



**Town of Southern Shores  
Regular Council Meeting  
December 5, 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 Tuesday, December 5, 2017.

**COUNCIL MEMBERS PRESENT:** Mayor Bennett and Council Members Leo Holland, Chris Nason, Fred Newberry, Gary McDonald and newly elected Jim Conners

**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**

The consent agenda consisted of the following items:

1. Approval of Minutes-November 8, 2017

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

**RECOGNITION OF RETIRING COUNCIL MEMBERS**

Mayor Bennett recognized outgoing Council Member Leo Holland and for his service to the Town and community.

**ADMINISTRATION OF OATH TO NEW COUNCIL MEMBERS**

The Town Clerk administered the Oath of Office to Mayor Tom Bennett and new Council Member Jim Conners.

Upon being sworn in Councilman Conners requested the Dogwood Trail walking path be added to the January meeting agenda.

**ORGANIZATION OF COUNCIL AND 2018 MEETINGS**

**ELECTION OF MAYOR PRO TEM**

Mayor Bennett opened the organization meeting and upon nominating Councilman Nason for Mayor pro tem he called for any other nominations for this position.

Councilman McDonald nominated Councilman Newberry.

Councilman Newberry nominated Councilman McDonald.

Councilman Nason nominated himself.

Mayor Bennett called for a vote. Nominees Councilman McDonald and Councilman Newberry both received a 2-3 vote with Councilman Newberry and McDonald voting affirmative; Mayor Bennett, Councilman Nason and Conners opposing.

Councilman Nason was appointed Mayor Pro tem with a 3-2 vote. Mayor Bennett, Councilman Nason and Conners voting affirmative; Councilman Newberry and McDonald opposing.

**MOTION:** Mayor Bennett moved to appoint Councilman Conners to serve on the Capital Infrastructure Improvement Planning Committee (CIIP) in lieu of the Mayor pro tem. The motion was seconded by Mayor Pro tem Nason. The motion passed 3-2 with Mayor Bennett, Mayor Pro tem Nason and Councilman Conners voting YES; Councilman Newberry and McDonald voting NO.

**MOTION:** Councilman McDonald moved to re-create the planning, budget and public safety committees. The motion was seconded by Councilman Newberry.  
The motion failed 2-3 with Councilman Newberry and McDonald voting YES; Mayor Bennett, Mayor pro tem Nason and Councilman Conners voting NO.

Councilman Conners was opposed to voting for the committees at this evenings meeting because it wasn't on the advertised agenda but is willing to discuss at a future Council meeting, and suggested councilman McDonald request as an agenda item at the January meeting.

Mayor pro tem Nason reminded Council of why the committees were removed and that it was mainly staff doing the work.

Mayor Bennett stated it would be agendized for the January 9<sup>th</sup> meeting.

### **COUNCIL MEETING SCHEDULE 2018**

**MOTION:** Mayor Bennett moved to approve Resolution 2017-12-01 Council Meeting Schedule 2018 with the following meeting date changes; January 9<sup>th</sup>, July 10<sup>th</sup>, and Wednesday, September 5<sup>th</sup> to accommodate for holidays and February 20<sup>th</sup> to be a strategic planning meeting in joint session with the SSVFD Board of Directors. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

### **COUNTY AND REGIONAL COUNCIL COMMITTEE APPOINTMENTS**

Mayor Bennett explained that the Dare County Tourism Board of Directors requires a total of three nominations and called for a Councilmember to be a primary nomination along with two alternatives.

**MOTION:** Mayor Bennett moved to appoint Mayor pro tem Nason as a primary nominee for the Dare County Tourism Board, followed by Councilman Conners second and Councilman McDonald third. The motion was seconded by Councilman Conners. The motion passed (5-0).

**By consensus of all Council**, Councilman Newberry was re-appointed to the Dare County Gov-Ed Access Channel.

**MOTION:** Mayor Bennett moved to re-appoint himself to the Albemarle Rural Planning Organization (ARPO). The motion was seconded by Mayor pro tem Nason. The motion passed 3-2 with Mayor Bennett, Mayor pro tem Nason, and Councilman Conners voting Yes; Councilman Newberry and McDonald voting NO.

## **STAFF REPORTS**

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

- Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections for the month of November.
- Police Chief David Kole presented the Police Department's monthly report for November.
- Fire Chief Ed Limbacher presented the Fire Department's monthly report for November.
- The Town Manager presented the Manager's report and addressed several matters:
  - The regional and district wildlife biologist will be conducting a coyote conflict management seminar in the Pitts Center December 6<sup>th</sup>.
  - Two meetings ago, Council directed staff to explore consulting with traffic consultants to appear before Council. Staff addressed with several traffic consultants, all were familiar with the problem that was referred to and familiar with the specific problem here in Southern Shores. The Town Manager stated none of the traffic consultants are willing to conduct a forum type atmosphere but will consult with council and it will cost some money if they are to give us a proposal to what they would recommend. The consultants are familiar with what Council has discussed already and the items they would propose would not be much different to what Council has discussed. Each have expressed that as a reservation as well. The Town Manager stated unless directed otherwise, he will get pricing to go over at budget time as an expense for the coming fiscal year or Council can discuss an amendment for the current year.
  - The beach profile field work has been completed and possible presentation in March of those findings.
  - Sprigging on the beach will hopefully begin next week.
  - The Yaupon Trail major CAMA permit is anticipated to be received next month and then a portion of the project will hopefully be able to be placed out for bid this fiscal year.
  - Palmetto lane is under contract, Clamshell Trail project will be out for bid in January, and Skyline Road project will be considered by Council this evening.
  - NC12 and East Dogwood planting were scheduled to begin today but will be postponed until the rain stops.

Councilman Conners asked the Town Manager what is the amount of the grant approved towards the East Dogwood Trail walking path. The Town Manager stated \$119,000.

## **GENERAL PUBLIC COMMENT**

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

1. Karen Brown representing the Outer Banks Chamber spoke in favor of ZTA-17-05 Accessory structures with living space.

## **LAND USE PLAN UPDATE PROPOSALS**

HCP Holland Consulting Planners from Wilmington NC and N Focus Planning and Design from Kannapolis Nc presented proposals to update Southern Shores Land Use Plan.

**By Consensus of all Council**, further discussion and consideration of the LUP proposals are to be placed on the January agenda.

**Agenda Item:**

**Continued Consideration of Zoning Text Amendment ZTA-17-05 Accessory Structures with Living Space**

Planning Board Chair Sam Williams presented the Planning Board report and the changes previously requested by Council to the wording in ZTA-17-05 (version #3). He further stated that the Planning Board recommends approval of Zoning Text Amendment 17-05.

Following Council discussions, Town Attorney Gallop opened the public hearing and called for comment.

The following citizens spoke:

1. Glenn Wyder, 170 Clam Shell Trail supported ZTA 17-05 and recommended Council pass the amendment.

Councilman Newberry was apprehensive that this zoning text amendment would allow air b&b's and possible additional rentals in residential homes.

Councilman McDonald confirmed that the space would be included in the 6,000 sq, foot maximum allowable structure.

**MOTION:** Mayor Bennett moved to approve ZTA 17-05 Accessory Structures with Living Space as recommended by the Planning Board. The motion was seconded by Mayor pro tem Nason. The motion passes 3-2 with Mayor Bennett, Mayor pro tem Nason, Councilman Conners voting Yes; Councilman Newberry and McDonald voting NO.

**Next agenda item:**

**PUBLIC HEARING-CONSIDERATION TO DESIGNATE 142 OCEAN BLVD AS A HISTORIC LANDMARK.**

Lorelei Costa presented the historic Landmark Commission report for 142 Ocean Blvd. A PowerPoint presentation was provided and a discussion of the changes made to the original structure.

The NC State Historic Preservation Office felt that the architectural significance of the house was too compromised to warrant local designation but the Southern Shores Historic Landmark Commission felt differently and recommended Council approval.

Councilman Newberry and McDonald felt that the structure changes and vinyl siding have been too much of a change to its original character.

Council Nason stated the siding could eventually change but did not want the Town to lose one or more flattop structures.

The Town Attorney opened the public hearing and called for comment. Hearing no citizen wishing to speak he closed the public hearing.

**MOTION:** Following discussion, Councilman Conners moved to approve the ordinance designating the property and structure located at 142 Ocean Blvd as a Historic landmark. The motion was seconded by Mayor pro tem Nason. The motion passed 3-2 with Mayor Bennett, Mayor pro tem Nason, Councilman Conners voting YES; Councilman Newberry and McDonald voting NO.

**Next Agenda item:**

**Consideration of Bids received for Skyline Road Storm Water Management Improvement.**

**MOTION:** Upon reviewing the submitted bids, Mayor Bennett moved to accept the lowest most qualified bidder Barnhill Construction for the Skyline Road Storm Water Management

Improvements. The motion was seconded by Councilman McDonald. The motion passed unanimously (5-0).

**Next Agenda Item:**

Consideration of Planning Board Alternate Appointment

**MOTION:** Councilman McDonald moved to appoint Glenn Wyder to the Planning Board as an alternate. The motion was seconded by Councilman Conners. 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 wished the residents a Merry Christmas. He stated this Saturday will be a 10k run, the Festivus run out of the Marketplace Shopping Center and the boat club will have a boat parade that same evening.

**Council Comments & Response:**

All Council Members wished the residents a Merry Christmas and Happy Holidays.

**Closed Session:**

**MOTION:** Councilman McDonald moved to go into closed session. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

The purpose of the closed session was to consider a personnel matter regarding an individual public officer/employee of the Town pursuant to N.C.G.S. § 143-318.11(a)(6).

Council returned to open session, taking no action.

**ADJOURN**

**MOTION:** Mayor Bennett moved to adjourn. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0). The time was 9:25 p.m.

ATTEST:

Respectfully submitted,

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Thomas G. Bennett, Mayor

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Sheila Kane, Town Clerk