



**Town of Southern Shores
Council Meeting
November 5, 2014**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Wednesday, November 5, 2014.

COUNCIL PRESENT: Mayor Tom Bennett, Mayor Pro Tem Jodi Hess, Council Members David Sanders and Leo Holland.

COUNCIL ABSENT: Council Member Lawhon

OTHERS PRESENT: Town Manager Peter Rascoe, Town Attorney Ben Gallop, 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

Mayor Bennett recommended amending the consent agenda to include minutes from the October 2, 2014 special meeting.

MOTION: Council Member Holland moved to approve the agenda as amended. The motion was seconded by Council Member Sanders. The motion passed unanimously (4-0).

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Approval of Minutes- October 2, 2014 and October 7, 2014
- Resolution 2014-11-01 Surplus Property

MOTION: Mayor Pro Tem Hess moved to approve the consent agenda. The motion was seconded by Council Member Holland. The motion passed unanimously (4-0).

[Clerk's Note: A copy of Resolution 2014-11-01 is hereby attached as Exhibit A]

RECOGNITION FOR YEARS OF SERVICE

The Mayor presented a plaque to each of the following staff members for recognition of their years of dedicated service:

- Wes Haskett-five (5) years
- Bonnie Swain- ten (10) years
- Jennifer Couture-fifteen (15) years

Town Manager Peter Rascoe formally introduced Cynthia Mills as the Town's new administrative specialist.

STAFF REPORTS

Finance Officer

Finance Officer, Bonnie Swain presented the quarterly financial reports.

Town Planner: The Town Planner, Wes Haskett presented the Planning Department's monthly report containing the following:

- Permitting and Inspections for October, 2014

Southern Shores Police Department

Chief Kole presented the Police Department's monthly report for October.

Southern Shores Volunteer Fire Department: Fire Chief, Ed Limbacher presented the Fire Department's monthly report for October.

[Clerk's Note: A copy of staff reports are hereby attached as Exhibit B].

REPORTS FROM TOWN BOARDS

No reports

GENERAL PUBLIC COMMENT

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

William Small, Southern Shores property owner, on behalf of the Fairway Drive Homeowners Association
Joe VanGieson, Southern Shores property owner
Paulette Prodanck, Southern Shores property owner
Jennifer Frost, Southern Shores property owner
Gerri Sullivan, Southern Shores property owner
Ann Sjoerdsma, Southern Shores property owner

Mr. Small spoke on behalf of the Fairway Drive Homeowners' Association and voiced that group's opposition to Priority Project Alternative C (bicycle/pedestrian path via a canal bridge from Fairway Drive to Beech Tree Trail) of the October 2014 DRAFT Town of Southern Shores Bicycle and Pedestrian Plan.

All other commenters spoke in opposition either to the Town's recent commencement of capital street improvement projects, or in opposition to the Southern Shores portion of the Dare County Comprehensive Transportation Plan being presented by NCDOT later in this meeting.

OLD BUSINESS

None

NEW BUSINESS

FY 2013-2014 Audit Presentation

Teresa Osborne of Dowdy and Osborne presented the report and findings from the June 30, 2014 audited financial statements. The Town of Southern Shores received an unqualified opinion which is the best opinion a municipal government can receive. The opinion states that the Town's financial statements are prepared and presented in accordance with general accepted accounting principles. Additionally, there were no significant deficiencies or material weaknesses noted. The following financial highlights were presented in the audit:

- The assets and deferred outflows of resources of the Town of Southern Shores exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$ 11,347,863 (net position).
- The government's total net position increased by \$ 989,834 (largely due to capitalized canal dredging improvements).
- As of the close of the current fiscal year, the Town of Southern Shores' governmental funds reported combined ending fund balances of \$ 5,163,458, a decrease of \$1,301,853 over the prior year (largely due to canal dredging improvements paid from the capital project fund). Approximately 13 % of this total amount or \$ 675,209 is non-spendable, restricted, committed or assigned.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$ 4,488,249 or 79 % of total general fund expenditures for the fiscal year.
- County wide property valuations occurred and the total property valuation decreased \$ 466,815,703 (26%) from \$ 1,779,121,250 in fiscal year 2013 to \$ 1,312,305,547 in fiscal year 2014.
- The general fund budget for the year was adopted with a tax rate of 22 cents per \$ 100 of assessed valuation (up from 16 cents in the prior year) due to county-wide property revaluations. This rate represents the "revenue neutral" tax rate for Southern Shores.

The Auditor responded to several questions from Council Members, stating that the NC Local Government Commission had concurred with her findings, that the Finance Officer and the Town Manager (Budget Officer) had been co-operative and forthcoming with all detailed information needed during her audit work, and that all Town procurement and contracting transactions had been conducted pursuant to the State law and the Town's policy.

[Clerk's Note: A copy of the audit is on file with the Clerk at Town Hall and also viewable on the Town's website]

Recommended Budget Amendment #4-Increase Police Department Special Separation Allowance

The Auditor recommended to staff an increase in the Police Department Special Separation Allowance by \$37,000 to accommodate for current retirees and to build up the account for anticipated future retirees.

MOTION: Mayor Pro Tem Hess moved to approve budget amendment #4. The motion was seconded by Council Member Sanders. The motion passed unanimously (4-0).

Dare County Comprehensive Transportation Plan Presentation (CTP) and Resolution 2014-11-02

Kerry Morrow with NCDOT Transportation Planning Branch (CTP) presented a power point presentation of the Dare County Comprehensive Transportation Plan. The plan is a Long range multi-modal transportation plan for a town/city, group of towns/cities, or a county. A concept for a broad range of improvements over 25-30 year planning period, not fiscally constrained. The CTP incorporates land Use plans, community and statewide goals and its elements include highway, public Transportation and rail, bicycle, pedestrian, ferry/waterway.

Resolution 2014-11-02 presented to Council is seeking adoption of the Southern Shores portion of the Comprehensive Transportation Plan as the maps pertain to Southern Shores only, subject to future designs of facilities involving public input. The plan should serve as a guide in the future development of any transportation system in the Town of Southern Shores.

MOTION: Following discussion Council Member Holland moved to table the Resolution 2014-11-02 until the next meeting. The motion was seconded by Mayor Pro tem Hess. The motion passed unanimously (4-0).

Newton Street Right of Way Encroachment Permit Application

Since the last ordinance change, encroachment agreements can be approved administratively as long as staff finds no concerns with the request. This is the first encroachment agreement request since that ordinance change and is being brought to Council's attention as an information item to highlight the new process. Mr. Newton's request will be approved administratively and reduced to a right of way encroachment agreement which both the Town and owner will sign and it will be recorded. (no action by Council required)

Appointment of Reconstruction Task Force

MOTION: Mayor Pro Tem Hess moved to approve the recommended annual appointment of the Reconstruction Task Force, responsible for advising Council on a wide range of post-storm reconstruction issues. The motion was seconded by Council Member Sanders. The motion passed unanimously (4-0).

[Clerk's Note: A copy of the new business items are hereby attached as Exhibit C].

OTHER ITEMS

Town Manager's report

The Town Manager addressed several matters:

- The audit will be on the website tomorrow
- The planned sidewalk installation on Juniper Trail beside Towne Bank is projected to commence this week.
- The capital improvement project on Pintail Ct. has started and should be completed in two weeks.
- The one hundred percent (100%) design plans for the Tall Pine Bridge replacement project should be available in December or January for Council to review. February is the target date for the Town to acquire a small piece of right of way on the North corner. Demolition work is not projected to begin until October 1st, with a six to nine month completion period projected after that.
- Madeleine Henley with Walking Sticks Associates will be on the agenda for the November 18, 2014 meeting with a compilation report from the October 2nd meeting.
- November 11th the Veterans Day Ceremony will be at the Town Hall at 11:00 a.m.
- Clarification on the cell tower at the triangle- The Town's involvement with the SSCA cell tower is limited to land use and zoning approval only. The Town has no financial or ownership stakehold in the venture.
- The beach stabilization project will begin again in January 2015.
- The Public Works Department has removed the Southwestern US Prickly Pear cactus from the East Dogwood median and will be replaced with appropriate plantings in the spring. This was due to several line of sight complaints received.
- A resolution outlining the Council regular meeting schedule for next year will be presented at the December 2nd meeting. It will consist of Council Meetings, Committee Meetings and Retreat Meetings, all of which are open to the public.

Town Attorney:

None

Mayor's comments:

The Mayor stated he has asked two of the Town's residents, Elizabeth Morey and Jim Connors to serve on the Council's Capital Improvement Planning (CIP) Committee. He also read a statement he had written to clarify some misinformation and untrue rumors that persist and pertain to the Town's capital street improvements.

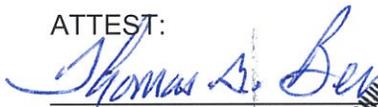
Council Members' comments:

None

ADJOURN

MOTION: Council Member Holland moved to adjourn. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously (4-0). The time was 7:35p.m.

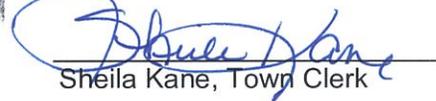
ATTEST:



Mayor Thomas G. Bennett



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

RESOLUTION 2014-11-01

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

DEPT.	MAKE	MODEL	YEAR	V.I.N./DESCRIPTION
Public Works	YAMAHA	RHINO	2007	5Y4AJ24Y47A001631

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 November 5, 2014.

ATTEST:


Thomas G. Bennett, Mayor

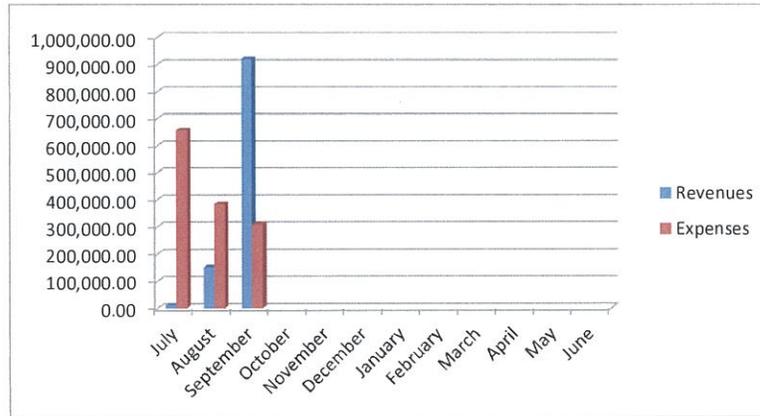



Sheila Kane, Town Clerk

EXHIBIT B

GENERAL FUND

	<u>Revenues</u>	<u>Expenses</u>
FY 14-15		
July	10,444.10	657,707.95
August	151,722.10	383,761.61
September	921,260.14	308,826.91
October		
November		
December		
January		
February		
March		
April		
May		
June		
Total YTD	1,083,426.34	1,350,296.47



Revenues					
	Current Period	Prior Period	Current YTD	Prior YTD	
July					
Ad Valorem & Motor Vehicle	-	1,495.29	-	1,495.29	
Occupancy Tax	-	-	-	-	
Sales Tax	-	-	-	-	
Land Transfer Tax	-	-	-	-	
Building Permits & Fees	6,587.96	6,855.30	6,587.96	6,855.30	
Other Revenues	3,856.14	4,918.14	3,856.14	4,918.14	
	10,444.10	13,268.73	10,444.10	13,268.73	
August					
Ad Valorem & Motor Vehicle	129,123.19	102,049.93	129,123.19	103,545.22	
Occupancy Tax	-	309,506.82	-	309,506.82	
Sales Tax	-	-	-	-	
Building Permits & Fees	11,993.60	4,999.90	18,581.56	11,855.20	
Other Revenues	10,605.31	5,908.10	14,461.45	10,826.24	
	151,722.10	422,464.75	162,166.20	435,733.48	
September					YTD Difference
Ad Valorem & Motor Vehicle	479,630.64	516,371.06	608,753.83	619,916.28	-11,162.45
Occupancy Tax	247,818.64	279,151.15	247,818.64	588,657.97	-340,839.33
Sales Tax	106,238.20	129,102.18	106,238.20	129,102.18	-22,863.98
Utilities & Franchise Tax	62,686.12	63,212.18	62,686.12	63,212.18	-526.06
Building Permits & Fees	12,990.73	10,177.30	31,572.29	22,032.50	9,539.79
Other Revenues	11,895.81	18,179.37	26,357.26	29,005.61	-2,648.35
Total	921,260.14	1,016,193.24	1,083,426.34	1,451,926.72	-368,500.38
Tr in From CRF YTD					
Grand Total YTD			1,083,426.34		

Expenditures					
	<u>Current Period</u>	<u>Prior Period</u>	<u>Current YTD</u>	<u>Prior YTD</u>	
July					
Administration	127,529.16	130,022.38	127,529.16	130,022.38	
Police	155,556.04	118,068.67	155,556.04	118,068.67	
Sanitation	19,405.10	10,896.70	19,405.10	10,896.70	
Fire Department	262,752.50	262,752.50	262,752.50	262,752.50	
Ocean Rescue	26,333.33	25,833.33	26,333.33	25,833.33	
Streets	4,755.00	2,877.99	4,755.00	2,877.99	
Public Works	45,536.60	36,782.66	45,536.60	36,782.66	
Code Enforcement	15,840.22	16,758.68	15,840.22	16,758.68	
	657,707.95	603,992.91	657,707.95	603,992.91	
August					
Administration	79,388.46	56,834.95	206,917.62	186,857.33	
Police	130,852.79	125,135.99	286,408.83	243,204.66	
Sanitation	40,277.29	35,094.96	59,682.39	45,991.66	
Fire Department	-	-	262,752.50	262,752.50	
Ocean Rescue	26,333.33	25,833.33	52,666.66	51,666.66	
Streets	47,932.01	18,354.35	52,687.01	21,232.34	
Public Works	38,064.39	40,568.52	83,600.99	77,351.18	
Code Enforcement	20,913.34	13,583.98	36,753.56	30,342.66	
	383,761.61	315,406.08	1,041,469.56	919,398.99	
September					<u>YTD Difference</u>
Administration	74,054.93	79,640.58	280,972.55	266,497.91	14,474.64
Police	83,862.67	195,669.95	370,271.50	438,874.61	(68,603.11)
Sanitation	40,022.48	61,423.94	99,704.87	107,415.60	(7,710.73)
Fire Department	-	-	262,752.50	262,752.50	
Streets	4,450.57	6,945.45	57,137.58	28,177.79	28,959.79
Public Works	65,576.11	18,287.26	149,177.10	95,638.44	53,538.66
Code Enforcement	14,526.82	15,085.51	51,280.38	45,428.17	5,852.21
Ocean Rescue	26,333.33	26,687.33	78,999.99	78,353.99	646.00
	308,826.91	403,740.02	1,350,296.47	1,323,139.01	27,157.46
	-	-			-

11-5-14 TC Report

1. Permitting for October, 2014

-8 Zoning Permits were issued.

-20 building permits were issued: 1 new single-family dwelling, 1 addition, 1 addition/remodel, 5 remodels, 3 accessory structures, and 9 others (bulkhead, mechanical, electrical, or plumbing)

-14 single-family dwellings are currently under construction

-Total amount of fees collected in October was \$8,492.50

2. Code Enforcement

-2 Warning Citations mailed: 1 right-of-way obstruction and 1 open storage of building materials without a building permit

October 2014

Southern Shores Police Department

Total Calls for Service – 609

Business Checks – 197

Residence Checks – 45

Mutual Aid – 9

Direct Traffic – 43

Suspicious Condition – 17

Alarms – 11

Traffic Stops – 41

Extra Patrol - 69

Incidents - 18

Burglary – 2
Larceny – 2
Vandalism - 1
Fraud – 1
CSA Violations – 3

DWI - 1
Kidnapping - 1
All Other - 7

Arrests - 6

CSA Violations – 3
DWI – 1
All Other - 2

Citations - 10

Registration – 5
Failure to Reduce Speed – 1
Other – 4

Warnings - 19

Inspection - 3
Left of Center - 1
Registration - 7
Speeding - 4
Stop Light/Sign – 3
Other - 1

Ordinance Violations - 8

Failure to Display – 1
Parking in ROW – 6
Dogs at Large - 1

Accidents - 4

Southern Shores VFD

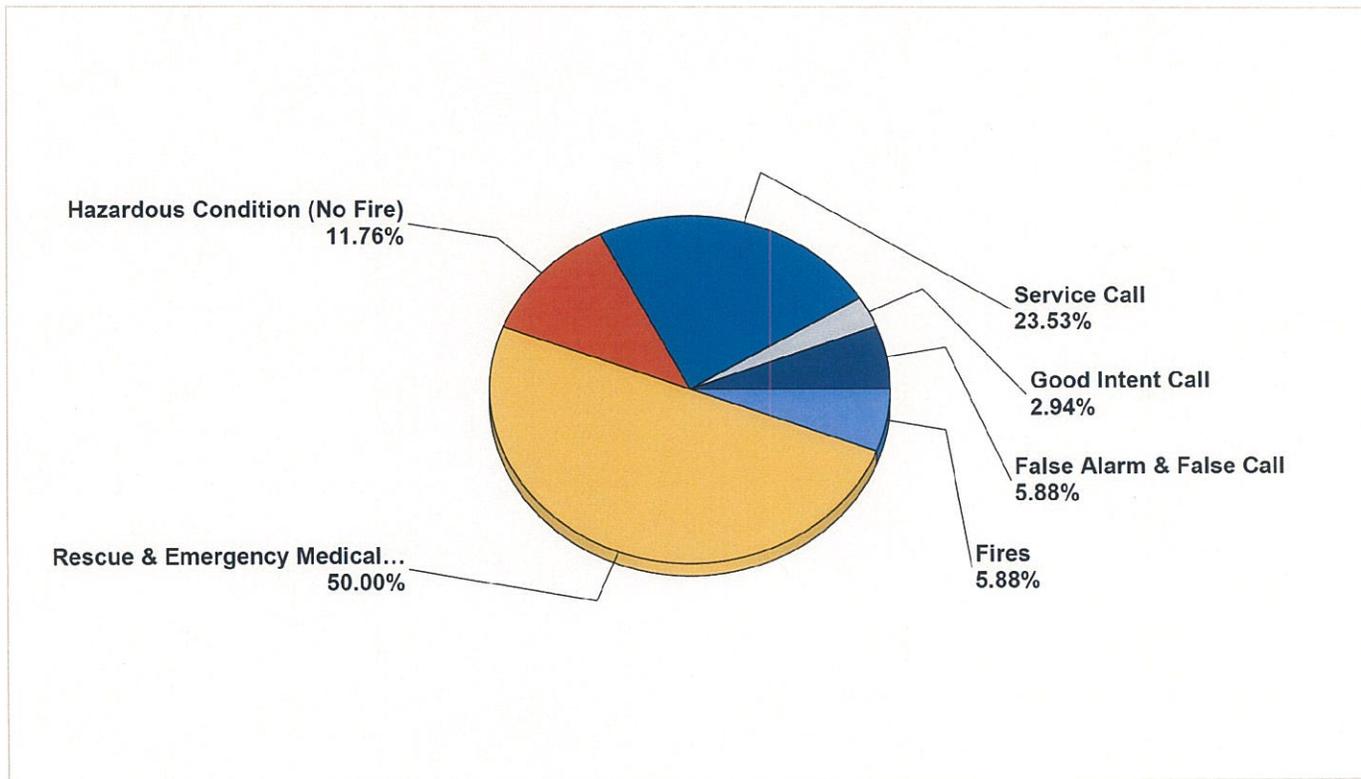
Southern Shores, NC

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Breakdown by Major Incident Types for Date Range

Start Date: 10/01/2014 | End Date: 10/31/2014



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	2	5.88%
Rescue & Emergency Medical Service	17	50.00%
Hazardous Condition (No Fire)	4	11.76%
Service Call	8	23.53%
Good Intent Call	1	2.94%
False Alarm & False Call	2	5.88%
TOTAL	34	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.



Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
111 - Building fire	2	5.88%
311 - Medical assist, assist EMS crew	14	41.18%
322 - Motor vehicle accident with injuries	1	2.94%
353 - Removal of victim(s) from stalled elevator	1	2.94%
364 - Surf rescue	1	2.94%
424 - Carbon monoxide incident	2	5.88%
440 - Electrical wiring/equipment problem, other	1	2.94%
442 - Overheated motor	1	2.94%
500 - Service Call, other	1	2.94%
511 - Lock-out	1	2.94%
550 - Public service assistance, other	1	2.94%
553 - Public service	5	14.71%
651 - Smoke scare, odor of smoke	1	2.94%
736 - CO detector activation due to malfunction	1	2.94%
743 - Smoke detector activation, no fire - unintentional	1	2.94%
TOTAL INCIDENTS:	34	100.00%

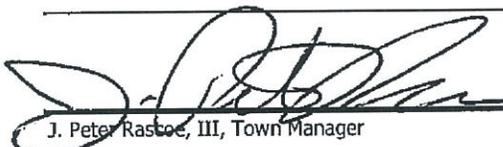
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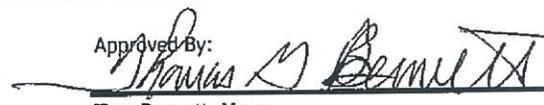
**Town of Southern Shores
Budget Amendment Number # 4**

Police Increases			Police Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	Revenues Undesignated Fund Balance	\$37,000			
51-50176	Expenditures Police Separation	\$37,000			

Explanation: Additional money needed to fund the Special Separation Allowance, as outlined in the annual actuarial study.



 J. Peter Rastoe, III, Town Manager

Approved By: 

 Tom Bennett, Mayor
 11/5/14

 Date



Town of Southern Shores

5375 N Virginia Dare Trl, Southern Shores, NC 27949
(252) 261-2394 Fax (252) 255-0876

Right-of-Way Application

Fee is \$100.00	Date: 16 OCT 14
Owner: JOEL R. & SALLY A. NEWTON	Contractor: R.L. MUSICK CONCRETE INC.
Address 127 OTTER SLIDE LANE	Address: 160 DUCK ROAD
City, St & Zip: SOUTHERN SHORES, NC 27949	City, St & Zip: SOUTHERN SHORES, NC 27949
Phone: 252-235-0419	Phone: 252-202-8407
Fax: _____	Fax: _____
Mobile: _____	Mobile: _____

PROPERTY LOCATION: Street Address

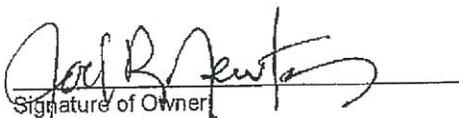
CHICAHAWK 558
Subdivision: _____ Lot _____ Block _____ Section _____

PIN: _____

Article IV, Section 6-201.1 (3) RIGHT-OF-WAY ENCROACHMENT AGREEMENT: A property owner, or his agent, may apply to the Town for a Right-of-Way Encroachment Agreement. If approved by the Town Manager (or his designee), the applicant may place an obstruction within the street as approved by the Town Council. Except where the Town Council makes written findings showing no practicable alternative, the obstruction shall not be closer than four (4) feet from any roadway. No other obstruction may be placed within the street, except as otherwise provided by law. A right-of-Way Encroachment Agreement shall be executed in such a format that it shall be recorded in the Dare County Registry and shall be made available by the applicant and any subsequent property owner to any future property owner. Any obstruction authorized by a Right-of-Way Encroachment Agreement shall be installed no sooner than the date the Agreement has been recorded in the Dare County Registry and the agreement shall automatically expire thirty (30) after the obstruction has been removed.

Applicant agrees to execute a Right of Way Encroachment Agreement that will be recorded in the Dare County Registry. This application needs approval by the Southern Shores Town Council. Please include a site plan showing the location of the encroachment and describe below:

INSTALL 5" CHANNEL DRAIN ACROSS DRIVEWAY WITH 4" DRAIN LINE TO NATURAL DEPRESSION IN LAND. OBJECTIVE IS TO ELIMINATE/DIVERT RUNOFF FROM STREET.


Signature of Owner

16 OCT 14
Date

Attachment(s) - SITE PLAN

F:\BI - Code Enforcement\Encroachment Agreements\Right of Way Encroachment Agreement.doc

25 Oct 14

Mayor Bennett and Council Members:

As I will be in Texas for your meeting on November 5th and thus not be able to attend the meeting, I'm writing regarding my attached Right-of-Way Application in an effort to fully explain this application.

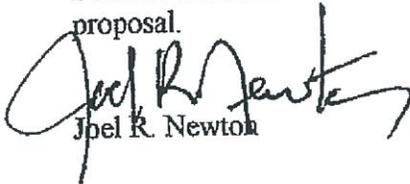
The driveway for my property, 127 Otter Slide Lane/Chicahauk Lot 558, is at a low point along Otter Slide Lane. Accordingly, during periods of precipitation, water runs north along the west side of the street starting roughly at 125 Otter Slide Lane/Lot 561, and thence into my driveway (Atch 1). Water also runs south on Otter Slide Lane from both sides of the street starting approximately at Oyster Bed Lane toward the western side of Otter Slide Lane and thence into my driveway. Both flows of water go down the left side of the driveway as you face the house to the front of the garage and a linear drain I installed in 2007 to primarily accommodate runoff from the roof. The drain works well until it gets covered with live oak leaves washed down the driveway. The pond created in this situation floods into the garage, a very aggravating outcome.

If I install a linear drain across my driveway in the ROW near the street as proposed in my application, it will intercept most if not all of the street runoff described previously, and also will not be subject to being plugged by live oak leaves.

NOTE:

I happened to be present when Joe Anlauf, Consulting Engineer for the TOSS, reviewed my proposal in the field, and he concurred with my proposed solution.

I can be contacted at 804-892-3378 from 28 Oct – 11 Nov 14 if there are questions regarding this proposal.


Joel R. Newton

3 Atch

1. GIS Map
2. ROW Application
3. Survey, Lot 558

I WILLIAM S. JONES, JR., P.L.S., CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD LAND SURVEY MADE BY ME FROM INFORMATION AS REFERENCED HEREON, AND THAT THE RATIO OF PRECISION IS 1:10,000+. WITNESS MY HAND AND SEAL THIS 20th DAY OF July, 2011

[Signature]
 WILLIAM S. JONES, JR., P.L.S. 172532

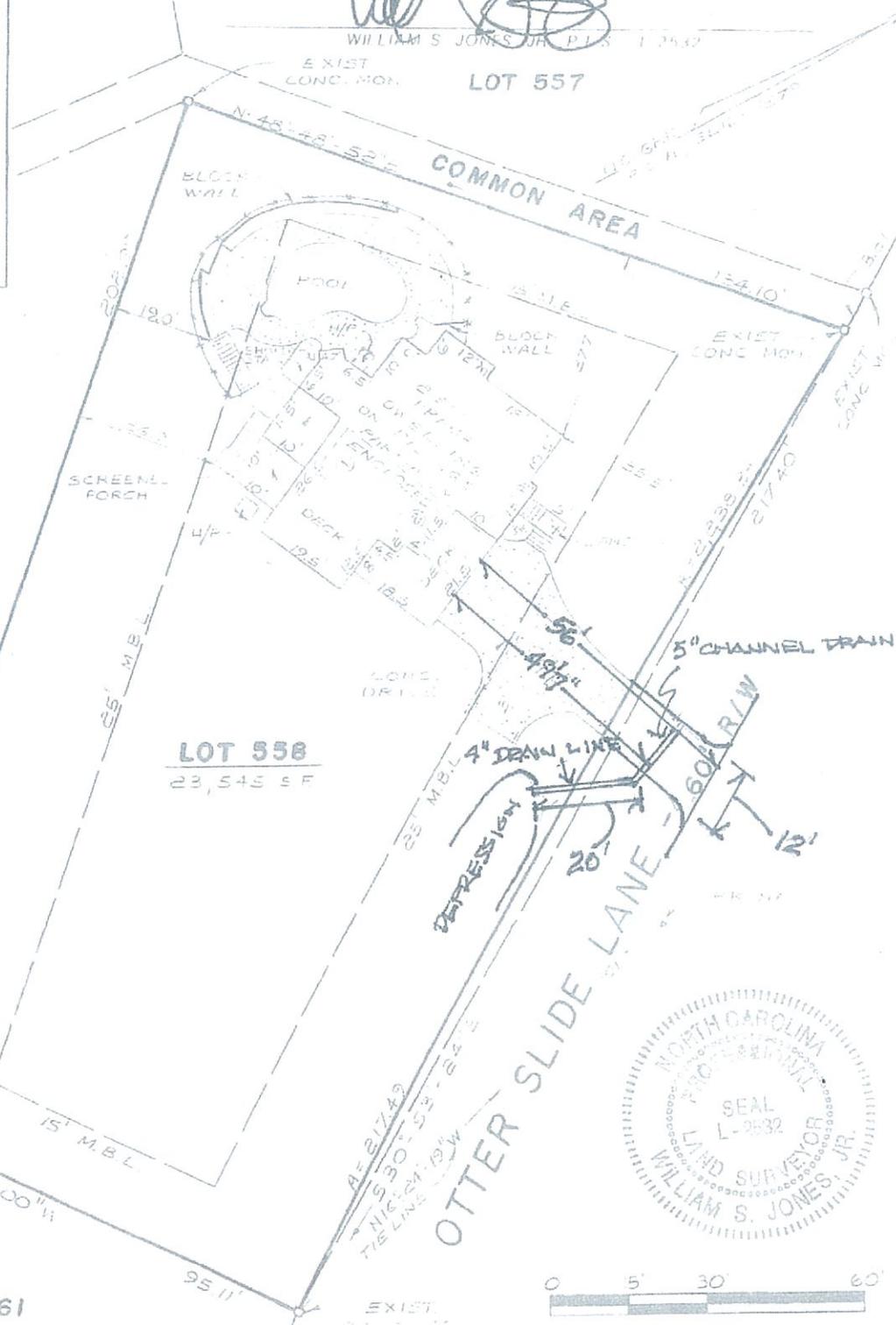


VICINITY MAP
 N.T.S.

LOT 568

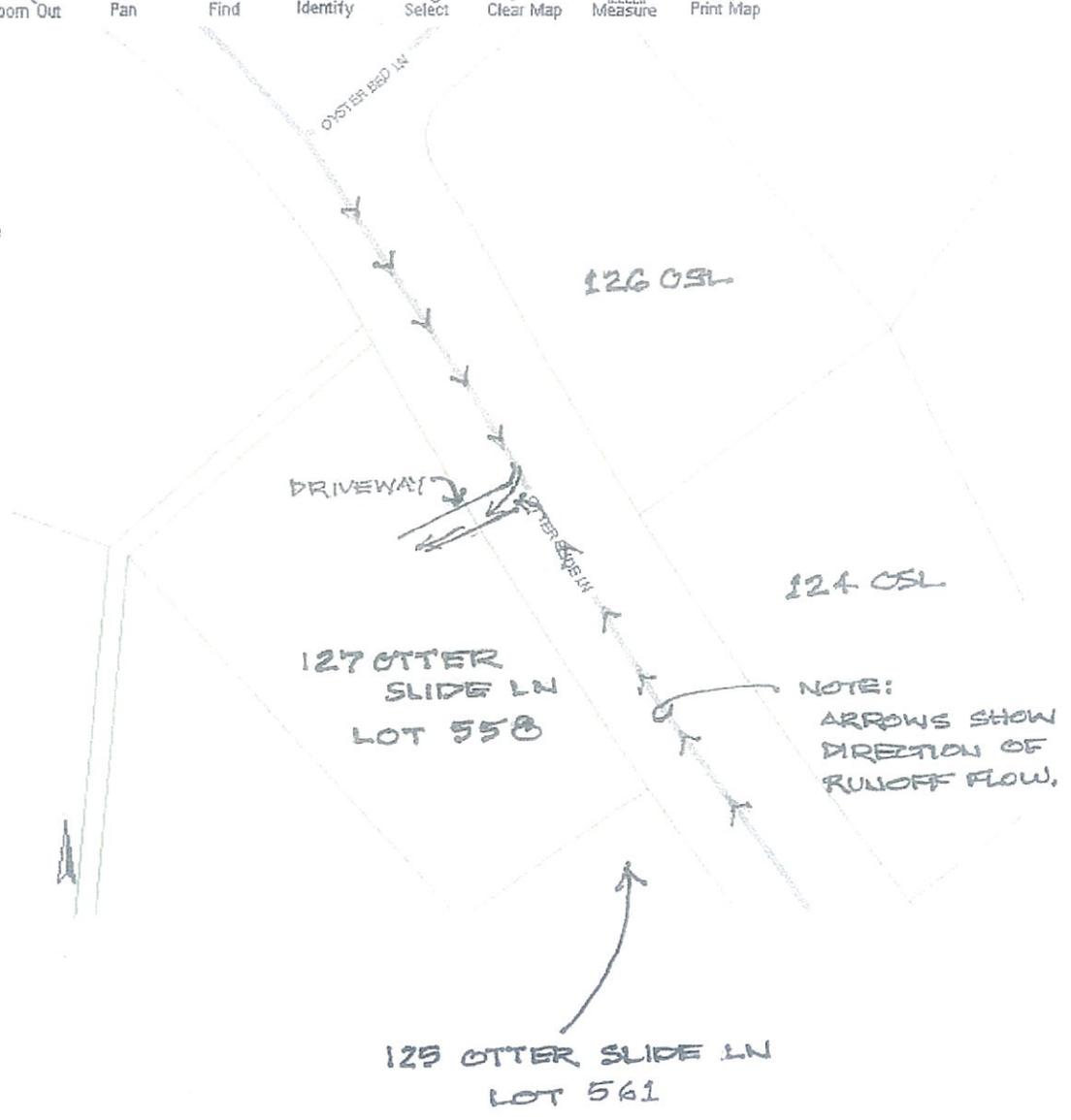
LOT 558
 23,545 SF

LOT 561





- Layers**
- Visible
- Approx. Length
 - Flood Zones
 - Approx. Acreage
 - Lot Number
 - Easement
 - Parcels
 - Aerial Photo
 - Aerial Photo (rural areas)



ATTCH 1

Agenda Item Summary Sheet

Item Title: Appointment of Reconstruction Task Force

Item Summary: Section 12-69 of the Town Code requires an annual appointment of a Reconstruction Task Force which would be activated upon the declaration of a building moratorium following a major storm event. The task force is responsible for advising the Town Council on a wide range of post-storm reconstruction issues. A primary function of the task force is to receive and review damage reports and other analyses of post-storm circumstances and to compare these circumstances with mitigation opportunities identified prior to the storm, to discern appropriate areas for post-storm change and innovation. The Task Force consists of two elected officials, two Planning Board members, Town Staff, a representative from the building or realty community, one representative from the SSCA, and one representative from the CPOA. The following members are recommended:

1. Tom Bennett, Mayor
2. David Sanders, Council Member
3. Jay Russell, Planning Board Member
4. David Neal, Planning Board Member
5. Peter Rascoe, Town Manager
6. Wes Haskett, Town Planner/Code Enforcement Officer
7. David Kole, Chief of Police or his representative
8. Ed Limbacher, Fire Chief or his representative
9. Joe McGraw, Albemarle Contractors, Inc.
10. SSCA Representative - *Jane Kelleher*
11. CPOA Representative - *Chris Mason*

Wes Haskett, Town Planner/Code Enforcement Officer