

**Town of Sunset Beach
Monthly Council
Work Session, Regular Meeting & Public Hearing
December 3, 2012**

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; Kevin Dempsey, Fire Chief; Richard Childres, Assistant Fire Chief; Lisa Massey, Police Chief; Joe Smith, Detective; Randy Walters, Building Inspector; Dustin Graham, Public Works Director; Donna Rogers, Finance 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.

Council Discussion

Mayor Cerrato asked what items are included on the December 11th agenda. Gary Parker advised the Pier Head Alignment discussion, Beach Patrol Evaluation and the Town Administrator's evaluation. Councilwoman Joseph complimented the Beautification Committee and Public Works Staff on the Gazebo and Town Christmas decorations. Councilwoman Scott requested staff to re-evaluate the number of chairs currently in the Chambers to determine if more chairs could be added. Mayor Cerrato questioned if the Town has provisions in place to assist the citizens in the event of a disaster. Gary Parker advised that in the event of a disaster, the Town provides provisions for the staff members that are required to remain inside Town limits but that citizens are encouraged to heed the evacuation orders or to obtain the provisions necessary to sustain themselves.

Agenda Amendments

Mayor Pro-Tem DeVita requested to add New Business Item F - Consideration of Funding for Gazebo Area Irrigation & Plantings. The Council agreed. Mayor Pro-Tem DeVita suggested presenting the Certificates of Appreciation before conducting the UDO Public Hearing in case citizens attending for the certificate presentations wanted to leave afterwards. The Council agreed. Mayor Cerrato requested Council consider adding banning smoking on the beach as a future agenda item for citizen input. Councilwoman Scott advised that legislation would be needed to regulate smoking on the beach. Mayor Cerrato stated that he has received several phone calls questioning the estimated park development cost. Mayor Cerrato stated that he is advising the callers that the estimated cost is part of the preliminary plan for the grant application and asked Council if that information is correct, to which they replied "yes."

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. Mayor Cerrato stated “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, and if so, please state so at this time?” No one spoke.

Certificates of Appreciation

Mayor Cerrato assisted by Mayor Pro-Tem DeVita presented Certificates of Appreciation to the following:

- Tim Cate - Landscape Architect Services provided to the Town at no cost
- Clara Newell - Organizing 2012 Beach Sweep on behalf of the Town
- Ed Gutknecht - Installed cigarette receptacle signs on the trash can posts on the beach strand
- Alan Veverka - Engineering Services provided to BCPU on behalf of the Town
- Sandpiper Bay POA - Use of the Residents Center for the Community Meetings
- Beautification Committee Members
- Sunset at Sunset Committee Members
- UDO Committee Members

Unified Development Ordinance (UDO) Public Hearing

MAYOR PRO-TEM DEVITA MADE A MOTION TO OPEN THE PUBLIC HEARING.
COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

David Stuart – Commercial Real Estate Broker in Sunset Beach – Spoke in opposition to the revised document being considered, stated that sections have been deleted without reference to the deletions, advised that the highlighted sections references included additions but not deletions such as the square footage requirement that plans of less than 5,000 square feet didn’t require Planning Board review, stated that the Landscaping Regulations need to be better defined, requested Council publish a revised document that highlighted all of the additions and deletions made by the UDO Committee, Planning Board and Town Council, and requested the Council reestablish a 5,000 square footage requirement for Planning Board review.

Carol Santavicca 9109 Forest Drive – Spoke in favor of the Council adopting the proposed UDO, advised that the UDO can be amended by Council if the review process proved to be a hardship for the developers, and stated that the Planning Board review process allows for an extra layer of protection for the residents and staff.

Ed Gore 435 Shoreline Drive West – Advised that the review requirement would be a hardship for developers and explained that layers of protection are already in place within the existing process.

COUNCILWOMAN SCOTT MADE A MOTION TO CLOSE THE PUBLIC HEARING.
COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

None

Consent Agenda Approval

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

1. Minutes:
 - a) November 5, 2012 Regular Meeting 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
 - e) Dirt Street Maintenance Cost vs. Paving Dirt Streets Analysis – 06/20/12
 - f) Business Reception planned for 12/05/12 – Invitations mailed 10/19/12
 - g) 50th Anniversary Committee appointed – 10/16/12; Committee met – 10/25/12, 11/05/12, 11/13/12/, 11/15/12, 11/26/12
 - h) Feed Canal/Pier Head Alignment forwarded to Planning Board for review – 08/08/12
 - i) Main Street Speed Limit Study request prepared for Council – 09/20/12
 - j) Letter requesting Main Street/Sunset Blvd S become all-way stop prepared – 09/20/12
 - k) Letter to NCDOT asking permission to paint crosswalks mailed – 09/21/12
 - l) Public Works researching additional trash cans at beach accesses on West End -
 - m) Property Owners affected by Bike/Ped Walkway notified –
 - n) Public Works preparing an asphalt repair list due to sewer project – 10/25/12
 - o) UDO Public Hearing Notice advertised – 10/24/12 & 11/01/12, 11/15/12 & 11/22/12; Public Hearing Banners (4) changed to reflect December 3rd date – 11/14/12
 - p) Resolution to Purchase Fire Truck signed and submitted – 10/16/12
 - q) Staff directed to Contact BEMC about Shoreline Dr. W going underground – 10/18/12
 - r) Staff to contact Arborist for 2nd opinion for park Trees –
 - s) Sunset Blvd. Corridor Vision Plan Contract Approved – 11/05/12; signed – 11/26/12
 - t) Resolution Opposing Insurance Rate Increase sent to Governor, Insurance Commissioner, Senator Rabon, Representative Iler – 10/16/12
 - u) Staff investigating and gathering additional information concerning chamber renovations –
 - v) Ad to sale 3 – 4 Wheelers and the mini pumper fire truck sent to Beacon – 11/06/12
 - w) Presentation of Certificates of Appreciations approved – 11/05/12; prepared -
 - x) Private Road Repair Assistance Policy distributed to Staff – 11/15/12
4. Departmental Updates

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

Old Business

Discussion & Consideration of Adoption of the Proposed UDO

Councilwoman Scott reminded the Council of her November 4th email outlining errors (typos), suggested changes, and omissions within the UDO that has not been addressed – all Council members indicated they had not received her email and requested it be sent again. Attorney Isenberg advised that administrative errors such as typos were not considered text amendments and could be corrected by staff. Other suggested changes could be reviewed by the Planning Board at a later date and revisions made if Council agreed. As a compromise regarding the requirement of Planning Board review of all plans, Mayor Pro-Tem DeVita suggested appointing two (2) Planning Board members to the Technical Review Committee (TRC) and including the Planning Board review requirement only for plans with more than 5,000 square feet in the UDO. Some Council suggested that the Vision Plan now being developed would define and clarify the Landscaping regulations section.

COUNCILWOMAN SCOTT MADE A MOTION TO ADD TWO PLANNING BOARD MEMBERS TO THE TRC COMMITTEE, TO AMEND THE UDO BY INCLUDING THE MORE THAN 5,000 SQUARE FEET PROVISION FOR PLAN REVIEW REQUIREMENT AND TO APPROVE THE RESOLUTION FOR THE ADOPTION OF THE UNIFIED DEVELOPMENT ORDINANCE. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of the Waste Industries Seasonal 2nd Pick-up Contract Renewal

MAYOR PRO-TEM DEVITA MADE A MOTION TO APPROVE THE RENEWAL CONTRACT WITH WASTE INDUSTRIES FOR THE SEASONAL 2ND PICK-UP. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

50th Anniversary Committee Presentation & Council Discussion

The Council viewed the proposed 50th Anniversary Logo including drawings of the old and new bridge to be incorporated in the logo. The Council discussed the proposed reception and picnic events. Mayor Cerrato and Councilwoman Scott voiced opposition to Town funds subsidizing an event in which tickets are sold but the proceeds do not cover the event cost. Councilman Sherrill stated that the Town should be prepared to fund the total cost for all of the events so there will be no charge to the citizens. The Council briefly discussed the history book, walking tour brochure and time capsule before reaching a consensus to continue the discussion at the December 11th Work Session.

COUNCILWOMAN SCOTT MADE A MOTION TO TABLE THE 50TH ANNIVERSARY DISCUSSION UNTIL THE DECEMBER 11, 2012 TOWN COUNCIL WORK SESSION. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Parking Regulations Discussion

Mayor Cerrato requested the Council consider establishing a parking permit system for property owners that own property on the side streets. Councilwoman Scott explained that sufficient space is not available on the side streets to allow parking of any kind. Councilwoman Scott stated that sufficient parking spaces are available where parking is permitted. Councilwoman Scott recommended that the parallel parking regulations on Main Street continue and for Council to re-visit the parking discussion after the 2013 summer season has ended. The Council agreed.

Old Business (Cont.)

Streetscape Update

Councilwoman Scott, Mayor Pro-Tem DeVita and Staff have met with Compass Pointe Engineer Michael Norton to develop a Streetscape site plan from North Shore Drive to Main Street. The plan includes a paved four (4) foot wide bike lane on each side of the roadway that will connect to the existing bike lanes, a four (4) foot wide sidewalk with bump-outs on one side of the roadway separated from the bike lane by a two (2) foot grassed strip and extends the public parking area toward North Shore Drive with additional designated parking spaces for a total of 68 spaces. Councilwoman Scott suggested the lighting in the Streetscape and Gazebo areas be the same. The estimated cost of the Streetscape project including paving, plantings, irrigation/storm water system and lighting is \$500,000. Consideration to begin the bidding process along with a final project budget will be discussed during the January meeting.

Jaguar's Lair Update

Councilwoman Joseph advised that the Negotiating Team continues to meet with the developer and that the roadway and infrastructure construction continues. Councilwoman Joseph advised that the remaining bank owned lots have now been sold to individuals. Councilwoman Joseph advised that approximately 50 lots have the roadway and infrastructure necessary for home site construction to begin. Councilwoman Joseph advised that a Closed Session is scheduled during this meeting to consult with the Town Attorney and that once Council returns to open session, action concerning Jaguars Lair will be taken.

Sewer Report Update

Councilwoman Scott advised that the sewer project is nearing completion. The Brunswick County Utility Board will meet on Monday, December 10, 2012 at 5:30 pm to determine what assessment method recommendation will be forwarded to the Brunswick County Commissioners for consideration during their January 7, 2013 meeting. The Town has previously recommended a per parcel assessment method. The County Commissioners will decide what method will be used and schedule a public hearing for February 18, 2013. Letters will be mailed to the property owners in late March stating the assessment amount and the payment options.

New Business

Discussion of Possible NCDOT Abandonment of Sunset Blvd and Main Street on the Island

Gary Parker advised that Michael Norton, (while meeting with NCDOT concerning the bike lanes on Sunset Blvd. South) questioned if NCDOT would be interested in relinquishing ownership of Main Street and Sunset Blvd South from North Shore Drive to Main Street. Gary Parker advised that Anthony Law, NCDOT Representative, is present to discuss this with Council. Mr. Law and the Council discussed the pros and cons of the Town assuming ownership of the aforementioned roadways. Gary Parker advised NCDOT has scheduled Main Street for resurfacing in the next few years; however, if the Town assumes ownership now the Town will be responsible for the resurfacing and the cost. Councilwoman Scott advised that currently the Streetscape project must be approved by NCDOT since it will be within the NCDOT right of way; however, if the Town assumes ownership of the portion of Sunset Blvd. South involved with the Streetscape project then the delay can be prevented. Mr. Law advised that a Resolution would be needed to request NCDOT to consider relinquishing Main Street and Sunset Blvd. South from North Shore Drive to Main Street. After a brief discussion, the Council reached a consensus to postpone a request.

New Business (Cont.)

Motion to Appoint Fireman's Relief Fund Board Member

COUNCILWOMAN SCOTT MADE A MOTION TO RE-APPOINT LORI PEARCE TO THE FIREMAN'S RELIEF FUND BOARD EFFECTIVE JANUARY 2013 FOR A TWO YEAR TERM. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration to Adopt the Resolution to Unseal Closed Session Minutes

COUNCILWOMAN SCOTT MADE A MOTION TO UNSEAL THE MINUTES OF THE FOLLOWING CLOSED SESSIONS:

- January 9, 2012
- April 2, 2012
- April 17, 2012
- May 7, 2012

AND TO UNSEAL THE MARCH 20, 2012 CLOSED SESSION MINUTES WITH THE REDACTION OF THE NAMES OF THE APPLICANTS INTERVIEWED FOR THE FIRE CHIEF POSITION AND FOR THE NOVEMBER 5, 2012 CLOSED SESSION MINUTES TO REMAIN CLOSED AT THIS TIME. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of the 2013 Meeting Calendar for the Town Council, Planning Board and Board of Adjustment

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADOPT THE 2013 MEETING CALENDAR AS PRESENTED. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Since the Brunswick County Utility Board will meet on December 10th to determine the sewer assessment method that will be recommended to the Brunswick County Commissioners, the Council reached a consensus to consider changing their January meeting date in order for the Council to attend the Brunswick County Commissioners January meeting which is scheduled for the same date and time if the Utility Board recommendation is going to be anything other than a per parcel assessment. At the December 11, 2012 Work Session, Councilwoman Scott will inform Council of the Utility Board decision and Council will then determine if an amendment to the 2013 Meeting Calendar is necessary.

Discussion of 2013 Council Retreat Agenda

Gary Parker requested the Council to submit agenda item suggestions to him in order for Council to be able to finalize the Retreat Agenda during the December 11, 2012 Work Session.

Consideration of Funding for Gazebo Area Irrigation & Plantings

Mayor Pro-Tem DeVita advised that the Beautification Committee is requesting approximately \$3,400 to install an irrigation system and to plant additional plantings including plantings around the bathrooms.

COUNCILWOMAN JOSEPH MADE A MOTION TO ALLOCATE UP TO \$4,000 TO THE BEAUTIFICATION COMMITTEE. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments

Ron Klein 952 Oyster Pointe Drive – Requested Council to not delay the decision concerning the 50th Anniversary as there is very little time for the Committee to plan events surrounding the March 26th target date.

Richard Hilderman 407 37th Street – Questioned if the turtles would be affected if the lighting at the Gazebo is changed.

Karen Dombrowski – 719 Fairway Drive – Questioned who would be responsible for repairs if Main Street was damaged due to hurricane.

Katie Hovermale 1419 Bay Street – Spoke in opposition to the proposed park development.

Steve Blair 201 Shoreline Drive East – Agreed that the Town should not subsidize any of the 50th Anniversary events that restrict access to the citizens, agreed that the Streetscape project is needed, and requested the Town to support an effort by the mainland residents to get the County to rescind the \$5 monthly sewer equipment fee being charged to those with grinder pumps.

Charles Nern 647 Oyster Bay Drive – Questioned the Streetscape project cost, questioned reserve parking for citizens on the island.

Ed Gore 435 Shoreline Drive West – Requested the Council investigate installing round-a-bouts at the intersections of Main Street and Sunset Blvd. South, North Shore Drive and Sunset Blvd. South and Sunset Blvd. North and Sunset Blvd. South at the bridge entrance on the mainland; encouraged the Council to beautify the entire town not just the area outlined in the streetscape plan; advised that the occupancy tax collected is to be used as promotion to draw people to the area.

Closed Session

COUNCILWOMAN JOSEPH MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY PURSUANT TO NCGS 143-318.11(a)(3) REGARDING JAGUARS LAIR IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN JOSEPH MADE A MOTION TO RETURN TO THE REGULAR MEETING. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RECONVENE THE REGULAR MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE SUBDIVISION IMPROVEMENTS AGREEMENT WITH COASTAL COMMUNITIES AT OCEAN RIDGE PLANTATION, LLC CONTINGENT UPON AN ENDORSEMENT FROM THE BONDING COMPANY AND EXECUTION BY THE PARTIES. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Adjournment

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE DECEMBER 3, 2012 COUNCIL MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Richard Cerrato, Mayor

Submitted by:

Lisa Anglin, Town Clerk