



**Town of Southern Shores  
Regular Council Meeting  
November 8, 2017**

The Town of Southern Shores Town Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Wednesday, November 8, 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 Minutes-October 3, 2017

**MOTION:** Council Member Holland moved to approve the consent agenda as presented. 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 October:

- Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections for the month of October.
- Police Chief David Kole presented the Police Department's monthly report for October.
- Fire Chief Ed Limbacher presented the Fire Department's monthly report for October.
- The Town Manager presented the Manager's report and addressed several matters:
  - A Coyote Conflict Management workshop presented by biologist from the NC Wildlife Resources Commission will be held December 6<sup>th</sup> in the Pitts Center.
  - The beach nourishment profile study is set to begin in two weeks.
  - Landscaping of the NC12 and East Dogwood Trail storm water project will commence once trees go dormant for the plantings to occur.
  - Palmetto Lane street improvement project bids have been received.
  - Clamshell Trail preliminary designs are complete and available on the Town website and at Town Hall for viewing. An adjacent property owner meeting on the street has been scheduled.
  - The CAMA major permit for Yaupon Trail is still pending.

- The Veteran's Day ceremony at Town Hall will feature keynote speaker George Farrow, Southern Shores Police Officer.

In response to an inquiry from Council Member Nason, the Town Manager stated a grant has been received from the Tourism Bureau for a walking path on East Dogwood Trail and will be available July 1, 2018.

## **BOARD REPORTS**

Chairperson Sam Williams presented the Planning Board's monthly report . As previously directed by the Town Council, the Planning Board addressed storm water management and recommended Council keep the existing language of the Town Code of Ordinances, but enact four amendments that would incorporate the following:

1. Before a lot disturbance and storm water management permit is issued, require the lot owner to obtain a licensed engineer's certification that the proposed storm water retention plan will be in compliance with the ordinance.
2. Give the Town Manager (or his/her designee) the ability to modify a lot disturbance and storm water management permit prior to completion of construction if a storm water runoff problem is caused on an adjacent property.
3. No fill material may be placed on a lot in the side setback areas unless the final vertical-to-horizontal slope ratio is equal to or less than 1:3
4. Permitted storm water improvements must be continuously maintained to be in compliance with the ordinance.

Planning Board Chairman Williams stated if Council accepts any of the Planning Board's recommendations, the Council will need to direct staff to draft a zoning text amendment (ZTA).

**MOTION:** Mayor Bennett moved to direct staff to draft a zoning text amendment for Council to consider for storm water management consistent with all the Planning Board's recommendation of four amendments to the Town Code of Ordinances. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

## **GENERAL PUBLIC COMMENT**

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

1. Clair Sutton, 58 Fairway Dr. - presented written requests from Fairway Drive owners to seek several street changes to current Fairway Drive.

### **Next agenda item**

**Quasi-Judicial Land-Use Matter: Consideration of Conditional Use Permit, CUP-17-02; application submitted by Soundside Subs IV, LLC to open a Jersey Mike's Subs restaurant in the Marketplace shopping center located at 5500 N. Croatan Hwy**

Town Attorney Gallop stated this is a quasi-judicial hearing and all those wishing to give testimony will need to be sworn in by the Clerk.

Town Attorney Gallop opened the public hearing to consider Conditional Use Permit, CUP-17-02; application submitted by Soundside Subs IV, LLC to open a Jersey Mike's Subs restaurant in the Marketplace shopping center.

Town Planner Wes Haskett presented his Department's staff report.

Attorney Gallop called on the public for comment and the following spoke in favor of the conditional use permit:

1. Mr. Cauley reading letter for Scott Fletcher.- in favor of CUP 17-02
2. Mr. Sean Hayman – applicant, and owner of Jersey Mike's sub shop

Town Attorney Gallop closed the public hearing and noted that if Council is making a decision to adopt and grant the Conditional use permit that it adopt the findings of fact and condition provided by staff, and the staff recommended condition if Council would like the condition applied as well.

**MOTION:** Councilman McDonald moved to approve Conditional Use Permit CUP -17-02 with the findings of fact provided by staff as well as the condition provided by staff. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

**Agenda Item:**

**Consideration of FY 17-18 Secured Capital Project Construction Bids for Palmetto Lane Capital Improvement Project – per Council Directive of July 11, 2017**

Council reviewed the two bids received for its previously approved Palmetto Lane street improvement.

**MOTION:** Council Member McDonald moved to approve the bid received from RPC Contracting for the Palmetto Lane capital improvement project. 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 the following spoke:

1. Hal Denny, 85 Poteskeet Trail - Former Mayor Hal Denny cannot attend the December meeting, but stated he and his wife will be moving away, and thanked staff and many volunteers from throughout the years.

**Mayor Comments & Responses**

Mayor Bennett thanked former Mayor Hal Denny for his friendship and also all the citizens that supported him for his re-election bid. He also stated he, Councilman Nason, and possibly the Town Manager will be meeting with Councilman-elect Jim Conners before the December meeting. He stated this will be just like the same meeting that Councilmen Newberry and McDonald attended with him and Councilman Holland before being sworn into office.

Mayor Bennett thanked Councilman Holland for his service.

**Council Comments & Response:**

Council Member Newberry stated Bobby Dobbs from the Gov-Ed channel would like to attend a meeting to familiarize Council with the new website.

Councilman Nason thanked Councilman Holland for his service.

Councilman Holland thanked former Mayor Hal Denny and congratulated Mayor Bennett on his re-election and Council-elect Jim Conners. Councilman Leo Holland also spoke from a prepared outgoing speech which summarized his observations, concerns, and challenges for the Town.

**ADJOURN**

**MOTION:** Councilman Holland moved to adjourn. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0). The time was 6:37p.m.

ATTEST:

Respectfully submitted,

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Thomas G. Bennett, Mayor

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Sheila Kane, Town Clerk