

**Town of Sunset Beach  
Monthly Council  
Work Session, Regular Meeting & Public Hearing  
October 1, 2012**

**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; Richard Childres, Assistant Fire Chief; Lisa Massey, Police Chief; Joe Smith, Detective; 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.

**Council Discussion**

Mayor Cerrato advised that a Park Design Public Input Meeting will be held on Thursday, October 11, 2012 at 7:00 pm in the Town Hall Council Chambers. Councilwoman Joseph thanked Jean Hutchinson, Susan Bradford and Emily Shay for the fall decorations added to the flag pole area at Town Hall. Councilwoman Joseph thanked the staff and citizens for their participation with the Warrior Ride event. Councilman Sherrill advised that the MS Bike Breakaway to the Beach event ended its event in Sunset Beach a couple of weeks ago with 1,000 to 1,100 riders riding between 50 and 200 miles. Mayor Pro-Tem DeVita reminded everyone that the Sunset at Sunset Celebration is scheduled for Saturday, October 6<sup>th</sup> near the Ingram Planetarium and the Sunset Beach – Beach Sweep is scheduled for Saturday, October 13<sup>th</sup> with participants meeting in the gazebo area at 7:00 am. Councilman Sherrill advised that approximately 500 residents have signed up to participate with the recycling program and the blue carts were delivered last week. Councilwoman Scott advised that the Streetscape project is getting underway and will be proceeding within the next year.

**Agenda Amendments**

The following items were added by Council to the agenda:

- Old Business Item E – Business Reception Discussion
- Old Business Item F – Park Design Discussion
- New Business Item G - Private Road Repairs in Involuntary Annexed Communities Discussion

**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 Hearing Concerning Text Amendment for Ordinance 151.391 (D) (10) Mixed Use District Permitted Uses**

COUNCILMAN SHERRILL MADE A MOTION TO OPEN THE PUBLIC HEARING.  
COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Cerrato advised that the purpose of the public hearing is to hear comments concerning the proposed text amendment to Ordinance 151.391 (D) (10) Mixed Use District Permitted Uses to allow large scale ice machines as a permitted use. Mayor Cerrato called for public comments.

None heard.

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

**Withers & Ravenel Presentation of Park Survey Results and Two (2) Proposed Park Designs**

Greg Lambert, Withers & Ravenel Representative, displayed a power point presentation of the survey results and presented two (2) proposed park designs generated from the data received. The power point presentation and the two (2) proposed designs are available for viewing on the website and at Town Hall.

**Public Comments**

Bill Satterfield 103 Olde Oak Lane – Distributed an estimated cost analysis of the proposed park amenities and objected to the estimated cost.

Len Steiner 613 Kings Trail – Advised that the estimated cost analysis was used by a prior Council to determine a cost to include in the long range planning process.

Iona Knuettel 214 Crooked Gulley Circle – Questioned the estimated cost analysis and its origin.

Ron Klein 952 Oyster Pointe Drive – Advised that the estimated cost analysis was a list of possible amenities that could be included in a park and the estimated cost. Suggested to the Council that the comment letter concerning the Ocean Isle Beach Terminal Groin project is not needed due to the new legislation and Coastal Resources Commission regulations in place

Jean Woolard Island homeowner – Requested that the public be made aware of the replacement and maintenance cost for the proposed park amenities.

Linda Ruddick 1008 Park Road – Questioned if the proposed plan would be updated to include the on-street parking made possible by reducing the size of the median; questioned parking for the kayak launch area, questioned if the park would be ADA compliant.

Jerry Strickland 308 Heather Drive – Suggested the Town work with Ronnie Holden (owner of Twin Lakes Restaurant) concerning the parking adjacent to his property that has been used by restaurant patrons for numerous years.

### **Public Comments (Cont.)**

Karen Dombrowski 719 Fairway Drive – Advised the Council that the parking available in the Southport downtown area allows the public to park and walk the area without having to move their vehicles and recommended that the Council follow Southport’s parking model for the park area.

Sue Weddle 706 North Shore Drive – Advised that the Council needs to be proactive in the opposition to Terminal Groins being constructed in the waters along Ocean Isle Beach.

Steven Blair 201 Shoreline Drive – Agreed with the on-street parking concept.

Conrad Stout 328 Heather Drive – Suggested Council contact NC DOT to request the fence be removed from under the high rise bridge to allow parking.

Rumel Bradt 268 Heather Drive – Supported the proposed park design labeled Concept A.

### **Consent Agenda Approval**

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

1. Minutes:
  - a. September 10, 2012 Regular Meeting Minutes
2. Departmental Reports:
  - a) Police
  - b) Public Works
  - c) Building Inspections
  - d) Fire
3. 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
  - e) Dirt Street Maintenance Cost vs. Paving Dirt Streets Analysis – Began 06/20/12
  - f) Council approves Business Reception to be held the week of November 12, 2012 – 07/17/12 (details to follow)
  - g) Council approves 50<sup>th</sup> Anniversary Celebration for March 26, 2013 - 07/17/12 (details to follow)
  - h) Feed Canal/Pier Head Alignment forwarded to Planning Board for review – 08/08/12
  - i) Town-Wide Recycling Program enrollment began – 08/22/12
  - j) ABC Board Travel Policy Use Authorization mailed – 09/10/12
  - k) ABC Board and State mailed notices of Mr. Koser’s reappointment – 09/10/12
  - l) NCDOT Resolution for road abandonment mailed – 09/11/12
  - m) ABC Board Member Don Koser Oath of Office administered – 09/12/12
  - n) Text Amendment Notice advertised – 09/21/12 & 09/28/12
  - o) Main Street Speed Limit Study request prepared for Council – 09/20/12
  - p) Letter requesting Main Street/Sunset Blvd S become all-way stop prepared – 09/20/12
  - q) Letter to NCDOT asking permission to paint crosswalks mailed – 09/21/12
  - r) Public Works researching additional trash cans at beach accesses on West End -
  - s) Property Owners affected by Bike/Ped Walkway notified –
  - t) Public Works preparing an asphalt repair list due to sewer project -

**Consent Agenda Approval (Cont.)**

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

**Old Business**

Consideration of a Motion to Schedule the UDO Public Hearing for Nov. 5, 2012

COUNCILWOMAN SCOTT MADE A MOTION TO SCHEDULE A UDO PUBLIC HEARING FOR MONDAY, NOVEMBER 5, 2012 AT 7:00 PM. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of a Motion to Adopt a Text Amendment for Ordinance 151.391 (D) (10) Mixed Use District Permitted Uses

The Council reviewed the proposed ordinance amendment and amended the text to read “If the machine is improperly installed or maintained, or violates state law or town ordinances, the parcel owner shall have the machine removed from the property within 30 days of written notice from the Town”.

COUNCILWOMAN SCOTT MADE A MOTION TO ADOPT THE TEXT AMENDMENT TO ORDINANCE 151.391 (D) (9) MIXED USE DISTRICT PERMITTED USES AS AMENDED. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

Jaguar’s Lair Update

Councilwoman Joseph advised that a meeting is scheduled for October 23, 2012.

Sewer Report Update

Councilwoman Scott advised that the landscaping around the island pump house has been upgraded. Councilwoman Scott advised that Brunswick County has agreed to:

- Cut down to one inch above the ground from the top of the connection pipe, within six months after the one year period for connections on the Island expires (April 16, 2013), all white PVC connection pipes located in or near the right of way of streets on the Island for properties that have not hooked up to the sewer system, plus all PVC connection pipes previously installed up to September 19 that were not cut down to one inch above the ground from the top of the connection pipe but have been hooked up to the sewer system.
- Waive the County connection fees, if the homeowner or its agent does the following:  
  
On or before the last day of the one year period provided in the completion letter sent to Island property owners (April 16, 2013), and one year from the date the completion letter to the Mainland is issued (expected to go out in October or November of this year), the homeowner or its agent must fill out and submit a sewer permit application to the Town according to the rules and regulations of the Town of Sunset Beach. The permit issued is valid for six months from the date of issuance, during which the homeowner or its agent must complete the sewer connections or be liable for County connection fees if the installation is not complete within that period. As long as the Town of Sunset Beach receives a completed application for a sewer permit, the connection fees will be waived in accordance with the above requirements. The fact that the sewer permits may not have been approved within the one year period will not trigger connection fees.

## **Old Business (Cont.)**

### **Sewer Report Update (Cont.)**

- Correct the erroneous billing occurring where citizens that have not connected to the system are being billed for the service.

Councilwoman Scott advised that the next Sewer Meeting is scheduled for October 17, 2012 at 3:00 pm.

### **Business Owners Reception Discussion**

Lisa Anglin, Town Clerk advised that she is working with Sea Trail Convention Center and a speaker with the NC Retail Merchants Association to coordinate a date for the event. Lisa Anglin advised that the estimated cost of the reception will be \$2,000 or less and requested the Council to approve the expenditure.

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE AN EXPENDITURE OF UP TO \$2,000 FOR THE BUSINESS OWNERS RECEPTION. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Park Design Discussion**

Mr. Lambert, Gary Parker and the Council discussed the proposed park amenities, their locations, the proposed interior parking lot, the available on-street parking areas and the public parking area beside and behind Twin Lakes Restaurant. The Council discussed the amenities that scored above 49% on the survey, which are: seating (benches/adult swings) for viewing the water and wildlife, walking/jogging trails, picnic tables/picnic shelter, restroom facility, outdoor performance area, and shaded spaces. Mr. Lambert will present a revised park design, utilizing the information gathered from today's discussion, at the October 11, 2012 Park Design Public Input Meeting.

## **New Business**

### **Consideration of Approval of the following NC DOT Items:**

- a. Speed Limit Reduction on NC 179B from Clubhouse Road to Shoreline Drive East as Recommended by NC DOT
- b. An All-Way Stop at the intersection of Sunset Blvd. North & Shoreline Drive West as Recommended by NC DOT
- c. Letter to NC DOT Requesting a Speed Limit Reduction on Main Street and Sunset Blvd. South
- d. Letter to NC DOT Requesting an All-Way Stop at the intersection of Main Street and Sunset Blvd. South

Councilwoman Scott suggested the Council discuss regulations concerning low speed vehicles before reducing the speed limit which would then allow that type of vehicle to travel in certain areas within Town limits. The Council reached a consensus to schedule a low speed vehicle discussion in the future but agreed not to delay the acceptance of the NC DOT recommendation since the Town initiated the request to reduce the speed limit.

COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE ORDINANCE REDUCING THE SPEED LIMIT TO 35 MPH ON NC 179B FROM CLUBHOUSE ROAD TO SHORELINE DRIVE EAST; TO ACCEPT THE NC DOT RECOMMENDATION TO INSTALL AN ALL-WAY STOP AT THE INTERSECTION OF SUNSET BLVD. NORTH AND SHORELINE DRIVE WEST;

**New Business (Cont)**

Consideration of Approval of the NC DOT Items (Cont.)

TO REQUEST NCDOT REDUCE THE SPEED LIMIT ON MAIN STREET AND SUNSET BLVD. SOUTH TO 25 MPH, AND TO REQUEST NC DOT INSTALL AN ALL-WAY STOP AT THE INTERSECTION OF MAIN STREET AND SUNSET BLVD. SOUTH. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of a Text Amendment for Ordinance 93.01 (A) (1) Premises to be Kept Clean

COUNCILWOMAN JOSEPH MADE A MOTION TO ADOPT THE TEXT AMENDMENT FOR ORDINANCE 93.01(A) (1) PREMISES TO BE KEPT CLEAN. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

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

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

Consideration of a Motion to Advertise for a Fireman's Relief Fund Board Member due to Term Expiration

MAYOR PRO-TEM DEVITA MADE A MOTION TO DIRECT THE CLERK TO ADVERTISE THE POSITION OF FIREMAN'S RELIEF FUND BOARD MEMBER. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of the Comments Letter Concerning the Ocean Isle Beach Project to Construction Terminal Groins

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE AND MAIL THE COMMENTS LETTER CONCERNING THE OCEAN ISLE BEACH PROJECT TO CONSTRUCT TERMINAL GROINS. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILWOMAN SCOTT, COUNCILMAN WILLIAMS AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILMAN SHERRILL VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Approval of the 2012 Municipal Records Retention and Disposition Schedule as prepared by the Department of Cultural Resources

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE 2012 MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**New Business (Cont.)**

**Private Road Repairs in Involuntary Annexed Communities Discussion**

Mayor Pro-Tem DeVita reminded the Council of a discussion that was held during one of the Community Meetings in which a small community (50 homes or less) that was involuntarily annexed requested assistance with repairs to damaged private roads. The Council was reminded that Town owned vehicles (Police, Fire and Public Works) were potentially being damaged when traveling these roadways due to the road conditions. Attorney Isenberg advised the Council that they can appropriate funds to assist in the repair of private roads only if it serves a public purpose such as enabling town vehicles to safely use the roads. He stated that the town was not otherwise responsible for maintaining private roads. Mayor Pro-Tem DeVita will provide a draft proposal for the Council to consider.

**Public Comments**

Bill Satterfield 103 Olde Oak Lane – Opposed certain amenities that are being proposed for the park currently and amenities that were proposed in the conceptual park site plan developed years ago.

Marci Berry 7428 Preswick Court- Encouraged everyone to attend the Sunset at Sunset Celebration scheduled for Saturday, October 6<sup>th</sup> from 10:00 am – 5:00 pm and reviewed the entertainment schedule.

Jean Woolard Island homeowner – Questioned the request of NC DOT to install an all-way stop at the Main Street and Sunset Blvd. South intersection and she advised that this intersection is only problematic during the summer months.

**Adjournment**

COUNCILWOMAN JOSEPH MADE A MOTION TO ADJOURN THE OCTOBER 1, 2012 COUNCIL MEETING. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

*Richard Cerrato, Mayor*

Submitted by:

*Lisa Anglin, Town Clerk*

\*The October 1, 2012 minutes were approved November 5, 2012.