

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearing and Regular Meeting
October 3, 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; Dustin Graham, Public Works Director; Joe Smith, Assistant Police Chief; Wes MacLeod, Planning Consultant (Cape Fear Council of Governments) and Lisa Anglin, Town Clerk

Mayor Pro-Tem Scott called the Meeting to order at 6:00 pm.

Administer Mayoral Oath of Office

Town Clerk Lisa Anglin administered the Mayoral Oath of Office to Robert Forrester. Mayor Forrester joined the Council and took charge of the Meeting.

Closed Session

COUNCILMAN CERRATO 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. COUNCILMAN LARKIN SECONDED THE MOTION. 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. COUNCILMAN BENTON SECONDED THE MOTION. 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

Councilman Cerrato requested that Agenda Items 9d and 9c be switched as the Council discussion concerning the Council Member replacement procedure might need to be incorporated into the Council Rules of Procedures. The Council agreed.

General Council Discussions

Councilman Benton thanked the Sunset at Sunset Committee Members for a successful event.

Mayor Forrester announced that he will be in the office every Friday from 11:00 am through 12:00 noon to meet with citizens. Mayor Forrester advised that he attended a county-wide Mayor's Meeting last week with Sheriff John Ingram and District Attorney John David as the guest speakers who addressed the drug issues facing Brunswick County. Mayor Forrester advised that the Town has received a Pelican Award from the NC Coastal Federation for its efforts concerning offshore drilling.

Susan Parker, Town Administrator advised that Staff is preparing for the arrival of Hurricane Matthew and participating with Brunswick County Emergency Management Services on conference calls with state, local and federal organizations. A decision will be made by Wednesday to determine if the Community Meeting scheduled for Saturday, October 8, 2016 will need to be postponed.

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. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Public Hearing

Article 6 Zoning Districts, Section 6.04 Table of Permitted/Special Uses – to remove Private Community Centers from the Beach Business (BB1) Zoning District and Article 7 Supplemental Regulations, Section 7.11 Private Community Centers Subsection (C) – to remove the Exception

MAYOR PRO-TEM SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Mayor Forrester called for public comments.

Carol Santavicca 9109 Forest Drive – Encouraged the Council to determine a method for mainland communities within town limits to be allowed to purchase property and construct a community center on the island but to prohibit communities outside of town limits ability to purchase property and construct a community center.

No other comments were heard.

MAYOR PRO-TEM SCOTT MADE A MOTION TO CLOSE THE PUBLIC HEARING. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY 4 – 0 VOTE.

Town Event Announcements

Mayor Forrester announced the following upcoming Town Events:

- Community Meeting – October 8, 2016 at 10:00 am at Sea Trail Jones/Byrd Clubhouse
- Flu Shot Clinic – October 19, 2016 at Town Hall from 12:00 noon – 3:00 pm

Presentation of Plaque to Robert (Bob) Bobinski

Mayor Pro-Tem Scott presented Bob Bobinski with a plaque to honor his years of service to the Town and the ABC Board.

Sunset at Sunset Review

Karen Joseph, Committee Co-Chairperson thanked the Committee Members for making this, the 10th year of the festival, the best ever. Joseph advised that 127 vendors participated with this year's festival and the Committee was overwhelmed with the positive reviews the vendors wrote on their survey cards. Joseph advised that Mary Hughes was in charge of the marketing for this festival and was successful in securing an advertisement to promote the festival that was produced by ATMC and appeared 856 times over 32 channels. 1,000 rack cards were also distributed. Joseph advised that the festival was attended by record breaking crowds and food vendors reportedly ran out of food. Joseph advised that the festival brings many visitors to the area and promotes a positive image for the Town. Joseph thanked all of the Town Staff that participated with this year's festival.

Public Comments on Agenda Items Only

Charles Nern 647 Oyster Bay Drive – Thanked the Committee and the Town for a successful Sunset at Sunset; agreed that communities outside of town limits should not be allowed to have community centers on the island.

Town Administrator Report

Hurricane Matthew – Susan Parker, Town Administrator, encouraged all resident to obtain their re-entry passes from Town Hall as soon as possible, and to sign up on the Town website to receive e-alert emails during the storm.

FEMA CAV Meeting – Parker advised that the FEMA CAV Meeting went well.

Community Meeting – Parker advised that a decision with regard to postponement of the Community Meeting scheduled for Saturday, October 8th will be made soon.

Finance Director – Parker advised that Ms. Bonita Bray has been hired as the new Finance Director and she is scheduled to start on October 24, 2016.

Emergency Management Service Operations Manager – Parker advised that the Public Safety Sector was shocked to learn of the sudden passing of Emergency Management Service Operations Manager, Mark Gore on Saturday and our thoughts and prayers are with his family and friends.

Departmental Reports

Police – Assistant Chief Smith advised that all of the recent break-in cases in the Seaside area and on the Island have been solved. Smith advised that the Department of Criminal Justice has completed an audit of the police department and reported the department to be in 100% compliance with all rules and regulations.

Public Works – Dustin Graham, Public Works Director, advised that the Town is currently accepting applications for the discounted rate Recycling Program; the deadline to sign up is October 21st. Graham advised that the executed paving contract has been received. Graham advised that Staff is in the process of removing the bathrooms and trash cans from the island, the pole banners, the swings and benches from the Park in preparation for Hurricane Matthew.

Departmental Reports (Cont.)

Planning & Inspections – No report.

Fire – No report.

Finance – Bonnie Schwerd, Assistant Town Administrator, advised that the Auditors were in the office on September 21st and 22nd, and will be returning next week to finalize their review. Schwerd reported that the sale of the surplus vehicles and equipment has provided \$10,000 to the general fund. Schwerd advised that Deputy Finance Director, Lori Frye, attended the State Finance Officers Conference and has returned with valuable information.

Old Business

Discussion and Consideration of Agreement Amendment Concerning Jinks Creek Oyster Survey

Robert Neil, Consultant with Moffatt and Nichols, reviewed the Shoreline Management and Pre-Dredging Analysis Project Path approved by Council to include:

- Phase One - Feasibility Study (completed) - Included the 1st Meeting with the Resource Agencies to present the conceptual project and identify environmental concerns. Followed by the Consultant, based on the agency comments, provide a path forward including a cost estimate through permitting to the Town.
- Phase Two - Design (in process) – Provide a proposed Project Design to the Resource Agencies during a 2nd Meeting for input; conduct field investigations (Oyster Survey) in Mary’s and Turtle Creek and estimate construction costs for review by the Town Council.
- Phase Three - Environmental Permitting – Evaluate the Project’s environmental effects and obtain state and federal permitting.
- Phase Four - Construction
- Phase Five - Monitoring

Mr. Neil advised that Phase One and Two are currently budgeted. Mr. Neil advised that only Mary’s and Turtle’s Creeks are scheduled for an oyster survey at this point. The Resource Agencies didn’t request an oyster survey be conducted in Jinks Creek during the Phase One Meeting, therefore a survey has not been included. However, the Council can request an oyster survey of Jinks Creek if it chooses. Mr. Neil provide cost options (neither presently budgeted) to the Council, noting that both options qualify for cost sharing under the Water Resource Development Grant as follows:

- State Approve Protocols \$207,000
- Presence/Absence \$22,000

Mr. Neil recommends the Jinks Creek Oyster Survey be conducted after the design has been reviewed by the Town and the Resource Agencies. This will allow the establishment of a definitive scope and survey area as well as the ability to confirm the need with the Resource Agencies at the 2nd Meeting.

Environmental Resources Committee Presentation (ERC)

Richard Hilderman, ERC Member, presented a power-point developed by the ERC concerning the proposed 2016 Shoreline Management and Pre-Dredging Project. Mr. Hilderman described six (6)

Old Business (Cont.)

Environmental Resources Committee Presentation (ERC) (Cont.)

proposed dredging sites, four (4) are maintenance totaling 1.8 miles and two (2) are new totaling 1.7 miles. The Committee agreed that the South section of Jinks Creek is desirable for dredging, but not the North section as the Committee believes that the banks are considered a primary nursery area. Mr. Hilderman reviewed slides of oyster beds located within Jinks Creek. The Committee expressed belief that dredging will stir up pollutants and fine sediments; redistribute them throughout the marsh areas; and that shell bottom habitats might be damaged by navigational dredging.

Discussion Concerning Council Member Replacement Procedure

COUNCILMAN CERRATO MADE A MOTION TO DISCONTINUE THE PRACTICE OF COUNCIL CONDUCTING PRIVATE INTERVIEWS OF CANDIDATES FOR COUNCIL VACANCIES, BOARDS OR COMMITTEES POSITIONS AND FOR INTERVIEWS TO CONDUCTED ONLY IN PUBLIC. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR FORRESTER CALLED FOR DISCUSSION.

Mayor Pro-Tem Scott spoke in favor of conducting private interviews with candidates in addition to public interviews. Councilman Benton stated that all questions should be asked in public thereby eliminating the need for private interviews. Councilman Larkin agreed with both but believes that answers might be different if questions are asked in public or private. Mayor Forrester also agreed but does recognize the public perception of private interviews. Councilman Cerrato advised that selecting a public official, Mayor or Council Member, is different that selecting a committee member as the public official serves the taxpayers.

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

The Council briefly discussed the procedure that will be used when filling a Mayor or Council vacancy as follows:

- Advertise Vacancy
- Request the public to submit up to 3 written questions for Council consideration
- Private interviews with individual Council members
- Public Forum for Candidate to speak of themselves and answer questions from the Council.

Consideration of Adoption of the Rules of Procedures

COUNCILMAN BENTON MADE A MOTION TO ADOPT THE PROPOSED RULES OF PROCEDURES AS PRESENTED. MAYOR PRO-TEM SCOTT SECONDED THE MOTION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY 4 – 0 VOTE.

Audio/Video Equipment Installation and Program Implementation Timeline

Councilman Benton advised that the purchase order has been issued and the equipment has been ordered.

Old Business (Cont.)

Consideration of Adoption of the Proposed UDO Amendments for Council Article 6 Section 6.04 Table of Permitted Uses and Article 7 Supplemental Regulations, Section 7.11 (C) Concerning Private Community Centers

The Council briefly discussed how to restrict communities outside of town limits from constructing community centers on the island while allowing communities within the town limits to construct a community center. The Council reached a consensus to adopt the proposed amendment and submit the question to the Town Attorney for his opinion.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE UDO AMENDMENT FOR ARTICLE 6 SECTION 6.04 AND ARTICLE 7 SECTION 7.11 (C) TO REMOVE COMMUNITY CENTERS FROM THE BB-1 ZONING DISTRICT AND THE EXCEPTION THAT ALLOW THEM OUTSIDE OF COMMUNITY. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Consideration of Approval of BOEM Letter and Resolution Opposing Issuance of Wind Energy Leases within 24 Nautical Miles of North Carolina’s Shores

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE LETTER AND RESOLUTION TO BOEM REINFORCING THE TOWN OPPOSITION OF ISSUANCE OF WIND ENERGY LEASES WITHIN 24 NAUTICAL MILES OF NORTH CAROLINA’S SHORES. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY 4 – 0 VOTE.

Consideration of Establishing the initial Term Limit Date for Each Environmental Resource Committee Member and Motion to Increase Membership to five (5)

MAYOR PRO-TEM SCOTT MADE A MOTION TO ESTABLISH THE INITIAL TERM LIMIT DATE FOR EACH ENVIRONMENTAL RESOURCE COMMITTEE MEMBER AS FOLLOWS:

- Richard Hilderman One (1) Year Term
- Jan Harris Two (2) Year Term
- Vacant Position One (1) Year Term (Previously held by Taylor Burkett)
- Neil Gilbert Three (3) Year Term
- Vacant Position Two (2) Year Term

AND TO INCREASE THE COMMITTEE MEMBERSHIP TO FIVE (5). COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

The Council requested the vacant positions on the Environmental Resource Committee to be advertised.

Councilman Cerrato questioned why term limits were being established for the ERC. The Council advised that staggered terms were needed to ensure continuation of membership in any given year.

New Business

Consideration of Appointment of Mayor Forrester as the Cape Fear Council of Governments Representative

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPOINT MAYOR FORRESTER AS THE TOWN REPRESENTATIVE TO THE CAPE FEAR COUNCIL OF GOVERNMENTS. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

Consideration of Adoption of Resolution for Surplus Vehicles

Bonnie Schwerd, Assistant Town Administrator, advised that these vehicles were omitted from the prior Surplus Vehicles and Equipment Resolution in error.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE RESOLUTION FOR SURPLUS VEHICLES AS PRESENTED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY 4 – 0 VOTE.

Discussion Concerning Police Chief Search

The Council and Susan Parker, Town Administrator, reviewed the proposed police chief position notice. Parker advised the notice will appear in the newspaper, with the national Police Chief's Association and on other media outlet utilized by law enforcement for recruitment with a November 11, 2016 deadline. The finalist will be required to submit to an online behavior test and to medical/ psychological evaluations. A professional interview panel consisting of area police chiefs, detectives, sergeants, and the Sheriff is presently being organized. The Council reached a consensus to add Mayor Forrester to the interview panel and to approve the notice.

Consideration of Appointment of Council Member to Serve on GSATS TCC Susan Parker

The Council agreed to delay the appointment until the Council vacancy is filled.

Review upcoming Agenda Items and Identify New Agenda Items Council for October 18, 2016 Meeting

The Council reviewed the Disposition of Directives and made the following amendments:

- Moved the Planning Board Recommendation concerning Privacy Fences for Subdivisions to a December agenda
- Moved the Street Light Acceptance Policy to the October 18, 2016 agenda
- Added a Discussion concerning qualifications criteria for Committee Appointments to the December 20, 2016 agenda
- Added Police Chief Recruitment Update to the November 7, 2016 agenda
- Added Consideration of Health Insurance for Councilmembers to the November 7, 2016 agenda
- Added the Park Gazebo discussion to the December 5, 2016 agenda.

Public Comments

Jan Harris 206 North Shore Drive West – Questioned why the ERC Presentation that was presented to the public during the 09/07/16 ERC Meeting has not been placed on the Town website. Ms. Harris was advised that now that the presentation has been formally presented to the Council it will be placed on the website.

Public Comments (Cont.)

Betty Oakes 412 Cobia Street – Encouraged the Council to consider Assistant Police Chief Joe Smith for the position of Chief.

Donna Piatek 448 Egret Drive – Advised that the Sunset at Sunset Committee Members are an amazing group that work well together to plan and execute a great festival.

Karen Joseph 915 Sandpiper Bay Drive – Advised that Council has hired a dredging Consultant and he needs to be allowed to do his job; suggested the community Points of Contact be informed about vacancies for distribution throughout the respective communities.

Carol Santavicca 9109 Forest Drive – Questioned if Council members were able to talk with each other regarding what they learned during the private interviews.

Adjournment

COUNCILMAN CERRATO MADE A MOTION TO ADJOURN THE OCTOBER 3, 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 October 3, 2016 Minutes were approved by the Town Council during the December 5, 2016 Meeting.