

Special Meeting  
December 19, 2016

To: Mayor Forrester, Councilor's Corbert, Larkin & Scott  
From: Councilmen Mark Benton & Rich Cerrato   
Date: December 19, 2016  
Subject: Cabana Issue Clarification

The reason why both Councilor Benton and Cerrato have called this Special Meeting is to address the procedures and processes, which have led up to the confusion regarding the sudden reversed decision to allow cabanas.

This meeting is not intended for anyone to speak whether they are in favor or not to ban cabanas on the Strand, that meeting occurred on Tuesday November 15, 2016. We have provided our governing body and to all of you our statement, along with the attached public records in order for all of us to better understand the concerns.

To begin: During the November 15<sup>th</sup> 2016 Council meeting as clearly published under Old Business Item 5A stating: "Discussion Concerning Cabanas on the Strand and Review of Police Officer Cost Analysis, Possible Council Action to Allow or Ban Cabanas." As you know, this topic filled the chambers at the Tuesday November 15<sup>th</sup> Council meeting when attendance is usually sparse. To the contrary, when this item was revisited at the December 5<sup>th</sup> 2016 Council the room was nearly empty. Public records will reveal that both the taxpayers and members of the council were unaware this topic would once again resurface and be voted on. We stand to be corrected on any matter without prejudice.

During the November 15<sup>th</sup> meeting, the Council voted 3 to 2 in favor of the motion to ban cabanas. Voting in favor of the motion was Councilors' Benton, Cerrato and Scott. Opposing the motion were Councilmen Corbett and Larkin. We will not elaborate on the reasons for our decisions. The meeting was recorded, placed on the Town's Website "You Tube Link" and was reported in the Beacon.

During the November 15<sup>th</sup> meeting there was never any hint or discussion of any procedural flaw. Those who attended the meeting left with the impression this perennial discussion was finally concluded after repeating the many issues that have been discussed for many years, and knowing the cabanas would be banned. In addition to being reported in the Beacon, the Town sent out the customary "neutral" and "abbreviated" press release announcing the Council's decision to ban cabanas after the meeting. According to public records only one council member complained about the November 15<sup>th</sup> press release and sent an email questioning why the 3 to 2 vote was announced in the press release. In an email, the council member also believed the press release was contrary to past practice for this reason **(Exhibit # 3)**. Moreover, it is our understanding, that press releases never mentioned a public officials' name other than what is printed on the bottom of the official document.

Following the November 15<sup>th</sup> meeting, a rental agency distributed an email to alert their clients and vacationers of the Council's decision to ban cabanas. Although this is a matter of record, we chose not identify the agency. This is what the rental agency published in their email: "Good Morning, as some of you may have already heard the Town Council voted 3 to 2 to ban canopies on Sunset Beach. We are upset about this as you are. Please call or email the town with your concerns regarding this issue (910-579-3808 and [www.sunsetbeach.gov](http://www.sunsetbeach.gov). We feel if the town is flooded with phone calls or emails, they will reconsider. The final decision will not be made until December 5<sup>th</sup> so please contact the town as soon as possible. Thank you for your time & help regarding this matter." As you also know, this email caused the town to receive over three hundred emails questioning the Council's decision including many from out of state. Apparently, this pressure was the cause to reverse this decision. Moreover, several hundred letters is an extremely tiny fraction of our population, when you consider our permanent residents and the number of vacationers that enjoy our beach during the summer. Does this email campaign pave the way for others to do the same on other future issues pressuring the Council to reverse their decision?

**Question # 1: How did the rental agency know the ban issue would be reconsidered at the December 5<sup>th</sup> meeting when the taxpayers, members of the Council and the Beacon were totally unaware of this matter and were never informed either during the November 15<sup>th</sup> Council meeting or after the meeting?**

**Question # 2: Please explain why any procedural flaw during the November 15<sup>th</sup> Council meeting, which was later reported at the December 5<sup>th</sup> Council meeting, would require a super majority of 80%, which was never identified or mentioned by anyone as a potential issue either, before, during or after the November 15<sup>th</sup> Council meeting? Honestly, legal or not, we do not recall this practice ever being evoked on any town issue. As many of you know in the past, the former Attorney Mike Isenberg attended every meeting to avoid these legal complications. We would also like examples of any previous actions that are related to this question?**

**Question # 3: Who on the Council knew the cabana issue would be up for reconsideration before the December 5<sup>th</sup> Council meeting and who instructed the staff to place this on the agenda, when records from previous Council meetings excluded this topic as an upcoming agenda item?**

**Question # 4: Although known by the rental agency, why was this matter not clearly and separately identified on the December 5<sup>th</sup> Council meeting agenda when it was clearly identified as agenda item for the November 15<sup>th</sup> Council meeting?**

The December 5<sup>th</sup> Council meeting published the agenda item as follows: Old Business 8 C. "Discussion Concerning Amendments and Possible Action for Chapter 95 Beach, Waterway, Channel and Canal regulations Ordinance 95.01 Definitions and 95.07 Placing Obstruction on the Beach Stand." Moreover, the cabana issue was the only topic discussed in this array of subjects.

As you belatedly discovered, during the December 5<sup>th</sup> Council meeting, the Council by a 3 to 2 reversed its' decision to allow cabanas. This was reported in the Beacon and along with other newspapers across the State and was also aired on television. Although we believe a council member has every right to change their position, as reported (**Exhibit #1**), we find the press release statements offensive to anyone who did not share in this opinion.

Moreover, unlike all previous press releases distributed by the town, to include the press released after the November 15<sup>th</sup> Council meeting are "neutral" and "abbreviated." On the contrary, the press release announcing the reverse decision after the December 5<sup>th</sup> meeting was in our opinion, lengthy, defensive and contained political self-gratification. Moreover, this press release violated Town conventional press release standards. Although the press release was requested to be reviewed and approved by Council before being released, we discovered the press release was already distributed before our review (**Exhibit 2**).

What is even more disturbing, a Council member, who reportedly assisted in preparing the press release which is a function of the Town Administrator and who knew it was released, sent an email to Councilman Benton on December 6th @ 6:26 PM, also sent to others well after the distribution of the press release, deliberately misinformed others knowing Ms. Parker was excluded from this customary process. This person also knew press release policy was violated (**Exhibit # 3 Related Emails**).

We also discovered after examining prior "Upcoming Agenda Items" for the October 18<sup>th</sup>, November 7<sup>th</sup> and the November 15<sup>th</sup> Council meeting excluded Chapter 95-Beach Rules (**Exhibit # 4**).

**Question # 5: Why would any council member intentionally mislead their colleagues concerning this sensitive matter as illustrated in (Exhibit # 3)?**

**Question # 6: We would like a detailed explanation regarding all of the conflicting information substantiated by the enclosed public records. This has contributed to considerable confusion and misunderstanding?**

**Question # 7: We would like to know from our Town Attorney, if any of these actions regarding this entire matter including both the November 15th and December 5<sup>th</sup> Council meeting proceedings and decisions on all other related activities violated any NC Statutes and or the Towns' "Ethical Policy" for Public Officials (Exhibit #5)?**

We also find placing any member of our staff directly or indirectly in a precarious position without the permission of the Town Administrator in order either to promote or enhance any political purpose to be improper, intimidating and an abuse of authority and beyond the scope of the responsibilities of the Council.

We would like all seven questions to be formally and completely answered for the January 9, 2017 Council meeting. We are now requesting this topic to be placed on the January 9<sup>th</sup> Council meeting. We feel this is should be sufficient time for all of us and the Beacon to fully understand and address these process concerns reported to us by the taxpayers. We all deserve no less. This is a council issue that requires complete formal clarity and not a staff matter.

Knowing that you have much to digest examining this material, we nevertheless would like to allow public comments without deliberation to also include other questions you may have?

We wish to thank all of you for attending this Special Meeting and we wish you a Happy Hanukah, Merry Christmas and a Healthy New Year!

Mr. Mayor we would like to present a motion to adjourn this Special Meeting?

Thank you,  
Councilmen, Mark Benton & Rich Cerrato

CC: S. Parker  
B. Schwerd  
L. Anglin  
G. Richardson  
L. Lewis  
J. Torok  
Meeting Attendees

*(Copies Paid for by Mark Benton & Rich Cerrato)*



700 Sunset Boulevard North • Sunset Beach, NC 28468  
Telephone: 910-579-6297 • Fax: 910-579-1840  
Website: www.sunsetbeachnc.gov • Email: sunsetbeach@atmc.net

Susan Parker, Administrator

1

**\*\*\*PRESS RELEASE\*\*\***

FOR IMMEDIATE RELEASE

**Sunset Beach reverses stance on cabanas**

**SUNSET BEACH, NC** —At the Sunset Beach Town Council meeting held on Monday, Dec. 5, 2016, the Town Council reversed its position from the November meeting and voted to continue to allow shading tents and cabanas on the beach.

Over the past few years, the Sunset Beach Town Council has voted on various updates and adjustments to the ordinances that govern cabanas. Those changes addressed safety concerns such as positioning tent cords to prevent trip hazards, aligning tents in a row to maintain clear emergency access lanes, requiring removal of tents when winds become excessive and requiring all tents be removed from the beach each evening.

In 2015, the Town placed its Beach Patrol operations under the supervision of the Fire Department and began using Emergency Medical Technicians (EMTs) in Utility Task Vehicles (UTVs) on the beach for increased mobility and faster emergency response ability. These EMTs also perform code enforcement activities related to the Town's Beach Ordinances. The amount of time that the Beach Patrol staff was spending on enforcing the tent regulations on the beach was a recurring point of contention among the Council members during the Town Council's discussions.

At the November meeting, when the change was introduced, the Town Council voted 3-2 to ban the use of cabanas and tents on the beach. However, at the December meeting, Mayor Robert Forrester explained to the public that the November action did not amend the ordinance containing the beach rules because a two-thirds majority vote is required by state statute and local rules to adopt an ordinance or take action having the effect of an ordinance on the date on which it is introduced. As the Council in Sunset Beach consists of five members, a vote of four members would have been required. The subsequent readings of a proposed ordinance change only require a simple majority, or for Sunset Beach, three votes.

Mayor Forrester also described the outpouring of public input about tents and canopies noting that he had received, read and responded to over 320 e-mails on this issue.

The Town Council voted against a motion to table the discussion and instead voted to continue to allow cabanas on the beach. Mayor Pro-Tem Carol Scott explained that she had received additional information that caused her to reconsider and change her position on the issue. "It seems to me that it takes courage to admit when you've made a mistake," Scott said, "and I think that was a mistake." Ms. Scott later explained, "We have an obligation to adhere to the wishes of the majority where we can, and clearly the majority of the people we heard from felt strongly that we should allow cabanas. In the absence of significant safety reasons to ban them at this point, I changed my position."

The Council agreed to a continuing review of the beach rules to consider changes that would improve the quality of the beach experience and the accessibility of the beach for all.

###

Mayor: Robert Forrester • Mayor Pro-Tem: Carol Scott  
Town Council: Rich Cerrato • Mark Benton • Peter Larkin • John Corbett

*Part of North Carolina's Brunswick Islands*

2

[rcerrato@sunsetbeachnc.gov](mailto:rcerrato@sunsetbeachnc.gov)

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**From:** "Susan Parker" <srparker@atmc.net>  
**Date:** Thursday, December 08, 2016 9:55 AM  
**To:** <rcerrato@sunsetbeachnc.gov>  
**Subject:** RE: Press Release

Hi Rich,

I understand you read Bonnie's email . You may wish to speak to Mayor Forrester or Councilmember Scott for additional information. Susan

Susan R. Parker  
Town Administrator  
Sunset Beach, N.C.

910.398.4971 (Cell)  
910.579.6297 (Town Hall)  
[www.sunsetbeachnc.gov](http://www.sunsetbeachnc.gov)

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**From:** rcerrato@sunsetbeachnc.gov [mailto:rcerrato@sunsetbeachnc.gov]  
**Sent:** Wednesday, December 07, 2016 1:58 PM  
**To:** srparker@atmc.net  
**Cc:** Bonnie Schwerd; langlin@atmc.net; Bob Forrester; Mark Benton; jcorbett@sunsetbeachnc.gov; plarkin@sunsetbeachnc.gov; llewis@brunswickbeacon.com  
**Subject:** Press Release  
**Importance:** High

Hi Susan,

I am totally confused and would like some clarification. Forgive me, but knowing our side bar interferences, which have been done in the past, my concerns are not directed towards you or anyone on the staff. Please correct any misunderstanding I may have? Knowing the sensitivity of this matter, I am troubled why this press release was sent out without full council consent and approval? Moreover, it violates customary town press release standards and practices by the injection of a defensive political commentary by a member of the Council.

It also implies that both Councilmen Benton and I have made a mistake and lacked the "courage" to either recognize it or modify our position. Moreover, one could easily conclude, that Councilor Scott was both intimidated and pressured by a tiny fraction of the populace (320 emails) when nearly all do not live here. This "unnecessary" detailed release has also set a dangerous precedent. For example; what would the council now do if someone orchestrated a campaign, which was reportedly done to oppose the ban and started their own campaign to ban cabanas by sending hundreds of emails

12/13/2016

explaining why the ban should be reinstated? Would the Council change their opinion? Would the Council classify their modified opinion as "courage"? These type of action enforces the concept, "the squeaky wheeled gets oiled" and invites the "mob rule" mentality. Moreover, press releases are not for individual political commentary.

There is a phase which I practiced during my career, "When you do something for someone, you do something to someone" and this is precisely what we have done. We have satisfied the few at the expense of others since many have already concluded the ban was established as reported in the Beacon on November 17th "Sunset Beach bans cabanas."

I also find it disturbing that when the ban initiated the chambers were full, however, when the decision was reversed the chambers were nearly empty. This reminds me when a member of the Planning Board attempted to change that ordinance

I have been criticized by some of my colleagues for not promoting how wonderful this town is, however, I find it difficult when many of our controversial topics were created by the Council (Riverside Drive, Jaguar's Lair, Palm Cove along with a sudden 52% tax increase and now this confusion.

President Truman always said, "The buck stops at the top." This is the only reason why I sent this email to you. As you have done in the past, I would appreciate your candor.

Please advise..

Thanks!

Rich



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This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

**rcerrato@sunsetbeachnc.gov**

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**From:** <rcerrato@sunsetbeachnc.gov>  
**Date:** Tuesday, December 06, 2016 4:31 PM  
**To:** "Susan Parker" <srparker@atmc.net>; "Bob Forrester" <rforrester@sunsetbeachnc.gov>; "Bonnie Schwerd" <bschwerd@atmc.net>; "Carol Scott" <ckscott13@sunsetbeachnc.gov>; "John Corbett" <jcorbett@sunsetbeachnc.gov>; "Lisa Anglin" <langlin@atmc.net>; "Mark Benton" <mbenton@sunsetbeachnc.gov>; "Pete Larkin" <plarkin@sunsetbeachnc.gov>  
**Subject:** Re: Press release - cabanas

Susan,

I don't ever recall any public release that was ever used to identify why a particular council member may have reversed their decision. I find this action both political and a dangerous precedent. I would strongly suggest to truncate paragraph 6 to only include "The Town Council voted against a motion to table the discussion and instead voted to continue to allow cabanas." The self gratifying term "courage" is for campaign material and not for an official town press release. Someone please explain to me why I am wrong?

Thanks!

Rich

**From:** Susan Parker  
**Sent:** Tuesday, December 06, 2016 3:04 PM  
**To:** Bob Forrester ; Bonnie Schwerd ; Carol Scott ; John Corbett ; Lisa Anglin ; Mark Benton ; Pete Larkin ; rcerrato@sunsetbeachnc.gov  
**Subject:** FW: Press release - cabanas

See attached. Susan

Susan R. Parker  
Town Administrator  
Sunset Beach, N.C.

910.398.4971 (Cell)  
910.579.6297 (Town Hall)  
[www.sunsetbeachnc.gov](http://www.sunsetbeachnc.gov)

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**From:** Bonnie Schwerd [mailto:bschwerd@atmc.net]  
**Sent:** Tuesday, December 06, 2016 2:40 PM  
**To:** 'Susan Parker'  
**Cc:** 'Lisa Anglin'  
**Subject:** Press release - cabanas

Ladies,

Here's the press release on cabanas. It has been approved by Mayor Forrester and Mayor Pro-Tem Scott.

12/13/2016

rcerrato@sunsetbeachnc.gov

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**From:** "ckscott13" <ckscott13@sunsetbeachnc.gov>  
**Date:** Tuesday, December 06, 2016 6:26 PM  
**To:** "mbenton" <mbenton@sunsetbeachnc.gov>; "Susan Parker" <srparker@atmc.net>; "Bob Forrester" <rforrester@sunsetbeachnc.gov>; "Bonnie Schwerd" <bschwerd@atmc.net>; "John Corbett" <jcorbett@sunsetbeachnc.gov>; "Lisa Anglin" <langlin@atmc.net>; "Pete Larkin" <plarkin@sunsetbeachnc.gov>; <rcerrato@sunsetbeachnc.gov>  
**Subject:** Re: FW: Press release - cabanas

Thinking about this, I actually agree with Mark that we would eliminate the 2nd from last paragraph. We have not traditionally had an explanation included in press releases about reasons for changes in votes, and I do not mind at all if that paragraph is eliminated. Carol

----- Original Message -----

From: "mbenton" <mbenton@sunsetbeachnc.gov>  
Sent: 12/6/2016 5:07:50 PM  
To: "Susan Parker" <srparker@atmc.net>, "Bob Forrester" <rforrester@sunsetbeachnc.gov>, "Bonnie Schwerd" <bschwerd@atmc.net>, "Carol Scott" <ckscott13@sunsetbeachnc.gov>, "John Corbett" <jcorbett@sunsetbeachnc.gov>, "Lisa Anglin" <langlin@atmc.net>, "Pete Larkin" <plarkin@sunsetbeachnc.gov>, rcerrato@sunsetbeachnc.gov  
Subject: Re: FW: Press release - cabanas

Susan,

Thanks for putting this together. you don't mention if this has been released yet, but if not, I suggest the 2nd to the last paragraph be omitted. It is unnecessary to call out any one Council member in this press release in particular. This is a TOWN press release that notes the reversal of the decision.

Thank you.

Mark

----- Original Message -----

From: "Susan Parker" <srparker@atmc.net>  
Sent: 12/6/2016 3:09:15 PM  
To: "Bob Forrester" <rforrester@sunsetbeachnc.gov>, "Bonnie Schwerd" <bschwerd@atmc.net>, "Carol Scott" <ckscott13@sunsetbeachnc.gov>, "John Corbett" <jcorbett@sunsetbeachnc.gov>, "Lisa Anglin" <langlin@atmc.net>, "Mark Benton" <mbenton@sunsetbeachnc.gov>, "Pete Larkin" <plarkin@sunsetbeachnc.gov>, rcerrato@sunsetbeachnc.gov

**rcerrato@sunsetbeachnc.gov**

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**From:** "mbenton" <mbenton@sunsetbeachnc.gov>  
**Date:** Tuesday, December 06, 2016 5:07 PM  
**To:** "Susan Parker" <srparker@atmc.net>; "Bob Forrester" <rforrester@sunsetbeachnc.gov>; "Bonnie Schwerd" <bschwerd@atmc.net>; "Carol Scott" <ckscott13@sunsetbeachnc.gov>; "John Corbett" <jcorbett@sunsetbeachnc.gov>; "Lisa Anglin" <langlin@atmc.net>; "Pete Larkin" <plarkin@sunsetbeachnc.gov>; <rcerrato@sunsetbeachnc.gov>  
**Subject:** Re: FW: Press release - cabanas

Susan,

Thanks for putting this together. you don't mention if this has been released yet, but if not, I suggest the 2nd to the last paragraph be omitted. It is unnecessary to call out any one Council member in this press release in particular. This is a TOWN press release that notes the reversal of the decision.

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Mark

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**Sent:** 12/6/2016 3:09:15 PM  
**To:** "Bob Forrester" <rforrester@sunsetbeachnc.gov>, "Bonnie Schwerd" <bschwerd@atmc.net>, "Carol Scott" <ckscott13@sunsetbeachnc.gov>, "John Corbett" <jcorbett@sunsetbeachnc.gov>, "Lisa Anglin" <langlin@atmc.net>, "Mark Benton" <mbenton@sunsetbeachnc.gov>, "Pete Larkin" <plarkin@sunsetbeachnc.gov>, rcerrato@sunsetbeachnc.gov  
**Subject:** FW: Press release - cabanas

See attached. Susan  
Susan R. Parker  
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Sunset Beach, N.C.  
910.398.4971 (Cell)  
910.579.6297 (Town Hall)  
[www.sunsetbeachnc.gov](http://www.sunsetbeachnc.gov)

<!--[if !vml]--> <!--[endif]-->

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**From:** Bonnie Schwerd [mailto:bschwerd@atmc.net]  
**Sent:** Tuesday, December 06, 2016 2:40 PM  
**To:** 'Susan Parker'  
**Cc:** 'Lisa Anglin'

12/13/2016

rcerrato@sunsetbeachnc.gov

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**From:** <rcerrato@sunsetbeachnc.gov>  
**Date:** Wednesday, December 07, 2016 9:28 AM  
**To:** <srparker@atmc.net>  
**Cc:** "Bonnie Schwerd" <bschwerd@atmc.net>; "Bob Forrester" <rforrester@sunsetbeachnc.gov>; "Mark Benton" <mbenton@sunsetbeachnc.gov>; <jcorbert@sunsetbeachnc.gov>; <plarkin@sunsetbeachnc.gov>; <llewis@brunswickbeacon.com>  
**Subject:** Press Release.....

Susan,

It is apparent this press release was sent out without council approval concerning this sensitive topic. It seems to imply that both Councilmen Benton and I made a mistake and lacked the courage to recognize it and modify our position. One could easily conclude from this release, that Councilor Scott was intimidated and pressured by a tiny fraction of our populace and demonstrated her lack of courage by reversing her decision? Also, this press release appears to violate normal protocol. Press releases should not be a "campaign" document for any individuals' self promotion.

Would you please explain?

Thanks!

Rich

12/7/2016

**Subject:** Press release - cabanas

Ladies,

Here's the press release on cabanas. It has been approved by Mayor Forrester and Mayor Pro-Tem Scott.

Thanks,

<!--[if !vml]--><!--[endif]-->**Bonnie M. Schwerd**, MSA, CGFO-NC



Asst. Town Administrator / Budget Officer

**TOWN OF SUNSET BEACH**

700 Sunset Boulevard, North

Sunset Beach, NC 28468

Ph. (910) 579-6297 ext. 1005

[bschwerd@atmc.net](mailto:bschwerd@atmc.net)

*Pursuant to North Carolina General Statutes, Chapter 132, this message and any attachments that may be sent in response to it may be considered public records and therefore subject to public record requests for review and*

*copying under the Public Records Laws.*



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12/13/2016

**Town Council Monthly Meeting  
Town Hall Council Chambers  
October 18, 2016**

**Disposition of Directives**

**Existing Projects:**

**1. Storm Water Management**

Status: Engineers and surveyors completed the first round of field work in late August. In September the engineers and surveyors will be completing the easement surveying. Deliverables expected in February 2017 for inclusion in the 2017/2018 Budget process.

**2. Pre-Dredging & Shoreline Protection Management; Establish Canal District**

Status: Phase 2 Contract awarded 06/06/16; Grant Application and Resolution approved during the June 27, 2016 Council Meeting; Grant totaling \$2,779,327 awarded to the Town on July 15, 2016 by the NC Division of Water Resources of the Department of Environmental Quality.

**3. Town Park Phase 2**

Status: Restroom facility completed 05/28/16; Phase 3 planning to begin in the Fall 2016. Proposed covered area sketch available at Town Hall for review.

**4. Vision Plan – Gateway Overlay District**

Status: Planning Board reviewing Overlay District ordinance language. Public Hearing held on June 6, 2016 and Council referred back to Planning Board.

**5. CAMA Land Use Plan Update**

Status: Planning Board nearing final review and expect to recommend to Council after CAMA review.

**6. Community Meeting**

Scheduled for Saturday, October 8, 2016 10:00 am Sea Trail Jones/Byrd Clubhouse  
---- Topic Dredging Project and Living Shoreline Proposal – Postponed due to Hurricane Matthew

**Upcoming Agenda Items:**

<b><u>Upcoming Agenda Items:</u></b>	<b><u>Agenda:</u></b>	<b><u>Added By:</u></b>
1. Article 2 Section 2.20 Maintenance of Docks, Piers & Bulkheads (Referred back to Planning Board on 08/01/16)	11/07/16	Wes MacLeod
2. Article 2 Section 2.18 Filling, Grading, Excavation (Referred back to Planning Board on 09/06/16)	11/07/16	Wes MacLeod
3. Gateway Overlay District Amendments 6.03 & 6.07 (Referred back to Planning Board on 06/06/16)	11/07/16	Wes MacLeod
4. Article 6 Section 604 to Allow Privacy Fences for Subdivisions and to Amend Article 7 Section 7.09 to add the Supplemental Regulations (Referred back to Planning Board on 09/06/16)	11/07/16	Wes MacLeod
5. Civil Penalties Ordinance Amendment	11/07/16	Bonnie Schwerd
6. Financial Policy Discussion	11/07/16	Parker/Schwerd

<b><u>Upcoming Agenda Items:</u></b>	<b><u>Agenda:</u></b>	<b><u>Added By:</u></b>
7. Marketing Discussion	11/07/16	Bonnie Schwerd
8. Hiring Justification Process	11/07/16	Councilman Cerrato
9. Plat Plan Review By Council to be Included in Approval Process (Waiting for memo from the Planning Board explaining why the process changed)	11/07/16	Councilman Cerrato
10. Discussion of BEMC Electric Vehicle Charger Station Placement Request for Decision	11/07/16	Council
11. GSATS TCC Member	11/07/16	Council
12. Police Chief Recruitment Update	11/07/16	Susan Parker
13. Boards/Committees Members Term Limits Discussion	11/15/16	Mayor Pro-Tem Scott
14. Discussion Concerning Pine Straw Regulations	11/15/16	MacLeod/Dempsey
15. Report of Park Dock/Pier Safety Cost	11/15/16	Dustin Graham
16. Debris Removal Contract Award	11/15/16	Dustin Graham
17. Street Light Acceptance Policy	11/15/16	Council
18. Health Insurance for Council	11/15/16	Susan Parker
19. Consideration of Approval of the Proposed 12' Access Easement for Twin Lakes Restaurant	12/05/16	Susan Parker
20. Park Gazebo Discussion	12/05/16	Benton/Cerrato
21. Concert Series Committee Meeting with Council	12/20/16	Mayor Pro-Tem Scott
22. Annual Report Topics Discussion	12/20/16	Bonnie Schwerd
23. Chapter 51 Building Code Review	12/20/16	Parker/MacLeod
24. Qualifications Criteria for Committee Appointment	12/20/16	Councilman Cerrato
25. Revised FEMA Map Adoption	12/20/16	Council
26. Employee Salary & Benefits Package Study and Revision/Development of Benefits Package for Existing and Future Employees		Council
27. Main St. Sidewalks Budget Discussion		Council
28. Island Parking Study Proposal/Results		Mayor Pro-Tem Scott /Councilman Larkin

**Town Council Monthly Meeting  
Town Hall Council Chambers  
November 7, 2016**

**Disposition of Directives**

**Existing Projects:**

**1. Storm Water Management**

Status: Engineers and surveyors completed the first round of field work in late August. In September the engineers and surveyors will be completing the easement surveying. Deliverables expected in February 2017 for inclusion in the 2017/2018 Budget process.

**2. Pre-Dredging & Shoreline Protection Management; Establish Canal District**

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**3. Town Park Phase 2**

Status: Restroom facility completed 05/28/16; Phase 3 planning to begin in the Fall 2016. Proposed covered area sketch available at Town Hall for review.

**4. Vision Plan – Gateway Overlay District**

Status: Planning Board revised the Overlay District ordinance language from Council comments received on June 6, 2016. Council to review during November 7, 2016 Meeting.

**5. CAMA Land Use Plan Update**

Status: Planning Board awaiting CAMA review.

**6. Community Meeting**

Re-Scheduled for Saturday, November 12, 2016 10:00 am Sea Trail Jones/Byrd Clubhouse -- Topic Dredging Project and Living Shoreline Proposal

**Upcoming Agenda Items:**

	<b><u>Agenda:</u></b>	<b><u>Added By:</u></b>
1. Cabanas Discussion	11/15/16	Council
2. Civil Penalties Ordinance Amendment	11/15/16	Grady Richardson
3. Financial Policy Discussion	11/15/16	Bonnie Schwerd
4. Hiring Justification Process	11/15/16	Councilman Cerrato
5. Plat Plan Review By Council to be Included in Approval Process (Waiting for memo from the Planning Board explaining why the process changed)	11/15/16	Councilman Cerrato
6. Discussion of BEMC Electric Vehicle Charger Station Placement Request for Decision	11/15/16	Council
7. GSATS TCC Member	11/15/16	Council
8. Boards/Committees Members Term Limits Discussion	11/15/16	Mayor Pro-Tem Scott
9. Discussion Concerning Pine Straw Regulations	11/15/16	MacLeod/Dempsey
10. Consideration of Appointment of Council Member to Serve on GSATS TCC	11/15/16	Susan Parker

<b><u>Upcoming Agenda Items:</u></b>	<b><u>Agenda:</u></b>	<b><u>Added By:</u></b>
11. Discussion Concerning Dredging Survey	11/15/16	Council
12. Appointment of Board of Adjustment Member	11/15/16	Council
13. Article 6 Section 604 to Allow Privacy Fences for Subdivisions and to Amend Article 7 Section 7.09 to add the Supplemental Regulations	12/05/16	Wes MacLeod
14. Article 2 Section 2.20 Maintenance of Docks, Piers & Bulkheads (Referred back to Planning Board on 08/01/16)	12/05/16	Wes MacLeod
15. Article 2 Section 2.18 Filling, Grading, Excavation (Referred back to Planning Board on 09/06/16)	12/05/16	Wes MacLeod
16. Consideration of Approval of the Proposed 12' Access Easement for Twin Lakes Restaurant	12/05/16	Susan Parker
17. Park Gazebo Discussion	12/05/16	Benton/Cerrato
18. Consideration of Appointment of ERC Member	12/05/16	Council
19. Consideration of Appointment of Fireman's Relief Fund Board Member	12/05/16	Council
20. Marketing Discussion	12/20/16	Bonnie Schwerd
21. Concert Series Committee Meeting with Council	12/20/16	Mayor Pro-Tem Scott
22. Annual Report Topics Discussion	12/20/16	Bonnie Schwerd
23. Chapter 51 Building Code Review	12/20/16	Parker/MacLeod
24. Report of Park Dock/Pier Safety Cost	12/20/16	Dustin Graham
25. Debris Removal Contract Award	12/20/16	Dustin Graham
26. Qualifications Criteria for Committee Appointment	12/20/16	Councilman Cerrato
27. Revised FEMA Map Adoption	12/20/16	Council
28. Employee Salary & Benefits Package Study and Revision/Development of Benefits Package for Existing and Future Employees		Council
29. Main St. Sidewalks Budget Discussion		Council
30. Island Parking Study Proposal/Results		Mayor Pro-Tem Scott /Councilman Larkin

**Town Council Monthly Meeting  
Town Hall Council Chambers  
November 15, 2016**

**Disposition of Directives**

**Existing Projects:**

**1. Storm Water Management**

Status: Engineers and surveyors completed the first round of field work in late August. In September the engineers and surveyors will be completing the easement surveying. Budget amendment for video inspection of stormwater pipes approved 11/07/16. Deliverables expected in February 2017 for inclusion in the 2017/2018 Budget process.

**2. Pre-Dredging & Shoreline Protection Management; Establish Canal District**

Status: Phase 2 Contract awarded 06/06/16; Grant Application and Resolution approved during the June 27, 2016 Council Meeting; Grant totaling \$2,779,327 awarded to the Town on July 15, 2016 by the NC Division of Water Resources of the Department of Environmental Quality.

**3. Town Park Phase 2**

Status: Restroom facility completed 05/28/16; Phase 3 planning to begin in the Fall 2016. Proposed covered area sketch available at Town Hall for review.

**4. Vision Plan – Gateway Overlay District**

Status: Planning Board revised the Overlay District ordinance language from Council comments received on June 6, 2016. Council to review during November 7, 2016 Meeting. Public Hearing scheduled December 5, 2016 at 7:00 pm

**5. CAMA Land Use Plan Update**

Status: Planning Board awaiting CAMA review.

**6. Community Meeting**

Re-Scheduled for Saturday, November 12, 2016 10:00 am Sea Trail Jones/Byrd Clubhouse -- Topic Dredging Project and Living Shoreline Proposal

**Upcoming Agenda Items:**

<b><u>Upcoming Agenda Items:</u></b>	<b><u>Agenda:</u></b>	<b><u>Added By:</u></b>
1. Civil Penalties Ordinance Amendment	12/05/16	Grady Richardson
2. Article 6 Sections 6.03 & 6.07 to Add the Gateway Overlay District Public Hearing for December 5, 2016 at 7:00 pm	12/05/16	Council
3. Article 7 Section 7.09 (B) Privacy Fences to Amend for Single Family Residential Public Hearing for December 5, 2016 at 7:00 pm	12/05/16	Council
4. UDO Amendment for Appendix A Definitions to Add Impervious Surface Definition Public Hearing for December 5, 2016 at 7:00 pm	12/05/16	Council
5. Park Gazebo Discussion	12/05/16	Benton/Cerrato
6. Consideration of Appointment of Fireman's Relief Fund Board Member	12/05/16	Council

<b><u>Upcoming Agenda Items:</u></b>	<b><u>Agenda:</u></b>	<b><u>Added By:</u></b>
7. Article 2 Section 2.20 Maintenance of Docks, Piers & Bulkheads	12/19/16	Wes MacLeod
8. Article 2 Section 2.18 Filling, Grading, Excavation	12/19/16	Wes MacLeod
9. Article 6 Section 604 to Allow Privacy Fences for Subdivisions and to Amend Article 7 Section 7.09 to add the Supplemental Regulations	12/19/16	Wes MacLeod
10. Boards/Committees Members Term Limits Discussion	12/19/16	Council
11. Discussion Concerning Pine Straw Regulations	12/19/16	MacLeod/Dempsey
12. Consideration of Approval of the Proposed 12' Access Easement for Twin Lakes Restaurant	12/19/16	Susan Parker
13. Financial Policy Discussion	12/19/16	Bonnie Schwerd
14. Town Administrator Evaluation – Closed Session	12/19/16	Council/Parker
15. Marketing Discussion	12/19/16	Bonnie Schwerd
16. Concert Series Committee Meeting with Council	12/19/16	Mayor Pro-Tem Scott
17. Annual Report Topics Discussion	12/19/16	Bonnie Schwerd
18. Chapter 51 Building Code Review	12/19/16	Parker/MacLeod
19. Report of Park Dock/Pier Safety Cost	12/19/16	Dustin Graham
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23. Hiring Justification Process	01/09/17	Councilman Cerrato
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25. Employee Salary & Benefits Package Study and Revision/Development of Benefits Package for Existing and Future Employees		Council
26. Main St. Sidewalks Budget Discussion		Council
27. Island Parking Study Proposal/Results		Mayor Pro-Tem Scott /Councilman Larkin



**A Resolution of the Sunset Beach Town Council  
Adopting a Code of Ethics for the Governing Body  
of the Town of Sunset Beach**

**WHEREAS**, the purpose of this document is to establish guidelines for ethical standards of conduct for the elected officials of the Town of Sunset Beach and to provide guidance in determining what conduct is appropriate in particular cases. It should not be considered a substitute for the law. As public officials, we are charged with upholding the trust of the citizens and residents of Sunset Beach, and with obeying all applicable laws. Our citizens, residents and staff are entitled to the most open and ethical government possible.

Now, **THEREFORE**, acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, be it **RESOLVED**, that we, the Town Council of Sunset Beach, do hereby adopt the following Code of Ethics to guide the Mayor and Council in their lawful decision-making:

**Preamble**

The stability and proper operation of a democratic representative government depends upon public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and utilizing the appropriate processes of the governmental structure.

The Mayor and Council must be able to act in a manner that maintains their integrity, independence and professional decorum, yet is responsive to the interests and needs of those they represent. The Mayor and Council fulfill different roles at various times. They serve as:

- Advocates, who strive to advance the legitimate needs of their citizens, community and the environment.
- Legislators, who balance the public interest and private rights when considering and enacting ordinances, orders and resolutions.
- Adjudicators or administrators who act as fair and impartial decision makers and as stewards of the resources of the Town.

The Mayor and Council must know how to distinguish these roles, to determine when each role is appropriate, and to act accordingly. The Mayor and Council must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents.

### **Section 1**

The Mayor and Council shall obey all laws applicable to their official actions as members of the Governing Body. The Mayor and Council should be guided by the spirit as well as the letter of the law in whatever they do. At the same time, the Mayor and Council should feel free to assert policy positions and opinions without fear of reprisal from fellow members or citizens. To assert that the Mayor or a Council member is behaving unethically because of disagreeing with another member on any matter before them, and not because of the member's behavior, is unfair, irresponsible, and is itself unethical.

### **Section 2**

The Mayor and Council should act with integrity and independence from improper influence as they exercise the duties of their offices.

- They should demonstrate the highest standards of personal integrity, truthfulness, honesty and respect towards others in all activities in order to inspire public confidence and trust in local government.
- They should use their best judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright and consistent manner.
- They should remain incorruptible, self-governing, and unaffected by improper influence.
- They should disclose contacts and information about issues that they receive outside of public meetings.
- They should treat other Council members and the public with respect, and honor the opinions of others even when they disagree.
- They should be careful not to reach conclusions on issues until all sides have been heard.
- They should recognize that individual Council members are not generally allowed to act on behalf of the Council but may do so only if the Council specifically authorizes it.

### **Section 3**

The Mayor and Council should avoid impropriety and the appearance of impropriety in the exercise of their official duties. Their official actions should be above reproach.

The Mayor and Council should carefully evaluate their non-governmental activities to minimize the risk of conflicts of interest.

If the Mayor or a Council member believes that his or her actions, while legal and ethical, may be misunderstood, he or she should seek the advice of the Town's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

### **Section 4**

The Mayor and Council should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

The Mayor and Council should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the legal limitations placed upon communications outside of a meeting in quasi-judicial matters. They should demand full accountability from those over whom the Council has authority.

The Mayor and Council should be willing to bear their fair share of the Governing Body's workload. To the extent appropriate, they should be willing to put the Town's interests ahead of their own.

**Section 5**

The Mayor and Council should conduct the affairs of the Governing Body in an open and public manner in compliance with the letter and intent of North Carolina Law. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust and confidence. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to the Governing Body or the Town's employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Council should strive to be open. They should prohibit unjustified delays in fulfilling public records requests. They should take deliberate steps to ensure that any closed sessions held by them are lawfully conducted, and that such sessions do not stray from the purposes for which they are called.

**Adopted this 4<sup>th</sup> day of October, 2010**

**TOWN OF SUNSET BEACH**

*Mayor Ronald Klein*

**ATTEST:**

*Lisa Anglin, Town Clerk*