

**Town of Sunset Beach  
Council Meeting  
June 21, 2016**

**MINUTES**

**Members Present:** Mayor Ron Watts, Mayor Pro-Tem Carol Scott, Councilman Lou DeVita, Councilman Peter Larkin, Councilman Mark Benton and Councilman Rich Cerrato

**Members absent:** None

**Attorney & Staff Present:** Grady Richardson, Town Attorney; Bonnie Schwerd, Assistant Town Administrator/Finance Director; Kevin Dempsey, Fire Chief; Cindi Stephenson, Public Works Department Administrative Assistant; and Lisa Anglin, Town Clerk

Mayor Watts called the Meeting to order at 9:00 am and the Pledge of Allegiance was recited by those in attendance.

**Draft Agenda Review and Approval**

The Council made the following amendments to the agenda:

- Closed Session was moved to Item 5
- Old Business b – UDO Amendment Article 2 Section 2.20 Maintenance of Docks, Piers and Bulkheads removed pending further Planning Board review.
- Old Business d – Dredging Proposal Discussion was added.

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

**Public Hearing - Proposed UDO Amendment - Appendix A to add Sand Dunes Definition**

Mayor Watts opened the Public Hearing and advised that the purpose of the Hearing is to hear public comments concerning the proposed UDO Amendment for Appendix A to add Sand Dunes Definitions. Mayor Watts called for comments.

Jo O'Keefe 30 Gate 3 Carolina Shores – Informed the Council that the proposed definition needs to be amended to change the wording from ridges to runnels and to include any dunes that form landward of the beach not just the primary frontal dune.

Mayor Watts closed the Public Hearing.

**Public Comments on Agenda Items Only**

John Corbett 1313 Canal Drive – Encouraged the Council and all citizens to utilize all measures to oppose Senate Bill 875 but in a respectful and positive manner.

Jo O'Keefe 30 Gate 3 Carolina Shores – Advised that the Council is giving conflicting information by saying to wait for the Town to work with the developers to resolve the issues prior to citizens contacting the legislators.

**Closed Session**

MAYOR PRO-TEM SCOTT MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (6) TO DISCUSS A PERSONNEL MATTER. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately 45 minutes.

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

COUNCILMAN DEVITA MADE A MOTION TO RECONVENE THE OPEN SESSION. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Old Business**

**Discussion Concerning Senate Bill 875**

The Mayor advised that Senate Bill 875 has remained in the House Rules Committee while Attorney Richardson has met with the parties involved. Mayor Watts thanked to resident volunteers involved with circulating the petition and gathering 4,300 signatures. Mayor Watts advised that an online petition has been started also. Mayor Watts advised that the Council has reached out to the developer of Sunset Creek Commons but no contact has been made with the developer yet. Mayor Pro-Tem Scott thanked Mayor Watts for the manner in which he has handled this matter and for his diligence and dedication to the Town.

COUNCILMAN LARKIN MADE A MOTION TO AMENDED THE JUNE 29, 2015 SETTLEMENT AGREEMENT TO ALLOW SWIMMING POOLS FOR EACH OF THE TEN (10) LOTS WITHIN THE PALM COVE SUBDIVISION. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN BENTON, COUNCILMAN LARKIN AND COUNCILMAN DEVITA VOTED YES. COUNCILMAN CERRATO VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

MAYOR PRO-TEM SCOTT MADE A MOTION TO AUTHORIZE ATTORNEY RICHARDSON TO PROCEED WITH LITIGATION PROCEEDINGS TO DETERMINE OWNERSHIP OF THE LAND LOCATED AT THE WEST END OF THE ISLAND. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Consideration of Adoption of the Proposed UDO Amendment to Appendix A Definitions to add Sand Dunes Definition**

The Council reviewed the proposed definition for sand dunes and agreed that if it was determined that the definition should be worded differently at a later date it could be amended.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE UDO AMENDMENT TO APPENDIX A TO ADD THE FOLLOWING DEFINITION:

**Old Business (Cont.)**

**Consideration of Adoption of the Proposed UDO Amendment to Appendix A Definitions to add Sand Dunes Definition (Cont.)**

Sand Dunes - Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

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

**Dredging Proposal Discussion**

Councilman Cerrato read a prepared statement concerning documentation he provided to Council showing that the State had denied the Town a dredging permit in the past and questioned why the Council is appropriating funds for a dredging study now. Mayor Watts reminded Councilman Cerrato that Susan Parker, Town Administrator, had requested that the subject of dredging be placed on the June 27, 2016 Meeting agenda in order for her and the consultant to be present to provide answer for the Council. The item was added to the June 27, 2016 Meeting agenda.

Concerning the conflict of interest question that has been raised regarding whether Mayor Pro-Tem Scott can be excused from voting, is she required to vote or can abstain from voting on the dredging project, Attorney Richardson advised that in his opinion, Mayor Pro-Tem Scott does not have an impermissible conflict that will prevent her from voting. Concerning the question of can she be excused from the vote, Attorney Richardson requested additional time for research prior to deliver his opinion.

**New Business**

**Consideration of Authorization for Town Clerk to Advertise two (2) Planning Board Positions with Term Expirations of August 2016**

MAYOR PRO-TEM CAROL SCOTT MADE A MOTION TO AUTHORIZE THE TOWN CLERK TO ADVERTISE TWO (2) PLANNING BOARD POSITIONS WITH TERM EXPIRATIONS OF AUGUST 2016. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Review upcoming Agenda Items and Identify New Agenda Items for June 27, 2016 Meeting**

The Council agreed to add a Dredging Discussion to the June 27, 2016 Meeting. Mayor Pro-Tem Scott informed the Council that she will be absent for the August 16, 2016 meeting. Councilman Cerrato requested a meeting be scheduled with the Sunset Concert Series Committee to discuss why the citizens were not allowed to solicit for petition signatures during the last concert. Mayor Watts explained the event is held on private property. Mayor Watts will contact the Committee to schedule a meeting with the Council.

**Public Comments**

**Jo O'Keefe 30 Gate 3 Carolina Shores** – Stated that the Sand Dune definition approved by Council does not protect the dunes.

**Charles Nern 647 Oyster Bay Drive** – Thanked the Attorney and the Council from seeking clarification for the voting issue; Expressed that in his opinion development is not a dirty word.

**Adjournment**

COUNCILMAN DEVITA MADE A MOTION TO ADJOURN THE JUNE 21, 2016 COUNCIL MEETING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

*Carol Scott, Mayor Pro-Tem*

Submitted by:

*Lisa Anglin, Town Clerk*

\*The June 21, 2016 Minutes were approved by Council during the September 6, 2016 Meeting.