

**Town of Sunset Beach  
Monthly Council  
Work Session and Regular Meeting  
April 2, 2012**

**MINUTES**

**Members Present:** Mayor Richard Cerrato, Mayor Pro-Tem Lou DeVita, Councilman Mike Williams, Councilwoman Karen Joseph, Councilwoman Carol Scott, and Councilman Wilson Sherrill.

**Members absent:** None

**Attorney & Staff Present:** Gary Parker, Town Administrator; Mike Isenberg, Town Attorney; Kevin Dempsey, Assistant Fire Chief; Lisa Massey, Police Chief; Sandy Wood, Building Inspector; Dustin Graham, Public Works Director; Donna Rogers, Finance 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**

Gary Parker requested Council to add New Business Item K. Consideration of Adoption of a Resolution to NC DOT concerning the Bridge Landscaping; Council agreed.

**Council Discussion**

The Council thanked the Public Works Department for a job well done on the crossover sections of the walkways. Councilwoman Joseph thanked Ed Gore for the donation of the Shoreline Drive easements near the lakes. Mayor Cerrato requested an update on the handicapped parking spaces in the rear of Town Hall, when the hearing aid devices will be delivered, the whistle blower policy and the preparation of a Memorial Day service. Gary Parker advised that two (2) handicapped spaces will be installed and that the hearing aid devices have been ordered. Councilman Sherrill advised that the whistle blower policy will be sent to the Council next week. The Council discussed a Memorial Day service and reached a consensus to discuss further at the April 17<sup>th</sup> Work Session.

**Sewer System**

Councilwoman Scott advised that the island sewer system is now being tested and it is expected to be operational on April 16, 2012. The mainland sewer system is expected to be completed in mid-to-late June. The Island Pump Station will be open to the public from 2 pm – 4 pm on Saturday, April 14, 2012 and guided tours will be given. Residents will receive a letter from the County advising that the connection fee will be waived for a period of one (1) year from the date of the letter. Councilman Sherrill advised that some mainland residents have received the letter, but the County has not completed the installation of the control box and the alarm thus the resident is unable to connect. Councilwoman Scott will contact the County to determine what can be done about this issue and if the letters can be dated the same.

**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.

**Public Comments**

Patrick Flanagan, Cabana Ana's Owner – Spoke in regard to potential Council regulations concerning tents on the beach strand.

Bill Ducker, Chairman of the Bird Island Preservation Society & Hope Sutton, NC Coastal Reserve & National Estuarine Research Reserve Stewardship Coordinator & Southern Sites Manager – Spoke to the Council about the Society request to place a Bird Island educational sign in the Gazebo lot; advised that the Society is not requesting funding of any kind from the Town just permission to erect the sign.

**Consent Agenda Approval**

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE FOLLOWING CONSENT AGENDA AS PRESENTED.

1. February 21, 2012 Retreat Meeting Minutes
2. March 5, 2012 Regular Meeting Minutes
3. March 20, 2012 Work Session Minutes
4. Departmental Reports:
  - a) Police
  - b) Public Works
  - c) Building Inspections
  - d) Fire
5. 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; Works Began – 03/14/12
  - e) Crossover Walkway repairs began 11/16/11 – 1302 Completed 12/21/11; 6<sup>th</sup> St Completed 01/20/12; 4<sup>th</sup> St Completed 02/07/12; 5<sup>th</sup> St Completed 02/20/12, 7<sup>th</sup> St Completed 02/27/12; 9<sup>th</sup> St. completed 03/09/12
  - f) Park RFP mailed to 3 finalist – 02/15/12; Interviews set for 04/17/12
  - g) Gazebo Bathrooms ordered – 01/25/12, to be delivered 04/09/12
  - h) Sewer System Open House Set By BCPU for 04/14/12 from 2 pm - 4 pm
  - i) FS#2 Dedication - Started planning 02/28/12; Invitations mailed 03/08/12
  - j) Ordinance 50.03 prepared for Municode – 01/24/12
  - k) Request letter mailed to NC DOT concerning repaving of Main St. – 02/28/12; Received  
NC DOT acknowledgement letter – 03/05/12
  - l) Implement island-wide parallel parking only & erect signs at the island entrance and both directions on North Shore Drive and Main St – Signs ordered 02/22/12

**Consent Agenda Approval (Cont.)**

- m) Set up Meeting with NC DOT for Bridge Landscaping Plan approval and funding – Meeting set for 02/27/12 and held; DOT in process of defining project area for landscaping
  - n) Planning Board ETJ Member Position Advertised in Brunswick Beacon – 01/25/12  
Interview setup for 6:15 pm on 02/06/12; Council interviewed 02/06/12, Council recommends  
Appointment of Sybil Kesterson for Planning Board to BC Commissioners - 02/13/12; Resolution mailed to BC Commissioners – 02/16/12; BC Commissioners appoints - 03-05-12
  - o) Sick Leave Bank Policy given to staff for input – 03/08/12; staff input received – 03/22/12
  - p) Beach Patrol ad in Beacon & website – 03/15/12
  - q) Personnel Policy amendments completed – Waiting for Sick Bank Policy Decision
  - r) Parking Engineer RFQ advertised in Beacon & website- 03/15/12
  - s) Notice concerning donated boat to Grissetown VFD put in Beacon – 03/15/12
  - t) Auditor Contract signed and mailed – 03/20/12
  - u) Fire Chief Consulting Agreement signed – 03/15/12
  - v) Landscaping RFP drafted and submitted to Council – 03/26/12
  - w) Vacant Lot Letters mailed – 03/22/12
  - x) Fire Department Interviews set for 04/11/12 – 03/23/12
  - y) Fire Department Applicant rejection letters mailed – 03/22/12
6. Departmental Updates – None Reported

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

**Old Business**

**Consideration of Community Meeting Dates Selection**

Councilwoman Joseph advised that Sandpiper Bay will host a meeting with residents from within their community at no charge; Sandpiper Bay will host a meeting with non-community residents with a refundable deposit. Sandpiper Bay facilities can accommodate 100 people. Councilman Sherrill advised that the Seaside POA building is available and can accommodate 100 people; July and/or August meetings in the Seaside community would generate the most citizen participation. Mayor Pro-Tem DeVita advised that Sea Trail (Pink Palace) will only accommodate their residents; the conference center could be rented to host a meeting for non-Sea Trail residents. The Council reached a consensus to hold both daytime and nighttime meetings, to schedule the meeting dates for July, August, and September and as close together as possible. Mayor Cerrato objected to the meetings being held prior to elections and suggested holding the meetings in the spring. Councilwoman Joseph and Councilman Sherrill will provide the Community Events Calendars to the Council for date selections.

**Consideration of Approval of Landscaping RFP**

The Council reviewed the Draft Landscaping RFP provided and added the following to the Scope of Work section:

- Mow and Edge the Town Hall grounds and the sign area at the ABC Store.
- Lawn weed control and nutrient replacement as required.

**Old Business (Cont.)**

Consideration of Approval of Landscaping RFP (Cont.)

- Clear driveways, sidewalks and parking lot at Town Hall of leaves, litter and debris
- Contractor will remove all grass clippings, shrub trimmings, weeds and leaves accumulated as the result of performing the service.

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE LANDSCAPING RFP AS AMENDED. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council thanked the Public Works Department and the Beautification Committee for their work to improve the appearance of the grounds at Town Hall.

Consideration of Appointment of an Interim Fire Chief

COUNCILWOMAN SCOTT MADE A MOTION TO APPOINT ASSISTANT FIRE CHIEF KEVIN DEMPSEY AS INTERIM FIRE CHIEF. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of the Sick Leave Bank Policy

Gary Parker advised that the Sick Leave Bank Policy was distributed to the employees for feedback as directed by Council and that the majority of the employee responses to the policy as written were unfavorable and little participation would result. The Council reached a consensus not to adopt the policy.

Establishment of the Dental & Vision Policy Change Effective Date

Gary Parker reminded the Council that during the March 5, 2012 Meeting an amendment was made to the Personnel Policy allowing retirees to remain on the Town's Dental and Vision Insurance Policy by the retiree paying 100% of the premium; however an effective date was not determined. The Council and Attorney Isenberg discussed the rights of those employees whose benefits are vested and Council determined that consideration was also due to those with over 10 year of service to the Town.

COUNCILWOMAN SCOTT MADE A MOTION TO AMEND PERSONNEL POLICY ARTICLE X SECTION 4 RETIREMENT BENEFITS TO READ THAT:

- NEW PERSONNEL HIRED AFTER APRIL 1, 2012, AND LATER RETIRING FROM THE TOWN, WILL BE ALLOWED TO REMAIN ON THE TOWN'S DENTAL AND VISION INSURANCE POLICY BY THE RETIREE PAYING 100% OF THE PREMIUM FOR THEMSELVES AND THEIR DEPENDENTS.
- EMPLOYEES THAT HAD LESS THAN TEN (10) YEARS OF SERVICE WITH THE TOWN AS OF APRIL 1, 2012, AND LATER RETIRING FROM THE TOWN, WILL BE ALLOWED TO REMAIN ON THE TOWN'S DENTAL AND VISION INSURANCE POLICY BY THE RETIREE PAYING 100% OF THE PREMIUM FOR THEMSELVES AND THEIR DEPENDENTS.
- EMPLOYEES THAT HAD TEN (10) YEARS OR MORE OF SERVICE WITH THE TOWN AS OF APRIL 1, 2012, AND LATER RETIRING FROM THE TOWN WILL BE ALLOWED TO REMAIN ON THE TOWN'S

**Old Business (Cont.)**

Establishment of the Dental & Vision Policy Change Effective Date (Cont.)

DENTAL AND VISION INSURANCE POLICY WITH THE TOWN PAYING 50% OF THE RETIREE PREMIUM IF THE RETIREE RETIRES WITH AT LEAST 15 YEARS BUT LESS THAN 25 YEARS OF SERVICE WITH THE TOWN. IF THE RETIREE RETIRES WITH 25 YEARS OR MORE OF SERVICE WITH THE TOWN, THE TOWN WILL PAY 100% OF THE RETIREE PREMIUM. THE RETIREE WILL BE REQUIRED TO PAY 100% OF THE PREMIUMS FOR THEIR DEPENDENTS.

MAYOR PRO TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. COUNCILWOMAN SCOTT, MAYOR PRO-TEM DEVITA, COUNCILMAN SHERRILL AND COUNCILMAN WILLIAMS VOTED YES. COUNCILWOMAN JOSEPH VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

**New Business**

Consideration of Calling for a Public Hearing on the Planning Board Recommendation for a Text Amendment for Ordinance 151.113

The Planning Board is recommending a Text Amendment to add the sentence that Price sign displays may take the form of placards or light-emitting diodes (LED) to Ordinance 151.113 Residential and Business Districts Standards By Use Section B(8) Gasoline Stations Subsection (b) 2 Price Signs.

COUNCILWOMAN JOSEPH MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR MONDAY, MAY 7, 2012 AT 7:00 PM CONCERNING THE PROPOSED TEXT AMENDMENT TO ORDINANCE 151.113 TO ALLOW LED LIGHTING AT GASOLINE STATIONS. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval for the Street Resurfacing RFP

Gary Parker advised that if approved the Street Resurfacing RFP submittal date will be April 27, 2012, the Council will award the bid during the May 7, 2012 Meeting, work can begin on May 8, 2012 and the project will be completed by August 8, 2012. Gary Parker advised that the total estimated cost is \$1.4 million. Attorney Isenberg advised that he has reviewed the proposed contract to be used with the successful bidder and made the necessary legal amendments.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE STREET RESURFACING RFP AND PROPOSED CONTRACT AS AMENDED BY ATTORNEY ISENBERG. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of the Gazebo Restrooms RFP/Contract

The Council reviewed the draft Gazebo Restrooms RFP provided. Attorney Isenberg advised that termination and renewal clauses have been added.

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE GAZEBO RESTROOMS RFP AS AMENDED. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Consideration of Adoption of Ordinance 130.09 Shading Devices & Holes

Attorney Isenberg advised that Ordinance 130.09 concerning Shading Devices & Holes has been derived by reviewing other beach community ordinances and is being provided as a model for Council to begin to develop the Sunset Beach Ordinance. The Council reached a consensus to hold a meeting in the future with the tent rental companies to get a better understanding of the operation. The Council discussed the public and emergency personnel safety issues that arise from large and unattended holes on the strand. Attorney Isenberg will prepare a Holes on the Beach Strand Ordinance for the Council to consider during the April 17, 2012 Work Session.

Consideration of Adoption of Ordinance 130.14 Dangerous Weapons

COUNCILWOMAN JOSEPH MADE A MOTION TO ADOPT ORDINANCE 130.14 DANGEROUS WEAPONS AS WRITTEN. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of Ordinance 130.12 Concealed Weapons

COUNCILMAN SHERRILL MADE A MOTION TO ADOPT ORDINANCE 130.12 CONCEALED WEAPONS AS WRITTEN. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Sponsorship Request from Ocean Isle Museum Foundation, Inc.

The Council discussed the request received from the Ocean Isle Museum Foundation concerning sponsorship for the WineFest2012. The proceeds are to be used to refurbish exhibits at both the Museum and the Planetarium.

COUNCILWOMAN JOSEPH MADE A MOTION TO MAKE A \$500 SPONSORSHIP DONATION TO THE OCEAN ISLE MUSEUM FOUNDATION FOR WINEFEST2012. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. COUNCILMAN SHERRILL, COUNCILWOMAN JOSEPH AND MAYOR PRO-TEM DEVITA VOTED YES. COUNCILMAN WILLIAMS AND COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Adoption of a Mutual Aid Agreement for Building Inspection Services for the Town of Calabash

COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE MUTUAL AID AGREEMENT FOR BUILDING INSPECTION SERVICES WITH THE TOWN OF CALABASH. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of Bird Island Preservation Society Request

COUNCILWOMAN SCOTT MADE A MOTION TO ALLOW THE BIRD ISLAND PRESERVATION SOCIETY TO INSTALL AN EDUCATIONAL SIGN ABOUT BIRD ISLAND IN THE GAZEBO PARKING LOT WITH ALL EXPENSES OF THE SIGN, INSTALLATION AND MAINTANENCE TO BE THE RESPONSIBILITY OF THE BIRD ISLAND PRESERVATION SOCIETY. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**New Business (Cont.)**

Establishment of the Budget Workshop Date(s)

COUNCILWOMAN JOSEPH MADE A MOTION TO ESTABLISH THE BUDGET WORKSHOP AND BUDGET PUBLIC HEARING DATES AS FOLLOWS:

1<sup>ST</sup> WORKSHOP - TUESDAY, MAY 15, 2012 BEGINNING AT 1:00 PM

2<sup>ND</sup> WORKSHOP - THURSDAY, MAY 24, 2012 BEGINNING AT 9:00 AM

BUDGET PUBLIC HEARING – MONDAY, JUNE 4, 2012 BEGINNING AT 7:00 PM.

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

Consideration of Adoption of a Resolution to NC DOT for Bridge Landscaping

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE RESOLUTION TO NC DOT CONCERNING THE BRIDGE LANDSCAPING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Public Comments**

Jean Hutchinson 436 6<sup>th</sup> Street (accompanied by the Sunset at Sunset Celebration Committee Membership) – Addressed the Mayor concerning his negative remarks and allegations against the Celebration and the Committee Members that organize it.

Cal Kacala, Shallotte, NC, Tom Flaherty, 168 Rice Mill Circle and several Jaguar's Lair Property Owners - Addressed the Council concerning the infrastructure bonds held by the Town of Sunset Beach, the condition of the development and the financial condition of the developer. The group requested the Council to call the bonds in order for the development infrastructure to be completed. Mr. Kacala provided the Clerk with a packet containing information and documents relevant to the development including a listing of the Jaguar's Lair property owners. This packet of information will be kept at Town Hall.

Karla Squier 209 Olde Oak Lane – Distributed an editorial written by Scott Harrell to the Council.

Herb Tinger 711 Oyster Bay Drive – Urged the Council to take action concerning the Jaguar's Lair Bonds.

Charles Nern 647 Oyster Bay Drive – Thanked Ed Gore for the easement donation, requested the Town clean up the brush along the lakes that was cut several months ago; disagreed with Council decision to take away benefits from the employees and the donation to the Ocean Isle Museum Foundation.

Linda Ruddick 1008 Park Road – Suggested the Town budget a small fund for worthwhile causes that are unexpected.

Diane Robbins 597 Coach Trail – Requested the Mayor cease his negative comments towards the Sunset at Sunset Celebration and those that organize it.

**Closed Session**

COUNCILWOMAN SCOTT MADE A MOTION TO GO INTO CLOSED SESSION TO CONSIDER THE APPROVAL OF THE JANUARY 9, 2012 AND MARCH 20, 2012 CLOSED SESSION MINUTES AND TO CONSULT WITH THE TOWN ATTORNEY PURSUANT TO NCGS 143-318.11(a)(3) REGARDING THE INFRASTRUCTURE BONDS FOR JAGUARS LAIR. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO RETURN TO THE REGULAR MEETING. COUNCILWOMAN JOSEPH 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 COUNCIL MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately 35 minutes. No action was taken.

COUNCILWOMAN SCOTT MADE A MOTION TO AUTHORIZE ATTORNEY ISENBURG TO CONTACT ATTORNEY CHARLES MEEKER, PARKER POE LAW FIRM IN RALEIGH AND ARRANGE A CONFERENCE CALL CONSULTATION FOR TUESDAY, APRIL 17, 2012 AT 9:00 AM CONCERNING THE INFRASTRUCTURE BONDS FOR JAGUARS LIAR. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Adjournment**

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE APRIL 2, 2012 COUNCIL MEETING. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

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**Richard Cerrato, Mayor**

Submitted by:

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Lisa Anglin, Town Clerk