



**Town of Southern Shores  
Regular Council Meeting  
August 2, 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, August 2, 2016.

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

**COUNCIL MEMBERS ABSENT:** None

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

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

**AMENDMENTS / APPROVAL OF AGENDA**

Mayor Pro Tem Newberry requested to amend the agenda to include two potential items under New Business. Mayor Bennett stated that each new agenda item he is requesting should be presented and voted on separately.

**MOTION:** Mayor Pro Tem Newberry moved to amend the agenda to include under New Business his discussion of an amendment to the Council Rules of Procedure regarding the agenda. The motion was seconded by Council Member McDonald. The motion passed 3-2 with Mayor Pro Tem Newberry, Council Member Nason, and Council Member McDonald voting YES; Mayor Bennett and Council Member Holland voting NO.

**MOTION:** Mayor Pro Tem Newberry then moved to amend the agenda to include under New Business his discussion requesting the Town Manager to provide a monthly report of proposed state laws that could potentially impact the residents and citizens of Southern Shores. The motion was seconded by Council Member Nason. The motion passed 3-2 with Mayor Pro Tem Newberry, Council Member Nason, and Council Member McDonald voting YES; Mayor Bennett and Council Member Holland voting NO.

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

**CONSENT AGENDA**

The consent agenda consisted of the following items:

- Approval of Minutes-July 5, 2016
- Resolution opposing the rate increase requested by Dominion North Carolina

**MOTION:** Council Member Holland moved to approve the consent agenda. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

## **STAFF REPORTS**

### Town Planner:

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

- Permitting and Inspections July, 2016
- PowerPoint- briefing on preliminary flood maps

### Southern Shores Police Department

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

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

## **NEW BUSINESS**

### Consideration of Planning Board Appointment (alternate)

Mayor Bennett stated Carlos Gomez has applied to fill the vacancy with the Planning Board as an alternate and serve a three year term. The Town Manager stated this is the only volunteer application received when questioned by Council Member McDonald as to if staff was keeping up with a list of volunteers for boards and committees.

**MOTION:** Council Member Holland moved to appoint Carlos Gomez to the Planning Board as an alternate for a three year term. The motion was seconded by Mayor Pro Tem Newberry. The motion passed unanimously (5-0).

### Consideration of Amendment to the Rules of Procedure Regarding the Agenda

Mayor Pro Tem Newberry stated he would like to see the agenda for a Council meeting released to the public at least five business days in advance of the scheduled meeting. The agenda is currently released Thursday afternoon for the following Tuesday evening meeting. He also stated that he would like an electronic version of the Council books and supporting materials emailed to Council and published on the website.

**MOTION:** After discussion, Mayor Pro Tem Newberry moved to direct the Town Attorney and Town Manager to get together and work at the wording in the Council Rules of Procedure and bring a proposal on the mechanics of how this is going to be accomplished to the next meeting. Mayor Bennett clarified Mayor Pro Tem Newberry's motion with some specifics to which Mr. Newberry agreed. The clarified motion is to have the Town Attorney and Town Manager work together to propose a draft amendment to the Council Rules of Procedure to allow a timeframe Council can work with that will allow dissemination of the meeting agenda at least five (5) business days before the meeting, plus provide the meeting support materials in advance. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

### Consideration To Direct The Town Manager To Provide A Monthly Report Of Legislative Items That Could Potentially Impact The Residents Of Southern Shores.

Mayor Pro Tem Newberry stated he had requests from citizens asking about proposed state laws and trying to assess the impact of the proposed state laws on Southern Shores residents. He stated he would like the Town Manager to provide a monthly report either at Council meetings, in the newsletter, or media giving an assessment of current legislation and rulemaking in North Carolina that impacts Southern Shores citizens.

Town Attorney Gallop questioned what the goal of the motion is. He asked if the goal is to have citizens be able to provide input to the legislature about things that haven't been approved yet, or is the goal to have the public see things that have been approved that may affect citizens or the Town? Mr. Gallop stated it is almost impossible to track on a daily,

weekly, or even monthly basis what the legislature is doing until they are finished. He stated, however, you can track what has been adopted.

Town Attorney Gallop asked if this would be direction passed on to him to actively monitor and report? If so and from a budgeting basis, it would change what he currently does for the Town. For him to actively keep up and track daily, weekly and monthly legislation is different than what is currently being provided. It depends on the Council's goal.

The Town Manager stated it was already his responsibility to report to the Council on emerging initiatives and issues brought to his attention that would affect the citizens of Southern Shores.

**MOTION:** Mayor Pro Tem Newberry moved to have the Town Manager report to Council on a regular basis any legislative actions that would affect the Town of Southern Shores. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

### **GENERAL PUBLIC COMMENT**

Mayor Bennett called for public comment and the following citizens offered comment with topic(s) as indicated:

- Norm St. Laurent, 63 Hickory Trail - Would like to thank Chief Kole and his fellow officers for the wonderful job that they do.
- Joe Van Gieson, 228 N. Dogwood - Would like Council to report on status of closed session minutes.

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

### **OTHER BUSINESS**

#### Town Manager's report

The Town Manager addressed several matters:

- The Council's Historic Landmark initiative is progressing and another meeting with citizens is scheduled. A report and possible recommendation will be given to Council at the September 6<sup>th</sup> Council meeting.
- The draft assessment from CodeWright will be transmitted to each Council member individually during the day on September 6<sup>th</sup>. As of now, Mr. Meadows reports he will be unable to attend the Council meeting that evening but will deliver the draft assessment that day. It will be placed on the website for review by the public, and CodeWright will encourage public input on the draft. The draft assessment will not consist of any actual proposed text changes to the Code of Ordinances.
- The storm water remediation project at NC12 and East Dogwood is in the design phase. The property at the intersection's south east quadrant has now been acquired by the Town, and the grading work of the interior of the lot will go out for bid.
- The structure on Town property at #7 Skyline Drive is scheduled for demolition at the end of the week.
- The capital street improvement projects that Council authorized for the fiscal year are well under way and now in the design phase. These projects are Yaupon Trail, Osprey Lane, Wild Swan Lane and parts of Juniper Trail.
- Due to several citizen complaints, a temporary traffic device has been installed on East Dogwood Trail beside the stop at the Hickory Trail intersection. Staff will look at whether this particular device beside the stop sign may help ease the traffic making a left turn onto Hickory Trail. The location will be assessed to see if any existing Town signage needs to be

adjusted. Town regulatory signage is regulated by Council through the official traffic map for the Town.

- Staff has placed an RFQ out for the survey of East and South Dogwood Trails authorized by Council at its July 5<sup>th</sup> meeting. Staff is hopefully to have a professional surveyor under contract by August 11<sup>th</sup> or soon thereafter.
- A reminder there are two (2) Council Committee meetings in August. The Council Planning Committee is scheduled to meet Monday, August 8<sup>th</sup> at 10:00 am, and the Council Public Safety Committee is scheduled to meet on Monday, August 22<sup>nd</sup> at 10:00 am.
- Annual charity surfing event, Throwdown North of Town, sponsored by a group of citizens is scheduled for Saturday, September 17<sup>th</sup>.

Mayor Pro Tem Newberry asked the Town Manager what was the final price the Town had paid for the acquisition of the property at 29 East Dogwood, and how did he negotiate to that price? The Town Manager reported the final price of approximately \$180,500, and that he had made an offer equivalent to the current County assessed tax value (\$180,600). The Town Manager also stated the last asking price was \$194,500. Mayor Pro Tem Newberry then asked the Town Manager why he had not submitted a lower offer as the property had been on the market awhile and he has had citizens tell him it could have been bought cheaper and would have saved the Town money. The Town Manager answered that Council had given him authority to negotiate and acquire the property, and that he did so using his best judgement.

Council Member McDonald asked the Town Manager who did the cost analysis of #7 Skyline, as far as the removal or renovation costs. He asked whether it was Town staff or a contractor that provided the cost analysis. The Town Manager stated that information was supplied to the each Council member in the meeting support documents for the previous Council meeting and that East Coast Abatement and Demolition has provided the demolition and disposal cost estimate. The Town Manager also stated a separate renovation contractor had provided the written cost estimate for repair and upgrades to the property which was previously provided to Council members.

#### Council Member's Comment & Responses

Mayor Bennett stated there was a citizen question during public comment at the last Council meeting as to why that Council meeting had not been cancelled due to one (1) Council member not attending. He stated the 2016 Council meeting schedule was approved in December 2015 by the Council. The adopted schedule included dates and times for all the Council meetings, including Council committee meetings. Mayor Bennett stated as Mayor, he would only cancel a Council meeting for lack of a quorum, or lack of actionable agenda items, or natural or manmade catastrophe. The accusation was made during the same public comment that the February 2<sup>nd</sup> Council meeting had been cancelled due to a Council member being absent. The Mayor stated that meeting was cancelled due to lack of actionable agenda items.

Mayor Bennett reported the NC Department of Transportation has agreed to fund \$150,000 of the storm water remediation project at NC12 and East Dogwood. Mayor Bennett stated he has written letters in hope of receiving some additional funds for the project from either the Senate or the House. He stated it looked hopeful that Representative Tine could help with some funding from the House.

Mayor Pro Tem Newberry stated he met with Fire Chief Limbacher a few weeks ago and received a tour of the Fire Department and the Department's processes. He stated it

provided some really good information that he had not had before and it was appreciated. He stated Chief Limbacher's most critical need now is volunteers.

Mayor Pro Tem Newberry also stated that the Gov-Ed Access Channel grant money is once again available. Since the Town used it to update equipment this past year it would be nice to use grant money to produce some videos for YouTube promoting Southern Shores in whatever light is appropriate.

Council Member Holland stated he has met with the Fire Chief as well and it is a very enlightening experience. The work that goes into keeping up with federal regulations and getting ISO certified is tremendous. The Fire Department is made up of true professionals.

Council Member Holland also stated he is the Town's representative on the Tourism Board and that they did not have a meeting in July but he will report back on the August meeting next Council meeting.

Council Member McDonald responded to Mr. Van Gieson's request about closed session minutes. He stated that at the last meeting Council did approve and release closed session minutes, excluding personnel issues, during the closed session. There was no citizens present when Council came back into open session.

Town Attorney Gallop stated at the last meeting Council approved being part of an amicus brief involving the Town of Emerald Isle and public usage of the beaches throughout the state. Attorney Gallop stated he prepared the brief for Southern Shores, Kitty Hawk, Duck, Kill Devil Hills, Nags Head, Dare County, Currituck County, Hyde County and the NC Beach Buggy Association. He stated all the attorneys representing the local governments signed on except for Hyde and Dare County. A motion and a brief were filed with the Supreme Court and the motion had been accepted. This means that the brief will be accepted in the Supreme Court's analysis whenever it decides to make a decision. Town Attorney Gallop stated there were also other amicus briefs filed for all the remaining oceanfront towns, counties and several agencies in the state. A press release on this can be found on the Town of Emerald Isle's website.

**ADJOURN**

**MOTION:** Council Member Holland moved to adjourn. The motion was seconded by Mayor Bennett. The motion passed unanimously (5-0). The time was 6:50 pm.

ATTEST:

  
Thomas G. Bennett, Mayor



Respectfully submitted,

  
Sheila Kane, Town Clerk



**RESOLUTION**  
**OPPOSING THE RATE INCREASE REQUESTED**  
**BY DOMINION NORTH CAROLINA POWER**

**WHEREAS**, electrical service is one of the basic necessities of life required by all residents and businesses and is essential in building and sustaining a healthy, safe, and productive community; and

**WHEREAS**, Dominion North Carolina Power seeks a rate increase that would generate over 51 million dollars annually; and

**WHEREAS**, the proposed rate increase now before the State Utilities Commission would result in an average monthly increase of \$18.15 for Dare County residents, including Town of Southern Shores residents, using 1,000 kilowatt-hours; and

**WHEREAS**, the rate increase sought by Dominion North Carolina Power would have a dramatic impact on residential utility customers raising the average monthly bill by over 17 percent, which far exceeds the cost of living index; and

**WHEREAS**, not only would the proposed rate increase harm Dare County and Town of Southern Shores families, but it would also cause protracted economic hardship for the small business owners that are the backbone of Dare County's economy; and

**WHEREAS**, the proposed electrical rate increase sought by Dominion North Carolina Power would worsen economic conditions and place an undue financial burden on the people of Dare County and the Town of Southern Shores.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Southern Shores strongly opposes the rate increase requested by Dominion North Carolina Power, and urges the North Carolina Utilities Commission to deny the request.

This the 2nd day of August, 2016



  
\_\_\_\_\_  
Tom Bennett, Mayor

Attest.   
\_\_\_\_\_  
Sheila Q. Kane, Clerk to the Board