



**Town of Southern Shores  
Regular Council Meeting  
February 6, 2018**

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, February 6, 2018.

**COUNCIL MEMBERS PRESENT:** Mayor Bennett, Mayor pro tem Chris Nason, and Council Members Fred Newberry, Jim Conners 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:** Mayor pro tem Nason moved to approve the agenda as presented. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0)

**CONSENT AGENDA**

The consent agenda consisted of the following items:

1. Council Meeting Minutes – January 9, 2018
2. For acknowledgement purposes only - Report of bid tabulation sheet for Town Manager's January 11, 2018 contract award to RPC Contracting, Inc. for capital improvements to portion of Clam Shell Trail.
3. Budget Amendment #9- Dare County reimbursement for training for School Resource Officer
4. Budget Amendment #10- The cost to replace a crosswalk light that was damaged on Ocean Blvd. This recognizes the revenue received from the insurance company of vehicle that did the damage and the cost to replace the light

Councilman Newberry stated the January 9<sup>th</sup> minutes should include his statement on trees under the Planning Board report.

The Town Manager asked Councilman Newberry to forward a statement he would like included in the minutes. Council agreed to allow the additional summary statement.

**MOTION:** Mayor pro tem Nason moved to approve the consent agenda as amended. The motion was seconded by Council Member Conners. The motion passed unanimously (5-0).

**EMPLOYEE RECOGNITION**

Police Chief David Kole recognized Sgt. Brad Eilert on his successful completion of the Traffic Enforcement and Investigation Certificate Program.

## **PRESENTATION- OUTER BANKS CHAMBER OF COMMERCE--COMMUNITY HOUSING INITIATIVE COMMITTEE**

Karen Brown, President & CEO Outer Banks Chamber of Commerce and Bob Peele, Chairman of the Board to the Outer Banks Chamber of Commerce, conducted a presentation on the Chamber's Community Housing Initiative Committee.

### **STAFF REPORTS**

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

- o Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections for the month of January. Mr. Haskett also gave notice of the February 20<sup>th</sup> Planning Board meeting which will consist of two variance requests and two zoning text amendments.
- o Police Chief David Kole presented the Police Department's monthly report for January.
- o Fire Chief Ed Limbacher presented the Fire Department's monthly report for January.
- o The Town Manager presented the Manager's report and addressed several matters:
  - o The SSVFD architect will report at the March 6 Council meeting.
  - o The Yaupon Trail Major CAMA permit has been issued.
  - o Staff has received several calls about the timing of the light at NC12 and East Dogwood. NCDOT is aware of the issue and a mechanism replacement is being designed to fix the issue.
  - o The beach survey is almost complete.
  - o The Town Manager formally recognized the new Public Works Director, David Bradley.

Councilman Conners welcomed Public Works Supervisor David Bradley as well.

Councilman Newberry inquired about the handout that Clair Sutton had distributed to Council at the November meeting in reference to her request for a Fairway Drive road improvement.

After discussion, Council agreed to send the request to the Capital Infrastructure Improvement CIIP committee for discussion and consideration.

### **PLANNING BOARD REPORT**

Planning Board Chairman Williams presented the monthly planning Board report which covered side yard setbacks, parking requirements at rental homes, and relocation of ocean front houses. The Planning Board recommended no changes to the referenced ordinances.

Councilman McDonald stated that during construction and relocation of oceanfront homes the landward side of the dune is being cut into, damaging the dune, and eventually the homeowners are going to want beach nourishment. The oceanside setback might need to be increased.

Mayor Bennett stated he thought existing CAMA requirements addressed this.

Councilman McDonald stated no.

Councilman Newberry stated the dunes need to be preserved in order to protect flooding from storms.

Councilman Conners and Mayor pro tem Nason stated CAMA regulated the setback.

**MOTION:** Councilman McDonald moved to have the Planning Board look into the oceanside setback, landward side, and possibly increase it to protect the dune. 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.

#### **GENERAL PUBLIC COMMENT**

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

1. Becky Whitehouse, Ocean Blvd.-would like to extend the allowed times on the beach for dogs May 15<sup>th</sup>-Sept. 15<sup>th</sup> by one hour in the morning and an additional hour in the afternoon. This would make the rule of no dogs on the beach from the hours of 10am-4pm, May 15<sup>th</sup>-Sept 15<sup>th</sup>.
2. Matt Neal-The ZTA for lot coverage should be looked at with a storm water management benefit to property owner. Need to preserve more flat top homes.
3. Lorelei DiBernardo-Supports Resolution 2018-02-01 which opposes off-shore drilling. She supports more public hearings to hear people's voices on the issue.

#### **OLD BUSINESS**

NONE

#### **NEW BUSINESS**

##### **PUBLIC HEARING-HISTORIC LANDMARKS COMMISSION DESIGNATION OF 156 WAX MYRTLE TRL. AS A HISTORIC LANDMARK.**

Chairperson Lee Whitley presented the Historic Landmarks Commission Report on 156 Wax Myrtle Trail and stated the committee unanimously recommended approval.

Town Attorney Gallop opened the public hearing and called for any member of the public to speak.

1. Steve Gudas-156 Wax Myrtle Trail-spoke in favor of the historic landmark designation and asked Council to approve the property.

Hearing no other citizen wishing to speak the Town Attorney closed the public hearing.

**MOTION:** Councilman McDonald moved to approved Ordinance 2018-02-01 designating 156 Wax Myrtle as a historic landmark. The motion was seconded by Councilman Newberry. The motion passed unanimously (5-0).

#### **NEXT AGENDA ITEM**

##### **RE-REFER TO PLANNING BOARD (WITH PROPOSED AMENDMENT) FOR COUNCIL RECONSIDERATION (SEC. 17 COUNCIL RULES OF PROCEDURE), ZONING TEXT AMENDMENT (ZTA-17-03) ORIGINALLY RECOMMENDED BY THE PLANNING BOARD ON SEPTEMBER 5, 2017 AS AMENDMENT TO SEC. 36-202, (D) OF THE TOWN CODE OF ORDINANCES TO ESTABLISH NEW LOT COVERAGE REQUIREMENTS**

**MOTION:** Mayor pro tem Nason moved the following motion, seconded by Councilman Jim Conners:

Refer the September 5th, 2017 Planning Board recommendation {ZTA-17-03} regarding lot coverage, back to the Planning Board for its reconsideration - with the following new sub-sections h. and i. added to sub-paragraph (6) in Part I of Article 111 of the recommended ZTA:

- h. Open-slatted decks constructed over pervious material, not exceeding a total of 25% of the total foot print area of the adjacent single-family dwelling, shall not contribute to lot coverage.

- i. Those allowances and/or exemptions listed in sub-sections g. and h. of this sub-paragraph (6) shall be available only to an applicant for a building/zoning permit for a single-family dwelling, or adjacent swimming pool, or adjacent open-slotted deck over pervious material, upon presentation of a survey with all applicable requirements including plan certification, for a Lot Disturbance and Storm water Management Permit as described in Sec. 36-171 {3} of the Town Code of Ordinances.

Councilman McDonald stated this item, per the Council's Rules of Procedure, cannot be brought back up due to the word "reconsideration" used in the request.

Town Attorney Gallop stated Mr. Nason's motion is valid and is only requesting it be sent back to the Planning Board with an amendment for consideration.

Mayor pro tem Nason's motion was seconded by Councilman Conners. The motion passed 3-2 with Mayor pro tem Nason, Mayor Bennett and Councilman Conners voting YES; Councilman McDonald and Newberry voting NO.

#### **NEXT AGENDA ITEM**

**CONSIDERATION OF RESOLUTION 2018-02-01-A RESOLUTION IN OPPOSITION OF THE PROPOSED "2019-2024 NATIONAL OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM" RELEASED JANUARY 4, 2018 BY THE U.S. DEPARTMENT OF ENERGY'S BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM).**

**MOTION:** Mayor Bennett moved to adopt resolution 2018-02-01 A Resolution in Opposition of the Proposed "2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program". The motion was seconded by Councilman McDonald and passed unanimously (5-0).

#### **GENERAL PUBLIC COMMENT**

Mayor Bennett again called for public comment and the following citizens spoke:

1. Debbie Newberry-267 N Dogwood-Auxiliary buildings, she didn't think it was meant to be separate living quarters. Dogs on the beach extended hours, ticket if owner does not do right thing. This evening's ordinance issues both are complicated issues, always a 3-2 vote. Send to Planning Board, that is their job.

#### **MAYOR COMMENTS & RESPONSES**

Mayor Bennett welcomed Public Works Director David Bradley and also recognized former SSCA President Ross Mitchell for his service to the community.

#### **COUNCIL COMMENTS & RESPONSE:**

Councilman Conners stated the Capital Infrastructure Improvement Planning Committee meets next week and this is a good time to offer input as to how the road projects are prioritized. There is a pattern of emails from members of the Council that come the day after a meeting, often trying to rehash items already discussed and settled. He stated more important is Council needs to establish firm policy as to when the Town Attorney can embark on legal work based on a single Council Member's request. The Town just received a \$2,000 bill in attorney fees on such a request. The Rules of Procedure need to be looked at to address this issue.

#### **CLOSED SESSION - NCGS § 143-318.11. (A)(6) - CONSIDER A PERSONNEL MATTER REGARDING AN INDIVIDUAL PUBLIC OFFICER/EMPLOYEE OF THE TOWN.**

**MOTION:** Mayor Bennett moved to go into closed session pursuant 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 Councilman McDonald. The motion passed unanimously (5-0)

**MOTION:** Upon returning to open session, Councilman McDonald moved to create a position of Deputy Town Manager-Planner / Code Enforcement Officer-Department Head, with a pay scale of grade 27-hiring rate \$63741, minimum \$66927, maximum \$95607. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

**ADJOURN**

**MOTION:** Hearing no other business, Councilman McDonald moved to adjourn. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0). The time was 7:58p.m.

ATTEST:

  
Thomas G. Bennett, Mayor

Respectfully submitted,

  
Sheila Kane, Town Clerk

