



**Town of Southern Shores
Regular Council Meeting
September 5, 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, September 5, 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: Council Member Holland moved to approve the agenda as presented. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0)

CONSENT AGENDA

Council Member McDonald requested the Clerk add a statement he had made during the meeting to the August 5, 2017 minutes.

MOTION: Council Member McDonald moved to approve the consent agenda with minutes to be amended. The motion was seconded by mayor pro tem Newberry. The motion passed unanimously.

Council Member McDonald inquired about storm evacuation and citizens with a hardship or disability. He also asked about storm water on the avenues after a hurricane. The Town Manager stated the County kept a list of citizens having medical needs and that pumps were on reservation should sustained flooding occur from the potential storm.

EMPLOYEE RECOGNITION

Police Chief David Kole introduced the Department's newest officer Jamie Hines Jr. at the September 5, 2017 Town Council meeting.

Master Police Officer Eddie McKeever of the Southern Shores Police Department received his Traffic Enforcement & Investigation Certification.

STAFF REPORTS

The following Department Heads presented Department reports for the month of July:

- o Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections for the month of August. Mr. Haskett also reported a second request for proposals to update the Land Use Plan has gone out. Proposals will be submitted to Council for consideration of approval at the October 3rd Council meeting. Additionally, an update on the flood maps will be presented at

- the October meeting and the Planning Board will be reviewing ZTA-17-05 living space within accessory structures as directed by Council.
- Police Chief David Kole presented the Police Department's monthly report for July and August.
 - Fire Chief Ed Limbacher presented the Fire Department's monthly report for August. Chief Limbacher also reported that design sketches for the new Fire Department should be available for Council to view by January.
 - The Town Manager presented the Manager's report and addressed several matters:
 - The Auditor's report should be ready by October 1st and will be forwarded to Council.
 - Staff is keeping an eye on the weather and encourages citizens to sign up for Dare County emergency alerts/notifications on the County's website.
 - As directed by Council, the Town engineer is proceeding with preparing designs for the infrastructure projects approved by Council for this year. These projects consist of the southern end of Yaupon Trail, Palmetto Lane (eastern half), Clamshell Trail western half), and the intersection of NC12 and Skyline Rd (storm water improvements).
 - The Town Planner will give a status update of the preliminary flood maps at the Council's October meeting.
 - The beach nourishment project is now completed with the exception of sand fence installation.
 - The annual charity surfing event is scheduled for Saturday, September 23rd at the Chicahawk beach access.
 - The annual Veteran's Day ceremony hosted by the Town and the Knights of Columbus is at the Town Hall on Saturday, November 11th. The Town Manager reported that he will not be facilitating the ceremony this year as he will be on vacation two days prior and four days following the event. The rain location will be the Pitts Center.

Council Member McDonald inquired if the engineering plan for Juniper Trail was completed last year because the road has gotten worse with dips and valleys due to all the rain received this summer. He asked should Council go back and relook, since the plans have been in place.

The Town Manager stated the paper design had been completed with the exception of the Geotechnical and depending on those results the plans may have to be modified.

Mayor Bennett stated the Capital Infrastructure Improvement Committee (CIIP) will be meeting in the near future and perhaps this is something they can look at and propose recommendations to Council.

No further action taken.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION -REGARDING OPTIONS TO DETER NON-RESIDENT TRAFFIC FROM ENTERING TOWN STREETS FROM ADJACENT STATE AND FEDERAL HIGHWAYS.

Mayor Bennett gave a brief Town history of the subject and called upon NCDOT for their opinion of viable options.

Mr. Moran stated the no left turn options would have to have a physical barrier placed in the lane. Merely putting up signage will not work and having the light on steady red would cause an adverse movement creating a serious safety hazard. Mr. Moran also stated there are ripple effects to each option but they are willing to help the Town if the Town decides it wants to do this.

Council Member McDonald inquired about placing a Police Department Vehicle in the lane and a billboard sign. Mr. Moran stated that placing a vehicle in the lane would activate the stop light's loop cycle.

Council Member Nason stated it is not just Dogwood Trail that is effected and he worries about the ripple effect. He stated he would like to try multiple streets. Mr. Moran stated he would be reluctant to recommend trying too many streets at once and would try some options out during the winter.

Mayor pro tem Newberry inquired if anyone has spoken to Duck about the issue. Mr. Moran stated NCDOT has not spoken with the Town of Duck.

By consensus of all Council, the Town Manager is directed to provide the Council a cost analysis (traffic devices and labor cost).

BOARD REPORTS

Chairperson Sam Williams presented the Planning Board's monthly report. Mr. Williams also stated that Gray Berryman resigned from the Planning Board. Joe McGraw is the first alternate and would request that he be appointed a regular member.

Chairperson Williams covered all three of the zoning text amendments being brought forth to the Council in great detail. He read the Planning Board's report and recommendation on each text amendment.

GENERAL PUBLIC COMMENT

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

1. Don Sowder, 36 Ginguite Trail - vegetation problem in the Ginguite Pond and grant funds could be received to help correct issue, but it must come from the municipality. Requesting the Town put forth a grant request.
2. Ann Sjoerdsma, 69 Hickory- Surprised at passive posture from NCDOT and its current willingness to assist the Town. No left turn was at the top of the list at the traffic forum held at the school. No effort has been made to make it happen.
3. Ursula Bateman, 360 Sea Oats-people will make the left turn into the Landing development by Kitty Hawk Elementary.

Public Hearing-Consider ZTA-17-02, a Zoning Text Amendment application submitted by Jeffrey H. Haskett Homes, Inc., to amend Section 36-57 and Section 36-202 of the Southern Shores Town Code to establish new building height requirements

[Clerk's Note: ZTA-17-02 was withdrawn prior to the meeting]

Next agenda item

Public Hearing-Consider ZTA-17-03, a Zoning Text Amendment recommended by the Southern Shores Town Planning Board to amend Section 36-57 and Section 36-202 of the Southern Shores Town Code to establish new lot coverage requirements

Mayor pro tem Newberry stated bringing the zoning text amendments to the Council separately is not following the process that was portrayed to the public. he questioned why all these zoning text amendments are coming up now.

Council Member Nason disagreed that this is a change in the process. He stated the Planning Board is doing exactly what Council asked them to do.

MOTION: Mayor pro tem Newberry moved to send the ZTA's back to the Planning Board and the Council can then change the process. The motion was seconded by Council member McDonald.

SUBSTITUTE MOTION: After a lengthy discussion on process, Council Member Nason moved to have Council consider both ZTA -17-03 and ZTA-17-04 at this evenings meeting. The motion was

seconded by Council Member Holland. The motion passed 4-1; Mayor pro tem Newberry casting the sole NO vote.

Planning Board Chairperson Sam Williams offered up the idea that the Planning Board could rank the topics that create the biggest issue and present a list to Council so they know what topics to expect. He also stated that all Planning Board meetings are advertised and the topic being addressed is listed in that advertisement.

MOTION: Mayor pro tem Newberry moved to direct the Planning Board to list all the topics they are considering based on the Code Wright recommendations, and that they write them and provide notice to the public the topics that are going to take priority. Mayor Bennett moved to amend the motion to state the Planning Board list all "key concerns" rather than all topics. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

Town Attorney Gallop opened the public hearing on ZTA 17-03 a Zoning Text Amendment recommended by the Southern Shores Town Planning Board to amend Section 36-57 and Section 36-202 of the Southern Shores Town Code to establish new lot coverage

Town Attorney Gallop called on the Town Planner Wes Haskett for the staff report (report attached).

Following the Town staff report, Town Attorney called on the public for comment and the following public offered comment:

1. Geri Sullivan, 31 10th Ave.- why is Council considering changes, 62% surveyed voted not to do anything with lot coverage. Why are we not following the process? Permeable pavement must be cleaned every year.
2. Lorelei DiBernardo 32 9th Ave-ZTA-17-03 clearly allows for larger homes, trend towards bigger homes seems to be the way. Keep our larger lots and smaller homes.
3. Ursula Bateman, Sea Oats-Above ground pools overflow, doesn't take much for a pool to overflow.

Hearing no other citizens, Town Attorney Gallop closed the public hearing and called on Council for discussion.

Council member Nason thought pools were good for storm water in containment. He stated that perhaps decks over sand should also be considered part of the pervious pavement material list.

Mayor pro tem Newberry felt that pervious materials should be clarified better.

Council member McDonald stated changes would need to be made to at least three of the pervious materials listed in the zoning text amendment for him to even consider.

Council member Holland stated we should leave the Code as in. Mayor pro tem Newberry agreed.

MOTION: Council Member McDonald moved to not accept ZTA-17-03 and leave the code as currently written for lot coverage. The motion was seconded by Mayor pro tem Newberry. The motion passed 3-2 with Mayor pro tem Newberry, Council members McDonald and Holland voting YES; Mayor Bennett and Council member Nason voting NO.

Agenda Item:

Public Hearing-Consider ZTA-17-04, a Zoning Text Amendment recommended by the Southern Shores Town Planning Board to amend Section 36-202 of the Southern Shores Town Code to establish new building height requirements.

Town Attorney Gallop opened the public hearing on ZTA-17-04, a Zoning Text Amendment recommended by the Southern Shores Town Planning Board to amend Section 36-202 of the Southern Shores Town Code to establish new building height requirements.

Town Attorney Gallop called on the Town Planner Wes Haskett for the staff report (report attached) and Mr. Haskett established the current practice of measuring building height and the Planning Board's recommended amendment to how the height is calculated.

Following the Town staff report, Town Attorney called on the public for comment and the following public offered comment:

1. Mark Martin-21 years living in Town. The top plate was an attempt to squash size of houses. This issue is coming up now because of Building Code books - lumber has to be a certain thickness. Building Code is changing making it harder to conform.
2. Jim Connors-Duck Woods Drive-very familiar working with Code. Suggests a sketch with the ordinance, cross view at presentation.

Hearing no other public comments, Town Attorney Gallop closed the public hearing and called on Council for discussion.

MOTION: After discussions, Council Member Nason moved to adopt the Planning Boards' Code of Ordinance changes (ZTA 17-04) with the following changes and seconded by Council Member Holland:

- Sec. A regarding X flood zone-measure average of corners at finish grade
- Sec B AE zone-measure height from regulatory flood level and remove fill requirements
- Sec. c VE zone-use regulatory flood level

Mayor pro tem Newberry stated having a visual and presented in the future would be helpful. He felt Council Member Nason's motion was too confusing.

Council Member McDonald moved to amend the motion and adopt the Planning Board's recommendation as presented. Council Member Nason stated he could live with that and seconded the motion. The motion passed unanimously (5-0).

Agenda Item:

Respective Citizen Appointments (One per Council Member) & Organization of a Capital Infrastructure Improvement Planning Committee

Council appointed the following citizens to the Capital Infrastructure Improvement Planning Committee:

- Al Ewerling-appointed by Mayor pro tem Newberry
- Jim Kranda-appointed by Council member Holland
- Carlos Gomez-appointed by Council member McDonald
- Andy McConaughy-appointed by Council member Nason
- Glenn Riggin-appointed by Mayor Bennett

Agenda Item:

Consideration of Planning Board Appointments

MOTION: Council Member McDonald moved to nominate Joe McGraw as a regular member of the Planning Board. The motion was seconded by Council member Holland. The motion passed unanimously.

Council Member McDonald stated he would like to know why the Council was unaware of Mr. Berryman's resignation from the Planning Board. He stated he was only aware of it because he attended the Planning Board meeting.

Agenda item:

Recommendation for Special Meeting to Consider Town Auditor's report and comments

The Town Manager stated the Auditor has reported she will be unavailable to present her annual Audit and has a conflict with the next two Council meeting dates. She would be available on October 17th if Council would consider holding a Special Meeting for the purpose of her presentation.

Council member McDonald asked the Town Manager to see if the Auditor would be available November 1-3 and then Council can change their regular November meeting date and not hold a Special Meeting.

GENERAL PUBLIC COMMENT

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

Mayor Comments & Responses

Mayor Bennett stated, in response to a previous public comment, he has spoken with NCDOT and Kitty Hawk several times about traffic in the past three years. He stated NCDOT's major concern is highway safety first. The Town of Kitty Hawk does not want to be liable for accidents that may occur due to a no left turn and citizens trying to find alternate ways.

Council Comments & Response:

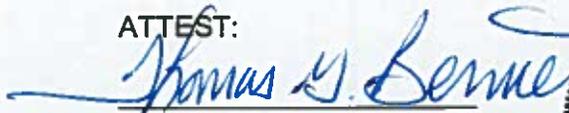
Council member Holland stated that citizens need to listen to the warnings if the hurricane does come. He also stated he was not at the traffic forum at the elementary school.

Council member McDonald thanked the Police Department and Fire Department for their service. A community member passed away and their response was fantastic.

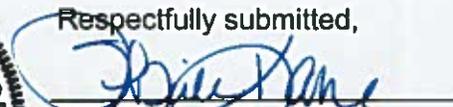
ADJOURN

MOTION: Council Member Holland moved to adjourn. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0). The time was 9:20 p.m.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,

Sheila Kane, Town Clerk