

**Town of Sunset Beach  
Council Meeting  
August 15, 2017**

**MINUTES**

**Members Present:** Mayor Robert Forrester, Mayor Pro-Tem Carol Scott, Councilman Peter Larkin, Councilman Mark Benton; Councilman Rich Cerrato and Councilman John Corbett

**Members absent:** None

**Attorney & Staff Present:** Susan Parker, Town Administrator; Kevin Dempsey, Fire Chief; Hiram Marziano, Planning Director; Dustin Graham, Public Works Department Director; Cindi Stephenson, Public Works Administrative Assistant and Lisa Anglin, Town Clerk

Mayor Forrester called the Meeting to order at 9:00 am and the Pledge of Allegiance was recited by those in attendance.

**Draft Agenda Review and Approval**

The Agenda was amended to table Agenda Item 5a “Consideration of Adoption of Ordinance Amendment for Article 6 Section 6.06 (H) BB-1 - Maximum Density” per the request of Attorney Richardson from the Attorney representing Rip Tide Builders. The Council moved Agenda Item 5f “Discussion Concerning Chapter 99 Park Rules, Uses and Fee Schedule” to Agenda Item 5a.

Mayor Forrester informed the Council that August 17, 2017 is the last day to submit comments concerning 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program. The Council agreed to re-issue the previously adopted Resolution opposing Seismic Testing and the Exploration of Oil Drilling along the coast. Mayor Forrester advised that Mayor Pro-Tem Scott will be attending a Meeting with David Rouzer, in Bolivia on August 24, 2017. Mayor Forrester advised that the Chamber of Commerce is hosting an Economic Meeting on August 16, 2017 in the Conference Room at Brunswick Electric Membership Corporation.

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

**Closed Session**

COUNCILMAN CORBETT MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) AND (a) (6) TO CONSULT WITH THE TOWN ATTORNEY IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE BETWEEN THE ATTORNEY AND THE COUNCIL, WHICH PRIVILEGE IS HEREBY ACKNOWLEDGED AND TO RECEIVE LEGAL UPDATES CONCERNING PENDING LITIGATION WITH THE JAGUAR’S LAIR BOND COMPANY AND THE ISLAND WEST END PROPERTY; AND TO DISCUSS A PERSONNEL MATTER. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

The Council met in Closed Session for approximately one (1) hour.

**Closed Session (Cont.)**

COUNCILMAN CERRATO 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 Forrester advised that as a result of the Closed Session, no action is needed concerning personnel or the pending litigation with the island west end property. Mayor Forrester called upon Attorney Richardson for an update concerning Jaguar's Lair. Attorney Richardson advised that successful negotiations have resulted in a final draft of a Settlement Agreement and Subdivision Improvements Agreement that the Council, the Bond Company, Coastal Communities, LLC; Angel Trace Investments LLC; and Jaguar's Lair Golf LLC have all agreed upon and are ready to execute. Attorney Richardson advised that the Bond Company has also presented a proposal to the Town to entice the Council to execute the Agreements. Attorney Richardson advised that the Agreements contain binding arbitration that is not appealable by any of the parties and that the execution of the Agreements by all of the parties will end the current litigation.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ENTER INTO THE SETTLEMENT AGREEMENT AND SUBDIVISION IMPROVEMENTS AGREEMENT AS AMENDED TO CORRECT THE TYPOGRAPHICAL ERRORS AND TO ACCEPT THE BOND COMPANY PROPOSAL. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Public Comments on Agenda Items Only**

Barbara Steed 611 Triangle Court – Spoke in favor of the Waterfront Market

Mark Kaplan 101 Main Street – Spoke in opposition of for-profit businesses sponsoring events in the Town Park. Informed the Council and Audience of a Youth Fishing Day scheduled for August 25, 2017 at the Sunset Beach Fishing Pier. The event was planned and organized by Sergeant Lee Hall with the help of the Police Department and Fire Department personnel and various merchants.

Charles Nern 647 Oyster Bay Drive – Spoke in favor of the Waterfront Market and encouraged the Council to determine a proper fee to charge; encouraged the Council to fund the Stormwater Management Plan and the Main Street Sidewalk Project.

Mary from Pauleys Island, Vendor of the Market – Spoke in favor of the Waterfront Market.

Elaine Nelson 704 Shoreline Drive – Spoke in favor of the Waterfront Market.

Jan Harris 206 North Shore Drive – Questioned if the Park should be used by for-profit businesses.

Juanita Adams 407 Stokes Court – Advised the Council of several homes in need of repair or condemnation.

Karen Joseph 915 Sandpiper Bay Drive – Encouraged the Council to reach out to those using the Park to reach a positive solution.

Ruth Reynolds 703 North Shore Drive – Spoke in opposition of any for-profit group using the Park.

## **Old Business**

### **Discussion Concerning Chapter 99 Park Rules, Uses and Fee Schedule**

Councilman Cerrato read a prepared statement requesting the Council recuse him from the discussion and possible action citing conflict of interest since member of the Sunset Beach Business and Merchants Association. Attorney Richardson advised that a conflict of interest does not exist at this time.

MAYOR PRO-TEM SCOTT MADE A MOTION TO REJECT COUNCILMAN CERRATO'S REQUEST FOR RECUSAL CITING NO CONFLICT OF INTEREST EXISTS. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY 4 – 0 VOTE.

Mayor Pro-Tem Scott requested a legal opinion on the following questions:

1. Can the Town treat for-profit vs non-profit groups differently? Can the Town charge different amounts to the organizations for the use of the park?
2. Can the Town treat resident vs non-resident differently? Can the Town charge different amounts to the organizations for the use of the park?
3. Can the Town legally differentiate between low impact vs high impact events? Such as a different fee for events with 100 people or less vs. more than 100 people, etc.

Mayor Pro-Tem Scott requested Staff to obtain a current financial statement from the Sunset Beach Business and Merchants Association to determine where the Town funds were allocated and what balance exists if any.

The Council reached a consensus to table this discussion until the September 5, 2017 Meeting.

### **Discussion Concerning Amendment for Ordinance 93.01 Premises to be Kept Clean; Notice of Violation** The Council reviewed the final amendments for Ordinance 93.01.

MAYOR PRO-TEM SCOTT TO ADOPT THE AMENDMENTS FOR ORDINANCE 93.01 "PREMISES TO BE KEPT CLEAN; NOTICE OF VIOLATION" AS PRESENTED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

### **Stormwater Management Plan Discussion and Possible Action**

Susan Parker advised that Staff is seeking adoption of the Stormwater Management Plan as provided by McGill & Associates and the approval of the proposed Stormwater Manager/Field Technician Job Description with a salary range of \$43,988 - \$65,980.

COUNCILMAN CERRATO MADE AMOTION TO ADOPT THE STORMWATER MANAGEMENT PLAN AND TO APPROVE THE STORMWATER MANAGER/FIELD TECHNICIAN JOB DESCRIPTION AS PRESENTED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

### **Discussion and Possible Action Concerning Main Street Sidewalk Project**

Susan Parker advised that the Main Street Sidewalk Project with dedicated funds are required to be approved in order to submit the application for permits. Mayor Pro-Tem Scott voiced opposition to the Main Street Sidewalk Project.

**Old Business (Cont.)**

Discussion and Possible Action Concerning Main Street Sidewalk Project (Cont.)

COUNCILMAN BENTON MADE A MOTION TO APPROVE THE MAIN STREET SIDEWALK PROJECT WITH DEDICATED FUNDS AND TO SUBMIT THE APPLICATION FOR PERMITS. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN BENTON, COUNCILMAN CERRATO, COUNCILMAN CORBETT AND COUNCILMAN LARKIN VOTED YES. MAYOR PRO-TEM SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Ordinance Adoption for Article 10 Section 10.06 - Preservation of Trees

The Council reviewed the final amendments for Article 10 Section 10.06 "Preservation of Trees".

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE ORDINANCE AMENDMENT FOR ARTICLE 10 SECTION 10.06 "PRESERVATION OF TREES". MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**New Business**

Consideration of Authorization for Police Department Mutual Aid Agreements with: Brunswick County Sheriff's Office, Shallotte Police Department, Oak Island Police Department, Boiling Springs Lakes Police Department, Ocean Isle Beach Police Department, Southport Police Department and Leland Police Department

COUNCILMAN CORBETT MADE A MOTION TO AUTHORIZE MUTUAL AID AGREEMENTS WITH THE BRUNSWICK COUNTY SHERIFF'S OFFICE, SHALLOTTE POLICE DEPARTMENT, OAK ISLAND POLICE DEPARTMENT, BOILING SPRINGS LAKES POLICE DEPARTMENT, OCEAN ISLE BEACH POLICE DEPARTMENT, OCEAN ISLE BEACH POLICE DEPARTMENT, SOUTHPORT POLICE DEPARTMENT AND THE LELAND POLICE DEPARTMENT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning Fire Station #1 Roof and Wall Survey Including Possible Action for Authorization to Repair and/or Replace

COUNCILMAN BENTON MADE A MOTION TO SOLICIT BIDS FOR THE FIRE STATION #1 ROOF REPAIRS NEEDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration to Schedule Joint Council and Planning Board Meeting for 08/31/17 10:00 am for Presentation from NC Coastal Federation Regarding Stormwater Practices and Policies

COUNCILMAN CORBETT MADE A MOTION TO SCHEDULE A JOINT COUNCIL AND PLANNING BOARD MEETING FOR AUGUST 31, 2017 10:00 AM FOR A PRESENTATION FROM NC COASTAL FEDERATION REGARDING STORMWATER PRACTICES AND POLICIES. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Review upcoming Agenda Items and Identify New Agenda Items for September 5, 2017 Meeting

The Council reviewed the upcoming agenda items for the September 5, 2017 Meeting and reached a consensus to add the following:

- Discussion Concerning Chapter 99 Park Rules, Uses and Fee Schedule
- Main Street Sidewalk Project Budget Amendment
- Conflict of Interest Policy

**Public Comments**

Jan Harris 206 North Shore Drive – Advised that the Majestic Oak Drive Oak Tree is listed on a separate parcel and should be protected but that Council might want to look at strengthening its rules.

Charles Nern 647 Oyster Bay Drive – Advised that the Town has money in reserves to complete projects.

Ruth Reynolds 706 North Shore Drive – Questioned the date and time of the Special Meeting regarding the Stormwater Practices and Policies presentation. Mayor Forester advised August 31, 2017 10:00 am.

**Adjournment**

COUNCILMAN CORBETT MADE A MOTION TO ADJOURN THE AUGUST 15, 2017 COUNCIL MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A UNANIMOUS VOTE.

**Town of Sunset Beach**

*Robert Forrester, Mayor*

Submitted by:

*Lisa Anglin, Town Clerk*

\*The August 15, 2017 Minutes were approved by Council during the September 5, 2017 Meeting.