the accuser and determine if there was a vacancy on Council. DeVita asked Isenberg about the amount of time you spent in one place. Isenberg stated that just because you live in one place 51% of the time does not make that your permanent residence.

Motion by Watts that the Council make finding that Carl Bazemore is a legal resident of Sunset Beach, has been and continues to be. Seconded by Steiner. Motion carried unanimously..

8. PUBLIC COMMENTS:

Ed Apulinski, 818 Crooked Gulley Cir. asked Council why his tax increased by 48% and felt the reassessment was irrelevant. Council said no, it was not irrelevant. Mayor Klein explained they had to submit the town's budget by July 1st and had to plan the budget not knowing what the final assessment was going to be. The county assessor had confirmed to the town at budget time, the figure was not final as all parcels had not been split, nor had all appeals been settled. Council had to use the figure provided to them from the County. Different properties had different assessments. Not everyone's tax bill was the same. Steiner offered to meet with him and explain the whole budget and taxing process.

Richard Cerrato, opposed the budget, complained about the residency status of Councilman Bazemore and asked that Randy Walters be fired for lack of experience. See written statement which is hereby incorporated by reference and made a part of these minutes.

Joe Santivicca, resident, suggested government and Council actively deal with the press and the "McCarthy-istic" attacks against Council be dealt with immediately. He stated he was tired of the town being under constant attack on their policies and people impugning the integrity of those making policy.

Carole Scott requested more detail on the agenda that's online, such as including the scanned attachments.

Carol Santivicca stated people needed to understand that the county makes the assessments, not the Town and if they're concerned then they should appeal.

Jim Thomas, N. Shore Dr., approved of scanned attachments, and stated his dirt roads were impassable and what could Council do about it? Council informed him they would wet it down and scrape it immediately. Right now, they weren't doing any paving until the sewer was put in because it would tear up the streets.

Wilson Sherrill commended the police dept. on their efforts and effectiveness. He felt assured that their eyes and ears were open.

Watts asked if it was appropriate to have staff talk about building inspections and if there was a problem? He felt that the insinuations made by certain people were to cast the town in a bad light, and wanted to occasionally address the accusations publicly so citizens would know they weren't true. He stated whole town was simply tired of it and hopefully the accuser would find a new cause.

Fleugel stated there was no problem. Procedures were followed. They were properly advertised and hired. The qualifications specified are desired but not required or necessary for hiring. Those that applied, did so knowing that we paid on a scale and the lesser qualified you are the less you are paid. He was willing to leave his job for this lower paying position. We only had two applicants. We looked at his stability, work background and longevity and thought he was best suited for the job. Even though he's titled building inspector this young mans job is to stay inside up front and help answer questions and issue permits. We have qualified inspectors that go out to do the inspections. He makes no decisions without an inspector's authority.

Ed Gore, 435 Shoreline Dr. W, stated he had been the brunt of a lot of Richard Cerrato's dissertations, but he never countered because he didn't want to give it dignity. He stated Cerrato claimed credit for his not winning the last election. He said he did not expect to win and got a good vote, but fresh faces were good. He wanted to thank council and the citizens for years served in the town. He stated the town would not be left without Cerratos appearances but more and more people were taking up the banner to rebut some of the things he was saying. As long as the Beacon prints his accusations they wouldn't stop and it was a shame they got in the paper without any investigations at all. We have a good town, and the "Sunset at Sunset" celebration was a success and was glad the events had been reestablished. Felt we should do this annually.

After no further action, the meeting adjourned.

Adopted this 5th of November, 2007.

Attest:

Kimberly Cochran

Kim Cochran, Town Clerk

TOWN OF SUNSET BEACH

Mayor Ron Klein

