

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearings and Regular Meeting
December 14, 2015**

MINUTES

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

Members absent: Council vacancy

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

Mayor Watts called the Meeting to order at 6:45 pm.

Closed Session

A Closed Session was not held. Attorney Richardson attended the Regular meeting.

Work Session

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

Councilwoman Scott questioned the sand pile at the intersection of North Shore Drive. Dustin Graham, Public Works Director, advised that the sand was donated by a homeowner that removed the sand from their lot. The Public Works Department will be using the sand in the next couple of weeks on the beach access walkway repairs.

Draft Agenda Review

Councilwoman Scott requested to add as New Business Item 14d Adoption Consideration of scheduling a Public Hearing for January 4th to hear comments on a proposed Temporary Development Moratorium concerning adding fill to a lot. Councilwoman Scott requested Council to consider adding the Old Business items to New Business in order for the newly elected officials to be able to comment and vote. Councilwoman Scott questioned why the oath of office for the new elected officials is not at the beginning of the agenda. Mayor Watts suggested adding a discussion concerning agenda item placement for the administering of the oath of office for newly elected officials and a discussion concerning Council procedures at the December Meeting during an election year to a spring 2016 agenda. The Council agreed to add New Business Item 14d.

General Council Discussions

Councilwoman Scott verified with Attorney Richardson that an action taken during a meeting can be reintroduced at a point later during the same meeting by an affirmative voting member for reconsideration.

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

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED A BY 4-0 VOTE.

Presentation of Life Saving Awards – Fire Chief Dempsey & Assistant Chief Childres

Assistant Chief Childres advised that on May 17, 2015 Firefighters Matt Gaskins, Nikki Atkinson and Joshua Wallace performed a rescue of several individuals that were caught in a rip current. The quick action of these firefighters prevented the loss of lives.

Fire Chief Dempsey presented each with a Life Saving Award.

Presentation of Certificate of Appreciation to Outgoing Planning Board Chairwoman Carol Santavicca

Mayor Watts presented a Certificate of Appreciation to outgoing Planning Board Chairwoman Carol Santavicca and thanked her for the years of service to the Town.

Presentation of 2015 Certificates of Appreciation

Mayor Watts and the Council member that was the Board or Committee liaison presented Certificates of Appreciation to the following:

- Sunset Beach Planning Board Members
- Sunset Beach Board of Adjustment Members
- Sunset Beach Fireman's Relief Fund Board Members (appointed by Council)
- Sunset Beach ABC Board Members
- Sunset at Sunset Committee Members

2014/2015 Audit Report – Greg Adams, Auditor

Greg Allen, Thompson, Price, Scott, Adams & Co., P.A. presented the 2014/2015 Audit Report to the Council. Mr. Allen advised that the cash and cash equivalents for year ending 2015 totaled \$7,136,947. Mr. Allen advised that the overall tax collection rate was 97.77% slightly under the State average of 97.83%. Bonnie Schwerd, Finance Officer, added that the total 2014/2015 revenues were \$5,909,092 and the total 2014/2015 expenditures were \$5,868,825 resulting in a positive net change in fund balance of \$40,267. Schwerd advised that the unassigned fund balance represents 93% of general fund expenditures and fund balance available as a percent of expenditures equals 116.59%. The Town's current net position is \$18.67 million and the Town has no outstanding long-term debt. Councilwoman Scott voiced concerns that the Council was not given the opportunity to review the Audit Report prior to the meeting so any questions could be addressed during the presentation.

Public Comments on Agenda Items Only

Ann Bokelman 404 3rd Street – Thanked the Police Department for the house check program and increased patrols while residents are away.

Herb Tinger 711 Oyster Bay Drive – Advised that the ABC Store operates independently of the Town and the Board does adhere to the open meetings and public records laws; advised that records are made available when requests are made; advised that the Town is not required to list ABC Board information on its website.

Public Comments on Agenda Items Only (Cont.)

Bill Satterfield 103 Olde Oak Lane – Requested Council to table the Sunset at Sunset Committee requests for \$5,000 funding as the Committee hasn't met; questioned if the additional funds should come from the tourism related fund as he doesn't think that the Sunset at Sunset Celebration brings additional tourism to the Town.

Betty Oakes 412 Cobia Street – Thanked Councilman Sherrill and Councilman Williams for their years of service to the Town; Thanked the Police Department for the daily (R U Ok) checks on her.

Darren Bouley 1831 Wonderland Street – Spoke as the Sunset Beach Business and Merchants Association President – Thanked Councilman Sherrill and Councilman Williams for supporting the association and spoke in favor of the Town Park gazebo and restroom construction as both amenities will increase the use of the Park by residents and visitors.

Charles Nern 647 Oyster Bay Drive –Thinks the Park with the current and upcoming amenities are needed; doesn't want the Council to jeopardize the grant funding.

Karen Joseph 915 Sandpiper Bay Drive – Stated that the PARTF contract has a completion date of September 2016; stated that the Town will suffer if the Council chooses not to complete the grant requirements which could negatively impact the ability of the Town to secure future State grant funding.

Katie Hovermale 1429 Bay Street - Encouraged the Council to reconsider building the gazebo and restroom facility as both are not needed; encouraged the Council to consider reducing the sizes of the structures; encouraged the Council to conduct an impact study to determine what will happen to the trees if both structures are constructed.

Minutes for Approval Consideration

COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE NOVEMBER 2, 2015 REGULAR MEETING MINUTES AND THE NOVEMBER 17, 2015 WORK SESSION MINUTES AS PRESENTED. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Town Administrator Report

Attorney Richardson updated the Council of the two (2) pending lawsuits; Jaguars Lair concerning the infrastructure construction and Withers and Ravenel concerning the Town Park.

Multi-modal Path – Susan Parker, Town Administrator, advised that the multi-modal path from the roundabout to the Coastal Outfitters driveway has been completed. Coastal Outfitters owners contributed \$10,000 for the project.

Town Park – Parker advised that five (5) live oak trees as part of a Living Memorial Program could be planted on the east side of the Town Park near the fishing pier.

Departmental Reports

Police – Chief Joyner advised that the vacant existing positions have been filled and the police department is now at full staff.

Departmental Reports (Cont.)

Public Works – Dustin Graham, Public Works Director, advised that the restroom near Main Street was removed for maintenance and repairs but will be returned to the island this week. Graham advised that the 1st Street beach access walkway is being converted from 6’ to 8’ for ADA compliance. Graham advised that the contractor hired to repair the 32nd Street sink hole will begin construction in early January. Graham advised that Brunswick County Public Utilities will be repairing the sink hole on 1st Street which was caused by the County Sewer Contractor placing a sewer pipe through the existing stormwater pipe.

Planning and Inspections – Rawls Howard, Planning and Inspections Department Director, reviewed the Building Inspections Department report with the Council. Howard advised that the Planning Board has reviewed and approved the plans for the ATMC Retail Store and beach store to be constructed on Highway 904 near Food Lion and phase 2 of the Coastal Outfitters development. Howard advised that the Board is also working with the Cape Fear Council of Governments to update the CAMA Land Use Plan. Howard advised that the Planning and Inspections Department is now fully staff with the hiring of Russell Osborn as a building inspector. Inspector McIntosh has received his Level 1 Building Inspection license. Howard advised that he is currently working with the inspection departments of Brunswick County, Calabash and Carolina Shores to adopt Inter-local Agreements for inspection services. The Calabash Building Inspectors are currently inspecting any structures within our jurisdiction requiring level 2 inspections.

Fire Department - Chief Dempsey advised that staff will be attending Community POA/HOA meetings to provide information concerning risk reduction methods from slips/trips and falls which are up by 37% over last year. Staff is also conducting a smoke detector program for changing out batteries for residents. Dempsey advised that Staff is preparing for the ISO inspection scheduled for February 29, 2016.

Finance Department – Bonnie Schwerd, Finance Director reviewed the October 31, 2015 Financial Snapshot with the Council.

Old Business

Consideration of Budget Ordinance Amendment Concerning Sunset at Sunset Additional Funding approved by Council 11/17/15

COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE BUDGET ORDINANCE AMENDMENT OF \$5,000 FOR SUNSET AT SUNSET. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Sunset at Sunset Celebration Financial Update from 2015 Event

Bonnie Schwerd advised that this year’s celebration was delayed by rain to the following Saturday which resulted in a net loss of \$3,260.05 for this year’s event reducing the celebration cash position to \$10,802.97. Schwerd advised that no additional Town funds have been provided to the event since 2012.

Consideration of Appointments to the Sunset at Sunset Committee

Councilwoman Scott questioned why individuals are being appointed to the Committee without following the advertising and interviewing process. Council expressed that the procedure of advertising and interviewing is for Board appointments only.

Old Business (Cont.)

Consideration of Appointments to the Sunset at Sunset Committee (Cont.)

COUNCILMAN SHERRILL MADE A MOTION TO APPOINT THE FOLLOWING TO THE SUNSET AT SUNSET COMMITTEE:

- Mary Hughes
- Marge Gresham
- Jerry Bober
- Kathy Duckworth
- Bernice Wilkenson

COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Mayor Watts advised that the Council will discuss term limits during the Planning Session.

Consideration of Appointment for the Fireman's Relief Fund Board

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPOINT ALLEN RUNDALL TO THE FIREMAN'S RELIEF FUND BOARD WITH A TERM EXPIRATION OF JANUARY 2018. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Acceptance of Board of Adjustment Member Gene Allen and Authorization for Town Clerk to advertise the Position

MAYOR PRO-TEM DEVITA MADE A MOTION TO ACCEPT THE RESIGNATION OF GENE ALLEN FROM THE BOARD OF ADJUSTMENT AND TO AUTHORIZE THE TOWN CLERK TO ADVERTISE THE POSITION. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Awarding the Construction Contract for Town Park Gazebo and Restroom

The Council discussed the construction contract for the Town Park Gazebo and Restroom facility. Schwerd advised that expenditures total \$797,643.72 less \$177,000 for the permatrek material which can't be used resulting in \$218,464 remaining to be spent. Councilwoman Scott requested Staff to contact PARTF representatives to determine if the current park construction meets the requirements of the grant in order to terminate the contract with the State. Councilwoman Scott requests that the Council consider surveying the property owners to determine if a gazebo is wanted. Councilwoman Scott agrees that the bathroom facility is needed but does not agree with the gazebo construction. Councilwoman Scott requested Staff to contact the low bidder to determine if contractor would consider building the bathroom facility only.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AWARD THE CONSTRUCTION CONTRACT FOR THE TOWN PARK GAZEBO AND RESTROOM FACILITY TO THE LOW BIDDER. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Old Business (Cont.)

Consideration of Acceptance of Councilman Johnson Resignation (Tabled 11/17/15)

COUNCILMAN WILLIAMS MADE A MOTION TO ACCEPT THE RESIGNATION OF COUNCILMAN TERRY JOHNSON. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Discussion Concerning the Establishment of a Selection Procedure to Follow When Filling a Council Vacancy

The Council reviewed the proposed procedures to follow when filling the Council vacancy. The Council agreed for Mayor Pro-Tem DeVita and Councilwoman Scott to work together to develop the selection procedures for Council consideration during the January 4, 2016 Meeting. Council agreed to advertise the vacancy and accept letters of interest and resumes through January 1st.

Consideration of Budget Ordinance Amendment Concerning Police Department Meters and Equipment Training Needed to Enforce Chapter 94 Noise Ordinance

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE BUDGET ORDINANCE AMENDMENT FOR THE POLICE DEPARTMENT METERS AND EQUIPMENT TRAINING NEEDED FOR THE ENFORCEMENT OF CHAPTER 94 NOISE ORDINANCE. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Authorization for Town Administrator to Negotiate Contract for Stormwater Management Plan

COUNCILWOMAN SCOTT MADE A MOTION TO AUTHORIZE THE TOWN ADMINISTRATOR TO NEGOTIATE A CONTRACT WITH MCGILL & ASSOCIATES FOR THE STORMWATER MANAGEMENT PLAN. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Consideration of Authorization for Town Administrator to Negotiate Contract for Shoreline Management and Pre-Dredging Analysis

COUNCILMAN SHERRILL MADE A MOTION TO AUTHORIZE THE TOWN ADMINISTRATOR TO NEGOTIATE A CONTRACT WITH MOFFIT AND NICHOLS FOR THE SHORELINE MANAGEMENT AND PRE-DREDGING ANALYSIS. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Presentations of Appreciation Plaques

Mayor Watts thanked Councilman Wilson Sherrill for eight (8) years of service to the Town and presented him with an Appreciation plaque.

Mayor Watts thanked Councilman Mike Williams for four (4) years of service to the Town and presented him with an Appreciation plaque.

Administering Oath of Office to Newly Elected Officials

Lisa Anglin, Town Clerk, administered the Oath of Office to Mayor-Elect Ronald Watts. Mayor Watts administered the Oath of Office to Councilman-Elect Mark Benton and Councilman-Elect Richard Cerrato.

The newly elected Mayor and Council members were then seated at the Council table to begin serving in their positions.

New Business

Consideration of Selection of the Mayor Pro-Tem

COUNCILMAN CERRATO MADE A MOTION TO APPOINT COUNCILWOMAN SCOTT AS MAYOR PRO-TEM. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Discussion Concerning ABC Board and Fireman’s Relief Fund Board Meeting Information Placement on the Town Website

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADD THE ABC BOARD AND FIREMAN’S RELIEF FUND BOARD MEMBER DIRECTORY AND MEETING NOTICES TO THE TOWN WEBSITE. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Palm Cove Sewer Resolution

Rawls Howard, Planning and Inspections Director, advised that the Palm Cove subdivision was not included in the previous sewer project or assessment. In order for Brunswick County to extend services to the subdivision an assessment of those properties will be required. Jerry Pierce, Brunswick County Public Utilities Director advised that the subdivision will be connected to the existing sewer vacuum system.

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE RESOLUTION CONCERNING PALM COVE SUBDIVISION SEWER SPECIAL ASSESSMENT DISTRICT. COUNCILMAN DEVITA SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Motion for Reconsideration of Prior Action

MAYOR PRO-TEM SCOTT MADE A MOTION TO REINTRODUCE THE FOLLOWING ACTION ITEMS FOR RECONSIDERATION:

- Consideration of Budget Ordinance Amendment Concerning Sunset at Sunset Additional Funding approved by Council 11/17/15
- Consideration of Awarding the Construction Contract for Town Park Gazebo and Restroom

COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR PRO-TEM SCOTT MADE A MOTION TO REVERSE THE ADOPTION OF THE SUNSET AT SUNSET ADDITIONAL FUNDING OF \$5,000 PENDING A PRESENTATION BY THE COMMITTEE. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN BENTON AND COUNCILMAN CERATO VOTED YES. COUNCILMAN DEVITA VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

New Business (Cont.)

Motion for Reconsideration of Prior Action (Cont.)

MAYOR PRO-TEM SCOTT MADE A MOTION TO REVERSE THE ACTION AWARDING THE CONSTRUCTION CONTRACT FOR THE TOWN PARK GAZEBO AND RESTROOM PENDING A STAFF REPORT OF A DISCUSSION WITH PARTF REPRESENTATIVES CONCERNING THE GRANT, FINAL EXPENDITURES REPORT FROM THE FINANCE OFFICER AND KNOWING THE WILLINGNESS OF THE CONTRACTOR TO BUILD ONLY THE RESTROOM FACILITY AT THIS TIME. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN BENTON AND COUNCILMAN CERRATO VOTED YES. COUNCILMAN DEVITA VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Mayor Pro-Tem Scott requested Councilman Benton and Councilman Cerrato to review the gazebo and restroom construction plans within the next two (2) weeks.

Consideration of Scheduling Public Hearing Concerning Development Moratorium

Mayor Pro-Tem Scott advised that the ordinance determining how much fill can be added to a lot was deleted during the adoption of the UDO. Mayor Pro-Tem Scott requested Council to schedule a public hearing for January 4, 2016 to hear comments concerning a Temporary Development Moratorium on lots requiring more than 1’ of fill above the crown of the road.

MAYOR PRO-TEM SCOTT MADE A MOTION TO SCHEDULE A PUBLIC HEARING FOR JANUARY 4, 2016 AT 7:00 PM TO HEAR COMMENTS CONCERNING A TEMPORARY DEVELOPMENT MORATORIUM ON LOTS REQUIRING MORE THAN 1’ OF FILL ABOVE THE CROWN OF THE ROAD. COUNCILMAN CERRATO SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Public Comments

Bill Satterfield 103 Olde Oak Lane – Advised that in the past the Sunset at Sunset Committee hasn’t met before March to begin organizing the event; advised that the candidates for the Town Council vacancy should answer questions in a public forum.

Hugh Munday 405 16th Street – Questioned the moratorium fill requirement.

Charles Nern 647 Oyster Bay Drive – Spoke in support of the roundabout holiday trees and decorations.

Gerald Benton Leland – Questioned the Town’s political sign ordinance.

Karen Joseph 915 Sandpiper Bay Drive – Advised that the Sunset at Sunset Committee can’t meet before the January 4, 2016 Council Meeting.

Adjournment

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADJOURN THE DECEMBER 14, 2015 COUNCIL MEETING. COUNCILMAN BENTON SECONDED THE MOTION. MAYOR WATTS CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4-0 VOTE.

Town of Sunset Beach
Ron Watts, Mayor

Submitted by:
Lisa Anglin, Town Clerk

*The December 14, 2015 minutes were approved by Council during the February 1, 2016 meeting.