



**Town of Southern Shores
Special Council Meeting
January 18, 2017**

The Town of Southern Shores Council met for a Special Meeting in the Pitts Center located at 5375 N. Virginia Dare Trail at 9:00 a.m. on Wednesday, January 18, 2017.

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 9:00 a.m., led the Pledge of Allegiance, and held a moment of silence.

Mayor Bennet asked Council if they would like to make a motion to add a public comment period to the Special Meeting.

MOTION: Mayor Pro Tem Newberry moved to add a public comment period to the agenda after the closed session. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0)

CLOSED SESSION

Council Member McDonald moved to go into closed session in accordance with §143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. The motion was seconded by Council member Holland. The motion passed unanimously (5-0).

GENERAL PUBLIC COMMENT

Upon returning to open session, Mayor Bennett called for public comment and the following citizens offered comment:

- Dave Shrader-Opposition to beach nourishment. Will not support any Council Member who votes for any beach nourishment project.
- Brian Forbes-In favor of beach nourishment, beach nourishment forum was very informative. Two parts need to happen, beach profile study and engineering.
- Joe VanGieson-Thought the forum showed many opposed to project. Stated he spoke with Spencer Rogers during a break at the forum, and he said the Town should do nothing.
- Van Price-Piggybacking with the Kitty Hawk beach nourishment project is the way to go. Thanked Council for the forum.

- Karen Price-The whole community needs to take care of the Town. Ocean front owners did not object to tax money going towards canal dredging.

[Clerk's Note: A copy of the public comment signup sheet is hereby attached].

Mayor Bennett closed public comment and stated there are three or four items Council would like to address.

The Mayor first brought up a pending proposal to conduct a Town-wide beach profile study and assessment. After discussion, Council Member McDonald made a motion, which he subsequently restated as:

MOTION: Council Member McDonald moved to authorize the Town Manager to enter into a contract with Ken Willson of Coastal Planning and Engineering of North Carolina, Inc., for a beach profile study consistent with the terms he previously proposed. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0)

Town Attorney Gallop stated since this is an engineering (beach profile) project estimated to cost less than \$50,000, Council would need to adopt a resolution creating an exemption in order to avoid the RFQ process for engineer selection. [Resolution 2017-01-03].

MOTION: Council Member McDonald moved to adopt Resolution 2017-01-03 creating an exemption to the RFQ engineer selection process /Mini-Brooks Act for the beach profile project. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

MOTION: Mayor Bennett moved to direct the Town Manager to contract with Ken Willson of Coastal Planning and Engineering of North Carolina, Inc., to initiate permitting and engineering studies as necessary to make it possible to have a project (beach nourishment approximately 1,500 feet of beach plus a 1,000 ft taper) and as part of that process apply for and attempt to acquire the permit. This is without any commitment at this point to proceed with the actual project. A determination of cost and options will be considered by Council before a final decision is made. The motion was seconded by Council Member Holland. The motion passed (4-1) with Mayor Bennett, Mayor Pro Tem Newberry, Council Member Holland, Council Member Nason voting YES; Council Member McDonald voting NO.

MOTION: Council Member Holland moved to adopt Resolution 2017-01-04 creating an exemption to the RFQ engineer selection process /Mini-Brooks Act for the project to prepare an engineering plan and obtain permitting for potential beach nourishment of the southern portion of beaches in Southern Shores. The motion was seconded by Council Member Nason. The motion passed (4-1) with Mayor Bennett, Mayor Pro Tem Newberry, Council Member Holland, Council Member Nason voting YES; Council Member McDonald voting NO.

MOTION: Council Member McDonald moved to direct the Town Manager and Mayor to contact County Commissioners to request assistance from the Dare County Beach Nourishment Fund in funding the Southern Shores beach nourishment project (southern portion of beach approximately 1,500 feet of beach plus a 1,000 ft taper). This request is to include the beach profile study, engineering, permitting, and legal fees. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

The Town Manager asked Council to clarify the legal efforts at this point. Does Council want to consider authorizing the Town Attorney to begin the process of obtaining easements or wait. The Town Attorney stated the title work and easements for the lower project area (not the taper) will be approximately \$18,000 for twenty-five (25) houses.

In briefing the type of easements which are required, Town Attorney Gallop stated there are two types of easements: an easement to actually get to the beach and an easement to access along the dry sand beach. Neither one can be obtained by the eminent domain proceeding in Southern Shores. The section of dry sand beach in front of the homes is titled as private property, but subject to public use rights. Easements can be granted for short period of time (single project) or for an extended period of time.

Mayor Bennett stated the attorney fees can be discussed at the February 21 meeting. This will give time to hear from Ken Willson first.

Mayor Pro Tem Newberry stated people want to know where the money is coming from for the project, what funds are going to be available to pay for any of these projects.

The Town Manager stated Council would have several options how to pay for a project depending on its size:

- For this size project, Council could consider payment from the Town's undesignated fund balance; or
- Pay out of existing budget when non-recurring budgeted items may not repeat themselves the following year; or
- Raise funds by increasing tax revenues to pay for debt service if a project is large enough to justify borrowing.

ADJOURN

MOTION: Mayor Bennett moved to adjourn. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0). The time was 11:00 am.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


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 2017-01-03

RESOLUTION EXEMPTING SOUTHERN SHORES BEACH PROFILE PROJECT
WITH CPE-NC
FROM G.S. 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the City proposes to enter into one or more contracts for design services for work on beach profile surveys and beach assessment; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

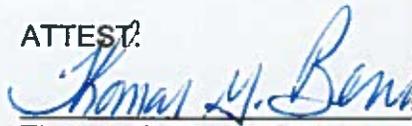
WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective this 18th day of January 2017.

ATTEST:


Thomas G. Bennett, Mayor




Sheria Kahe, Town Clerk



Town of Southern Shores

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

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

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RESOLUTION 2017-01-04

RESOLUTION EXEMPTING SOUTHERN SHORES WITH CPE-NC TO PREPARE AN ENGINEERING PLAN AND OBTAIN PERMITTING FOR POTENTIAL BEACH NOURISHMENT OF THE SOUTHERN PORTION OF BEACHES IN SOUTHERN SHORES.

FROM G.S. 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the City proposes to enter into one or more contracts for design services for work on prepare an engineering plan and obtain permitting for potential beach nourishment of the southern portion of beaches in Southern Shores; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

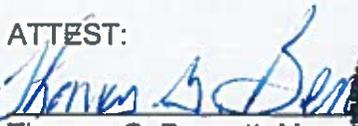
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NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES RESOLVES:

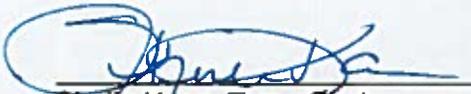
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