



**Town of Southern Shores  
Regular Council Meeting  
March 7, 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, March 7, 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 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

**AMENDMENTS / APPROVAL OF AGENDA**

Council Member McDonald moved to amend the agenda by postponing the public hearing for the SSVFD stating it was only placed on the Town website on Thursday, and was only in the Coastland Times Sunday. He stated citizens did not have adequate notice. The motion was seconded by Mayor pro tem Newberry. After discussion, Council Member McDonald withdrew his motion.

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

**CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- i. Approval of Minutes- February 7, 2017
- ii. Approval of Annual Government and Education Access Committee 2017-2018 Budget Request

**MOTION:** Council Member Holland moved to approve the Consent Agenda. 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 April:

- Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections.
- Police Chief David Kole presented the Police Department's monthly report
- Fire Chief Ed Limbacher presented the Fire Department's monthly report and a summary of weekly duties.
- The Town Manager presented his report and addressed several matters:
  - o He clarified the public notice for this evening's scheduled Public Hearing regarding the Fire Department's request for funding for a new facility was published in the Coastland Times on Wednesday February 22<sup>nd</sup> and Sunday February 26<sup>th</sup>, released to the sunshine media release on February 22<sup>nd</sup>, placed on the Town's two bulletin boards same day and noticed in the Town's

newsletter. He stated the notice process for public hearings was treated like any other public hearing.

- o Tonight's Resolution in reference to the Mid-Currituck Bridge is similar to one that the Town of Duck and Currituck County just passed urging NCDOT and the Federal Highway Administration to continue on with finishing the environmental planning and issue a Record of Decision.
- o The Southern Environmental Law Center has requested to give a presentation to Council at the April 4<sup>th</sup> Council meeting regarding its clients' positions on the Mid-Currituck Bridge.
- o The pre-construction meeting for the NC12 / East Dogwood Trail storm water remediation project will be this Friday and RPC will begin work directly after.
- o The LED lighting at the NC 12 crosswalks is underway. The poles are being manufactured and the encroachment agreements should be in hand shortly.

Mayor pro tem Newberry stated, regarding the notices for tonight's Public Hearing, he believed the Town sent out actual postcards for the Pelican Watch beach nourishment meeting. The Manager stated that was correct, but that meeting was scheduled by Council as a Public Forum, not a Public Hearing.

Mayor pro tem Newberry then asked the Town Manager if postcards could be mailed out for Public Hearings? The Town Manager stated if Council directs him to send out postcards to every Town property owner, it could be done, with a cost for each mailing of over \$1,000. Otherwise, the Public Hearing is noticed as legally required in the newspaper, press sunshine list, website, e-newsletter, and bulletin boards.

#### **GENERAL PUBLIC COMMENT**

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

- Brian Kelly, 14 Palmetto Lane, road conditions on Palmetto need to be repaired. Anything except an SUV will bottom out on the North bound Lane. Wants to go on record as the street being dangerous and holds Southern Shores responsible
- Geri Sullivan-31 10<sup>th</sup> Avenue-Disturbing pattern of the Mayor, works to abolish committees, cancelled planning meeting. Talked to property owners of Pelican Watch and negotiated with Pelican Watch owners-not on agenda. Mayor and Town Manager are out looking at new properties for fire department without a public hearing. Charter says Council lays out the plan. Stated we have better things to do than spending her time cleaning up behind the Mayor.
- Al Ewerling-187 Dogwood Trl., Came across two pages in Town Charter that say cost of sidewalks are responsibility of adjacent homeowners by street assessments. How much cost of a new walkway along South and East Dogwood Trails will be passed onto Dogwood Trail owners-rumor of a street assessment.
- James Kranda- Poteskeet Trl., Council members' personal use of the Town newsletter is not appropriate, and a Council member's request in a published article article's for citizens to respond to emails should have the responses going to entire Council - not just to an individual Council member.

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

Hearing no other citizen wishing to speak, the Mayor closed public comment.

#### **OLD BUSINESS**

**Public Hearing - for the purpose of receiving public comment regarding request from the Southern Shores Volunteer Fire Department, Inc. to the Town of Southern Shores for financial support for the construction of a new fire station in Southern Shores.**

Mayor Bennett opened the public hearing and called on the public for comment. The following citizens offered comment:

- Geri Sullivan Respects Police, Fire and EMS must separate emotion from fact. There are several questions and items. What if Public Works is taken, should Fire Dept. land be transferred, long range planning? What happens to taxes?
- Sam Williams-although the cost is unknown, he supports the Town of Southern Shores support for the SSVFD. Fire Department is a contractor; they own their own trucks and land. If things change in the long-term, it becomes harder to get volunteers.
- Erin Nadel-Express support for the SSVFD. Give them the resources they need. What they do behind the scenes is unbelievable.
- Paul Cagiano-lived in Southern Shores since 1985 and a member of the Fire Department since 1985. Over time the homes have changed, equipment has changed, requiring bigger and better equipment for fire protection. The needs of the Town changes. The current fire station is outdated. Need to look into the future. Possibility in the future the Town must house and pay for staff in the Fire Department.
- Ed Limbacher Fire Chief-this is an important time, important decision and understands concerns. It is vital to make the best decision. The safety of the volunteers is number one priority. The cost is just a fraction. Volunteer system provides more firefighters. The land issues are already in the contract. What is the cost of doing nothing?
- Pat Wilson-Commented on the fact they were minimal people at the SSVFD's public forum needing any questions answered. Asked how much more information presentation does the Fire Chief have to do for the Council to make a decision?

Hearing no other citizens, the Mayor closed the Public Hearing.

**Next Agenda item:**

**Council Consideration of the SSVFD Financial Support Request for a New Fire Station**

The Mayor stated that the Town Manager has informed him that PNC Bank, Government Affairs Officers, have asked to come to the March 21<sup>st</sup> meeting to brief Council on the financing process. PNC is the Town's preferred lender.

**MOTION:** Mayor Bennett moved to defer action on the SSVFD request for funding of a new fire station until we determine the actual size and cost of a new structure; and determine the final location. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Council Member Nason stated he knows the Fire Chief has tried to get grants.

Mayor pro tem Newberry asked if the County was willing to pay any portion.

**MOTION:** Council Member McDonald stated, in addition to the Mayor's previous motion, he moved to direct the Town Manager to assemble detailed information on the proposal how we can financially support the new fire station; including long and short term impact on the budget; look at three lenders and go ahead and get packages and terms; have talks with Dare County and see if they are willing to share or not. Also, direct the Town Manager to talk to property owners that have large segments that we would be able to use or utilize within the property and bring that information back to Council at a regular scheduled meeting so that we can move forward on this project. The motion was seconded by Mayor pro tem Newberry. The motion passed 3-2 with Mayor pro tem Newberry, Council Member McDonald and Council Member Nason voting YES; Mayor Bennett and Council member Holland voting NO.

**Next Agenda item:**

**Beach Nourishment - Update from CB&I/ Council Consideration of Potential Project**

Ken Willson from CB&I gave an update on the Southern Shores beach nourishment project. He stated the formal permit application package was mailed out today. He stated the cost to close with the dredge contractor was a bit higher and is still under the million-dollar threshold.

Mayor pro tem Newberry asked what is the current start date? Mr. Willson replied that it will be in the very beginning or end of the Kitty Hawk project, mid to late June start date for Kitty Hawk.

Mayor pro tem Newberry inquired about the impact to beachgoers. Mr. Willson stated approximately 700-1,000 ft of the beach will be closed in a period, and that area will change each day. He stated 3-5 days in front of any access point.

The Town Manager stated the Town received 24.5 signed petitions for special assessment from owners of a total of 26 parcels. He stated the Town Attorney and staff would need to perform a verification of signatures, but authorization to move ahead is now needed.

**MOTION:** Mayor Bennett moved to approve funding of the beach nourishment project for the southernmost 2,500 ft of oceanfront, subject to acquiring all necessary permits prior to the start of the Kitty Hawk Project. The funding includes implementation of the special assessment of \$150,000. Funding does come from the undesignated fund balance with a cap of \$350,000. 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.

Mayor pro tem Newberry stated although he is opposed to beach nourishment in Southern Shores overall, the erosion at Pelican Watch is tremendous and he is voting for this beach nourishment project because the oceanfront property owners of Pelican Watch have come to the Town asking for its assistance in keeping their properties from washing away. Mr. Newberry said he compares this instance with owners of properties along Fairway Drive and the Dogwood Intersection who had previously asked the Town for assistance by it stopping a street improvement project which involved tree removal but he said they were ignored by the Town Council in their request.

Council Member Nason stated the homeowners got organized and made a good point. They put money into the project. The response rate was fantastic.

Council Member Holland stated the same. The homeowners were willing to contribute money as well to the project.

Council Member McDonald stated he voted against it. It was not on the agenda, citizens oppose beach nourishment, and it is a strain on the Town's budget and tax rate.

**NEW BUSINESS**

**Resolution 2017-03-01- Resolution of The Town Council of the Town of Southern Shores, North Carolina, Supporting Construction of the Mid-Currituck Bridge and Its Continued Inclusion in the State Transportation Improvement Plan**

**MOTION:** Council Member Nason moved to adopt Resolution 2017-03-01- Resolution of The Town Council of the Town of Southern Shores, North Carolina, Supporting Construction of the Mid-Currituck Bridge and Its Continued Inclusion in the State Transportation Improvement Plan. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

**Mayor's Comments:**

Mayor Bennett referenced an earlier public comment from a citizen. He stated he was not speaking for Council when talking to Pelican Watch owners.

The Town Attorney addressed the Mayor's inquiry about assessments for cost of sidewalks. He stated the Charter gives authority to do an assessment for sidewalks but does not mean the Town must do. The General Statutes are full of authority which Towns do not always perform.

**Council Member's Comment & Responses**

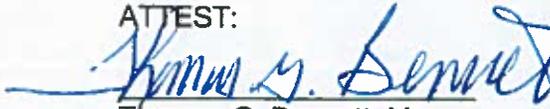
Mayor pro tem Newberry stated Council discussed several significant projects this evening and not one was in any long term plan. He stated the Town has been very lucky and has had no financial crisis. The Town needs to do better planning and forecasts for next five years. It can develop a plan in parallel to current agenda items. He stated he is not letting this go and will bring this up again at a future meeting.

Council Member Nason stated he agreed with Mayor pro tem Newberry but would take a different path. He stated the Town Manager has already given a three-year plan and it just needs to be updated. He stated he would hope that Council Member Newberry would converse with the Town Manager on a plan update and state what he wanted to see included.

**ADJOURN**

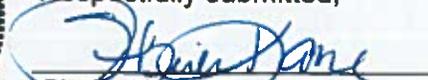
**MOTION:** Council Member McDonald moved to adjourn. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0). The time was 7:41 pm.

ATTEST:

  
Thomas G. Bennett, Mayor



Respectfully submitted,

  
Sheila Kane, Town Clerk