

**Town of Sunset Beach
Monthly Council
Work Session & Regular Meeting
May 6, 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; Donna Rogers, Finance Director; Cindi Stephenson, Deputy Finance Director; Kevin Dempsey, Fire Chief; Richard Childres, Assistant Fire Chief; Lisa Massey, Police Chief; Dustin Graham, Public Works 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.

Agenda Amendments

Mayor Cerrato requested the Council to add a Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with Attorney Isenberg; the Council agreed. Councilwoman Scott requested the Sewer Update be removed from the agenda and Gary Parker requested the URS Corporation request concerning the 2nd water line to the island be added to the agenda. The Council agreed with both requests. Mayor Pro-Tem DeVita requested the Council consider adding a discussion to begin the Town Administrator replacement process to the May 21st Work Session Agenda. The Council agreed.

Council Discussion

Beautification Committee

Thanks to the Beautification Committee for the plantings at the Gazebo area.

Bridge Fence

Council requested Staff to organize a meeting with Senator Rabon, Representative Iler, NC DOT, the appropriate Staff members and the Council to discuss the removal of the fence under the bridge.

Memorial Day Ceremony

Chief Massey advised that this year's Memorial Day service will include Retired Army Lieutenant Colonel Alano as the Key Note Speaker, the West Brunswick High School ROTC presenting the colors, Mr. Kevin Mulholland playing the bag pipes and the Boy Scouts laying the wreath.

Solar Trash Cans

Mayor Pro-Tem DeVita advised that NCDENR has awarded the Town a grant totaling \$8,200 to continue the solar trash can program.

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 Hearing – Streetscape Project

COUNCILWOMAN SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING.
COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Jean Hutchinson 436 6th Street – Expressed excitement about the Streetscape project and requested Council to remember to budget funding for the maintenance and upkeep of the area.

COUNCILWOMAN SCOTT MADE A MOTION TO CLOSE THE PUBLIC HEARING.
COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

Donald Moore 899 Sandpiper Bay Drive – Spoke in opposition of fracking and supports the Town’s efforts to oppose NC General Assembly bills that would approve fracking in North Carolina.

Richard Hilderman 407 37th Street – Also spoke in opposition of fracking and supports the Town’s efforts to oppose NC General Assembly bills that would approve fracking in North Carolina.

Consent Agenda Approval

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE FOLLOWING CONSENT AGENDA:

1. Minutes
 - a) April 1, 2013 Regular Meeting Minutes
 - b) April 16, 2013 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; Notified of completed 03/04/13
 - 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; Committee met 01/14/13, 01/28/13, 02/07/13, 02/20/13, 02/28/13, 03/13/13
 - f) Property Owners affected by Bike/Ped Walkway notified – 04/12/13

Consent Agenda Approval (Cont.)

- g) Asset Replacement Cost/Life Expectancy Schedule produced/updated & included in Capital Improvement Program –
- h) Planning Board Candidates notified by letter of interview dates – 04/10/13
- i) Resolution Opposing Legislation that Weakens NC Municipalities emailed to Reps Iler & Hamilton, Senator Rabon and all other members of the House and Senate – 04/17/13
- j) Resolution Requesting the Town of Sunset Beach be Added to House Bill 564 email to Rep. Iler – 04/16/13
- k) Sea Trail Encroachments Letter mailed to Sea Trail Corporation and Sea Trail Master Association – 04/17/13
- l) Pavement Resurfacing Project Contract executed – 04/02/13
- m) Gazebo Lane Construction & Pavement Contract executed – 04/02/13
- n) Inform Withers/Ravenel about Veteran’s Memorial proposal – 04/17/13; joint meeting setup -
- o) Emergency Management Representative Appointment and Designation of the NC Mutual Aid and Assistance Agreement Authorized Representatives provided to Brunswick County EMS – 04/18/13

4. Departmental Updates

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

Old Business

URS Corp. Request concerning 2nd Water Line to Island

COUNCILWOMAN SCOTT MADE A MOTION TO WAIVE ORDINANCE 94.02 (H) TO ALLOW URS CORPORATION TO WORK CONTINUOUSLY OVER A 24 TO 72 HOUR PERIOD FOR THE INSTALLATION OF THE HORIZONTAL DIRECTIONAL DRILL UNDER THE INTRACOASTAL WATERWAY IN CONNECTION WITH THE SUNSET BEACH WATER MAIN SECOND LINE TO THE ISLAND. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council requested Staff to contact Mr. Ronnie Holden (Twin Lakes Restaurant owner) and notify him of the pending right-of-way work near the restaurant concerning the island second water line installation.

Jaguars Lair Update

Councilwoman Joseph advised Council that the construction of pond #1 is complete and awaiting state certification; work on pond #2 is beginning. Councilwoman Joseph advised that property owners in Section 1 can now obtain building permits, construct a home and receive a certificate of occupancy (once Brunswick Electric connects power to the home). Councilwoman Joseph advised that the Negotiating Teams met on May 2, 2013 and agreed that an analysis of cost for Section 2 will be submitted by the next (Negotiating Teams) meeting scheduled for June.

New Business

Consideration of Selection of Facility Expansion Consultant and Authorization for Town Administrator to begin Negotiations with selected Consultant

The Council briefly discussed the three (3) firms that presented proposals during the April 16, 2013 Work Session to facilitate the Facility Expansion Project and the proposed methods in which the existing structure will be analyzed. Councilwoman Scott voiced strong opposition to this project.

COUNCILWOMAN JOSEPH MADE A MOTION TO AUTHORIZE THE TOWN ADMINISTRATOR TO NEGOTIATE WITH ADW ARCHITECTS FOR THE FACILITY EXPANSION PROJECT. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN WILLIAMS, COUNCILWOMAN JOSEPH AND COUNCILMAN SHERRILL VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Appointment of two (2) Regular Planning Board Members to fill un-expired terms of August, 2013 and Appointment of Alternate Regular Planning Board Member with Term Expiration of May, 2016

COUNCILWOMAN SCOTT MADE A MOTION TO APPOINT NOELLE KEHRBERG AND THOMAS VINCENZ AS REGULAR MEMBERS WITH TERM EXPIRATION DATES OF AUGUST, 2013 AND TO APPOINT LEONARD STEINER AS THE ALTERNATE REGULAR MEMBER WITH A TERM EXPIRATION OF MAY, 2016. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. COUNCILWOMAN SCOTT AND COUNCILMAN WILLIAMS VOTED YES. MAYOR PRO-TEM DEVITA, COUNCILMAN SHERRILL AND COUNCILWOMAN JOSEPH VOTED NO. THE MOTION FAILED.

COUNCILWOMAN SCOTT MADE A MOTION TO APPOINT THOMAS VINCENZ AS A REGULAR MEMBER WITH A TERM EXPIRATION DATE OF AUGUST, 2013. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO APPOINT NOELLE KEHRBERG AS A REGULAR MEMBER WITH A TERM EXPIRATION DATE OF AUGUST, 2013. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. COUNCILMAN SHERRILL, COUNCILWOMAN SCOTT AND COUNCILMAN WILLIAMS VOTED YES. COUNCILWOMAN JOSEPH AND MAYOR PRO-TEM DEVITA VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO APPOINT LEONARD STEINER AS AN ALTERNATE REGULAR MEMBER WITH A TERM EXPIRATION DATE OF MAY, 2016. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILWOMAN SCOTT, COUNCILMAN WILLIAMS AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILMAN SHERRILL VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Thomas Vincenz and Noelle Kehberg were appointed as Regular Members to fill the unexpired terms of August, 2013 and Mr. Leonard Steiner was appointed as the Alternate Regular Member with a term expiration of May, 2016.

New Business (Cont.)

Consideration of Approval of a North Carolina Domestic Violence Proclamation

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE NORTH CAROLINA DOMESTIC VIOLENCE PROCLAMATION. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of the Resolutions Opposing Senate Bill 76

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE RESOLUTION OPPOSING SENATE BILL 76 WHICH URGES THE GENERAL ASSEMBLY TO REJECT SENATE BILL 76 IN ITS ENTIRETY. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Presentation of the proposed 2013/2014 Budget; Establishment of the Budget Work Session Calendar; Schedule Budget Public Hearing and Adoption Date

Gary Parker presented the proposed 2013/2014 Budget, read the budget statement and thanked Donna Rogers, Finance Director and all department heads for their hard work in preparing this proposed budget. The Council discussed Budget Work Session dates and agreed to dedicate the May 21, 2013 scheduled Work Session to the Budget and to schedule a possible 2nd Work Session for May 28, 2013. The Council briefly discussed when to schedule the budget public hearing and final budget adoption meeting and reached a consensus to make that determination at the May 28, 2013 Budget Work Session.

Public Comments

Richard Hilderman 407 37th Street – Requested Council to reconsider decision to allocate space in the park for the Veteran’s Memorial.

Gordon Coulson 7385 Balmore Drive – Advised Council that the Veteran’s Memorial Committee is a non-profit organization that is privately funded and that the park site will not be disturbed until funding to complete the project is secured.

Eugene Steadman 4009 Shoreline Drive West – Spoke in favor of fracking and requested the Council to contact experts to hear both sides.

Linda Ruddick 1008 Park Road – Spoke in favor of the Veteran’s Memorial placement in the park but voiced concerns about the size, lighting, flags, etc.

Ron Watts 421 Shoreline Drive West – Advised Council that the Merchant’s Association had it first meeting and gathered approximately 25 businesses that are interested in becoming members.

Charles Nern 647 Oyster Bay Drive – Thanked the Council for considering him for the Planning Board vacancy.

Carol Santavicca 9109 Forest Drive – Thanked the Council for the unanimous vote against the fracking bill.

Michael Pyle 7426 Balmore Drive – Spoke in favor of the Veteran’s Memorial in the park.

Anita August 279 Heather Drive – Spoke in opposition of the Veteran’s Memorial being placed in the park.

John Misiaszek 611 Oyster Bay Drive – Spoke in opposition of the Veteran’s Memorial being placed in the park.

Closed Session

COUNCILWOMAN JOSEPH MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO CONSULT WITH THE TOWN ATTORNEY. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Closed Session (Cont.)

The Council met in Closed Session for approximately 10 minutes with no action taken.

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

Adjournment

COUNCILWOMAN JOSEPH MADE A MOTION TO ADJOURN THE MAY 6, 2013 COUNCIL MEETING. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Submitted by:

Richard Cerrato, Mayor

Lisa Anglin, Town Clerk

*The May 6, 2013 Minutes were approved during the June 3, 2013 Regular Council Meeting.