

**Town of Sunset Beach
Monthly Council
Work Session, Regular Meeting & Public Hearing
November 5, 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; Kevin Dempsey, Fire Chief; Richard Childres, Assistant Fire Chief; Lisa Massey, Police Chief; Joe Smith, Detective; Sandy Wood, Building Inspector; Dustin Graham, Public Works Director; and Lisa Anglin, Town Clerk.

Town Council & 50th Anniversary Committee

At 6:00 pm, the Council and the 50th Anniversary Committee met to review the Committee's preliminary ideas for the 50th Anniversary celebration. The Council encouraged some ideas and discouraged others. No action was taken.

**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

The Council reviewed the November 20th Work Session agenda items and instructed Staff to cancel the November 20th Work Session and the December 18th Work Session, and to coordinate an earlier date in December that fits with everyone's schedule for a Work Session to consider any agenda items set for the cancelled Work Sessions.

Agenda Amendments

Mayor Cerrato requested the following items be added to agendas in the future:

- Streetscape update
- Beach Parking
- Beach Patrol Evaluation
- Beach Walkways
- Citizen Input concerning employee benefits
- No smoking on the beach

The Council reached a consensus to add the following items to the November 5th agenda:

2. MS Breakaway to the Beach Organizers
- 6e – Volunteer Appreciation

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.

MS Breakaway to the Beach Organizers

Organizers thanked the Town and its departments for assistance with the MS Breakaway to the Beach event held in late September. It was a successful event with over 1,000 riders and over \$800,000 raised. The Organizers advised that the 2013 dates are September 21st & 22nd and requested permission for the 2013 event to end in Sunset Beach. Permission was granted.

Unified Development Ordinance (UDO) Public Hearing

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

Cameron Moore – Business Alliance for a Sound Economy Governmental Affairs – Spoke in opposition to various sections of the UDO pointing out the various levels of review including estimated cost associated with each review before reaching the Planning Board review. He stated that these reviews could result in a denial of the project and explained to Council why if adopted these regulations will hinder and/or prevent future development within Sunset Beach and its ETJ.

David Stuart – Commercial Real Estate Broker in Sunset Beach – Read a prepared statement from Carl Frankovitch, Carolina Dreams Golf, LLC (owner of multiple commercial properties in Sunset Beach) voicing opposition to the requirements for major site plan approval in Section 5.05 and requested additional time to review and comment on the other significant changes that were made to the UDO during the October 16th Council Work Session.

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

Public Comments

Nina Marable 502 North Shore Drive – Spoke in opposition of the park development and encouraged the Council to keep the property in its natural state.

Consent Agenda Approval

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

1. Minutes
 - a) September 18, 2012 Work Session Minutes
 - b) October 1, 2012 Regular Meeting Minutes
 - c) October 11, 2012 Special Meeting Minutes

Consent Agenda Approval (Cont.)

- d) October 16, 2012 Work Session 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) Business Reception planned for 12/05/12 – Invitations mailed 10/19/12
 - g) 50th Anniversary Committee appointed – 10/16/12; 1st mtg held – 10/25/12
 - h) Feed Canal/Pier Head Alignment forwarded to Planning Board for review – 08/08/12
 - i) Main Street Speed Limit Study request prepared for Council – 09/20/12
 - j) Letter requesting Main Street/Sunset Blvd S become all-way stop prepared – 09/20/12
 - k) Letter to NCDOT asking permission to paint crosswalks mailed – 09/21/12
 - l) Public Works researching additional trash cans at beach accesses on West End -
 - m) Property Owners affected by Bike/Ped Walkway notified –
 - n) Public Works preparing an asphalt repair list due to sewer project –
 - o) UDO Public Hearing Notice advertised – 10/24/12 & 11/01/12
 - p) Resolution to Purchase Fire Truck signed and submitted – 10/16/12
 - q) Staff directed to Contact BEMC about Shoreline Dr. W going underground – 10/18/12
 - r) Staff to contact Arborist for 2nd opinion for park Trees –
 - s) Landin Holland to present Sunset Blvd. North Corridor plan to Council 11/05/12
 - t) Resolution Opposing Insurance Rate Increase sent to Governor, Insurance Commissioner, Senator Rabon, Representative Iler – 10/16/12

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

Old Business

Withers & Ravenel Park Master Plan Presentation and PARTF Grant Direction

Greg Lambert, Withers & Ravenel, reviewed the Master Park Plan that was shown to the public on October 11, 2012 with the Council. Councilwoman Scott questioned the terraced seating and requested the pavilion be removed. Greg Lambert advised that the terraced seating is actually a retaining wall for soil stabilization.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE MASTER PARK DESIGN WITH THE EXCEPTION THAT THE PAVILION BE ELIMINATED FROM THE MASTER PARK DESIGN AND TO AUTHORIZE WITHERS & REVENEL TO PROCEED WITH THE PARTF GRANT APPLICATION. MAYOR CERRATO CALLED FOR A SECOND. WITH NO SECOND HEARD THE MOTION DIED.

Old Business (Cont.)

Withers & Ravenel Park Master Plan Presentation and PARTF Grant Direction (Cont.)

Greg Lambert continued with the review including power point examples of swings, tables, gazebos, bathrooms facilities, kiosks, and parking lot/walking path materials that could be used. The Council reviewed the estimated cost to develop the Park as depicted by the proposed plan which totals \$826,000. Greg Lambert advised that the proposed plan does not propose removing any trees that have not been identified previously by the arborist as diseased or damaged. The Council instructed staff to get the opinion of a 3rd arborist as to which trees are diseased or damaged. Councilwoman Scott stated that the Council had agreed to include in the park design only those items from the survey results that scored above 50% and since the pavilion (gazebo) did not reach that threshold it should be removed. The Council briefly discussed the pavilion (gazebo), determined it could be relocated on the site, reduced in size and could be constructed with many different configurations and materials but the pavilion (gazebo) was not removed from the plan. Councilwoman Scott strongly objected to the pavilion remaining in the Master Park Plan.

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE MASTER PARK PLAN AS PRESENTED AND AUTHORIZE WITHERS & RAVENEL TO PROCEED WITH THE PARTF GRANT APPLICATION. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN WILLIAMS, COUNCILWOMAN JOSEPH AND COUNCILMAN SHERRILL VOTED YES. COUNCILWOMAN SCOTT VOTED YES BUT NOTED HER OBJECTION TO THE GAZEBO. THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption for Request of Private Road Repair Assistance Policy

Gary Parker advised that this policy was the result of a community request made during one of the Community Meetings held during the summer. The policy was developed by Mayor Pro-Tem DeVita, Attorney Isenberg and Gary Parker and is intended to offer assistance to communities that were involuntarily annexed by the Town, have less than 50 homes and that have existing private roadways that are maintained by the Property Owners Association (POA). The Council briefly discussed eliminating the number of homes requirement but reached a consensus for Staff to verify the number of parcels in the communities affected and to amend the policy to reflect the number of parcels instead of homes.

COUNCILWOMAN JOSEPH MADE A MOTION TO ADOPT THE AMENDED PRIVATE ROAD REPAIR ASSISTANCE POLICY. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Council Chambers Renovations Discussion

The Council reviewed the preliminary information provided by Staff concerning the Council Chambers renovations cost. The Council was advised that the administration and building inspections departments need additional work space and adequate fire proof storage facilities for public records, and that the conference room, which would be eliminated if the chambers are enlarged, is a necessary room for staff, Council, Planning Board and other committees that utilize that room. The Council discussed using folding doors to divide the space when the conference room was needed in order to not eliminate the needed room. The Council was advised that the existing Town Hall building foot print is at capacity and that the only option available is to add a second story.

Old Business (Cont.)

Council Chambers Renovations Discussion (Cont.)

COUNCILWOMAN JOSEPH MADE A MOTION TO TABLE THE COUNCIL CHAMBERS RENOVATIONS CONSIDERATION PENDING FURTHER INVESTIGATION BY STAFF AND ADDITIONAL INFORMATION BEING PROVIDED. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Appointment of 50th Anniversary Committee Liaisons

Lisa Anglin, Town Clerk, requested Council appoint Councilwoman Scott and Councilwoman Joseph as Liaisons to work with the 50th Anniversary Committee to assist with the development of a plan for the celebration that can be presented to the Council on December 3rd for approval and funding.

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPOINT COUNCILWOMAN SCOTT AND COUNCILWOMAN JOSEPH AS LIAISONS FOR THE 50TH ANNIVERSARY COMMITTEE. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion & Consideration of Adoption of the Proposed UDO

Due to the public hearing comments requesting additional time for document review since amendments made by Council were not available to the public until October 25th, the Council reached a consensus to hold a second public hearing on Monday, December 3, 2012 at 7:00 pm.

Jaguar's Lair Update

Councilwoman Joseph advised that a meeting was held on October 23rd to get a work status update and to negotiate an agreement with the developer that will set forth completion deadlines for Section 1. The work status update is as follows:

Section 1

- Surveying and staking of road areas in Section 1 is complete
- Grading for stonework and curbing work in the next section of lots in Section 1 is underway at lots 78-86.
- A request for the modification of a storm water permit has been submitted to the State and Coastal Communities is awaiting final approval of the modification. The modification is to decrease the total amount of impervious surface within the community.
- All underground storm drainpipes are constructed for Section 1.
- Stormwater ponds 1, 2, 3, 5, and 7 are installed and have been certified to the State.
- Sewer and water lines has been installed.
- Conduits for all planned road crossings have been installed.
- All roads have been cut. Mayfair Way has 600' of roadway completed and approximately 700' of roadway are complete along Haddington Way. Crosby Circle up to lot 86 has curbing, stone, and backfill.

Old Business (Cont.)

Jaguar's Lair Update (Cont.)

Section 2

- Substantial engineering work has been completed.
- Stormwater permit and construction plans have been completed.
- Water and sewer permits have been issued.
- One stormwater pond has been constructed as well as an associated segment of piping.
- Stormwater pond construction has begun in conjunction with golf course construction.
- Approximately 2,000 linear feet of sewer has been installed in a portion of the Section.
- The majority of the roadways have been cleared.

Sewer Report Update

Councilwoman Scott advised that the Sewer project is progressing and the issues reported in prior months are being resolved. The mainland system completion is expected in mid-November and the residents will begin receiving the hookup fee waiver letters in early December. Assessment bills can be expected by March 2013.

New Business

Sunset Blvd. North Corridor Vision Plan Proposal – Wes MacLeod

Wes MacLeod presented the proposed Sunset Blvd. North Corridor Vision Plan to the Council. The Council reached a consensus to expand the study area from the Highway 904/179 and Sunset Blvd. North intersection to the Intracoastal Waterway.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE A CONTRACT WITH HOLLAND CONSULTING PLANNERS NOT TO EXCEED \$18,500 FOR THE STUDY AND PRODUCTION OF THE SUNSET BLVD. NORTH CORRIDOR VISION PLAN WITH THE EXPANDED STUDY AREA AS DEFINED BY COUNCIL. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of the Waste Industries Contract Renewal

Gary Parker and the Council reviewed the existing contract which will be renewed next month.

Consideration of Adoption of two (2) Resolutions to Sale Surplus Equipment

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE TWO (2) RESOLUTIONS AUTHORIZING THE SALE OF THE FOLLOWING SURPLUS EQUIPMENT:

- 2004 Honda 4 Wheeler,
- 2005 Honda 4 Wheeler,
- 2007 Honda 4 Wheeler, and a
- 1999 Ford F450 Anchor-Richey Mini Pumper/Brush Truck

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

New Business (Cont.)

Volunteer Appreciation

Councilwoman Joseph requested the Council to consider adopting a policy that during each December Regular Council Meeting certificates of appreciation are awarded to any organization, group or volunteer that has made a substantial contribution to the Town in the past 12 months.

COUNCILWOMAN JOSEPH MADE A MOTION TO ADOPT A POLICY TO AWARD CERTIFICATES OF APPRECIATION ANNUALLY AT THE DECEMBER REGULAR MEETING TO ANY ORGANIZATION, GROUP OR VOLUNTEER THAT HAS MADE A SUBSTANTIAL CONTRIBUTION TO THE TOWN IN THE PAST 12 MONTHS. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

Marci Berry 7428 Preswick Court – Thanked the Council, sponsors, volunteers, residents, town employees and attendees for making the Sunset at Sunset Celebration a success.

Debora Mawji 403 Water Oak Wynd– Suggested the Council consider adding a few rain gardens to the park; requested Council consider amending the ordinances that regulate banners to allow the business owners to temporarily hang special event banners.

Ed Gore 435 Shoreline Drive West – Questioned why the Pier Head Alignment regulations have not been adopted; stated the alignment regulations are good for both the property owners and the Town as it will create a clear path for the boaters at both low & high tide (once dredged), ensure the property owners will always be able to utilize the canals and make dredging easier (quicker/cheaper) for the company to navigate by existing piers/docks in the feeder canal and finger canals.

Herb Tinger 711 Oyster Bay Drive – Advised Council that the Chambers need to be renovated to accommodate citizens who want to attend and participate in the meetings.

Closed Session

COUNCILWOMAN JOSEPH MADE A MOTION TO GO INTO CLOSED SESSION TO APPROVE THE APRIL 2, 2012, APRIL 17, 2012 AND MAY 7, 2012 CLOSED SESSION MINUTES AND TO CONSULT WITH THE TOWN ATTORNEY PURSUANT TO NCGS 143-318.11(a)(3) REGARDING JAGUARS LAIR. COUNCILMAN WILLIAMS 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. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO RECONVENE TO THE REGULAR MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately one hour. No action was taken.

Adjournment

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE NOVEMBER 5, 2012 COUNCIL MEETING. MAYOR PRO-TEM DEVITA 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