

**Town of Sunset Beach  
Monthly Council  
Work Session & Regular Meeting  
December 2, 2013**

**MINUTES**

**Members Present:** Mayor Richard Cerrato, Mayor Pro-Tem Lou DeVita, Councilwoman Karen Joseph, Councilwoman Carol Scott, Councilman Wilson Sherrill, and Councilman Mike Williams.

**Members absent:** None

**Attorney & Staff Present:** Gary Parker, Town Administrator; Mike Isenberg, Town Attorney; Donna Rogers, Finance Director; Cindi Stephenson, Deputy Finance Director; Joann Thomasen, Administrative Assistant; Kevin Dempsey, Fire Chief; Richard Childres, Assistant Fire Chief; Lisa Massey, Police Chief; Sandy Wood, Building Inspections Department Director, and Lisa Anglin, Town Clerk.

**Work Session  
6:45 pm**

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

**Agenda Amendments**

The Council reached a consensus to add the following items to the Old Business section of the agenda:

- f. Streetscape Change Order Consideration
- g. Sales Tax Distribution Letter

**Council Discussion**

Gary Parker read a letter to the Council that was complementary to the Building Inspections Department employees. Councilwoman Scott advised that the Streetscape Project lighting has been installed and looks great.

**Certificates of Appreciation Presentation**

Mayor Cerrato and Mayor Pro-Tem DeVita presented the following Certificates of Appreciation:

- Beautification Committee: Lynn Eriquez, Katie Bodner, Marianne Cerniglia and Jean Hutchinson;
- 50<sup>th</sup> Anniversary Committee: Ed Gore, Ron Klein, Herb Tinger, Clarice Holden, Dian Robbins and Brenda Snead;
- Summer Concert Series Committee: Fred Thorne, Denise Williams, Anita August, Janie Withers and Steve Mullins;
- Sunset at Sunset Committee: Marci Berry, Lois McClellan, Ann Bokelman, Karen Dombrowski, Bev Williams and Sharon Maple.

**Monthly Meeting**  
**7:00 pm**

**Call to Order & Pledge of Allegiance**

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

**Public Comments**

Cas Kasala Shallotte – Commented about the Jaguar’s Lair Agreement recently approved by Council.

Monty Simpson 490 Dunieth Street Calabash – Read a prepared statement concerning Jaguar’s Lair.

**Consent Agenda Approval**

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE FOLLOWING  
CONSENT AGENDA AS PRESENTED:

1. Minutes
  - a) November 4, 2013 Regular Meeting Minutes
  - b) November 4, 2013 Closed Session Minutes
  - c) November 14, 2013 Work Session Minutes
  - d) November 19, 2013 Special Meeting Minutes
  - e) November 19, 2013 Closed Session Minutes
2. Departmental Reports:
  - a) Police
  - b) Public Works
  - c) Building Inspections
  - d) Fire
3. Disposition of Directives
  - a) Preliminary Assessment Notice appeared in Brunswick Beacon – 11/16/11
  - b) Preliminary Assessment Notice and Resolution mailed to affected property owners – 11/16/11
  - c) Preliminary Assessment Resolution Public Hearing held – 12/05/11
  - d) BEMC informed to begin underground project – 12/9/11; Notified of completed 03/04/13
  - e) 50<sup>th</sup> Anniversary Committee appointed – Committee is working on Time Capsule information and will meet when necessary to plan the March 26, 2014 Capsule dedication/sealing ceremony
  - f) Asset Replacement Cost/Life Expectancy Schedule produced/updated & included in Capital Improvement Program – In process to be ready for Annual Retreat
  - g) Rip Current pamphlets & Holders ordered – 08/15/13; Delivered to merchants -
  - h) Preparation of a Resolution Requesting NC General Assembly to Consider Good Samaritan Legislation for Municipalities – In process
  - i) Fee Supported Canal Dredging/Maintenance District Resolution – In process
  - j) NCDOT Letter requesting investigation of Shoreline Dr. W/Beach Dr. Intersection for additional signage mailed – 09/18/13
  - k) Ordinance 93.01 being evaluated & analyzed by Attorney Isenberg – in process
  - l) Jinks Creek Dredging Project Contract executed –

**Consent Agenda Approval (Cont.)**

- m) Beach Topics – Discussed 09/24/13; Staff given research directions – discussion will continue 10/15/13; 11/14/13
  - n) NCDOT Roundabout Agreement executed and funds released – 11/04/13
  - o) Oyster Bay Road Survey requested from Sea Trail Masters Association –
  - p) Oyster Bay Road Closing Public Hearing Notice Sent to Beacon –
  - q) Sign Install Concerning Oyster Bay Road Closing at location –
  - r) Notice mailed to Oyster Bay Road Closing Adjacent Property Owners –
  - s) Park Development Stage 1 Contract executed – 11/05/13
  - t) Windstorm Mitigation Credit information sent to Community POC’s and posted on website –
  - u) NCDOT Application for Bicycle and Pedestrian Planning Grant Funds submitted –
  - v) Roundabout Landscape Plantings/Mulch Acceptance List emailed to NCDOT – 11/05/13
  - w) Sunset Blvd. North Speed Limit Reduction Request mailed to NCDOT –
  - x) GSATS Widening Project Removal Request emailed – 11/05/13
  - y) Illegal No Parking Signs removed –
4. Departmental Updates

COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Old Business**

Appointment of Fireman’s Relief Fund Board Member

COUNCILWOMAN SCOTT MADE A MOTION TO APPOINT ALLEN RUNDALL TO THE FIREMAN’S RELIEF FUND BOARD. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Jaguars Lair Update

Councilwoman Joseph thanked the Negotiating Team for their hard work and dedication. Councilwoman Joseph advised that the Council approved the Subdivision Improvements Agreement for Sections 2A and 2B of Jaguar’s Lair with Coastal Communities during the November 19, 2013 Special Meeting. Councilwoman Joseph highlighted the following sections of the agreement:

- The Developer will use its best efforts to install and complete the following separate infrastructure items in Sections 2A and 2B by the target dates (soft dates) indicated below, noting that all infrastructure must be installed and completed no later than December 31, 2015 (hard date):

Storm water	February 1, 2015
Sewer	June 1, 2015
Water	June 1, 2015
Electric road crossings	September 1, 2015
Roads	December 31, 2015

**Old Business (Cont.)**

**Jaguars Lair (Cont.)**

- The Town will receive interim project inspections and reports, including permit status reports and engineering plans updates, every three months and the Developer and Town will meet every 6 months to discuss the project and any related issues. If delays occur in the construction of the improvements, the Developer agrees to use its best efforts to notify the Town in writing at least 30 days prior to the target date or deadline including documentation to substantiate the reasons.
  
- The Developer agrees to negotiate in good faith an agreement regarding lots 96-106 in Section 2B and lots 108-126 in Section 2C by December 31, 2014, and if an agreement is not reached, the Developer agrees to choose a mediator no later than January 16, 2015, and to conduct a mediation session within 30 days of said mediator selection.
  
- The Developer agreed that this Agreement shall be null and void if the storm water, sewer, water, electric road crossings, and road work in Phase VI, Section 1 required by the December 3, 2012 Subdivision Improvements Agreement is not complete by March 31, 2014, subject to delays caused by circumstances beyond the Developer's control, including adverse weather conditions.

**Consideration of Closed Session Minutes to Unseal**

COUNCILWOMAN JOSEPH MADE A MOTION TO UNSEAL THE FOLLOWING CLOSED SESSION MINUTES:

- June 3, 2013
- August 5, 2013
- August 20, 2013
- September 11, 2013
- September 24, 2013
- October 1, 2013
- October 7, 2013
- October 17, 2013
- October 25, 2013
- November 4, 2013
- November 19, 2013

AND TO PERMANENTLY SEAL THE JUNE 18, 2013 CLOSED SESSION MINUTES. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Consideration of Adoption of Resolution to Apply for Bike/Pedestrian Planning Grant Funds**

COUNCILWOMAN JOSEPH MADE A MOTION TO ADOPT THE RESOLUTION TO APPLY FOR BIKE/PEDESTRIAN PLANNING GRANT FUNDS. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Old Business (Cont.)**

**Consideration of Adoption of Resolution Opposing the Removal of the Inlet Hazard Designation for Mad Inlet**

The Council reviewed the draft Resolution provided by Staff and the recommended changes from Councilwoman Scott.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE CHANGES AND TO SEND THE AMENDED RESOLUTION. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. COUNCILWOMAN SCOTT AND MAYOR PRO-TEM DEVITA VOTED YES. COUNCILMAN SHERRILL, COUNCILWOMAN JOSEPH AND COUNCILMAN WILLIAMS VOTED NO. THE MOTION FAILED.

COUNCILWOMAN JOSEPH MADE A MOTION TO ADOPT THE RESOLUTION AS PRESENTED. COUNCILMAN WILLIAMS SECONDED. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Streetscape Change Order**

The Council reviewed the proposed Streetscape change order totaling \$19,200 which included a different type of mulch, installing up lighting and a different type of palm trees.

COUNCILMAN SHERRILL MADE A MOTION TO REJECT THE CHANGE ORDER. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Sales Tax Distribution Letter**

Mayor Pro-Tem DeVita read a proposed letter to be sent to the Brunswick County Commissioners and the members of the Sales Tax Distribution Committee stating the Town's support for the County to continue using the per capita method for the sales tax distribution to the municipalities. The Council reached a consensus to send the sales tax distribution letter.

**Presentations of Appreciation to Outgoing Officials**

Mayor Pro-Tem DeVita awarded plaques to Councilwoman Karen Joseph and Town Administrator Gary Parker, and thanked them both for their years of service to the Town.

**Mayor Cerrato Farewell Speech**

Mayor Cerrato read a prepared statement.

**Oath of Office Ceremony**

Lisa Anglin, Town Clerk, administered the Oath of Office to Mayor Ronald Watts, Councilman Louis DeVita, Councilman Terry Johnson and Councilwoman Carol Scott. They were then seated at the Council table to begin serving in their positions as Mayor and Council members.

**Presentation of Appreciation to Mayor Richard Cerrato**

Mayor Watts presented a plaque to Mayor Cerrato and thanked him for his service to the Town.

**New Business**

Consideration of Selection of the Mayor Pro-Tem

COUNCILMAN SHERRILL MADE A MOTION TO SELECT COUNCILMAN DEVITA AS MAYOR PRO-TEM. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of the 2014 Meeting Calendar for the Council, and Planning Board

COUNCILMAN WILLIAMS MADE A MOTION TO ADOPT THE 2014 MEETING CALENDAR FOR THE TOWN COUNCIL AND PLANNING BOARD. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Councilwoman Scott requested the Council to consider titling both monthly meetings of the Council “meeting” since action can be taken at either.

Consideration of (02/18/14) Annual Retreat Agenda Items

The Council provided topics for the Annual Retreat agenda. Mayor Watts will prepare an agenda list for Council to finalize at the December 12, 2013 Work Session.

Discussion of Community Meetings Scheduled for 01/15/14 and 05/14/14

The Council discussed the January and May Community Meetings. The Council reached a consensus to proceed with the January 15, 2014 Community Meeting at Sea Trail Plantation at 7:00 pm and to discuss the May, 2014 Community Meeting at an upcoming Work Session.

General discussion on Council Meeting Procedures

The Council reviewed the Local Rules for Meetings and Public Comment Period Rules proposed by Mayor Watts.

COUNCILMAN SHERRILL MADE A MOTION TO ADOPT THE LOCAL RULES FOR MEETINGS AND PUBLIC COMMENT PERIOD RULES AS PROPOSED BY MAYOR WATTS. COUNCILMAN JOHNSON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning Mayor’s Duties

Mayor Watts requested the Council to reestablish the Mayor duties.

COUNCILWOMAN SCOTT MADE A MOTION TO RESIND THE COUNCIL MOTION OF DECEMBER 21, 2011 IN WHICH THE AUTHORITY OF THE MAYOR WAS NOT EXPANDED BEYOND THE AUTHORITY THAT WAS GRANTED BY THE LAWS OF THE STATE OF NORTH CAROLINA. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Public Comments**

Mayor Watts introduced Susan Parker, the new Town Administrator, to those in attendance and advised that her first day will be December 9<sup>th</sup>.

Linda Ruddick 1008 Park Road – Encouraged the Council to include a bio of the Council members on the website.

Clara Newell 1204 West Main Street – Complemented the Council on the Streetscape project lighting system and encouraged the Council to continue the lighting along Main Street.

**Adjournment**

COUNCILMAN WILLIAMS MADE A MOTION TO ADJOURN THE DECEMBER 2, 2013 COUNCIL MEETING. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

*Ronald Watts, Mayor*

Submitted by:

*Lisa Anglin, Town Clerk*

\*The December 2, 2013 Minutes were approved by Council during the January 6, 2014 Regular meeting.