



**Town of Southern Shores
Regular Council Meeting
July 11, 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, July 11, 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: Mayor Bennett moved to amend the agenda to include an ordinance amending Chapter 22 of the Town Code of Ordinances, *Offenses and Miscellaneous Provisions* - establishing Section 22-11, *Regulating Hours of Certain Alcohol Sales Within Town Limits*. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

MOTION: Mayor Bennett moved to approve Ordinance 2017-07-03 amending Chapter 22 of the Town Code of Ordinances, *Offenses and Miscellaneous Provisions* - establishing Section 22-11, *Regulating Hours of Certain Alcohol Sales Within Town Limits*. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

Mayor pro tem Newberry inquired if the Town Manager was going to give a cut thru traffic report at this evenings meeting and if not, he would like to add it to the agenda. Town Attorney Gallop stated the reason for the report delay is he has not gotten to his part of it yet and was targeting the August meeting for the final report.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- i. Minutes-June 20, 2017

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

STAFF REPORTS

The following Department Heads presented department reports for the month of June:

- Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections for the month of June.
- Fire Chief Ed Limbacher presented the Fire Department's monthly report for June.
- The Town Manager presented his report and addressed several matters:
 - o Concrete Options report to deter traffic on all Town streets should be ready for the August 1st meeting.

- The Fire Chief reports to him that work in the SSVFD's contract for architectural services for a potential new fire station is progressing.
- The August 1st meeting agenda will include an easement request from Dominion Resources.
- Property owners adjacent to Ginguite Pond will be hosting a meeting to discuss treating the algae bloom within the pond.

BOARD REPORTS

Planning Board Chairman Sam Williams gave a monthly report and the Planning Board's recommendation of approval of zoning text amendment ZTA-17-01 as proposed. He also stated the board has acted as the Board of Adjustment for a couple variance requests and the quasi-judicial hearings are appealable directly to the Superior Court of North Carolina.

Chairperson Williams stated the Planning Board has reviewed three of the seven chapters of the proposed Town Code re-write as directed by Council; and stated review of the proposed re-write of the zoning chapters has taken up much of the Planning Board's time.

Council Member McDonald stated that the substance matter of ZTA-17-01 was discussed when the 6000-sq. foot home matter was previously discussed by Council. Town Attorney Gallop explained the status quo of built accessory structures is being addressed with ZTA-17-01, and moving ahead beyond that would then need to be addressed.

GENERAL PUBLIC COMMENT

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

1. Dan Lewis - Representing the Outer Banks Restaurant Association. Thanked Council for passing the "Brunch Bill".
2. Harvard Vanbelois, 151 Yaupon Trail - Bulkhead and the street improvement on Yaupon Trail is a construction zone in progress-would like to know what is going on.
3. Tommy Karole, 77 East Dogwood Trail - hire a professional to give a solution to traffic issue.
4. Andrew Darling, 232 N. Dogwood Trail, - would like Council to address exceptionally high traffic this year; streets need repair before any bike path should be considered.

NEW BUSINESS

Agenda Item:

- A) Public Hearing and Consider adoption of a Capital Infrastructure Improvement Plan for Fiscal Year 2017-2018

The Town Manager reviewed staff's current draft Capital Infrastructure Improvement Plan for Fiscal Year 2017-2018 and certain priority options recommended by staff.

Town Engineer Andy Deel presented a PowerPoint presentation of the proposed plans for a walking path along East Dogwood. The plan design called for a path along the Southside of East Dogwood Trail, no cutting of trees of any significance, recommended utilizing concrete which provides less disturbance of the ground and resists tree roots.

Mayor pro tem Newberry asked how far the path was from the street and if there were curbs. Mr. Newberry stated when you have a path close to the street it gives the appearance that the street is wider and people speed. Town Engineer Deel explained a mountable curb will be installed only where the distance from the path to road is under 5 feet and there will be a grass strip between these areas as well.

Council Member McDonald suggested since East Dogwood Trail is so wide - to just put a walking path on one side and vehicle traffic on the other side, utilizing the street as it is now.

Town Attorney Gallop opened the Public Hearing and called on the public for comment. The following citizens offered comment:

1. Martha Elliot, 143 Yaupon Trail - the street improvement conditions on Yaupon Trail need to be improved, better dirt for the street shoulder, higher bulkhead.
2. Joe Van Gieson, 228 N Dogwood - This is the first year there is no citizen input in compiling street list - until the public hearing. Project on Juniper Tr. not on original list.
3. Geri Sullivan, 31 Tenth Avenue - need long range planning, not a prioritized list.
4. Mark Martin, 191 Wax Myrtle Trail - storm water project on NC12 working well, some potholes from construction need to be addressed.
5. Steve Hotchkiss, 263 Hillcrest Dr. - East Dogwood Tr. is least of worries as far as pedestrians. Striping would be perfect, putting a curb on both sides would be excellent.
6. Cary Huffman, 95 Trinitie Trail - his property has flooded twice in past 6 months, need drainage addressed.

Hearing no other public comments, the Town Attorney closed the public hearing

The Mayor stated \$575,000 has been budgeted for FY17-18 for Capital Infrastructure Improvement and opened the floor for Council 's recommendation on proceeding.

Mayor pro tem Newberry stated he felt the walking path was completely out and would like staff to go back and prioritize the street list.

Council Member Nason stated he was prepared to give up on the walking path.

The Town Manager stated the street list was prioritized two years ago, by Committee and the top listed streets are still prioritized.

Each Council Member gave their recommendation on street improvements for FY17-18.

MOTION: Council Member McDonald moved for staff to proceed with work to secure construction bids on Yaupon Trail (South end), Palmetto Lane as recommended, Clamshell Trail, Skyline Rd. & NC Hwy 12 intersection as funds allow. Direct the Town Manager to recreate the CIP Committee to develop a ten year long-range plan for street improvements, to be reviewed annually. The motion was seconded by Mayor pro tem Newberry. The motion passed unanimously (5-0).

MOTION: Council Member Nason moved to direct the Town Manager to approach the Tourism Bureau and apply for a grant for the walking path. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Agenda Item:

- B) Public Hearing and Consider recommended ZTA-17-01, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Section 36-132, (c) of the Southern Shores Town Code to establish residential accessory structures existing as of January 1, 2017 - which were otherwise lawful and duly permitted at the time of their construction or modification and which are nonconforming due solely to the inclusion of living space within the accessory structure - as legally nonconforming.

Town Attorney Gallop opened the public hearing and called on the public for comment. The following citizens offered comment:

1. Mark Martin, 191 Wax Myrtle Trail - provided a history. Should approve and grandfather prior properties as recommended.
2. Duke Geraghty, Outer Banks Homebuilders Association, need to make the units legal as recommended.
3. Andrew Darling, 232 N Dogwood Trail - in real estate, heated spaces are combined as sq. footage. If not connected, is not included in home sq. footage.

Hearing no other comments the Town Attorney close the public hearing and explained Council's options.

MOTION: Following discussion, Mayor Bennett moved to approve proposed ZTA-17-01. The motion was seconded by Council Member Holland. 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 #1- \$44,467.00 CodeWright Contract-Town Code Rewrite Continuation
 - ii. Budget Amendment #2- \$850,000 Dare County Beach Nourishment Commitment – Re-booking Remaining TOSS Portion of Expense (\$350,000), and Re-booking County Portion of Expense (\$500,000) with Corresponding Revenue (\$500,000) to TOSS as per Interlocal Agreement w/ Dare County
 - iii. Budget Amendment #3- \$4,740.00 Street Improvement Projects - Still in Progress

MOTION: Council Member Holland moved to approve Budget Amendment 1-3 for FY 2017-2018. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

The Town Manager mentioned that two more amendments encumbered in FY16-17 would be coming the following meeting (pending landscaping for East Dogwood Trail - NC Hwy 12 storm water project and previously ordered Police Department equipment).

GENERAL PUBLIC COMMENT

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

Mayor Comments & Responses

Mayor Bennett read an introduction letter received from new School Board Superintendent John Farrelly.

Council Comments & Response:

Council Member McDonald asked the Town Attorney if he would be presenting the zoning options at the August meeting to which the Town Attorney stated they would be going to the planning board first.

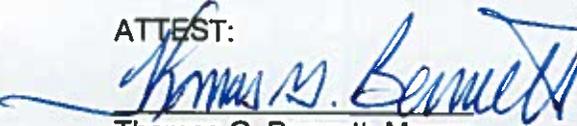
After a brief discussion, by consensus of Council, the Town Attorney will bring the zoning options before the Council first.

Mayor pro tem Newberry stated tonight's CIP list is a good reason why we need more planning and he looks forward to the traffic solution report from the Town Manager. The Town Manager reported he will be not be bringing any new options in August for the traffic solutions as Council is already aware of what the options are, but he will quantify them.

Council Member Holland stated the Tourism Bureau's attorney Dwight Wheless passed away.

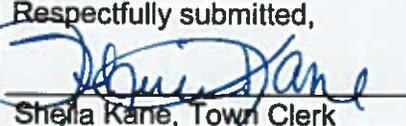
MOTION: Council Member Holland moved to adjourn. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0). The time was 8:37 p.m.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk