

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearings and Regular Meeting
May 2, 2016**

MINUTES

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

Members absent: None

Attorney & Staff Present: Grady Richardson, Town Attorney; 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; Joe Smith, Assistant Police Chief, and Lisa Anglin, Town Clerk

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

Closed Session

COUNCILMAN BENTON MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO CONSULT WITH ATTORNEY RICHARDSON IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE AND TO DISCUSS A PERSONNEL MATTER. MAYOR PRO-TEM SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately 45 minutes. The Council consulted with Attorney Richardson concerning Jaguar's Lair and discussed a personnel matter.

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 UNANIMOUS VOTE.

MAYOR PRO-TEM SCOTT MADE A MOTION TO RECONVENE THE MEETING. COUNCILMAN DEVITA 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 agreed to make the following agenda adjustments:

- New Business 9a and 9b were switched on the agenda.

General Council Discussions

Sunset at Sunset – Councilman Benton advised that the Committee is continuing to meet and plan a successful event.

2016/2017 Proposed Budget Workshop – Councilman Cerrato advised that a Budget Workshop was held earlier today and a second is planned for Wednesday, May 4th to continue to seek ways to cut cost.

NC Renewable Energy Task Force Webinar concerning Wind Farms – Councilman Larkin attended a webinar concerning wind farm leases off the NC and SC coast. During the webinar it was stated that the first farm will be installed approximately 11 miles off the coast of Kitty Hawk within five (5) years and will be issued a 25 year lease. Councilman Larkin advised that the Wilmington East and West regions have been combined with the Grand Strand South area. The issuance of leases within this area will be delayed while biologists study the migration route of a rare whale along our coast. Mayor Watts advised that the Council has submitted a Resolution requesting the farm be a minimum of 10 – 15 miles off shore.

FEMA Seminar – Councilman Larkin and Mayor Watts attended a Seminar explaining the importance of the readiness of each community's Incident Command Center and the need for each community to be self-sufficient for a minimum of 72 hours after an event.

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

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. COUNCILMAN LARKIN SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Hearing

To repeal and replace Section 11.03 (A) K of Article 11 Signs; Outdoor Advertising Structures; To repeal and replace Section 11.08 (A) (11) of Article 11 Signs; Outdoor Advertising Structures and To add Section 11.08 (A) (12) to Article 11 Signs; Outdoor Advertising Structures

Mayor Watts opened the public hearing and called for comments.

No comments heard.

Mayor Watts closed the public hearing.

Minutes for Approval Consideration

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE MARCH 22, 2016 MEETING MINUTES, APRIL 4, 2016 MEETING MINUTES, APRIL 11, 2016 SPECIAL MEETING MINUTES AND THE APRIL 19, 2016 MEETING MINUTES AS WRITTEN. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments on Agenda Items Only

Dave Eastburn 424 32nd Street – Encouraged the Council to approve the UDO amendment requiring proof of ownership documentation in the form of a warranty deed or title insurance to accompany all applications prior to permits being issued.

Town Administrator Report

Stormwater Management Plan - Susan Parker, Town Administrator, advised that a meeting is scheduled for next week.

Town Park Regulations – Parker advised that the regulations have been drafted and are being forwarded to Mayor Pro-Tem Scott for review in anticipation of Council discussion during the June 6th Meeting.

Street Light Acceptance Policy – Parker advised that the policy is currently being drafted and will be forwarded to Councilman Larkin and Councilman Cerrato for review in anticipation of Council discussion during the June 6th Meeting.

Sunset Beach Community Church – Parker advised that she has been requested to give a presentation on Saturday (May 7th) concerning the Town, its services and projects, and to answer questions.

Garbage/Recycling Cart Roll Back Program – Parker advised that the part-time employee tasked with the weekly garbage/recycling cart roll back program has retired. Parker solicited direction from the Council for the continuation of the program. The Council agreed to discuss during the May 4th Budget Workshop.

Old Bridge Museum – Parker advised that the Old Bridge Museum has contacted the Town requesting permission to explore the costs associated with displaying informational banners opposite the Town banners on various utility poles within Town limits. If permitted, the option could be offered to other Town non-profit organizations for advertisement space.

Departmental Reports

Police – Chief Joyner advised that she will be hosting “Coffee with the Chief” monthly beginning on Wednesday, May 11th from 10:00 am – 11:00 am in the Town Hall Conference Room as an outreach program to the Communities. Chief Joyner advised that she has been requested to give a presentation at the Bonaparte Retreat POA Meeting concerning establishing a Community Watch Program. The Police Department is also developing a Facebook page and is working with various communities to develop a next door.com online program for community neighbors to be exchange information amongst themselves with police monitoring the site.

Public Works – Dustin Graham, Public Works Department Director, advised that the Contractor has completed six (6) of the 10 walkway Extensions and the project is on scheduled to be completed before Memorial Day. Graham advised that the Main Street paving is completed and the lanes have been temporarily striped. Once the catch basins are replaced permanent striping will be completed. Graham advised that the Gazebo parking area will be thermo-striped on May 5th and five (5) spaces on Sunset Blvd. North in front of the Island Market will be converted to handicapped spaces and restriped. Graham advised that the Town Park Restroom Contractor will be pouring the concrete foundation this week and begin building the walls afterwards. The Contractor is on schedule for the project to be completed one week prior to Memorial Day to allow one week for any punch list items to be completed. Graham advised that call volume for his department has been added to report.

Planning & Inspections – Rawls Howard, Planning and Inspections Director, advised that four (4) new homes have been permitted and the department has received four (4) or five (5) new home plans for review. Howard advised that the CAMA Land Use Plan is 75% completed. Howard advised that several UDO amendments stemming from the old Town Code review are being considered by Council during this meeting and additional amendments are on the Planning Board agenda for May 7th. Howard advised that the Inspections Department staff will be meeting monthly with area contractors, builders, architects, engineers, etc. to open lines of communication for informational purposes and for a question and answer session.

Departmental Reports (Cont.)

Fire – Chief Dempsey advised that the Fire Department and Police Department personnel will be participating with Public Safety Day scheduled for May 7th from 10 am – 3 pm with the Brunswick County Sheriff Office and the Grissettown-Longwood Fire Department Personnel. Dempsey advised that the ladder truck has been repaired and will be back in service tomorrow. Dempsey announced that the NC Department of Insurance has completed its evaluation of the fire insurance classification for the Sunset Beach Fire District and the department has achieved a rating of 4 down from a 5. The new rating will become effective August 1, 2016. Sunset Beach property owners were encouraged to contact their insurance carriers to determine if the new rating could reduce their premiums. The information will be distributed through the website, e-alerts and by press release.

Finance – Bonnie Schwerd, Finance Director, reviewed the Financial Report for period ending March 31, 2016 with the Council. Schwerd advised that a proposed 2016/2017 Budget Workshop is scheduled for May 4, 2016 at 1:00 pm in the Town Hall Council Chambers. Schwerd advised that the Deputy Finance Officer interviews have been completed and hopes to make an offer next week.

Old Business

Shoreline Management and Pre-Dredging Analysis Next Phase Presentation

Susan Parker, Town Administrator, introduced Robert Neal with Moffatt & Nichol to address the Council concerning the Shoreline Management and Pre-Dredging Analysis project. Mr. Neal reminded the Council of the project primary goal of providing a long-term management template for maintaining navigation access throughout the Town (approximately 3.5 miles) and to document a Pier Head Alignment for future upland development within the feeder canal. Mr. Neal informed the Council of a secondary goal discovered which is to provide beneficial use material where available for use on Ocean Isle Beach for cost sharing potential. Mr. Neal advised that State grant funding is available at a minimum of 50/50 match and up to 2/3 – 1/3 and Ocean Isle Beach purchasing the material of beneficial use for their beach strand. The Council requested Mr. Neal to determine if it is discovered that Jinks Creek can't be dredged will the cost sharing still apply.

The project encompasses Marys, Turtle and Jinks Creeks, the feeder channel, the finger canals and the Bay. The project approach and design considerations include maintaining adequate width for vessel clearance, allowing sufficient depth for vessel navigation, providing appropriate side slopes to prevent sloughing, and maintaining construction clearance of 5' from any pier, dock, piling or bulkhead. The anticipated dredge volume to be removed is 150,000 – 200,000 CY with approximately 131,000 – 154,500 CY available for Beach Placement leaving 24,000 – 47,500 CY for disposal. Disposal islands have been identified but will probably require improvements. Mr. Neal advised that during the preliminary scoping meeting with the agencies they relayed areas of concerns and requested further analysis be performed for those areas including shoaling impacts to the waterway at Mary's and Turtle Creeks, the "S" curve in Jinks Creek and Tubbs Inlet.

Mr. Neal was questioned as to the effect of this project's viability and longevity if Tubbs Inlet and the Eastern Channel is not dredged and maintained along with the areas defined in our project. Mr. Neal encouraged the Council to discuss partnering with the Town of Ocean Isle Beach for the dredging and maintenance of those areas.

Old Business (Cont.)

Shoreline Management and Pre-Dredging Analysis Next Phase Presentation (Cont.)

Mr. Neal explained that the Phase 2 Cost Estimate is \$212,154 and includes project coordination, refined design, sediment testing, identifying least cost option for USACE Disposal Island, Oyster Survey for Mary's & Turtle Creek, second Coordination Meeting with Agencies and Conceptual Cost Estimate. Mr. Neal advised that the actual Construction Cost could reach \$2.5 - \$3.5 million which would be reduced by the cost sharing with Ocean Isle Beach and the award of State granting fund.

Consideration of Adoption of Veteran's Memorial MOU

COUNCILMAN LARKIN MADE A MOTION TO ADOPT THE VETERAN'S MEMORIAL MEMORANDUM OF UNDERSTANDING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Meeting Room Improvements Report

The Council briefly discussed the Council Chambers renovations and agreed that if the meetings are videoed and uploaded for computer access that renovations might not be needed. The Council briefly discussed updating the audio system for ADA compliance. This agenda item was tabled until video/audio pricing could be obtained.

Review of Planning Board Duties Concerning Plat Review

Councilman Cerrato questioned why the Council is not involved with the review and approval of plats, sight plans, and subdivision plats. The Council discussed the process that became a Planning Board responsibility when the UDO was adopted. Councilman Cerrato requested the Council to consider becoming involved in the major plat and plan review and approval process. The Council requested Councilman Cerrato to define major plat and plan reviews and to determine how other municipalities handle the review and approval process. The Council agreed to table for a future meeting.

Twin Lakes Restaurant Access Easement Concerns Discussion

Susan Parker, Town Administrator, reminded Council of the request from the Twin Lakes Restaurant owner for the Town to grant a 12' access easement in order for delivery and garbage trucks to use when accessing the back of the restaurant. The Council briefly discussed the parking area in front of the restaurant and restaurant patrons using the Park parking lot.

Annual Report Discussion for January Mailing

The Council discussed the Annual Report purpose and agreed to continue to distributing the Report as a four (4) page document written by Staff and reviewed by Council. The Annual Report is to contain narratives of events and accomplishments with directions to visit website for more information.

Consideration of Cancelling May 17, 2016 Budget Public Hearing due to Publishing Requirements

MAYOR PRO-TEM SCOTT MADE A MOTION TO CANCEL THE MAY 17, 2016 BUDGET PUBLIC HEARING DUE TO PUBLISHING REQUIREMENTS. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business

Consideration of Acceptance of the Planning Board Recommendation Concerning Proposed UDO Amendment for Article 5 Review Process Section 5.02 Proof of Ownership and Consideration of Scheduling a Public Hearing for June 6, 2016 at 7:00 pm

COUNCILMAN DEVITA MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION TO DENY THE UDO AMENDMENT FOR ARTICLE 5 PROOF OF OWNERSHIP. COUNCILMAN LARKIN SECONDED THE MOTION. MAYOR WATTS CALLED FOR DISCUSSION.

Councilman Cerrato questioned the legal opinion Attorney Richardson provided to the Planning Board members during their meeting on April 21, 2016 which resulted in the Planning Board recommendation to the Council to deny amending the UDO to require proof of ownership. Attorney Richardson enlightened the Council of his profession history and tract record concerning property ownership rights. Mr. Richardson provided Council with several case law examples including an opinion from Mr. Lovelady, Assistant Professor of Public Law and Government with the School of Government stating that the Town does not have the jurisdiction or authority to determine legal ownership. Mayor Pro-Tem Scott questioned if the application could be amended to include "Signature of Owner" or "Signature of the Agent of the Property Owner". Councilman Cerrato requested Council to table pending further research.

MAYOR WATTS CALLED FOR A VOTE. COUNCILMAN DEVITA, MAYOR PRO-TEM SCOTT AND COUNCILMAN LARKIN VOTED YES. COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Adoption of UDO Amendments for Article 11 Signs; Outdoor Advertising Structures to amend Section 11.03 (A) K, Section 11.08 (A) (11) and to add Section 11.08 (A) (12)

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENTS FOR ARTICLE 11 SIGNS; OUTDOOR ADVERTISING STRUCTURES TO AMEND SECTION 11.03 (A) K, TO REPEAL AND REPLACE SECTION 11.08 (A) (11) AND TO ADD SECTION 11.08 (A) (12). COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of the Planning Board Recommendation Concerning Proposed UDO Amendments for Article 6 Zoning Districts to amend Section 6.03 and to add Section 6.07, and Consideration of Scheduling Public Hearing for June 6, 2016 at 7:00 pm

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION CONCERNING PROPOSED AMENDMENTS FOR ARTICLE 6 ZONING DISTRICTS TO AMEND SECTION 6.03 AND TO ADD SECTION 6.07 AND TO SCHEDULE A PUBLIC HEARING FOR JUNE 6, 2016 AT 7:00 PM. COUNCILMAN DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Consideration of Acceptance of the Planning Board Recommendation Concerning Proposed UDO Amendment Article 2 General Regulations to Add Section 2.20 Maintenance of Docks, Piers and Bulkheads and to Schedule a Public Hearing for June 6, 2016 at 7:00 pm

COUNCILMAN DEVITA MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION CONCERNING PROPOSED AMENDMENTS FOR ARTICLE 2 GENERAL REGULATIONS TO ADD SECTION 2.20 MAINTENANCE OF DOCKS, PIERS, AND BULKHEADS AND TO SCHEDULE A PUBLIC HEARING FOR JUNE 6, 2016 AT 7:00 PM. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of the Planning Board Recommendation Concerning Proposed UDO Amendment to Appendix A Definitions to add Sand Dunes and Schedule a Public Hearing for June 6, 2016 at 7:00 pm

Councilman Cerrato requested answers to the following questions:

1. Does this prevent what occurred out at Palm Cove with the destruction of dunes?
2. Does this ordinance prevent any further destruction of the dunes?
3. Does it conflict with the Palm Cove agreement in anyway?
4. If they build other homes in the Palm Cove subdivision does this affect them?

Susan Parker, Town Administrator, will submit the questions to Attorney Richardson for answers.

COUNCILMAN BENTON MADE A MOTION TO TABLE THE PLANNING BOARD RECOMMENDATION CONCERNING PROPOSED AMENDMENT TO APPENDIX A DEFINITIONS TO ADD A SAND DUNES DEFINITION UNTIL ANSWERS TO COUNCILMAN CERRATO'S QUESTIONS CAN BE OBTAINED FROM ATTORNEY RICHARDSON. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Review upcoming Agenda Items and Identify New Agenda Items for May 17, 2016 Meeting

Council reviewed the upcoming Agenda Items and agreed to move the Chapter 51 and Board of Adjustment Appointment discussions to the June 6, 2016 agenda.

Public Comments

Ray Pukny 316 40th Street – Encouraged the Council to require proof of ownership prior to issuing permits.

Jan Harris 206 North Shore Drive – Encouraged the Council to require proof of ownership prior to issuing permits.

Nina Marable 502 North Shore Drive – Encouraged the Council to require proof of ownership prior to issuing permits; Requested Blaine Creek be added to the dredging area scope of work.

Dave Eastburn 424 32nd Street – Encouraged the Council to require proof of ownership prior to issuing permits.

Public Comments (Cont.)

Carol Santavicca 9109 Forest Drive – Encouraged the Council to take the advice of the Town Attorney and let the courts determine ownership if disputed.

Charles Nern 647 Oyster Bay Drive – Advised that if a conflict of interest exists with a member that member should excuse themselves from the discussion and voting.

David Hutnik 1135 Park Road – Reminded the Council of the upcoming Run Sunset Beach event on May 21, 2016 which is the largest road race in Brunswick County with over 1,500 runners expected from 40 different states along with 3,000 spectators.

Adjournment

COUNCILMAN DEVITA MADE A MOTION TO ADJOURN THE MAY 2, 2016 COUNCIL MEETING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Ron Watts, Mayor

Submitted by:

Lisa Anglin, Town Clerk

*The May 2, 2016 Meeting Minutes were approved by Council during the June 6, 2016 Meeting.