

**Town of Sunset Beach  
Monthly Council  
Work Session & Regular Meeting  
June 30, 2014**

**MINUTES**

**Members Present:** Mayor Ron Watts, Mayor Pro-Tem Lou DeVita, Councilman Terry Johnson, Councilwoman Carol Scott, Councilman Wilson Sherrill, and Councilman Mike Williams

**Members absent:** None

**Attorney & Staff Present:** Susan Parker, Town Administrator; Mike Isenberg, Town Attorney; Cindi Stephenson, Deputy Finance Director; Dustin Graham, Public Works Director; Kevin Dempsey, Fire Chief; Lisa Joyner, Police Chief; Sandy Wood, Building Inspections Department Director, and Lisa Anglin, Town Clerk

**Work Session  
6:45 pm**

Mayor Watts called the Work Session to order, called for agenda amendments, and general discussions by the Council.

**Agenda Amendments**

No amendments were made to the agenda.

**Council Discussion**

COUNCILMAN SHERRILL MADE A MOTION TO CANCEL THE JULY 15, 2014 COUNCIL WORK SESSION. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**“Tammy”**

Councilman Sherrill advised that “Tammy” the movie filmed in Shallotte will be opening in theaters on July 2<sup>nd</sup>.

**Roundabout**

Councilman Williams advised that the Roundabout is nearing completion. Councilwoman Scott added that motorists seem to be transiting to the Roundabout with ease and it has turned out to be a good project for the community.

**Grant**

Mayor Pro-Tem DeVita announced that the Town has been awarded \$4,980 in grant funds from NCDENR for the Town’s recycling program for purchasing the “Big Belly” recycling containers for the Park.

## **Council Discussion (Cont.)**

### **CAMA**

Mayor Pro-Tem DeVita advised that CAMA has a photo history of the island and information can also be obtained from Google Earth. This information is being compiled to establish the Sunset Beach strand baseline before terminal groins are installed in surrounding communities.

### **Liaison Reports**

**ABC Store Board** – Councilman Sherrill advised that the ABC Board meets the first of each month and at their last meeting approved their 2014/2015 budget.

**Beautification Committee** – Mayor Pro-Tem DeVita advised that the irrigation is now in place in the gazebo area and the planting areas are complete.

**Brunswick Beaches Consortium** – Councilman Sherrill advised that the Consortium will meet again August 21<sup>st</sup> at Fort Caswell. The June meeting agenda included project updates related to beach re-nourishment, erosion, dredging, and terminal groins. Councilman Sherrill advised that the Consortium will be sending a letter to the Brunswick County Commissioners requesting that additional citizen education efforts be put forth explaining the proposed sales tax increase and for the Sales Tax Referendum to be put back on the November ballot.

### **Cape Fear Council of Governments**

Mayor Watts advised that the Council of Governments is available to assist the Staff when needed.

### **Grand Strand Area Transportation Study (GSATS)**

Councilman Williams advised that municipalities are waiting to find out if grant applications have been approved.

### **Jaguars Lair Town Negotiating Team**

Councilman Sherrill advised that work is in progress in Section 1 with 100% of curbing, rock base, storm water, water and sewer completed. Initial dirt replacement and gravel installation were completed in mid-June. Preliminary grading was completed and the gravel has been allowed to settle and bind after rolling. Fine grading is complete on several Section 1 streets with street crown and center lines being marked. Additional gravel has been placed in the center of the remaining Section 1 streets in preparation for fine grading. Crosby Circle and Tinton Place are ready for binder coat and asphalt. The gravel is now settling on Haddington Place, Flynn Notch, Branford Circle and Mayfair Way. Paving equipment has been mobilized to the site and fine grading on the remaining Section 1 streets will begin soon. Engineering plans for modifications to the Section 2 storm water ponds have been completed and submitted to the State for approval. Once approval is received, construction of the Section 2 storm water ponds will begin.

### **South Brunswick Business Development Committee**

No report

**Liaison Reports (Cont.)**

**South Brunswick Neighboring Towns & Mayors**

Mayor Watts advised that the Mayors collectively will also be sending a letter to the Brunswick County Commissioners requesting that additional citizen education efforts be put forth explaining the proposed sales tax increase and for the Sales Tax Referendum to be put back on the November ballot.

**Sunset at Sunset Committee**

Councilman Williams advised that the Committee is meeting monthly planning the celebration which is scheduled for October 4, 2014. Vendor applications are being received.

**Sunset Beach Business & Merchants Association**

Councilwoman Scott advised that the new Merchants Association website is up and running.

**Planning Board**

Councilwoman Scott advised that the Planning Board is reviewing the residential lighting ordinances for amendment recommendations due to the new pole and lighting proposed by BEMC, continuing to review the UDO for amendments and creating an overlay district from the Vision Plan for Council consideration.

**Rip Currents**

Mayor Watts reminded the audience of the rip current dangers that will be present with the approaching storm.

**Monthly Meeting  
7:00 pm**

**Call to Order & Pledge of Allegiance**

Mayor Watts called the monthly meeting to order and the Pledge of Allegiance was recited.

**Consideration of Draft Agenda Adoption**

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Public Hearing**

COUNCILWOMAN SCOTT MADE A MOTION TO OPEN THE 2014/2015 PROPOSED BUDGET PUBLIC HEARING. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Watts called for comments.

Richard Hilderman 407 37<sup>th</sup> Street – Voiced concerns with the proposed budget and the 5-year financial forecast and recommended the Council cut spending to protect and grow the reserves.

### **Public Hearing (Cont.)**

Dian Robbins 597 Coach Trail – Advised Council of willingness to pay for services and the amenities that the Town has and thanked the Council and Staff for all that they do.

Rich Cerrato 517 Twisted Oak Lane – Read a prepared statement concerning the budget and deficit spending.

John Corbett 423 Sailfish Street – Thanked Council and Staff for their hard work; read a prepared statement concerning the funds earmarked for the Sunset Concert Series and requested Council to consider placing conditional requirements on the funds as outlined in his statement.

Charles Nern 647 Oyster Bay Drive – Thanked Council and Staff for their hard work and voiced support for the budget proposed.

COUNCILWOMAN SCOTT MADE A MOTION TO CLOSE THE 2014/2015 PROPOSED BUDGET PUBLIC HEARING. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Public Comments**

Peter Larkin 343 Lake Shore Drive – Thanked the Council for the public display of respect that the Council shows each other; suggested that Ordinance 93.01 concerning when yard debris could be placed at the street was too restrictive.

Monte Simpson 490 Dunlieth Street – Read a prepared statement concerning the Jaguar's Lair project and encouraged the Council to serve Coastal Communities with a default letter and to call the bonds.

Carmel Zetts 402 2<sup>nd</sup> Street – Informed the Council of problems with sand fences installed on the beach strand in the past and recommended the Council not agree to install sand fences now; questioned who was going to maintain the landscaping in the common areas if the landscaping contractor is not hired until September.

### **Minutes**

COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE FEBRUARY 3, 2014 CLOSED SESSION MINUTES, THE MAY 5, 2014 REGULAR MEETING MINUTES, THE MAY 5, 2014 CLOSED SESSION MINUTES, THE MAY 7, 2014 BUDGET WORK SESSION MINUTES AND THE JUNE 2, 2014 REGULAR MEETING MINUTES AS PRESENTED. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Town Administrator Report**

Susan Parker thanked Staff for assistance with the day-to-day financial operations and the preparations for the year end audit. Parker advised that the State has approved the Auditor contract. Parker advised that rip current information is airing on Channel 99 and requested non-profits that would like information displayed on Channel 99 to submit the information in power point format to Town Hall.

## **Departmental Reports**

Police – Chief Joyner advised of a website that gives up-to-date information for rip current locations.

Public Works – Dustin Graham, Public Works Director, advised that the reflectors are being installed on the median at the Roundabout and lines will be painted this week. Graham advised that the beach strand is very crowded with people and tents.

Building Inspections – Sandy Wood, Building Inspections Department Director, advised that the inspections department is reporting numerous remodeling projects. Wood advised that the Park construction is continuing with the driveway cut into the parking lot from Sunset Blvd. North completed; the contractor is beginning to lay the stones in the parking area; and the boardwalk material is scheduled for delivery soon. Councilwoman Scott requested an update with regard to the removal of the dredging platform in the feeder canal that is still on site. Wood advised that the owner has promised that it will be removed immediately.

Fire Department – Chief Dempsey advised that all is going well with the Fire Department and that the bulk of the calls responded to last month were medical.

### Finance Department

No report.

## **Old Business**

### Authorization to Unseal Closed Session Minutes

COUNCILMAN SHERRILL MADE A MOTION TO UNSEAL THE FEBRUARY 3, 2014 AND MAY 5, 2014 CLOSED SESSION MINUTES. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### Twin Lakes Storm Water Maintenance Discussion

Attorney Isenberg verified that the Town doesn't own the Twin Lakes and doesn't have an easement for the Twin Lakes. Attorney Isenberg advised that the Town can only expend money to maintain the lakes if they are considered to be a part of the storm water drainage system. The Council discussed the past arrangement in which the HOA maintained the Lakes and a monetary contribution from the Town was given to the HOA to assist with the maintenance. Council requested Staff to contact the HOA to begin discussion for the HOA to resume maintenance of the lakes.

### Consideration of Approval of Landscape RFP

The Council reviewed the proposed Landscape Maintenance RFP for the Town Hall grounds, Roundabout, Welcome Signs, Bridge Mainland Site, Town Park, Streetscape, and the Gazebo area. The Council reached a consensus to approve the RFP.

**Old Business (Cont.)**

**Consideration of Adoption of Ordinance 93.01 Amendment**

The Council reviewed the revised Ordinance 93.01 Amendment discussed during the June 17, 2014 Work Session. The Council reached a consensus to amend subsection (B) (3) as follows:

All yard debris must be placed at the street in accordance with subsections (B)(1) and (B)(2) before the day of pickup. In the event that the yard debris is contained in a reusable container, the container must be pulled back to the house and out of view by 2:00 p.m. on the day after pickup.

COUNCILMAN SHERRILL MADE A MOTION TO ADOPT ORDINANCE 93.01 AS AMENDED. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Discussion Concerning the 39<sup>th</sup> Street Emergency Access**

Sandy Wood, Building Inspections Department Director, informed the Council that after further research Staff has determined that the estimated cost of the 39<sup>th</sup> Street Emergency Access is \$135,000 instead of the earlier estimated cost of \$60,000. Wood cited distance from Main Street to the Beach Strand as the escalating factor in the cost. Wood advised that Staff is currently researching alternatives and will report back to Council.

**Island Parking & Safety Project Update – Mayor Pro-Tem DeVita/Councilwoman Scott**

Mayor Pro-Tem DeVita and Councilwoman Scott are meeting to determine solutions for the island parking and safety issues. A meeting is scheduled with NC DOT representative to discuss Main Street parking. Currently NCDOT owns Main Street and prohibits placement of objects for space designations within the road right-of-way or any roadway markings necessary to identify spaces.

**New Business**

**Consideration of Adoption of the 2013/2014 Sunset at Sunset Budget Ordinance Amendment**

COUNCILMAN WILLIAMS MADE A MOTION TO ADOPT THE 2013/2014 SUNSET AT SUNSET BUDGET ORDINANCE AMENDMENT. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Consideration of Adoption of the 2013-2014 General Fund Budget Ordinance Amendment**

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE 2013/2014 GENERAL FUND BUDGET ORDINANCE AMENDMENT. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Consideration of Adoption of the Resolution to Establish and Maintain Fund 21 General Capital Reserve**

COUNCILWOMAN SCOTT MADE A MOTION TO ADOPT THE RESOLUTION TO ESTABLISH AND MAINTAIN FUND 21 GENERAL CAPITAL RESERVE. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**New Business (Cont.)**

Consideration of Adoption of the 2014/2015 Budget Ordinance and Establishing the 2014/2015 Tax Rate at 10.5¢ per \$100 Valuation

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE 2014/2015 BUDGET ORDINANCE AND TO ESTABLISH THE 2014/2015 TAX RATE AT 10.5¢ PER \$100 VALUATION. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. COUNCILMAN WILLIAMS, MAYOR PRO-TEM DEVITA AND COUNCILMAN SHERRILL VOTED YES. COUNCILMAN JOHNSON AND COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Adoption of a Seismic Testing Resolution

The Council reviewed the Seismic Testing Resolution drafted by Councilwoman Scott. The majority of the Council agreed that more information is needed before the Council takes a definitive stand to either support or oppose seismic testing in the Atlantic Ocean.

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE SEISMIC TESTING RESOLUTION. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Authorization for Clerk to Advertise three (3) Expiring Terms on the Planning Board

MAYOR PRO-TEM DEVITA MADE A MOTION TO AUTHORIZE THE CLERK TO ADVERTISE THE THREE (3) EXPIRING TERMS ON THE PLANNING BOARD. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of Ordinance Amendment for Chapter 91

COUNCILMAN SHERRILL MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENTS FOR CHAPTER 91 AS PRESENTED. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Recommendation to Brunswick County Commissioners to Appoint Lawrence Sweeney as Board of Adjustment ETJ Alternate Member

COUNCILWOMAN SCOTT MADE A MOTION TO RECOMMEND TO THE BRUNSWICK COUNTY COMMISSIONERS THE APPOINTMENT OF LAWRENCE SWEENEY TO THE SUNSET BEACH BOARD OF ADJUSTMENT AS AN ETJ ALTERNATE MEMBER. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning Sand Fence Placement on East End and Cost Discussion

Sandy Wood, Building Inspections Department Director, advised Council that the NC Department of Environment and Natural Resources and the Town received a citizen complaint related to the Town's trash pick-up on the beach near the emergency access point. The concern related to the disturbance of an emerging dune on the eastern end of the island beachfront. Staff's route for trash pick-up was immediately redirected and a meeting with our CAMA representative was scheduled. Staff relocated the trash can poles farther east and maintained the redirected trash

**New Business (Cont.)**

**Discussion Concerning Sand Fence Placement on East End and Cost Discussion (Cont.)**

route. Holley Snider, CAMA Representative, recommended the installation of sand fences to help prevent disturbances and promote growth. The estimated cost includes \$300.00 plus staff labor. After a brief discussion concerning past complications with sand fences installed on the beach strand, the Council reached a consensus not to install a sand fence as recommended.

**Public Comments**

Karol Asbjornson 407 37<sup>th</sup> Street – Reminded Council that the Sales Tax Referendum Resolution adopted by Council requested that the additional revenues not be used to fund terminal groin projects and requested that the Brunswick County Commissioners be reminded of that when considering to place the referendum on the ballot.

Peter Larkin 343 Lake Shore Drive – Advised Council that he was on the HOA when the Lakes were maintained and requested the Lake Shore property owners be included in the discussions concerning the Twin Lakes maintenance.

Charles Nern 647 Oyster Bay Drive – Agreed with the Ordinance 93.01 amendments concerning vacant lot maintenance.

Katie Hovermale 1419 Bay Street – Spoke in opposition to the funds being used for the Lakes maintenance and to construct a parking lot in the Park that will be used by people not necessarily going to the park but to the private businesses near the park; questioned if the owner of the property opposite Bill's Seafood obtained a permit to remove the tree on the corner of that property.

**Closed Session**

COUNCILWOMAN SCOTT MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO RECEIVE LEGAL ADVICE FROM THE TOWN ATTORNEY REGARDING JAGUARS LAIR AND PURSUANT TO NCGS 143-318.11 (a) (6) TO HEAR A PERSONNEL GRIEVANCE. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN SCOTT MADE A MOTION TO RETURN TO OPEN SESSION. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

No action taken during Closed Session.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RECONVENE THE JUNE 30, 2014 REGULAR MEETING. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Adjournment**

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE JUNE 30, 2014 COUNCIL MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

*Ron Watts, Mayor*

Submitted by:

*Lisa Anglin, Town Clerk*

\*The June 30, 2014 (July Meeting) minutes were approved by Council during the August 4, 2014 Regular Meeting.