

**Town of Sunset Beach
Monthly Council
Work Session & Regular Meeting
November 4, 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; Joe Smith, Police Detective; Dustin Graham, Public Works Director; 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 following items were added to the agenda:

- Streetscape Project Update
- Roundabout Landscaping
- Sunset Blvd. North Speed Limit Resolution
- GSATS-MPO Update
- Illegal No Parking Signs

MS Breakaway to the Beach Organizers – Jeff Viscount and Suzanne Bland

Jeff Viscount and Suzanne Bland thanked the Town Council and staff for assistance with the recent MS Breakaway to the Beach event and presented the Town with a picture of the finish line displaying the Banner provided by the Town.

Council Discussion

Streetscape Update

Gary Parker advised that the Streetscape project is underway with several aspects completed. Gary Parker informed Council that a \$12,700 change order has been approved due to the discovery of insufficient base material once the asphalt was removed.

Sewer System

Councilwoman Scott advised of a conversation she had with Jerry Pierce, Brunswick County Public Utilities Director, in which he commended Sandy Wood, Randy Walters and Cindy Nelson, Town Building Inspections Department employees, for a job well done with expediting the sewer hookup inspections process in a timely and effective manner.

Sales Tax Distribution Committee Meeting

Gary Parker reminded the Council of the upcoming Sales Tax Distribution Committee Meeting scheduled for Wednesday, November 6, 2013 at 2:00 pm at the Brunswick County Complex.

Public Hearing – Mad Inlet

Councilwoman Scott reminded the Council of the upcoming Public Hearing concerning the removal of the hazard area designation for Mad Inlet scheduled for Wednesday, November 6, 2013 at 5:00 pm at the Sunset Beach Fire Station #1 Building located at 120 Shoreline Drive West.

**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

Charles Nern 647 Oyster Bay Drive – Questioned the cost of the roundabout and the decision by NCDOT to not install a traffic light instead.

Cas Kasala Shallotte – Expressed concerns about the Jaguars Lair project and questioned the effectiveness of the negotiating team.

Monty Simpson 490 Dunieth Street Calabash – Expressed concerns about the Jaguars Lair project and the Subdivision Improvements Agreement

Consent Agenda Approval

Councilwoman Scott requested the Council to consider amending the September 11, 2013 Special Meeting Minutes concerning the NCDOT roundabout discussion in which it states that “Kimes advised that the majority of the current bridge landscaping would be disturbed during construction”. The Council agreed to amend the minutes to read “Kimes advised that the majority of the current bridge landscaping at the intersection would be disturbed during construction”.

Consent Agenda Approval (Cont.)

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

1. Minutes
 - a) September 9, 2013 Regular Meeting Minutes
 - b) September 11, 2013 Special Meeting Minutes
 - c) September 24, 2013 Work Session Minutes
 - d) October 1, 2013 Special Meeting Minutes
 - e) October 7, 2013 Regular Meeting Minutes
 - f) October 15, 2013 Work Session Minutes
 - g) October 17, 2013 Special Meeting Minutes
 - h) October 25, 2013 Special Meeting Minutes
 - i) Sealed Closed Session Minutes
 1. June 3, 2013 Closed Session Minutes
 2. June 18, 2013 Closed Session Minutes
 3. August 5, 2013 Closed Session Minutes
 4. August 20, 2013 Closed Session Minutes
 5. September 11, 2013 Closed Session Minutes
 6. September 24, 2013 Closed Session Minutes
 7. October 1, 2013 Closed Session Minutes
 8. October 7, 2013 Closed Session Minutes
 9. October 17, 2013 Closed Session Minutes
 10. October 25, 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) 50th 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

Consent Agenda Approval (Cont.)

- 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 awarded –
- m) Tree Removal Project Contract awarded – 09/25/13
- n) Beach Topics – Discussed 09/24/13; Staff given research directions – discussion will continue 10/15/13; 11/14/13
- o) ABC Board Use of Travel Policy Letter mailed – 10/22/13
- p) NCDOT Roundabout Agreement executed and funds released –
- q) Streetscape Hardscape Contract signed – 10/09/13
- r) Streetscape Landscape Contract signed – 10/01/13
- s) BC Commissioner Letter concerning Jaguars Lair mailed – 10/09/13
- t) OIB/SB Mutual Aid Agreement executed – 10/23/13
- u) Appointment of ABC Board Member noticed to State & ABC Board – 10/23/13
- v) Advertisement for Fireman Relief Fund Board Member sent to Beacon – 10/23/13
- w) Oyster Bay Road Survey requested from Sea Trail Masters Association –
- x) Oyster Bay Road Closing Public Hearing Notice Sent to Beacon –
- y) Sign Install Concerning Oyster Bay Road Closing at location –
- z) Notice mailed to Oyster Bay Road Closing Adjacent Property Owners –
- aa) Sales Tax Distribution Resolution mailed to Committee & BC Commissioners – 10/23/13
- bb) NCDOT Advised to place 2 Rain Lilies Signs under bridge – 10/09/13

4. Departmental Updates

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

Old Business

Consideration of Accepting a bid and Awarding the Contract for the Park Development Stage One Project

Jeff Thompson, Withers & Ravenel Representative, reviewed the bids received with the Council and answered related questions. The Town received three (3) bids. Thompson recommended the Council accept the bid of \$498,000 received from Carolina Creations Landscapes, Inc. and award the contract.

COUNCILMAN WILLIAMS MADE A MOTION TO ACCEPT THE BID OF \$498,000 RECEIVED FROM CAROLINA CREATIONS LANDSCAPES, INC. AND AWARD THE CONTRACT. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN SHERRILL, COUNCILWOMAN JOSEPH AND COUNCILMAN WILLIAMS VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Old Business (Cont.)

Brunswick County Response Concerning Jaguars Lair

Mayor Pro-Tem DeVita advised that the response from the Commissioners was that since the bond agreements state that there is no transferability or assignment of rights, the County cannot take over the jurisdiction of the Jaguars Lair land area and all rights and responsibilities in regard to the bonds.

Jaguars Lair Update

Councilwoman Joseph advised that the Negotiating Team and the Coastal Communities Representatives have met since the October 7, 2013 meeting and the Attorneys for both are continuing to communicate through emails and phone conversations. Councilwoman Joseph advised that Attorney Isenberg received a new proposal late Friday afternoon that will be discussed with the Council during the Closed Session to be held later during this meeting.

Update Concerning the Unopened Road Portion of Oyster Bay Road Right of Way and the Public Hearing Scheduled for December 2, 2013 at 7:00 pm

Gary Parker requested Council to cancel the December 2, 2013 Public Hearing. Gary Parker advised that Staff and Sea Trail Masters Association Representatives are in the process of obtaining all of the pertinent documentation which will be distributed to Council with a request to schedule a Public Hearing on the road right of way closing for a later time during the December meeting. The Council agreed.

New Business

Residential Windstorm Mitigation Credits

Mayor Pro-Tem DeVita informed the Council and audience of potential homeowner insurance premium credits available for homes constructed with certain type of roofs or construction materials and recommended everyone to contact their insurance agent to get further information. Staff was requested to send the information to the community's points of contact and to post it on the website.

Pedestrian Walkway Planning Grant Funding Discussion

Mayor Pro-Tem DeVita informed the Council of grant funding availability for pedestrian walkway planning and construction. The Council agreed to pursue the grant funding.

Discussion Concerning the Interview Process of Candidates Prior to Council Appointment

Mayor Cerrato advised that the Council has completed the search process for the new Town Administrator and extended an offer to Ms. Susan Parker who has accepted the position. Ms. Parker will begin on December 9, 2013.

Roundabout Landscaping

Gary Parker advised that a meeting was held recently with NCDOT officials to discuss the roundabout landscaping plantings and mulch that are acceptable including rubber mulch, Indian hawthorns, knock-out roses, lirioppe, muhly grass, zoysia grass, colorful annuals and a Japanese cedar tree. Council reviewed a rendering prepared by Staff using these plantings and mulch. A brief discussion was held concerning the type of tree and the plantings arrangement.

New Business (Cont.)

Roundabout Landscaping (Cont.)

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE ROUNDABOUT LANDSCAPING PLANTINGS AND MULCH TO INCLUDE THE RUBBER MULCH, INDIAN HAWTHORNS, KNOCK-OUT ROSES, MUHLY GRASS, COLORFUL ANNUALS AND A JAPANESE CEDAR TREE. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Resolution Requesting Speed Limit Reduction on Sunset Blvd. North

Councilman Williams advised that NCDOT, during the recent meeting with Staff, requested the Council to consider submitting to NCDOT a Resolution requesting consideration to reduce the speed limit from 45 mph to 35 mph on Sunset Blvd. North approaching the roundabout. The Council reviewed the proposed Resolution and amended the beginning point from the intersections of Circle Drive/Wisteria Lane to the intersection of Station Trail.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE AND SUBMIT THE AMENDED RESOLUTION TO NCDOT FOR CONSIDERATION. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

GSATS-MPO Update

Gary Parker and the Council reviewed the GSATS 2035 Long Range Transportation Plan projects for Sunset Beach which include widening Sunset Blvd. North from Highway 904 to the bridge and widening from the bridge and along Shoreline Drive West to NC 179. The Council discussed the marsh area limitations with widening Shoreline Drive West and agreed to request that project be removed from the plan.

COUNCILWOMAN SCOTT MADE A MOTION TO REQUEST THE PROJECT TO WIDEN FROM THE BRIDGE AND ALONG SHORELINE DRIVE WEST TO NC 179 BE REMOVED FROM THE 2035 LONG RANGE TRANSPORTATION PLAN. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Illegal No Parking Signs

Councilwoman Joseph advised the Council that it has been brought to her attention that some property owners are erecting illegal no parking signs within the right of way adjacent to their property in order to prohibit parking in front of their homes. Council instructed the Building Inspections and Police Department Staff to locate and remove all illegal no parking signs located within the rights of way immediately.

Public Comments

Charles Nern 647 Oyster Bay Drive – Expressed agreement with the majority of the Councilmembers opinion to plant a tree in the center of the roundabout that resembles a Christmas tree.

Public Comments (Cont.)

Linda Ruddick 1008 Park Road – Suggested the Council appoint a parliamentarian in the future.

Closed Session

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

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

The Council received advice from the Town Attorney, asked questions and gave instructions to the Town Attorney and Negotiating Team concerning Jaguars Lair.

Adjournment

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE NOVEMBER 4, 2013 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

Submitted by:

Richard Cerrato, Mayor

Lisa Anglin, Town Clerk