

**Town of Sunset Beach
Monthly Council
Work Session & Regular Meeting
April 1, 2013**

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; Donna Rogers, Finance Director; Cindi Stephenson, Deputy Finance Director; Kevin Dempsey, Fire Chief; Lisa Massey, Police Chief; Dustin Graham, Public Works 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

Memorial Day Ceremony

Mayor Cerrato announced that Chief Massey is organizing the Memorial Day Ceremony.

50th Anniversary

Councilwoman Joseph thanked the staff and the 50th Anniversary Committee for the reception held March 26, 2013. Councilwoman Joseph advised that the history panels will be on display at the Ingram Planetarium.

Agenda Amendments

The Council reviewed the draft agenda and added Consideration of Approval to Rezone Parcel # 24200005 to New Business. Mayor Cerrato requested the Council to add the Merchants Association Discussion with the Business Leaders to the April or May Work Session agenda, the Council agreed to add the discussion to the May Work Session agenda. *(Later in this meeting, this item was moved to the April Work Session agenda).*

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.

Public Hearing - Rezoning Request from RI-1 to MR -3 – Parcel #24200005 - 1435 Seaside Road

COUNCILMAN WILLIAMS 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.

Wes McLeod, Holland Planning Consultants, advised that the Planning Board has received and reviewed the request to rezone Parcel #24200005 – 1435 Seaside Road from RI-1 to MR-3 and found the request to be consistent with the Land Use Plan. The Planning Board recommendation to approve the rezoning request was presented to Council at the March 4, 2013 Meeting.

Mayor Cerrato called for comments.

Mike Prince 106 Lee’s Cut Wrightsville Beach NC – Advised Council that he is co-owner of the property and is requesting the rezoning to make the property more marketable and desirable for development.

Loretta Danielik 1079 Emerillon Court – Questioned how this property was located in Town Limits.

Ron Watts 421 Shoreline Drive West – Advised that the property was annexed by the Town several years ago.

COUNCILMAN SHERRILL 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.

Public Comments

John Corbett 423 Sailfish Drive – Spoke in opposition to the leash length limitation proposed in Ordinance 96.32 Pets on Strand as being too restrictive and questioned enforcement of the ordinance; requested the Council seek public input before making any decisions concerning the Veteran’s Memorial.

Kathryn Hovermale 1419 Bay Street – Requested the Council to preserve the park in its natural undeveloped state.

Charles Nern 647 Oyster Bay Drive – Spoke in favor of the Veteran’s Memorial and its placement in the Park.

Robert Hanania 202 Baroney Place – Advised Council that the Veteran’s Memorial Committee is a privately funded organization that started working in 2008 to secure a location within Town limits for a Veteran’s Memorial.

Consent Agenda Approval

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE FOLLOWING CONSENT AGENDA:

1. Minutes
 - a) February 4, 2013 Regular Meeting Minutes
 - b) February 19, 2013 Annual Retreat Minutes
 - c) March 4, 2013 Regular Meeting Minutes
 - d) March 19, 2013 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; Notified of completed 03/04/13
 - e) 50th Anniversary Committee appointed – 10/16/12; Committee met – 10/25/12, 11/05/12, 11/13/12/, 11/15/12, 11/26/12, Council approved budget 12/11/12; Committee met 01/14/13, 01/28/13, 02/07/13, 02/20/13, 02/28/13, 03/13/13
 - f) Main Street Speed Limit Study request prepared for Council – 09/20/12
 - g) Letter requesting Main Street/Sunset Blvd S become all-way stop prepared – 09/20/12
 - h) Letter to NCDOT asking permission to paint crosswalks mailed – 09/21/12
 - i) Public Works researching additional trash cans at beach accesses on West End – Provided to Council 03/19/13
 - j) Property Owners affected by Bike/Ped Walkway notified –
 - k) Staff investigating and gathering additional information concerning chamber renovations – Provided to Council 02/19/13
 - l) Sunset Blvd. North property owners notified of Vision Plan meetings – 02/13/13
 - m) Applications submitted to State to register Town & 50th logos – 02/11/13; Received Certificates of Registration from the State – 03/18/13
 - n) Fee-Supported Canal Dredging & Maint. District research – Advised that Senator Rabon has introduced bill – 03/04/13
 - o) Asset Replacement Cost/Life Expectancy Schedule produced/updated & included in Capital Improvement Program –
 - p) NCLM contacted concerning Attending 04/19/13 Work Session – 03/05/13
 - q) Staff to prepare draft Resolution opposing NCGA bills that would negatively impact Town –
 - r) Sewer Connection Fee Policy amended and distributed – 03/06/13
 - s) GSATS MOU & MOU Resolution emailed – 03/08/13
 - t) GSATS notified of TAC Alternate – 03/08/13
 - u) Sunset Blvd. South Extension (Gazebo) project – Notice in Star News 03/11/13; Beacon 03/14/13
 - v) Street Resurfacing Project – Notice in Star News 03/11/13; Beacon 03/14/13

Consent Agenda Approval (Cont.)

- w) Facility Expansion Project – Notice in Star News 03/11/13; News & Observer 03/13/13
 - x) Council Meeting Change – Notice in Beacon 03/14/13
 - y) Rezoning Public Hearing – Notice in Beacon 03/14/13 & 03/21/13
 - z) Planning Board Members Needed – Notice in Beacon 03/14/13
 - aa) Resolution Concerning Transitional Hold Harmless Reimbursement Funds – Sent to Senator Rabon, Representative Iler & Representative Hamilton – 03/20/13
 - bb) Letter to BC Commissioners concerning Fire Fee vs Fire Tax mailed – 03/20/13
4. Departmental Updates

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

Old Business

Sewer Update

Councilwoman Scott advised that property owners may pay the assessment amount in full within 365 days and not have to pay any interest on the assessment amount. If the full amount of the assessment is paid, no interest will be charged on the assessment. If a partial payment(s) is (are) made during this period, interest will accrue on the outstanding principal balance beginning July 1, 2013. The total amount of interest paid will depend on the timing and amounts of the payments. Councilwoman Scott advised that the Brunswick County Commissioners will hold a public hearing on the assessment per parcel method at 5:30 pm on April 8, 2013 at the Odell Williamson Auditorium in Supply, NC.

Jaguars Lair Update

Councilwoman Joseph advised that the negotiating team met on March 28, 2013 and set up a series of meetings for the development of a timeline for Section 2 completion. Councilwoman Joseph advised that Section 1 work is continuing and the developer is confident that all deadlines will be met.

Motion to Schedule a Public Hearing Concerning the Streetscape Project for May 6, 2013

Councilwoman Scott advised that once the BEMC lighting design draft is incorporated into the plan, the plan will be forwarded to NCDOT for approval.

COUNCILWOMAN SCOTT MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR MAY 6, 2013 AT 7:00 PM TO HEAR PUBLIC COMMENTS CONCERNING THE STREETScape PROJECT. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business

Consideration of Approval to Rezone Parcel # 24200005

COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE RESOLUTION TO REZONE PARCEL #24200005 FROM RI-1 TO MR-3. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR DISCUSSION.

Councilwoman Scott voiced surprise that adjacent property owners are not objecting to the possibility of high density development that could occur on the property if rezoned to MR-3 and indicated that she would not favor any future request for rezoning that increased density.

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

New Business (Cont.)

Consideration of Amendment of Ordinance 96.32 Pets on the Strand

The Council discussed the proposed leash length of 10' and agreed not to change it.

COUNCILWOMAN SCOTT MADE A MOTION TO ADOPT ORDINANCE 96.32 PETS ON STRAND AS AMENDED BELOW:

1. All pets shall at all times be leashed and under the control of a responsible person.
2. Pets shall at all times be restrained by a leash no longer than ten (10) feet in length.
3. Pets shall not be permitted on the beach strand beginning the Friday before Memorial Day through Labor Day during the hours of 8:00 A.M. and 6:00 P.M.

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

Consideration of Acceptance of the Gazebo Lot Pavement Bid and Approval of Contract

Gary Parker advised that two (2) bids were received for the Gazebo Lot pavement project, Barnhill Contracting Company \$60,235 and Southern Asphalt, Inc. \$67,500.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AWARD THE GAZEBO LOT PAVEMENT PROJECT TO BARNHILL CONTRACTING COMPANY AT A COST OF \$60,235. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of the Street Resurfacing Bid and Approval of Contract

Gary parker advised that one (1) bid was received for the Street resurfacing project, Barnhill Contracting Company \$481,965. Gary Parker advised that this bid is acceptable because under the statutes if the project is less than \$500,000 the Town can award the contract even if only one bid is received.

COUNCILMAN WILLIAMS MADE A MOTION TO AWARD THE STREET RESURFACING PROJECT TO BARNHILL CONTRACTING COMPANY AT A COST OF \$481,965. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of a Veterans Memorial Request from a Citizens Community Group

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE CONCEPT OF ALLOCATING SPACE IN THE PARK FOR A VETERAN'S MEMORIAL. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR DISCUSSION.

The Council discussed the scope, size and location within the park of the proposed memorial including maintenance responsibility and logistic control. Attorney Isenberg advised that an agreement between the Town and the Veteran's Memorial Committee would be needed to identify the terms and conditions surrounding the placement and activities of the memorial in the park. Attorney Isenberg also advised that the Committee Rules and Regulations governing the Memorial will need approval by the Town Council. The Council reached a consensus that Withers & Ravenel (the Park Consultants) needs to review the documents and attend a joint meeting with the Council and the Veteran's Memorial Committee.

New Business (Cont.)

Consideration of Approval of a Veterans Memorial Request from a Citizens Community Group (Cont.)

MAYOR PRO-TEM DEVITA MADE A MOTION TO AMEND THE PREVIOUS MOTION TO INCLUDE THE APPROVAL FOR PLACEMENT OF A VETERAN’S MEMORIAL IN THE PARK IS SUBJECT TO THE APPROVAL OF THE TERMS AND CONDITIONS AS SET FORTH IN AN AGREEMENT BETWEEN THE VETERAN’S MEMORIAL COMMITTEE AND THE TOWN, AND THE TOWN COUNCIL APPROVAL OF THE VETERAN’S MEMORIAL RULES AND REGULATIONS GOVERNING THE VETERAN’S MEMORIAL ACTIVITIES HELD AT THE PARK SITE. COUNCILMAN WILLIAMS SECONDED THE MOTION AMENDMENT. MAYOR CERRATO CALLED FOR A VOTE ON THE MOTION AMENDMENT AND THE MOTION AMENDMENT CARRIED BY UNANIMOUS VOTE.

MAYOR CERRATO CALLED FOR A VOTE ON THE ORIGINAL MOTION AND THE ORIGINAL MOTION CARRIED BY A UNANIMOUS VOTE.

Public Comments

Mark Kaplan 101 Sunset Blvd. – Notified the Council that the Business Leaders are awaiting an answer from the Council concerning the formation of a Tourism Development Authority or Merchants Association stemming from the Business Leaders presentation to Council on March 19, 2013.

The Council added the Business Leaders discussion to the April 16, 2013 Work Session agenda.

Kathryn Hovermale 1419 Bay Street – Questioned if the approval to allocate space in the park for the Veteran’s Memorial would impact the PARTF grant since the memorial was not included in the conceptual design submitted with the grant application. Suggested that a smaller memorial was needed instead of what was presented.

Ron Watts 421 Shoreline Drive West – Advised the Council that former Councilman Carl Bazemore was instrumental in the bird watch boardwalk currently being constructed on Shoreline Drive West and requested the Council consider naming it after Councilman Bazemore.

Charles Nern 647 Oyster Bay Drive – Thanked the Town and all involved with the 50th Anniversary Reception and thanked the Council for allocating space for the Veteran’s Memorial.

Al Branham 514 Medcalf Drive – Questioned who was responsible for the bridge landscaping; Council advised NC DOT. Requested the Council consider maintaining Medcalf Drive.

Linda Ruddick 1008 Park Road – Spoke in favor of the memorial but thinks it needs to be smaller.

Ed Gore 435 Shoreline Drive West – Thanked the Town and all involved with the 50th Anniversary Reception. Spoke in favor of the memorial.

Adjournment

COUNCILWOMAN JOSEPH MADE A MOTION TO ADJOURN THE APRIL 1, 2013 COUNCIL MEETING. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Submitted by:

Richard Cerrato, Mayor

Lisa Anglin, Town Clerk