

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

**MINUTES**

**Members Present:** Mayor Robert Forrester, Mayor Pro-Tem Carol Scott, Councilman Peter Larkin, Councilman Mark Benton and Councilman Rich Cerrato

**Members absent:** Council Member Vacancy

**Attorney & Staff Present:** Susan Parker, Town Administrator; Bonnie Schwerd, Assistant Town Administrator; Kevin Dempsey, Fire Chief; Richard Childres, Deputy Fire Chief; Dustin Graham, Public Works Director; Joe Smith, Interim Police Chief; Allen Serkin, Planning Consultant (Cape Fear Council of Governments); Richard Hathcock, GIS/Planner and Lisa Anglin, Town Clerk

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

**Closed Session**

MAYOR PRO-TEM SCOTT MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY CONCERNING RIVERSIDE DRIVE, PALM COVE AND THE PENDING LITIGATIONS CONCERNING JAGUAR'S LAIR AND THE PROPERTY LOCATED ON THE WEST END OF THE ISLAND. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

COUNCILMAN LARKIN MADE A MOTION TO RETURN TO OPEN SESSION AND RECONVENE MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Mayor Forrester advised that during Closed Session, the Council received legal advice concerning Riverside Drive and Palm Cove, and received a legal update concerning the pending litigations with the developer of Jaguar's Lair and the property located at the west end of the island.

**Work Session**

Mayor Forrester called for agenda amendments and general discussions by the Council.

**Draft Agenda Review**

The Council made the following amendments to the agenda:

- Removed Item 5 – Town Council Vacancy Candidate Presentation
- Added New Business i – Discussion Concerning Re-scheduling the December 20<sup>th</sup> Meeting

**General Council Discussions**

Audio/Video – Mayor Pro-Tem Scott advised that the new audio and video system is being implemented during this meeting and thanked Councilman Benton for his assistance with obtaining the new audio and video system in the Chambers and Conference Room.

### **General Council Discussions (Cont.)**

GSATS – Councilman Larkin advised that a meeting will be held on Thursday updating the current highway projects and reviewing upcoming projects. Councilman Larkin advised that all GSATS meetings are open to the public and held at the Carolina Shores Town Hall.

2017 Community Meeting – Councilman Cerrato suggested establishing the date for a 2017 Community Meeting for general discussion with citizens.

Improving Communications – Councilman Larkin advised that several good ideas were gained from the candidate interviews. One suggestion was for each Councilmember to identify someone in a community to host an informal meeting in their home and allow residents to stop by and talk with the Councilmember individually.

### **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 BENTON MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

### **Town Event Announcements**

Mayor Forrester announced the following upcoming Town Event:

- Veteran’s Day Ceremony – November 11, 2016 at 1:00 pm at the Town Park
- Community Meeting – November 12, 2016 at 10:00 am at Sea Trail Jones/Byrd Clubhouse

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

None

### **Town Administrator Report**

Police Chief Search Update – Susan Parker, Town Administrator, advised that 80 resumes have been received and the deadline is November 18<sup>th</sup>. The interview panel is made up of area law enforcement members including Brunswick County Sheriff John Ingram and several police chiefs.

Permit Fees – Parker advised that Carey White, Chief Building Inspector, is reviewing the Sunset Creek Commons permit fees schedule for accuracy and it will be provided to Council soon.

Town Park – Parker advised that the revised drawing of the covered area is available for review.

### **Departmental Reports**

Police – Interim Police Chief Smith advised that the rate of break-ins has decreased with the perpetrators incarcerated. Smith advised that the detective division is investigating several cases of faked or forged pain medication prescriptions at area pharmacies and heroin related crimes.

Public Works – Dustin Graham, Public Works Director, advised that 8,099 cubic yards of debris have been removed. Graham advised that two (2) full crews are collecting debris but less than 50% has been removed. Crews are collecting loose vegetation first and will then collect bagged debris. The crews are now working in the Sea Trail, Sandpiper Bay and Cape Side communities. Graham advised that all of the beach access walkways except for the 10<sup>th</sup> Street walkway have been repaired and are open to the public.

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

Planning & Inspections – Richard Hathcock, GIS/Planner, reviewed the Planning and Inspections Report with the Council.

Fire – Fire Chief Dempsey advised that fire personnel are attending continuing education classes and completing training requirements. Dempsey advised that hydrant maintenance has been postponed due to the Brunswick County water restriction but reminded residents that when the hydrant maintenance resumes that some water discoloration could occur but will clear up as the water runs. Dempsey advised that the water restriction is in place due to a break in the 4' diameter water line that supplies raw water the Brunswick County Water plant.

Finance – Bonnie Schwerd, Assistant Town Administrator, reviewed the 09/30/16 Financial Report with the Council. Schwerd advised that the annual audit has not been completed but the Town was granted an extension until December 2016. Schwerd advised that the Town Facebook page has received 4,000 likes with the video of the causeway breach videoed by Dustin Graham during Hurricane Matthew going viral with more than two (2) million views.

## **Old Business**

### **Consideration of Appointment of Council Member**

Mayor Forrester thanked all of the candidates for their interest in serving and for their patience during the process. Mayor Forrester encouraged those not selected for the Council to get involved in other Town boards or committees. Mayor Pro-Tem Scott added that all of the candidates were excellent.

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPOINT JOHN CORBETT TO FILL THE COUNCIL VACANCY. MAYOR FORRESTER CALLED FOR DISCUSSION.

Councilman Cerrato disagreed with the motion/vote procedure used to appoint the Council vacancy, and stated that he is in favor of the nomination/vote procedure. Mayor Forrester advised that the Rules of Procedure adopted by Council during the October 3, 2016 Meeting outline the procedure used.

MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN BENTON AND COUNCILMAN CERRATO VOTED NO. COUNCILMAN LARKIN AND MAYOR PRO-TEM SCOTT VOTED YES RESULTING IN A TIE VOTE. MAYOR FORRESTER BROKE THE TIE AND VOTED YES. THE MOTION CARRIED BY MAJORITY VOTE.

Mayor Forrester advised that Mr. Corbett will be sworn in during the November 15, 2016.

### **Consideration of Acceptance of Planning Board Recommendation for Proposed UDO Amendment for Article 6 Sections 6.03 & 6.07 to Add the Gateway Overlay District and to Schedule a Public Hearing for December 5, 2016 at 7:00 pm**

Mayor Pro-Tem Scott questioned the types of business in the Exemptions List and requested time limitations be added to the Expansion of Existing Uses section.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION FOR THE PROPOSED UDO AMENDMENT FOR ARTICLE 6 SECTION 6.03 AND 6.07 TO ADD THE GATEWAY OVERLAY DISTRICT AND TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 5, 2016 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

**Old Business (Cont.)**

**Discussion Concerning the Street Light Acceptance Policy**

Councilman Larkin advised that the Council enacted a moratorium in January 2015, and requested Staff to draft an acceptance policy for Council consideration. Councilman Larkin advised that the Planning Board recently revised UDO Article 9 concerning street lights and encouraging dark sky lighting. Presently a resident can submit a request to Dustin Graham, Public Works Director, for placement consideration. Graham will research and determine if a street light is needed for safety, if so a recommendation is made to the Council. Councilman Larkin suggested to leave the procedure as is and to continue with the moratorium. The Council agreed.

**Consideration of Appointment of Environmental Resource Committee (ERC) Member**

Mayor Forrester advised that Sandy Payne and Gary Merritt were interviewed by the individual Council members for the two (2) positions available on the ERC.

COUNCILMAN LARKIN MADE A MOTION TO APPOINT SANDY PAYNE AND GARY MERRITT TO THE ENVIRONMENTAL RESOURCE COMMITTEE. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

**New Business**

**Consideration of Appointment of Bonita L. Bray as Finance Director**

Mayor Pro-Tem Scott stated that with the positions of Town Administrator, Assistant Town Administrator, Finance Director and Deputy Finance Director, she believes that the Town now has two (2) unnecessary positions and will therefore be voting against the appointment.

COUNCILMAN LARKIN MADE A MOTION TO APPOINT BONITA L. BRAY AS THE FINANCE DIRECTOR. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN LARKIN, COUNCILMAN BENTON AND COUNCILMAN CERRATO VOTED YES. MAYOR PRO-TEM SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

**Consideration of Authorization of Update of Financial Signatures List**

COUNCILMAN CERRATO MADE A MOTION TO UPDATE THE LIST OF AUTHORIZED SIGNERS FOR BANKING MATTERS TO ADD BONITA BRAY AND MAYOR ROBERT FORRESTER. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

**Consideration of Adoption of Storm Water Management Plan Budget Amendment**

Bonnie Bray, Finance Director, advised that \$10,000 was budgeted initially for the camera inspection of the pipes. The consultant has now determined the actual linear feet that needs to be inspected and additional funds totaling \$17,850 are needed.

COUNCILMAN LARKIN MADE A MOTION TO ADOPT THE STORM WATER MANAGEMENT PLAN BUDGET AMENDMENT OF \$17,850 FOR CAMERA INSPECTIONS OF ADDITIONAL LINEAR FEET OF PIPE. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN CERRATO AND COUNCILMAN LARKIN VOTED YES. COUNCILMAN BENTON VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

**New Business (Cont.)**

Consideration of Acceptance of Planning Board Recommendation for Proposed UDO Amendment for Article 7 Section 7.09 (B) Privacy Fences to Amend for Single Family Residential and to Schedule a Public Hearing for December 5, 2016 at 7:00 pm

Mayor Pro-Tem Scott requested the Planning Board to consider eliminating chain link fencing.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION FOR PROPOSED AMENDMENT FOR ARTICLE 7 SECTION 7.09 (B) AND TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 5, 2016 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY 4 – 0 VOTE.

Consideration of Acceptance of Planning Board Recommendation for Proposed UDO Amendment for Appendix A Definitions to Add Impervious Surface Definition and to Schedule a Public Hearing for December 5, 2016

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION FOR PROPOSED AMENDMENT FOR APPENDIX A DEFINITIONS AND TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 5, 2016 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY 4 – 0 VOTE.

Consideration of State Health Plan Insurance Coverage for Elected and Appointed Boards

COUNCILMAN LARKIN MADE A MOTION TO APPROVE ELECTED AND APPOINTED BOARD MEMBERS PARTICIPATION WITH THE STATE HEALTH PLAN INSURANCE COVERAGE WITH 100% OF THE PREMIUM TO BE PAID BY THE MEMBER. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 3 – 0 VOTE. COUNCILMAN BENTON ABSTAINED DUE TO A CONFLICT OF INTEREST.

Consideration of Resolution Designation of Applicant’s Agent for Hurricane Matthew Request for Public Assistance

COUNCILMAN BENTON MADE A MOTION TO APPROVE THE RESOLUTION DESIGNATION OF APPLICANT’S AGENT FOR HURRICANE MATTHEW PUBLIC ASSISTANCE REQUEST NAMING SUSAN PARKER AND BONITA BRAY. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Review upcoming Agenda Items and Identify New Agenda Items for November 15, 2016 Meeting

The Council added the following to the 11/15/16 Agenda:

- Council direction to ERC for research projects
- Administer Oath of Office to John Corbett
- Selection of the 2017 General Community Meeting Date
- Discussion of Town Park Rules and Uses Amendments

The Council added the following to the Disposition of Directives:

- Closed Session for Susan Parker Evaluation 12/19/16 Agenda

Discussion Concerning Rescheduling the December 20<sup>th</sup> Council Meeting

With Mayor Forrester and Councilman Cerrato unable to attend the December 20<sup>th</sup> Meeting, the Council reached a consensus to re-schedule the Meeting to December 19<sup>th</sup>.

**Public Comments**

Karen Joseph 915 Sandpiper Bay Drive – Encouraged Council to speak into the microphones, stated the public comment microphone is muffled; voiced opposition to offering insurance benefits to elected officials when considering to cut the benefits for employees; stated that tracking hours worked by elected officials is impossible.

Charles Nern 647 Oyster Bay Drive – Agreed with candidate chosen to fill the Council vacancy.

Jan Harris 206 Northshore Drive West – Agreed with offering insurance benefits to elected officials; thanked each Council member for their service to the Town.

Karim Mawji 403 Water Oak Wynd – Encouraged the Council to consider Joe Smith for Police Chief.

**Adjournment**

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADJOURN THE NOVEMBER 7, 2016 COUNCIL MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

**Town of Sunset Beach**

*Robert Forrester, Mayor*

Submitted by:

*Lisa Anglin, Town Clerk*

\*The November 7, 2016 Minutes were approved by the Town Council during the December 19, 2016 Meeting.