



**Town of Southern Shores
Council Meeting
March 1, 2016**

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, March 1, 2016.

COUNCIL PRESENT: Mayor Bennett, Mayor Pro Tem Fred Newberry, Council Members Leo Holland, Chris Nason, and Gary McDonald.

COUNCIL ABSENT: None

OTHERS PRESENT: Town Manager Peter Rascoe, Town Planner Wes Haskett, Town Attorney Ben Gallop.

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

With unanimous consent of the Council, Mayor Bennett moved Public Comment to follow agenda item 6. New Business.

MOTION: Mayor Pro Tem Newberry moved to amend the agenda and place under New Business Item 6.D a discussion of the Town Engineer's contract due to expire March 18th. The motion was seconded by Council Member McDonald. The motion passed 3-2; Mayor Pro Tem Newberry, Council Member McDonald and Council Member Holland voting AYE; with Mayor Bennett and Council Member Nason voting NO.

MOTION: Council Member McDonald moved to approve the agenda as amended. The motion was seconded by Council Member Nason. The motion passed unanimously 5-0.

CONSENT AGENDA

The consent agenda consisted of the following items:

- Approval of Meeting Minutes
 - o December 18, 2015 Special Meeting
 - o January 5, 2016 Regular Meeting
 - o January 22, 2016 Special Meeting

MOTION: Council Member McDonald moved to approve the consent agenda as amended. The motion was seconded by Council Member Holland. The motion passed unanimously 5-0.

STAFF REPORTS

Finance Officer

Finance Officer Bonnie Swain presented the quarterly financials.

Town Planner:

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

- Permitting and Inspections for February 2016

Southern Shores Police Department

Lt. Slegel presented the Police Department's monthly report for January and February.

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

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

BOARD REPORTS

Planning Board

Planning Board Chairman Williams reported on zoning text amendment ZTA 16-01 off street parking.

The applicant, Southern Shores Crossing LLC and its representative Michael W. Strader, Jr., PE, Quible & Associates, P.C proposed a Zoning Text Amendment (ZTA) to amend Section 36-163, Off-street parking requirements. The proposed ZTA includes the following amendments to Section 36-163:

- Reduces the minimum width for commercial parking spaces from 10 feet wide to 9 feet wide;
- Establishes provisions for compact car or short vehicular spaces. Compact parking spaces may be allowed within commercial shopping center parking lots for no greater than 20% of the total number of provided parking spaces. Each compact parking space shall have a minimum length of 15 feet and a minimum width of 8 feet. Drive aisle width shall be a minimum of 22 feet;
- Amends the minimum parking requirements for retail uses not listed in Section 36-207 from one parking space for each 200 sq. ft. of floor area to one parking space for each 250 sq. ft. of floor area; and
- Establishes a reduction of required parking for commercial uses within shopping centers with the use of bicycle racks. The total parking requirement for every 50 parking spaces for the proposed use may be reduced by 1 parking space for each bicycle rack located on the site for up to 3 bicycle racks.

The Planning Board recommended approval of ZTA-16-01 with the following amendments to the proposed ZTA request:

- The minimum width for commercial parking spaces to remain at **10 feet wide** rather than the requested 9 feet wide;
- Establishes provisions for compact car or short vehicular spaces. **Marked compact parking spaces must be may be allowed within commercial-shopping center Group Development parking lots for no greater than 6%** of the total number of provided parking spaces. Each compact parking space shall have a minimum length of 15 feet and a minimum width of 8 feet. Drive aisle width shall be a minimum of 22 feet;
- Amends the minimum parking requirements for retail uses not listed in Section 36-207 from one parking space for each 200 sq. ft. of floor area to one parking space for each **300 sq. ft. of floor area**; and
- Establishes a reduction of required parking for commercial uses within shopping centers with the use of bicycle racks. The total parking requirement for every 50 parking

spaces for the proposed use may be reduced by 1 parking space for each bicycle rack located on the site for up to 4 bicycle racks.

OLD BUSINESS

Review of Progress and Timeline of the Current Town Code Update Project

The Town Manager gave the following Town Code Project update:

- The consultant compiled citizen survey results which are now on the Town's website.
- On Monday, March 7th the first public forum will be held in the Pitts Center from 6-8 p.m. at which time the survey results will be reviewed with all attendees.
- A Special Meeting will be requested of the Mayor on April 5th from 3-5 p.m. before the regular scheduled meeting of the Council to receive Council direction on development of the Code assessment.

MOTION: Mayor Bennett moved to move forward with the contracted Code Rewrite Project as previously approved by Council. The motion was seconded by Council Member Holland.

MOTION & LEAVE TO WITHDRAW: Mayor Pro Tem Newberry moved to amend Mayor Bennett's original motion to suspend any future work on the Code rewrite contract that would involve any new Code development until a Town strategic plan and vision statement are approved. The motion was seconded by Council Member McDonald. After discussion confirming that the Code rewrite project does not include "new Code development" in its scope, without objection Mayor Pro Tem Newberry's motion to amend as seconded was withdrawn.

MOTION: Mayor Bennett called the question on his original motion, which passed unanimously 5-0.

Council Finance Committee January 21 Meeting Report

Council Member Holland presented the Finance Committee report from January 21st (minutes attached).

Council Capital Improvement Planning Committee January 14 Meeting Report

Council Member Nason presented the Capital Improvement Planning Committee report from January 14th (minutes attached).

MOTION & LEAVE TO WITHDRAW: Mayor Pro Tem Newberry moved to have staff brief Council on the standards for rebuild projects at the April regular Council meeting. The motion was seconded by Council Member McDonald. After discussion confirming that staff would brief Council at its next meeting on the Town's rebuild standards, without objection Mayor Pro Tem Newberry's motion to amend as seconded was withdrawn.

Council Public Safety Committee February 10 Meeting Report

Mayor Bennett presented the Public Safety Committee report from February 10th (minutes attached).

Council Planning Committee February 12 Meeting Report with Recommendations

Mayor Pro Tem Newberry presented the Planning Committee report from February 12th (minutes attached).

NEW BUSINESS

Review of Mayor's Authority to Appoint Council Members to Standing Committees of the Town Council (Section 14 of Rules of Procedure for Town Council)

MOTION: Council Member McDonald moved to amend Section 14 of the Council's Rules of Procedure to require Council approval of Mayor nominations to standing committees. The motion was seconded by Mayor Pro Tem Newberry. The motion failed (2-3) with Mayor Pro

Tem Newberry and Council Member McDonald voting AYE; Mayor Bennett, Council Member Holland and Council Member Nason voting NO.

MOTION: Mayor Bennett moved to amend Council Rules of Procedure Section 14 to remove all Council Members from standing committee membership. The standing committees would consist only of designated staff, and citizens currently appointed. The motion was seconded by Council Member Holland.

MOTION & LEAVE TO WITHDRAW: Council Member Nason moved to amend the Mayor's motion to include the removal of Council Member membership from temporary committees as well, and to require full Council approval of all committee memberships. The motion was not seconded, but discussion continued. It was the consensus of the Council to direct the Town Attorney to draft a proposed amendment to Section 14 which included the discussions of the Council. Without objection, the Mayor's original motion as seconded was withdrawn.

ACTION: By consensus, Council instructed the Town Attorney and Manager to present a draft amendment in writing to Section 14 of the Rules of Procedure at the April 5th regular meeting for Council consideration.

A Public hearing for the following, and review, consider, discuss, modify, and potentially adopt or not adopt, the following proposal for zoning ordinance amendment-ZTA 16-01 Off Street Parking Requirements

The Town Attorney opened the public hearing and called upon Town Planner Wes Haskett for a staff report.

The applicant representative Michael W. Strader, Jr., PE, Quible & Associates, and P.C presented the requested amendments to Section 36-163, Off-street parking requirements.

The Town Attorney then called for public comment; hearing none he closed public comment.

The Town Attorney closed the public hearing.

MOTION: Following discussions, Council Member McDonald moved to approve ZTA-16-01 with the following amendments:

- The minimum width for commercial parking spaces to be **9.5 feet wide**;
- Establishes provisions for compact car or short vehicular spaces. **Marked compact parking spaces** be may be allowed within **Group Development** parking lots for no greater than **10%** of the total number of provided parking spaces. Each compact parking space shall have a minimum length of 15 feet and a minimum width of 8 feet. Drive aisle width shall be a minimum of 22 feet;
- Amends the minimum parking requirements for retail uses not listed in Section 36-207 from one parking space for each 200 sq. ft. of floor area to one parking space for each **300 sq. ft.** of floor area; and
- Establishes a reduction of required parking for **Group Developments** within shopping centers with the use of bicycle racks holding at least **4 bicycles**. The total parking requirement for every 50 parking spaces for the proposed use may be reduced by 1 parking space for each bicycle rack located on the site for up to **3 bicycle racks**.

The motion was seconded by Council Member Holland. The motion passed unanimously 5-0.

Request from Dare County Government Education Access Channels Committee for approval of GovEd FY 2016-2017 Budget

MOTION: Council Member Holland moved to approve the GovEd FY 2016-2017 Budget as presented. The motion was seconded by Council Member McDonald. The motion passed unanimously 5-0.

Discussion of the Town Engineer's contract expiring March 18, 2016

MOTION: Mayor Pro Tem Newberry moved for Council to solicit engineering firms to bid on a new contract for Town Engineer. The motion was seconded by Council Member McDonald. The motion passed with Mayor Pro Tem Newberry and Council Member McDonald and Council Member Holland voting AYE; Mayor Bennett and Council Member Nason voting NO.

GENERAL PUBLIC COMMENT

Mayor Bennett called on public comment and the following citizen's offered comment with topic(s) as indicated:

- Mary Jane Slesinski- Citizens Guide presentation on behalf of the League of Women Voters
David Sanders, Southern Shores property owner - Urged adoption of house occupancy limits.
David Barker, Southern Shores property owner - Appraisal of his property due to street improvements.
Tommy Karole, Southern Shores property owner - Stated it is a fact the Town bulkhead at Holly Trail is "straight as an arrow", and no trees were jeopardizing it
Patrick Gilbert, Southern Shores property owner - Urged continuing any public hearing matter for action at a subsequent meeting.
Mike Fletcher, Southern Shores property owner - Urged bicycle safety practices.
Sam Williams, Southern Shores property owner - Urged two public comment periods at meetings.

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

OTHER BUSINESS

Town Manager's report

The Town Manager addressed several matters:

- Informed that Cathy Davidson's draft strategic plan from Council retreat will be forwarded to Council this week.
- Tall Pine Bridge replacement project is on schedule.
- Fox Grape Lane new street construction project is underway.
- The front half of Beech Tree Trail new street construction project is underway.
- Town Public Works Department has pumped the standing water at NC12/East Dogwood twice as emergency measures. Pumping approximately 3000 gallons each time.
- Staff and Department Heads are working on budget requests for the April 19th Budget Retreat
- Beach Stabilization project has been suspended due to recent storms and will continue in May.
- The Finance Officer and Manager are still working with Dare County on the solid waste collection expense issue, which has resulted in increased costs to the Town.
- The Outer Banks Community Foundation Historic Flat Top Tour will be held Saturday, April 23rd from 1-5 p.m. A total of 35 homes will be on tour.

Mayor's comments:

Mayor Bennett stated that we are fortunate to live here. Southern Shores has the lowest tax rate, and essentially debt free even with the 37 miles of road to maintain.

Council Members' comments:

Mayor Pro Tem Newberry stated he agreed with Sam Williams' public comment that having two public comment periods on the agenda would be good.

Mayor Pro Tem Newberry stated he went to the Town canal bulkhead at Holly Trail and he agrees with Tommy Karole's public comment regarding the bulkhead, and questioned why the trees along the bulkhead had been taken down. Mr. Newberry stated he did not see any damage to the bulkhead when he personally inspected it. He also stated the trees are a benefit as they stabilize the canal shore line, and the trees take a lot of stress off the bulkhead itself. He stated he thinks it is a good idea to be proactive but when a tree threatens a structure like that - we can address it at that time.

Council Member Holland stated the Dare County Tourism Bureau Steering Committee held their annual organizational meeting and he was appointed as Assistant Treasurer to the Tourism Bureau Steering Committee.

Council Member Nason stated he appreciated Mayor Pro Tem Newberry's comments about potentially having two public comments sections on the agenda, but Council meetings need to be structured so as to not be six (6) hours long.

Council Member Nason stated he would like to use his time to address an email he received on January 24, 2016 from Town resident Susan Dineen. Essentially the email requested the following item be placed on the Council meeting agenda: "that Council Member Nason remove himself or have Council remove him from the Town Code Project Review Board as he has a vested financial interest." Council Member Nason stated he would like to clarify the facts once and for all. Council Member Nason stated his company Beacon Architecture is in no way affiliated with Anlauf Engineering. He stated he worked with Mr. Anlauf in the past as a part of the Outer Banks Collaborative which is a group comprised of all professionals which operate their own companies and do not share any corporate structure. This was created many years ago to pull local resources together because many design projects were going to large firms out of Raleigh. The only project that Beacon Architecture has collaborated on with Anlauf Engineering was for the Ocean Sands wastewater treatment facility back in 2013 in Currituck County, and that was for a small 500 square foot unheated pump building. Council Member Nason stated this was not in Southern Shores, was not in Dare County, and was two years prior to him taking office as a Council Member.

Council Member Nason referred to the Town Attorney for his interpretation. The Town Attorney stated his legal opinion that Council Member Nason does not have a conflict by sitting on the board, or on any other committee or board based on the facts about Anlauf Engineering.

Council Member McDonald stated he agreed with Patrick Gilbert's comment and thinks we should have a public hearing at one meeting but not vote until the next meeting, allowing time to research the subject.

Town Attorney's Report

None

ADJOURN

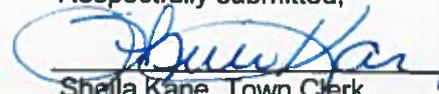
MOTION: Council Member Holland moved to adjourn. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0). The time was 8:43 p.m.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk



PUBLIC COMMENT SIGN-UP SHEET

March 1, 2016

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
MARY JANE SLESINSKI	22 WILD PONY LANE SOUTHERN SHORES	LEAGUE OF WOMEN VOTERS PRESENT CITIZENS GUIDES
XXXXXXXXXXXXXXXXXXXX		
DAVID SANDERS	158 BESCH TREE	OCCUPANCY
DAVID BARKER	226 N. DOGWOOD	INTERSECTION <i>MARKING</i>
Tommy Karole	EAST DOGWOOD	—
Patrick Gilbert	44 Skyline Rd	—
Mike Fletcher	226 WOODLAND	Bicycle safety
Sam Williams	109 Pudding Pie Lane	

Minutes

Meeting of Council Finance Committee (Bennett, Holland)

January 21, 2016 10:00 AM

Town Hall Conference Room

(The meeting was postponed until 4:00 pm due to transportation delay. Notice of time delay was posted.)

Meeting was called to order by Mayor Bennett. Committee members Mayor Bennett and Councilman Holland in attendance. Attending staff were Town Manager Peter Rascoe, Finance Officer Bonnie Swain. Southern Shores resident David Sanders also attended.

1. Review of Budget Performance regarding:

a. Expenses for legal services. The Town Manager (Budget Officer) reviewed the Town's expenses for legal services provided during the second quarter of the fiscal year, and up to date as of January 21, 2016. Currently 65% of the total appropriated budget amount for FY 15-16 has now been spent. The Budget Officer attributes the increased need for legal services during November and December to legal briefings for new Council members, and to the Town's initiative to prevent construction of large and/or events houses in response to the NC General Assembly's recent enacted legislation prohibiting municipal regulation of the number and type of rooms for a residential dwelling. The Budget Officer reported that he would continue monitoring necessary legal expenses during the upcoming months and make a recommendation to the committee for any budget amendment when necessary.

b. Expenses for Solid Waste Collection. The Finance Officer reported that when she received the invoice from Dare County Public Works for trash collection for the first quarter of the fiscal year, she noticed a drastic increase from the previous year's first quarter in the number of collection man hours being claimed during those three months. Investigation revealed that the Town of Kitty Hawk, also a Dare County Public Works solid waste collection customer, had also received an invoice revealing a drastic increase in collection man hours from the previous year's first quarter. Investigation revealed that Dare County Public Works had undergone personnel changes during the time period, requiring more collection man hours. The Town's invoice did also reveal an increase in the number of tons of trash collected from the previous year's first quarter. Discussions by the Town Finance Officer and the Town Manager with Dare County Public Works staff and the County Finance Officer and County Manager followed. Pending a decision by the County Manager as to the Town's requested invoice adjustment under its contract with the County, the Town did remit payment to Dare County Public Works for an amount equal to the same collection man hours invoiced for the previous year's same quarter. The extra collection man hours billed for the current year's first quarter computed to an extra expense of approximately \$15,000. Upon further discussions between the Town Manager and the County Manager, the County Manager took the position that the matter had to be considered by the Dare County Board of Commissioners, as it was the County staff's position that the invoiced expense did represent the

County's actual collection expenses, which could be billed under its trash collection contract with Southern Shores. On January 4, 2016, the Dare County Board of Commissioners voted 4-3 in its regular meeting to authorize the County Manager to enter into appropriate settlement with Southern Shores and Kitty Hawk for the extra collection man hours invoiced. Based on man hours needed to collect the extra tonnage recorded for the first quarter, an amount of \$ 6,087.79 was agreed to and remitted by Southern Shores as settlement. The Finance Officer explained that the budget expense for trash collection is appropriated each year based on the previous year's contract performance, and little or no extra funds are included in any projected amount for solid waste collection. Due to this added expense, a budget shortfall for this line will more than likely occur during the final quarter of the fiscal year. The Town Manager reported to the Committee that unless there is an unanticipated surplus in any budget line from which he could transfer, a proposed budget amendment for any solid waste collection expense shortfall will have to be recommended to the Committee and the Town Council.

2. Review of Quarterly Financial Reports. The Finance Officer reviewed the Town's financial statements for the current fiscal year's first two quarters. She is also scheduled to review these at the February 2, 2016 regular Meeting of the Town Council.

3. General Discussion on anticipated revenues for fiscal year 2016-2017. The Town Manager and the Finance Officer reported that traditionally, the amount of the Town's share of projected revenues anticipated from sales taxes, land transfer taxes, and rental dwelling occupancy taxes is not received from the County Finance Officer until April. These revenues, derived from taxes on the tourist and real estate industries, have consistently made up approximately 30% of the Town's budget revenues. They are distributed by Dare County to all of the municipalities in proportion to the amount of ad valorem taxes levied by each town for the preceding fiscal year. Ad valorem (property) taxes have traditionally made up approximately 50% of the Town's budget revenues. Several Towns did raise their tax rates last fiscal year in preparation for a beach nourishment project to be performed beginning this current fiscal year. However, due to growth in the Town's property tax base due to increased sales and building activity, it is hoped there will be a negligible effect on the Town's shared revenues.

No action was taken by the Committee to recommend any matter to the full Council.

There being no further matters brought before the committee, the meeting was adjourned, with notice to the attending public citizen that he is encouraged to ask questions of the committee and staff following adjournment.

Town of Southern Shores Capital Improvement Plan Committee
Meeting Minutes
January 14, 2016 2:00 p.m.
Pitts Center

Attendees: Capital Improvement Planning (CIP) Committee members- Mayor Tom Bennett and Councilman Chris Nason; citizen representative- Jim Connors; Town staff- Peter Rascoe, David Kole, Joe Anlauf, Rachel Patrick, Bonnie Swain

The meeting was called to order by Mayor Tom Bennett and turned over to Rachel Patrick as meeting facilitator.

Peter Rascoe reviewed the Town's street design and construction standards, which are located on the Town's website and a copy of which are attached to these minutes as an exhibit. After review of the standards, Peter explained that the standards were endorsed by the Council for staff's use in street rebuild projects for FY 2015-2016, and recommends the Committee recommend the Council endorse the same standards for capital street rebuild design use for upcoming FY 2016-2017. Councilman Chris Nason stated that the standards seem very reasonable and that he plans to recommend they be approved for staff's use during the upcoming FY. Mayor Bennett concurred with the recommendation, and reminded Council Member Nason that he would be giving the Committee Report which would include any committee recommendations.

Regarding the design standard emphasizing the use of Best Management Practices (BMPs) and Low Impact Development (LID) design standards for storm water mitigation, Jim Connors suggested that a representative from the Coastal Studies Institute meet with Town staff to discuss LID guidelines and brainstorm as to whether any additional LID concepts could be appropriate for future capital street rebuild designs. Town engineer Joe Anlauf also explained the LID standards that are incorporated are site-specific depending on respective factors applicable to a particular project.

Regarding the design standard to re-vegetate sites upon project completion at 6 and 12 month intervals, Rachel reported that re-vegetation has been done at the Dogwood Trails intersection with the addition of five Eastern Redbud trees. It has also been implemented at Fairway Drive with the addition of three Crepe Myrtle trees planted in the new island-median, and native grasses planted in two of the stormwater swales. Both of these were done at a 6 month evaluation. Jim Connors commented that in the future he would like to see more extensive re-vegetation efforts, and suggested that re-planting plans be developed during the actual design process for a street rebuild. Rachel Patrick stated that Public Works favors very low-maintenance, native plants for re-vegetating. Chris Nason agreed that low-maintenance plantings make sense.

The public input processes for street rebuild projects was reviewed. Rachel explained that, prior to the Capital Improvement Planning Committee recommending projects to the Council for rebuild, Town staff invite the residents of a street that is being considered for rebuild to a public meeting where they discuss the potential project, listen to resident's concerns and gauge resident support for the project. Residents are typically then invited back for a second meeting once actual survey data is complete to further discuss the potential project. Peter also clarified that, in years past, capital street projects which only fronted a small number of adjacent residents were noticed to those residents by letter - inviting each resident to meet one-on-one with Town staff. He further clarified, that now, all capital street improvement projects follow the process described by Rachel

Peter explained that, prior to Council approving any capital street improvement project, a Public Hearing is held for the Town's actual proposed annual operating budget which contains a total proposed

expenditure for capital street improvement projects for the upcoming fiscal year. That proposed expenditure for capital street improvement projects has been \$516,000 for the past several fiscal years. Subsequent to budget adoption for the upcoming fiscal year, a second Public Hearing is then held prior to consideration and adoption of any CIP Committee recommended capital street improvement project priority list.

Rachel explained that, once the Council approves the recommended street rebuild priority list for the upcoming fiscal year, preliminary designs for street rebuilds are completed, and street residents are again invited to a public meeting to review the design and discuss the project construction and how it will impact the residents. Small changes may still be accommodated at this point if feasible, prior to the final design being completed and advertised for construction bid.

The street rebuild priority list was discussed for FY 2016-2017. It was agreed that rebuild projects that were completed this past fall, and projects set to be completed this upcoming spring, could be removed from the list. It was also agreed that the list's line containing the combined North, South and East Dogwood Trails could be removed, as each of those streets have now been given their own separate line item on the list. Mayor Bennett recommended that Yaupon Trail be moved to the top of the list due to its extremely deteriorated condition. Council Member Chris Nason concurred with this change in priority. Peter explained that, while the Committee had previously discussed phasing a rebuild of Yaupon Trail due to its large estimated cost, the Town would likely see a significant cost savings if the entire street was rebuilt at one time, and it would also be less of an inconvenience for the residents of the street to undergo experiencing one project rather than multiple projects over several years with multiple contractor mobilizations. Bulkhead replacement will be necessary along Yaupon Trail, and the bulkhead may need to be extended canalward further than the typical 2' that is allowed by a CAMA Minor Permit, to allow for both a two-lane street to be designed and to avoid the need for traffic-rated tiebacks, which would add to the expense of the project. Extending the bulkhead further than 2' canalward would require a CAMA Major Permit. Town staff will discuss the permitting process with the local CAMA representative to gain more understanding of that process.

Mayor Tom Bennett stated that he had a recent discussion with the NC Department of Transportation (DOT) regarding the storm water flooding issue on Highway 12 at the East Dogwood Trail intersection and at the 13th Avenue and Highway 12 intersection. The DOT has agreed to look at developing possible solutions for the problem at East Dogwood Trail sometime within the month. The Town may be asked to contribute monetarily to whatever the solution may be. Mayor Bennett suggested that this potential project (NC Hwy 12-East Dogwood Trail stormwater flooding) be added to the priority list.

The ranked prioritization of the streets will continue to be discussed at the next committee meeting, to be held on March 17th, 2016 at 2:00 p.m. at the Pitts Center.

There being no other business, the meeting was adjourned.

Minutes recorded by Rachel Patrick, and compiled with concurrence of all Committee Members, Citizen Representatives, and Staff Representatives in attendance.

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.**

Town of Southern Shores Council Public Safety Committee Meeting
Members: Mayor Tom Bennett, Councilman Gary McDonald
February 10, 2016 at 2:00 PM - Town Hall Conference Room

Meeting Minutes

[Note: This meeting had originally been scheduled at the December 8, 2015 regular Council meeting in error for February 15, 2016 – which is a holiday when Town Hall is closed. When this error was discovered, Councilman McDonald made it known to the Town Clerk he could still meet on February 15, but had meeting conflicts for other days on which the Mayor was attempting to reschedule the committee meeting. The Mayor did reschedule (and directed re-notice of) the meeting for February 10, 2016 at 2:00 pm in order to accommodate a citizen who desired to present an idea for vaccination notice of dogs. Councilman McDonald again confirmed he would be unable to attend a rescheduled committee meeting due to meeting conflicts.]

Present:

Committee Member: Mayor Tom Bennett

Town Staff: Town Manager Rascoe, Public Works Director Patrick,
Police Chief Kole, Fire Chief Limbacher, Lifeguard
Director Dabrowski

Citizen Representative: Steve Hotchkiss

Attending Citizens: Mary Lou Hoffert and Bill Hoffert, 179 Clam Shell Trail,
Southern Shores

1. The meeting was called to order by Mayor Bennett. The Mayor welcomed and thanked Southern Shores resident Steve Hotchkiss for agreeing to serve as the Citizen Representative to the committee.
2. The Mayor, Town Manager, and Public Works Director briefed the attendees on ongoing discussions with, and planned actions by, NCDOT regarding possible storm water remediation initiatives along NC Highway 12 at East Dogwood Trail intersection. A meeting with the Mayor, NCDOT District One Highway Commissioner, Town staff, and NCDOT Division One engineers occurred on January 28, 2016 at the site of concern. NCDOT is committed to seek solutions to alleviate the problem with regards to stormwater originating on NC Highway 12. Shoulder grading was recommended along both NC 12 and along East Dogwood Trail as a means of allowing run-off to more easily infiltrate through the road shoulders. NCDOT engineers affirmed that raising the asphalt surface above the level of flooding is not an option as this would simply divert stormwater onto adjacent private properties. A hydrologic team from NCDOT headquarters in Raleigh is due to arrive this week to study conditions within and adjacent to the NC Highway 12 right-of-way boundaries to determine what could be done to allow for offsite accumulation and infiltration of the stormwater. The Public Works Director did mention that approximately 4,000 gallons of water had to be pumped during one incident using all of Public Works

manpower to clear the two western lanes for travel. The Town Manger commented that if the Town had to perform this service on a state-owned and maintained road every time it flooded, the Town would need to consider creating and funding a new utility of resources (equipment and personnel) to take of such a service.

3. The Public Works Director briefed the attendees on the ongoing construction of the new Tall Pine Bridge over Snow Goose Canal along South Dogwood Trail. The project is on schedule, with all “in-water” construction activities scheduled to be completed by the February 15 deadline and permit moratorium on such activities. Once the pilings are finished being set, shoreline sheet piling installed, and rip rap placed, all by February 15, work will commence on the actual new bridge decking.
4. Southern Shores resident Mary Lou Hoffert was introduced. Due to the difficulty she and her husband experienced in November 2015 getting written confirmation of a current rabies vaccination from a visiting and departing non-resident dog owner (after the owner’s dog bit her daughter and dog in Southern Shores), she proposed that the Town require, by ordinance, all property management companies doing rental business on behalf of rental property owners in Southern Shores to collect and maintain written certifications from visiting renter dog owners prior to rental occupancy.

Police Chief Kole reviewed the Town Police Department protocol for dog bites, which requires immediate Police Department notification to the Dare County Animal Control Department (DCAC) upon the police being notified by the Dare Central Communications Center. The DCAC is then responsible for bite investigations and for recommending a quarantine to the Dare County Public Health Director. The circumstances of the subject case were such that the dog owner, who had in fact left his personal contact information with the bite victim, was in the process of departing the Town and state when the bite occurred. The bite victim did not receive actual written proof of rabies vaccination at the scene, although the owner did state the dog had been vaccinated. The bite victim did not notify authorities until after she had returned home in Southern Shores and the dog owner had then departed the area. Subsequent efforts by the DCAC and the SSPD to contact the dog owner out-of-state, resulted in the owner, for reasons unknown, not transmitting written proof of the dog’s rabies vaccination until 12days after the date of incident. This was an extreme inconvenience to the bite victim who was waiting on confirmation in order to avoid being treated for rabies.

The impracticalities of enforcing an adopted Town ordinance against property management companies located out of Town (requiring a certain record be received and kept during a week vacation visit), were discussed by Town staff. Mayor Bennett recommend a conversation with the Dare County Health Director as a means of encouraging Dare County to consider expanding its current ordinance to require such a written certification in addition to the current requirement of attached rabies

certification tag on a dog collar. The Town Manager affirmed his ongoing dialogue with the Property Management Committee of the Outer Banks Association of Realtors to encourage this among its members as a condition of a weekly rental. Mrs. Hoffert and her husband thanked the committee and staff.

5. Police Chief David Kole reported that the SSPD will be requesting budgeting this year for new traffic counters and a message board to assist with seasonal traffic. He is also seeking out possible grant sources to hopefully cover the items.
6. Fire Chief Ed Limbacher reported that in preparation for the summer season, truck maintenance is underway, which is proving costly to the SSVFD due to the age of trucks.
7. Lifeguard Director Mirek Dabrowski reported that hiring for this year's lifeguards is now well underway.

There being only one of two committee members in attendance, no recommendations to the full Council were made or considered by the committee.

There being no further matters for discussion by the committee, the meeting was adjourned.

Town of Southern Shores Council Public Safety Committee Meeting
Members: Mayor Tom Bennett, Councilman Gary McDonald
February 10, 2016 at 2:00 PM - Town Hall Conference Room

Agenda

1. Mayor/Staff update on ongoing discussions with, and planned actions by, NCDOT regarding possible storm water remediation initiatives along NC Highway 12 at East Dogwood Trail intersection.
2. Staff update on construction of new Tall Pine Bridge over Snow Goose Canal along South Dogwood Trail.
3. Reception of citizen (Mary Lou Hoffert) proposal to regulate property management companies by requiring them to collect vaccination certificates from rental-tenant dog owners prior to rental occupancy (includes review of dog bite incident of November 5, 2015).
4. Report of any timely and important law enforcement matters - Police Chief
5. Report of any timely and important fire protection matters - Fire Chief
6. Report of any timely and important ocean lifeguard matters - Lifeguard Service

§ 91.025 COLLAR AND TAGS REQUIRED.

(A) It shall be unlawful for any dog owner to fail to provide his or her dog with a collar or harness to which current vaccination and identification tags are securely attached. A collar or harness with attached tags must be worn at all times except when the dog is confined to an enclosure on the owner's premises or during the time animals are performing at shows, obedience trials, tracking tests, field trials, training schools or other events sanctioned and supervised by a recognized organization.

(B) It shall be unlawful for any dog owner to fail to provide his or her dog with an identification tag or fail to take the action as is necessary to insure that such identification tag is worn by the dog at all times, except as otherwise provided in this chapter.

(C) It shall be unlawful for any dog owner to fail to comply with state laws relating to the control of rabies, and it shall be unlawful for any dog owner to fail to provide any dog he or she owns with a suitable collar or harness for the wearing of the rabies tag to be issued upon compliance with state law or fail to take the action as is necessary to see that the tag is worn by the dog at all times, except as otherwise provided in this chapter.

(D) It shall be unlawful for any person to allow any dog to wear a vaccination tag or identification tag issued for another dog.

(Prior Code, § 91.15) (Ord. passed 11-6-1978) Penalty, see § 10.99

RABIES VACCINATION AND CONTROL

§ 91.065 INOCULATION REQUIRED.

It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for his or her dog. Should it be deemed necessary by the County Health Director, Board of Commissioners or state public health veterinarian that other pet animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet animal.

(Prior Code, § 91.45) (Ord. passed 11-6-1978) Penalty, see § 10.99

§ 91.066 REPORT AND QUARANTINE OF BITING DOGS.

Every dog which has bitten anyone or which shows symptoms of rabies shall be confined immediately by its owner and shall be promptly reported to the Health Department by its owner or the person having the dog in charge, and thereupon shall be securely quarantined at the direction of the Health Department for a period of 10 days and shall not be released from the quarantine except by written permission from the Health Department. The biting dog and its records of vaccination and registration shall be inspected by the Health Director, who will then observe the following policy:

(A) A properly vaccinated and registered dog may be confined on the owner's premises; provided, that the Health Director determines that the owner has an adequate means of confinement upon his or her own premises and the animal is subject to observation by the owner at any time during the 10-day period.

(B) A dog not properly vaccinated or registered but belonging to an owner shall immediately be confined in a veterinary hospital or the county animal shelter, in which case the expense shall be borne by the owner for the 10-day confinement.

(C) A stray dog shall immediately be confined in the county animal shelter for a 10-day period.

(Prior Code, § 91.46) (Ord. passed 11-6-1978)

§ 91.067 REFUSAL OF OWNER TO PERMIT INVESTIGATION; REDEMPTION OF DOGS FOUND NOT TO HAVE RABIES.

Except as provided in § 91.066, it shall be unlawful for the owner to refuse an examination or investigation by the Health Director, upon demand, of any dog which has bitten a human. If the dog is confined in the county animal shelter and if rabies does not develop within 10 days, the dog may be reclaimed, upon payment not to exceed the amount as shall be established from time to time by ordinance for feeding and upon compliance with other provisions of this chapter.

(Prior Code, § 91.47) (Ord. passed 11-6-1978) Penalty, see § 10.99

Request for consideration of new ordinance concerning rabies certificates

Mary Lou Hoffert <mlh6126@gmail.com>

Mon 12/14/2015 1:23 PM

To: council@southernshores-nc.gov <council@southernshores-nc.gov>;

Cc: Mary Lou Hoffert <mlh6126@gmail.com>;

1 attachment (892 KB)

dog-owners-vacation-guide-outer-banks-activities.pdf;

Hello, I am the lady who spoke about the dog bite incident at last Council meeting. I had rehearsed to stay within the 3 minute limit, but unfortunately did not accomplish that during my talk. I provided a description of what happened and the seriousness of rabies, but was unable to express my request.

The point of my talk was that it took 12 days and required our using a lawyer to finally obtain verification that the dogs who bit my daughter and dog were current with rabies vaccination. What made it difficult was not only the reluctance of the owner to comply with the police request but the fact that he had taken his dogs out of NC.

I would like Council to consider a Southern Shores ordinance requiring Landlords & Realty Companies to:

- 1) receive a copy of the rabies certification of animals of transient renters before they allow use of their property,
- 2) keep these certificates on file for 6 months, and
- 3) inform renters of the Southern Shores leash law and the requirement to notify Southern Shores police immediately of any bite incident.

I believe these 3 requirements would be beneficial to the health of our community

and would place only a small administrative task on landlords or realty companies.

Thank you

----- NOTES -----

1. Dare Co requires dogs to be licensed. Obtaining the license requires a current rabies certification. License and rabies tag are to be affixed to dog's collar.

License requires yearly renewal.

From: <http://www.darenc.com/dcas/license.asp>

2. I believe landlords and realty companies might be considered to be "keepers" of animals as defined in 91.01 Definitions of Dare Co Ordinances

From: www.darenc.com/dcas/Ordinances.pdf

3. NC law 130A"196 Confinement of all biting dogs and cats states: When a person has been bitten by a dog or cat ...the person owning the animal or in control or possession of the animal shall notify the local health director immediately and give the name and address of the person bitten and the owner of the animal. All dogs and cats that bite a person shall be immediately confined for 10 days...

From: <http://www.obxspca.org/info/display?PageID=2728>

4. Elan Vacations has a very nice brochure, Dog Owners Vacation Guide to the Outer Banks, which maybe Southern Shores could update to include rabies information and provide for those renting in our town.

Attached

Happy Holidays
Mary Lou Hoffert
mlh6126@gmail.com

If you can read this, thank your teachers.
If it is in English, thank your military.

Presented by Mrs. Hoffert :
2/10/16

Request for Southern Shores Ordinance

Precipitating incident: In November of 2015 my daughter and my dog were attacked by two unrestrained dogs belonging to a tourist. He provided his name and address and stated that his animals had current rabies vaccinations. Then he returned to Chesterfield, VA. When my daughter received medical treatment, OBX Hospital notified local police who contacted the dog owner and told him to FAX the rabies certificates to the Police Office.

Twelve days passed and still no FAX. We contacted a lawyer who sent an email to the dog owner requesting the certificates and within an hour they were received by local police.

So it took 12 days and required our using a lawyer to finally obtain verification that the dogs who bit my daughter and dog were current with rabies vaccinations. What made it difficult was not only the reluctance of the owner to comply with police direction, but the fact that he had taken his dogs out of NC.

Health Issue: Rabies is a deadly viral disease of the central nervous system that is transmitted by the bite of infected animals.

Rabies is fatal. Once a person develops symptoms it is too late to vaccinate against rabies.

The typical vaccination series with rabies and immunoglobulin costs \$4,000 to \$7,000+.

An experimental protocol involving placing the patient in a coma has proven successful in a few cases. Cost of the protocol is \$800,000.00.

Request: We would like Council to consider a Southern Shores ordinance requiring anyone offering rental properties, landlords or realty companies, to:

- 1) Receive a copy of the rabies certification of animals of long and short term renters before they allow use of their property,
- 2) Keep these certificates on file for 6 months, and
- 3) Inform renters of the Southern Shores leash law and the requirement to notify Southern Shores police immediately of any bite incident.

I believe these 3 requirements would be beneficial to the health of our community and would place only a small administrative task on landlords or realty companies. Thank you



Dog Owner's VACATION GUIDE to Outer Banks Activities



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Welcome to the Outer Banks!
At Élan Vacations, we love dogs and are always happy to welcome our canine vacationers into our many **pet-friendly rental homes.**

Because we know that you want to spend time with your dog during vacation, we created this guide to the Outer Banks that lists each town's leash laws and a list of some of our dog-friendly attractions, pet stores, and dog-friendly restaurants.



Town Leash Laws

Each township that makes up the Outer Banks enforces its own set of leash laws. Please respect these regulations as violators might receive a citation.

Cape Hatteras National Seashore

- ☞ Dogs must be on a leash that is no longer than 6 feet while visiting towns on Hatteras Island.
- ☞ Website: nps.gov/caha/index.htm

Corolla

- ☞ Leashes are mandatory in town but there are no length requirements.
- ☞ Website: co.currituck.nc.us

Duck

Duck has been named one of the top 10 dog-friendly beach towns in the United States!

- ☞ Law requires that dogs be controlled by a leash (10 feet or less), including at the park, on the boardwalk, and on Duck Trail.
- ☞ Website: townofduck.com



Kill Devil Hills

- ☞ Dogs must be restrained by a leash.
- ☞ Website: kdhnc.com

Kitty Hawk

- ☞ Dogs must be restrained on a leash that is retractable to 12 feet.
- ☞ Website: townofkittyhawk.org

Nags Head

- ☞ Dogs must be on a leash that is 10 feet or shorter.
- ☞ Website: townofnagshead.net

Southern Shores

- ☞ Year-round leash law applies: Dogs must be on leashes no longer than 10 feet.
- ☞ Website: southernshores-nc.gov



Dog-Friendly Attractions

The Outer Banks is a vacation spot where it is fun to bring your dog. Not only do we have many **pet-friendly vacation rental homes** like those at Élan Vacations, we also have attractions that welcome your canine companion. Before you leave on vacation, make sure your dog is current on its vaccinations and licenses.

The Beach

To read our beach leash and accessibility laws, safety tips, and a link to the veterinary clinics on the Outer Banks, download our free whitepaper "**Dog Owner's Vacation Guide to the Outer Banks Beaches**".

Currituck Heritage Park

1100 Club Road,
Corolla, NC 27927
252-453-9040

Website: visitwhalehead.com



The grounds of the park is fun place to walk your dog and to picnic with your family, but remember that your dog must remain on a leash at all times.



Wright Brothers National Memorial

1000 North Croatan Highway
Kill Devil Hills, NC 27948
252-473-2111

Website: nps.gov/wrbr/index.htm



This official site of Orville and Wilbur Wright's first powered flight welcomes pets on the grounds but they must be on a leash no longer than 6 feet.

Fort Raleigh National Historic Site

1401 National Park Drive
Manteo, NC 27954
252-473-5772

Website: nps.gov/fora/index.htm

This historic site preserves known portions of England's first New World settlements from 1584 to 1590 and protects the "cultural heritage of the Native Americans, European Americans and African Americans who have lived on Roanoke Island".

Dogs are welcome if restrained by a leash.



Roanoke Island Festival Park

1 Festival Park
Manteo, NC 27954
252-475-1500

Website: roanokeisland.com/

Located across from the Manteo waterfront, the park includes living history exhibits and a life-size replica of a 16th century ship. This park also hosts many events and art shows.

Dogs must be leashed at all times and are allowed along the boardwalks only.

Nags Head Woods Preserve

701 West Ocean Acres Drive
Kill Devil Hills, NC 27948
252-441-2525

Website: nature.org

Dogs on leashes (no length requirements) are allowed on the lightly-traveled road that wind through the Preserve, but not on the walking trails.



Jockey's Ridge State Park

300 W Carolista Drive
Nags Head, NC 27959
252-441-7132

Website: jockeysridgestatepark.com

You are welcome to bring your dog to the largest natural sand dune on the east coast, if it is on a leash that does not exceed 6 feet.

If you plan to visit Jockey's Ridge with your dog, exercise caution. If it is windy, the sand will likely blow into your dog's eyes. And on hot, sunny days, leave your dog at your rental home because the scorching sand on Jockey's Ridge will burn its pads.



Duck Trail

Town of Duck, NC 27949

Website: townofduck.com/ducktrail/

On this trail is a seven-mile, multi-use path that runs the length of the Town, dogs are welcome if restrained by a leash that is 10 feet or shorter.



Dare County Dog Park

900 W Kitty Hawk Road

Kitty Hawk, NC 27949

Website: darenc.com/parksrec/parksnb_khp.asp

To enjoy this fenced dog park where dogs can run and play, Dare county requires that owners fill out a **registration form** and show a current rabies vaccination for every dog. Your dog will not be allowed in the park until registration is complete.

Registration forms are only accepted at the Northern Beach recreation office located at 602 Mustain Street in Kill Devil Hills at the Youth Center.



3

Pet Stores

Take your dog shopping for some OBX-themed goodies to take home!

Outer Barks

Scarborough Lane Shoppes

1171 Duck Road

Duck, NC 27949

252-261-6279

Once a week, between Easter and Thanksgiving, the Outer Barks hosts a dog party. The parties feature frozen dog daiquiris, puppy pasta, cake and other treats. They also have an agility course, paw painting, and baby pools.

The Cyberdog USA

3105 N Croatan Highway

Kill Devil Hills, NC 27948

252-449-0331

The Cyberdog USA offers all-natural dog food and supplies, plus dog daycare services, grooming, and private training.

4

Dog-Friendly Restaurants

North Carolina state law prohibits dogs in restaurants; however, some restaurants owners welcome dogs in their outdoor seating areas.

Steamer's Shellfish To Go

TimBuck II Shopping Center

798-B Sunset Blvd

Corolla, NC 27927

252-453-3305

Steamer's Shellfish To Go serves fresh seafood in their outdoor seating area where they welcome dogs and even provide bowls of water for them!

Bacchus Wine & Cheese

Monterey Plaza

891 Albacore Street

Corolla, NC 27927

252-453-4333

Enjoy a gourmet sandwich, salad, or sub with your best friend in the sidewalk cafe. Dogs even receive a special treat.

Salty Paws Biscuits

Jockey's Ridge Crossing

3933 S Croatan Highway

Nags Head, NC 27959

252-480-2284

Loblolly Pines Shopping Center

1187 Duck Road

Duck, NC 27949

252-255-0492

Salty Paws Biscuits contain no added salt, by-products, artificial flavorings or preservatives. Salty Paws offers dog treats for all dogs, including those with special dietary needs for diabetes, obesity, and allergies.

American Pie

1600 S Virginia Dare Trail
Kill Devil Hills, NC 27948
252-441-3332

American Pie is known for its pizza and ice cream.
Dogs are welcome on their patio.

John's Drive-In

3716 N Virginia Dare Trail
Kitty Hawk, NC 27949
252-261-6227

John's Drive-In serves mahi-mahi, trout, and tuna sandwiches or boats and are also famous for their milkshakes. Dogs are always welcome and even get their own "puppy cup" of soft-serve vanilla ice cream.

Jimmy's Buffet

MP 3.5, US 158 Bypass
Kitty Hawk, NC 27949
252-261-4973

In addition to a buffet, Jimmy's also offers a carry-out menu. Guests with dogs can order and eat at their outside tables. Dogs must be leashed.



BK Shuckers

4020 N Croatan Highway
Kitty Hawk, NC 27949
252-261-7800

BK Shuckers is a sports bar, oyster bar and grill rolled into one. Well-behaved, leashed dogs are allowed on the outdoor patios where you can watch sports events.

Soeey's BBQ

3919 S Croatan
Nags Head, NC 27959
252-449-6465

Leashed, well-mannered dogs are welcome at their outer tables. Visit their website to learn about their other [locations](#) on the Outer Banks.

*Elan Vacations offers a wide selection of **dog-friendly** vacation homes from south Nags Head to Corolla!
Contact us today at 866-760-3526.*



Town of Southern Shores Council Planning Committee Meeting
10:00 AM February 12, 2016
Town Hall Conference Room

Attending:

Committee Members: Mayor Tom Bennett, Mayor Pro tem Fred Newberry
Staff: Town Planner Wes Haskett, Town Manager Peter Rascoe
Attending Public; Citizen David Sanders

Mayor Bennett called the meeting to order.

The Mayor and Town Manager briefed on ongoing discussions with, and planned actions by, NCDOT regarding possible storm water remediation initiatives along NC Highway 12 at the East Dogwood Trail intersection. A meeting with the Mayor, NCDOT District One Highway Commissioner, Town staff, and NCDOT Division One engineers occurred on January 28, 2016 at the site of concern. NCDOT is committed to seek solutions to alleviate the problem with regards to stormwater originating on NC Highway 12. Shoulder grading was recommended along both NC 12 and along East Dogwood Trail as a means of allowing run-off to more easily infiltrate through the permeable road shoulders. NCDOT engineers affirmed that raising the asphalt surface above the level of flooding is not an option as this would simply divert stormwater onto adjacent private properties. A hydrologic team from NCDOT headquarters in Raleigh is due to arrive this week to study conditions within and adjacent to the NC Highway 12 right-of-way boundaries to determine what could be done to allow for offsite accumulation and infiltration of the stormwater. The Town Manager also mentioned that approximately 4,000 gallons of water had to be pumped during one incident using all of Public Works manpower to clear the two western lanes for travel. The Mayor also mentioned that one possibility suggested by NCDOT is for the Town to consider a stormwater infiltration basin between the two lanes of lower East Dogwood Trail. Mayor Pro tem Newberry recommended Town staff look at removing any side curbs along the street asphalt of lower East Dogwood Trail as a means of allowing stormwater to more easily get to permeable earthen street shoulders for infiltration.

Mayor Bennett asked committee member Mayor Pro tem Fred Newberry if he might be in favor of Council re-adopting now repealed Code language which limited single-family dwellings to 14 persons by septic capacity. This would be additional and complimentary to the recently adopted size limit of 6,000 square feet. After discussion, both committee members are in favor of adding this additional language back into Chapter 36, Article VII of the Town Code of Ordinances as a means of reinforcing the intent of the Town Council, by amending the Town Code, to limit both size and occupancy of single-family dwellings in Southern Shores. The Town Manager reaffirmed that staff could not enforce actual occupancy in a single-family dwelling once a Certificate of Occupancy is issued. Committee member Newberry concurred and stated that the design limit is just a deterrent. It was the consensus of both committee members that such an amendment to the Code be a recommendation to the full Council.

Prior to the Council's March 1, 2016 Regular Meeting, staff will discuss with the Town Attorney an appropriate draft zoning text amendment (ZTA) for Council to consider as a part of this committee recommendation to the full Council.

The Town Manager reviewed the Town staff protocol of having an owner or his contractor, who applies for a demolition permit for a flat top cottage, to photographically document the architecture of the structure before demolition and submit the photographs to the Town for archiving. He also mentioned that a flat top owner had inquired in the past about the Town's interest in creating an historic landmarks designation program, like the Town of Kill Devil Hills, which would incentivize the preservation of remaining flat top cottages. Committee member Newberry stated that he thought that would be a good program for the Town of Southern shores to consider. The Town Manager mentioned that the Planner for Kill Devil Hills who administers the program there could most likely be engaged to attend a Southern Shores Town Council meeting and explain the program. Committee member Mayor Bennett confirmed with staff that, under the program, a designated flat top cottage owner would only lose tax incentives if she or she decided they wanted to demolish the structure, and would not be prevented from doing so if they wanted to. It was the consensus of both committee members that a recommendation to the full Council be made that Council invite the appropriate Kill Devil Hills planner to come present on that Town's historic landmarks designation program.

The Town Planner stated that there is some interest among one or more of the Town's public safety agencies regarding being able to store equipment in storage trailers located on agency controlled properties in the Town. The Town Planner stated that such use would require an amendment to Code Section 36-163, d. After discussion, the committee members reached consensus that neither of them are in favor of recommending such a Code amendment to the full Council. Rather, they encouraged Town staff to relate the option of storage shed construction to the agencies.

The Town Planner briefed the committee on administration and enforcement of Town Code Section 36-202, (b), (2) (habitable floors and stories/living space) and Code Section 36-202, (b), (2) (accessory buildings) in light of the Council's recent adoption of a 6,000 square foot size limit of single-family dwellings. Strict interpretation of the Town Code, consistent with the Town Council's understanding and intent during its recent deliberations in amending the Town Code to adopt such a size requirement for single-family dwellings, prohibits permitting of an accessory structure with any habitable floor space. The Town Planner is currently enforcing the Town Code consistent with this interpretation, yet wants the committee members to understand this in case there is sentiment towards recommending Council amend the Town Code to allow such structures with habitable floor space. After discussion, the committee members reached consensus that neither of them are in favor of recommending such a Code amendment to the full Council, and they concurred with the Town Planner's interpretation and enforcement of the subject Code section

The Town Manager reported that he and the Town Planner have received inquiries from cottage rental industry officials about the Town's interpretation of the Town Code's zoning definition of "event facilities". The definition was recently amended by the Town Council for the purpose of clarifying when a rental cottage becomes an event facility for commercial zoning purposes. If it is rented for the primary purpose of holding a qualifying event, then it is considered an "event facility" under the zoning portion of the Town Code. The Town Manager reported that officials from the Outer Banks Association of

Realtors have requested a meeting with him, the Town Planner, and the Town Attorney to better understand the Town's interpretation.

The Town Manager briefed the committee on the Council's original intended purpose in creating the Planning Committee. The Planning Committee was created by the Town Council to consider emerging land use issues, and to investigate and vet any planning initiatives the Council, committee members, or staff may want to have considered before actual formal action of the Council. (Formal action of the Council includes referrals to the actual Planning Board for the commencement of its statutory duties and responsibilities in the case of actual filed permit applications, or filed zoning text and map amendment requests.)

Attending citizen David Sanders was asked for any comments he cared to make to the committee. He offered comment on various matters discussed and stated the committee did have inclusive discussions on its agenda items. He also recommended that Town staff investigate narrowing the vehicle lanes of lower East Dogwood Trail to add more permeable shoulder surface for stormwater infiltration.

The Mayor recapped action items of the committee meeting, again confirming among the two committee members that each is in favor of adding additional language back into Chapter 36, Article VII of the Town Code of Ordinances as a means of reinforcing the intent of the Town Council, by amending the Town Code, to limit both size and occupancy of single-family dwellings in Southern Shores.

The action items agreed on by both committee members are:

1. It is the consensus of both committee members that the committee recommends to the full Council amending the Town Code to re-adopt the now repealed Code language which limits single-family dwellings to 14 persons by septic capacity.
2. It is the consensus of both committee members that the committee recommends to the full Council it invite the appropriate Kill Devil Hills planner to come present at a regular Council meeting on that Town's historic landmarks designation program.

There be no further matters before the committee, the Mayor adjourned the meeting.

**Town of Southern Shores Council Planning Committee Meeting
Members: Mayor Tom Bennett, Mayor Pro Tem Fred Newberry
February 12, 2016 at 10:00 AM - Town Hall Conference Room**

Agenda

1. Mayor's update on discussions with NCDOT regarding possible storm water remediation initiatives along NC Highway 12 - Mayor Bennett

2. Discussion of amended (now deleted) language in Chapter 36, Article VII, Schedule of District Regulations previously limiting new single-family dwelling occupancy by septic capacity - Mayor Bennett

3. Discussion of a possible ZTA to Code Section 36-163, d, to on-site storage of public safety equipment in storage trailers on parcels owned and controlled by Public Safety agencies - Town staff

4. Briefing by Town staff on administration/enforcement of Code Section 36- 57 (habitable floors and stories/living space) and Code Section 36-202, (b), (2) (accessory buildings) - Town staff

Sec. 36-57. - Definition of specific terms and words.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building, accessory, means a subordinate building consisting of walls and a roof, the use of which is clearly incidental to that of the principal building on the same lot, even where the accessory building is attached to the principal structure by breezeways, covered walkways, walkways, or other structures not constituting enclosed living space.

Dwelling unit means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for a single-family.

Habitable floors and stories (living space) means enclosed areas within a structure which are located below the top plate, and containing rooms or areas which have been designed, and constructed for human habitation.

Use, accessory, means a building, structure or use which meets all of the following criteria:

- (1) It is clearly incidental to and customarily found in connection with a principal building or use;
- (2) It is subordinate to and serves a principal building or principal use served;
- (3) It is subordinate in area, extent or purpose to the principal building or principal use served;
- (4) It contributes to the comfort, convenience or needs of occupants, or business in the principal building or the principal use served;
- (5) It is located on the same lot as the principal building or use; and
- (6) It is not a sexually oriented business or a sexually oriented business activity.

Sec. 36-202. - RS-1 single-family residential district.

- (a) *Intent*. The RS-1 district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses.
- (b) *Permitted uses*. The following uses shall be permitted by right:
 - (1) Detached single-family dwelling consisting of no more than seven bedrooms or septic system capacity for more than 14 people.
 - (2) Customary accessory buildings and structures including, but not limited to, swimming pools, tennis courts, and garages, provided no living space is provided in the accessory structure. Accessory beach access walks, ramps, and steps shall not exceed four feet in width. Accessory ocean dune platforms shall not exceed 200 square feet.

Sec. 36-163. - Off-street parking requirements.

At the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space shall be provided according to the amounts and specifications provided by this section.

d. *Off-street parking and/or storage of certain vehicles prohibited.*

1. Trucks, trailers, semitrailers, (self-propelled or detached) and prefabricated cargo shipping containers or similar containers shall not be used as a storage or other type of accessory structure in any zoning district.
2. Nothing in this section shall apply to any vehicle stored in compliance with applicable town codes. This regulation shall not be interpreted to prohibit the timely unloading and loading of commercial trailers in any district.

(Code 1988, § 11-6.01; Ord. No. 2006-09-02, art. V, 11-28-2006; Ord. No. 2007-07-01, art. IV, 8-7-2007; Ord. No. 2007-09-02, art. III, 9-4-2007; Ord. No. 2011-01-01, art. VIII, pts. III, IV, 1-4-2011; Ord. No. 2012-02-01, art. III, pt. II, 2-7-2012)

Sec. 36-202. - RS-1 single-family residential district.

- (a) *Intent.* The RS-1 district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses.
- (b) *Permitted uses.* The following uses shall be permitted by right:
 - (1) Detached single-family dwelling consisting of no more than seven bedrooms or septic system capacity for more than 14 people.

Government Education Access Channels Committee
2016-2017 Proposed Budget

The following items are presented to the Town of Southern Shores Town Council for their review and approval.

Specific Action Requested:

Approve the proposed 2016-2017 Budget

Budget Summary

The Government Education Access Channels (GEAC) Committee has reviewed and approved the proposed 2016-2017 budget for the operation of the Government and Education Channel. The proposed budget, which would take effect July 1, 2016, must be approved by every participating member entity of the Channels, which includes the towns of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, Manteo, and Dare County, Dare County Schools, College of The Albemarle, and UNC Coastal Studies Institute.

The budget as proposed requires no additional funding from the participating entities above the current annual \$1000 membership fee. Our budget is funded mainly from the North Carolina Video Distribution proceeds, which are disbursed quarterly by the State to certified members of the GEAC. These funds must be used for the operations of the two channels and no other purpose. Additionally, the legislation that originally established the Video Distribution funding required that the proceeds not supplant current funding. Accordingly, the annual \$1000 membership fee that was in place when the program began must remain, or the Channels would lose all Video Distribution funding from the State.

The GEAC committee recommends the budget, which includes, in part, the following: funding for two full-time staff positions and a Local Programming Development Initiative to assist members in the development of programming for the Government and Education Channels. The funding also includes the continued funding of two regular news magazine shows that highlight each of the participating members of the GEAC on the Education Channel and the Government Channel.

**Government Education Access Channels Committee
2016-2017
Proposed Budget**

Executive Summary

Funding comes from the state of North Carolina use tax on cable and satellite fees. Our revenue from this source in 2016-2017 is projected to be \$279,270.04. In addition, each of the 10 entities pay a \$1000 membership fee annually to participate in the channel's operations. This \$1000 fee is unchanged and is the only impact on each entity's budget. This money that is received from the entities in support of the Government and Education Access Channels must remain in the budget in order for each entity to continue to receive PEG Supplements from the state of North Carolina. This budget is requesting a total of \$85,087.96 be allocated from the fund balance. The fund balance is projected to be \$352,139.23 on June 30, 2016. The proposed total budget for the Government and Education Access Channels Committee for 2016-2017 is \$375,808.00.

INCOME	
Member Fees (annual fee paid by participating entities) ¹	10,000.00
NC PEG Supplemental Video Disbursement (from the state NCDOR) ²	279,720.04
Interest Income (interest from fund balance) ³	1,000.00
TOTAL INCOME	290,720.04
APPROPRIATED FUND BALANCE⁴	85,087.96
TOTAL REVENUE	375,808.00
EXPENDITURES	
Salaries (2 Full time employees) ⁵	(108,470.00)
PT Salary (Internships)	(2,000.00)
FICA	(8,718.00)
Retirement	(7,461.00)
Health Insurance	(15,593.00)
Life Insurance	(210.00)
Retiree Health	(186.00)
Contractual Services (Production of Destination Dare/Ed Awareness) ⁶	(50,000.00)
Channel Operations (Maintenance Support for Tightrope System) ⁷	(4,275.00)
Streaming Video/VOD Reflect (service required provide this service) ⁸	(2,200.00)
Equipment - Repair, Replacement, Purchase	(5,000.00)
Office Computer Lease	(500.00)
Supplies ⁹	(7,500.00)
Marketing Plan (Marketing for GovEd TV including E-Guide) ¹⁰	(31,800)
Capital Outlay ¹¹	(12,000)
Music Library	(1,395.00)
Training	(5,000.00)
Travel	(5,000.00)
Professional memberships (SEATOA NATOA, NC3C) ¹²	(300.00)
Miscellaneous	(500.00)
Contingency (Reserve for unexpected expenses) ¹³	(5,000.00)
Emergency Contingency (Storm related overtime during activations) ¹⁴	(2,500.00)
TOTAL OPERATING EXPENDITURES	(275,808.00)

Local Program Development Initiative	
This is money set aside in the budget to foster development of program content by the member entities. Money is awarded on an application and grant basis to participating entities by the Government and Education Access Channel Committee. The money can be used to produce programs, improve the quality of existing programs, or purchase equipment to provide for increased production and/or quality of programs.	
LPDI 1 - Coastal Studies Institute	(10,000.00)
LPDI 2 - College of The Albemarle	(10,000.00)
LPDI 3 - Dare County Government	(10,000.00)
LPDI 4 - Dare County Schools	(10,000.00)
LPDI 5 - Duck	(10,000.00)
LPDI 6 - Kill Devil Hills	(10,000.00)
LPDI 7 - Kitty Hawk	(10,000.00)
LPDI 8 - Manteo	(10,000.00)
LPDI 9 - Nags Head	(10,000.00)
LPDI 10 - Southern Shores	(10,000.00)
TOTAL LPDI	(100,000.00)
TOTAL LPDI AND OPERATING EXPENDITURES	(375,808.00)

Government and Education Access Channel Proposed Budget Notes for 2016-2017

Goals and Objectives to be achieved with this budget.

1. Continue to fund the operation of the channel at a level that provides a professional, reliable and quality service to the citizens of Dare County.
2. Continue to bring the fund balance down to an appropriate level and strategically use the fund balance to fund channel initiatives.

¹ Member Fees - Each entity member pays an annual membership fee to participate in the Government and Education Channel Access. This money must remain in place in order for each entity to receive the PEG Supplement from the state. **There is no change to this amount from last year, so impact on each entity's budget is unchanged..**

² NC PEG Supplemental Video Disbursement - this is revenue that is collected by the state in the form of a use tax on cable and satellite providers. The money is pooled and disbursed to qualifying PEG operations within the state. PEG stands for Public, Education, and Government Access. Dare County has 10 qualifying PEG entities, each is a member of the Government and Education Access Channel Committee. Each quarter, this money is disbursed to the entities by the state, and then the Government and Education Access Channels invoices the entities for this money. These state funds are the main source of funding for the Government and Education Access Channels.

³ Interest Income - This is interest the Government and Education Access Channels Committee receives on the fund balance.

⁴ Appropriated Fund Balance - The fund balance is projected to be \$352,139 on June 30, 2016.

⁵ Salaries - This budget currently funds two full-time positions that are considered to be Dare County employees.

⁶ Contractual Services - This is for the production of Destination Dare and Dare Education Awareness, our two main programming initiatives that highlight interesting aspects of government and education in Dare County. Each entity contributes one segment to each episode. Destination Dare is produced every other month, and Dare Education Awareness is produced on the alternate months.

⁷ Channel Operations (Maintenance and Technical Support of Playout Server) - One goal we were able to achieve with an aggressive capital outlay 2014-2015, was an upgrade to our playout server and channel operation software. This has resulted in a better quality signal and more reliable and efficient operations. This budget item is the annual maintenance and technical support for that system.

⁸ Streaming Video/VOD Reflect - As part of the playout server upgrade, we are providing a more effective streaming capability of our signal online, and, in addition, provide a video on demand service that will be much better than our current YouTube channel. This is the annual subscription to support that service.

⁹ Supplies - This the purchase supports supplies such as batteries, gaffers tape, lighting gels, accessories, and small equipment items that do not qualify as Capital Outlay.

¹⁰ Marketing Plan - This will support a professional marketing effort to allow us to better use outreach tools to bring viewers to our channel and to help identify what kinds of information viewers want to see when they watch our channel.

¹¹ Capital Outlay - Purchase of a Sony PXW-FS5 to enhance the production capabilities of our in-house projects.

¹² Professional Memberships - This supports memberships for the two staff positions for the Southeastern Association of Telecommunications Officers and Advisors (SEATOA), National Association of Telecommunications Officers and Advisors (NATOA), and The North Carolina City and County Communicators (NC3C). These are national, regional and state professional associations for PEG Channel Operators.

¹³ Contingency - This is for expenses that come up that were either unplanned or unforeseen. Not for use of everyday expenses.

¹⁴ Emergency Contingency - This pays for storm related overtime for the hourly employee during Emergency Management Activations.