



**Town of Southern Shores
Council Meeting
July 7, 2015**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, July 7, 2015.

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

COUNCIL ABSENT: None

OTHERS PRESENT: Town Manager Peter Rascoe, Town Attorney Robert Hobbs, 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

MOTION: Council Member Holland moved to approve the agenda as presented. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously.

CONSENT AGENDA

The consent agenda consisted of the following items:

— Approval of Minutes- June 2, 2015 and June 16, 2015

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

PRESENTATION-CERTIFICATE OF APPRECIATION

Mayor Bennett on behalf of the Planning Board, Staff and Council presented Mike Florez a certificate of appreciation for his dedicated service to the Planning Board.

**SCHOLARSHIP FROM THE SOUTHERN SHORES FIREFIGHTER'S RELIEF FUND TO
SSVFD FIREFIGHTER LOGAN STEESE**

Fire Chief Ed Limbacher, Southern Shores Firefighter's Relief Fund Vice-President Carlos Mercado and Treasurer Lorelei Costa presented volunteer firefighter Logan Steese with a \$3,000 scholarship. Logan will be attending UNC-Wilmington in the fall 2015 and will be completing a degree in Information Technology and network security.

GENERAL PUBLIC COMMENT

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

Jim Connors, Southern Shores property owner
Ed Cowell, Southern Shores property owner
Andrew Darling, Southern Shores property owner
Fred Newberry, Southern Shores property owner
Debbie Newberry, Southern Shores property owner
Tommy Karole, Southern Shores property owner
Al Ewerling, Southern Shores property owner
Chuck Slowikowski, Southern Shores property owner
Michael Walton, Southern Shores property owner

[Clerk's Note: A copy of the general comment sign-up sheet is hereby attached as Exhibit A].

STAFF REPORTS

Town Planner:

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

- Permitting and Inspections for June, 2015

Southern Shores Police Department

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

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

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

PUBLIC HEARING AND CONSIDERATION OF ADOPTION OF AN ORDINANCE ESTABLISHING A CAPITAL IMPROVEMENT PLAN WITH AUTHORITY TO IMPLEMENT FOR FY 2015-2016 (ORDINANCE 2015-07-01)

The Town Manager was requested to give a brief presentation in advance of the public hearing. He stated on April 21, 2015 Council did receive a capital street improvement prioritization list recommended by the Capital Improvement Planning (CIP) Committee. For the upcoming year 2015-2016 it contained a prioritization of sixteen (16) different recommended capital street needs in the Town of Southern Shores. During budget planning this year it was anticipated that the Council would appropriate the same amount of funding that it did last year for street improvements. Staff ran some projections and felt that the first top five (5) recommended capital street improvements can be handled within that budget appropriation during this upcoming fiscal year. The top five prioritized capital street improvements as recommended by the CIP Committee are as follows:

1. Beechtree Trail
2. Fox Grape Lane
3. Hollow Beach Court
4. Bear Track Lane
5. Wild Swan Lane

The Town Manager also stated that Staff does however recommend Council approving the section of North Dogwood between house #s 283-291 as number five on the prioritization list for FY2015-2016 due to recent increased deterioration as reported in the CIP Planning Committee's own report from its June 16, 2015 meeting.

Mayor Bennett asked the Town Manager to clarify that the Town also has a separate line in the general fund for Town-owned bulkhead repair and replacement. The Manager did concur that such a line was included.

Council Member Lawhon confirmed that there is also a separate pothole repair line as well.

The Mayor opened the public hearing and called on the public for comment. The following residents offered comment:

Fred Newberry, Southern Shores property owner
Joe Van Gieson, Southern Shores property owner
Debbie Newberry, Southern Shores property owner
Ursula Bateman, Southern Shores property owner
Michael Walton, Southern Shores property owner

MOTION: Council Member Lawhon moved to adopt Ordinance 2015-07-01, "AN ORDINANCE ESTABLISHING A CAPITAL IMPROVEMENT PLAN WITH AUTHORITY TO IMPLEMENT FOR FY 2015-2016" and include on Exhibit A of the Ordinance all streets previously recommended by the Capital Improvement Planning Committee with the exception of a new number five (5) which will be North Dogwood Trail between house #s 283-291. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously (5-0).

[Clerk's Note: A copy of Ordinance 2015-07-01 is hereby attached as Exhibit C].

ORGANIZATION AND PURPOSE OF "SOUTH AND EAST DOGWOOD TRAILS TASK FORCE", INCLUDING MAYOR RECOMMENDATION OF TASK FORCE SELECTION COMMITTEE AND COUNCIL APPOINTMENT AND CHARGE

Mayor Bennett stated at the June 16, 2015 Council meeting, Council Member Larry Lawhon recommended Council appoint a citizen task force to study and make recommendations regarding South and East Dogwood Trails. Based on additional input from Staff and individual Council members following the June 16th meeting, the Mayor stated he feels it is the concurrence of all Council members to move forward with this citizen task force.

The Mayor stated he is recommending for Council's approval, a six (6) member task force selection committee. The selection committee, once formally appointed and charged by Council, will be responsible for recruiting and recommending to the Council a nine (9) member task force. The selection committee will establish its' own process for recruitment of task force members. The role of the task force will be to gather information from the people of Southern Shores to make recommendations to Council on viable solutions for current street and safety conditions on South and East Dogwood Trails. Although Town staff can provide administrative support that may be requested by the selection committee, the selection committee will conduct their respective business independently of Council and staff. This will remove Council and staff from any direct involvement in the task force selection process. The charge of the selection committee is to ensure the South and East Dogwood Trails Task Force is populated in such a manner as to avoid preconceived notions or biases toward personally desired outcomes.

The Mayor stated his goal was to provide Council with a selection committee of residents/citizens with a history of service to our Town, and when possible service to the greater Outer Banks community.

The Mayor recommended the following persons for Council's consideration to serve on the selection committee:

– Rev. Dr. Alan Swartz, Pastor of Kitty Hawk United Methodist Church

- Ross Mitchell, past president of the SSCA, longtime resident
- Andy Ward, homebuilder and longtime resident
- Pat Wilson, longtime resident and former SSVFD Rehab 21 volunteer
- Ike McRee, former Town Attorney, Currituck County Attorney, longtime resident
- Hal Denny, former Mayor two terms and active member of SSCA, CPOA and Boat Club

All meetings of the selection committee, and of the Dogwood Trails Task Force Committee once appointed, will be open to the public and advertised.

MOTION: Council Member Holland moved to appoint the Selection Committee members as recommended by the Mayor. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

OTHER BUSINESS

Town Manager's report

The Town Manager addressed several matters:

- The Town just finished FY 2014-2015 and the Finance Officer will be working closely with the Town's Auditor next month.
- There will be a blood drive at the Pitts Center in the afternoon of July 21st.
- The charity surfing tournament in Southern Shores will be September 12th.
- The Tall Pine Bridge is on schedule according to the engineer and we are looking at an October 1 closure.

Town Attorney

Town Attorney Robert Hobbs briefed the Council on SL 215-86 (Session Law 2015-86) which essentially affects Southern Shores in that it removes the authority of the municipality to restrict the number of bedrooms in a single or two family dwelling.

Mayor's comments:

None

Council Members' comments:

Council Member Lawhon asked Town Attorney Robert Hobbs how SL 2015-86 effects homeowner associations. Mr. Hobbs stated there is a specific provision stating that the law has no effect on enforceability of private covenants or contractual agreements between property owners relating to building design elements.

Council Member Holland stated he had questions for the Town Finance Officer that he would like clarified. At the last Council meeting there was a public comment from a citizen about the Town's unassigned fund balance and Council Member Holland stated he did not believe the commenting citizen's statement to be correct. His specific question was *"Isn't the amount of the Town's unassigned fund balance reflected each year in the audit and what are the reasons the Town maintains such a balance?"*

Finance Officer Bonnie Swain addressed Council member Holland's question. She stated the Auditor will be here to conduct an audit of fiscal year 2014-2015 the week of August 17th. As required, the audit will be presented to the Council at the October or November meeting and yes the unassigned fund balance is cited in the audit each year. The Town normally maintains an unassigned fund balance in the three (3) million dollar range. This is maintained for numerous reasons. Hurricane recovery in the Town can be very costly and it can take years for the Town to receive reimbursement of cleanup and repair expenses from FEMA. The Town needs to be able to front the money when a situation like a hurricane recovery occurs. She also stated the \$441,800 balance mentioned by the commenting citizen at the Council's last meeting was actually the balance of the capital reserve fund during the mentioned year -

not the Town's unassigned fund balance. The Council also has an existing policy to maintain an absolute minimum of 1.75 million dollars of unassigned fund balance.

Finance Officer Bonnie Swain also went on to answer another question from Council Member Holland about the current sales tax redistribution initiative, and will the unassigned fund balance be there to help the Town if our revenues decrease as a result of that initiative if it is enacted by the general Assembly? Ms. Swain stated that is always an option for Council to use unassigned fund balance to keep services at the same level if they choose. They can either use unassigned fund balance or raise revenues by a property tax increase. Currently one penny of the Town's property tax rate represents about \$127,000 of revenue. Under the state's current pending sales tax redistribution initiative, it is predicted (from the County Finance Officer) that starting with fy 2016-2017 and for the next succeeding three years, revenue loss to the Town of Southern Shores would be equivalent to a penny on the tax rate the first year, with increased revenue loss of two pennys the second year, three pennys the third year, and four pennys the fourth year.

Council Member Holland stated, as he did at a previous meeting, that any citizen can come to the Town Hall and speak with the Town Manager or Finance Officer to get answers to any questions about the financial status of the Town.

Mayor Bennett stated the Town was able to liquidate all its debt this year (1.2 million) by using money from the unassigned fund balance and is now debt free.

ADJOURN

MOTION: Mayor Pro Tem Hess moved to adjourn. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0). The time was 7:02 p.m.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk



PUBLIC COMMENT SIGN-UP SHEET

August 4, 2015

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
DAVE BARKER	226 N. Dogwood	E+N Dogwood
BILL COOPER	7 GINGUIRE TR.	CLEAR CUTTING
Joe Van Gieson	228 N Dogwood	Cut through traffic
Fred Newberry	267 N. Dogwood	Sales Tax Redistribution
Tommy / Karole	77 E. Dogwood	TRAFFIC
AL EWERUDG	187 S Dogwood TR	TRAFFIC SIGNS

7-7-15 TC Report

1. Permitting for June, 2015

-12 Zoning Permits were issued.

-48 building permits were issued: 4 new single-family dwellings, 2 repairs, 1 remodel, 3 additions, 3 accessory structures, 2 modifications, and 33 others (bulkhead, mechanical, electrical, or plumbing).

-11 single-family dwellings are currently under construction.

-Total amount of fees collected in June was \$15,340.80.

2. Code Enforcement

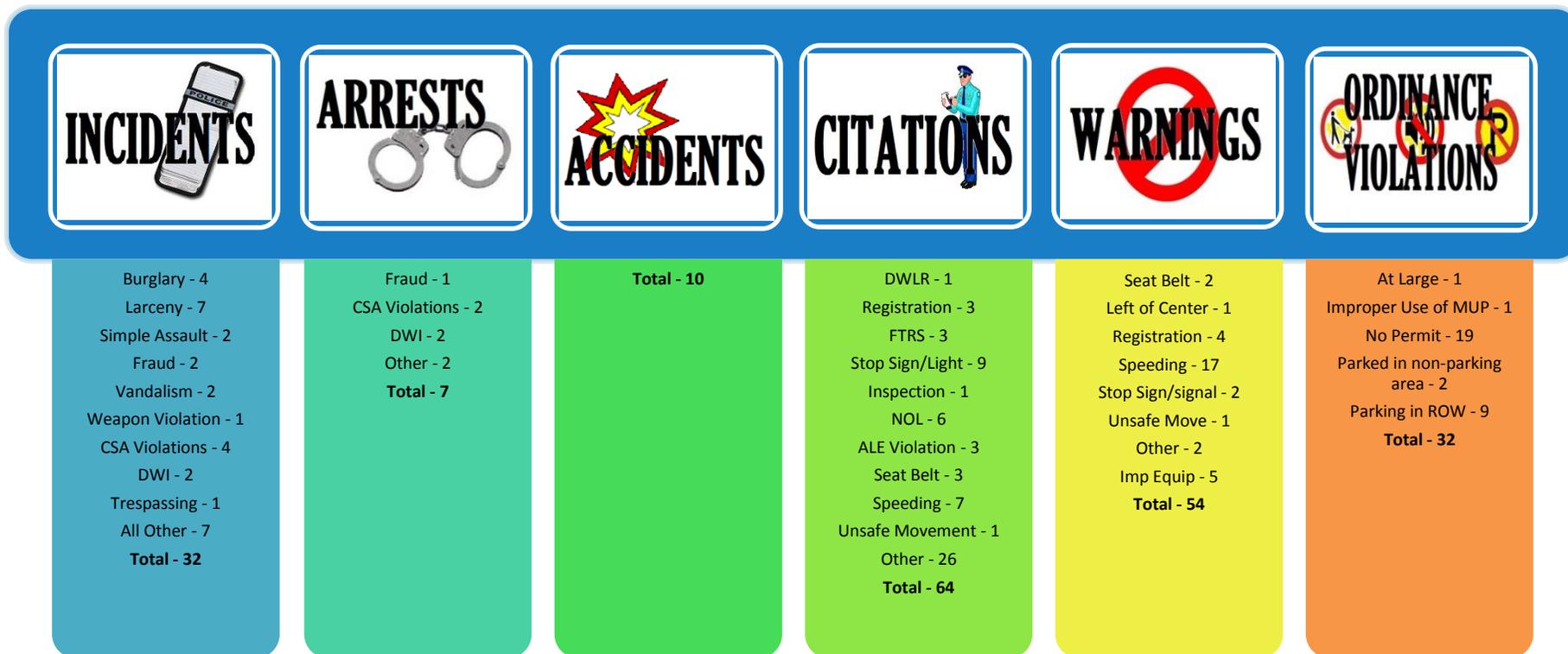
-1 Warning Citation mailed (unauthorized addition/side setback violation)

3. July 20, 2015 Board of Adjustment Meeting

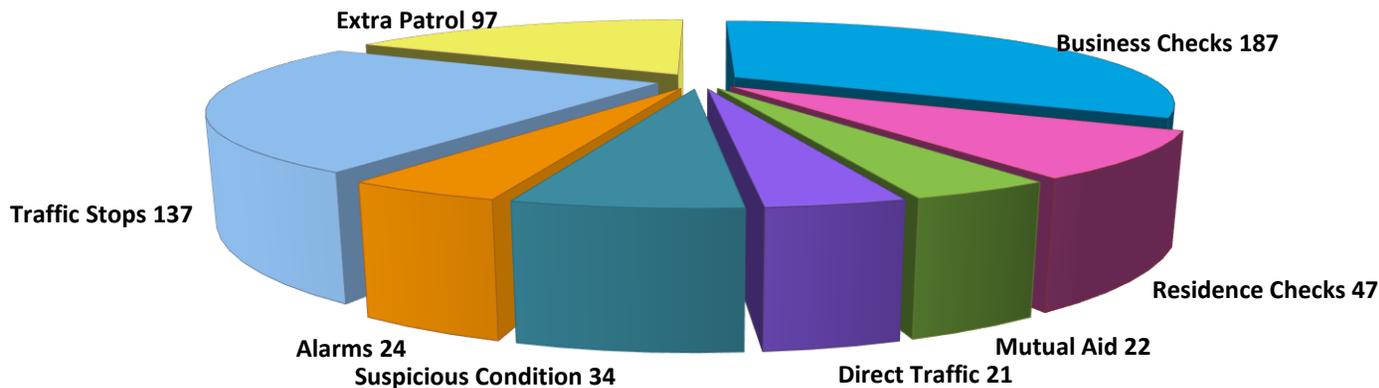
-Variance request to allow side setback encroachment

June 2015

Southern Shores Police Department



Calls For Service - 899



Southern Shores VFD

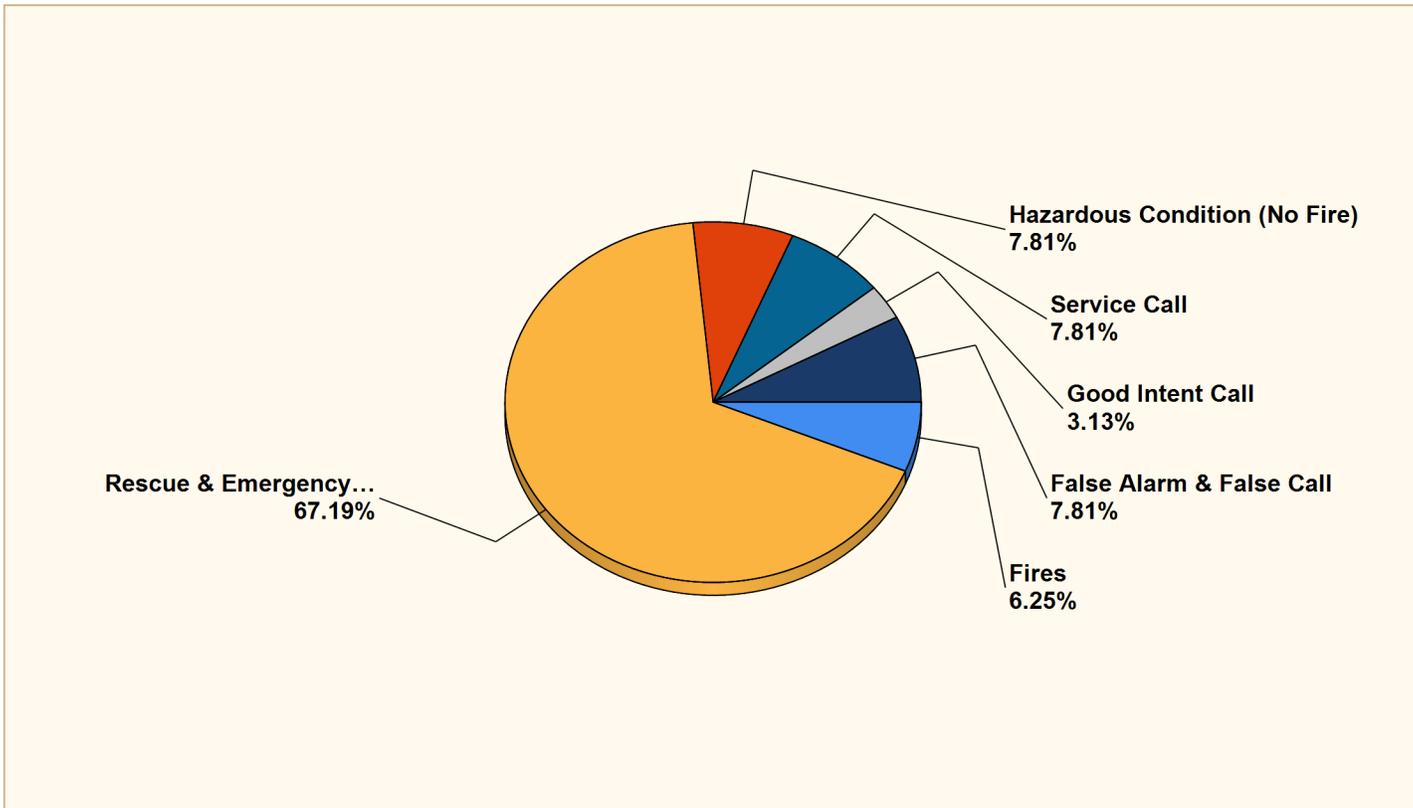
Southern Shores, NC

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Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 06/01/2015 | End Date: 06/30/2015



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	4	6.25%
Rescue & Emergency Medical Service	43	67.19%
Hazardous Condition (No Fire)	5	7.81%
Service Call	5	7.81%
Good Intent Call	2	3.13%
False Alarm & False Call	5	7.81%
TOTAL	64	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	3	4.69%
142 - Brush or brush-and-grass mixture fire	1	1.56%
321 - EMS call, excluding vehicle accident with injury	39	60.94%
322 - Motor vehicle accident with injuries	4	6.25%
412 - Gas leak (natural gas or LPG)	1	1.56%
420 - Toxic condition, other	1	1.56%
440 - Electrical wiring/equipment problem, other	1	1.56%
463 - Vehicle accident, general cleanup	2	3.13%
500 - Service Call, other	1	1.56%
550 - Public service assistance, other	1	1.56%
553 - Public service	3	4.69%
611 - Dispatched & cancelled en route	2	3.13%
700 - False alarm or false call, other	1	1.56%
730 - System malfunction, other	1	1.56%
733 - Smoke detector activation due to malfunction	2	3.13%
745 - Alarm system activation, no fire - unintentional	1	1.56%
TOTAL INCIDENTS:	64	100.00%

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





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

Ordinance 2015-07-01

Ordinance Establishing a Capital Improvement Plan With Authority to Implement for Fiscal Year 2015-2016

Whereas the Town Council of the Town of Southern Shores did on June 2, 2015 adopt a general operating budget for the Fiscal Year 2015-2016 [*Ordinance No. 2015-06-01*] authorizing expenditures necessary for the general operation and financial management of the Town; and

Whereas Ordinance No. 2015-06-01 made an appropriation in Section 1. A. for "Public Works Department – Streets, Bridges, & Canals", which includes a lesser amount therein equal to \$516,000 to be used for capital improvement of Town streets;

Whereas, by adoption of the budget, the Town Council did reserve authorization for expenditure of the appropriated amount of \$516,000 for capital street improvements during FY 2015-2016 - until adoption of this Ordinance; and

Whereas, the Town of Southern Shores Town Council did receive from its Capital Improvement Planning Committee, and subsequently publish, a recommended list of streets determined to need complete replacement - and therefore be 'capital improved' rather than be subject to continuous repair; and

Whereas, the Town Council did, subsequent to receiving the Committee's recommendation, make certain revisions to the prioritized list prior to holding a public hearing; and

Whereas, the Town Council has now held a public hearing to receive comment on the proposed list of streets determined to need complete replacement, and has now deliberated on the matter;

Now, Therefore in accordance with its authority to establish policy for operations of the Town of Southern Shores, the Town Council does, by this Ordinance, authorize and direct the Budget Officer/Town Manager to proceed with implementing capital improvements to those streets listed on Exhibit A [*Capital Improvement Plan of Prioritized Streets Authorized for Rebuild FY 2015-2016*] hereto in accordance with Section V. of Ordinance No. 2015-06-01, and in such general priority indicated while utilizing the appropriated amount of \$516,000 for such purpose, and assuring that the designs and construction of such street improvements are in accordance with the guiding standards utilized for street rebuilds cited in Exhibit B [*Town of Southern Shores Street Rebuild Standards*] hereto; Exhibits A and B are incorporated herein by reference and are hereby ratified as policy of the Town.

Enacted by the Southern Shores Town Council this the 7th day of July, 2015.


Thomas G. Bennett, Mayor



Attest: _____


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

Capital Improvement Plan of Prioritized Streets Authorized for Rebuild FY2015-2016

1. Beechtree Trail (Section: #'s 155 to entrance)
2. Fox Grape Lane
3. Hollow Beach Court
4. Bear Track Lane
5. North Dogwood Trail (Section: #'s 283-291)
6. Wild Swan Lane
7. Yaupon Trail
8. Turtle Pond Court
9. Twisted Tree Court
10. Osprey Lane (Section: #'s 95-105)
11. South, North, and East Dogwood Trails
12. Wax Myrtle Trail
13. Clamshell Trail
14. Ginguite Trail
15. Land Fall Loop
16. Happy Indian Lane
17. Teal Court

Town of Southern Shores Street Rebuild Standards

1. Appropriate and adequate stormwater management utilizing Best Management Practices (BMPs) and Low Impact Development systems (LIDs), and maximizing preservation of existing natural hydrologic conditions where feasible.
2. Re-align centerline in relation to existing R-O-W where practical; Realign all roadway centerline alignments to eliminate roadway encroachments on to private property. Reconstruction designs will maximize the preservation of existing trees, bulkheads and vegetated medians when practical without adversely impacting public safety.
3. Street curves shall be designed in accordance with NCDOT standards in all locations where these standards can be met within the configuration of the existing rights-of-way. Reconstruction designs will maximize-the preservation of existing trees, bulkheads and vegetated medians when practical without adversely impacting public safety.
4. Street width shall be designed in accordance with NCDOT standards. Reconstruction designs will maximize-the preservation of existing trees, bulkheads and vegetated medians when practical without adversely impacting public safety.
5. Cul-de-sacs or other NCDOT recognized turn-around areas adequately sized to facilitate the maneuvering of the Town's Fire apparatus shall be installed in all locations where the roadway/right-of-way has no outlet. Cul-de-sacs shall be considered in all locations where the existing right-of-way is platted for or otherwise supports the inclusion of said feature. In locations where adequate area is not available and the need for a larger turn-around area is necessary the Town may investigate other design options.
6. Having considered re-alignment of centerline while maximizing preservation of existing trees (Standard #2 above) when practical without adversely impacting public safety, remove trees and tree stumps under the following conditions:
 - a. All trees and tree stumps within 4 feet of the edge of the road pavement matrix of the rebuilt street;
 - b. Trees and tree stumps located within the proposed stormwater management areas;
 - c. Trees and tree stumps impacted by roadway grading;
 - d. Trees and tree stumps known to be in direct conflict with underground utility lines and the related above ground utility appurtenances;
 - e. All trees and stumps that compromise line of sight at roadway intersections.
7. Asphalt and road base shall be designed to meet NCDOT standards and geotechnical recommendations.
8. Construction installation methods and specifications shall be implemented according to DOT standards.
9. Re-vegetation needs shall be evaluated at 6 month and 12 months following project completion. A landscaping plan shall be developed if appropriate utilizing primarily native species of shrubs and small trees.

* Rebuild of a street is defined as complete removal and replacement of an existing street, or section thereof, due to failing sub-base and/or failing asphalt as a result of substandard initial construction and/or age.