



**Town of Southern Shores
Regular Council Meeting
October 3, 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, October 3, 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 McDonald. The motion passed unanimously (5-0)

CONSENT AGENDA

The consent agenda consisted of the following items:

1. Approval of Planning Board Election of Officers-per Town Code Sec. 24-24
2. Approval of Minutes-September 5, 2017

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

EMPLOYEE RECOGNITION

Police Chief David Kole presented Officer Ryan Jones his Advanced Law Enforcement certification.

SPECIAL REQUEST

The Dare County League of Women's Voters request to expend Town funds to video candidate forum.

MOTION: Mayor pro tem Newberry moved to approve the funding request from the League of Women's Voters for the Town of Southern Shores to video tape the candidate forum on October 11th. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

ANNUAL AUDIT PRESENTATION FOR FY2016-2017

Teresa Osborne, CPA of Dowdy & Osborne, LLP presented the Town's annual audit. She covered the following highlights in her presentation:

- The Town has received an unmodified opinion on its financial statements which is the best opinion you can receive and this is outlined on pages 1 and 2 of the financial statements.

- There were no significant deficiencies or material weaknesses noted and this is outlined in the internal control report
- Total revenues exceeded expenses by \$ 747,400. This is a result of some revenues exceeding budget expectations and expenses under budget in all departments. This gives you a total ending fund balance of \$ 5,525,508.
- After all the restrictions, the unassigned fund balance is \$ 3,461,071 which more than satisfies the minimum fund balance policy of \$ 1,750,000. The largest restriction is the Stabilization by State Statute of \$ 1,667,644 – this is a statute that basically makes you restrict a portion of your fund balance resulting from revenues earned but not on hand at June 30. This includes the \$ 1,063,129 due from other governments in the Town's assets, \$ 500,000 committed for beach nourishment plus a few other pending contracts at June 30 of \$ 104,515 for a total restriction of \$ 1,667,644.
- The town ended the year in strong financial condition with a strong unassigned fund balance.

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 September.
- Police Chief David Kole presented the Police Department's monthly report for September.
- Fire Chief Ed Limbacher presented the Fire Department's monthly report for September.
- The Town Manager presented the Manager's report and addressed several matters:
 - The East Bound lane of the Wright Memorial Bridge will be closed for construction.
 - The title of ownership to the Ginguite pond is still being worked on.
 - The beach profile study will start as soon as the County contract is completed.
 - The Town's sand fencing contractor will start in Southern Shores as soon as he has finished his current sand fencing job for another municipality.
 - The Palmetto Lane street improvement design is online and available at Town Hall. The meeting with the residents on the street has been scheduled.
 - Revisions are being made to the CAMA major permit application for Yaupon Trail.
 - The Council's appointed Capital Infrastructure Improvement Committee will meet tomorrow, October 4th at 2:00 pm.
 - The septic system is being replaced at the Marketplace Shopping Center and traffic flow and parking within the shopping center's parking area will be rerouted and closed as needed as staging and work progresses.
 - The Town has received Hurricane Matthew FEMA expense funds in the amount of \$343,634, and State fund reimbursement is in progress.
 - The large item pickup date will be announced in the Town's newsletter
 - As directed, the cost analysis for traffic devises and law enforcement for season traffic through the Town has been forwarded to Council.

Mayor Bennett stated he has spoken with Jerry Jennings form NCDOT. Mr. Jennings suggested collaborating with a traffic consultant (they provided 3 companies) to assist the Town. Mayor Bennett stated this would give a third party look at options.

MOTION: Mayor Bennett moved to invite a company in December or sooner that would provide a traffic study or consultant. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Town Attorney Gallop gave a status briefing on the Nies v. Emerald Isle, public trust beach case. He reported that the US Supreme Court denied the request and the state appellate court decision will stand as law in North Carolina.

BOARD REPORTS

Chairperson Sam Williams presented the Planning Board's monthly report.

Chairperson Williams covered zoning text amendment (ZTA-17-05) addressing accessory structures being brought forth to the Council in great detail. He read the Planning Board's report and recommendation on the text amendment.

Chairperson Williams also reviewed the Planning Board's rank of issues/topics to be addressed at future meetings. Council agreed to stay with the list of priorities.

Chairperson Whitley presented the Historic Landmarks Commission Report and requested Council approved the Commission's recommendation of (LDA-17-01) 23 Porpoise Run as the Town's first historic landmark following the public hearing.

GENERAL PUBLIC COMMENT

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

1. Joe Van Gieson-228 N Dogwood – proposals on land use plan update
2. Clair Sutton-58 Fairway Dr.- street work on Fairway Drive

Public Hearing- Purpose is to consider ZTA-17-05, a Zoning Text Amendment application submitted by the Town of Southern Shores (per Directive of Council, August 1, 2017) to amend the Southern Shores Town Code by amending Section 16-5, Section 36-57, Section 36-202, Section 36-203, Section 36-205, Section 36-208, and Section 36-102 to allow living space within accessory structures.

Town Attorney Gallop opened the public hearing to consider ZTA-17-05, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 16-5, Section 36-57, Section 36-202, Section 36-203, Section 36-205, Section 36-208, and Section 36-102 to allow living space within accessory structures.

Town Attorney Gallop called on the Town Planner Wes Haskett for the staff report (report attached). Mr. Haskett explained that the Council has been provided two versions of the ZTA-17-05; the Planning Board version as reported by Planning Board Chairperson Williams earlier and the staff version.

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

1. Mark Martin-191 Wax Myrtle Trail-briefing on his understanding of the living space within accessory structures
2. Toni Radomski-40 Juniper Trail, living spaces with a spare kitchen are called coach houses in Virginia
3. Joanne McCallum-136 Oyster Bed Lane-would like Council to move forward with a decision as she is waiting to obtain a permit.
4. Elmar Prager-301 Wax Myrtle-trying to understand how some houses already have these accessory structures

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

Attorney Gallop explained to Council when an accessory building is just an accessory building and not part of the primary structure.

Council preferred wording from one zoning text amendment over another but with some amendments.

Council, by consensus, chose to have the following amendments added to the Planning Board recommendation:

1. Page 2 of 5 highlighted area-instead of stove/oven have either stove/ oven or sleeping facilities (either/or).
2. Next yellow area-do not want to strike habitable floors and stories if it is used someplace else but are fine with striking the concept of top-plate.
3. Page 3 of 5-ok with striking line 6-10
4. Part 6.-line 15-17 takes care of the options that are in the staff version.

After Council discussion, as to whether to ahead and adopt an amendment to the Town Code in the current meeting with tonight's Council consensual changes, Town Attorney Gallop replied when asked, that the Council could send its own consensual changes back to the Planning Board for another Planning Board recommendation on the Council consensual changes.

MOTION: Mayor Bennett moved to send ZTA_17-05 back to the Planning Board with the changes to the recommendation made by the consensus of Council. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

Next agenda item

Public Hearing - Purpose is to consider LDA-17-01, a Landmark Designation Application submitted by Courtney Clements to designate 23 Porpoise Run as a Historic Landmark

Town Attorney Gallop opened the public hearing to consider LDA-17-01, a Landmark Designation Application submitted by Courtney Clements to designate 23 Porpoise Run as a Historic Landmark.

Town Planner Wes Haskett presented a brief summary and reported State Preservation did recognize in favor of 23 Porpoise Run as a historic landmark.

Attorney Gallop called on the public for comment. No citizens spoke.

MOTION: Mayor Bennett moved to designate 23 Porpoise Run an historic landmark. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Agenda Item:

Update on New Preliminary Flood Maps Relative to Southern Shores

Town Planner Wes Haskett and Permit Officer Dabni Shelton presented a PowerPoint presentation on the preliminary flood maps. They stated a public workshop will be coming in the near future and there are concerns with these new maps. The new maps have a significant change to areas and can be a false security to those properties now being classified out of a flood zone.

Mr. Haskett and Ms. Shelton stated other municipalities are drafting letters of concern to be sent to the state in reference to the preliminary flood maps.

By Consensus of all Council, a letter of concern is to be drafted for the Mayor's signature.

Agenda Item:

Consideration of Land Use Plan Update Proposals - per adopted FY 17-18 Budget

Agenda Item:

Town Planner Wes Haskett presented two proposals received in response of the land use plan update.

MOTION: Mayor Bennett moved to have the Town Manager invite both vendors to a Council meeting to provide a presentation to Council. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

GENERAL PUBLIC COMMENT

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

Mayor Comments & Responses

Mayor Bennett stated the Throwdown Surf contest and benefit had the best participation yet, over 500 people in attendance and positive recognition.

Council Comments & Response:

Council Member Holland thanked the Finance Officer Bonnie Swain and Town Manager Peter Rascoe for another excellent audit and the day-to-day compliance.

Council Member Nason stated the Auditor's sentence in the financial highlights of the audit which states *As of the close of the current fiscal year, the Town of Southern Shores' governmental funds reported combined ending fund balances of \$ 5,583,271, an increase of \$ 688,515 over the prior year.* Mr. Nason stated this speaks volumes, good government, a job well done.

Closed Session: Council Member McDonald moved to go into closed session pursuant to NCGS §143-318.11 (a)(6) for purpose of approving prior closed sessions' minutes. The motion was seconded by Mayor Bennett. The motion passed unanimously (5-0).

ADJOURN

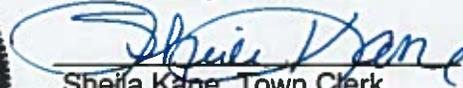
MOTION: Upon returning from closed session and taking no action, Mayor Bennett moved to adjourn. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0). The time was 8:26 p.m.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk