

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearing(s) and Regular Meeting
April 3, 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; Hiram Marziano, Planning Director; Cindi Stephenson, Administrative Assistant; and Lisa Anglin, Town Clerk

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

Closed Session

COUNCILMAN CERRATO MADE A MOTION TO GO INTO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

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

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE A SALARY INCREASE FOR THE FINANCE DIRECTOR TO \$73,000, THE FIRE DEPARTMENT CHIEF TO \$73,500 AND THE PUBLIC WORKS DIRECTOR TO \$51,250. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Work Session

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

Approval of the Draft Agenda

The Council reviewed the agenda and made no agenda amendments.

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

Mayor and Council Comments/Discussions

Councilman Larkin advised that a route for the Carolina Bays Parkway Extension project has not be selected yet. Mayor Forrester advised that a bill to de-annex the Sunset Creek Commons complex has been re-introduced.

Monthly Meeting

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

2015/2016 Audit Presentation – Greg Adams, Thompson, Price, Scott, Adams & Co, PA

Alan Thompson, Auditor, presented the 2015/2016 Audit results to the Council for Auditor Greg Adams, who was unable to attend due to illness. Mr. Thompson advised that the Report has been submitted to the Local Government Commission (LGC) and is pending approval. The Council will review the Report awaiting the follow-up Meeting with Mr. Adams during the April 18th Meeting to answer Council questions.

Approval of Minutes

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE FEBRUARY 6, 2017, FEBRUARY 21, 2017, FEBRUARY 25, 2017, MARCH 6, 2017 AND MARCH 21, 2017 REGULAR MEETING MINUTES AS PRESENTED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments on Agenda Items Only

Nina Marable 502 North Shore Drive West – Spoke in support of the Environmental Resource Committee and the scientific information contained within the Report; encouraged the Council not to tie the hands of the Committee.

Jo O’Keefe 30 Gate 3 Carolina Shores – Encouraged the Council to allow and promote educational programs concerning the natural resources on Sunset Beach.

Katie Hovermale 1429 Bay Street – Advised that the Council was wise to create the Environmental Resource Committee and the dedicated citizens the Council appointed to the Committee; advised that it is critical for the Town to keep the Committee and to preserve the island’s natural resources.

Town Administrator Report

Town Hall Meeting – Susan Parker, Town Administrator, attended the NC League of Municipalities Town Hall Day in Raleigh last week and heard updates concerning the pending sales tax legislation and current economic conditions.

Grant Opportunity – Parker informed Council of a grant opportunity to fund a living Shoreline project in the Town Park to mitigate the erosion problem on Mary’s Creek. Parker has met with both CRC and CAMA Representatives to determine if the area is feasible for a living shoreline and both agreed that it is. The grant is a Water Resource grant provided by Duke Energy.

MAYOR PRO-TEM SCOTT MADE A MOTION TO SUBMIT A GRANT APPLICATION FOR MATCHING FUNDS FOR A LIVING SHORELINE PROJECT IN THE TOWN PARK. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Departmental Reports

Police – Interim Police Chief Smith advised that the patrol units are having issues with vehicles parking in the bike lanes and suggested signs stating that all wheels must be off of the pavement or adding additional language on the pavement within the bike lane. Parker will determine the cost to add painted signs on the lanes. Parker advised that Police Chief Klamar’s first day will be April 20th.

Departmental Reports (Cont.)

Public Works – Dustin Graham, Public Works Director, advised that the floating dock ramp widening and the dock walkway repairs have been completed. Graham advised that Carolina Creations has started constructing the Covered Seating area. Graham advised that Staff is working with the engineer for the Observation Deck. Graham advised that the two (2) stormwater pipes under Magnolia, between Japonica and Kirkwood have been replaced.

Planning & Inspections – Hiram Marziano, Planning Director, reviewed the Department Report with Council and advised that Staff is working to streamline the application process. Marziano advised that Stanley Dills, new Building Inspector, will begin May 4th.

Fire – Chief Dempsey advised that the roof repairs at Station 2 have been completed.

Old Business

Consideration of Adoption of Civil Penalty Ordinance Amendments for Title I General Provisions Chapter 10 Rules of Construction; General Penalty, Section 10.99 General Penalty; Title V Public Works, Chapter 50 Garbage, Section 50.99 Penalty; Title VII Traffic Code, Chapter 70 General Provisions, Section 70.99 Penalty; Title IX General Regulations, Chapter 95 Beach Strand, Waterway, Channel and Canal Regulations; Section 95.99 Fines and Penalties; Title IX General Regulations, Chapter 99 Town Park Regulations, Section 99.03 Penalties of Violation of Chapter; Title XIII General Offenses, Chapter 130 General Offenses, Section 130.99 Penalty

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE FOLLOWING CIVIL PENALTY ORDINANCE AMENDMENTS AS PRESENTED:

- i. Title I General Provisions Chapter 10 Rules of Construction; General Penalty Section 10.99 General Penalty
- ii. Title V Public Works Chapter 50 Garbage Section 50.99 Penalty
- iii. Title VII Traffic Code Chapter 70 General Provisions Section 70.99 Penalty
- iv. Title IX General Regulations Chapter 95 Beach Strand, Waterway, Channel and Canal Regulations Section 95.99 Fines and Penalties
- v. Title IX General Regulations Chapter 99 Town Park Regulations Section 99.03 Penalties of Violation of Chapter
- vi. Title XIII General Offenses Chapter 130 General Offenses Section 130.99 Penalty

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

Consideration of Approval of Proposed Personnel Policy Amendments for Article IV Appointments and Other Personnel Actions

The Council discussed the proposed Personnel Policy Amendments to include the Mayor in the department head hiring process and to receive information concerning significant personnel issues.

COUNCILMAN BENTON MADE A MOTION TO AMEND ARTICLE IV APPOINTMENTS AND OTHER PERSONNEL ACTIONS TO INCLUDE THE FOLLOWING:

Old Business (Cont.)

Consideration of Approval of Proposed Personnel Policy Amendments for Article IV Appointments and Other Personnel Actions (Cont.)

The Town Administrator along with the Mayor, unless otherwise directed by Council, will conduct interviews for all Department Head vacancies and make recommendations to the Council for appointment.

MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN LARKIN, COUNCILMAN CORBETT AND COUNCILMAN BENTON VOTED YES. COUNCILMAN CERRATO VOTED NO. THE MOTION CARRIED BY 4 – 1 VOTE.

Resolution Supporting Dedicated State Revenue Source for Beach Nourishment

COUNCILMAN LARKIN MADE A MOTION TO APPROVE THE RESOLUTION SUPPORTING DEDICATED STATE REVENUE SOURCE FOR BEACH NORISHMENT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Ordinance/Policy for Smoking Designation Areas for Town Owned Properties

The Council discussed enacting a policy designating areas where smoking is allowed and prohibited. Staff will develop policy for Council consideration during the May 1, 2017 Meeting.

Dredging Survey Discussion

No discussion held.

New Business

Consideration of Acceptance of the Planning Board Recommendation for Article 6 Ordinance Amendment Section 6.06 (D)MB-1 Mainland Business District and Schedule a Public Hearing for May 1, 2017 at 7:00 pm

COUNCILMAN LARKIN MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION FOR ORDINANCE AMENDMENT FOR ARTICLE 6, SECTION 6.06 (D) MAINLAND BUSINESS DISTRICT AND TO SCHEDULE A PUBLIC HEARING FOR MAY 1, 2017 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Award 10th, 1718 and 1802 Beach Access Walkways Renovation and Repairs Contract to Carolina Creations for \$242,650

The Council discussed walkway repairs and renovations being handled by Staff in house and the time constraints due to the leaf and limb services being provided by Staff in house. Staff advised that the 10th Street access was damaged during Hurricane Matthew and that a reimbursement of \$93,000+ is expected from FEMA.

MAYOR PRO-TEM SCOTT MADE A MOTION TO AWARD THE 10TH STREET, AND 1718/1802 BEACH ACCESS WALKWAYS RENOVATION AND REPAIRS PROJECT TO CAROLINA CREATIONS FOR \$242,650. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Environmental Resource Committee (ERC) Mission and Status Discussion

The Council discussed the recent actions of the ERC Committee members circumventing the Council directions and directly emailing their Dredging Report to the scoping meeting agencies.

COUNCILMAN LARKIN MADE A MOTION TO DISBAND AND ELIMINATE THE ENVIRONMENTAL RESOURCE COMMITTEE. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED NO. COUNCILMAN LARKIN AND COUNCILMAN CORBETT VOTED YES. THE MOTION WAS DEFEATED.

Mayor Pro-Tem Scott suggested a compromise consisting of removing dredging research from the ERC and to develop specific Rules of Procedures for the ERC to follow.

MAYOR PRO-TEM SCOTT MADE A MOTION TO REMOVE THE DREDGING RESEARCH TOPIC FROM THE ERC AND TO DEVELOP RULES OF PROCEDURES FOR THE ERC TO BE CONSIDERED FOR ADOPTION BY COUNCIL DURING THE APRIL 18, 2017 MEETING. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED YES. COUNCILMAN LARKIN AND COUNCILMAN CORBETT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Request for Formal Legal Opinion Related to Conflict of Interest

COUNCILMAN CERRATO MADE A MOTION TO REQUEST A FORMAL LEGAL OPINION FROM ATTORNEY RICHARDSON CONCERNING POTENTIAL VOTING CONFLICT OF INTEREST BY MAYOR PRO-TEM SCOTT AND COUNCILMAN CORBETT WITH REGARD TO THE DREDGING PROJECT.

Mayor Forrester and the Council advised that Attorney Richardson has previously given his opinion and determination that a conflict of interest does not exist and has stated that in fact both Mayor Pro-Tem Scott and Councilman Corbett are required to vote. Councilman Cerrato was encouraged to hold a discussion with Attorney Richardson during the next Meeting that he is present.

Review upcoming Agenda Items and Identify New Agenda Items for April 18, 2017 Meeting

The Council reviewed the upcoming Agenda Items and added the Consideration of ERC Rules of Procedures to the April 18, 2017 Agenda.

Public Comments

Jo O’Keefe 30 Gate 3 Carolina Shores – Voiced appreciation to the Council for reconsidering the disbanding of the ERC.

Neil Gilbert 1150 Sea Bourne Way – Voiced opposition to the pending censorship of the ERC.

Katie Hovermale 1429 Bay Street – Agreed that ERC mission statement needs to be clearer; Encouraged the Council to seek professional assistant for conflict resolution.

Gloria Febrey 508 East Main Street – Questioned if homeowners or Town could remove the invasive grasses on the island.

Public Comments (Cont.)

Karen Joseph 915 Sandpiper Bay Drive – Reminded the Council that the Attorney is paid by the hour.

Anita August 279 Heather Drive – Suggested the Council amend the leaf and limb ordinance to relax the regulations with bundling and tying limbs to assist the aging population so all of the yard debris can be removed.

Adjournment

COUNCILMAN BENTON MADE A MOTION TO ADJOURN THE APRIL 3, 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 April 3, 2017 Minutes were approved by the Town Council during the June 5, 2017 Meeting.