

**Town of Sunset Beach
Monthly Council
Work Session & Regular Meeting
October 7, 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; Lisa Massey, Police Chief; Dustin Graham, Public Works Director; Sandy Wood, Building Inspections Department 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.

Gary Parker read a prepared statement in response to a request made by Mayor Cerrato during the September 9, 2013 Regular Meeting concerning the financial condition of the Town.

Agenda Amendments

The following items were added to the agenda:

- Consideration of Approval for letter to Brunswick County Commissioners Requesting Determination as to the willingness of Brunswick County to Assume the Responsibilities for Jaguars Lair
- Discussion Concerning the Brunswick County Sales Tax Distribution Committee and Consideration of Town Sending Letter or Resolution of Position
- Closed Session To Consult with Town Attorney pursuant to NCGS 143-318.11 (a) (3) regarding Jaguar's Lair in order to preserve the attorney-client privilege
- Consideration of Letter to NCDOT Concerning Sign Placement Under Bridge

**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 Comments

Monty Simpson 490 Dunieth Street Calabash – Encouraged the Council to pursue discussion with the Brunswick County Commissioners to relinquish responsibility of Jaguars Lair to the County.

John Corbett 423 Sailfish Drive – Encouraged the Council to approve the construction of the Park development Stage One; advised Council that the Veterans Memorial Committee is busy getting donations for the bricks and that their website www.sbvets.org is now up and running.

Charles Nern 647 Oyster Bay Drive – Expressed compassion for the property owners of Jaguars Lair.

Consent Agenda Approval

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

1. Departmental Reports:
 - a) Police
 - b) Public Works
 - c) Building Inspections
 - d) Fire
2. 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 – Committee is working on Time Capsule information and will meet when necessary to plan the March 26, 2014 Capsule dedication/sealing ceremony
 - f) Asset Replacement Cost/Life Expectancy Schedule produced/updated & included in Capital Improvement Program – In process to be ready for Annual Retreat
 - g) Rip Current pamphlets & Holders ordered – 08/15/13; Delivered to merchants -
 - h) Preparation of a Resolution Requesting NC General Assembly to Consider Good Samaritan Legislation for Municipalities – In process
 - i) Fee Supported Canal Dredging/Maintenance District Resolution – In process
 - j) Streetscape Hardscape & Landscape RFP Re-Advertised in the Star News – 09/03/13
 - k) Beach Topics List Distributed to Council – 09/06/13
 - l) Biggert Waters Flood Insurance Resolution mailed – 09/17/13
 - m) NCDOT Letter requesting investigation of Shoreline Dr. W/Beach Dr. Intersection for additional signage mailed – 09/18/13
 - n) Hoover Studios agreement signed – 09/13/13
 - o) Bridge Fencing Encroachment Agreement signed and mailed – 09/17/13
 - p) Ordinance 93.02 being re-written to include authorization to bill for clearing – in process
 - q) Streetscape Hardscape & Landscape Contracts awarded – 10/03/13

Consent Agenda Approval (Cont.)

- r) Jinks Creek Dredging Project Contract awarded –
 - s) Tree Removal Project Contract awarded – 09/25/13
 - t) Beach Topics – Discussed 09/24/13; Staff given research directions – discussion will continue 10/15/13
3. Departmental Updates

COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business

Jaguars Lair Update

Councilwoman Joseph advised that during the September 11, 2013 Work Session, the Council discussed, in the open meeting, the proposed Subdivision Improvements Agreement provided to Council during the September 9, 2013 Regular meeting. The Council also met in Closed Session during the September 11, 2013 Work Session and asked questions and received advice from the Town Attorney regarding the Jaguars Lair Agreement as proposed and gave instruction to the Town Attorney and Negotiating Team. Councilwoman Joseph advised that the Negotiating Team and Town Attorney Isenberg met with representatives of Coastal Communities to discuss the Council's rejection of the proposal submitted for the September 11, 2013 Work Session. Councilwoman Joseph advised that Coastal Communities has submitted a revised proposal that the Council will review and discuss in the Closed Session to be held later during this meeting.

Consideration of Authorizing Withers and Ravenel to Advertise for Construction Bids for Park Development Stage One

Jennifer Wagner and Jeff Thompson, Withers & Ravenel Representatives, presented the Park Development Stage One to the Council and audience advising that Stage One includes the construction of the parking area (30 spaces) and walking trails only. Stage Two will include the installation/construction of the restroom facilities and other site amenities installation. Pervious material for both the parking area (examples provided) and the trails is required for the exemption status of the state stormwater. The PARTF Matching Grant contract has been executed by the Town, the grant totals \$418,000. The CAMA Minor Permit application has been approved. Ms. Wagner advised the tree removal cost was not included in the park development plan and that the 15 trees are not being removed for the construction of the parking area or trails but are being removed based on the arborists recommendation because the trees are either diseased or dead. Councilwoman Scott expressed that she would rather see a tree die of natural death than see it removed because someone says it is sickly but as an attorney she is concerned about liability and because we have now been advised that the trees are sickly she is really concerned about the liability if the trees are not removed so as an attorney she has to listen to the arborist. The Council briefly discussed extending the existing bulkhead and relocating the pier, both of which are not included in the Park Development project but the majority of Council has expressed should be done for safety reasons and erosion control. Councilwoman Scott advised that she agrees with the pervious pavers for the parking area and the permatrek boardwalk material but she is opposed to 8' wide boardwalks as she is not convinced that 5' wide trails wouldn't be acceptable and for that reason she is unable to vote in favor of the motion.

Old Business (Cont.)

Consideration of Authorizing Withers and Ravenel to Advertise for Construction Bids for Park Development Stage One (Cont.)

COUNCILWOMAN JOSEPH MADE A MOTION TO AUTHORIZE WITHERS AND RAVENEL TO PROCEED WITH THE BID DOCUMENTS FOR PARK DEVELOPMENT STAGE ONE INCLUDING THE PERMATREK MATERIAL FOR THE BOARDWALK, PERVIOUS PAVERS FOR THE PARKING AREA TOTALING 30 SPACES AND SITE PREPARATIONS. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. COUNCILMAN SHERRILL, COUNCILWOMAN JOSEPH, MAYOR PRO-TEM DEVITA AND COUNCILMAN WILLIAMS VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Approval for letter to Brunswick County Commissioners Requesting Determination as to the willingness of Brunswick County to Assume the Responsibilities for Jaguars Lair

Mayor Pro-Tem DeVita advised that the letter received from the Brunswick County Commissioners concerning Jaguars Lair stated that the Commissioners need a formal request from the Council before they can consider taking over the jurisdiction of the Jaguar's Lair land area and all rights and responsibilities in regard to the bonds.

MAYOR PRO-TEM DEVITA MADE A MOTION TO SEND A LETTER TO THE BRUNSWICK COUNTY COMMISSIONERS REQUESTING THEIR CONSIDERATION OF THE COUNTY TAKING OVER THE JURISDICTION OF THE JAGUARS LAIR LAND AREA AND ALL RIGHTS AND RESPONSIBILITIES IN REGARD TO THE BONDS. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. COUNCILMAN SHERRILL, COUNCILWOMAN SCOTT, COUNCILMAN WILLIAMS AND MAYOR PRO-TEM DEVITA VOTED YES. COUNCILWOMAN JOSEPH VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

New Business

Consideration of Approval of the Police Mutual Aid Agreement Between Ocean Isle Beach and Sunset Beach

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE MUTUAL AID AGREEMENT BETWEEN OCEAN ISLE BEACH AND SUNSET BEACH. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Naming the Bird Walk in Honor of Former Councilman Carl Bazemore, Erecting a Plaque and Appropriation of funds for the Plaque Purchase

Councilman Williams requested the Council table this item until more information could be obtained. The Council agreed.

Appointment Consideration for the ABC Board

COUNCILWOMAN SCOTT MADE A MOTION TO APPOINT BOB BOBINSKI TO THE ABC BOARD WITH A TERM EXPIRATION DATE OF OCTOBER 2016. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Authorization for Clerk to Advertise Position on Fireman Relief Fund Board

COUNCILWOMAN SCOTT MADE A MOTION TO AUTHORIZE THE CLERK TO ADVERTISE THE POSITION ON THE FIREMAN RELIEF FUND BOARD. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of Resolution Proposing the Closing of Unopened Road Portion of Oyster Bay Road Right of Way and Scheduling Public Hearing for December 2, 2013 at 7:00 pm

The Council discussed a request from the Sea Trail Masters Association to close the unopened road portion of Oyster Bay Road.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE RESOLUTION AND TO REQUEST A SURVEY OF THE PORTION OF OYSTER BAY ROADWAY TO BE CLOSED AND TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 2, 2013 AT 7:00 PM. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning the Brunswick County Sales Tax Distribution Committee and Consideration of Town Sending Letter or Resolution of Position

The Council discussed a newly formed Brunswick County Sales Tax Distribution Committee to research various methods of distributing sales tax to the municipalities. Mayor Pro-Tem DeVita advised that the ad valorem tax method would result in a loss of sales tax revenue for the Town and suggested the Council send a letter or resolution stating our position to the Committee and the County Commissioners. The Council agreed to place this item on the October 15, 2013 Work Session agenda.

Consideration of Letter to NCDOT Concerning Sign Placement Under Bridge

Councilwoman Joseph advised Council that NCDOT has been stopped from installing seven (7) signs, concerning the rain lilies, under the bridge as the Town had not been properly notified.

COUNCILWOMAN JOSEPH MADE A MOTION TO ADVISE NCDOT THAT THE TOWN IS IN AGREEMENT FOR TWO (2) SIGNS CONCERNING THE RAIN LILIES TO BE INSTALLED UNDER THE BRIDGE INSIDE THE FENCED AREA AND TO WORK WITH DUSTIN GRAHAM, PUBLIC WORKS DIRECTOR, REGARDING THE SIGN PLACEMENT. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

Dian Robbins 597 Coach Trail – Thanked Gary Parker for the financial information distributed during this meeting.

Karen Dombrowski 719 Fairway Drive – Thanked the Town and the Sunset at Sunset Celebration Committee for another successful event which brought citizens, visitors, non-profits agencies, civic groups, vendors, 130 runners for the 5K run, Town staff, the Council and numerous others together for a day of celebration but questioned why Mayor Cerrato was not present.

Public Comments (Cont.)

Tom Goldsmith 7403 Balmore Drive – Thanked the Police and Fire Department Staff for attending recent Community POA meetings to give out information and answer questions.

Clint Dunlop 950 Oyster Pointe Drive – Thanked the Council for recent projects and events such as the birdwalk, the summer concert series, Sunset at Sunset and its committee members, the beach walkway and gazebo improvements, the park project and the streetscape project.

Fred Thorne – Thanked the Council for sponsoring the summer concert series along with 42 other area businesses and advised that 15 charities participated and raised over \$15,000.

Lomie Lou Cooke 6382 Mazelle Trail – Thanked the former and present Council members for the years and hours spent making the Town what it is today.

Ron Watts 419 Shoreline Drive West – Advised that the MS Breakaway to the Beach event which presently ends in the Town is considering making Sunset Beach the beginning and the end for the event.

Ed Gore 435 Shoreline Drive West – Thanked the former and present Council members for the years and hours spent making the Town what it is today.

Charles Nern 647 Oyster Bay Drive – Thanked the Fire Department staff for hosting tours of their facilities.

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 REGARDING JAGUAR’S LAIR IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE AND TO REVIEW THE RESUMES AND CONSIDER THE QUALIFICATIONS AND FITNESS OF THE APPLICANTS FOR THE TOWN ADMINISTRATOR POSITION PURSUANT TO NCGS 143-318.11 (a) (6). 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. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council asked questions and received advice from the Town Attorney regarding the Jaguars Lair Agreement as proposed and gave instruction to the Town Attorney and Negotiating Team concerning Jaguars Lair. The Town Council continued to discuss the Town Administrator resumes.

Adjournment

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADJOURN THE OCTOBER 7, 2013 COUNCIL MEETING. COUNCILWOMAN SCOTT 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 October 7, 2013 Regular Meeting minutes were approved by Council during the November 4, 2013 Regular Meeting.