

**Town of Sunset Beach
Monthly Council
Work Session, Regular Meeting & Public Hearing
May 11, 2015**

MINUTES

Members Present: Mayor Ron Watts, Mayor Pro-Tem Lou DeVita, Councilwoman Carol Scott, Councilman Wilson Sherrill, Councilman Mike Williams and Councilman Terry Johnson

Members absent: None

Attorney & Staff Present: Susan Parker, Town Administrator; Bonnie Schwerd, Finance Director; Dustin Graham, Public Works Director; Randy Walters, Building Inspector; Richard Childres, Assistant Fire Chief; Lisa Joyner, Police Chief; and Lisa Anglin, Town Clerk

**Work Session
6:45 pm**

Mayor Watts called the Work Session to order, called for agenda amendments, and general discussions by the Council. Mayor Watts advised that the beach strand suffered minor damage during the weekend storm and thanked the Public Works Department and other Town Staff for responding, assessing the damage and beginning the cleanup quickly.

Draft Agenda Review

Councilwoman Scott requested to add New Business 12f – Consideration of Calling for a Public Hearing on June 1, 2015 to hear comments concerning the Planning Board zoning amendment recommendation for multi-family. Mayor Watts requested to add New Business 12g – CONNECT NC Bond Discussion. The Council agreed to add both. Mayor Watts advised that the Closed Session is 8:00 pm time certain.

General Council Discussions

Councilman Johnson informed the Council and Audience of an organization called Hands Across the Sand (www.handsacrossthesand.com) which is hosting events on Saturday in Kure and Wrightsville Beach to show opposition to oil drilling and seismic testing along the coasts by joining hands to form a human chain symbolizing a group hug around the ocean and demonstrating a barrier to protect the ocean.

Community Meeting

Mayor Watts reminded everyone of the Community Meeting scheduled for Wednesday, June 10, 2015 at 7:00 pm in the Town Hall Council Chambers. The purpose of the meeting is to offer those in attendance an opportunity to ask questions, make suggestions and have a give-and-take with Council members and Staff in an informal setting.

General Council Discussions (Cont.)

Brunswick County Information

Mayor Watts advised of several Brunswick County Board vacancies and directed anyone interested in serving to visit the county website www.brunasco.net for more information. Mayor Watts advised that the County Parks Advisory Board is conducting a survey to assist with setting priorities for the county parks funding in the upcoming budget. Anyone interested in taking the survey can visit the county website.

Run Sunset

Mayor Watts advised the Run Sunset event is scheduled for Saturday May 16th on the Beach Strand. The event includes a one mile, 5K and ½ marathon runs beginning at 7:00 am.

Global Issues Letter and Resolution

Mayor Watts advised that Staff mailed 240 letters and resolutions approved by Council in April, to all governors, senators, representatives, mayors, councilmembers, county commissioners from Maine to Florida, and the President of the United States requesting support for the creation of a task force to preserve the ocean as a national treasure.

Monthly Meeting and Public Hearings

7:00 pm

Call to Order & Pledge of Allegiance

Mayor Watts called the meeting to order and the Pledge of Allegiance was recited.

Approval of the Draft Agenda

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Presentation to Joey Adams, Retired Deputy Chief of Patrol

Mayor Watts and Police Chief Joyner presented retired Chief of Patrol Joey Adams with an Award for serving 20 years with the Town of Sunset Beach and the Order of the Long Leaf Pine Award from Governor McCoy for serving over 30 years in the State of North Carolina.

Public Hearing – UDO Article 7 Section 7.09 (B) (3)

Mayor Watts advised this public hearing is to hear comments concerning the proposed Unified Development Ordinance (UDO) Amendment for Article 7 Supplemental Regulations Section 7.09 Privacy Fences (B) Single Family Residential (3).

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

Mayor Watts called for comments. None were heard.

Public Hearing – UDO Article 7 Section 7.09 (B) (3) (Cont.)

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

Public Hearing – Proposed 2015/2016 Budget

Bonnie Schwerd, Finance Director, reviewed a power point presentation of the proposed 2015/2016 budget for the Council and audience. Schwerd advised that the proposed budget total is \$5,833,278 and was developed using a 16¢ tax rate. Schwerd advised that the additional 5.5¢ tax is made up of the following:

- Revenue neutral – 2.05¢
- Beach Erosion/Protection Reserves – 1.7¢
- General Fund Contingencies - 1¢
- Increased Legal Expenditures - 1¢

Schwerd commented that the above total is 5.75¢, but further expenditure reductions and delaying several project to later years resulted in the additional .25¢ tax reduction. Schwerd displayed a comparison of the proposed tax increase from last year to demonstrate that the total tax increase for a property valued at \$300,000 will be \$165 annually or \$13.75 per month. Schwerd reviewed the proposed fee schedule and increases.

Mayor Watts advised this public hearing is to hear comments concerning the proposed 2015/2016 budget which includes a tax rate of 16¢ per \$100 of valuation.

MAYOR PRO-TEM DEVITA MADE A MOTION TO OPEN THE PUBLIC HEARING.
COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE
AND THE MOTION CARRIED BY UNANIMOUS VOTE.

George Johnson 215 Crooked Gulley Circle – Advised that a comparison is needed between last year and what is being proposed showing the monthly net increase. Schwerd reviewed the slide showing the comparison.

Rich Cerrato 517 Twisted Oak Lane – Questioned if the Town is as financially strong as reported in the past why is a tax increase needed; advised this budget fails to introduce cost savings and salary increases provided over the past 5 years are in part a cause of the tax increase; requested that budgets showing 5, 10 and 15% reductions be presented for Council consideration.

Karen Joseph 915 Sandpiper Bay Drive – Stated that the proposed budget addresses the needs of the Town and its amenities promotes a welcoming draw for tourist; voiced understanding of the potential litigation facing the Town and the associated costs; thanked the Council and Staff for their hard work in preparing this budget.

Karen Dombrowski 719 Fairway Drive – Advised that demographic show that less than 10% of the Sunset Beach population are below the poverty level and that 90% of the population are well above the poverty level and stated that state, local and federal programs are available to assist those in need; advised that the residents want the amenities Sunset Beach offers and encouraged the Council to hear the voices of the majority and not the small minority of complainers.

Public Hearing – Proposed 2015/2016 Budget (Cont.)

Jean Hutchinson 436 6th Street – Advised that this is a tourist destination and the citizens want it to be the best; voiced understanding that things cost money and once built must be maintained; Town needs to keep improving to promote tourism; advised that the Police and Fire Department staffs are second to none and go above the call of duty every day; Town needs to keep moving forward.

MAYOR PRO-TEM DEVITA MADE A MOTION TO CLOSE THE PUBLIC HEARING. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments on Agenda Items Only

Mayor Watts called for comments. None were heard.

Minutes for Approval Consideration

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE FEBRUARY 17, 2015 PLANNING SESSION MINUTES, THE APRIL 6, 2015 REGULAR MEETING MINUTES AND THE APRIL 21, 2015 WORK SESSION MINUTES AS PRESENTED. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town Administrator Report

Tropical Storm Ana – Susan Parker thanked the Public Works, Fire and Planning Department Staff for assisting with cleanup of the Beach strand on Saturday and Sunday following the storm. Parker advised that both the Kindred Spirit mailbox and bench located on Bird Island were lost during the Storm. Ann Bokelman (audience) advised that both have been recovered. Parker advised that CAMA representatives will be onsite tomorrow to assess the damage and determine what mitigation measures may be taken by the Town.

Landscaping – Parker advised the annual plantings for the Roundabout, Park, Streetscape and gazebo will be completed this week.

Liaison Updates

Sunset Beach Merchants Association – Councilman Johnson advised that the Merchants Association is under new management, leadership and Board. A new website nearing completion and the membership has increased from 39 to 63.

Beautification Committee – Mayor Pro-Tem DeVita advised that the Committee has abdicated its responsibilities to the Landscapers.

Planning Board - Councilwoman Scott advised that the Board is meeting regularly, have adopted revised rules of procedures and are working through UDO amendments.

Grand Strand Area Transportation Study (GSATS) – No report given.

Sunset at Sunset – Councilman Williams advised that the Committee is meeting monthly to plan the event scheduled for October 3, 2015. Vendor applications are now being accepted.

Liaison Updates (Cont.)

ABC Store – Councilman Sherrill advised the store continues to be profitable. Management is monitoring the financials closely to determine sales reductions, if any, are experienced with the opening on the Ocean Isle Beach mainland ABC Store.

Brunswick Beaches Consortium – Councilman Sherrill advised the Consortium is under taking a restructuring, reorganization, identifying membership and establishing committees. The group is also discussing a name change to Brunswick Coastal Communities Alliance. Sherrill advised that the Good Samaritan Resolution was adopted by the Brunswick County Commissioners in April and forwarded to the NC General Assembly. The Council will review the proposed Inter-local Agreement in June or July for adoption consideration.

Jaguar’s Lair Update – Susan Parker advised that the May 6th mediation resulted in an impasse and the Council will be consulting with the Town Attorney tonight during the Closed Session.

Cape Fear Council of Governments – No report given.

South Brunswick Business Development Committee – Mayor Watts advised this committee has been absorbed under the Chamber of Commerce umbrella and no future reports will be given.

South Brunswick Neighboring Towns & Mayors – No report given.

Departmental Reports

Police – Chief Joyner advised that crime alerts will be emailed by Lisa Anglin, Town Clerk in the future. Joyner advised that one of the three vacancies within the Police Department have been filled.

Public Works – Dustin Graham advised that the strand experienced about 3 foot of erosion during the recent storm and the trash cans and trash can poles for scattered along the strand and dunes. Graham advised that a state of emergency was not issued therefore leaf and limb pick-up will operate on a normal schedule without waiving the regulations.

Planning and Inspections – Rawls Howard advised that the Inspections Department continues to see a rise in permits requested and fees paid. Howard advised the Planning Board is reviewing ordinances related to outdoor display of merchandise in the commercial districts, the lighting ordinances, and has established a committee to develop the overlay district for the Sunset Blvd. North corridor. The Board is also reviewing plans for a subdivision in the ETJ.

Fire Department – Chief Dempsey thanked Howard for including their department in plan review. Dempsey advised that the Beach Patrol is operational on the strand and has worked the last few weekends educating the strand patrons; daily patrol operations begin next week. Dempsey reported no issues with tent placement. Chief Dempsey and Assistant Chief Childres met with Senator Rabon last week in Raleigh concerning the Good Samaritan Resolution and left documentation for Representative Iler.

Mayor Watts presented Chief Dempsey with the Silver Certification of the LEEDS Program for Fire station 2.

Departmental Reports (Cont.)

Finance Department – Schwerd advised that the financial snapshot has been delayed due to the budget preparation process but did note that the 2014/2015 revenues are on tract as budgeted and expenditures are under budget by approximately 10%.

Old Business

Consideration of Approval of Ordinance Amendment for Article 7 Supplemental Regulations Section 7.09 Privacy Fences (B) Single Family Residential (3)

COUNCILWOMAN SCOTT MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENT FOR ARTICLE 7 SUPPLEMENTAL REGULATIONS SECTION 7.09 PRIVACY FENCES (B) SINGLE FAMILY RESIDENTIAL (3) BY ADDING THE FOLLOWING:

However, if circumstances exist related to asymmetrical lot lines, lot recombination, or unusual property line configuration relative to the location of the existing primary structure, the Planning Board may modify this standard upon review and approval of a sketch plan. When a modification is requested, all property owners immediately adjacent to the proposed fence shall be notified of the meeting in which the request will be heard by regular mail. The Planning Board should consider public safety, interference with sight visibility at intersections, harmony with the surrounding properties, and maintaining the spirit of this requirement when making any modification. Any fence modification shall not permit encroachment into the required front yard setback.

MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town Park Update and Discussion of Draft Town Rules

Parker advised that a cost update will be provided to the Council during the May 19th Work Session. Parker advised the Town Park will open on Monday, May 25th for the Memorial Day Ceremony. Judge Ole Lewis will be the guest speaker. Volunteers may be needed for park cleanup prior to the event. Councilwoman Scott would like the Council to consider establishing a no smoking policy for all municipal properties.

Parker distributed a draft of Town Rules for the Council to consider and discuss during the May 19th Work Session.

New Business

Consideration of Acceptance of the Planning Board Recommendation for Amendment to UDO Article 10 Landscaping and Schedule Public Hearing for June 1, 2015 at 7:00 pm

Rawls Howard reviewed the proposed amendments to UDO Article 10 Landscaping and Buffering Requirements with the Council noting that this is a complete re-write of the ordinance with clarification language added. Howard advised that the revised points system requires that 50% be placed in the front yard. Howard advised that a single family residential project is exempt from providing a landscaping plan. Mayor Pro-Tem DeVita suggested that the front yard requirement might need different regulations for larger sized lots to ensure adequate landscaping is achieved. Councilwoman Scott advised that duplexes should be exempt from providing a landscaping plan. The Council reached a consensus to discuss Article 10 in detail during the May 19th Work Session before accepting the recommendation.

New Business (Cont.)

COUNCILWOMAN SCOTT MADE A MOTION TO SCHEDULE A PUBLIC HEARING TO HEAR COMMENTS CONCERNING THE PROPOSED AMENDMENTS FOR ARTICLE 10 LANDSCAPING. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Closed Session – 143-318.11 (a) (3)

COUNCILMAN SHERRILL MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO CONSULT WITH ATTORNEY RICHARDSON CONCERNING LITIGATION WITH THE PALM COVE PROPERTY OWNERS AND THE DEVELOPER OF JAGUAR’S LAIR. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RETURN TO OPEN SESSION. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately 20 minutes and consulted with Attorney Richardson concerning litigation with the Jaguar’s Lair Developer and with the Palm Cove property owners.

New Business (Cont.)

Consideration of Acceptance of the Planning Board Recommendation for Amendment to UDO Article 6 Section 6.04 Permitted Uses – Swimming Pools

COUNCILWOMAN SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION TO DENY A TEXT AMENDMENT FOR ARTICLE 6 SECTION 6.04 PERMITTED USES TO ALLOW SWIMMING POOLS AND DUNE CROSSOVERS IN THE CR1 ZONING DISTRICT. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. COUNCILWOMAN SCOTT AND MAYOR PRO-TEM DEVITA VOTED YES. COUNCILMAN SHERRILL, COUNCILMAN WILLIAMS AND COUNCILMAN JOHNSON VOTED NO. THE MOTION DIED.

Consideration of Acceptance of the Planning Board Recommendation for Amendment to UDO Article 6 Section 6.04 Permitted Uses – Dune Crossovers

The Swimming Pools and Dune Crossovers consideration were combined in the above motion.

(Procedural – A defeated motion can’t be heard again during the same meeting. The items will be placed on the June 1, 2015 agenda for re-consideration.)

Consideration of Request from W. A. McLane to purchase the 10’ Public Access located at 202 North Shore Drive from Town

Parker advised that W. A. McLane has approached the Town requested to purchase the 10’ public access located at 202 North Shore Drive. The Council reached a consensus to allow Mr. McLane to proceed with obtaining a real estate appraisal to establish a fair market value for the access.

New Business (Cont.)

Consideration of Acceptance of Settlement offered with Palm Cove

Mayor Watts advised that this item is tabled due to no settlement offer being received.

Consideration of Scheduling a Public Hearing for June 1, 2015 concerning the Planning Board Zoning Amendment Recommendation for Multi-Family

Councilwoman Scott informed the Council that the Planning Board approved a recommendation on Thursday, May 7th, proposing an amendment to Article 6 Section 6.04 concerning Multi-Family in BB1 District. Councilman Sherrill, Councilman Williams and Mayor Pro-Tem DeVita voiced opposition to scheduling a public hearing before reviewing and accepting the Planning Board recommendation.

COUNCILWOMAN SCOTT MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR JUNE 1, 2015 AT 7:00 PM TO HEAR COMMENTS CONCERNING THE PROPOSED AMENDMENT TO ARTICLE 6 SECTION 6.04 MULTI-FAMILY IN THE BB1 ZONING DISTRICT AND FOR THE PLANNING BOARD RECOMMENDATION REPORT TO BE FORWARDED TO COUNCIL FOR A DISCUSSION AT THE MAY 19, 2015 WORK SESSION. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. COUNCILWOMAN SCOTT AND COUNCILMAN JOHNSON VOTED YES. MAYOR PRO-TEM DEVITA, COUNCILMAN WILLIAMS AND COUNCILMAN SHERRILL VOTED NO. THE MOTION DIED.

(Procedural – A defeated motion can’t be heard again during the same meeting. The items will be placed on the June 1, 2015 agenda for re-consideration.)

CONNECT NC Bond Discussion

Mayor Watts advised that the Governor is requesting a resolution or letter of support from the Council asking the legislature to place the question on the November ballot for NC citizens to decide if they want to invest in additional road and building infrastructure across the state. The Council requested additional time to review the information and reached a consensus to add this item to the May 19th Work Session agenda.

Public Comments

Darren Bouley 1831 Wonderland St Ocean Isle Beach – Advised that he is the President of the Sunset Beach Merchants Association and wanted to expand on Councilman Johnson’s earlier report concerning the efforts of the Association to increase memberships and to participate in area events to promote the members and the Town of Sunset Beach. The Association is hosting an online contest to build a contact database of people interested in receiving more information about Sunset Beach and has purchased billboard space on Highway 17 near Calabash to promote the area.

Rich Cerrato 517 Twisted Oak Lane – Presented the Council with a cake and advised that the cake represents three (3) year anniversary since the Council, in his opinion, should have called the bonds for the Jaguar’s Lair development.

Karen Joseph 915 Sandpiper Bay Drive – Advised that the Memorial Day Celebration including the Veterans Memorial groundbreaking ceremony will be held on May 25, 2015 at 10:00 am in the Town Park.

Public Comments (Cont.)

Kevin Glova 207 Olde Oak Lane - Questioned what happens to the Planning Board recommendations that the Council voted on but the motion failed. Susan Parker advised that the items will be placed on the next regular agenda for Council re-consideration.

Fred Thorne – Summer Concert Series – Thanked the Council for its Platinum sponsorship; advised the first concert is scheduled for Wednesday, May 27th at 6:00 pm in the Village Park on Queen Anne Street.

Clint Dunlop 950 Oyster Pointe Drive – Thanked the Council and all of the Staff members involved with the preparation of the proposed budget; advised that a large group of Sunset Beach Taxpayers like the finer things in life and are in favor of spending the money to have them.

D. M. Heimann 932 Great Egret Circle – Spoke in opposition of the proposed tax increase; voiced that the Council meetings are dysfunctional; thinks the town funds are used to support the island and its amenities; voiced that the Council members and Staff have arrogant attitudes and need to be reprimanded.

Adjournment

COUNCILMAN SHERRILL MADE A MOTION TO ADJOURN THE MAY 11, 2015 COUNCIL MEETING. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Ron Watts, Mayor

Submitted by:

Lisa Anglin, Town Clerk

*The May 11, 2015 minutes were approved by Council during the June 1, 2015 Council meeting.