

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearings and Regular Meeting
February 1, 2016**

MINUTES

Members Present: Mayor Ron Watts, Mayor Pro-Tem Carol Scott, Councilman Lou DeVita, Councilman Mark Benton and Councilman Rich Cerrato

Members absent: Council vacancy

Attorney & Staff Present: Susan Parker, Town Administrator; Bonnie Schwerd, Finance Director; Dustin Graham, Public Works Director; Rawls Howard, Planning and Inspections Director; Kevin Dempsey, Fire Chief; Lisa Joyner, Police Chief; and Lisa Anglin, Town Clerk

This meeting was held in the Fire Station #1 Training Room due to mold issues in Town Hall Council Chambers, Conference Room and Police Department Weight Room.

Mayor Watts called the Meeting to order at 6:00 pm.

Closed Session

COUNCILMAN DEVITA MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO CONSULT WITH ATTORNEY RICHARDSON. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

The Council met in Closed Session for approximately 35 minutes. The Council received legal advice from the Town Attorney and heard an update concerning the litigation with Withers & Ravenel.

MAYOR PRO-TEM SCOTT MADE A MOTION TO RETURN TO OPEN SESSION. COUNCILMAN DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR PRO-TEM SCOTT MADE A MOTION TO RECONVENE THE MEETING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Work Session

The Work Session convened at 6:45 pm. Mayor Watts called for agenda amendments and general discussions by the Council.

Draft Agenda Review

The Council reviewed the draft agenda and made the following amendments:

- Removed: 9f – Discussion Concerning CAMA Field Representative
- Added: Closed Session (to the end of the agenda) pursuant to NCGS 143-318.11 (a) (6)
- Moved: Consideration of Appointment of Council Vacancy to the first item of Old Business

General Council Discussions

Mayor Pro-Tem Scott remarked that the Planning Board is reviewing the UDO to determine if other ordinances were omitted.

Monthly Meeting

The Meeting convened at 7:00 pm and the Pledge of Allegiance was recited by those in attendance.

Approval of the Draft Agenda

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearings

Mayor Watts advised that the purpose of the public hearings is to hear comments concerning proposed UDO amendments for the following:

- a. to add Ordinance to Article 2 General Regulations, Section 2.18 Filling, Grading and Excavation
- b. to repeal and replace existing Ordinance Article 9 Performance Standards, Part III Outdoor Lighting
- c. to add Hot Tub Regulations to Article 6 Zoning Districts Section 6.04 Table of Permitted/Special Uses, Article 7 Supplemental Regulations Section 7.14 Swimming Pools and Appendix A Definitions

MAYOR PRO-TEM SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARINGS. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

- a. Article 2 General Regulations, Section 2.18 Filling, Grading and Excavation
Sue Weddle 706 North Shore Drive – Provided Council with an Ordinance from 1986 concerning fill and grade and requested Council to enact it as the fill and grade ordinance.

Matt Nichols Palm Cove Developers and POA Attorney – Reminded Council of the Settlement Agreement with the Palm Cove Developers and POA that makes the development exempt from any regulations not contained in the UDO as of the approval date of the agreement.
- b. Article 9 Performance Standards, Part III Outdoor Lighting
No Comments heard.
- c. Article 6 Zoning Districts Section 6.04 Table of Permitted/Special Uses, Article 7 Supplemental Regulations Section 7.14 Swimming Pools and Appendix A Definitions
Matt Nichols Palm Cove Developers and POA Attorney – Reminded Council of the Settlement Agreement with the Palm Cove Developers and POA that makes the development exempt from any regulations not contained in the UDO as of the approval date of the agreement.

Public Hearings (Cont.)

MAYOR PRO-TEM SCOTT MADE A MOTION TO CLOSE THE PUBLIC HEARINGS. COUNCILMAN DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Public Comments on Agenda Items Only

Sue Weddle 706 North Shore Drive – Advised Council that the Palm Cove Settlement Agreement does not mention vested rights and that pools were not permitted in the CR1 zone.

Jan Harris 206 North Shore Drive – Advised that in the past the Town was unable to obtain dredging permits for Jink’s Creek because it has never been dredged and voice opposition to spending funds for the pre-dredging analysis that includes Jink’s Creek.

Jim Thomas 1520 North Shore Drive – Advised that the draft Filming RFQ provided to the Council is not needed; advised that the Council meetings should be broadcast live using a web camera.

Town Administrator Report

Susan Parker, Town Administrator, advised that the final quotes for the mold issue at Town Hall have been received and work will begin soon.

Departmental Reports

Due to the length of the agenda, Department Head only provided written reports.

Old Business

Consideration of Appointment of Town Council Vacancy

Mayor Watts urged the Council to select a candidate for the Council vacancy and to make the appointment during this meeting so the new Council person can attend the Local Elected Official Academy scheduled for February 9th and 10th.

COUNCILMAN CERRATO MADE A MOTION TO APPOINT VERONIKA WHITE TO FILL THE COUNCIL VACANCY. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED YES. MAYOR PRO-TEM SCOTT AND COUNCILMAN DEVITA VOTED NO. MAYOR WATTS VOTED NO TO BREAK THE TIE. THE MOTION WAS DEFEATED.

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPOINT PETER LARKIN TO FILL THE COUNCIL VACANCY. COUNCILMAN DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT AND COUNCILMAN DEVITA VOTED YES. COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED NO. MAYOR WATTS VOTED YES TO BREAK THE TIE. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Adoption of Ordinance Amendment for Article 2 General Regulations, to Add Section 2.17 to the Table of Contents and to Add Section 2.18 titled Filling, Grading and Excavation

Mayor Pro-Tem Scott advised that the language proposed in Section 2.18 is the language that was omitted when the UDO was adopted.

Old Business (Cont.)

Consideration of Adoption of Ordinance Amendment for Article 2 General Regulations, to Add Section 2.17 to the Table of Contents and to Add Section 2.18 titled Filling, Grading and Excavation (Cont.)
COUNCILMAN CERRATO MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENT FOR ARTICLE 2 SECTION 2.18 TITLED FILLING, GRADING AND EXCAVATION. MAYOR PRO-TEM SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Adoption of Ordinance Amendment to Repeal and Replace the Existing Ordinances for Article 9 Performance Standards, Part III Outdoor Lighting
MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENT REPEALING AND REPLACING ARTICLE 9 PART III OUTDOOR LIGHTING. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Adoption of Ordinance Amendment for Article 6 Zoning Districts Section 6.04 Table of Permitted/Special Uses to Allow Hot Tubs as Permitted Use with Supplemental Regulations; Article 7 Supplemental Regulations Section 7.14 to Add Hot Tubs to the Title and to Add the Supplemental Regulations; and Appendix A Definitions to Add a Hot Tub Definition
MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENT FOR ARTICLE 6 SECTION 6.04 TO ALLOW HOT TUBS AS A PERMITTED USE, TO AMEND SECTION 7.14 TO ADD THE SUPPLEMENTAL REGULATIONS FOR HOT TUBS AND TO AMEND APPENDIX A DEFINITIONS TO ADD A HOT TUB DEFINITION. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN DEVITA AND COUNCILMAN CERRATO VOTED YES. COUNCILMAN BENTON VOTED NO. THE MOTION CARRIED BY A 3-1 VOTE.

Consideration of Adoption of Temporary Development Moratorium Ordinance
MAYOR PRO-TEM SCOTT MADE A MOTION TO REMOVE THE CONSIDERATION OF ADOPTION OF A TEMPORARY DEVELOPMENT MORATORIUM ORDINANCE AS AN AGENDA ITEM. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Consideration of Awarding Contract Concerning Shoreline Management and Pre-Dredging Analysis
The Council discussed the Shoreline Management and Pre-Dredging Analysis project and the current requirements for property owners to petition the Town for dredging. The Council discussed notifying the property owners that would be affected by the dredging project prior to awarding the contract. Staff was directed to set up a meeting with the permitting agencies to discuss feasibility of the project. Mayor Pro-Tem Scott will attend the meeting. Awarding of the contract will be placed on the March 7, 2016.

Consideration of Recommendation to Brunswick County Commissioners to Appoint Lawrence Sweeney as Board of Adjustment ETJ Member and Authorization for Town Clerk to Advertise Alternate Board of Adjustment ETJ Member Position Vacancy
COUNCILMAN DEVITA MADE A MOTION TO RECOMMEND TO THE BRUNSWICK COUNTY COMMISSIONERS TO APPOINT LAWRENCE SWEENEY AS THE BOARD OF ADJUSTMENT ETJ MEMBER AND TO AUTHORIZE THE TOWN CLERK TO ADVERTISE THE ALTERNATE BOARD OF ADJUSTMENT ETJ MEMBER POSITION VACANCY. MAYOR PRO-TEM SCOTT

Old Business (Cont.)

Consideration of Recommendation to Brunswick County Commissioners to Appoint Lawrence Sweeney as Board of Adjustment ETJ Member and Authorization for Town Clerk to Advertise Alternate Board of Adjustment ETJ Member Position Vacancy (Cont.)

SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Approval of PARTF Response Letter for Park

The Council reviewed the draft PARTF response letter concerning the remaining Park amenities requirements. The Council agreed to amend the letter to request only a one (1) year extension for completion of the installation of the remaining amenities.

Consideration of Appointment for Grand Strand Area Transportation Study (GSATS) Transportation Advisory Committee

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPOINT COUNCILMAN LARKIN TO THE GRAND STRAND TRANSPORTATION STUDY TRANSPORTATION ADVISORY COMMITTEE AND TO APPOINT COUNCILMAN DEVITA AS THE ALTERNATE MEMBER. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Appointment for Brunswick Shoreline Protection Group

COUNCILMAN BENTON MADE A MOTION TO APPOINT MAYOR PRO-TEM SCOTT AS TOWN REPRESENTATIVE FOR THE BRUNSWICK SHORELINE PROTECTION GROUP. MAYOR PRO-TEM SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. COUNCILMAN BENTON, MAYOR PRO-TEM SCOTT AND COUNCILMAN DEVITA VOTED YES. COUNCILMAN CERRATO VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Discussion of Council Liaisons, Appointments and Assignments

The Council agreed not to have liaisons assigned to the Planning Board, Board of Adjustment and the ABC Board, but requested the Chairman of each Board to provide a report to Council quarterly.

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPOINT COUNCILMAN BENTON AS THE SUNSET AT SUNSET COMMITTEE LIAISON. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4- 0 VOTE.

Discussion Concerning Method for Council to Contact Town Attorney

Mayor Pro-Tem Scott advised that the method for Council to contact the Town Attorney will be for the member to submit the item requesting legal advice to Mayor Pro-Tem Scott or Susan Parker, Town Administrator and they will jointly contact the Attorney and obtain the advice.

Consideration of Cancelling the February 8, 2016 Special Meeting If Council Vacancy Appointment Made

COUNCILMAN DEVITA MADE A MOTION TO CANCEL THE FEBRUARY 8, 2016 SPECIAL MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

New Business

Consideration of Approval of the Inter-local Agreement with Brunswick County Regarding Building Inspections Services

Rawls Howard is working with surrounding community building inspection departments to secure mutual aid agreements to assist each other during staff vacations, sickness, etc. and to perform inspections that we are not licensed to perform as of yet.

Consideration of Approval of Mutual Aid Agreement with Ocean Isle Beach Police Department

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE MUTUAL AID AGREEMENT WITH THE TOWN OF OCEAN ISLE BEACH. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Approval of Council Meeting Filming RFQ for Publication

The Council briefly reviewed the Council Meeting Filming RFQ. Mayor Pro-Tem Scott agreed to work with Staff to develop a simpler version for Council consideration.

Discussion Concerning West End Development Bridge

Mayor Watts advised that the Sunset Beach West developer has submitted an application for the construction of a bridge to US Coast Guard Commander. Written public comments will be accepted by the Coast Guard through February 8, 2016.

Discussion Concerning Production of Annual Report

The Council briefly discussed the Annual Report production and distribution. The Council agreed to add the Annual Report discussion to the April agenda.

Establish Agenda Items for February 16, 2016 Meeting

The Council reviewed the upcoming agenda items and added the following to the specified agenda:

- Establishment of an Environmental Citizens Committee – Councilman Benton – February 16, 2016 Agenda
- Presentation by Jim Fish, President/CEO of Brunswick Senior Resources Inc. – Staff – March 7, 2016 Agenda

Public Comments

Karen Joseph 915 Sandpiper Bay – Reminded the Council that the Sunset at Sunset event has been self-supporting since 2010.

Mike Salha 205 Jones Byrd Court – Suggested internet sites to the Council that can host the live streaming broadcast of the Council meetings.

Holly Smith Commercial Developer of Senior Apartment Complex (On Seaside Road) – Thanked the Council for approving the Inter-local Agreement for Building Inspections Services with Brunswick County.

Tom Vincenz 422 36th Street – Provided the Council with a history of the pre-dredging, pier head alignment and local act authorizing the creation of a dredging and maintenance fee.

Closed Session

COUNCILMAN CERRATO MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (6). COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

The Council met in Closed Session for approximately 10 minutes.

COUNCILMAN BENTON MADE A MOTION TO RETURN TO OPEN SESSION. MAYOR PRO-TEM SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR PRO-TEM SCOTT MADE A MOTION TO RECONVENE THE MEETING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Adjournment

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADJOURN THE FEBRUARY 1, 2016 COUNCIL MEETING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Town of Sunset Beach

Ron Watts, Mayor

Submitted by:

Lisa Anglin, Town Clerk

*The February 1, 2016 minutes were approved by Council during the March 7, 2016 meeting.