



**Town of Southern Shores  
Regular Council Meeting  
April 3, 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, April 3, 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:** Councilman McDonald moved to approve the agenda as presented. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0)

**CONSENT AGENDA**

The consent agenda consisted of the following items:

- i. Council Meeting Minutes – March 6, 2018
- ii. Tax pickups and releases
- iii. Budget Amendment #11 (Permit Delays-Remaining Cap. Street & Bulkhead Imp. Transfer to Cap Res. Fund)
- iv. Contract Renewal-Auditor Services
- v. For acknowledgement purposes only - Report of bid tabulation sheet for Town Manager's contract award to Millstone Marine for capital improvements to Yaupon Trail bulkhead

Upon Councilman McDonald's request, the Mayor removed item iii. (recommendation of Budget Amendment #11) from the Consent Agenda and placed it under New Business as item 6D.

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

**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, included a survey of other jurisdictions reviews and adoptions of the state-mandated small wireless antenna placement ordinance (Southern Shores previously adopted an ordinance).

**MOTION:** Despite Town Attorney Ben Gallop stating his opinion that any ability to further regulate device placement would be limited, Councilman McDonald moved to direct Town Staff to recommend a subsequent ordinance proposing to further regulate the placement of small wireless devices on poles in Town. The motion was seconded by Councilman Newberry. The motion passed unanimously (5-0).

- o Police Chief David Kole was absent-no report
- o Fire Chief Ed Limbacher presented the Fire Department's monthly report for March.
- o The Town Manager presented the Manager's report and addressed several matters:
  - o Reported on upcoming completion of annual capital street improvements.
  - o The Town has received the Government Access Channel grant in the amount of \$7,742.87 for further upgrades to Pitts Center.
  - o Remaining budgeted funds for the current fiscal year's Town code rewrite project and Fire Department's architectural design work will not likely be spent this fiscal year. Since they are legally obligated by contract, they will be proposed in a budget amendment the first Council meeting of the new fiscal year in July for appropriation.
- o The Town Attorney had no monthly report.

Councilman McDonald asked Council if a second budget workshop would be scheduled in addition to the scheduled April 17<sup>th</sup> meeting. The Town Manager reported it was his intent to file his annual proposed balanced budget at the Council's May 1 regular meeting, allowing for public inspection during the month of May and leading up to the public hearing at the Council's June regular meeting. A majority of Council members voiced that no additional work session was necessary to schedule at this time.

Councilman McDonald asked if a trial "no left turn" exercise was still being planned for the US158/S. Dogwood Trail intersection on a trial weekend sometime this summer to address cut-through traffic through Town. The Town Manger stated he had asked the Mayor to place the matter on the Council's May 1<sup>st</sup> agenda for final approval with a budget amendment to fund the cost of the effort. The Town Manager reported the target date is Saturday June 23<sup>rd</sup> and Sunday June 24<sup>th</sup> and if approved the effort would be publicized by press release, Town website, Town Newsletter, and usual media means.

#### **PLANNING BOARD REPORT**

Planning Board Chairman Williams gave a report of Board activities, actions and included several recommendations of the Board to Council. He also reported on action of the Board of Adjustment.

He stated that commercial design standards, as part of the Town code update, should be looked at as to what elements to include. The board recommends a task force comprised of residents, much like the Dogwood Trails Task Force, for the purpose of receiving public input.

Chairman Williams also reported the board feels construction on 50' lots need to be addressed by the Council. With the approval of variance requests for side yard setbacks from 15' to 12' on 50 ft lots, the Planning Board is concerned it will change the character of the Town

## **GENERAL PUBLIC COMMENT**

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

1. Mike Stone-Southern Shores resident-not the intent of existing ordinance to allow 50' lots for new construction.
2. Andrew Darling-Southern Shores resident-reported existence of some potholes
3. Matt Neal-Southern Shores resident-agreed with Mike Stone's comments.

## **OLD BUSINESS**

NONE

## **NEW BUSINESS**

Prior to the first item of New Business, Councilman Newberry voiced concern that he has heard the Planning Board will now be meeting during the day time and he is concerned citizens who want to attend meetings cannot attend a daytime meeting. The Town Manager stated what Councilman Newberry has heard is not the case, that only a poll request was emailed to each Planning Board member asking if he or she could attend meetings during either the day or night as a way for limited Town staff to plan to staff the various meetings of the Town's boards and committees. The Town Manager also reminded the Council that the Planning Board adopts its own procedural rules, but that the Council could dictate the Planning Board's meetings if it desired to do so. The Planning Board Chairman, Sam Williams recommended the Council not dictate the meeting times of the Planning Board but continue to allow it to set its own meeting times.

### **Planning Board Appointment-one vacancy**

Two applicants for the Planning Board are current board alternates. Mayor Bennett called for nominations.

- Councilman McDonald nominated Carlos Gomez.
- Councilman Conners nominated Glenn Wyder

Carlos Gomez received 2 affirmative votes, 3 negative votes.

Glenn Wyder received 3 affirmative votes, 2 negative votes. Mr. Wyder was appointed to the Planning Board, as a regular member.

## **NEXT AGENDA ITEM**

### **Pelican Watch Request**

Pelican Watch Homeowner Association requested to push sand on the publicly nourished public trust beach eastward of its property to increase the width of the frontal dune. Due to NCDCM not being able to issue a permit now due to a moratorium in turtle season, the request was pulled by Pelican Watch Homeowner Association with the intent it would be renewed in the Fall. Speaking for the PWHA was Gabe Rogers, President.

**MOTION:** On recommendation of the Town Manager, Councilman McDonald made a motion to table the request. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

**MOTION:** Councilman McDonald moved authorizing \$6,000.00 to be transferred from budgeted capital improvement line to beach stabilization line, with a matching contribution from Pelican Watch Homeowner Association to erect another row of sand fencing on the beach in this

location. The motion was seconded by Mayor pro tem Nason and passed 4-1 with Councilman Newberry casting the sole negative vote.

#### **NEXT AGENDA ITEM**

**Zoning Text Amendment-Proposal to Direct Staff to draft recommendations for amendments to Code Section 36-132(a) to prohibit dwelling construction on certain 50' lots**

**MOTION:** Mayor Bennet moved to direct staff to draft recommendations for amendments to Code Section 36-132(a) to prohibit dwelling construction on certain 50 ft. lots for consideration by the Planning Board The motion was seconded by Councilman Conners. After much discussion, the motion passed unanimously (5-0).

#### **NEXT AGENDA ITEM**

**Budget Amendment #11 (Permit Delays-Remaining Cap. Street & Bulkhead Imp. Transfer to Cap Res. Fund)**

The Town Manager explained his proposed Budget Amendment #11 as a way to put budgeted capital funds, which are projected to not be spent this fiscal year, back into the Capital Reserve Fund in lieu of them reverting to the Town's unassigned fund balance on June 30.

**Motion:** Mayor Bennett moved to approve Budget Amendment #11 as presented. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

#### **GENERAL PUBLIC COMMENT**

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

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1. Mike Stone - Southern Shores resident - Repeated his earlier comment that the Town is not interpreting Town Code correctly as regards to 50' lots.
2. George Berry - Southern Shores resident - advocates Verizon working with homeowners to install cell service antennas on homes.

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

Mayor Bennett had no additional comments.

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

Councilman Newberry stated that Clair Sutton made a request to Council at a previous meeting and has not heard a response from Council. Mayor Bennett stated the Capital Infrastructure Improvement Planning Committee meets tomorrow to consider a recommendation to Council for its response to her, but in the meantime, he will respond to her himself.

#### **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 7:41p.m.

ATTEST:

Respectfully submitted,

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Thomas G. Bennett, Mayor

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Sheila Kane, Town Clerk