

**Town of Sunset Beach  
Monthly Council  
Work Session, Public Hearings and Regular Meeting  
March 7, 2016**

**MINUTES**

**Members Present:** Mayor Ron Watts, Councilman Lou DeVita, Councilman Peter Larkin, Councilman Mark Benton and Councilman Rich Cerrato

**Members absent:** Mayor Pro-Tem Carol Scott

**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

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

**Closed Session**

COUNCILMAN LARKIN MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO RECEIVE ADVICE FROM ATTORNEY RICHARDSON CONCERNING THE EXISTING LITIGATION WITH WITHERS AND RAVENEL AND THE BOND COMPANY FOR COASTAL COMMUNITIES AND TO CONSULT WITH ATTORNEY RICHARDSON IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE. 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 consulted with Attorney Richardson and received legal advice concerning the litigations with Withers & Ravenel and the Bond Company for Coastal Communities.

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

COUNCILMAN DEVITA MADE A MOTION TO RECONVENE THE MEETING. COUNCILMAN LARKIN 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 made no agenda amendments.

## **General Council Discussions**

### **GSATS**

Councilman Larkin and Councilman DeVita attended the GSATS February 12<sup>th</sup> Meeting and advised that North Carolina has committed funding for the Carolina Bays Parkway Extension project and a Project Leader has been appointed. NC DOT will be installing lighting near the Ocean Isle Beach roundabout on Old Georgetown Road.

### **Angel Trace Road**

Councilman DeVita has been in contact with Becky Nobles (Coastal Communities) and Dana Connelly (Sea Trail Management) who agreed to move the road closed signs located on Angel Trace Road out closer to the intersections with Old Georgetown Road and Sunset Blvd. North.

### **Early Voting**

Mayor Watts advised that Early Voting has started and encouraged everyone to vote.

### **Closed Session Update**

Attorney Richardson advised that during Closed Session the Council received an update concerning the existing litigation with Withers & Ravenel and the Bond Company for Coastal Communities. Attorney Richardson advised that the Council also consulted with and received advice concerning other subjects classified as privileged.

### **Town Administrator Report**

Susan Parker, Town Administrator, advised that Chuck Nance, Town of Calabash has contacted the Town concerning FEMA NIMS training for elected officials. Parker advised that the 1<sup>st</sup> Street Beach Access Walkway renovation is underway and will be completed before Easter. Parker advised that the Beach Access Walkway Extension Project will begin next week. Construction materials and equipment for the Extension Project will be staged on the vacant lot across from the Sunset Beach Fishing Pier. Parker advised that NC DOT will be installing the silt fencing along Main Street in advance of the Main Street Widening Project beginning. Construction materials and equipment will be staged on the vacant lot between the Gazebo Parking Lot and Ocean Ridge Community Building.

### **Presentation**

Mayor Watts introduced Jim Fish, President/CEO of Brunswick Senior Resources Inc. (BSRI). Mr. Fish informed the Council and those in attendance of the services offered by BSRI and the new facility that will be located on Beach Drive in Calabash.

### **Monthly Meeting**

The Meeting convened at 7:00 pm and the Pledge of Allegiance was recited by those in attendance. Mayor Watts advised that Mayor Pro-Tem Scott is unable to attend tonight's meeting.

### **Approval of the Draft Agenda**

COUNCILMAN DEVITA MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

## **Public Comments on Agenda Items Only**

No comments heard.

## **Minutes for Approval Consideration**

COUNCILMAN LARKIN MADE A MOTION TO APPROVE THE FEBRUARY 1, 2016 AND FEBRUARY 16, 2016 MINUTES AS WRITTEN. COUNCILMAN DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

## **Clerical Error Correction (Discovered when transcribing the 03/07/16 Minutes)**

The December 14, 2015 Meeting Minutes, January 4, 2016 Meeting Minutes, January 19, 2016 Meeting Minutes, January 21, 2016 Special Meeting Minutes and the January 22, 2016 Special Meeting Minutes were approved during the February 1, 2016 minutes. However the action was omitted from the February 1, 2016 minutes in error. The action taken is as follows:

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE FOLLOWING MINUTES AS WRITTEN:

- December 14, 2015 Meeting Minutes
- January 4, 2016 Meeting Minutes
- January 19, 2016 Meeting Minutes
- January 21, 2016 Special Meeting Minutes
- January 22, 2016 Special Meeting Minutes

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

## **Departmental Reports**

Police – Chief Joyner informed the Council of the increase of heroin use within Town limits.

Public Works – Dustin Graham, Director, advised that NC DOT will begin the Main Street Widening Project on April 4<sup>th</sup> with an expected May 1<sup>st</sup> completion date.

Planning & Inspections – Rawls Howard, Director, advised that the Land Use Plan update is nearing the halfway point and encouraged the Council and citizens to complete a survey online. Howard advised that presently the inspections department has one (1) full time inspector with a Level 1 probationary license, one (1) part time inspector (retired) with a Level 2 license working 19 hours per week and one (1) part time inspector with a Level 2 license working nights and weekends. Howard is currently interviewing for the existing full time inspector position that is vacant.

Fire – Chief Dempsey advised that the Department of Insurance ISO Inspection was completed last week. The results will be known within 60-90 days. Chief Dempsey agreed with Chief Joyner concerning the increase of heroin use within Town limits and the fire district.

Finance – Bonnie Schwerd, Director, reviewed the January 2016 report with the Council advising that 68.64% of the anticipated revenues have been collected and 48.5% of the annual operating budget has

## **Departmental Reports (Cont.)**

### **Finance (Cont.)**

been expended. Schwerd reported to the Council items of interest from the recent Finance Officer's Conference including:

- Powell Bill funding changes made by the NC General Assembly to no longer tie the funding to a gas tax but rather it will be an appropriation from the General Assembly in the coming years.
- Transparency initiatives that include state level efforts to provide a central location for access to governmental finance information that is more in depth than the Local Government Commission (LGC) website provides currently. Several larger municipalities have started the process of redacting non-public information in an effort to provide the information requested but significant staff time is being expended.
- The Iran Divestment Act requires municipalities and businesses to not contract with entities on the list that is distributed by the State Treasurers Office. Municipalities and businesses will be required to certify all contracts \$1,000 and above. During the conference, the NC Government Finance Officers Association (NCGFOA) membership passed a Resolution to encourage the General Assembly to reconsider due to the administrative burdens this will place on government and small business operations.

## **Old Business**

### **Consideration of Adoption of Environmental Committee Mission Statement**

Councilman Cerrato read the draft Environmental Committee Mission Statement. Councilman DeVita read additions to be added. Councilman Cerrato will prepare a final draft for Council to consider during the April 4, 2016 Meeting.

### **Establishment of Environmental Committee with Number of Members and Scope of Work, and Authorization for Clerk to Advertise for Committee Members**

Councilman Cerrato suggested the committee be made up of two (2) members with staggered terms. Councilman DeVita suggested the committee be made up of three (3) members with staggered terms so there would always be two (2) informed members on the committee when new appointees joined. The Council reached a consensus for three (3) members. The Council agreed to finalize the scope of work and mission statement during the April 4, 2016 Meeting.

### **Discussion Concerning Procedure for Interviewing Candidates For Board of Adjustment, Planning Board Members and other Positions Created by Council**

The Council discussed the existing procedure for interviewing candidates for Council appointed positions which consists of the applicants providing written answers to the Council approved questions depending on which positions is sought followed by a private interview with two (2) Council members. The interviewing Council members then make an appointment recommendation to the Council. The Council reviewed the suggested question deletions provided by Mayor Pro-Tem Scott. The Council reached a consensus to maintain the existing procedure but to rotate which Council members are conducting the interviews.

Councilman Larkin and Councilman Benton will perform the interviews for the Board of Adjustment vacancy and term expiration positions currently available.

## New Business

### Consideration of Acceptance of Planning Board Recommendation for UDO Amendment to Article 2 General Regulations by Adding Section 2.19 Alteration of Sand Dunes or Oceanfront Vegetation

The Council reviewed the proposed UDO Amendment recommendation from the Planning Board concerning Article 2 Section 2.19 Alteration of Dunes. The Council made the following requests of Staff:

1. Remove “in” from subsection (A)
2. Add “outside of the permitted, net buildable area” to subsection (A)
3. Determine if vegetation trimmings can be removed from the site per CAMA
4. Add “whichever is more restrictive” to subsection (B) as requested by Mayor Pro-Tem Scott.

Council will reconsider the amendment during the March 22, 2016 meeting and schedule a public hearing if deemed acceptable.

### Consideration of Adoption of Resolution Concerning Surplus Vehicles

COUNCILMAN DEVITA MADE A MOTION TO APPROVE THE RESOLUTION CONCERNING SURPLUS VEHICLES. COUNCILMAN LARKIN SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY 4-0 VOTE.

### Discussion Concerning Construction & Related Activities on Sunday And Consideration of Ordinance 94 Noise Ordinance Amendment

Susan Parker, Town Administrator, advised that the current Chapter 94 Noise Ordinance (adopted 11/15) permits any type of construction activities to be performed on Sunday whereas the prior ordinance prohibited construction on Sunday. Council members and staff are now receiving complaints concerning construction on Sunday. Parker requested direction from the Council. The Council briefly discussed construction on Sunday, enforcement, and methods of zoning or regulating. Staff was requested to draft solution for Council consideration during the April 4, 2016 Meeting.

### Consideration of Adoption of the Mold Remediation Budget Ordinance Amendment

COUNCILMAN DEVITA MADE A MOTION TO ADOPT THE MOLD REMEDIATION BUDGET ORDINANCE AMENDMENT TOTALING \$22,000. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY 4-0 VOTE.

### Discussion Concerning Installation of Street Lights Policy

The Council discussed the request for street lights to be placed on Old Georgetown Road. Mayor Watts reminded Council that a temporary hold was placed on accepting street lights in January 2015 pending the adoption of a formal policy. Councilman Cerrato and Councilman Larkin offered to assist Staff with developing a Street Light Acceptance policy for Council to consider during the May 2, 2016 Meeting.

### Establish Agenda Items for March 22, 2016 Meeting

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

- Consideration of Acceptance of Article 2 Section 2.19 Alteration of Sand Dunes and to schedule a public hearing – Council - March 22, 2016 agenda
- Consideration of Ordinance Amendment of Chapter 94 Noise Regulations concerning Construction – Council – April 4, 2016

**New Business (Cont.)**

Establish Agenda Items for March 22, 2016 Meeting (Cont.)

- Consideration of Adoption of Street Light Acceptance Policy – Council – May 2, 2016
- Consideration of Approval of Meeting Videoing RFQ – Mayor Pro-Tem Scott – April 19, 2016
- Committee Chair Report to Council – Council – April 4, 2016
- Meeting Room Improvements Report – Councilman Cerrato/Councilman Benton – April 4, 2016
- Consideration of Draft Letter Concerning the 2015 NC Session Law 286 Section 4.38 with regard to coastal building height calculation methods – Council – April 4, 2016

**Public Comments**

John Corbett 1313 Canal Drive – Thanked Police Department and Fire Department personnel for rapid response during lightning storm which cause alarm system to malfunction.

Mike Forte 1270 Washington Road BSL – Introduced himself to Council as a candidate for Brunswick County Commissioner.

Charles Nern 647 Oyster Bay Drive – Encouraged Council to consider allowing construction on Sunday.

Karen Dombrowski 719 Fairway Drive East – Advised Council that the Old Bridge Preservation Society will re-show the 45 minute documentary filmed in Sunset Beach on Tuesday, April 5, 2016 at 7:00 pm at the Ingram Planetarium, ticket price is \$15 each. A reception will be held at 6:30 pm prior to the show. DVD will also be for sale.

**Adjournment**

COUNCILMAN LARKIN MADE A MOTION TO ADJOURN THE MARCH 7, 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 March 7, 2016 minutes were approved by Council during the April 4, 2016 meeting.