



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.go

March 5, 2019

COUNCIL MEETING-5:30 P.M.-PITTS CENTER

1. Opening
 - A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
 - B. Pledge of Allegiance
 - C. Moment of Silence
 - D. Amendments to / Approval of Agenda
 - E. Consent Agenda **TAB 1**
 1. Council Meeting Minutes – February 5, 2019
 2. Resolution 2019-03-01 Resolution in Support of Continued Funding for The Safe Routes to Schools Program
 3. Tax Pick up & Releases
 4. Budget Amendment #8 - Anticipated increased legal costs for the remainder of fiscal year.
 5. Budget Amendment #9 - Revenue from new copier provider / pass-through for year's current provider cost.
 6. 2019-2020 GEAC Budget Approval, Interlocal Agreement & Standing Operating Procedures for Government Education Access Channels.
 7. Budget Amendment #10 – D.A.R.E. Grant Revenue - for expense of School Resource Officer Training
2. Staff Reports
 - A. Deputy Town Manager/Planning Director
 - B. Police Chief
 - C. Fire Chief, Southern Shores Volunteer Fire Department
 - D. Town Manager's Report
 - E. Town Attorney's Report
3. General Public Comment (Limit: 3 minutes per speaker.)

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)
4. Old Business
 - A. Proposal to Adopt Planning Board's Recommendation (PB) of ZTA-18-09 (Non-Conforming Lots) [Public Hearing Held Jan 8, 2019] - Requested by Councilman Conners **TAB 2**
 - B. Proposal to Refer to Planning Board an Ordinance (To Be Drafted by Staff) Allowing for Sale or Development of Non-Conforming Lots at Least 20,000 SF in Area and Greater Than or Equal to 50 Feet in Width - Requested by Mayor Bennett **TAB 3**
 - C. A Discussion About the Membership and Composition of the CIIP Committee - Requested by Councilman Newberry **TAB 4**
5. New Business
6. General Public Comment (Limit: 3 minutes per speaker.)
7. Other Business
 - A. Mayor's Comments & Responses
 - B. Council Member's Comments & Responses
8. Closed Session- Request of the Town Attorney for a Closed Session pursuant to NCGS § 143-318.11(a)(3): to consult with the Southern Shores Town Attorney to preserve the attorney-client privilege with regard to the matter of the Request of Gwendolyn Snyder-Smuts for a Hearing before the Town of Southern Shores Board of Adjustment to appeal a decision of the Town Zoning Administrator [APA-19-01].
9. Adjourn

MINUTES WILL BE EMAILED

From: Angela Welsh <awelsh@accog.org>

Sent: Monday, January 28, 2019 2:22 PM

Subject: Safe Routes to Schools funding

All,

North Carolina Active Routes to School Coordinators work directly with schools to identify opportunities for shared use of facilities to improve access to physical activity for our youth. Coordinators assess walking and biking efforts in each Active Routes to School region, implement intervention activities in each region and evaluate the effectiveness of each project to ensure object goals and objectives are met.

Funding for the North Carolina Active Routes to School program will end in May of this year and Ed Johnson, North Carolina Safe Routes to Schools Coordinator, asked RPO's and MPO's across the state to consider a resolution in support of continued funding for the program.

On January 23, 2019, the ARPO RTAC Board adopted the attached resolution in support of continued funding for the Safe Routes to Schools program. If your Boards would like to consider a similar resolution, in support of continued funding for the program, please forward your adopted resolutions to Ed Johnson at erjohnson2@ncdot.gov

If you have any questions, please feel free to contact me.

Thank you,

Angela

Angela M. Welsh, CFM, NCLID
Albemarle Commission
Albemarle Rural Planning Organization
Planning Director/RPO Coordinator
252.426.5775



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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Resolution #2019-03-01

A RESOLUTION IN SUPPORT OF CONTINUED FUNDING FOR THE NORTH CAROLINA ACTIVE ROUTES TO SCHOOL PROGRAM

WHEREAS, Active Routes to School is a North Carolina Safe Routes to School (SRTS) project supported by a partnership between the North Carolina Department of Transportation and the North Carolina Division of Public Health; and

WHEREAS, the program focuses on providing a safe appealing environment for walking and biking, improves the quality of children's lives and supports national health objectives by increasing physical activity; and

WHEREAS, the Active Routes to School program is federally funded through June of 2019; and

WHEREAS, NOW, THEREFORE BE IT RESOLVED that the Town of Southern Shores supports the North Carolina Department of Transportation in their efforts to continue to fund the federal Active Routes to Schools program beyond June of 2019.

Approved this 5th of March 2019.

Thomas Bennett, Mayor

Attest: _____
Sheila S. Kane, Town Clerk



Albemarle Rural Planning
Organization

PO Box 646
Hertford, NC 27944

(252) 426-5775
FAX (252) 426-8482

www.albemarlecommission.org

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Officers

Lloyd E. Griffin, III
RTAC Chairman

Paul Beaumont
RTAC Vice-Chairman

Rhett White
RTCC Chairman

Dan Porter
RTCC Vice-Chairman

§

Proudly serving Camden,
Chowan, Currituck, Dare, Gates,
Hyde, Pasquotank, Perquimans,
Tyrrell, and Washington
Counties

A RESOLUTION IN SUPPORT OF CONTINUED FUNDING FOR THE NORTH CAROLINA ACTIVE ROUTES TO SCHOOL PROGRAM

WHEREAS, the Rural Transportation Advisory Committee (RTAC) is the duly recognized transportation planning policy board for the Albemarle Rural Planning Organization (ARPO); and

WHEREAS, Active Routes to School is a North Carolina Safe Routes to School (SRTS) project supported by a partnership between the North Carolina Department of Transportation and the North Carolina Division of Public Health; and

WHEREAS, the program focuses on providing a safe appealing environment for walking and biking, improves the quality of children's lives and supports national health objectives by increasing physical activity; and

WHEREAS, the Active Routes to School program is federally funded through June of 2019; and

WHEREAS, NOW, THEREFORE BE IT RESOLVED that the Albemarle RPO RTAC supports the North Carolina Department of Transportation in their efforts to continue to fund the federal Active Routes to Schools program beyond June of 2019.

A motion was made by Linda Hofler and seconded by Bill Sexton for the endorsement of the resolution, and upon being put to a vote was duly adopted, on this, the 23rd day of January 2019.

Lloyd E. Griffin, III Chairman
Albemarle RPO RTAC

Angela M. Welsh, Secretary
Albemarle RPO Director

**TOWN OF SOUTHERN SHORES
TAX DEPARTMENT**

3/5/2019

PICKUPS

RELEASES

August Real	\$	130.58
October Real	\$	348.24
December Real	\$	401.28

TOTAL	\$0.00	\$880.10
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**Town of Southern Shores
Budget Amendment Number # 8**

**Administration
Increases**

**Administration
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	Revenues Unassigned Fund Balance	50,000			
42-50104	Expenditures Legal Fees	50,000			

Explanation: Anticipated legal costs for the remainder of the fiscal year.

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Tom Bennett, Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 9**

**Administration
Increases**

Decreases

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<u>Revenues</u>				
40-33500	Miscellaneous Revenue	\$7,071			
	<u>Expenditures</u>				
42-50109	Equipment Lease & Maint.	\$7,071			

Explanation: New copier company paid for former copier buyout.

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Tom Bennett, Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 10**

Police Increases			Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-33500	<u>Revenues</u> Misc. Revenue	\$500			
51-50090	<u>Expenditures</u> Training	\$500			

Explanation: D.A.R.E. Officer Training from Dare County

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Tom Bennett, Mayor

Date

Sheila Kane

From: Skip Wallace <skip.wallace@darenc.com>
Sent: Thursday, February 14, 2019 12:01 PM
To: Sheila Kane
Cc: Peter Rascoe; Fred Newberry
Subject: GEACC Budget & ILA Update Agenda Item Request
Attachments: GEACC 2019-2020 Budget Approval Request-Dare County.pdf; Interlocal Agreement - Revision for Coastal Studies Institute - ECU Name 2-14-19.pdf

Good afternoon Sheila,

Attached for presentation to your Town Council is the 2019-2020 Budget for the operation of the Government Education Access Channels and an update of the Interlocal Agreement and Standing Operating Procedures for the Government Education Access Channels.

The Government Education Access Channels Committee (GEACC) recently voted to send the 2019-2020 budget to each participating entity for approval. The GEACC respectfully asks that this item be added to your next Town Council meeting agenda.

Budget Summary

The proposed budget, which would take effect July 1, 2019, must be approved by every participating member entity of the Channels, which includes the towns of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, Manteo, and Dare County, Dare County Schools, College of The Albemarle, and Coastal Studies Institute - ECU.

The GEACC recommends the budget, which includes, in part, the following: funding for two full-time staff positions and a Local Programming Development Initiative to assist members in the development of programming for the Government and Education Channels. The funding also includes the continued funding of two regular news magazine shows that highlight each of the participating members of the GEAC on the Education Channel and the Government Channel.

Interlocal Agreement and Standing Operating Procedures Update

GEACC has reviewed and approved the change to the Interlocal Shared Use Agreement and Standing Operating Procedures to change the listed name of "UNC - Coastal Studies Institute" to "Coastal Studies Institute - ECU" to reflect the institution's current inter-institutional partnership and designated administrative oversight.

Upon a vote of approval from all participating agencies, these actions will take effect. Please let me know when and if these items are approved, and please have signed, dated, and returned the appropriate page corresponding with the Town of Southern Shores' agreement, and once all have been collected, I will scan and email a copy to all participating agencies.

Greatest of thanks for your help with this and please don't hesitate to let me know if you have any questions or need any additional information.

Skip :)

Skip Wallace

Current TV Channels Manager

Government Education Access Channels Committee
2018-2019 Proposed Budget and Interlocal Agreement Update

The following items are presented to the Dare County Board of Commissioners for their review and approval.

Specific Action Requested:

1. Approve the proposed 2019-2020 GEACC Budget.
2. Approve the the updated Inter Local Shared Use Agreement and Standard Operating Procedures to reflect name change of Coastal Studies Institute - ECU.

Budget Summary

The Government Education Access Channels (GEAC) Committee has reviewed and approved the proposed 2019-2020 budget for the operation of the Government and Education Channels. The proposed budget, which would take effect July 1, 2019, must be approved by every participating member entity of the Channels, which includes the towns of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, Manteo, and Dare County, Dare County Schools, College of The Albemarle, and Coastal Studies Institute - ECU.

The budget as proposed requires no additional funding from the participating entities other than the current annual \$1000 membership fee. Our budget is funded from the North Carolina Video Programming Distribution proceeds, which are dispersed quarterly by the State to certified members of the GEACC. These funds must be used for the operation of the two channels and no other purpose. Additionally, the legislation that originally established the video distribution funding required that the proceeds not supplant current funding. Accordingly, the annual \$1000 membership fee that was in place when the program began must remain, or the Channels would lose all video distribution funding from the state.

The GEAC committee recommends the budget, which includes, in part, the following: funding for two full-time staff positions and a Local Programming Development Initiative to assist members in the development of programming for the Government and Education Channels. The funding

also includes the continued funding of two regular news magazine shows that highlight each of the participating members of the GEAC on the Education Channel and the Government Channel.

Interlocal Agreement and Standing Operating Procedures Update

The Government Education Access Channels (GEAC) Committee has reviewed and approved the change to the Interlocal Shared Use Agreement and Standing Operating Procedures to change the listed name of "UNC - Coastal Studies Institute" to "Coastal Studies Institute - ECU" to reflect its current interinstitutional partnership and designated administrative oversight.

**Government Education Access Channels Committee
2019-2020
Proposed Budget**

Executive Summary

Funding comes from the state of North Carolina use tax on cable and satellite fees. Our revenue from this source in 2019-2020 is projected to be a conservative \$260,000.00. In addition, each of the 10 entities pay a \$1000 membership fee annually to participate in the channel's operations. This \$1000 fee is unchanged and is the only impact on each entity's budget. This money that is received from the entities in support of the Government and Education Access Channels must remain in the budget in order for each entity to continue to receive PEG Supplements from the state of North Carolina. This budget is requesting a total of \$148,961.40 be allocated from the fund balance. The fund balance is projected to be \$316,715.51 on June 30, 2019. The proposed total budget for the Government and Education Access Channels Committee for 2019-2020 is \$419,961.40.

INCOME	
Member Fees (annual fee paid by participating entities) ¹	10,000.00
NC PEG Supplemental Video Disbursement (from the state NCDOR) ²	260,000.00
Interest Income (interest from fund balance) ³	1,000.00
TOTAL INCOME	271,000.00
APPROPRIATED FUND BALANCE⁴	148,961.40
TOTAL REVENUE	419,961.40
EXPENDITURES	
Salaries (2 Full time employees) ⁵	(113,000.00)
PT Salary (Internships)	(2,000.00)
Merit Pay ⁶	(2,260.00)
FICA	(8,644.50)
Retirement	(9,119.10)
Health Insurance ⁷	(29,381.00)
Life Insurance	(214.70)
Retiree Health	(192.10)
Contractual Services (Production of Destination Dare/Ed Awareness) ⁸	(50,000.00)
Channel Operations ⁹	(15,000.00)
Equipment - Repair, Replacement, Purchase ¹⁰	(10,000.00)
Supplies ¹¹	(5,000.00)
Marketing ¹²	(15,000.00)
Capital Outlay ¹³	(40,000.00)
Training	(2,500.00)
Travel	(2,500.00)
Professional memberships (SEATOA, NATOA, NC3C) ¹⁴	(500.00)
Miscellaneous	(500.00)
Contingency (Reserve for unexpected expenses) ¹⁵	(5,000.00)
Emergency Contingency (Storm related overtime during activations) ¹⁶	(2,500.00)
Car Maintenance ¹⁷	(500.00)
Car Fuel ¹⁸	(1,000.00)
Insurance and Bonds ¹⁹	(2,900.00)
Professional Services ²⁰	(1,500.00)
Uniforms ²¹	(750.00)
TOTAL OPERATING EXPENDITURES	(319,961.40)
Local Program Development Initiative	

This is money set aside in the budget to foster development of program content by the member entities. Money is awarded on an application and grant basis to participating entities by the Government and Education Access Channel Committee. The money can be used to produce programs, improve the quality of existing programs, or purchase equipment to provide for increased production and/or quality of programs.	
LPDI 1 - Coastal Studies Institute	(10,000.00)
LPDI 2 - College of The Albemarle	(10,000.00)
LPDI 3 - Dare County Government	(10,000.00)
LPDI 4 - Dare County Schools	(10,000.00)
LPDI 5 - Duck	(10,000.00)
LPDI 6 - Kill Devil Hills	(10,000.00)
LPDI 7 - Kitty Hawk	(10,000.00)
LPDI 8 - Manteo	(10,000.00)
LPDI 9 - Nags Head	(10,000.00)
LPDI 10 - Southern Shores	(10,000.00)
TOTAL LPDI	(100,000.00)
TOTAL LPDI AND OPERATING EXPENDITURES	(419,961.40)

Government and Education Access Channel Proposed Budget Notes for 2019-2020

Goals and Objectives to be achieved with this budget.

1. Continue to fund the operation of the channel at a level that provides a professional, reliable and quality service to the citizens of Dare County.
2. Continue to bring the fund balance down to an appropriate level and strategically use the fund balance to fund channel initiatives.
3. An increased spending of the Fund Balance will be necessary to cover purchase of vehicle, anticipated new employee expenses, equipment upgrade purchases, and to bolster marketing initiatives.

¹ Member Fees - Each entity member pays an annual membership fee to participate in the Government and Education Channel Access. This money must remain in place in order for each entity to receive the PEG Supplement from the state. There is no change to this amount from last year, so impact on each entity's budget is unchanged..

² NC PEG Supplemental Video Disbursement - this is revenue that is collected by the state in the form of a use tax on cable and satellite providers. The money is pooled and disbursed to qualifying PEG operations within the state. PEG stands for Public, Education, and Government Access. Dare County has 10 qualifying PEG entities, each is a member of the Government and Education Access Channel Committee. Each quarter, this money is disbursed to the entities by the state, and then the Government and Education Access Channels invoices the entities for this money. These state funds are the main source of funding for the Government and Education Access Channels. As there has been a 2% decrease in revenue between fiscal year 2018 and 2019, we have budgeted for a 3.7% decrease in anticipated revenue.

³ Interest Income - This is interest the Government and Education Access Channels Committee receives on the fund balance.

⁴ Appropriated Fund Balance - The unappropriated fund balance is projected to be \$316,715.51 on June 30, 2019. The appropriated fund balance is the amount pulled from the unappropriated fund balance to meet the obligations of the budget.

⁵ Salaries - This budget currently funds two full-time positions that are considered to be Dare County employees.

⁶ Merit Pay - 2% of 113,000.00

⁷ Health Insurance - Includes an annual employee only cost of \$10,640, and annual family cost of \$18,741 for vacant position. Vacant positions are budgeted at the Family cost.

⁸ Contractual Services - This is for the production of Destination Dare and Dare Education Awareness, our two main programming initiatives that highlight interesting aspects of government and education in Dare County. Each entity contributes one segment to each episode. Destination Dare is produced every other month, and Dare Education Awareness is produced on the alternate months.

⁹ Channel Operations - Expenses that support the day to day operation of the channels. This includes:

- \$3,000.00 - OBX Media: to cover website hosting and maintenance
- \$3,850.00 - Tightrope: Hardware Assurance to cover the master control server
- \$2,200.00 - Reflect: Streaming Video/VOD for online video streaming service
- \$600.00 - Adobe: Creative Cloud subscription for professional non-linear editing tools
- \$3,200.00 - Gracenote: subscription for E-guide service on Charter Spectrum
- \$300.00 - Soundstripe: subscription for music & sound effects. Cancel current subscription with Manhattan Music.
- \$1,500.00 - Website upgrade for optimized video grouping / "suggestions"
- \$350.00 - And other expenses that may be required for ongoing station operations

¹⁰ Purchase of new camera system (\$5k), new Mac Pro editing desktop (\$4.5k). These purchases are planned to be the initiation of planned equipment cycle program that would see older, but still usable equipment passed down to our public schools for use.

¹¹ Supplies - This supports the purchase of supplies such as batteries, gaffers tape, lighting gels, accessories, and small equipment items that do not qualify as Capital Outlay.

¹² Marketing - Expenses to support marketing efforts including paid advertising, promotional giveaway items, portable promotional signage for community events, and a vehicle wrap for new vehicle.

- Upt to \$9,000.00 - Design and installation for a full vehicle wrap.
- \$3,000.00 - Promotional items (such as stickers, usb thumb drives, koozies) and portable signage for promotional events.
- \$3,000.00 - Paid digital advertising on Google, Facebook, and Instagram

¹³ Capital Outlay - Purchase of new, 4 wheel drive, Chevy Tahoe for \$39,333.46. For use in video production operations, to replace our borrowed use of county vehicles which have become unreliable.

¹⁴ Professional Memberships - This supports memberships for the two staff positions for the Southeastern Association of Telecommunications Officers and Advisors (SEATOA), National Association of Telecommunications Officers and Advisors (NATOA), and The North Carolina City and County Communicators (NC3C). These are national, regional and state professional associations for PEG Channel Operators.

¹⁵ Contingency - This is for expenses that come up that were either unplanned or unforeseen. Not for use of everyday expenses.

¹⁶ Emergency Contingency - This pays for storm related overtime for the hourly employee during Emergency Management Activations.

¹⁷ Car Maintenance - Car maintenance costs. This is a new line item and will be a future expense associated with the use and ownership of a new vehicle.

¹⁸ Car Fuel - Estimated fuel costs for vehicle based on previous budget year use of Dare County's vehicle. This is a new line item and will be a future expense associated with the use and ownership of a new vehicle.

¹⁹ Insurance and Bonds - Costs that Dare County will be charging Current TV for costs related to insuring equipment and new vehicle. This will be a new recurring expense.

²⁰ Professional Services - Item to pay for costs associated with talent services such as professional voice over work, acting and hosting fees, and potential production support.

²¹ Uniforms - Planned expenses for embroidered uniform items including several polo shirts and rain jackets. Will require a uniform policy to be established in coordination with Dare County Public Relations department.

INTERLOCAL SHARED USE AGREEMENT AMONG
THE TOWNS OF NAGS HEAD, MANTEO, KILL DEVIL HILLS,
SOUTHERN SHORES, KITTY HAWK, DUCK; THE
COUNTY OF DARE; THE DARE COUNTY BOARD OF EDUCATION; COLLEGE OF THE
ALBEMARLE; AND COASTAL STUDIES INSTITUTE - ECU
REGARDING THE GOVERNMENT AND EDUCATION
ACCESS CHANNELS

THIS INTERLOCAL AGREEMENT is made and entered into by The Towns of Nags Head, Manteo, Kill Devil Hills, Southern Shores, Kitty Hawk, Duck, North Carolina Municipal Corporations, (the "Municipalities"); The County of Dare (the "County") by and through their Boards of Commissioners; the Dare County Board of Education ("BOE"); College of The Albemarle ("COA"); and Coastal Studies Institute - ECU ("CSI") effective the 15th day of April, 2019, pursuant to Article 20, Part 1 of Chapter 160A of the North Carolina General Statutes:

W I T N E S S E T H:

THAT WHEREAS, the Towns of Nags Head, Manteo, and Kill Devil Hills heretofore by a document entitled "Agreement for Shared Use of Government Access Channel Provided by Falcon Cable TV" (the "Agreement") which became effective April 5, 1995, upon its approval by the Towns of Nags Head, Manteo, and Kill Devil Hills, created a Government Access Channel Committee to operate and oversee the government access channel to be operated on the cable TV system;

Thereafter in or about April 1997, the County became a Participating Entity upon its request of January 1997 which was approved by the Towns of Nags Head, Manteo, and Kill Devil Hills;

Thereafter in or about March 2002, the Town of Southern Shores became a Participating Entity upon its request of February 2002 which was approved by the Towns of Nags Head, Manteo, Kill Devil Hills and the County; and

Thereafter in or about October 2002, the Town of Kitty Hawk became a Participating Entity upon its request of August 2002 which was approved by the Towns of Nags Head, Manteo, Kill Devil Hills, Southern Shores and the County; and

Thereafter in or about September 2004, the Town of Duck became a Participating Entity upon its request of July 2004 which was approved by the Towns of Nags Head, Manteo, Kill Devil Hills, Southern Shores, Kitty Hawk and the County; and

Thereafter in or about December 2008, the Dare County Board of Education became a Participating Entity by approval of the Towns of Nags Head, Manteo, Kill Devil Hills, Southern Shores, Kitty Hawk, Duck and Dare County; and

Thereafter in or about June 2011, College of The Albemarle and Coastal Studies Institute - ECU became Participating Entities by approval of the Dare County Board of Education and the Towns of Nags Head, Manteo, Kill Devil Hills, Southern Shores, Kitty Hawk, Duck and Dare County; and

AND, WHEREAS Municipalities and County have operated and utilized the Government Access Channel ("Government Channel") pursuant to the Agreement and BOE and non-members COA and CSI have operated and utilized the Education Access Channel ("Education Channel"), upon addition of COA and CSI as members, all have recognized the need to more particularly set out the rights, duties, obligations and responsibilities of the Participating Entities, to update the procedures used to allocate usage of the Government and Education Channels, and to define the operations of the Government-Education Access Channels Committee (the "Committee");

NOW THEREFORE, Municipalities, County, BOE, COA & CSI in consideration of the mutual rights, duties, obligations and responsibilities hereinafter set out; each agrees with the others as follows:

Section 1. Definitions.

- (a) Governmental Access Channel (Government Channel). A channel dedicated by the cable system to present programs of interest to the community on a non-commercial basis.
- (b) Education Channel (Education Channel). A channel dedicated by the cable system to be used by educational institutions to present programs of educational interest to the community on a non-commercial basis.
- (c) Lottery. Any device, scheme, plan, promotion, contest, or other program and/or presentation which involves directly or indirectly the elements of prize, chance, and consideration or any such device, scheme, plan promotion, contest, or any other program and/or presentation which is, has been, or may be declared a lottery under applicable local, state, or federal law.
- (d) Obscene or Indecent Material. Any material in a program and/or presentation which would subject the producer or supplier thereof to prosecution under local, state, or federal law for the production or presentation of obscene or indecent material.
- (e) Governmental Unit. Any body politic and corporate under North Carolina law and any agency of the State of North Carolina or Federal Government that is not eligible to become a Participating Entity.
- (f) Participating Entity. Nags Head, Manteo, Kill Devil Hills, Southern Shores, Kitty Hawk, Duck, Dare County, the BOE, COA, and CSI.

- (g) Local Government Entity. Nags Head, Manteo, Kill Devil Hills, Southern Shores, Kitty Hawk, Duck, and Dare County.
- (h) Educational Entity. The BOE, COA, and CSI.
- (i) Cable TV Operator. Falcon Cable, its successor Charter Communications and any successors thereto,

Section 2. Rights of Participating Entities.

- (a) Each Participating Local Government Entity shall be entitled to equal participation in the operation and use of the Government Channel.
- (b) Each Participating Educational Entity shall be entitled to equal participation in the operation and use of the Education Channel.
- (c) Each Participating Entity shall appoint one member as provided below (the "Member") to act as its representative on the governing board, which shall be named The Government-Education Access Channels Committee (the "Committee"), and each designated representative to the Committee shall be entitled to one vote on all matters to be decided by the Committee
- (d) In the event of disagreement by Participating Local Government Entities on the operation of the Government Channel, or by Participating Educational Entities on the operation of the Education Channel, the Committee shall resolve any such disputes or disagreements. All decisions of the Committee shall be final.
- (e) All such decisions of the Committee shall be determined by majority vote; provided however that the Committee shall not have the power or authority to impose or create any financial obligation of any kind for any Participating Entity without the express written consent of the Participating Entity, which consent shall be deemed given upon the Participating Entities' approval of the annual budget of the Committee.
- (f) The Cable Operator may participate in the meetings of the Committee upon its request approved by the Chairperson of the Committee, or at the invitation of the Committee, for the purpose of advising and assisting as needed. The Cable Operator shall not have any voting rights at such meeting.

Section 3. The Government-Education Access Channels Committee (the "Committee").

- (a) From time to time, each Local Government Entity shall designate one of its elected officials to serve as its representative (the "Member") on the Committee and shall advise the other Participating Entities of the Member selected. From time to time, each Educational Entity shall designate a representative to serve as its representative

on the Committee (the "Member") and shall advise the other Participating Entities of the member selected.

- (b) The meetings of the Committee shall be scheduled by the Committee but shall be held at least semiannually.
- (c) At the first meeting each calendar year, the Members of the Committee shall elect a Chairperson, who shall be responsible for convening and conducting meetings of the Committee, as well as conducting other actions of the Committee. No Member shall serve as Chairperson twice until all other members have either served as Chairperson or have declined to serve as Chairperson.
- (d) The Committee shall take such steps as it deems necessary and appropriate in order to fulfill its responsibilities and conduct its business, including election or appointment of any other officers or committees, designation of individuals or organizations to perform functions on its behalf, adoption of rules and policies for the conduct of the Committee and operation of the Government Channel and the Education Channel, or other similar actions.
- (e) Subject to the terms and conditions of this Shared Use Agreement, the Committee shall be responsible for supervising and directing the operations of the Government Channel and the Education Channel.

Section 4. Operation and Use of Government and Education Channels.

- (a) In accordance with the Franchise Agreement, the Cable TV Operator agreed to furnish the facilities and equipment for operation of the Government and Education Channels. The Cable TV Operator has agreed to provide space to house the equipment and to provide electricity and local telephone service. The Cable TV Operator has also agreed to provide normal maintenance of the equipment as well as technical and consulting assistance to the Committee in the operation of the Government and Education Channels.
- (b) The Participating Entities shall be responsible for furnishing all support needed for the operation of the Government and Education Channels, or other items necessary for the operation of the Government and Education Channels, which is not provided by the Cable TV Operator. Unless otherwise agreed in writing, all such expenses and obligations shall be shared equally by the Participating Entities and shall be administered in accordance with North Carolina law and in accordance with rules established by the committee in accordance with this Shared Use Agreement. In no event shall any Participating Entity have any financial obligation of any kind without its expressed consent, which consent shall be deemed given by the Participating Entities' approval of the annual budget of the Committee.

- (c) The Committee shall adopt a Standard Operating Procedure (SOP), which will conform and comply with this Agreement and set out guidelines for the channels' day-to-day operations.
- (d) The Committee will maintain complete records in accordance with North Carolina Public Records Law (Chapter 132 of the N. C. General Statutes). Copies of materials in the public file shall be available for reproduction upon request, providing the requesting party pays the cost of reproduction.
- (e) In the event of an activation of the Dare County Emergency Operations Center, all programming on the Government Channel and the Educational Channel may be preempted for emergency programming and information as may be deemed necessary by the Dare County Control Group or the Dare County Director of Emergency Operations.

Section 5. Regulations.

- (a) The Government Channel and/or the Education Channel, respectively, may be available upon approval by the Committee for non-commercial use by Governmental Units who are not Local Government Entities and by educational institutions who are not Educational Entities, upon the filing of an appropriate request in accordance with Section 3 and consistent with the availability of the channel and staff at the time of and for the duration requested. The Committee, or its designated representative, reserves the right to pre-empt programs due to staffing constraints, and adjust these regulations when deemed necessary.
- (b) The presentation of advertising material designed to promote the sale of commercial products or services or the solicitation of funds (including advertising by or on behalf of legally qualified candidates for public office) by users authorized by the Committee is prohibited.
- (c) These channels shall not be used to present any obscene or indecent matter, or content deemed objectionable as judged by community standards.
- (d) These channels shall not be used to present any information, which directly or indirectly concerns a lottery as defined in Section 1c above.
- (e) These channels may not be used for political purposes.

Section 6. Fiscal Procedures.

- (a) On or before the last day of February annually, the Committee shall submit to the governing boards of Participating Entities a recommended annual budget prepared pursuant to N.C.G.S. 160A-462, meeting all applicable requirements of the Local Government Finance Act and in accordance with the following:
1. Proposed budget expenditures, including expenditures from the fund heretofore established ("Gov-Ed TV Fund") for Government Channel and Education Channel and funded by the parties and by funds received from the State of North Carolina in lieu of franchise fees from the cable provider, shall only be made for and are limited to the acquisition, installation and maintenance of hardware, software and supplies used solely for broadcasting on the Government and Education Channels and for the archiving of broadcast materials and records. Expenditures may be made for production equipment, operating expenses, software, materials, salaries, costs or fees, or anything related to the production of broadcast materials. In addition, expenditures may be made for technological applications including, but not limited to, online streaming video of Government and Education Channel broadcasts. Any expenditures must be approved by the Committee and the governing boards of the Participating Entities, which approval shall be deemed given by the Participating Entities' approval of the annual budget of the Committee. Notwithstanding the foregoing, Gov-Ed TV Fund revenue may be used to construct, equip, maintain and improve a broadcast studio for use by the Participating Communities. Notwithstanding the foregoing, no expenditures shall be made to pay any direct costs or expenses associated with the recording and/or broadcasting of the Council, Commissioner or Board meetings of any Participating Entity.
 2. Committee, at its discretion, may establish a Local Programming Development Initiative ("LPDI") from Gov-Ed TV Fund to promote additional programming by Participating Entities on Government Channel and Education Channel. Committee or its designated representative(s) will establish LPDI process and criteria for Participating Entities.
 3. The unexpended and unobligated surplus of the Gov-Ed TV Fund shall be the primary source of monies with which to fund the proposed budget expenditures. In the event the funds on hand (unexpended and unobligated surplus) are insufficient to meet the budget request, the proposed budget shall allocate the difference among the Participating Entities in the ratio of the usage time of the Channel by each during the next preceding completed fiscal year, i.e. the fiscal year immediately prior to the year in which the budget is being prepared excluding, however, usage of the bulletin board and scrolls from the computation of usage of the channel by the participating

communities. Except, however, for any entity that did not use the Channels during the preceding fiscal year due to suspension or not having been a Participating Entity, the allocation for that entity shall be a fraction of the total funding request with no reduction by the amount of the unexpended and unobligated surplus in which the numerator is one (1) and the denominator is the number of participating entities anticipated for the new fiscal year.

4. Each of the Participating Entities shall consider the proposed Government-Education Access Channels Committee budget in its budget process. In the event any Participating Entity indicates its intent to deny, change, amend, reduce, increase or in any way alter the proposed budget, including its *pro rata* share of the funding request, the Committee shall attempt to reconcile the budget request with and among the Participating Entities.
5. Upon completion of attempts to reconcile the budget, the Committee shall submit an amended budget request to each of the Participating Entities by April 30 of each year. Failure or refusal of any Participating Entity to adopt and ratify the proposed amended budget request, including the requested contribution of funds, shall result in a suspension of that Entity's right to utilize the Channels during the fiscal year for which the budget is requested.
6. If any Participating Entity fails or refuses to adopt the amended budget request, the Committee shall prepare a second amended budget request that reallocates the funding request using the formula in paragraph 3 above among the Participating Entities that adopted the amended budget request. If any Participating Entity has adopted its own budget prior to the receipt of the second amended budget request, that Entity shall process the request following its usual procedure for budget amendments.
7. A permanently withdrawn Entity pursuant to Section 10 of the Agreement shall not be entitled to any portion of the unobligated and unexpended funds remaining on deposit in the Gov-Ed TV Fund.
8. All funds received for use by the Committee in the operation of the Government Channel and the Education Channel shall be deposited in an Gov-Ed TV Fund account held and administered by Dare County solely for the purposes and upon the terms set forth in this agreement. Any Participating Entity shall have the right at any time to request a copy of the account, including a record of all receipts and expenditures.
9. All funds received by a Participating Entity from the State of North Carolina as a part of the franchise fee reimbursement program shall be deposited into the Gov-Ed TV Fund account set forth in Paragraph 8 above to be used solely

for the purposes and upon the terms set forth in this agreement or as may be required by the State of North Carolina.

10. No employees shall be hired without the consent of the Committee and the Participating Entities' approval of the budget which includes the costs associated with such employee or employees. Applicants for any position to be hired shall be through the Dare County Human Resources Department and shall comply with all requirements thereof. The Dare County Manager shall hire the employee with the advice and consent of the Committee and shall not hire a person that both the Committee and the Manager have not approved. A subcommittee designated by the Committee shall be appointed to participate in the interviews and hiring process. In the event the Dare County Manager and the Committee cannot agree on the person to be hired, no person shall be hired. In the event that an employee is hired, the employee shall be an employee of Dare County. Dare County shall be reimbursed all costs and expenses associated with such employee or employees by the Committee. As an employee of Dare County such employees shall be governed by all rules of employment as from time to time may be established by Dare County, shall be supervised by Dare County as directed by the County Manager, and may be disciplined and/ or terminated by the Dare County Manager as provided in the Dare County employment policies in effect at the time of such discipline or termination.
11. The Committee may approve transfer amounts between objects of expenditure in the annual budget without limitation and without a report or approval of the Boards of participating entities as long as there is no effect on the total annual operating budget. In addition, the Committee may authorize transfer amounts from the Contingency appropriation to objects of expenditure as needed.

Section 7. Content and Indemnification.

- (a) Content. The Participating Entities shall have complete responsibility for the content of the programming on the Government Channel and Education Channel. The programming shall comply with all applicable laws, rules and regulations of the FCC. The programming shall not contain any material which is libelous, slanderous, obscene, or otherwise unprotected by the United States Constitution, and will not, when transmitted by the Cable Operator, subject the cable Operator to any liability of any kind or violate any legal requirement, or infringe upon or give rise to any adverse claim with respect to any right of any person or entity.
- (b) Indemnification. Each Participating Entity and/or any governmental or educational unit will at all times indemnify and hold harmless Committee and its members; all Government Channel and Educational Channel employees and volunteers; and other Participating Entities, their elected officials, employees, agenda and licensees from and against any and all claims, judgments, damages, losses, costs and expenses,

including programming of the Government and Education Channels arising from their use of the Government and Education Channels.

Section 8. Programming

- (a) The Local Government Entities may use the Government Channel and the Educational Entities may use the Education Channel for any lawful, nonprofit purpose for the benefit of the citizens in this area, including distribution of educational, governmental, informational, or other public interest programming by units of government. No commercial activity, commercial advertising or other programming for which payment is made shall be permitted. It is further agreed that the Government Channel and the Education Channel cannot be used for political advertising, for programming supporting or opposing any candidate for office, or for other political programming or political purpose with the exception that each Participating Entity may use the Government Channel to air up to four times a candidate forum sponsored by the Participating Entity with candidates in an election for the Participating Entity's jurisdiction and during the Participating Entities election cycle. It is further agreed that if a candidate is seeking an elected office that represents Dare County directly even if the office is a state office, a candidate forum could be sponsored by any of the Participating Entities and aired up to four times.

In order for a forum to be sponsored and broadcast on the Government Channel, no Participating Entity may use LDPI funding to produce a Candidate Forum. Forums must be funded by a neutral third party or a sponsoring municipality/county. Notwithstanding the foregoing, elected officials and employees of the parties to this Agreement may appear on the Government and Education Channels in the performance of their duties in the normal course of business.

- (b) Programming shall be determined by the Committee, or its designated representative(s), in accordance with its rules, Standard Operating Procedures, and this Shared Use Agreement, and may include meetings of government boards and governmental units, and other governmental and educational programming from outside sources, including but not limited to The Open Public Events Network (OpenNet), the Department of Travel and Tourism, and other governmental and educational units.
- (c) The Government Channel and Education Channel programming will include the Bulletin Board as a regular feature, which may carry information:
- (1) Government or Educational Events
 - (2) Scheduling announcements for Government or Education Channel

- (3) Announcements by Participating Entities
- (4) Announcements for other communities that become participants in this Shared Use Agreement.
- (5) Announcements for other Governmental or Educational Units

Section 9. Scheduling.

- (a) Each Local Governmental Entity shall be entitled to an equal share of the time available for programming on the Government Channel and the Committee shall establish rules and procedures for scheduling programming to guarantee equal opportunity and access for each Local Governmental Entity, which shall include a fair and equitable rotation of the most desirable time periods. Any disputes or conflicts regarding scheduling may be brought before the Committee by any Participating Entity for resolution. The decision of the Committee on such matters shall be final.
- (b) Each Educational Entity shall be entitled to an equal share of the time available for programming on the Educational Channel and the Committee shall establish rules and procedures for scheduling programming to guarantee equal opportunity and access for each Educational Entity, which shall include a fair and equitable rotation of the most desirable time periods. Any disputes or conflicts regarding scheduling may be brought before the Committee by any Participating Entity for resolution. The decision of the Committee on such matters shall be final.
- (c) The Committee, or its designated representative(s), shall have the power to establish a comprehensive general schedule for the Government Channel and Education Channel, specifying the time for Bulletin Board announcements, programming by the Participating Entities, programming from other governmental and educational units and the amounts of time to be allotted to each. The Committee, or its designated representative(s), shall be responsible for ensuring the maximum use of the Government Channel and Education Channel for their intended purposes and shall have the authority to make rules allowing unused time allotted to a Participating Entity to be used for other appropriate purposes. Any disputes or conflicts regarding scheduling may be brought before the Committee by any Participating Entity for resolution. The decision of the Committee on such matters shall be final.

Section 10. Addition and Withdrawal of Participating Entities

Other Dare County incorporated towns or other educational institutions served by the Cable Operator may be permitted to become participants in this Shared Use Agreement on such terms and conditions as may negotiated between the Participating Entities and the requesting party. At any time, any Participating Entity may withdraw and shall be relieved of any further obligations under this agreement; provided however that a

withdrawing Participating Entity shall remain obligated in all respects for the period of its participation prior to the effective date of withdrawal and for the budgeted obligations of the Committee for the remainder of the fiscal year of withdrawal. In the event this Shared Use Agreement is terminated by all parties, any funds on deposit for operation of the Government and Education Channels shall be first used to pay all existing expenses and obligations, then to pay all obligated budget items. Upon payment of such sums, the remaining balance will revert to the Participating Entities equally. In the event that any party or parties (but not all parties) shall withdraw from the terms of this agreement, such withdrawing entity shall not be entitled to reimbursement or return of any funds and all such funds on deposit with the Committee shall be deemed forfeited to the Committee by the withdrawing entity. Similarly, a withdrawing entity shall have no claim or right to any equipment or other assets of the Committee or any share thereof.

Section 11. Amendments, Modifications and Notices.

This Shared Use Agreement may be amended, modified or terminated at any time by affirmative vote equal to or greater than two thirds of the Participating Entities. Further, any party may withdraw from this agreement by the giving of a ninety (90) day notice, in writing, by the terminating party and addressed to the non-withdrawing parties. Said notice shall designate the effective date of withdrawal.

Section 12. Effective Date.

This Shared Use Agreement shall become effective on the latest date that all parties hereto ratify this agreement by a resolution of the governing board of each and the resolution is spread upon the minutes of each of said boards. Upon ratification, this agreement shall continue and be effective for ten (10) calendar years, expiring on the last day of the one hundred twenty first (121st) month following ratification unless extended by written agreement of the then participating governments.

IN TESTIMONY WHEREOF The Participating Entities have caused this instrument to be executed in their names and behalf by their Mayors, attested by their Clerks, and their corporate seal affixed hereto, all as the acts and deeds of the Municipalities pursuant to a resolution of their Boards of Commissioners adopted at duly assembled meetings thereof as indicated below; and The County of Dare has caused this instrument to be executed in its name and behalf by its Chairperson, attested by the Clerk to the Board and its seal affixed hereto, all as the act and deed of its Board of Commissioners, pursuant to a resolution adopted as indicated below, all effective the day and year of the latest ratification by a party hereto; The Dare County Board of Education has caused this instrument to be executed in its name and behalf by its Chairperson, attested by the Secretary to the Board and its seal affixed hereto, all as the act and deed of its Board, pursuant to a resolution adopted as indicated below, all effective the day and year of the latest ratification by a party hereto; College of The Albemarle has caused this instrument

to be executed in its name and behalf by its Chairperson, attested by the Secretary to the Board and its seal affixed hereto, all as the act and deed of its Board, pursuant to a resolution adopted as indicated below, all effective the day and year of the latest ratification by a party hereto; and Coastal Studies Institute - ECU has caused this instrument to be executed in its name and behalf by its President, and its seal affixed hereto, all as the act and deed of its institution, pursuant to a resolution adopted as indicated below, all effective the day and year of the latest ratification by a party hereto.

Adopted by the Town Council of the Town of Duck, North Carolina, this the 4th day of March, 2019.

Town of Duck, North Carolina

(Corporate Seal)

By: _____
Mayor

Attest:

Town Clerk

Adopted by the Town Council of the Town of Southern Shores, North Carolina, this the 3rd day of March, 2019.

Town of Southern Shores, North Carolina

(Corporate Seal)

By: _____

Mayor

Attest:

Town Clerk

Adopted by the Town Council of the Town of Kitty Hawk, North Carolina, this the 7th day of April, 2019.

Town of Kitty Hawk, North Carolina

(Corporate Seal)

By: _____

Mayor

Attest:

Town Clerk

Adopted by the Board of Commissioners of the Town of Kill Devil Hills, North Carolina, this the 2nd day of March, 2019.

Town of Kill Devil Hills, North Carolina

(Corporate Seal)

By: _____

Mayor

Attest:

Town Clerk

Adopted by the Board of Commissioners of the Town of Nags Head, North Carolina, this the 1st day of April, 2019.

Town of Nags Head, North Carolina

(Corporate Seal)

By: _____
Mayor

Attest:

Town Clerk

Adopted by the Board of Commissioners of the Town of Manteo, North Carolina, this the 1st day of April, 2019.

Town of Manteo, North Carolina

(Corporate Seal)

By: _____
Mayor

Attest:

Town Clerk

Adopted by the Board of Commissioners of the County of Dare, North Carolina, this the 6th day of April, 2019.

County of Dare, North Carolina

(Corporate Seal)

By: _____
Robert Woodard, Chairperson
Attest:

Gary L. Gross, Clerk to the Board

Adopted by the Dare County Board of Education, this the 10th day of March, 2019.

Dare County Board of Education

(Corporate Seal)

By: _____
Chairperson

Attest:

Secretary to the Board

Adopted by College of The Albemarle, this the 14th day of April, 2019.

College of The Albemarle

(Corporate Seal)

By: _____

Attest:

Secretary to the Board

Adopted by the Coastal Studies Institute - ECU, this the 1st day of March, 2019.

Coastal Studies Institute - ECU

(Corporate Seal)

By: _____

Attest:

STANDARD OPERATING PROCEDURES
GOVERNMENT ACCESS CHANNEL AND EDUCATIONAL ACCESS CHANNEL

ADDENDUM

Purpose: The purpose of this SOP Addendum is to provide guidelines and standards for Government Channel and Education Channel programming which may be inconsistent with the Interlocal Shared Use Agreement's prohibition against political programming, and public perception that certain types of programs may be aired for political purposes, regardless of content, and which may provide an unfair advantage to certain candidates for political office. Notwithstanding any of the provisions of Section 1 or 2 below, elected officials and employees of the parties to this Agreement may appear on the Government and Education Channels in the performance of their duties in the normal course of business. To this end, the following policy and procedures are hereby adopted as an Addendum to the Standard Operating Procedures by the Government-Education Access Channels Committee ("Committee"):

Section 1. Government Employee Candidate programming prohibited.

If an employee of a unit of local Governmental Unit within Dare County or employee of any Education Unit becomes a declared candidate for any public office, that employee may not be featured in any program aired on the Government Channel and/or Education Channel for so long as the employee is a declared candidate.

Section 2. Definitions

For purposes of the SOP Addendum, the following definitions shall apply:

- (a) Administrator. Administrator shall include the Dare County Public Information Officer or any other employee or individual so designated by the Committee as being responsible for ensuring operations of the Government Channel and Education Channel consistent with the Interlocal Shared Use Agreement, the SOP, and all other applicable laws and regulations
- (b) Employee. Employee shall include any part-time or full-time employee of a unit of local government in Dare County, (including, but not limited to, any incorporated municipality within Dare County, Dare County Government), the Dare County Public School System, College of The Albemarle, and/or the Coastal Studies Institute - ECU.
- (c) Featured. Featured shall be defined as the employee's name, likeness, or visual image being displayed or incorporated as a prominent part or characteristic of the program. This definition shall not apply to:
 - i. An audio reproduction of the employee's voice as long as the employee is not identified by name, title or position;

- ii. Video replays of regularly scheduled meetings of a governing body during which an employee may appear in the normal course of the employee's official duties.
- (d) Program. Program shall include any programs aired on the Government Channel and/or Education Channel, regardless of the particular mode, medium, or format in which the program is produced (i.e. still presentation, video, interview, etc.), and regardless of the content of the program.

Section 3. Enforcement: administration

If the Administrator has reason to believe, or if a complaint is received alleging that a program airing on the Government Channel and/or Education Channel violates this SOP Addendum, the following procedure shall be utilized to ensure full compliance with this SOP Addendum:

- (a) The Administrator shall contact by phone and email the designated representative of the Participating Entity which sponsored the program to advise the Participating Entity of the potential violation and request that a determination be made and appropriate action be taken by the Participating Entity.
- (b) The Participating Entity shall respond by phone and email to the Administrator, or take action on the request, within twenty-four (24) hours of being contacted by the Administrator.
- (c) If the Participating Entity does not remove the program within twenty-four (24) hours of being advised of the potential violation, or otherwise does not respond within this same time to the Administrator, the Administrator shall contact the Committee Chairperson (or Vice-Chairperson if the Chairperson is not available) by phone and email and advise him/her of the matter.
- (d) Upon being so advised by the Administrator, the Committee Chairperson (or, in his/her absence, the Vice-Chairperson) shall review the potentially violating program within forty-eight (48) hours and determine whether he/she is of the opinion that the program violates this SOP Addendum.
 - i. If the Chairperson (or, in his/her absence, the Vice-Chairperson) determines that the program does not violate this SOP Addendum, the Participating Entity shall be so notified by phone and email, and the program shall remain airing on the Government Channel and/or Education Channel during the Participating Entity's normal program time.

- ii. If the Chairperson (or, in his/her absence, the Vice-Chairperson) determines that the program does violate this SOP Addendum, the program shall be temporarily removed from the Government Channel and/or Education Channel, and the Chairperson (or, in his/her absence, the Vice-Chairperson) shall convene an emergency meeting of the Committee within ten (10) days of the date on which the violating program was removed from the Government Channel and/or Education Channel. If the Committee determines that the program violates this SOP Addendum, the program shall not be replayed on the Government Channel and/or Education Channel for so long as the featured employee is a candidate for public office. If the Committee determines that the program does not violate this SOP Addendum, the program shall be immediately reinstated on the Government Channel and/or Education Channel during the Participating Entity's normal program time. Votes by the Committee on the question of whether a program violates this SOP Addendum made during emergency meetings called pursuant to this provision shall be determined by a 2/3 majority of those present at the meeting.

IN TESTIMONY WHEREOF The Participating Entities have caused this instrument to be executed in their names and behalf by their Mayors, attested by their Clerks, and their corporate seal affixed hereto, all as the acts and deeds of the Municipalities pursuant to a resolution of their Boards of Commissioners adopted at duly assembled meetings thereof as indicated below; and The County of Dare has caused this instrument to be executed in its name and behalf by its Chairperson, attested by the Clerk to the Board and its seal affixed hereto, all as the act and deed of its Board of Commissioners, pursuant to a resolution adopted as indicated below, all effective the day and year of the latest ratification by a party hereto; The Dare County Board of Education has caused this instrument to be executed in its name and behalf by its Chairperson, attested by the Secretary to the Board and its seal affixed hereto, all as the act and deed of its Board, pursuant to a resolution adopted as indicated below, all effective the day and year of the latest ratification by a party hereto; College of The Albemarle has caused this instrument to be executed in its name and behalf by its Chairperson, attested by the Secretary to the Board and its seal affixed hereto, all as the act and deed of its Board, pursuant to a resolution adopted as indicated below, all effective the day and year of the latest ratification by a party hereto; and Coastal Studies Institute - ECU has caused this instrument to be executed in its name and behalf by its President, and its seal affixed hereto, all as the act and deed of its institution, pursuant to a resolution adopted as indicated below, all effective the day and year of the latest ratification by a party hereto.

Adopted by the Town Council of the Town of Duck, North Carolina, this the 4th day of March, 2019.

Town of Duck, North Carolina

(Corporate Seal)

By: _____
Mayor

Attest:

Town Clerk

Adopted by the Town Council of the Town of Southern Shores, North Carolina, this the 3rd day of March, 2019.

Town of Southern Shores, North Carolina

(Corporate Seal)

By: _____

Mayor

Attest:

Town Clerk

Adopted by the Town Council of the Town of Kitty Hawk, North Carolina, this the 7th day of April, 2019.

Town of Kitty Hawk, North Carolina

(Corporate Seal)

By: _____
Mayor

Attest:

Town Clerk

Adopted by the Board of Commissioners of the Town of Kill Devil Hills, North Carolina, this the 2nd day of March, 2019.

Town of Kill Devil Hills, North Carolina

(Corporate Seal)

By: _____

Mayor

Attest:

Town Clerk

Adopted by the Board of Commissioners of the Town of Nags Head, North Carolina, this the 1st day of April, 2019.

Town of Nags Head, North Carolina

(Corporate Seal)

By: _____
Mayor

Attest:

Town Clerk

Adopted by the Board of Commissioners of the Town of Manteo, North Carolina, this the 1st day of April, 2019.

Town of Manteo, North Carolina

(Corporate Seal)

By: _____
Mayor

Attest:

Town Clerk

Adopted by the Board of Commissioners of the County of Dare, North Carolina, this the 6th day of April, 2019.

County of Dare, North Carolina

(Corporate Seal)

By: _____
Robert Woodard, Chairperson

Attest:

Gary L. Gross, Clerk to the Board

Adopted by the Dare County Board of Education, this the 10th day of March, 2019.

Dare County Board of Education

(Corporate Seal)

By: _____
Chairperson

Attest:

Secretary to the Board

Adopted by College of The Albemarle, this the 14th day of April, 2019.

College of The Albemarle

(Corporate Seal)

By: _____

Attest:

Secretary to the Board

Adopted by the Coastal Studies Institute - ECU, this the 1st day of March, 2019.

Coastal Studies Institute - ECU

(Corporate Seal)

By: _____

Attest:

STAFF REPORT

To: Southern Shores Town Council
Date: January 30, 2019
Case: ZTA-18-09
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming

ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming. The purpose of the ZTA is to further address the sale and development of legally nonconforming lots as established in ZTA-18-07 which was adopted by Council on September 5, 2018. Following adoption and by consensus of Council, ZTA-18-07 was referred to the Planning Board for further consideration and recommendation. At the September 17, 2018 Planning Board meeting, the Planning Board agreed that further amendment of the language adopted in ZTA-18-07 was necessary in order to address scenarios which involve a nonconforming lot adjacent to two nonconforming lots that contain a single-family dwelling based on public comments.

At the December 17, 2018 Planning Board meeting, the Planning Board agreed that further amendment of the language adopted in ZTA-18-07 was necessary in order to address scenarios where a nonconforming adjacent to a conforming lot that was recombined within the last few years with the intent of complying with the Town Code. Finally, at the January 22, 2019 Planning Board meeting, the Board agreed that the proposed language should address single nonconforming lots adjacent to single conforming lots that are not adjacent to any other land under the same ownership. The Planning Board's recommended version of ZTA-18-09 (ZTA-18-09 PB) would allow for the development of a nonconforming lot that is not under the same ownership as any adjacent lot or if the lot is located adjacent to land under the same ownership on which is located an existing single-family dwelling, and the adjacent land is made up of:

- no more than two lots all of which are nonconforming; or
- a single conforming lot not adjacent to any other land under the same ownership that was created after January 1, 2015 due to a recombination of two (2) previously nonconforming lots.

If a currently nonconforming single lot meets the requirements of subsection (a)(1)(i) or (ii) then the lot may be sold without being recombined with the remaining land if required by subsection (a)(2). The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density residential community

comprised of single family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and the Town Planning Board recommended approval (4-1) of the ZTA (ZTA-18-09 PB) at its January 22, 2019 meeting.



Town of Southern Shores

PB

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 1-25-19 Filing Fee: \$200 Receipt No. N/A Application No. ZTA-18-09 PB

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36, Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Code
- Chapter 36, Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- Chapter 36, Article IX. Planned Unit Development (PUD)
- Chapter 36, Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- Chapter 36, Article X, Section 36-300-Application for Permit for Conditional Use
- Chapter 36, Article X, Section 36-303 Fees
- Chapter 36, Article X, Section 36-304-Vested Rights
- Chapter 36, Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name Town of Southern Shores
Address: 5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone 261-2394 Email whastek@
southernshores-nc.gov

Applicant's Representative (if any)

Name _____
Agent, Contractor, Other (Circle one)
Address _____
Phone _____ Email _____

Property Involved: Southern Shores Martin's Point (Commercial only)

Address: _____ Zoning district _____
Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: Site Plan Review Final Site Plan Review Conditional Use Permitted Use
 PUD (Planned Unit Development) Subdivision Ordinance Vested Right Variance

Change To: Zoning Map Zoning Ordinance

Whastek
Signature

1-25-19
Date

* Attach supporting documentation.



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

ZTA-18-09 PB

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the density of population and the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, pursuant to N.C.G.S. § 160A-371 et seq. the Town may enact and amend ordinances regulating the subdivision of land within its territorial jurisdiction; and

WHEREAS, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another. In recent years, the Town has seen a trend towards redevelopment of such informally combined parcels to the ends of breaking them back into the smaller nonconforming lots and building dwellings upon the nonconforming lots. Such redevelopment is inconsistent with the low density character of the Town; and

WHEREAS, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town and requires formal recombination of lots to current Town standards toward a goal of reducing the existence of nonconforming lots. Similarly, the Town desires to allow for existing nonconforming lots that are not otherwise adjacent to lots owned by the same person or entity to be developed rather than vacant and unusable. The Town further desires that a nonconforming lot which is adjacent to two or less nonconforming lots under the same ownership that contain a single-family dwelling be developable and able to be sold without requiring additional recombination; and

WHEREAS, the Town further desires that a nonconforming lot which is adjacent to a single conforming lot containing a single-family dwelling which was created after January 1, 2015 due to a recombination of two nonconforming lots under the same ownership be developable and able to be sold without requiring additional recombination

1
2 WHEREAS, the Town further finds that in accordance with the findings above it
3 is in the interest of and not contrary to the public's health, safety, morals and general
4 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of
5 Ordinances as stated below.

6
7 **ARTICLE II. Construction.**

8
9 For purposes of this ordinance amendment, underlined words (underline) shall be
10 considered as additions to existing Town Code language and strikethrough words
11 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
12 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
13 ("...") shall remain as they currently exist within the Town Code.

14
15 **ARTICLE III. Amendment of Zoning Ordinance.**

16
17 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
18 Shores, North Carolina, that the Town Code shall be amended as follows:

19
20 **PART I.** That subsection (a) of **Sec. 36-132 Regulation of structures and uses** be
21 replaced in its entirety with the following:

22
23 (a) *Nonconforming lots of record.*

24
25 (1) Development and Sale of Certain Nonconforming Lots without Recombination:
26 In any district in which single-family dwellings are permitted, a single-family
27 dwelling and customary accessory building may be erected on any currently
28 nonconforming single lot ~~not under the same ownership as any adjacent lot and~~
29 which met all legal requirements at the time of its creation and recording in the
30 Dare County public registry if:

31
32 (i) the lot is not under the same ownership as any adjacent lot; or

33
34 (ii) the lot is located adjacent to land under the same ownership on which is
35 located an existing single-family dwelling, and the adjacent land is made up
36 of:

37
38 a. no more than two lots all of which are nonconforming; or

39
40 b. a single conforming lot not adjacent to any other land under the same
41 ownership that was created after January 1, 2015 due to a recombination
42 of two (2) previously nonconforming lots.

43
44 If a currently nonconforming single lot meets the requirements of subsection
45 (a)(1)(i) or (ii) then the lot may be sold without being recombined with the
46 remaining land if required by subsection (a)(2) below. All applicable dimensional

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requirements other than lot area and lot width shall be met for development or redevelopment of such a lot except that a lot having a lot width of fifty (50) feet or less may use a side yard setback of twelve (12) feet.

(2) Recombination Required: If any of the following situations apply, all adjacent lots under the same ownership shall be recombined into: (i) a single lot which may or may not meet the minimum requirements for the district in which such lots are located; or (ii) multiple lots which all meet the minimum requirements for the district in which such lots are located:

a. Development is proposed upon land ~~under the same ownership~~ which includes one or more nonconforming lots adjacent to one or more other lots under the same ownership;

b. Demolition or redevelopment exceeding 50% of an existing structure's value is proposed and any portion of the existing structure or associated use is currently or has been within the previous seven (7) years located upon or occurring on two or more lots under the same ownership, as measured from the time of application;

c. Development is proposed of a new structure or use to be located on two or more lots under the same ownership;

d. Prior to the sale or transfer of land when any portion of the land being sold or transferred was a parcel or part of a parcel of land upon which an existing structure or associated use is currently or has been within the previous seven (7) years located upon or occurring on two or more lots under the same ownership, as measured from the time of application; or

e. Prior to the sale or transfer of land including a nonconforming lot or lots adjacent to one or more other lots under the same ownership;

A plat prepared by a North Carolina licensed surveyor showing the recombination shall be shall be recorded in the Dare County public registry, and a copy of the recorded plat shall be provided to the Town prior to the issuance of a zoning or building permit for development or redevelopment upon any of the newly created lots. Lots created by a recombination required by this section shall be deemed to equal or exceed the standards of the Town under Chapter 30, and are exempt from the subdivision process under Chapter 30.

(3) For purposes of this subsection (a), the term "same ownership" shall be construed broadly to effectuate the reduction of nonconforming lots within the Town. Land and lots under the same ownership shall include, but not be limited to, any of the following or any combination of the following:

a. A lot is owned, in whole or in part, by an individual and another lot is

1 owned by the same individual or by an Affiliate of the same individual;
2 and/or,

3
4 b. A lot is owned, in whole or in part, by a legal entity and another lot is
5 owned by the same legal entity or by an Affiliate of the same legal entity.
6

7 (4) For purposes of this subsection (a), the following definitions apply:

8
9 a. An "Affiliate" of an owner shall mean:

10
11 (i) In the case of an individual owner, a family member of the owner,
12 or a legal entity controlled by the owner or a family member of the
13 owner.

14
15 (ii) In the case of a legal entity owner, an individual who controls
16 the legal entity or their family member, ~~or~~ another legal entity
17 controlled by the owner or controlled by a family member of any
18 individual who controls the owner.

19
20 b. "Controlled" or "controls" shall mean the power, by ownership, operation
21 of law or contract, whether exercised or not, directly or indirectly, actually
22 or effectively, to operate, supervise, or manage a legal entity, or to appoint
23 or elect the management of the legal entity, or to otherwise direct the
24 operation, supervision or management of the legal entity.

25
26 c. "Family member" of an owner shall mean the owner's spouse, lineal
27 descendants, siblings and parents whether related by blood or marriage.
28

29 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
30 **Reasonableness.**

31
32 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
33 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
34 is applicable. For all of the above-stated reasons and any additional reasons supporting the
35 Town's adoption of this ordinance amendment, the Town considers the adoption of this
36 ordinance amendment to be reasonable and in the public interest.
37

38 **ARTICLE V. Severability.**

39
40 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
41 hereby repealed. Should a court of competent jurisdiction declare this ordinance
42 amendment or any part thereof to be invalid, such decision shall not affect the remaining
43 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
44 Town of Southern Shores, North Carolina which shall remain in full force and effect.
45

46 **ARTICLE VI. Effective Date.**

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This ordinance amendment shall be in full force and effect from and after the ____ day of _____, 2019.

_____, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS

Sheila Kane

From: Tom Bennett
Sent: Monday, February 25, 2019 3:07 PM
To: Sheila Kane
Subject: Agenda item-Motion

Sheila,

Here is the motion I plan to make in reference to my previously submitted agenda item for the March 5, 2019 meeting.

I will move to have Town staff draft a ZTA for Planning Board consideration with proposed ordinance language that would allow the sale or development of a non-conforming lot that is at least twenty-thousand square feet in area and greater than or equal to 50' feet in width.

Tom



**Town of Southern Shores
Regular Council Meeting
August 1, 2017**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, August 1, 2017.

COUNCIL MEMBERS PRESENT: Mayor Bennett and Council Members Leo Holland, Chris Nason, Fred Newberry, and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

AMENDMENTS / APPROVAL OF AGENDA

Mayor Bennett recommended an amendment to the agenda to include a closed session pursuant to NCGS 143-318.11(a)(6) to consider a personnel matter regarding an individual public officer/employee of the Town.

MOTION: Council Member Holland moved to approve the agenda with the recommended amendment. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0)

STAFF REPORTS

The following Department Heads presented Department reports for the month of July:

- Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections for the month of July followed by a NFIP CRS recognition of the Town staff's efforts to reduce all Town property owners' flood insurance premiums - presented by Heather Keefer of the North Carolina Department of Emergency Management NCDEM.
- Police Chief David Kole presented the Police Department's monthly report for June. Councilman McDonald asked for an update on the status of vehicle break-ins because he had a lady living on Sea Oats email about a suspicious vehicle with Virginia tags parked on her property. He stated she had called the Police concerned about someone casing her house. Mr. McDonald stated the Police Department had the vehicle towed, and in some ways some rumors got generated around about what happened with the incident so could the Chief explain that. Chief Kole replied that the Police Department did not tow the vehicle as it was on private property and the Department had no authority to tow it. He stated the officers ran the plates to make sure the vehicle was not stolen and the vehicle owner was not wanted. The officers advised the property owner that she could have the vehicle towed as it was on private property and that is what she did. Chief Kole stated his officers assisted her with the towing process.
- Fire Chief Ed Limbacher presented the Fire Department's monthly report for July.
- The Town Manager presented the Manager's report and addressed several matters:

- Hurricane Matthew Town cost reimbursement papers are being processed.
- Dare County has contracted with a new debris contractor for hurricane season; and a second contractor, Crowder Gulf, is already a back-up or the Town.
- The grant application for a possible East Dogwood Trail walking path will be submitted to the Tourism Bureau tomorrow, August 2nd.
- There is a public information briefing for Southern Shores' beach nourishment project tomorrow at 1 PM in the Pitts Center. A sand bag issue has been resolved as Pelican Watch's sandbags are now covered once again.

BOARD REPORTS

On behalf of the Planning Board Chairperson, Town Planner Wes Haskett presented the Planning Board's monthly report (attached). The Planning Board will be holding a Special Meeting on August 7th for the purpose of the Board to continue discussion of Module One of the Town Code Update Project.

GENERAL PUBLIC COMMENT

Mayor Bennett called public comment and the following citizens offered comment:

1. Geri Sullivan, 31 Tenth Avenue - thanked Council member McDonald for making a motion for street improvement long range plan.
2. Ann Sjoerdsma, 69 Hickory Trail - try baby steps to address traffic, and experiment.

OLD BUSINESS

Agenda Item:

- A. Consideration of organizing and appointing a new Capital Infrastructure Improvement Planning Committee**

MOTION: Mayor Bennett moved to direct each Council Member to each appoint one citizen from the community to a Capital Infrastructure Improvement Committee (CIIP). The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

MOTION: Mayor Bennett moved to appoint the Mayor and Mayor pro tem to the Capital Infrastructure Improvement Committee, completing the CIIP Committee make-up. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Agenda Item:

- B. Consideration of Town Code Options for Accessory Structures Containing Living Space - Town Attorney**

As previously directed by the Council, the Town Attorney provided the Council three options. The first is to do nothing further, the second is to not allow it, and the third is to clarify the Town Code definition of living space.

Mayor pro tem Newberry and Council Member McDonald both questioned what had brought this agenda item before Council.

Council Member McDonald stated those dwellings received a permit and a Certificate of Occupancy from the Town and therefore are legal. The Town Attorney stated that is legally incorrect, in that a Town is allowed to make mistakes.

The Town Attorney also stated the matter has been addressed at several recent Council meetings and it goes back to the January 2017 meeting when Council was informed that a builder had applied for a permit to add an accessory structure to be used as living space. Upon reviewing the applicable provisions of the Town Code, the permit was denied. It then became apparent to Town staff that some properties had, at times in the past, received permits for the

same, making them illegal. The Town Attorney stated, at the last meeting Council took action to allow current permitted accessory structures that contain living space to be legally non-conforming, but Council now needs clarifying Code language or future applicants if accessory structures with living space are to be allowed.

Council Member Nason stated this matter was talked about at the last Council meeting and Council wanted the Town Attorney to draft some options for Council to consider before sending it to the Planning Board. He stated, the Planning Board should be given some guidance / direction as to what the Council would like to see.

Mayor pro tem Newberry did not want to restrain the Planning Board and stated they should present the Council with options.

Council Member McDonald made a statement that he thinks the Council should provide the Planning Board with the Town Attorney-provided options but to make sure any main dwelling-accessory structure total combination of area does not exceed 6000-sq. ft.

By consensus of Council, the Planning Board was directed to consider the matter and recommend options to the Council as long as the maximum square footage of both structures combined does not exceed 6,000-sq.ft.

Agenda Item:

- C. Clarify/Affirm Council's 2/7/17 Directive - Continuing Design of a 5-ft Walkway along South Dogwood Trail

The Town Manager stated the grant application for the walking path along East Dogwood Trail was being submitted to the Tourism Bureau the next morning. However he asked Council, considering its adoption of the FY 17-18 budget without funding for any walkway, to clarify whether the Town Manager should continue expending Town funds to have the Town Engineer complete any design of the walkway along South Dogwood Trail.

Council discussed suspending the walkway project - and addressing it again when the street came up for improvement in the future.

MOTION: Mayor Bennett moved to delay any development of any engineering-design plans for the portion of walking path along S. Dogwood Trail. The motion was seconded by Council Member Holland. The motion passed 4-1; Council Member Nason casting the sole NO vote.

NEW BUSINESS

Agenda Item:

- A. Consider Resolution 2017-08-01 Termination of Interlocal Agreement with Dare County for Building Inspections eff. 10/2/2017 – Building Inspector to transition as PTE with TOSS 10/3/17 as budgeted

The Town Manager explained by the terms of the existing contract with Dare County, the Town needs to provide a formal 60-day notice of termination to the County for building inspection services effective October 2nd. The Town will be employing a part-time building inspector starting October 3rd.

MOTION: Council Member Nason moved to approve Resolution 2017-08-01 *Termination of Interlocal Agreement with Dare County for Building Inspections eff. 10/2/2017*. The motion was seconded by council Member Holland. The motion passed unanimously (5-0)

Agenda Item:

- B. Consider request from Dominion Energy NC for easement along Town street rights-of-way for Dominion Energy reliability project (WR# 10000852), Jason Hathcock, Dominion Energy NC

Dominion Energy representatives Jason Hatchcock and Mr. Tutwiler presented plans and an easement request for certain areas of Town for construction of underground electrical lines, thus eliminating the need for overhead powerlines.

Town Attorney Gallop stated that his colleague Attorney Robert Hobbs has drafted an exhibit that should be included as part of the easement agreement.

MOTION: Council Member McDonald moved to approve Southern Shores entering into an easement agreement by accepting the proposal along with submitted Exhibit A. The motion was seconded by Mayor pro tem Newberry. The motion passed unanimously (5-0).

Agenda Item:

- C. Budget Amendments (Projects Approved, Budgeted, and Contractually Encumbered in FY16-17, Yet Not Spent - Rollover to FY 17-18.

i. Budget Amendment #4: Cost associated with installing street light and landscaping at NC 12/E. Dogwood Trail Flooding Project. Purchase Orders were issued prior to 6/30/17 but the work was not started until after 7/1/17. Funds were appropriated in FY 16-17 budget but were not spent, therefore the funds rolled over into the UFB on 6/30/17 - must be re-appropriated in FY 17-18 budget.

ii. Budget Amendment #5: The cost for weapons for the Police Department reimbursable under GCC Grant. Funds were budgeted in FY 16-17, items were ordered but have not yet arrived, resulting in the money being re-budgeted for FY 17-18.

MOTION: Council Member McDonald moved to approve budget amendment #4. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

MOTION: Council Member McDonald moved to approve budget amendment #5. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

The Town Manager stated a budget amendment for the already-encumbered funds from FY 16-17 for the beach profile survey will be on the following month's agenda.

Agenda Item:

- D. Consideration of Staff-listed Concrete Options to Deter Traffic on all Town Streets – as Directed 6/6/2017

The Town Manager, Town Attorney, and Police Chief presented a detailed report for Council consideration (attached). It consisted of three options: gated community, blocking bridges, and no left turn off of eastbound NC Highway 158 onto S. Dogwood Trail.

The Town Attorney stated all options come with liability risks, but option three is the least likely to carry liability for the Town.

By Consensus of all Council, the Town Manager is directed to, with the Mayor, maintain dialogue and options with the NCDOT regarding seasonal traffic, and to invite the appropriate NCDOT officials to the Council's September or October meeting.

GENERAL PUBLIC COMMENT

Mayor Bennett again called for public comment:

1. Al Ewerling, 187 S. Dogwood Trail - has spoken to other municipalities and basically gotten same answer, need to disrupt the directional apps.

2. David Barker, 226 N. Dogwood Trail - use the Police we have and deter traffic.
3. Ann Sjoerdsma , 69 Hickory Trail - thanked the Police Chief for traffic count; this is a quality of life issue, suggest review speed limits, install speed humps.
4. Ursula Bateman, 360 Sea Oats - problem with speeding during the week, lower the speed limit in Southern Shores
5. Geri Sullivan, 31 Tenth Ave. - place a gate on bridge and lower at certain times

Mayor Comments & Responses

Attended the recent Albemarle RPO meeting in which State road rebuild schedule was discussed.

Council Comments & Response:

Council Member Holland stated there is no Tourism Board meeting in July.

Council Member Nason stated he appreciated all the work done by the Town Manager, Police Chief, and Town Attorney on the traffic options report

CLOSED SESSION

MOTION Mayor Bennett moved to go into closed session pursuant to NCGS 143-318.11(a)(6) to consider a personnel matter regarding an individual public officer/employee of the Town. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

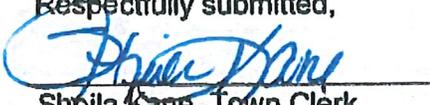
ADJOURN

MOTION: Upon returning to open session and taking no action, Council Member McDonald moved to adjourn. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0). The time was 9:12 p.m.

ATTEST:


Thomas G. Bennett, Mayor

Respectfully submitted,


Sheila Kane, Town Clerk





**Town of Southern Shores
Regular Council Meeting
September 5, 2017**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, September 5, 2017.

COUNCIL MEMBERS PRESENT: Mayor Bennett and Council Members Leo Holland, Chris Nason, Fred Newberry, and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Council Member Holland moved to approve the agenda as presented. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0)

CONSENT AGENDA

Council Member McDonald requested the Clerk add a statement he had made during the meeting to the August 5, 2017 minutes.

MOTION: Council Member McDonald moved to approve the consent agenda with minutes to be amended. The motion was seconded by mayor pro tem Newberry. The motion passed unanimously.

Council Member McDonald inquired about storm evacuation and citizens with a hardship or disability. He also asked about storm water on the avenues after a hurricane. The Town Manager stated the County kept a list of citizens having medical needs and that pumps were on reservation should sustained flooding occur from the potential storm.

EMPLOYEE RECOGNITION

Police Chief David Kole introduced the Department's newest officer Jamie Hines Jr. at the September 5, 2017 Town Council meeting.

Master Police Officer Eddie McKeever of the Southern Shores Police Department received his Traffic Enforcement & Investigation Certification.

STAFF REPORTS

The following Department Heads presented Department reports for the month of July:

- Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections for the month of August. Mr. Haskett also reported a second request for proposals to update the Land Use Plan has gone out. Proposals will be submitted to Council for consideration of approval at the October 3rd Council meeting. Additionally, an update on the flood maps will be presented at

- the October meeting and the Planning Board will be reviewing ZTA-17-05 living space within accessory structures as directed by Council.
- o Police Chief David Kole presented the Police Department's monthly report for July and August.
 - o Fire Chief Ed Limbacher presented the Fire Department's monthly report for August. Chief Limbacher also reported that design sketches for the new Fire Department should be available for Council to view by January.
 - o The Town Manager presented the Manager's report and addressed several matters:
 - o The Auditor's report should be ready by October 1st and will be forwarded to Council.
 - o Staff is keeping an eye on the weather and encourages citizens to sign up for Dare County emergency alerts/notifications on the County's website.
 - o As directed by Council, the Town engineer is proceeding with preparing designs for the infrastructure projects approved by Council for this year. These projects consist of the southern end of Yaupon Trail, Palmetto Lane (eastern half), Clamshell Trail western half), and the intersection of NC12 and Skyline Rd (storm water improvements).
 - o The Town Planner will give a status update of the preliminary flood maps at the Council's October meeting.
 - o The beach nourishment project is now completed with the exception of sand fence installation.
 - o The annual charity surfing event is scheduled for Saturday, September 23rd at the Chicahawk beach access.
 - o The annual Veteran's Day ceremony hosted by the Town and the Knights of Columbus is at the Town Hall on Saturday, November 11th. The Town Manager reported that he will not be facilitating the ceremony this year as he will be on vacation two days prior and four days following the event. The rain location will be the Pitts Center.

Council Member McDonald inquired if the engineering plan for Juniper Trail was completed last year because the road has gotten worse with dips and valleys due to all the rain received this summer. He asked should Council go back and relook, since the plans have been in place.

The Town Manager stated the paper design had been completed with the exception of the Geotechnical and depending on those results the plans may have to modified.

Mayor Bennett stated the Capital Infrastructure Improvement Committee (CIIP) will be meeting in the near future and perhaps this is something they can look at and propose recommendations to Council.

No further action taken.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION -REGARDING OPTIONS TO DETER NON-RESIDENT TRAFFIC FROM ENTERING TOWN STREETS FROM ADJACENT STATE AND FEDERAL HIGHWAYS.

Mayor Bennett gave a brief Town history of the subject and called upon NCDOT for their opinion of viable options.

Mr. Moran stated the no left turn options would have to have a physical barrier placed in the lane. Merely putting up signage will not work and having the light on steady red would cause an adverse movement creating a serious safety hazard. Mr. Moran also stated there are ripple effects to each option but they are willing to help the Town if the Town decides it wants to do this.

Council Member McDonald inquired about placing a Police Department Vehicle in the lane and a billboard sign. Mr. Moran stated that placing a vehicle in the lane would activate the stop light's loop cycle.

Council Member Nason stated it is not just Dogwood Trail that is effected and he worries about the ripple effect. He stated he would like to try multiple streets. Mr. Moran stated he would be reluctant to recommend trying too many streets at once and would try some options out during the winter.

Mayor pro tem Newberry inquired if anyone has spoken to Duck about the issue. Mr. Moran stated NCDOT has not spoken with the Town of Duck.

By consensus of all Council, the Town Manager is directed to provide the Council a cost analysis (traffic devices and labor cost).

BOARD REPORTS

Chairperson Sam Williams presented the Planning Board's monthly report. Mr. Williams also stated that Gray Berryman resigned from the Planning Board. Joe McGraw is the first alternate and would request that he be appointed a regular member.

Chairperson Williams covered all three of the zoning text amendments being brought forth to the Council in great detail. He read the Planning Board's report and recommendation on each text amendment.

GENERAL PUBLIC COMMENT

Mayor Bennett called public comment and the following citizens offered comment:

1. Don Sowder, 36 Ginguite Trail - vegetation problem in the Ginguite Pond and grant funds could be received to help correct issue, but it must come from the municipality. Requesting the Town put forth a grant request.
2. Ann Sjoerdsma, 69 Hickory- Surprised at passive posture from NCDOT and its current willingness to assist the Town. No left turn was at the top of the list at the traffic forum held at the school. No effort has been made to make it happen.
3. Ursula Bateman, 360 Sea Oats-people will make the left turn into the Landing development by Kitty Hawk Elementary.

Public Hearing-Consider ZTA-17-02, a Zoning Text Amendment application submitted by Jeffrey H. Haskett Homes, Inc., to amend Section 36-57 and Section 36-202 of the Southern Shores Town Code to establish new building height requirements

[Clerk's Note: ZTA-17-02 was withdrawn prior to the meeting]

Next agenda item

Public Hearing-Consider ZTA-17-03, a Zoning Text Amendment recommended by the Southern Shores Town Planning Board to amend Section 36-57 and Section 36-202 of the Southern Shores Town Code to establish new lot coverage requirements

Mayor pro tem Newberry stated bringing the zoning text amendments to the Council separately is not following the process that was portrayed to the public. he questioned why all these zoning text amendments are coming up now.

Council Member Nason disagreed that this is a change in the process. He stated the Planning Board is doing exactly what Council asked them to do.

MOTION: Mayor pro tem Newberry moved to send the ZTA's back to the Planning Board and the Council can then change the process. The motion was seconded by Council member McDonald.

SUBSTITUTE MOTION: After a lengthy discussion on process, Council Member Nason moved to have Council consider both ZTA -17-03 and ZTA-17-04 at this evenings meeting. The motion was

seconded by Council Member Holland. The motion passed 4-1; Mayor pro tem Newberry casting the sole NO vote.

Planning Board Chairperson Sam Williams offered up the idea that the Planning Board could rank the topics that create the biggest issue and present a list to Council so they know what topics to expect. He also stated that all Planning Board meetings are advertised and the topic being addressed is listed in that advertisement.

MOTION: Mayor pro tem Newberry moved to direct the Planning Board to list all the topics they are considering based on the Code Wright recommendations, and that they write them and provide notice to the public the topics that are going to take priority. Mayor Bennett moved to amend the motion to state the Planning Board list all "key concerns" rather than all topics. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

Town Attorney Gallop opened the public hearing on ZTA 17-03 a Zoning Text Amendment recommended by the Southern Shores Town Planning Board to amend Section 36-57 and Section 36-202 of the Southern Shores Town Code to establish new lot coverage

Town Attorney Gallop called on the Town Planner Wes Haskett for the staff report (report attached).

Following the Town staff report, Town Attorney called on the public for comment and the following public offered comment:

1. Geri Sullivan, 31 10th Ave.- why is Council considering changes, 62% surveyed voted not to do anything with lot coverage. Why are we not following the process? Permeable pavement must be cleaned every year.
2. Lorelei DiBernardo 32 9th Ave-ZTA-17-03 clearly allows for larger homes, trend towards bigger homes seems to be the way. Keep our larger lots and smaller homes.
3. Ursula Bateman, Sea Oats-Above ground pools overflow, doesn't take much for a pool to overflow.

Hearing no other citizens, Town Attorney Gallop closed the public hearing and called on Council for discussion.

Council member Nason thought pools were good for storm water in containment. He stated that perhaps decks over sand should also be considered part of the pervious pavement material list.

Mayor pro tem Newberry felt that pervious materials should be clarified better.

Council member McDonald stated changes would need to be made to at least three of the pervious materials listed in the zoning text amendment for him to even consider.

Council member Holland stated we should leave the Code as in. Mayor pro tem Newberry agreed.

MOTION: Council Member McDonald moved to not accept ZTA-17-03 and leave the code as currently written for lot coverage. The motion was seconded by Mayor pro tem Newberry. The motion passed 3-2 with Mayor pro tem Newberry, Council members McDonald and Holland voting YES; Mayor Bennett and Council member Nason voting NO.

Agenda Item:

Public Hearing-Consider ZTA-17-04, a Zoning Text Amendment recommended by the Southern Shores Town Planning Board to amend Section 36-202 of the Southern Shores Town Code to establish new building height requirements.

Town Attorney Gallop opened the public hearing on ZTA-17-04, a Zoning Text Amendment recommended by the Southern Shores Town Planning Board to amend Section 36-202 of the Southern Shores Town Code to establish new building height requirements.

Town Attorney Gallop called on the Town Planner Wes Haskett for the staff report (report attached) and Mr. Haskett established the current practice of measuring building height and the Planning Board's recommended amendment to how the height is calculated.

Following the Town staff report, Town Attorney called on the public for comment and the following public offered comment:

1. Mark Martin-21 years living in Town. The top plate was an attempt to squash size of houses. This issue is coming up now because of Building Code books - lumber has to be a certain thickness. Building Code is changing making it harder to conform.
2. Jim Connors-Duck Woods Drive-very familiar working with Code. Suggests a sketch with the ordinance, cross view at presentation.

Hearing no other public comments, Town Attorney Gallop closed the public hearing and called on Council for discussion.

MOTION: After discussions, Council Member Nason moved to adopt the Planning Boards' Code of Ordinance changes (ZTA 17-04) with the following changes and seconded by Council Member Holland:

- Sec. A regarding X flood zone-measure average of corners at finish grade
- Sec B AE zone-measure height from regulatory flood level and remove fill requirements
- Sec. c VE zone-use regulatory flood level

Mayor pro tem Newberry stated having a visual and presented in the future would be helpful. He felt Council Member Nason's motion was too confusing.

Council Member McDonald moved to amend the motion and adopt the Planning Board's recommendation as presented. Council Member Nason stated he could live with that and seconded the motion. The motion passed unanimously (5-0).

Agenda Item:

Respective Citizen Appointments (One per Council Member) & Organization of a Capital Infrastructure Improvement Planning Committee

Council appointed the following citizens to the Capital Infrastructure Improvement Planning Committee:

- Al Ewerling-appointed by Mayor pro tem Newberry
- Jim Kranda-appointed by Council member Holland
- Carlos Gomez-appointed by Council member McDonald
- Andy McConaughy-appointed by Council member Nason
- Glenn Riffin-appointed by Mayor Bennett

Agenda Item:

Consideration of Planning Board Appointments

MOTION: Council Member McDonald moved to nominate Joe McGraw as a regular member of the Planning Board. The motion was seconded by Council member Holland. The motion passed unanimously.

Council Member McDonald stated he would like to know why the Council was unaware of Mr. Berryman's resignation from the Planning Board. He stated he was only aware of it because he attended the Planning Board meeting.

Agenda item:

Recommendation for Special Meeting to Consider Town Auditor's report and comments

The Town Manager stated the Auditor has reported she will be unavailable to present her annual Audit and has a conflict with the next two Council meeting dates. She would be available on October 17th if Council would consider holding a Special Meeting for the purpose of her presentation.

Council member McDonald asked the Town Manager to see if the Auditor would be available November 1-3 and then Council can change their regular November meeting date and not hold a Special Meeting.

GENERAL PUBLIC COMMENT

Mayor Bennett again called for public comment and no citizen spoke.

Mayor Comments & Responses

Mayor Bennett stated, in response to a previous public comment, he has spoken with NCDOT and Kitty Hawk several times about traffic in the past three years. He stated NCDOT's major concern is highway safety first. The Town of Kitty Hawk does not want to be liable for accidents that may occur due to a no left turn and citizens trying to find alternate ways.

Council Comments & Response:

Council member Holland stated that citizens need to listen to the warnings if the hurricane does come. He also stated he was not at the traffic forum at the elementary school.

Council member McDonald thanked the Police Department and Fire Department for their service. A community member passed away and their response was fantastic.

ADJOURN

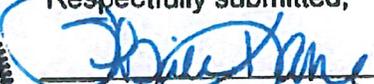
MOTION: Council Member Holland moved to adjourn. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0). The time was 9:20 p.m.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk





**Town of Southern Shores
Regular Council Meeting
December 5, 2017**

The Town of Southern Shores Town Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, December 5, 2017.

COUNCIL MEMBERS PRESENT: Mayor Bennett and Council Members Leo Holland, Chris Nason, Fred Newberry, Gary McDonald and newly elected Jim Conners

COUNCIL MEMBERS ABSENT: None

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Council Member Holland moved to approve the agenda as presented. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0)

CONSENT AGENDA

The consent agenda consisted of the following items:

1. Approval of Minutes-November 8, 2017

MOTION: Council Member McDonald moved to approve the consent agenda as amended. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

RECOGNITION OF RETIRING COUNCIL MEMBERS

Mayor Bennett recognized outgoing Council Member Leo Holland and for his service to the Town and community.

ADMINISTRATION OF OATH TO NEW COUNCIL MEMBERS

The Town Clerk administered the Oath of Office to Mayor Tom Bennett and new Council Member Jim Conners.

Upon being sworn in Councilman Conners requested the Dogwood Trail walking path be added to the January meeting agenda.

**ORGANIZATION OF COUNCIL AND 2018 MEETINGS
ELECTION OF MAYOR PRO TEM**

Mayor Bennett opened the organization meeting and upon nominating Councilman Nason for Mayor pro tem he called for any other nominations for this position.

Councilman McDonald nominated Councilman Newberry.

Councilman Newberry nominated Councilman McDonald.

Councilman Nason nominated himself.

Mayor Bennett called for a vote. Nominees Councilman McDonald and Councilman Newberry both received a 2-3 vote with Councilman Newberry and McDonald voting affirmative; Mayor Bennett, Councilman Nason and Conners opposing.

Councilman Nason was appointed Mayor Pro tem with a 3-2 vote. Mayor Bennett, Councilman Nason and Conners voting affirmative; Councilman Newberry and McDonald opposing.

MOTION: Mayor Bennett moved to appoint Councilman Conners to serve on the Capital Infrastructure Improvement Planning Committee (CIIP) in lieu of the Mayor pro tem. The motion was seconded by Mayor Pro tem Nason. The motion passed 3-2 with Mayor Bennett, Mayor Pro tem Nason and Councilman Conners voting YES; Councilman Newberry and McDonald voting NO.

MOTION: Councilman McDonald moved to re-create the planning, budget and public safety committees. The motion was seconded by Councilman Newberry.

The motion failed 2-3 with Councilman Newberry and McDonald voting YES; Mayor Bennett, Mayor pro tem Nason and Councilman Conners voting NO.

Councilman Conners was opposed to voting for the committees at this evenings meeting because it wasn't on the advertised agenda but is willing to discuss at a future Council meeting, and suggested councilman McDonald request as an agenda item at the January meeting.

Mayor pro tem Nason reminded Council of why the committees were removed and that it was mainly staff doing the work.

Mayor Bennett stated it would be agendized for the January 9th meeting.

COUNCIL MEETING SCHEDULE 2018

MOTION: Mayor Bennett moved to approve Resolution 2017-12-01 Council Meeting Schedule 2018 with the following meeting date changes; January 9th, July 10th, and Wednesday, September 5th to accommodate for holidays and February 20th to be a strategic planning meeting in joint session with the SSVFD Board of Directors. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

COUNTY AND REGIONAL COUNCIL COMMITTEE APPOINTMENTS

Mayor Bennett explained that the Dare County Tourism Board of Directors requires a total of three nominations and called for a Councilmember to be a primary nomination along with two alternatives.

MOTION: Mayor Bennett moved to appoint Mayor pro tem Nason as a primary nominee for the Dare County Tourism Board, followed by Councilman Conners second and Councilman McDonald third. The motion was seconded by Councilman Conners. The motion passed (5-0).

By consensus of all Council, Councilman Newberry was re-appointed to the Dare County Gov-Ed Access Channel.

MOTION: Mayor Bennett moved to re-appoint himself to the Albemarle Rural Planning Organization (ARPO). The motion was seconded by Mayor pro tem Nason. The motion passed 3-2 with Mayor Bennett, Mayor pro tem Nason, and Councilman Conners voting Yes; Councilman Newberry and McDonald voting NO.

STAFF REPORTS

The following Department Heads presented Department reports for the month of November:

- Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections for the month of November.
- Police Chief David Kole presented the Police Department's monthly report for November.
- Fire Chief Ed Limbacher presented the Fire Department's monthly report for November.
- The Town Manager presented the Manager's report and addressed several matters:
 - The regional and district wildlife biologist will be conducting a coyote conflict management seminar in the Pitts Center December 6th.
 - Two meetings ago, Council directed staff to explore consulting with traffic consultants to appear before Council. Staff addressed with several traffic consultants, all were familiar with the problem that was referred to and familiar with the specific problem here in Southern Shores. The Town Manager stated none of the traffic consultants are willing to conduct a forum type atmosphere but will consult with council and it will cost some money if they are to give us a proposal to what they would recommend. The consultants are familiar with what Council has discussed already and the items they would propose would not be much different to what Council has discussed. Each have expressed that as a reservation as well. The Town Manager stated unless directed otherwise, he will get pricing to go over at budget time as an expense for the coming fiscal year or Council can discuss an amendment for the current year.
 - The beach profile field work has been completed and possible presentation in March of those findings.
 - Sprigging on the beach will hopefully begin next week.
 - The Yaupon Trail major CAMA permit is anticipated to be received next month and then a portion of the project will hopefully be able to be placed out for bid this fiscal year.
 - Palmetto lane is under contract, Clamshell Trail project will be out for bid in January, and Skyline Road project will be considered by Council this evening.
 - NC12 and East Dogwood planting were scheduled to begin today but will be postponed until the rain stops.

Councilman Connors asked the Town Manager what is the amount of the grant approved towards the East Dogwood Trail walking path. The Town Manager stated \$119,000.

GENERAL PUBLIC COMMENT

Mayor Bennett called public comment and the following citizens offered comment:

1. Karen Brown representing the Outer Banks Chamber spoke in favor of ZTA-17-05 Accessory structures with living space.

LAND USE PLAN UPDATE PROPOSALS

HCP Holland Consulting Planners from Wilmington NC and N Focus Planning and Design from Kannapolis Nc presented proposals to update Southern Shores Land Use Plan.

By Consensus of all Council, further discussion and consideration of the LUP proposals are to be placed on the January agenda.

Agenda Item:

Continued Consideration of Zoning Text Amendment ZTA-17-05 Accessory Structures with Living Space

Planning Board Chair Sam Williams presented the Planning Board report and the changes previously requested by Council to the wording in ZTA-17-05 (version #3). He further stated that the Planning Board recommends approval of Zoning Text Amendment 17-05.

Following Council discussions, Town Attorney Gallop opened the public hearing and called for comment.

The following citizens spoke:

1. Glenn Wyder, 170 Clam Shell Trail supported ZTA 17-05 and recommended Council pass the amendment.

Councilman Newberry was apprehensive that this zoning text amendment would allow air b&b's and possible additional rentals in residential homes.

Councilman McDonald confirmed that the space would be included in the 6,000 sq, foot maximum allowable structure.

MOTION: Mayor Bennett moved to approve ZTA 17-05 Accessory Structures with Living Space as recommended by the Planning Board. The motion was seconded by Mayor pro tem Nason. The motion passes 3-2 with Mayor Bennett, Mayor pro tem Nason, Councilman Conners voting Yes; Councilman Newberry and McDonald voting NO.

Next agenda item:

PUBLIC HEARING-CONSIDERATION TO DESIGNATE 142 OCEAN BLVD AS A HISTORIC LANDMARK.

Lorelei Costa presented the historic Landmark Commission report for 142 Ocean Blvd. A PowerPoint presentation was provided and a discussion of the changes made to the original structure.

The NC State Historic Preservation Office felt that the architectural significance of the house was too compromised to warrant local designation but the Southern Shores Historic Landmark Commission felt differently and recommended Council approval.

Councilman Newberry and McDonald felt that the structure changes and vinyl siding have been too much of a change to its original character.

Council Nason stated the siding could eventually change but did not want the Town to lose one or more flattop structures.

The Town Attorney opened the public hearing and called for comment. Hearing no citizen wishing to speak he closed the public hearing.

MOTION: Following discussion, Councilman Conners moved to approve the ordinance designating the property and structure located at 142 Ocean Blvd as a Historic landmark. The motion was seconded by Mayor pro tem Nason. The motion passed 3-2 with Mayor Bennett, Mayor pro tem Nason, Councilman Conners voting YES; Councilman Newberry and McDonald voting NO.

Next Agenda item:

Consideration of Bids received for Skyline Road Storm Water Management Improvement.

MOTION: Upon reviewing the submitted bids, Mayor Bennett moved to accept the lowest most qualified bidder Barnhill Construction for the Skyline Road Storm Water Management

Improvements. The motion was seconded by Councilman McDonald. The motion passed unanimously (5-0).

Next Agenda Item:

Consideration of Planning Board Alternate Appointment

MOTION: Councilman McDonald moved to appoint Glenn Wyder to the Planning Board as an alternate. The motion was seconded by Councilman Connors. The motion passed unanimously (5-0).

GENERAL PUBLIC COMMENT

Mayor Bennett again called for public comment and no citizen spoke.

Mayor Comments & Responses

Mayor Bennett wished the residents a Merry Christmas. He stated this Saturday will be a 10k run, the Festivus run out of the Marketplace Shopping Center and the boat club will have a boat parade that same evening.

Council Comments & Response:

All Council Members wished the residents a Merry Christmas and Happy Holidays.

ADJOURN

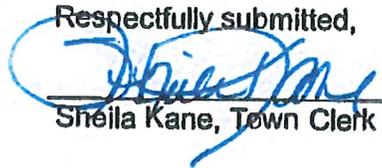
MOTION: Mayor Bennett moved to adjourn. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0). The time was 8:45 p.m.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk

1/9/18