



**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 NCDDEM.
- 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:

- o Hurricane Matthew Town cost reimbursement papers are being processed.
- o 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.
- o The grant application for a possible East Dogwood Trail walking path will be submitted to the Tourism Bureau tomorrow, August 2nd.
- o 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

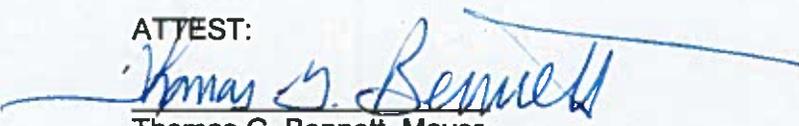
CLOSED SESSION

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).

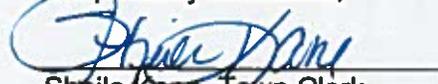
ADJOURN

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