

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearing and Regular Meeting
December 5, 2016**

MINUTES

Members Present: Mayor Robert Forrester, Mayor Pro-Tem Carol Scott, Councilman Peter Larkin, Councilman Mark Benton, Councilman John Corbett and Councilman Rich Cerrato

Members absent: None

Attorney & Staff Present: Susan Parker, Town Administrator; Bonnie Schwerd, Assistant Town Administrator; Bonita Bray, Finance Director; Richard Childres, Deputy Fire Chief; Dustin Graham, Public Works Director; Joe Smith, Interim Police Chief; Wes MacLeod, Planning Consultant (Cape Fear Council of Governments); Richard Hathcock, GIS/Planner and Lisa Anglin, Town Clerk

Mayor Forrester called the Meeting to order at 6:00 pm.

Closed Session

MAYOR PRO-TEM SCOTT MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY CONCERNING RIVERSIDE DRIVE AND THE PENDING LITIGATIONS CONCERNING JAGUAR'S LAIR AND THE PROPERTY LOCATED ON THE WEST END OF THE ISLAND. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILMAN LARKIN MADE A MOTION TO RETURN TO OPEN SESSION AND RECONVENE MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Forrester advised that during Closed Session, the Council received legal advice concerning Riverside Drive, and received a legal update concerning the pending litigations with the developer of Jaguar's Lair and the property located at the west end of the island.

Work Session

Mayor Forrester called for agenda amendments and general discussions by the Council.

Draft Agenda Review

The Council reviewed the agenda and made no amendments.

Mayor and Council Comments/Discussions

Mayor Forrester displayed a plaque and read a letter received from FEMA congratulating the Town for obtaining a CRS Class 7 which will afford property owners a 15% reduction in flood insurance premiums.

Monthly Meeting

The Meeting convened at 7:00 pm and the Pledge of Allegiance was recited by those in attendance.

Approval of the Draft Agenda

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Hearings

To amend Section 6.03 of Article 6 Zoning Districts to add Overlay Zoning District and to add Section 6.07 of Article 6 titled Overlay Zoning District Development Standards

MAYOR PRO-TEM SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Forrester called for public comments. No comments were heard.

COUNCILMAN LARKIN MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

To amend Section 7.09 (B) of Article 7 Supplemental Regulations to allow for the construction of a fence or wall on the property line

COUNCILMAN CORBETT MADE A MOTION TO OPEN THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Forrester called for public comments. No comments were heard.

MAYOR PRO-TEM SCOTT MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

To amend Appendix A. Definitions to add examples of pervious surfaces to the Impervious Surface definition

MAYOR PRO-TEM SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Forrester called for public comments. No comments were heard.

COUNCILMAN BENTON MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments on Agenda Items Only

Carol Santavicca 9109 Forrest Drive – Spoke in opposition of term limits for committees; spoke in opposition of the Council decision to ban cabanas.

Donna Piatek 448 Egret Drive – Spoke in support of cabana ban; spoke in opposition of term limits for committees.

Ann Bokelman 404 3rd Street - Spoke in opposition of term limits for committees; spoke in opposition of the Council decision to ban cabanas.

Public Comments on Agenda Items Only (Cont.)

Charles Nern 647 Oyster Bay Drive - Spoke in opposition of term limits for committees.

Karen Joseph 915 Sandpiper Bay Drive – Advised that the Sunset at Sunset Committee members are volunteers that have specific talents related to planning and executing the Town festival; currently the committee has nine (9) members with five (5) only serving 1 – 2 years; feels that term limits will discourage volunteers from joining.

Lois McClellan 901 Wyndfall Drive – Spoke in opposition of term limits.

Minutes for Approval Consideration

Councilman Larkin advised that his name was omitted from the Members Present list and of a typo in the spelling of Pro-Tem in the September 19, 2016 minutes.

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE SEPTEMBER 6, 2016, SEPTEMBER 20, 2016, THE OCTOBER 3, 2016 AND OCTOBER 18, 2016 REGULAR MEETING MINUTES AND THE NOVEMBER 2, 2016 SPECIAL MEETING MINUTES AS PRESENTED AND THE SEPTEMBER 19, 2016 SPECIAL MEETING MINUTES AS AMENDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UANNIMOUS VOTE.

Town Administrator Report

Electric Vehicle Charging Station – Susan Parker, Town Administrator, advised that Staff is seeking approval from the State for the station placement due to the storm water.

Hurricane Matthew Update – Parker advised that FEMA has now declared A through G for our area which means the beach access walkway repairs and Park clean-up and repairs are now reimbursable. Staff is continuing to prepare for the FEMA meeting to submit the documentation for reimbursement consideration. Parker advised that four (4) storm related projects are still in process, the Town Park floating dock repairs, bulkhead repair at Sailfish Drive, and the repairs to the 10th and 17th Street beach access walkways.

Town Park – Parker advised that the revised covered picnic area engineer drawings have been reviewed by Staff. Staff is preparing the draft bid documents for Council consideration. Mayor Pro-Tem Scott advised that the Council has not reviewed or approved the covered picnic area plans or location.

Police Chief Search Update – Parker advised that the 100+ resumes received have been reduced to 18. Next, Police Executive Research Forum (PERF) has been retained to conduct telephone interviews.

Holiday Market – Parker advised that the Holiday Market was held in the Park on Saturday and was a successful event for the sponsors.

Departmental Reports

Police – Interim Police Chief Joe Smith advised that the patrol officer position has been filled and now the department is fully staffed with the exception of the Police Chief. Smith advised that the suspect in the CVS prescription forger crime was located and extradited back to the Brunswick County jail where he awaits arraignment for the crime.

Public Works – Dustin Graham, Public Works Director, advised that all of the Hurricane Matthew debris has been removed from the Town and that the regular schedule for leaf and limb pick-up was reinstated today. Graham advised that 320 vegetation loads and 5 construction demolition debris loads

Departmental Reports (Cont.)

Public Works (Cont.)

were removed total 17,224 cubic yards of debris. Graham advised that the Storm water Management Plan Consultant crews started the pipe inspections today.

Planning & Inspections – Richard Hathcock, GIS/Planner, advised that the number of CAMA permits issued is down due to the existing CAMA permit exception signed by the Governor. Hathcock advised that the Planning Board has drafted a pine straw letter advising of the hazards with using pine straw as mulch for distribution to landscaping and properties management businesses. The Council agreed that the letter should be sent to all property owners. The draft letter will be submitted to the Council for approval.

Fire – Richard Childres, Deputy Fire Chief, advised that the water restriction have been lifted. Childres thanked the community for the supplies donations for the firefighters that are battling in the wildfires in the western part of the State. Childres was questioned by the Council concerning the time Beach Patrol spends dealing with cabana related issues daily. Childres advised that a lot of time is spent but he is unable to give an exact amount of time. Childres advised that four (4) Beach Patrol staff are present on the strand during July, August and September.

Finance – Bonita Bray, Finance Director, reviewed the October, 2016 Financial Report with the Council. Susan Parker, Town Administrator, advised that the Auditor will be onsite December 12th and 13th finalizing the audit field work for submittal to the State by December 31st.

Old Business

Consideration of Acceptance of Planning Board Recommendation for Proposed UDO Amendment for Article 2 Section 2.18 Filling, Grading, Excavation to Replace the Existing Ordinance and to Schedule a Public Hearing for January 9, 2017 at 7:00 pm

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION FOR PROPOSED UDO AMENDMENT FOR ARTICLE 2 SECTION 2.18 FILLING, GRADING AND EXCAVATION TO REPLACE THE EXISTING ORDINANCE AND TO SCHEDULE A PUBLIC HEARING FOR JANUARY 9, 2017 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Planning Board Recommendation to Deny Proposed UDO Amendments for Article 6 Section 6.04 to allow Privacy Fences (Subdivisions) and Article 7 Section 7.09 to add (7) Privacy Fences; Consideration to Schedule Public Hearing for January 9, 2017 at 7:00 pm if Council is Considering Amendments

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION TO DENY THE PROPOSED UDO AMENDMENT FOR ARTICLE 6 SECTIONS 6.04 AND 7.09 CONCERNING PRIVACY FENCES (SUBDIVISIONS) AND TO TABLE CONSIDERATION PENDING LEGAL ADVICE. MAYOR FORESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business (Cont.)

Discussion Concerning Amendments and Possible Action for Chapter 95 Beach Strand, Waterway, Channel and Canal Regulations, Ordinance 95.01 Definitions and 95.07 Placing Obstructions on the Beach Strand

Concerning the November 15, 2016, motion to ban cabanas, Mayor Forrester advised that NCGS 160A-75 and Town Council Rules of Procedure Rule 21 (a) state that no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council. Mayor Forrester advised that the vote to ban cabanas was a 3 – 2 vote and therefore, didn't meet the State or Town requirement for adoption.

COUNCILMAN BENTON MADE A MOTION TO TABLE THIS DISCUSSION UNTIL JANUARY. MAYOR FORRESTER CALLED FOR DISCUSSION.

Mayor Pro-Tem Scott advised that cabanas have been discussed since she was first elected and she was instrumental in drafting the current regulations. Mayor Pro-Tem Scott advised that she has reconsidered her position citing that the reason that other Towns have banned them doesn't apply in Sunset Beach. Mayor Pro-Tem Scott stated that the Ocean Isle Beach Mayor stated the ban was enacted due to the numbers being abandoned and left on the beach overnight costing the Town money to remove; Myrtle Beach banned them because they interfered with the lifeguard's sight of the ocean hindering rescues. Both of which are not issues in Sunset Beach due to regulations that require everything to be removed daily and the Town doesn't employ lifeguards. Mayor Pro-Tem Scott stated she is not in favor of tabling this issue or continuing with the ban on cabanas. Councilman Cerrato listed reason in support of the ban. Mayor Forrester cited the number of emails and phone calls received as a reason not to table the issue. Councilman Corbett and Councilman Larkin advised against tabling the issue also.

MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN BENTON VOTED YES. COUNCILMAN CERRATO, COUNCILMAN LARKIN, COUNCILMAN CORBETT AND MAYOR PRO-TEM SCOTT VOTED NO. THE MOTION FAILED.

Councilman Corbett listed reasons in support of allowing cabanas such as promoting safety measures from sun related hazards and a family friendly atmosphere for young and old, enacting the current regulations that promote orderly use with single line placement and spacing requirements, and supporting the local business owners by allowing cabana rentals.

COUNCILMAN CORBETT MADE A MOTION TO RECIND THE NOVEMBER 15, 2016 MOTION AND VOTE TO BAN CABANAS AND TO REJECT THE PROPOSED AMENDMENTS FOR CHAPTER 95. MAYOR FORRESTER CALLED FOR DISCUSSION.

Councilman Larkin advised that he has worked for the Beach Patrol and it has been his experience that Sunday and Monday mornings are educational days for visitors concerning the cabana regulations and that most comply for the remainder of the week. Mayor Pro-Tem Scott stated that her decision was not an easy one and that she had been misinformed as to why other areas had banned them. Mayor Pro-Tem Scott suggested the Council consider strengthening the cabana regulations and offered to draft language for the Council to consider during the January 9, 2017 Meeting. Mayor Pro-Tem Scott advised that she has requested legal advice to determine if the Council can prevent a vendor from doing business within the Town if it disagrees with the way the vendor conducts business.

Old Business (Cont.)

Discussion Concerning Amendments and Possible Action for Chapter 95 Beach Strand, Waterway, Channel and Canal Regulations, Ordinance 95.01 Definitions and 95.07 Placing Obstructions on the Beach Strand (Cont.)

MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN LARKIN AND COUNCIL CORBETT VOTED YES. COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Staff was directed to notify the public by all means available.

Boards/Committee Members Term Limits Discussion

Councilman Cerrato advised that all appointed Board and Committee Members should have term limits with staggered expiration dates. The Council agreed that the Sunset at Sunset Committee Members are not appointed by the Council. Councilman Larkin advised that the Boards and Committees, such as the Planning Board and the Environmental Resource Committee, do have imposed term limits that were put in place to ensure the members longevity commitment to allow for education, and historical retention and knowledge when advising the Council of recommended rules and regulations amendments or research project results. Councilman Benton advised that the term limits are necessary to give members an opportunity to withdraw from the Committee and to give the Council the opportunity to determine if the person should remain on the Committee. Mayor Pro-Tem Scott advised that the Sunset at Sunset Committee members are tasked with planning and executing the Town festival only and the members can join and withdraw from the Committee at will.

COUNCILMAN CORBETT MADE A MOTION TO NOT SUBJECT THE SUNSET AT SUNSET COMMITTEE MEMBERS TO ANY TERM LIMITS. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN CORBETT AND COUNCILMAN LARKIN VOTED YES. COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

New Business

Consideration of Adoption of Proposed UDO Amendment for Article 6 Sections 6.03 & 6.07 to Add the Gateway Overlay District

COUNCILMAN LARKIN MADE A MOTION TO ADOPT THE PROPOSED UDO AMENDMENT FOR ARTICLE 6 SECTIONS 6.03 AND 6.07 TO ADD THE GATEWAY OVERLAY DISTRICT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of Proposed UDO Amendment for Article 7 Section 7.09 (B) Privacy Fences to Amend for Single Family Residential

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE PROPOSED UDO AMENDMENT FOR ARTICLE 7 SECTION 7.09 (B) PRIVACY FENCES TO AMEND FOR SINGLE FAMILY RESIDENTIAL. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Consideration of Adoption of Proposed UDO Amendment for Appendix A. to Add Impervious Surface Definition

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE PROPOSED UDO AMENDMENT FOR APPENDIX A TO ADD IMPERVIOUS SURFACE DEFINITION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Waste Industries Contract Extension for 2nd Day Pickup

Susan Parker, Town Administrator, advised the service is for the summer second garbage pickup on the island and condos at a costs of \$86,000 per year.

COUNCILMAN CORBETT MADE A MOTION TO APPROVE THE WASTE INDUSTRIES CONTRACT EXTENSION FOR THE 2ND DAY PICKUP. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Review upcoming Agenda Items and Identify New Agenda Items for December 19, 2016 Meeting

No adjustments were made.

Public Comments

Ann Bokelman 404 3rd Street – Invited everyone to the Old Bridge Preservation Society Christmas Tree Lighting at 5:30 pm on Tuesday, December 6th.

Charles Nern 647 Oyster Bay Drive – Thanked the Public Works Department staff for doing a great job picking up the storm related debris; thanked Susan Parker and staff for the Christmas decoration in the roundabout and the Veteran’s Memorial in the Park; thanked Mayor Pro-Tem Scott for reversal vote on cabanas.

Joe Santavicca 9109 Forest Drive – Suggested Council disallow cabanas during the summer season but allow them in the off season so residents can go to the beach and use a cabana.

Adjournment

COUNCILMAN CERRATO MADE A MOTION TO ADJOURN THE DECEMBER 5, 2016 COUNCIL MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Robert Forrester, Mayor

Submitted by:

Lisa Anglin, Town Clerk

*The December 5, 2016 Minutes were approved by the Town Council during the December 19, 2016 Meeting.