



**Town of Southern Shores  
Council Meeting  
July 16, 2013**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 9:00 a.m. on Tuesday, July 16, 2013

**COUNCIL PRESENT:** Mayor Hal Denny, Mayor Pro Tem Jodi Hess, Council Members George Kowalski, David Sanders and Larry Lawhon.

**COUNCIL ABSENT:** None

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

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE**

Mayor Denny called the meeting to order at 9:00 a.m., led the Pledge of Allegiance, and held a Moment of Silence.

**APPROVAL OF AGENDA**

**MOTION:** Council Member Sanders moved to approve the agenda as presented. The motion was seconded by Council Member Lawhon. The motion passed unanimously.

**CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- Approval of Minutes – June 18, 2013 & July 2, 2013
- Exemption of Building Design Project from NCGS 143-64.32(a)

**MOTION:** Council Member Lawhon moved to approve the consent agenda. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously.

[Clerk's Note: A copy of Consent Agenda items are hereby attached as Exhibit A].

**PUBLIC HEARING- SCSA WIRELESS ORDINANCE ZTA-13-03**

Town Planner, Wes Haskett gave a brief introduction to ZTA-13-03. The applicant is proposing to amend Section 36-175, (c), (2), h by adding language to allow for fences or walls to enclose telecommunications towers, their accessory equipment structures and equipment enclosures with a maximum height of ten (10) feet. The current ordinance specifically requires a chain link fence which shall be no less than six (6) feet or more than ten (10) feet in height. Initially, the applicant requested a height for fences or walls not to exceed fourteen (14) feet which the Planning Board did not agree with and recommended the current maximum height for fences of ten (10) feet.

Town Staff suggest modifying the proposed language to allow for chain link fences and/or walls in the event an applicant wishes to enclose the wireless site with both options. Town staff also proposes an additional amendment to Section 36-97, Walls and Fences which creates an exception for walls or fences around telecommunications towers, their accessory equipment structures and equipment enclosures. Town Staff suggests the following language: For wireless telecommunications sites, no wall or fence shall exceed ten (10) feet in height. This proposed language is necessary in order to be consistent with the proposed amendments to Section 36-175, (c), (2), h.

The applicant is also proposing to amend Section 36-175, (c), (2), k to allow for legal notices, identifications, directional and informational signs erected or required by governmental bodies, public utilities, or civic associations with the approval of Town Council. The current ordinance does not allow wireless telecommunications site to display any signage, logos, symbols or any messages of a commercial or non-commercial nature.

The Town Planning Board recommended approval (3-1) of the proposed ZTA and Town Staff recommends approval of the proposed ZTA and that the application is consistent with the Town's currently adopted Land Use Plan.

Council Member Lawhon inquired as to the height of the equipment cabinets in relation to the ten foot wall. SSCA President, Ross Mitchell confirmed the 12 foot cabinet height.

Mayor Denny opened the Public Hearing and called for public comment.

Upon hearing no comments Mayor Denny closed the public hearing.

**MOTION:** Council Member Lawhon moved to adopt ZTA-13-03. The motion was seconded by Council Member Kowalski. The motion passed unanimously.

**PUBLIC HEARING- ANIMAL BOARDING FACILITY ZTA-13-04**

Due to the applicant's absence, staff recommended tabling ZTA-13-04.

**MOTION:** Council Member Kowalski moved to table ZTA-13-03. The motion was seconded by Council Member Sanders. The motion passed unanimously.

**GENERAL PUBLIC COMMENT- None**

**OLD BUSINESS-None**

**NEW BUSINESS-None**

**OTHER ITEMS**

Town Manager's Report

The Town Manager addressed several issues:

- A bid package is being prepared for the prior approved repair category from the FY 2013-2014 CIP street improvement projects.
- The Town Manager and Police Chief have met with the architect for the Police Department's training building and are waiting on financial numbers.

Town Attorney: none

Mayor's comments:

The Mayor stated that by his survey, seven out of seven residents he surveyed on Tall Pine Lane wish to have the large tree at the street entrance removed. All Council Members consented to the tree's removal.

**ACTION:** Mayor Denny, by consensus of Council, instructed the Town Manager to have the large tree at the entrance to Tall Pine Lane removed.

Council Members' comments: None

**CLOSED SESSION**

**MOTION:** The Mayor moved to go into Closed Session Pursuant to NCGS 143-318.11(a)(3) to Consult with the Town Attorney in a Manner Preserving the Attorney/Client Privilege and to Review/Approve Closed Session Minutes Pursuant to NCGS 143-318.11(a)(1). The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously.

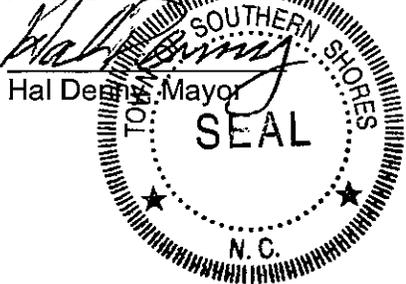
**MOTION:** Upon returning to open session Mayor Denny moved to go into a Closed Session Pursuant to NCGS 143-318.11(a)(5) to instruct Staff concerning a position to be taken on behalf of the Town regarding the possible acquisition of an interest in real property at 108 Duck Woods Drive being lot 14, Blk 227A, as shown on that certain entitled "Southern Shores Block 227-A" prepared by Bill Robbins & Associates, Surveyors and recorded in Plat Cabinet C, Slides 116E and 116F of the Dare County Registry. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously.

**MOTION:** Upon returning to open session and following the recommendation made by the Town Attorney, Mayor Denny moved to direct Staff to prepare and process a proposed ordinance which will permit by exemption any temporary Town public works projects to occur in any land-use zone within the Town. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously.

**ADJOURN**

**MOTION:** Mayor Pro Tem Hess moved to adjourn. The motion was seconded by Council Member Kowalski. The motion passed unanimously. The time was 10:30 a.m.

ATTEST:



Respectfully submitted,

  
Sheila Kane, Town Clerk

**EXHIBIT A**



# 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](http://www.southernshores-nc.gov)

Resolution 2013-07-01

Resolution of Local Government Exemption From  
Article 3D of Chapter 143 of the North Carolina General Statutes

The estimated professional fee for the proposed project of designing an addition to the current Police Department building of the Town of Southern Shores, including but not limited to architectural, surveying, engineering, and construction management services, is less than thirty thousand dollars (\$30,000), and is therefore hereby declared exempt from the procurement provisions of Article 3D of Chapter 143 of the North Carolina General Statutes.

This exemption is declared this 16<sup>th</sup> day of July, 2013 by the Town Council of the Town of Southern Shores in accordance with NCGS 143-64.32(a).

\_\_\_\_\_  
Hal Denny, Mayor

Attest: \_\_\_\_\_  
Town Clerk



Town of Southern Shores  
Closed Session  
July 16, 2013

Those in attendance: Mayor Denny, Mayor Pro Tem Hess, Council Members Kowalski, Sanders and Lawhon.

Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Sheila Kane.

Mayor Denny called the meeting to order at 9:20 a.m. stating there are two items for the agenda.

A.) The Town Clerk presented Council with two sets of closed session minutes for approval.

**JUNE 4, 2013**

**MOTION:** Council Member Sanders moved to approve the June 4, 2013 closed session minutes as presented. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously.

**JUNE 18, 2013**

**MOTION:** Mayor Pro Tem Hess moved to approve the June 18, 2013 closed session minutes as presented. The motion was seconded by Council Member Lawhon. The motion passed unanimously.

B.) Town Attorney Ben Gallop led a discussion about zoning authority and restrictive covenants. He stated it would benefit the Town to have staff prepare a proposed ordinance that would permit, by exemption from the zoning code, temporary Public Works projects to be conducted in any land-use zone of the Town. He also advised that if it is Council's intent to move ahead with canal dredging, he recommends acquiring some interest in the property at 108 Duck Woods Drive. It is his opinion under current NC case law that by the Town acquiring a legal interest in the property; it would preclude any citizen attempt in court to be awarded a Temporary Restraining Order or Preliminary Injunction to stop ongoing work on the dredging project.

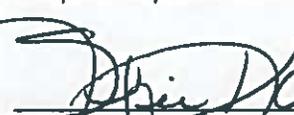
**MOTION:** The Mayor moved to adjourn the closed session at 10:12 a.m. Council Member Lawhon seconded. The motion passed unanimously.

ATTEST:

  
Hal Denny, Mayor



Respectfully submitted:

  
Sheila Kane, Town Clerk



Closed Session #2  
July 16, 2013

Those in attendance: Mayor Denny, Mayor Pro Tem Hess, Council Members Kowalski, Sanders and Lawhon.

Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Sheila Kane.

Mayor Denny called the meeting to order at 10:14 a.m.

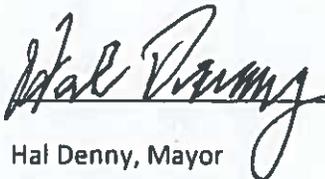
Following discussion on the Mayor's motion to go in to closed session for the purpose of instructing Staff on a position to be taken on behalf of the Town regarding the possible acquisition of an interest in real property at 108 Duck Woods Drive being lot 14, Blk 227A, as shown on that certain entitled "Southern Shores Block 227-A" prepared by Bill Robbins & Associates, Surveyors and recorded in Plat Cabinet C, Slides 116E and 116F of the Dare County Registry:

**MOTION:** The Mayor moved to grant authority to the Town Manager to negotiate, at a cost not to exceed \$10,000, acquisition of an appropriate interest in the real property at 108 Duck Woods Drive necessary to support the Town's dredging project - and return to Council with any documents needing approval. The motion was seconded by Council Member Lawhon. The motion passed unanimously.

**MOTION:** Mayor Denny moved to go out of closed session. The motion was seconded by Council Member Lawhon. The motion passed unanimously. The time was 10:29 p.m.

ATTEST:

Respectfully submitted:

  
Hal Denny, Mayor

  
Sheila Kane, Town Clerk

