



**Town of Southern Shores
Regular Council Meeting
December 6, 2016**

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, December 6, 2016.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor Pro Tem Fred Newberry, Council Members Leo Holland, Chris Nason 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. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

CONSENT AGENDA

The consent agenda consisted of the following items:

- Approval of Minutes-November 1, 2016
- State-Applicant Disaster Assistance Agreement FEMA 4285-DR-NC
- Budget Amendment #9-Beach Nourishment Public Forum Costs (Venue & Filming)

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

STAFF REPORTS

Town Planner:

The Town Planner presented the Planning Department's monthly report containing the following:

- Permitting and Inspections November, 2016

Southern Shores Police Department

Chief Kole presented the Police Department's monthly report for November and an incident/response report from Hurricane Matthew.

Southern Shores Volunteer Fire Department: Fire Chief, Ed Limbacher presented the Fire Department's monthly report for November.

Town Manager's report

The Town Manager addressed several matters:

- FEMA contractors are winding up the debris pickup.
- Paving efforts by NCDOT on NC12 will take about two weeks to complete.
- Bid Documents are out for the NC12/ East Dogwood storm water remediation project, as well as for the Osprey Lane and Wild Swan Lane capital improvements
- Bulkhead repair/ replacement will start soon on Yaupon Trail
- The South and East Dogwood Trails Task Force is expected to submit its report by mid-month January.

Mayor Pro Tem Newberry asked the Town Manager for a list of speakers for the January 17th Public Forum on Beach Nourishment. The Mayor responded to that question as he compiled the list.

Mayor Pro Tem Newberry asked that the Mayor of Duck and the Town Manager of Duck be invited to speak at the next January meeting on the topic of beach nourishment and give their insight on the matter.

Mayor Bennett commended the Town Manager for all his efforts during the Hurricane Matthew recovery, recognizing that the initial FEMA debris contractors were not keeping on track so he brought in another contractor to complete the job.

BOARD AND COUNCIL COMMITTEE REPORTS

Mayor Bennett presented the Council Planning Committee report from the November 7th , 2016 committee meeting. (Copy of Council Planning Committee minutes attached).

GENERAL PUBLIC COMMENT

Mayor Bennett called for public comment and the following citizens offered comment with topic(s) as indicated:

- Van Price, 18 Ocean Blvd. Southern Shores should consider piggy-backing with Kitty Hawk for reduced cost in order to do beach nourishment.
- Mary & John Fagan, #1 and #6 Sea Bass Circle-would appreciate Council consideration of beach nourishment.
- Gabe Rouquie, 9 Pelicans Watch Way-Southern Shores needs to start beach nourishment now
- Al Ewerling, 187 Dogwood Trail- An ID number should be placed on parking hang tags
- Brian Forbes, 10 Pelicans Watch Way-Town will not know where they stand unless a beach study is performed. Does not have to mean it leads to beach nourishment.
- Joe Van Gieson, 228 N Dogwood- the draft Town Council 2017 meeting schedule does not have a retreat scheduled. Should have long range planning.
- James Minnow, 28 Pelicans Watch Way-Town needs to consider beach nourishment. Will have to rebuild all the dunes if they wash away allowing ocean over wash to flood the NC Highway 12 entrance into Town.
- [Clerk's Note: A copy of the public comment signup sheet is hereby attached].

OLD BUSINESS

Second Reading of Motion to Amend Town Code (First Reading passed Council 3-2 on November 1, 2016 on Motion of Mayor Bennett, seconded by Councilman Nason): "To amend Section 20-149 of the Town Code to allow the issuance of "stickers or hanging tags", and to direct Staff to provide hanging tags and decals/stickers- no more than two of either per property owner. This can include one tag and one decal. These permits to be issued for a two-year term (2017-2018).

MOTION: Mayor Bennett read for a second reading and called to question the previously debated motion to amend Section 20-149 of the Town Code to allow the issuance of “stickers or hanging tags”, and to direct Staff to provide hanging tags and decals/stickers- no more than two of either per property owner. This can include one tag and one decal. These permits to be issued for a two-year term (2017-2018). The motion passed 3-2 with Mayor Bennett, Council Member Holland and Council Member Nason voting YES; Mayor Pro Tem Newberry and Council Member McDonald voting NO.

NEW BUSINESS

Recommended appointments to Reconstruction Task Force [Code Sec. 12-69]

Section 12-69 of the Town Code requires an annual appointment of a Reconstruction Task Force which would be activated upon the declaration of a building moratorium following a major storm event. The task force is responsible for advising the Town Council on a wide range of post-storm reconstruction issues. A primary function of the task force is to receive and review damage reports and other analyses of post-storm circumstances and to compare these circumstances with mitigation opportunities identified prior to the storm, to discern appropriate areas for post-storm change and innovation. The Task Force consists of two elected officials, two Planning Board members, Town Staff, a representative from the building or realty community, one representative from the SSCA, and one representative from the CPOA. The following individuals, excluding names for Council members, are recommended to the Council by Town staff for this year’s appointment to the Task Force:

1. Council Member
2. Council Member
3. Jay Russell, Planning Board Member
4. David Neal, Planning Board Member
5. Joe McGraw, Planning Board/Board of Adjustment Member
6. Peter Rascoe, Town Manager
7. Wes Haskett, Town Planner/Code Enforcement Officer
8. David Kole, Chief of Police
9. Ed Limbacher, Fire Chief
10. Cory Taylor, Realty Community Representative
11. Ross Mitchell, SSCA Representative
12. Joanie Rose, CPOA Representative

MOTION: Council Member Holland moved to appoint Mayor Bennett, Council Member Nason and the staff recommended individuals to the Reconstruction Task Force. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

Council Consideration-Approval of Historic Landmark Commission Appointments

The Commission shall consist of five members appointed by the Town Council. All members shall reside within the planning and zoning jurisdiction of the Town. A majority of the members of the Commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. The Commission may appoint advisory bodies and committees as appropriate. Members of the Commission shall serve terms of three years. Terms shall be staggered with three (3) of the initial commissioners being designated by the Town Council to serve an initial two (2) year term. Resident applicants are (terms are staff recommended to the Council):

1. Lee Whitley: three years
2. Kristine Kiouisis: three years

3. Richard Perkins: two years
4. Lorelei Costa: two years
5. Tony DiBernardo: two years

MOTION: Council Member Holland moved to appoint the resident applicants, with the recommended terms, to the Historic Landmarks Commission. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

Council Review of effectiveness of Standing Committees, Section 14. Rules of Procedure - and Appointments to Standing Committees

MOTION: After discussion and debate on the Mayor's proposal to abolish Council committees due to ineffectiveness, Mayor Bennett moved to abolish the Standing Committees in Section 14. of the Council Rules of Procedure. The motion was seconded by Council Member Holland. The motion passed 3-2 with Mayor Bennett, Council Member Holland and Council Member Nason voting YES; Mayor Pro Tem Newberry and Council member McDonald voting NO.

Council Adoption of a 2017 Council Meeting Schedule

Mayor Pro Tem Newberry stated that it was important to have a planning workshop just like previous years and would like to see the February 7th Council meeting dedicated as a planning meeting. After discussion, it was agreed upon by consensus of all Council to designate the February 7th Council meeting as a planning meeting.

MOTION: Mayor Bennett moved to approve the 2017 Council Meeting Schedule as presented. The motion was seconded by Council Member Nason.

MOTION: After further discussion on the motion, Mayor Bennett withdrew his original motion by agreement, and moved to restate the original motion to include a second monthly Council meeting the third Tuesday of every month. The motion, as restated, was seconded by Council Member McDonald. The motion passed (4-1) with Mayor Bennett, Mayor Pro Tem Newberry, Council Member Holland, Council Member McDonald voting YES; Council Member Nason voting NO.

MOTION: Mayor Bennett then moved to schedule the third Tuesday of the month meetings for 9:00 a.m. in the Pitts Center. The motion was seconded by Council Member Holland. The motion passed (4-1) with Mayor Bennett, Mayor Pro Tem Newberry, Council Member Holland and Council Member McDonald voting YES; Council Member Nason voting NO.

Clerk's Note: A Copy of Resolution 2016-12-01 as revised is attached

Council Reappointment of Town Representative to Dare County Tourism Board

MOTION: After discussion, Mayor Bennett moved to reappoint Leo Holland as Town Representative on the Dare County Tourism Board. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

GENERAL PUBLIC COMMENT

Mayor Bennett called for public comment and no citizens spoke.

OTHER BUSINESS

Mayor's Comment & Responses

Mayor Bennett stated John Martin of Moffatt and Nichol has been invited to speak at the January 3rd Council meeting.

MOTION: Mayor Bennett moved to direct the Town Manager to authorize Mr. Ken Wilson to conduct a beach profile for the southern end of Southern Shores public trust ocean beach (approx. 2000-3000 ft.). The motion was seconded by Council Member Holland.

After Council discussion, Mayor Bennett tabled the motion, and agreed to wait until the January 3rd or January 17 beach nourishment meeting before further consideration of the matter.

Council Member's Comment & Responses

Mayor Pro Tem Newberry stated he spoke with the Duck Mayor, Don Kingston, and Chris Layton, the Duck Town Manager, about their success with the Town of Duck's vegetation regulation ordinance which has been in place for 10 years. He stated the Duck officials indicate they have had positive response to the ordinance. As a result he thinks Council should invite the Town Manager of Duck to give a presentation about the success of the vegetation ordinance in Duck.

Council Member Holland stated the Knights of Columbus would like to thank the Town Manager and Town staff for helping coordinate the Veterans Day Ceremony at Town Hall. Also, reporting for the Outer Banks Visitors Bureau, the Christmas lights are on at Elizabethan Gardens, and the Room at the Inn is having a fundraiser for the homeless of Dare County. The Dare County Board of Commissioners recognized the First Flight High School soccer team for their undefeated season and win of the championship game.

CLOSED SESSION

Mayor Bennett moved to enter into closed session § 143-318.11. (a)(6) - Consider a personnel matter regarding an individual public officer/employee of the Town. The motion was seconded by Council member Holland. The motion passed unanimously (5-0).

ADJOURN

MOTION: Upon returning to open session and taking no action, Mayor Bennett moved to adjourn. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0). The time was 7:50 pm.

ATTEST:

Respectfully submitted,

Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk



Town of Southern Shores

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

Resolution 2016-12-01

COUNCIL MEETING SCHEDULE 2017

WHEREAS, the Town Council of Southern Shores hereby resolves to notice and implement the following monthly regular meeting schedule for calendar year 2017, and;

WHEREAS, all regular meetings of the Council are scheduled to be held in the Kern P. Pitts Center of the Town Hall complex and all appointed committee meetings will be held at the Town Hall.

BE IT RESOLVED that the regular monthly meetings of the Town of Southern Shores Town Council will take place in the Kern P. Pitts Center of the Town Hall complex at the address above (unless otherwise noted below), on the dates and times as follows:

- Tuesday, January 3, 2017, 5:30 p.m.
- * Tuesday, January 17, 2017, 5:30 p.m.
- Tuesday, February 7, 2017, 5:30 p.m. (planning work session)
- Tuesday, February 21, 2017, 9:00 a.m.
- Tuesday, March 7, 2017, 5:30 p.m.
- Tuesday, March 21, 2017, 9:00 a.m. (budget work session)
- Tuesday, April 4, 2017, 5:30 p.m.
- Tuesday, April 18, 2017, 9:00 a.m. (budget work session)
- Tuesday, May 2, 2017, 5:30 p.m.
- Tuesday, May 16, 2017 9:00 a.m.
- Tuesday, June 6, 2017, 5:30 p.m.
- Tuesday, June 20, 2017 9:00 a.m.
- Wednesday, July 5, 2017, 5:30 p.m.
- Tuesday, July 18, 2017, 9:00 a.m.
- Tuesday, August 1, 2017, 5:30 p.m.
- Tuesday, August 15, 2017 9:00 a.m.
- Tuesday, September 5, 2017, 5:30 p.m.
- Tuesday, September 19, 2017 9:00 a.m.
- Tuesday, October 3, 2017, 5:30 p.m.
- Tuesday, October 17, 2017 9:00 a.m.
- Wednesday, November 8, 2017, 5:30 p.m.
- Tuesday, November 21, 2017, 9:00 a.m.
- Tuesday, December 5, 2017, 5:30 p.m.
- Tuesday, December 19, 2017 9:00 a.m.

*A regular meeting on Tuesday January 17, 2017 to be held at the Hilton Garden Inn, 5353 N. Virginia Dare Trail, Kitty Hawk, North Carolina

BE IT RESOLVED any meeting may be cancelled for lack of agenda items.

BE IT FURTHER RESOLVED that pursuant to North Carolina General Statute §143-318.10, each “official meeting” of the Council, “shall be open to the public, and any person is entitled to attend such meeting”, regardless of whether such meeting is a “regular”, “special”, or “emergency” meeting, and regardless of whether any meeting is described informally as a “retreat”, “forum”, or “workshop”; pursuant to North Carolina General Statute §143-318.11, the Council may hold a “closed session” and exclude the public only when such closed session is required by law as enumerated in the referenced statute.

BE IT FURTHER RESOLVED that to process routine actions in an expeditious manner, a consent agenda will be utilized and administered as part of Council’s regular meeting agenda.

BE IT FURTHER RESOLVED to insure public comment is heard, a Public Comment section will be placed on the agenda for each regular meeting of the Council, for any citizen to address the Council on any matter not on the agenda for public hearing; the Mayor is authorized to establish Rules for any Public Comment Period. [NCGS §16A-81.1; Section 15, Rules of Procedure for Southern Shores Town Council.]

Adopted this 6st day of December, 2016

S E A L

Thomas G. Bennett, Mayor

ATTEST:

Sheila Kane, Town Clerk