

**Town of Sunset Beach
Monthly Council
Work Session & Regular Meeting
January 7, 2013**

MINUTES

Members Present: Mayor Richard Cerrato, Mayor Pro-Tem Lou DeVita, Councilwoman Karen Joseph, Councilwoman Carol Scott, Councilman Wilson Sherrill, and Councilman Mike Williams.

Members absent: None

Attorney & Staff Present: Gary Parker, Town Administrator; Mike Isenberg, Town Attorney; Kevin Dempsey, Fire Chief; Lisa Massey, Police Chief; Sandy Wood, Building Inspector; Dustin Graham, Public Works Director; Donna Rogers, Finance Director; and Lisa Anglin, Town Clerk.

**Work Session
6:45 pm**

Mayor Cerrato called the Work Session to order, called for agenda amendments, and general discussions by the Council.

Council Discussion

Mayor Cerrato asked what items are included on the January 9th agenda. Gary Parker advised Driveway Discussion for lot at the intersection of Shoreline Drive West and Sunset Blvd. North, and UDO and Vision Plan Discussion.

Agenda Amendments

Mayor Pro-Tem DeVita advised of some confusion concerning who are the representatives for the GSATS Committee. Gary Parker advised that Council previously appointed Mayor Pro-Tem DeVita and Councilman Williams as the representatives but the appointment motion specified that particular meeting date. Gary Parker also advised that only one representative is desired by GSATS. Gary Parker advised that GSATS recognizes the Mayor as the representative unless Council directs otherwise. After a brief discussion, the Council agreed to appoint Councilman Williams as the GSATS Representative and the appointment was added to the agenda as New Business Item g.

**Monthly Meeting
7:00 pm**

Call to Order & Pledge of Allegiance

Mayor Cerrato called the monthly meeting to order and the Pledge of Allegiance was recited. Mayor Cerrato stated "Does any member of the Council have a conflict of interest or the appearance of a conflict of interest with regard to any item on the agenda, and if so, please state so at this time?" No one spoke.

Public Comments

Charles Nern 647 Oyster Bay Drive – Advised that he is in agreement with the Streetscape project but questioned if the funding is included in the 2012/2013 budget, agreed with the pier head alignment and that dredging of the feeder canal was needed.

Jean Hutchinson 436 6th Street – Advised Council of her resignation from the Sunset at Sunset Committee and thanked this and previous Councils for the privilege to serve on the Committee.

Ron Watts 421 Shoreline Drive West – Expressed support for the Streetscape project and encouraged Council to begin the project immediately.

Richard Hilderman 407 37th Street – Spoke in opposition of the Park grant proposal and expressed that the proposal was too general and vague.

Lynn Strandquist 414 Sailfish Street – Questioned why the pier head alignment presentation was not posted on the website, asked who actually owned the canals, asked if a moratorium is legal or not and why dredging was not addressed in the proposed Pier Head Alignment Ordinance.

John Corbett 423 Sailfish Street – Endorsed the pier head alignment ordinance and requested that the dredging issue be resolved at the same time the ordinance is adopted.

Nina Marable 502 North Shore Drive – Spoke in opposition to the Park grant proposal.

Kathryn Hovermale 419 Bay Street – Spoke in opposition to the Park grant proposal and suggested the Council look at entire town limits for streetscape not just the island.

Cas Kacala 340 Laurel Valley Drive Shallotte – Read a prepared statement concerning Jaguars Lair.

Noelle Kehrberg 502 North Shore Drive – Spoke in opposition to the Park grant proposal.

Consent Agenda Approval

Concerning the December 3, 2012 minutes on page 2 in the Certificates of Appreciation section, Councilwoman Joseph advised that Alan Veverka has requested that the description of his service to the Town, for which he received a certificate, be changed to consulting services instead of engineering services.

COUNCILWOMAN SCOTT MADE A MOTION TO AMEND THE DECEMBER 3, 2012 MINUTES AS NOTED AND TO APPROVE THE FOLLOWING CONSENT AGENDA:

1. Minutes:
 - a) December 3, 2012 Regular Meeting Minutes
 - b) December 11, 2012 Work Session Minutes
2. Departmental Reports:
 - a) Police
 - b) Public Works
 - c) Building Inspections
 - d) Fire
3. Disposition of Directives:
 - a) Preliminary Assessment Notice appeared in Brunswick Beacon – 11/16/11
 - b) Preliminary Assessment Notice and Resolution mailed to affected property owners – 11/16/11
 - c) Preliminary Assessment Resolution Public Hearing held – 12/05/11
 - d) BEMC informed to begin underground project – 12/9/11
 - e) 50th Anniversary Committee appointed – 10/16/12; Committee met – 10/25/12, 11/05/12, 11/13/12/, 11/15/12, 11/26/12, Council approved budget 12/11/12
 - f) Feed Canal/Pier Head Alignment returned from Planning Board – 12/11/12
 - g) Main Street Speed Limit Study request prepared for Council – 09/20/12

Consent Agenda Approval (Cont.)

- h) Letter requesting Main Street/Sunset Blvd S become all-way stop prepared – 09/20/12
 - i) Letter to NCDOT asking permission to paint crosswalks mailed – 09/21/12
 - j) Public Works researching additional trash cans at beach accesses on West End -
 - k) Property Owners affected by Bike/Ped Walkway notified –
 - l) Staff to contact Arborist for 2nd opinion for park Trees – 12/11/12
 - m) Staff investigating and gathering additional information concerning chamber renovations –
 - n) Mailed Certificates of Appreciation to those that couldn't attend – 12/04/12
 - o) Waste Industries 2nd Pick-up Contract executed – 12/11/12
 - p) Subdivision Improvements Agreement Executed –
 - q) Fireman Relief Fund Board Member Lori Pearce notified of appointment– 12/11/12
 - r) Retreat Agenda Discussion held & Agenda set - 12/11/12
 - s) Two (2) Planning Board Members appointed to TRC –
 - t) Property Owners notified of Pier Head Alignment Discussion on February 4th -
 - u) OIB, HB & Emerald Isle contacted concerning dredging standards – 12/20/12
4. Departmental Updates

COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business

Discussion of Pier Head Alignment Ordinance and/or Moratorium and Consideration to Schedule a Public Hearing on February 4, 2013 for either the Pier Head Alignment Ordinance or the Moratorium Gary Parker introduced Holley Snider, Division of Coastal Management Field Representative for Brunswick County. Ms. Snider began by stating that she has been requested to give the presentation during a meeting and afterwards the power-point would be downloaded to the website.

Holley Snider presented the current CAMA regulations for pier construction, and several illustrations showing examples of how piers could be built under the current regulations and could extend into the feeder canal utilizing the existing vegetation line. Snider explained that the proposed ordinance would establish a set back line from the edge of the channel of the feeder canal ensuring that pier construction would not intrude into the navigational channel. Presently and without the adoption of a pier head alignment ordinance, CAMA regulations require that the distance between the existing marsh grass lines be measured to determine water width and pier construction can be permitted to extend ¼ of that width. Councilwoman Scott raised concerns that adoption of the pier head alignment ordinance would result in one homeowner at the end of the feeder canal extending his pier farther out, which would block access except at high tide to the approximately 150 homeowners who currently use the canal. Snider cautioned the Council that since the existing marsh grass in the feeder canal is encroaching towards the middle a pier permit extending into the canal is possible now. Councilwoman Scott emphasized that adoption of a pier head alignment policy without concurrent dredging will result in access being limited except at high tide if piers meeting the pier head alignment criteria are constructed before dredging. Sammy Varnum volunteered to obtain dredging quotes for the Town to consider.

Old Business (Cont.)

Discussion of Pier Head Alignment Ordinance and/or Moratorium and Consideration to Schedule a Public Hearing on February 4, 2013 for either the pier Head Alignment Ordinance or the Moratorium (Cont.)

The Council discussed establishing a Fee-Supported Canal Dredging and Maintenance District for the canal property owners in order to charge the owners for dredging over a period of time instead of the total assessment being due all at once. Attorney Isenberg has contacted the legislators to determine what documentation the Council needs to provide for the Town to be added to the local bill which allows Ocean Isle Beach, Holden Beach and Emerald Isle to establish a Fee-Supported Canal Dredging and Maintenance District and is awaiting a response. Attorney Isenberg advised that the process could take several months and that a public hearing would be required before establishing the district. Attorney Isenberg stated that the Pier Head Alignment Ordinance does not require a public hearing prior to adoption since it is a police power ordinance.

COUNCILWOMAN JOSEPH MADE A MOTION TO AMEND PROPOSED ORDINANCE 130.08 SUBSECTION (C) TO ESTABLISH A SET BACK LINE OF 5 FEET AND TO ADOPT ORDINANCE 130.08 AS AMENDED. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO ALLOCATE UP TO \$15,000 FOR IMMEDIATE DREDGING OF THE FEEDER CANAL AT THE MOUTH OF JINX CREEK. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Streetscape Discussion & Consideration of Approval of the RFP

The Council reviewed the Streetscape maps, drawings, and request for proposals (RFP). Gary Parker advised that timeline discussions with NC DOT and BEMC have shifted the scheduling into the summer months which causes staff concerns. The Council voiced concerns with the scheduling delays interfering with the summer season, the lack of citizen input opportunities prior to the project beginning and that although the project is included in the Capital Improvements Plan, the funds were not appropriated in the 2012/2013 budget. Councilwoman Scott suggested that the Council fund the project in the 2013/2014 budget, the Committee continue to finalize the project with NC DOT and BEMC so the RFP can be approved by Council during the May meeting and the project can begin in September of 2013. Councilwoman Scott also suggested holding a public hearing in April or May to hear comments from the public concerning the Streetscape project before the Budget Workshops begin.

Mayor Pro-Tem DeVita requested the Sunset Blvd. Extension project in the Gazebo area be removed from the Streetscape project since those funds have been appropriated and the project can be completed before the summer season begins. The Council agreed.

Consideration of Approval to Amend 2013 Town Council Meeting Calendar

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE AMENDED 2013 MEETING CALENDAR. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of the Master Park Plan Documentation for PARTF Grant Application

Greg Lambert, Withers & Ravenel, reviewed the documentation with the Council and explained this document will accompany the PARTF Grant Application. The grant deadline is January 31, 2013.

Old Business (Cont.)

Consideration of Approval of the Master Park Plan Documentation for PARTF Grant Application(Cont.)

COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE MASTER PARK PLAN DOCUMENTATION FOR INCLUSION WITH THE PARTF GRANT APPLICATION, WITH THE CORRECTIONS THAT WILL BE SUBMITTED TO WITHERS & RAVENEL BY COUNCIL. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN SHERRILL, COUNCILWOMAN JOSEPH AND COUNCILMAN WILLIAMS VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Jaguar's Lair Update

Councilwoman Joseph advised that the Town and Coastal Communities have negotiated a new Subdivision Improvements Agreement that includes infrastructure completion dates within Phase VI Section 1. Councilwoman Joseph advised that this agreement also includes a date of August 31, 2013 in which an agreement for completion of the infrastructure for sections 2A, 2B, and 2C is to be negotiated and signed. Councilwoman Joseph thanked the Negotiating Team of Councilman Sherrill, Gary Parker, Sandy Wood and Attorney Isenberg.

Sewer Report Update

Councilwoman Scott advised that the Utility Board met on December 10th and agreed to recommend a per parcel assessment for the Sunset Beach Sewer Project to the Brunswick County Commissioners during their February 4, 2013 meeting. The County Commissioners will then set a public hearing date of March 11th as part of the assessment process.

New Business

Consideration of Approval of the Resolution Accepting and Endorsing the Solid Waste Management Plan of 2022 for Brunswick County

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN OF 2022 FOR BRUNSWICK COUNTY. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of the Planning Board Recommendations and Consideration of Appointment of:

- two (2) Planning Board Members to Technical Review Committee and
- two (2) Planning Board Members to the Village of Sunset Beach Architectural Review Board

COUNCILWOMAN SCOTT MADE A MOTION TO:

- ACCEPT THE PLANNING BOARD RECOMMENDATIONS FOR APPOINTMENTS, AND
- APPOINT PLANNING BOARD MEMBERS TOM VINCENZ AND AL SEIBERT TO THE TECHNICAL REVIEW COMMITTEE, AND
- APPOINT PLANNING BOARD MEMBERS CAROL SANTAVICCA AND LEON AUGUST AND SANDY WOOD, BUILDING INSPECTOR, TO THE VILLAGE OF SUNSET BEACH ARCHITECTURAL REVIEW BOARD.

COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Consideration of Appointment for the Sunset at Sunset Committee

COUNCILWOMAN SCOTT MADE A MOTION TO APPOINT SHARON MAPLE TO THE SUNSET AT SUNSET COMMITTEE. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration to Begin Beach Patrol in April & May

COUNCILWOMAN SCOTT MADE A MOTION TO AUTHORIZE THE FOLLOWING SCHEDULE AND ADDITIONAL PERSONNEL FOR BEACH PATROL:

- Full coverage of the strand by two (2) Beach Patrol officers from March 30th – April 7th
- Weekend only coverage of the strand by one (1) Beach Patrol officer from April 13th - May 19th
- Addition of a third officer to accompany the existing two (2) Beach Patrol officers for daily patrols from June 17th – June 30th.

COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of Resolution in Support of NC Coastal Caucus

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE RESOLUTION SUPPORTING THE CREATION OF THE NC COASTAL CAUCUS. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of the Pole Banner Selection for the 50th Anniversary

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE #5 AS THE 50TH ANNIVERSARY BANNER DESIGN. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Appointment of Councilman Williams to GSATS Committee

COUNCILWOMAN SCOTT MADE A MOTION TO APPOINT COUNCILMAN WILLIAMS AS THE GOVERNING BODY REPRESENTATIVE FOR THE GSATS COMMITTEE. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

None

Closed Session

COUNCILWOMAN JOSEPH MADE A MOTION TO GO INTO CLOSED SESSION FOR PERSONNEL REASONS PURSUANT TO NCGS 143-318.11 (a) (6). COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Closed Session (Cont.)

COUNCILMAN WILLIAMS MADE A MOTION TO RETURN TO THE REGULAR MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO RECONVENE THE REGULAR MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately 45 minutes with no action taken.

Adjournment

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE JANUARY 7, 2013 COUNCIL MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Richard Cerrato, Mayor

Submitted by:

Lisa Anglin, Town Clerk

*January 7, 2013 Minutes were approved during the February 4, 2013 Meeting.