

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearings and Regular Meeting
September 8, 2015**

MINUTES

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

Members absent: None

Attorney & Staff Present: Susan Parker, Town Administrator; Bonnie Schwerd, Finance Director; Jenna Pettit, Deputy Finance Officer; Dustin Graham, Public Works Director; Rawls Howard, Planning and Inspections Director; Kevin Dempsey, Fire Chief; Lisa Joyner, Police Chief; and Lisa Anglin, Town Clerk

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

Closed Session

COUNCILWOMAN SCOTT MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO CONSULT WITH ATTORNEY RICHARDSON CONCERNING LITIGATION WITH JAGUAR'S LAIR. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately 35 minutes and discussed the litigation with the Jaguar's Lair Bond Company.

COUNCILMAN SHERRILL MADE A MOTION TO RETURN TO OPEN SESSION. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILMAN SHERRILL MADE A MOTION TO RECONVENE THE MEETING. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Work Session

The Work Session convened at 6:45 pm. Mayor Watts called for agenda amendments and general discussions by the Council.

Draft Agenda Review

The Council reached a consensus to add the following items to the agenda:

- New Business g – Jaguar's Lair
- Old Business d – Marketing RFP

General Council Discussions

SC Renewable Energy Task Force Update

Mayor Watts advised that the task force has now entered the public comment period concerning ocean drilling off of North Myrtle Beach.

Brunswick County Boards & Committees

Mayor Watts announced that Brunswick County has several Boards and Committees that have vacancies. Anyone interested can contact him for additional information.

Sunset Beach Merchants Association

Mayor Watts thanked the Merchants Association for organizing the Waterfront Farmers Markets that will be held in the Town Park on Thursdays. Mayor Watts advised that a Boot Camp will be held in the Park on Saturdays from 8:00 am – 8:45 am.

Tourism Development Authority

Mayor Watts advised that Brunswick County has ranked 9th for tourism income. New Hanover County ranked 8th.

Committee Liaison Reports

Sunset Beach Merchants Association

Mayor Watts stated the Market was a success. Mayor Watts advised that the Merchants Association is organizing a Paddle Festival for October 31, 2015.

Planning Board

Councilwoman Scott commended the Planning Board members for their decision to forgo the quarterly stipend in order for the funds to be used for training.

Grand Strand Area Transportation Study (GSATS)

Councilman Williams advised that Representative Frank Iler attended the last meeting of the GSATS and advised that funding will be available for the Environmental Impact Study (EIS) of the Carolina Bays Parkway Extension from South Carolina into North Carolina.

Sunset at Sunset

Councilman Williams advised that 112 vendors have purchased booths for the Sunset at Sunset Celebration scheduled for October 3rd which is the most vendors in event history. Staff and Councilmembers will be manning the Town booth.

ABC Store

Councilman Sherrill advised that the store income continues to increase and patrons can sign up on the email list to receive information concerning the special of the month and recipes.

Brunswick Shoreline Protection

Councilman Sherrill advised that the organization is continuing to meet informally with all Brunswick County municipalities working together with Brunswick County.

Cape Fear Council of Governments

No report given.

General Council Discussions (Cont.)

South Brunswick Neighboring Towns and Mayors

Mayor Watts advised that the meeting topics continue to be the State Legislators with regards to the proposed sales tax redistribution, proposal not to limit terminal groins to 4 and beach protection.

Monthly Meeting

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

Approval of the Draft Agenda

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

Public Hearings

Article 3 Administrative/Legislative Authority

COUNCILMAN WILLIAMS MADE A MOTION TO OPEN THE PUBLIC HEARING CONCERNING THE PROPOSED AMENDMENTS TO ARTICLE 3 ADMINISTRATIVE/LEGISLATIVE AUTHORITY. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Watts called for comments. No comments were heard.

MAYOR PRO-TEM DEVITA MADE A MOTION TO CLOSE THE PUBLIC HEARING CONCERNING THE PROPOSED AMENDMENTS TO ARTICLE 3 ADMINISTRATIVE/LEGISLATIVE AUTHORITY. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Article 4 Legislative/Quasi-Judicial Procedures

COUNCILMAN WILLIAMS MADE A MOTION TO OPEN THE PUBLIC HEARING CONCERNING THE PROPOSED AMENDMENTS TO ARTICLE 4 LEGISLATIVE/QUASI-JUDICIAL PROCEDURES. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Watts called for comments. No comments were heard.

COUNCILMAN SHERRILL MADE A MOTION TO CLOSE THE PUBLIC HEARING CONCERNING THE PROPOSED AMENDMENTS TO ARTICLE 4 LEGISLATIVE/QUASI-JUDICIAL PROCEDURES. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Main Street Widening Project Presentation – Chad Kimes, NC DOT

Chad Kimes, NCDOT addressed the Council concerning the Main Street Widening Project consisting of a 5' bike lane on East and West Main Street. Kimes explained that NCDOT will install a 1 ½" layer of asphalt, regrade for slopes and pave aprons and curbs around the catch basins. Councilwoman Scott voiced concerns with sand buildup on the bike lane and roadway, stormwater and pedestrian traffic.

Main Street Widening Project Presentation – Chad Kimes, NC DOT (Cont.)

Kimes advised that the project will begin in March, 2016 with an expected completion date before Memorial Day in May. Regarding crosswalks, Katie Hite, NCDOT, advised that crosswalks are limited due to safety as too many crosswalks make drivers complacent. The department would consider a total of 5-6 along Main Street. The Council was requested to establish a priority list of desired crosswalk locations for NCDOT to consider. The Council requested NCDOT consider reducing the speed limit on Highway 904 between Old Georgetown Road and the US Post Office due to traffic volume and the residential development under construction. The Council requested NCDOT to remove the vegetation from the shoulders of Old Georgetown Road prior to the MS Bike event. The dates will be submitted to Kimes.

Town Park Bathrooms and Gazebo Presentation – East Coast Engineering

Gazebo

Alan Lewis, East Coast Engineering, presented the conceptual plan for the Town Park Gazebo. The proposed gazebo is in the shape of an octagon with 16’ sides and an open beam structure. The multi-functional facility consists of approximately 1,000 sq. feet and will have a concrete floor and electricity for lighting, receptacles, and switches. The structure has been engineered to the 130 mph wind rating required. The preliminary cost is estimated to be \$30,000.

Bathrooms

Lewis presented the conceptual plan for the Town Park Bathrooms. The proposed bathroom facility is an ADA compliant split phase design with the roof matching the gazebo roof and will be located near the parking lot. The proposed structure is 24’ X 20’ and will include heating and A/C. A brief discussion was held concerning the existing flood zone and the zone change expected when the flood maps are adopted. The preliminary cost is estimated to be \$40,000 plus sewer connection fees.

Councilwoman Scott voiced concerns with the project cost and questioned how the usage fees will offset the cost. Lewis will provide construction cost during the October Work Session.

Public Comments on Agenda Items Only

Gerald Otteni 1401 West Main Street – Questioned the ownership of the Main Street roadway from 40th Street to the marsh area and if that portion would be included in the Main Street widening project.

David Hutnik 1135 Park Road Apt. 2102 – Reminded Council of the Run Sunset Beach event planned for May 21, 2016.

Karen Joseph 915 Sandpiper Bay Drive – Encouraged Council to continue with the Park development to construct the Gazebo and bathroom facilities as planned.

Minutes for Approval Consideration

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE JULY 21, 2015 WORK SESSION MEETING MINUTES AND THE AUGUST 3, 2015 REGULAR MEETING MINUTES AS PRESENTED. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town Administrator Report

Multi-modal path – Susan Parker advised that the final design of the path has been submitted to the State for permitting. Parker reminded the Council that the path will be constructed from the roundabout to the driveway of Coastal Outfitters. The remaining section to connect the path with Station Trail will be delayed until the next phase of the property development begins.

Stormwater Management Plan RFQ – Parker advised that the RFQ is nearing completion and will go out for bids soon.

30th Street/North Shore Drive Emergency Storm drain repair - Parker advised the repair has been completed and the drain is functioning properly.

Departmental Reports

Police

Chief Joyner advised that the Wave 104 Boat Bash event held on August 15 went well with very few incidences. Joyner advised that several break & entering are being reported in the area and requested citizens to report suspicious activities. Joyner advised that police officer interviews are being conducted to fill the vacancies in the department.

Public Works

Dustin Graham advised that live oak trees have been planted in the park. Graham advised that the 6th Street Beach access has been repaired and is open. Graham is meeting with the engineers concerning widening the 1st Walkway to 8' for ADA compliance.

Gazebo Parking Area Restrooms

Graham advised that the restroom nearest the gazebo will be removed soon for repairs and maintenance.

Birdwalk

Graham advised that a bench is being installed at the birdwalk tomorrow.

Planning and Inspections – Rawls Howard introduced Richard Hathcock, the new GIS Analysis, CAMA LPO Officer for the Town. Howard advised that the Sunset Commons apartment development will begin framing soon. Howard advised of the CAMA Land Use Plan update meeting is scheduled for Wednesday, September 30, 2015 from 1:00 pm – 4:30 pm in Heron Room of the Sea Trail Convention Center. Howard advised that the Planning Board is working on hot tubs and spas standards and developing rules of procedures. Concerning the Noise Ordinance, Howard advised that the Board feels that this is not a land use issue and should be addressed as a code violation. Parker advised that she and Chief Joyner are planning to present a revised Noise Ordinance to the Council during the October Work Session for review.

Fire Department – Chief Dempsey advised that August was a busy month for both the fire department and the Beach Patrol staffs. Dempsey stated that Beach Patrol issued 105 citations of which 95 citations were for glass on the strand. Dempsey advised that the last day for Beach Patrol will be September 13th. Dempsey stated that the Beach Patrol equipment worked sufficiently overall. The Beach Patrol operation review is scheduled for the September Work Session. Dempsey advised that the NC Department of Insurance will be inspecting the fire departments in February.

Departmental Reports (Cont.)

Finance Department – Schwerd reviewed the Financial snapshot with Council for period ending July 31, 2015. Schwerd stated that the Beach Wheelchair rental fee has generated \$980 in revenue which will enable the Town to purchase an additional wheelchair for the next season. Schwerd advised that staff is continuing to deal with the July lightning strike issues but are hoping for a resolution in October. Schwerd advised that the new telephone system will be installed on September 11th. Schwerd advised that staff is preparing for the Auditors to be onsite September 21st and 22nd and anticipates that the auditor's report will be presented to Council during the November meeting. Schwerd advised that the recycling program letters will be mailed within the next 30 days. Island recycling pickup during the season will be on Saturdays. The cost is weekly \$63.60 and bi-weekly \$46.80.

Old Business

Consideration of Adoption of UDO Ordinance Amendment for Article 3 Administrative/Legislative Authority

COUNCILMAN JOHNSON MADE A MOTION TO ADOPT THE PROPOSED UDO AMENDMENTS FOR ARTICLE 3 ADMINISTRATIVE/LEGISLATIVE AUTHORITY. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of UDO Ordinance Amendment for Article 4 Legislative/Quasi-Judicial Procedures

COUNCILMAN JOHNSON MADE A MOTION TO ADOPT THE PROPOSED UDO AMENDMENTS FOR ARTICLE 4 LEGISLATIVE/QUASI-JUDICIAL PROCEDURES. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning Non-Profit Agency Grant Funding

The Council discussed the non-profit Agency grant funding. \$40,000 earmarked in the budget for funding consideration of non-profit agencies. Schwerd reminded Council that \$15,000 has been allocated for the Sunset Beach Merchants Association.

COUNCILWOMAN SCOTT MADE A MOTION TO AWARD THE SUNSET CONCERT SERIES \$5,000, THE INGRAM PLANETARIUM \$5,000 AND THE OLD BRIDGE PRESERVATION SOCIETY \$500. MAYOR PRO-TEM DEVITA SECONDED THE MOTION.

COUNCILMAN JOHNSON MADE A MOTION TO AMEND THE MOTION TO INCREASE THE AWARD FOR THE INGRAM PLANETARIUM TO \$7,500. COUNCILMAN WILLIAMS SECONDED THE MOTION.

MAYOR WATTS CALLED FOR A VOTE TO AMEND THE MOTION TO INCREASE THE AWARD FOR THE INGRAM PLANETARIUM TO \$7,500. MAYOR PRO-TEM DEVITA, COUNCILMAN SHERRILL, COUNCILMAN JOHNSON AND COUCILMAN WILLIAMS VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

MAYOR WATTS CALLED FOR A VOTE ON THE AMENDED MOTION TO AWARD THE SUNSET CONCERT SERIES \$5,000, THE INGRAM PLANETARIUM \$7,500 AND THE OLD BRIDGE PRESERVATION SOCIETY \$500. MAYOR PRO-TEM DEVITA, COUNCILMAN SHERRILL, COUNCILMAN JOHNSON AND COUCILMAN WILLIAMS VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Old Business (Cont.)

Marketing RFP

Bonnie Schwerd advised Council that one proposal was received in response to the Marketing RFP however, the application was incomplete. A second proposal was received outside of the stated deadline. Schwerd requested direction from the Council to either re-post the RFP with a new deadline date, review both received or to review the one received by the deadline but was incomplete.

COUNCILMAN SHERRILL MADE A MOTION TO REPOST THE RFP WITH A NEW DEADLINE DATE ESTABLISHED BY STAFF. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business

Consideration of Appointment of Deputy Finance Officer

Bonnie Schwerd introduced Jenna Pettit and request Council appoint her as Deputy Finance Officer.

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPOINT JENNA PETTIT AS DEPUTY FINANCE OFFICER AND GRANT HER THE PRIVILEGES OF THE OFFICE. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Inter-local Agreement with Brunswick County Concerning Fire Code Enforcement

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE INTER-LOCAL AGREEMENT WITH BRUNSWICK COUNTY CONCERNING FIRE CODE ENFORCEMENT. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Rescheduling the September Work Session to September 22, 2015

COUNCILMAN WILLIAMS MADE A MOTION TO RESCHEDULE THE SEPTEMBER WORK SESSION FOR SEPTEMBER 22, 2015 AT 9:00 AM. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Approval of ABC Board Letter Concerning Travel Policy

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE ABC BOARD LETTER CONCERNING THE TRAVEL POLICY. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Awarding Street Resurfacing Project Bid

Graham advised that one proposal was received for the Street Resurfacing Project totaling \$244,395. Due to the project cost, the Council is not required to repeat the bidding process and can award the contract.

COUNCILMAN SHERRILL MADE A MOTION TO ACCEPT THE BID FROM BARNHILL CONTRACTING COMPANY AND AWARD THE CONTRACT TOTALING \$244,395. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Discussion Concerning Two (2) Spring Event

Mayor Watts advised the Council of two (2) spring event proposed for the Town Park. The first event would be on May 14th and consist of a Park to Park run from the Ocean Isle Beach Park on Old Georgetown Road through the Sea Trail Community to the Sunset Beach Town Park and back to the Ocean Isle Beach Park. The second would be on May 21st and consist of an Art in the Park event with four activities including an artist display, student art display, park plein air event and musical entertainment of jazz and classical music. The Council reached a consensus to allow both events.

Jaguar’s Lair Action

COUNCILMAN SHERRILL MADE A MOTION TO MOVE FORWARD WITH LITIGATION AGAINST THE BOND SAFEGUARD INSURANCE COMPANY CONCERNING JAGUAR’S LAIR. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

Karen Joseph 915 Sandpiper Bay Drive – Reminded Council that the Sunset at Sunset Celebration is scheduled for Saturday, October 3, 2015 beginning at 10:00 am. 115 vendors will be displaying merchandise, additional food vendors have been added for this years’ event and the large tent for attendees to utilize to eat, relax and enjoy the entertainment will be up.

Charles Nern 647 Oyster Bay Drive – Informed the Council of renters using grill under houses which he viewed as a fire hazard and requested Council to look into regulations to prevent this from happening.

Terry Bryant Ingram Planetarium Executive Director – Thanked the Council for the grant funding for the planetarium.

Darren Bouley 1831 Wonderland Street – Provided a Merchants Association update of upcoming events including the farmers market, paddle festival and the fall festival.

David Hutnik 1135 Park Road Apt. 2102 – Advised the Council of what his company can do for the Town if awarded the Marketing contract such as printing and online advertisements in addition to websites.

Mayor Pro-Tem DeVita advised that the bricks for the Veteran’s Memorial arrived today and the sand wall is being installed. The engraved brick will be delivered soon and the granite has been ordered. The dedication ceremony is planned for November 11th.

Adjournment

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADJOURN THE SEPTEMBER 8, 2015 COUNCIL MEETING. COUNCILMAN JOHNSON 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 September 8, 2015 minutes were approved by the Town Council during the November 2, 2015 Meeting.