

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearing(s) and Regular Meeting
May 1, 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; Ken Klamar, Police Chief; 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

MAYOR PRO-TEM SCOTT 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 LARKIN 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.

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 the following amendments:

- Moved Dredging Conflict of Interest to Agenda Item 3
- Added Draft Annual Report Discussion
- Revised Board of Adjustment Member Appointment Item to include a Discussion Concerning Member Appointment Process.
- Added Discussion Concerning Code Enforcement Ordinances for Property Upkeep
- Added Discussion Concerning Off Shore Drilling Resolution

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

Mayor and Council Comments/Discussions

Mayor Forrester informed the audience of two (2) legislation actions that could affect the revenue stream for the Town if passed, - (1) reform concerning the manner in which sales tax funds are disbursed

Mayor and Council Comments/Discussions (Cont.)

throughout the State, and (2) the procedure for determining fire fee rates – square feet or value of structure.

Councilman Corbett thanked the Old Bridge Preservation Society for sponsoring the Wine and Strawberry Festival held in the Town Park over the weekend.

Monthly Meeting

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

Public Hearing

Proposed UDO Amendment Article 6 Section 6.06 (D) MB-1 Mainland Business District
COUNCILMAN CORBETT MADE A MOTION TO OPEN THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

No Comments heard.

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

Public Comments on Agenda Items Only

Charles Nern 647 Oyster Bay Drive – Questioned the validity of a letter recently published by the Brunswick Beacon in the “Letter to the Editor” section regarding the proposed dredging project.

Discussion Concerning Dredging Conflict of Interest

Attorney Richardson provided the Council with his opinion concerning the repeated allegations that Councilman Corbett and Mayor Pro-Tem Scott should not be allowed to participate in the deliberations, explorations or vote on the proposed dredging project due to owning property adjacent to the proposed project. Attorney Richardson advised that the law requires that a direct financial gain/benefit be derived from the project in order for either to be able to recuse themselves from voting. Attorney Richardson stated that based on knowledge of the project at this point, it appears that a large group of property owners, if not the entire Town will benefit from the project. Therefore, in accordance with NCGS 160A-75 Voting which states “No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). In all other cases except votes taken under G.S. 160A-385, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote” both Mayor Pro-Tem Scott and Councilman Corbett will be required to vote if they are physically present when the vote is taken.

Town Administrator Report

Town Park – Susan Parker, Town Administrator, thanked the Old Bridge Preservation Society for sponsoring the event held in the Town Park over the weekend. Parker advised that the Covered Seating Area will be completed tomorrow. The weekly Farmer’s Market begins this Thursday. The Memorial Day Ceremony is planned for Monday, May 29th.

Agency Scoping Meeting – Parker advised that the proposed Dredging project agency scoping meeting is scheduled for Friday, May 5, 2017 at 10:00 am.

Departmental Reports

Police –Police Chief Klamar advised that he is reviewing the department overall and getting acquainted with the operations. Klamar is researching the costs associated with supplying the department with Naloxone (narcan) which is a lifesaving drug for overdose victims that can be administer by both police and fire personnel first responders.

Public Works – Dustin Graham, Public Works Director, advised that the chain link fence has been removed from the Town Park and six (6) additional parking spaces were created. Graham advised that the 10th Street Beach Access walkway renovation is underway.

Planning & Inspections – Hiram Marziano, Planning Director, reviewed the Department Report with Council and advised that Staff is reviewing numerous building plans and floodplain permits noting that at least eight (8) homes are currently under construction. Marziano advised that Stanley Dills, new Building Inspector will start on May 4th.

Fire – Chief Dempsey advised that the Beach Patrol season started Easter weekend. Dempsey advised Staff will be performing water rescue training this week. Dempsey reminded everyone to replace the batteries in their smoke detectors and to call the Fire Department if they need assistance. Dempsey advised that the new fire truck is in service and invited everyone to come by Station 2 to see it.

Finance – Bonnie Bray, Finance Director, reviewed the March 2017 financial report with the Council. Bray provided the Council with updated 2017/2018 budget information resulting from the prior Budget Workshops held on April 26th and 29th in advance of the May 4th Workshop.

Old Business

Consideration of Approval for Electric Vehicle Charging Station Placement

Dustin Graham advised that NC DOT has granted permission for BEMC to install an Electric Vehicle Charging Station in their right of way along Sunset Blvd. South near Sunset Properties. The Council requested Staff to contact other communities for regulations to consider.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ALLOW BEMC TO INSTALL AN ELECTRIC VEHICLE CHARGING STATION IN ONE PARKING SPACE ALONG SUNSET BLVD. SOUTH NEAR SUNSET PROPERTIES WITH THE UNDERSTANDING THAT BEMC WILL REMOVE THE STATION IF COUNCIL DEEMS IT NOT SATISFACTORY. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

Consideration of Appointment of Board of Adjustment Members

The Council directed the Town Clerk to contact each member when their term is expiring to determine interest in reapplying for the position and explaining the process prior to advertising the position.

COUNCILMAN BENTON MADE A MOTION TO REAPPOINT VERONIKA WHITE TO THE BOARD OF ADJUSTMENT WITH A TERM EXPIRATION OF APRIL 2020 AND TO APPOINT BRUCE HOVERMALE WITH A TERM EXPIRATION OF APRIL 2020. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

Old Business (Cont.)

Consideration of Adoption of UDO Ordinance Amendment for Article 6 Section 6.06 (D) MB-1 Mainland Business District

The Council requested Staff to review the through lot accessory structure restrictions with regard to set-back lines.

COUNCILMAN CORBETT MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENT FOR ARTICLE 6 SECTION 6.06 (D) MB-1 MAINLAND BUSINESS DISTRICT AS PRESENTED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

Review of Proposed Smoking Areas Designation Policy

Mayor Pro-Tem Scott requested Council to place this item on the June 5, 2017 Agenda and allow her to provide proposed language for Council consideration. The Council agreed.

Acceptance of ERC Member Resignations and Discussion Concerning ERC

COUNCILMAN LARKIN MADE A MOTION TO ACCEPT THE RESIGNATIONS OF THE ERC MEMBERS, RICHARD HILDERMAN, JAN HARRIS, NEIL GILBERT, SANDY PAYNE AND GARY MERRITT BUT TO RETAIN THE COMMITTEE AND ITS FORMAT. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN LARKIN AND COUNCILMAN CORBETT VOTED YES. COUNCILMAN BENTON AND COUNCILMAN CERRATO VOTED NO. THE MOTION CARRIED BY A MAJORITY VOTE.

Discussion Concerning Council Attendee for Dredging Scoping Meetings

MAYOR PRO-TEM SCOTT MADE A MOTION TO SELECT COUNCILMAN LARKIN AND COUNCILMAN BENTON TO ATTEND THE DREDGING SCOPING MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

Annual Report Discussion

With the list of Report topics provided, Staff was unable to limit the Report to 4 pages. Mayor Pro-Tem Scott and Councilman Corbett agreed to review and edit the report down to 4 pages.

New Business

Consideration of Acceptance of the Planning Board Recommendation for UDO Amendment Article 9 Performance Standards Section 9.09 Off Street Parking Requirements Subsection D Minimum Number of Required Spaces and Schedule a Public Hearing for June 5, 2017 at 7:00 pm

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION FOR A UDO AMENDMENT FOR ARTICLE 9, SECTION 9.09 (D) AND TO SCHEDULE A PUBLIC HEARING FOR JUNE 5, 2017 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

Consideration of Acceptance of the Planning Board Recommendation for UDO Amendment Article 6 Zoning Districts Section 6.04 Table of Permitted/Special Uses and Article 7 Supplemental Regulations Section 7.09 Privacy Fences and Schedule a Public Hearing for June 5, 2017 at 7:00 pm

COUNCILMAN BENTON MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION FOR A UDO AMENDMENT FOR ARTICLE 6, SECTION 6.04 AND ARTICLE 7, SECTION 7.09 CONCERNING PRIVACY FENCES AND TO SCHEDULE A PUBLIC HEARING FOR JUNE 5, 2017 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

New Business (Cont.)

Code Enforcement Ordinances Review

Council requested Staff to review the current Ordinances and determine if additional regulations are needed to strengthen the Town enforcement ability concerning overgrown vegetation, structural issues, and debris.

Off Shore Drilling Resolution

The Council discussed a prior Resolution adopted opposing Off Shore Drilling and agreed to re-issue the Resolution in light of current federal and state action to move forward.

Review upcoming Agenda Items and Identify New Agenda Items for May 16, 2017 Meeting

MAYOR PRO-TEM SCOTT MADE A MOTION TO CANCEL THE MAY 16, 2017 MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

Public Comments

Karen Joseph 915 Sandpiper Bay Drive – Expressed that sending two (2) Councilmembers to the Scoping Meeting undermines the Town Administrator; stated that the Annual Report is a public relations document; encouraged the Councilmembers to watch the Council meeting on YouTube to hear the microphone issues.

Charles Nern 647 Oyster Bay Drive – Encouraged the Council to follow the Attorney’s advice concerning conflict of interest.

Adjournment

COUNCILMAN CERRATO MADE A MOTION TO ADJOURN THE MAY 1, 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 May 1, 2017 Minutes were approved by the Town Council during the June 5, 2017 Meeting.