

**Town of Sunset Beach  
Monthly Council  
Work Session, Public Hearing and Regular Meeting  
January 9, 2017**

**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; Bonita Bray, Finance Director; Kevin Dempsey, Fire Chief; Dustin Graham, Public Works Director; Joe Smith, Interim Police Chief; Wes MacLeod, Planning Consultant (Cape Fear Council of Governments); and Lisa Anglin, Town Clerk

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

**Closed Session**

COUNCILMAN CORBETT MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY CONCERNING PENDING LITIGATIONS CONCERNING JAGUAR’S LAIR AND THE PROPERTY LOCATED ON THE WEST END OF THE ISLAND AND TO DISCUSS A PERSONNEL MATTER. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM SCOTT 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 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 and discussed a personnel matter.

**Work Session**

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

**Draft Agenda Review**

The Council reviewed the agenda and made the following amendments:

- Old Business 8g – Discussion Concerning Beach Rules
- New Business 9c – ERC Scoping Meeting
- New Business 9d - Weapons Theft Issue
- New Business 9e – Board of Election Sunset Beach Voting Location

**Mayor and Council Comments/Discussions**

No comments heard.

**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**

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Public Hearings**

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 advised that the purpose of the Public Hearing is to hear comments concerning a proposed Ordinance amendment for Article 2 Sections 2.18 titled Filling, Grading, Excavation to repeal and replace the existing ordinance and 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.

**Public Comments on Agenda Items Only**

Art Epstein 408 Lake Shore Drive – Spoke in opposition of allowing cabanas on the beach strand; suggested limiting the cabanas by increasing the required spacing between them.

Jean Hutchinson 436 6<sup>th</sup> Street – Spoke in favor of allowing cabanas on the beach strand; encouraged the Council to move forward with projects for completion.

Charles Nern 647 Oyster Bay Drive – Questioned the motive for adding the Weapons Theft Issue to the agenda.

Fred Cole 404 29<sup>th</sup> Street – Spoke in opposition of allowing cabanas on the beach strand.

Karen Joseph 915 Sandpiper Bay Drive – Thanked Bonnie Bray for providing Park grant and expenditures information as three (3) previous requests sent to the old Finance Director didn't generate a response. Spoke in opposition of the proposed Park covered seating area size and location.

Katie Hovermale 1429 Bay Street – Spoke in opposition of the proposed covered seating area and suggested smaller picnic sites in the Park using covered picnic tables.

Ruth Reynolds 703 North Shore Drive – Requested Council to require the cabana companies to only access the beach strand from the main entrance at the gazebo instead of the walkways for safety reasons.

Milton Coleman 7175 West Brook Avenue – Spoke in favor of cabanas and in opposition of umbrellas citing safety reasons in windy conditions.

**Minutes for Approval Consideration**

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE DECEMBER 19, 2016 REGULAR MEETING MINUTES AND THE DECEMBER 19, 2016 SPECIAL MEETING MINUTES AS PRESENTED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town Administrator Report**

Planning Director Position – Susan Parker, Town Administrator advised that only two (2) resumes have been received and the position is being re-advertised.

Police Chief Search - Parker advised that the phone interviews have been completed and next, each applicant will be interviewed by the established Panel.

Covered Picnic area – Parker advised that the proposed 20 X 20 covered picnic area location has been marked off in the Park.

**Departmental Reports**

Police – Interim Police Chief Smith warned that credit card scammers are in the area.

Public Works – Dustin Graham, Public Works Director, advised that the 32<sup>nd</sup> Street beach access walkway is closed for repairs. Graham advised that the stormwater assessment crew will be finalizing the pipe video inspection this week.

Planning & Inspections – Wes MacLeod, Planner Consultant, advised the Council that the Planning Board is currently reviewing the MB-1 Zoning District for a proposed text amendment to enable potential re-development of the old Food Lion site. The Board is also finalizing a proposed text amendment to require completion of subdivision infrastructure prior to lots being sold.

Fire – Chief Dempsey advised that the department has completed hose testing and are now beginning on hydrant testing. Dempsey advised the new fire truck is being built with an expected delivery date in March.

Finance – Bonnie Bray, Finance Director, advised that the 2015/2016 audit is on track for completion and submittal to the LGC by the extended February 28, 2017 deadline. The Auditors are scheduled to complete the field work in Town Hall next week. Bray reviewed a spreadsheet with the Council outlining the Park Grant revenues and expenditures to date.

**Old Business**

**Consideration of Approval of Draft Pine Straw Flyer & Recipient List**

Mayor Pro-Tem Scott reviewed the proposed revision for the Pine Straw flyer. The Council made additional revisions to include the firewise website. The Council discussed adding language concerning proper methods for extinguishing grills and requested Chief Dempsey to develop a flyer concerning grilling safety. The Council agreed to include the flyer either as an article within the Annual Report or as an insert. Staff was directed to format the flyer, distribute it to the Council and to include its final review and approval on the January 17, 2017 Meeting agenda.

**Old Business (Cont.)**

Discussion Concerning Main Street Sidewalks

Councilman Benton suggested that the Council consider installing a 5' ADA compliant sidewalk the length of Main Street, East and West on the oceanfront side. Susan Parker advised the engineering costs will be approximately \$30,000. CAMA and Stormwater permits will be required. Parker advised that grants are available from GSATS and this project has been mentioned to them.

COUNCILMAN CERRATO MADE A MOTION TO AUTHORIZE THE EXPENDITURE OF NOT MORE THAN \$30,000 FOR AN ENGINEERING STUDY TO DETERMINE THE REQUIREMENTS AND COSTS OF THE INSTALLATION OF A 5' ADA COMPLIANT SIDEWALK ALONG MAIN STREET, EAST AND WEST. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Parker advised that a budget amendment will be needed for this expenditure and will be included on the January 17, 2017 Meeting agenda.

Consideration of Temporary Police Officer for Island/Strand during Summer Season

The Council discussed the proposal to add a temporary police officer for the island and strand during the summer season. The majority of Council was not in favor of the proposal. Mayor Pro-Tem Scott suggested adding this topic to the Planning Session (Retreat) agenda to determine if the level of staffing is sufficient for the Town or should the force be increased.

COUNCILMAN BENTON MADE A MOTION TO TABLE THE TEMPORARY POLICE OFFICER CONSIDERATION UNTIL THE JANUARY 17, 2017 MEETING. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN BENTON AND COUNCILMAN CERRATO VOTE YES. COUNCILMAN LARKIN AND COUNCILMAN CORBETT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Discussion Concerning Employee Salary & Benefits Package Study; Revision /Development of Benefits Package for Existing and Future Employees and Consideration of Approval of Salary Study RFP

The Council discussed the need for an employee salary and benefits package study, and the draft RFP. Councilman Cerrato suggested finding Town citizens with Human Resources backgrounds to conduct the study. Mayor Pro-Tem Scott suggested two Councilmembers from opposite sides conduct the study utilizing input from neighboring communities.

COUNCILMAN LARKIN MADE A MOTION TO RELEASE THE RFP FOR AN INDEPENDENT FIRM TO CONDUCT THE STUDY. MAYOR FORRESTER CALLED FOR ADDITIONAL DISCUSSION.

Councilman Corbett questioned the current personnel turnover rate and agrees that a professional firm needs to be hired to conduct the study. Councilman Larkin suggested adding to the RFP that the bidder include a list of which municipalities they propose to use as a comparison and why. Councilman Cerrato offered to conduct the salary study for the Council. Mayor Pro-Tem Scott voiced concern with some of the language included in the RFP and stated that she will meet with Parker to discuss.

COUNCILMAN BENTON MADE A MOTION TO TABLE THE SALARY STUDY RFP UNTIL THE JANUARY 17, 2017 MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

## Old Business (Cont.)

### Discussion Concerning Park Covered Picnic Area; Review of Engineered Plans and Location

The Council discussed the proposed location for the 20 X 20 covered picnic area. Councilman Cerrato stated that the new Council when appointed in December 2015 reversed the decision concerning the 40 X 40 gazebo. Councilman Corbett commented that the previous location and structure were perfect for the Park.

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE 20 X 20 COVERED PICNIC AREA LOCATION NEAR THE BATHROOM FACILITY AS MARKED BY THE TOWN ADMINISTRATOR AND PUBLIC WORKS DIRECTOR. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN BENTON, COUNCILMAN LARKIN AND COUNCILMAN CERRATO VOTED YES. COUNCILMAN CORBETT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

COUNCILMAN CERRATO MADE A MOTION TO RELEASE A RFP FOR THE DESIGN AND CONSTRUCTION OF THE 20 X 20 COVERED SEATING AREA. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN BENTON, COUNCILMAN LARKIN AND COUNCILMAN CERRATO VOTED YES. COUNCILMAN CORBETT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

### Discussion to Address the Procedural and Process Confusion Regarding the Council's Reversal to Allow Cabanas

Councilman Benton reminded the Council of the questions handed out during the December 19, 2016 Special Meeting and requested the Council address the questions during the January 17, 2017 Meeting.

### Discussion Concerning Beach Rules

Mayor Pro-Tem Scott and Councilman Larkin are working on a draft ordinance amendment of the cabana regulations to be provided to Council for consideration during the January 17, 2017 Meeting.

## New Business

### Consideration of Adoption of UDO Amendment for Article 2 Subsection 2.18 Titled Filling, Grading, and Excavation to Repeal and Replace Ordinance

The Council reviewed the proposed UDO Amendment for Article 2 Subsection 2.18. The Council reached a consensus to:

- Remove G. which stated "In the event that a storm or other natural hazard results in the removal of sand from a **lot**, then the affected party may apply for a Town Fill and Grade permit to modify the **finished ground level** in accordance with this ordinance. Where the affected party has a previously approved Town Fill and Grade permit with identified **Finished Ground Level** and spot elevations, then the property owner may apply for a Town Fill and Grade permit to fill and grade the property in accordance with the previously approved permit." and,
- Add H. which states "Site work in accordance with the approved Town Fill and Grade permit must be complete within 90 days of issuance. Upon expiration and provided that substantial progress has occurred, the Town Fill and Grade permit may be extended for a period of 90 days.

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE UDO AMENDMENT FOR ARTICLE 2 SECTION 2.18 AS AMENDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**New Business (Cont.)**

Review upcoming Agenda Items and Identify New Agenda Items for January 17, 2017 Meeting

The Council reviewed the upcoming Agenda Items on the Disposition of Directives and identified new agenda Items as follows:

January 17, 2017 Meeting

- Beach Rules
- Pine Straw Flyer
- Salary Study RFP
- Temporary Police Officer Proposal
- Procedural and Process Confusion Questions from December 19, 2016 Special Meeting

April 3, 2017 Meeting

- No Smoking/Designated Smoking Area Policy

ERC Request Concerning Dredging Scoping Meeting

COUNCILMAN CERRATO MADE A MOTION TO ALLOW A MEMBER OF THE ERC TO ATTEND THE PRE-DREDGE SCOPING MEETING AS AN OBSERVER ONLY. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN CERRATO, COUNCILMAN BENTON AND COUNCILMAN CORBETT VOTED YES. MAYOR PRO-TEM SCOTT AND COUNCILMAN LARKIN VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Weapons Theft Issue

Councilman Cerrato stated that the weapons stolen from the vehicle of Interim Police Chief Smith was not discussed or reported to the Council until a couple of days before the article concerning the theft was reported in the Brunswick Beacon.

Board of Election Sunset Beach Voting Location

Councilman Cerrato advised that the Sea Trail's POA Board has decided that the Brunswick County Board of Election can no longer use the POA building as a polling place during elections. Councilman Cerrato requested Parker to contact Sara Knotts, Board of Elections Director, to offer assistance in securing a new location.

**Public Comments**

George Johnson 215 Crooked Gulley Circle – Agreed that a Salary Study might be needed; thanked Council for the Park covered seating area decision.

Neil Gilbert 1150 Sea Bourne Way – Advised that the ERC has emailed a recommendation package to the Council containing a report, recommendations and attachments.

Karen Joseph 915 Sandpiper Bay Drive – Advised that a police officer on the beach during the summer season would be a good thing; suggested that the covered seating area needs to be larger and encouraged the Council to put the town and its citizens first.

Gary Merritt 646 Oyster Bay Drive – Questioned how Committee business communications get to the Town Council. Mayor Forrester advised through the Town Clerk.

**Adjournment**

COUNCILMAN BENTON MADE A MOTION TO ADJOURN THE JANUARY 9, 2017 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 January 9, 2017 Minutes were approved by Council during the March 6, 2017 Meeting.