



Town of Southern Shores
Regular Council Meeting
February 5, 2019

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 5, 2019.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Chris Nason and Council Members Fred Newberry, Jim Conners and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Ben Gallop, Town Manager Peter Rascoe and Town Clerk Sheila Kane

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

Councilman Conners requested removal of agenda item 5B (overlay district) at this time.

MOTION: Councilman Conners moved to approve the February 5, 2019 agenda as amended. The motion was seconded by Mayor Bennett. The motion passed unanimously (5-0).

CONSENT AGENDA

The consent agenda consisted of the following items:

- Council Meeting Minutes – January 8, 2019
- Surplus Resolution #2019-02-01

MOTION: Councilman McDonald moved to approve the consent agenda as presented. The motion was seconded Councilman Conners. The motion passed unanimously (5-0).

PRESENTATION

Presentation by Kin Endre, Outer Banks Assn. of Realtors, "Possible Homeowners Insurance Rate Increase"

STAFF REPORTS

The following Department Heads presented Department reports for the month:

- Town Planner Wes Haskett presented the Planning Department's monthly report for January. The Planning Board's next meeting is February 19th.
- Police Chief David Kole presented his Department's monthly report for January and introduced Council to the Town's newest Patrol Officer Zach Eanes. Master Patrol Officer Eddie McKeever was recognized for receiving his Advanced LE Certificate.
- Fire Chief Limbacher presented the Fire Department's monthly report for January
- The Town Manager presented the Manager's report on operations highlights:
 - The CIIP Committee is discussing a 5-ft wide walking trail from East Dogwood to the cemetery. This is being considered as a possible recommendation to Council for a FY19-20 capital improvement.
 - The condition of S. Dogwood Trail itself is also being discussed by the CIIP Committee. A Public Hearing on the CIIP Committee's upcoming recommendation for FY 19-20 will be in July.
 - Next CIIP Committee meeting is March 7th at 2:00 pm
 - The beach vulnerability study is complete and will be presented at the Council's February 26th meeting.
 - The facilities assessment report will also be presented at the February 26th meeting.
 - Yaupon Trail is progressing on schedule.
- Town Attorney Gallop had nothing to report.

Councilman Newberry asked what the total estimated cost for a walking path along South Dogwood Trail and he said he thinks the committee is also considering widening the street as well. Town Manager Rascoe replied that the committee is not considering a street widening, but only discussing what the Town Engineer provided. He further stated that offhand he does not have the total cost amount estimated for the walking path. He stated it was included in the CIIP Committee meeting minutes provided to Council and posted on the Town website, but he would provide it.

GENERAL PUBLIC COMMENT

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

1. Yvonne Sternberg-57 Hickory-Thanked council for new sidewalk along East Dogwood. Questioned why there wasn't additional crosswalks. Coyotes are a public safety issue.
2. Steve Gudas-Southern Shores historic Flat Tip Tour is scheduled for April 27th from 1-5 pm.
3. Mike Fletcher-226 Woodland Drive-Plans for a walking path on South Dogwood are fully appropriate but does not agree with widening of the street. There is no evidence that widening would benefit safety.
4. Greg Frucci-21 Foxwood Circle-fear creates more fear and hate will fuel decision making process.
5. Trisha Farinholt-69 Ocean Blvd.-temporary signs cannot be on easement and are difficult to see if moved back. Coyotes in Southern Shores, she is definitely fearful of them.

6. Ann Sjoerdsma-69 Hickory Trail- The Town newsletter is targeting the mini hotel signs, stating they are at risk for removal. This is all together petty, hostile, and micromangement-a little close to first amendment violation.
7. Natalie Drummond-302 Wax Myrtle- asked for a coyote management program. Concerned for pets and safety. The Town could approach the SSCA and CPOA about allowing traps on their private property.
8. Tommy Karole-77 East Dogwood-East Dogwood walking path is beautiful. In favor of walking paths, opposed to widening of South Dogwood Trail.
9. Joe Van Gieson-228 N. Dogwood-Opposed to widening of South Dogwood Trail. Town needs to look at the cost to replace, not widen streets. CIIP committee members are wrapped around Town Engineer's finger. A single committee member is an advocate for widening the street.
10. Steve Weeks-20 Spindrift-advocate for coyote management program. Would like them relocated.
11. Susan Stroud-231 Wax Myrtle Trl-advocate for coyote management plan. Has not seen them personally but fearful of them.
12. Phillip Stroud-231 Wax Myrtle Trl-advocate for coyote management program-used to taking care of predatory animals himself but needs to ask Council for help. Having to build fences is ridiculous.

The Town Manager was recognized and stated the CIIP Committee meetings are the best way for residents to hear of possible street projects to be recommended to Council. He stated improving South Dogwood Trail has historically been on the priority list, and Council is the body that adopts those projects, just as they have adopted the street standards. He finished his statement by stating the Town Engineer follows those adopted street standards in designing any street improvements.

OLD BUSINESS

Public Hearing for consideration of ZTA-18-09, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-132, Regulation of Structures and Uses Nonconforming.

Town Attorney Gallop gave a brief history on the several versions of ZTA-18-09 and reviewed the changes and recommendation report from the Planning Board resulting in tonight's public hearing. Mr. Gallop opened the public hearing and called on the Planning Board Chair for a report.

Councilman McDonald wished to clarify that the public hearing is on ZTA-18-09PB. Town Attorney Gallop confirmed.

Chairwoman Morey stated this is a complex problem. The Planning Board has been working on this zoning text amendment since September and this is the third version. The Planning Board agrees that it wants to reduce the number of non-conforming lots. The Planning Board voted 4-1 to recommend ZTA-18-09PB to the Town Council.

Councilman Newberry asked what the date of January 2016 represents in the recommended ZTA, and why are ordinances being constantly amended to accommodate unusual situations. Attorney Gallop stated that the date was around the time this issue started to arise and the month of January is just because it is the start of a year. He further stated it is the Council's prerogative to change or not change ordinances.

Councilman Connors stated we started off looking at one situation but strayed to encompass so much more.

Councilman McDonald asked the Town Attorney how many lots does this effect with that date. Town Attorney Gallop stated at least one and asked if Councilman McDonald wanted to know whose lot that was, to which Mr. McDonald replied yes.

Town Attorney Gallop stated the individual lot is owned by Mr. Love.

Councilman McDonald asked if you remove the date how many more lots would it address. Attorney Gallop stated likely more.

Councilman Connors commented that he does not see addressing just one illegal lot. Town Attorney Gallop stated not likely.

Chairwoman Morey stated there is a lot of unknowns and who knows how many more lots there actually are.

Mayor Bennett stated the Planning Board and Council have been trying to make it fair.

Town Attorney Gallop opened the Public Hearing for Public Comment:

1. Craig Hurd- 378 Sea Oats Trail-bought home in 1997 and now owns a nonconforming lot-now can't sell it or build on it.
2. Mr. Sharp, attorney for Mr. Love-this is a complicated issue and Town should take as many meetings as necessary to make it proper and fair.
3. Ann Sjoerdsma-69 Hickory-version ZTA-18-09 PB language drafted after they met as has not been reviewed as a whole. It is new language and not well written, confusing.
4. Trisha Farinholt-69 Ocean Blvd-neighbor of Mr. Love. Mr. Love did a good gesture by purchasing lot in order to prevent a large home from being built. If anyone is to blame it is David Stick for creating these lots.
5. Joe Van Gieson -228 N. Dogwood-lot size was marketing scheme. Someone found out they could tear down a property and sell the lots individually.

Town Attorney Gallop closed the public hearing and called on Council for deliberation.

MOTION: Councilman Connors moved to approve ZRA-18-09 PB. Motion did not receive a second.

Mayor pro tem Nason stated he is no longer the architect for Mr. Love and asked the Town Attorney if he should be recused from voting on this matter.

Town Attorney Gallop stated Mr. Nason can participate but not vote in legislative matters if the recusal is approved. A motion must be present first.

MOTION: Councilman McDonald moved to send the ZTA back to the Planning Board, have staff identify non-conforming lots, Planning Board look at all exceptions, revise and bring back something to address the lots. The motion was seconded by Councilman Newberry.

Mayor Bennett asked if Councilman McDonald would slightly amend the motion to include asking staff to draft a ZTA which would allow the sale or development of a non-conforming lot that is at least 20,000 sq ft and greater than or equal to 50 ft in width.

Councilman McDonald stated he believes the Planning Board has that option with the motion he just made. He stated he did not want to tie the Planning Board all up. Councilman Newberry stated he agreed.

Councilman McDonald stated he wasn't disagreeing with the Mayor's amendment but rather didn't want to tie the hands of the Planning Board with what they can or cannot do. Mayor Bennett stated he just wants to confirm that the issue of the 20,000 sq. ft lots will be addressed, to which Mr. McDonald replied yes.

Planning Board member Andy Ward stated he would like to sit down with Planning Board Chair Elizabeth Morey and Planning Director /Deputy Town Manager Wes Haskett, Town Attorney Gallop and look at the whole situation. He stated he does not know all the non-conforming lots.

MOTION: Councilman McDonald amended his own original motion. He moved to send the matter back to the Planning Board to identify all the non-conforming lots within the Town. Based upon that identification, to develop an ordinance and recommendation that will attempt to comprehensively address the non-conforming lots that should be dealt with in an equitable manner differently from the desire to bring everything into conformance and bring to the Town Council. The amended motion was seconded by Councilman Newberry.

Mayor pro tem Nason asked the Town Attorney if he could vote in this matter. Attorney Gallop replied yes. Mayor Bennett called for a vote. The motion passed unanimously (5-0).

Town Manager Rascoe made a brief statement that a budget amendment will likely be brought in the future to Council for an anticipated increase in attorney fee costs to the Town for the year.

NEW BUSINESS

Juniper Trail Cap. Improvement Update and Recent Damage Repair Options.

Town Manager Rascoe gave a briefing on the Juniper Trail road improvement project recently completed. He stated the brand-new road was severely damaged after completion when a

utilities contractor boring under the new street, hit a water main. The Town could close the road completely for three days, place an ABC base and patch the area, most likely requiring another fix again in three years. Or the Town could shut the road down completely for a week and rebuild the damage area exactly as recently constructed. The Town Manager stated he brought this issue to Council as they will likely be the one receiving calls and complaints of the road closure.

MOTION: Mayor Bennett moved to repair the road properly and approve the week-long closure. Councilman McDonald seconded the motion. The motion passed unanimously (5-0).

The Town Manager stated he does not have a date of the closure to repair but hopes the Town will receive a two weeks' notice ahead of time. This is not guaranteed.

Next Agenda Item

Resolution for naming Bonner Bridge replacement

Mayor Bennett stated he has been asked to bring forth a resolution for naming the Bonner Bridge replacement for Council consideration.

MOTION: Councilman McDonald moved to adopt *Resolution #2019-02-02 Recommending the New Replacement Bridge for The Bonner Bridge Be Known as "The Marc Basnight Bridge"* The motion was seconded by Councilman Newberry. The motion passed (3-2) with Councilman McDonald, Council Newberry, Mayor pro tem Nason voting affirmative; Mayor Bennett and Councilman Connors opposing.

Next Agenda Item

Approval of Planning Board's Election of Officers [Town Code Sec. 24-24]

MOTION: Councilman McDonald moved to approve the Planning Board's election of officers as presented. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0)

Next Agenda Item

Coyotes in Southern Shores

Councilman McDonald stated he has heard from citizens with public safety concerns due to the presence of coyotes in Southern Shores. He has asked the Town Manager for options and solutions.

Town Manager Rascoe gave a detailed report on the presence of coyotes including what the Town has done to educate the residents, highlighting the following:

- The Town has received numerous reports on sightings but no first-hand reports of an actual threat of harm from a coyote. He stated citizens should always report aggressive coyote behavior to the emergency authorities at 9-1-1.
- The Town has publicized numerous educational materials on how to cohabitate with the coyotes, amongst other wildlife as well.
- The Town held a public forum with the residents and representatives from the NC Wildlife Resources Commission just last year, December 2017 (a video to this forum is available online).
- The hunting of coyotes is not allowed in Dare County.

- He does not recommend killing coyotes by trapping as all the experts agree coyotes will only reproduce in greater numbers annually if threatened.
- Traps can only be placed on private properties by the property owners if licensed.
- Must be a licensed NC trapper.
- Trapping season is only from December 1st-February 28th .
- This is a trap and then kill program, coyotes cannot be relocated.
- Residents should not leave food sources (feeding pets) outside.
- Residents need to learn to cohabitate with all the wildlife, including coyotes.

The Town Manager stated if Council wants a coyote killing by trapping program implemented, staff will follow through.

Mayor Bennett stated residents he has spoken to from Nags Head still see coyotes although implementation of the killing by trapping program is in place.

Mayor pro tem Nason stated trapping must be done on private property. Individual homeowners or the homeowner associations can trap if they want.

Councilman Newberry stated the traps could be dangerous for children outside playing. The homeowner would be responsible.

Councilman Conners stated he was not in favor of killing a species.

Councilman McDonald would like to again hold another educational workshop on coyotes with the NC Wildlife Resource Commission officers.

Town Manager Rascoe stated the Wildlife Resources Commission area biologist Chris Turner has said he would be glad to come and hold the same coyote management workshop he has held in the past.

No further action.

GENERAL PUBLIC COMMENT

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

MAYOR COMMENTS & COUNCIL COMMENTS

Mayor Bennett and Council had no other comments.

ADJOURN

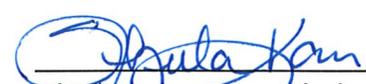
MOTION: Councilman McDonald moved to adjourn the meeting. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0). The times was 8:21 p.m.

ATTEST:


 Thomas G. Bennett, Mayor



Respectfully submitted,


 Sheila Kane, Town Clerk



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

Resolution #2019-02-01

A RESOLUTION DECLARING CERTAIN PROPERTY OF THE TOWN TO BE SURPLUS AND AUTHORIZING THE DISPOSITION OF SAID PROPERTY

WHEREAS, the Town Council of the Town of Southern Shores, North Carolina, has determined that the Town owns certain personal property that is no longer needed or usable by the Town; and

WHEREAS, the property is described below:

Surplus Property Information

Make	Model	Year	Department	V.I.N. / Description
FORD	CROWN VIC	2011	POLICE	2813
DODGE	CHARGER	2011	POLICE	0480
Motorola	XTL2500	2009	POLICE	Mobil Radio 0774
Motorola	XTL2500	2009	POLICE	Mobil Radio 7786

NOW, THEREFORE, BE IT RESOLVED by the Southern Shores Town Council that the Town Manager or his designee are hereby authorized to dispose of the aforementioned property by any means allowable to include offering for sale at public auction, donation to a nonprofit organization, internet on-line offering, private negotiation and sale, upset bid process, or destruction.

AND BE IT FURTHER RESOLVED that property described in this resolution is surplus as of February 5, 2019.

ATTEST:

Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk

January 30, 2019

MEMORANDUM

From: Wes Haskett, Deputy Town Manager/Planning Director

To: Town Council

CC: Peter Rascoe, Town Manager

RE: Approval of Planning Board Election of Officers

The Planning Board has elected its officers as indicated below in accordance with Sec. 24-24 of the Town Code of Ordinances. A copy of the applicable Code Section is enclosed, as these elections require your approval.

Chairperson – Elizabeth Morey

Vice-Chairperson – Joe McGraw



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

RESOLUTION #2019-02-02 RECOMMENDING
THE NEW REPLACEMENT BRIDGE
FOR THE BONNER BRIDGE
BE KNOWN AS THE "MARC BASNIGHT BRIDGE"

WHEREAS, the Town of Southern Shores is an incorporated municipality in Dare County, North Carolina: and

WHEREAS, Marc Basnight was born in Manteo, and graduated from Manteo High School; and

WHEREAS, Marc Basnight chaired the Dare County Tourist Bureau from 1974 to 1976; and

WHEREAS, Marc Basnight was a member of the North Carolina Board of Transportation from 1977 to 1983

WHEREAS, Marc Basnight served as a Democratic member of the North Carolina State Senate, representing the 5th District from 1984 until 2011; and

WHEREAS, Senator Marc Basnight held the position of President pro tempore from 1993 until his resignation due to health issues; and

WHEREAS, Senator Marc Basnight advocated for the replacement of Bonner Bridge, the vital life line to Hatteras Island; and

WHEREAS, Marc Basnight has made extraordinary contributions to the growth and strength of Dare County in countless recorded and unrecorded ways; and

WHEREAS, Marc Basnight was a life-long resident of Dare County who contributed to the economic and cultural history of the county,

NOW THEREFORE, BE IT RESOLVED that the Southern Shores Town Council respectfully request your consideration of the new bridge in Dare County be named the "Marc Basnight" Bridge.

Adopted this 5th day of February, 2019

ATTEST:


Sheila Kane, Town Clerk




Thomas G. Bennett, Mayor



**GENERAL PUBLIC COMMENT
SIGN-UP SHEET**

February 5, 2019

We encourage your public comments. All speakers must recognize the utmost importance of maintaining the decorum of Town meetings and of the need for all to have an opportunity to speak in a timely and uninterrupted manner. Please limit your comments to 3 minutes and speak courteously and respectfully to the Council as a whole. The 3 minute time allotted is your time to speak. You may choose to use all of it or less, but it is not transferrable to anyone else. Public comment is your opportunity to provide input on Town matters. It is not meant to be a dialogue exchange between you, members of the Council, or others in the audience.

NAME	MAILING ADDRESS OF RESIDENT	TOPIC
YVONNE STERNBERG	57 Hickory Trail	Sidewalks / Coyotes
Steve Gudas	156 Wax Myrtle Tr.	Flat top four
MICHAEL FLICHER	226 WOODLAND	S. Dogwood improvements
CLARA ANDERSON	PO BOX 812 KAR	
CAREY FRUCCI	21 FOXWOOD CIR.	SIZE OF HOMES
TRISHA FARINHOLT	120 Dover Rd W/ Shy -69 Ocean Blvd	Newcomer lot - Coyotes
Ann Sjoerdsma	69 Hickory Trail	Signs
Natalie Drummond	302 Wax Myrtle Trl.	Coyotes
Tommy Karole	77 E DOGWOOD	No WIDEN SIGN
DAVE BARKER	226 N. Dog.	
Joe Van Gibson	226 N Dogwood Tr	to Dogwood/
Steve Weeks	20 Spindrift Trl.	Coyotes
Susan Hood	231 Wax Myrtle Tr	Coyotes
PHILIP STROUD	231 WAX MYRTLE TR	COYOTES



Public Hearing
February 5, 2019

Public Hearing for consideration of ZTA-18-09, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-132, Regulation of Structures and Uses Nonconforming.

NAME (PRINT)	US MAILING ADDRESS OF ACTUAL PERMANENT RESIDENCE
Craig Hurd	378 Sea Oats Trail 53
Stanley Sharp	PO 1027 Kitty Hawk NC
Ann Sjoerdsma	69 Hickory Trail
Trisha Farinholt	69 Ocean Blvd
Joe Van Gieson	228 N Dogwood

120 DOVER RD
WMSB 6 Va 23185