

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearing(s) and Regular Meeting
October 2, 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; Fire Chief Kevin Dempsey; Dustin Graham, Public Works Director; Ken Klamar, Police Chief; Hiram Marziano, Planning Director; Cindi Stephenson, Administrative Assistant; and Lisa Anglin, Town Clerk

Mayor Forrester called the Meeting to order at 6:15 pm.

Closed Session

COUNCILMAN CERRATO MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY CONCERNING PENDING LITIGATION CONCERNING THE PROPERTY LOCATED ON THE WEST END OF THE ISLAND AND TO SEEK LEGAL ADVICE CONCERNING THE TWIN LAKES RESTAURANT EASEMENT, EAST END EMERGENCY ACCESS EASEMENT AND 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.

The Council met in Closed Session for approximately forty-five minutes. No action taken.

Work Session

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

Mayor Pro-Tem Scott voiced disappointment that she was unable to determine if the requested amendments have been made since her notes were discarded by the Town Clerk and asked that the recording be reviewed prior to the October 12, 2017 Special Meeting to ensure that the amendments have been made to the latest version of the draft CAMA Land Use Plan.

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

The Council reviewed the agenda and reached a consensus to table the Twin Lakes Restaurant easement and the East-end Emergency Access Easement until the October 17, 2017 Meeting.

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

Minutes for Approval

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE AUGUST 31, 2017 SPECIAL MEETING MINUTES, THE SEPTEMBER 5, 2017 REGULAR MEETING MINUTES AND THE SEPTEMBER 19, 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

Tim Jackson 1510 North Shore Drive East – Questioned if the continuance for the Palm Cove Lot 8 and Lot 9 Appeal Hearings was approved. Mayor Forrester advised that the Council will consider the request later during this Meeting.

Dave Eastburn 424 32nd Street – Provided the Council with information regarding conflict of interest and ethics policies.

Ann Bokelman 404 3rd Street – Requested the Council allow exception to the no glass in the Park rules for special events and weddings.

Town Administrator Report

Susan Parker, Town Administrator, reminded everyone that the Sunset at Sunset Festival is scheduled for Saturday, October 7, 2017 from 10:00 am – 5:00 pm in the area near Ingram Planetarium.

Departmental Reports:

Police – Chief Ken Klamar reminded everyone that Trunk or Treat is scheduled for Monday, October 30th in the area near the Ingram Planetarium.

Public Works – Dustin Graham, Public Works Director, advised that the bid documents for the North Shore Drive Extension and Cobia Street Paving Project are being prepared.

Planning & Inspections – Hiram Marziano, Planning Director, advised that the renovations underway for the Pelican Square Shopping Center will conform with the overlay district regulations. Marziano advised that building is going strong keeping the inspectors very busy with the number of permitted projects.

Fire – Chief Kevin Dempsey informed the Council of a near drowning this past Saturday and warned that rough waters still exists.

Finance – Bonnie Bray, Finance Director, reviewed the August Financial Statement with the Council and informed the Council that FEMA has placed a moratorium on the funding for Hurricane Matthew due to the recent hurricanes. Bray advised that the draft 2016/2017 Audit Report has been received and is under review. The Audit Report will be presented to the Council during the October 17, 2017 Meeting.

Old Business

Appeal Hearings - Palm Cove Lot 8 and Lot 9

Property Owners Attorney Matt Nichols informed the Council that Tim Jackson, builder of the homes on Palm Cove Lots 8 and 9 is working with the Town and FEMA to bring both structures into compliance with FEMA and Town regulations, thus the request for the continuance requests until the November 21, 2017 Meeting.

Old Business (Cont.)

Appeal Hearings - Palm Cove Lot 8 and Lot 9 (Cont.)

COUNCILMAN CORBETT MADE A MOTION TO GRANT THE CONTINUANCE REQUESTS FOR THE APPEAL HEARINGS UNTIL THE NOVEMBER 21, 2017 MEETING. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN LARKIN, COUNCILMAN CORBETT, COUNCILMAN CERRATO AND MAYOR PRO-TEM SCOTT VOTED YES. COUNCILMAN BENTON VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Discussion - Medcalf Drive Roadway

Mayor Forrester advised that he reviewed the Medcalf Drive Annexation files and prepared a Memo of Record outlining the procedures followed and verified that the procedure was lawful noting that the Annexation Report stated the roadway was private and would not be accepted into the public roadway system. Duane Lewis stated that the Town is receiving taxes from the property owners along Medcalf Drive without providing equal services. Mayor Forrester advised that there are numerous private roads located within Town limits. Grady Richardson advised that taxes collected go to the overall public safety and welfare of the Town and all residents. The procedure for private street dedication to the Town including that Town requirement for the roadway condition prior to acceptance was explained to Mr. Lewis.

Consideration - Ordinance Amendment for Article 6 Section 6.06 (H) BB-1 Maximum Density (Tabled 08/07/17 & Tabled 08/15/17)

MAYOR PRO-TEM SCOTT MADE A MOTION TO DENY THE REQUESTED TEXT AMENDMENT FOR ARTICLE 6 SECTION 6.06 (H) BB-1 MAXIMUM DENSITY CITING INCONSISTENCES WITH THE 2010 SUNSET BEACH CAMA LAND USE PLAN POLICY 28 TO REDUCE DENSITY FOR MULTI-FAMILY STRUCTURES BELOW A GROSS OF 21.7 UNITS PER ACRE. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning Chapter 99 Park Rules, Uses, Fee Schedule and Wedding Policy

The Council continued to discuss Chapter 99 Town Park Regulations, the current Fee Schedule, the Special Events Policy and the Wedding Policy with regard to high, medium and low impact fees, multi-day event fees, number of Park event limits, signage placement and time frames, and tents, music and alcohol as related to private wedding events. Mayor Pro-Tem Scott will update the proposed documents for inclusion in the next Council Meeting Packet for additional discussion and possible amendment adoptions.

Discussion Concerning Conflict of Interest Policy

Councilman Cerrato introduced a Conflict of Interest Policy for Council consideration. Attorney Richardson offered amended language for #12 in the Policy. After a brief discussion, the majority of Council agreed that a separate Conflict of Interest Policy was not needed due to the Council adopted Ethics Policy and NC General Statutes.

COUNCILMAN CERRATO MADE A MOTION TO ADOPT THE PROPOSED CONFLICT OF INTEREST POLICY AS AMENDED BY ATTORNEY RICHARDSON. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED YES. COUNCILMAN LARKIN, MAYOR PRO-TEM SCOTT AND COUNCILMAN CORBETT VOTED NO. THE MOTION FAILED.

Old Business (Cont.)

Discussion Concerning Conflict of Interest Policy (Cont.)

Councilman Cerrato stated that as Mayor he would read the following statement at the beginning of each meeting and requested Mayor Forrester to do the same:

“Does any member of the Council have a conflict of interest or the appearance of a conflict of interest with regard to any item on the agenda, if so, please state so at this time?”

COUNCILMAN BENTON MADE A MOTION FOR MAYOR FORRESTER TO READ THE CONFLICT OF INTEREST STATEMENT AT THE BEGINNING OF COUNCIL MEETINGS IN THE FUTURE. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of Main Street Sidewalk Budget Amendment

Bonnie Bray, Finance Director, reminded the Council that the Main Street Sidewalk Project was approved on August 7, 2017 and on September 5, 2017 the Council authorized a related Capital Project Budget Ordinance Amendment establishing Fund 45 with \$400,000 transferred from the General Fund fund balance.

Bray advised that the Town currently has two (2) open Capital Reserve repositories, Funds 23 and 26 which have no committed or foreseen projects identified. Bray recommends closing Fund 26 which currently has uncommitted cash of \$95,840, transferring the funds along with \$304,160 from Fund 23 to restore the total \$400,000 appropriation (Sidewalk Project) from the General Fund fund balance. Fund 23 will remain open with approximately \$98,600 of uncommitted cash.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPTION THE MAIN STREET SIDEWALK BUDGET AMENDMENT AS RECOMMENDED BY FINANCE DIRECTOR BONNIE BRAY. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business

Consideration of Contract Award for Annual Street Repavement/Parking Lot

COUNCILMAN CORBETT MADE A MOTION TO AWARD THE ANNUAL STREET REPAVEMENT AND TOWN HALL PARKING LOT PAVING CONTRACT TO HIGHLANDS PAVING COMPANY WITH A BASE BID OF \$149,500. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of Resignation from Planning Board Member Robert Tone and Authorization for Town Clerk to Advertise the Position

COUNCILMAN CORBETT MADE A MOTION TO ACCEPT THE RESIGNATION OF PLANNING BOARD MEMBER ROBERT TONE AND AUTHORIZE THE TOWN CLERK TO ADVERTISE THE POSITION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Consideration of Approval of Police Department Mutual Aid Agreement with New Hanover County Sheriff Department

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE POLICE DEPARTMENT MUTUAL AID AGREEMENT WITH NEW HANOVER COUNTY SHERIFF DEPARTMENT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Review upcoming Agenda Items and Identify New Agenda Items for October 17, 2017 Meeting

The Council reviewed the Disposition of Directives and made the following amendments:

- 11/21/17 Agenda - Palm Cove Lot 8 and Lot 9 Appeal Hearings
- 10/17/17 Agenda – Town Park Rules
- 10/17/17 Agenda – Twin Lakes Restaurant Easement
- 10/17/17 Agenda – East-end Emergency Access Easement
- 10/17/17 Agenda – 2017 Beach Season Report

Public Comments

Karen Joseph 915 Sandpiper Bay Drive – Spoke in opposition to the proposed Town Park Regulation amendments.

Jim Skiff 414 33rd Street – Encouraged the Council to discontinue involvement with the Jaguars Lair development.

Linda Ruddick 1008 Park Road – Spoke in favor of Candidates Forums and questioned the lack of a forum since the Brunswick Beacon discontinued to sponsor.

Adjournment

COUNCILMAN CERRATO MADE A MOTION TO ADJOURN THE OCTOBER 2, 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 October 2, 2017 Minutes were approved by Council during the November 21, 2017 Meeting.