



**Town of Southern Shores
Regular Council Meeting
September 6, 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, September 6, 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.

TROPICAL STORM HERMINE/ DEBRIS REMOVAL BRIEFING

Town Manager Peter Rascoe gave a brief update on the September 3rd Tropical Storm Hermine storm debris cleanup. He reported that after consultations with the County, it appeared that it would be improbable for the Governor or the President to declare a Disaster for the storm event in here and therefore allow us to be eligible for state or federal assistance in debris removal utilizing one of the Town's FEMA contractors. He reported that he and the Public Works Director had therefore implemented the storm cleanup rates under the Town's existing contract with Atlantic Tree Experts (ATX) and had projected a cost for that firm to pick up storm-generated yard waste put out by property owners on the street rights-of-way. He also reported that this arrangement with ATX presumes the Town policy of not picking up contractor-handled yard waste will remain in place. The Manager stated storm debris cleanup will occur simultaneously alongside the existing limb and branch pickup service schedule and will take a minimum of 30 days.

MOTION: Mayor Bennett moved to approve a \$40,000 transfer from the undesignated fund balance to the 2016-2017 storm cleanup budget line to fund the extra cost to the Town of pick-up of storm-generated yard waste in the arrangement described by the Manager. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Council Member Holland moved to approve the agenda. 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 Minutes-August 2, 2016
- Budget Amendment #3 (Revenue from surplus of police equipment and donation)

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

EMPLOYEE RECOGNITION

Police Chief avid Kole recognized Lieutenant Jonathan Slegel for 15 years' service for the Town of Southern Shores.

STAFF REPORTS

Town Planner:

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

- Permitting and Inspections August, 2016
- Update on Town Code Update Project - Chad Meadows with CodeWright Planners stated his Draft assessment of the Town's current Code of Ordinances is available for viewing on the Town's website. His draft assessment is the framework for considering future-suggested changes to the Town Code. It includes a summary of input from the community and Council. It also includes a series of comments from the staff regarding suggested updates, and analysis from the consulting team in reference to organization, layout, and illustration. Code Wright is having the public review the draft assessment published on the Town's website and encouraging written and verbal comments to CodeWright and Town planning staff over the next three (3) weeks. CodeWright's Final assessment of the Town's current Code of Ordinances will be transmitted to Council on October 10, 2016, along with an appendix containing any received comments. At that point, CodeWright will commence drafting proposed changes of text to the existing Town Code for Council to consider. Drafting will take six (6) months and will go through a process of two public hearings to evaluate the proposed changes before Council considers them. The final proposed updated Town Code will be available to Council for its consideration and possible action by September 2017.

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. At the end of his report, Chief Limbacher stated the Southern Shores Volunteer Fire Department's facility needs analysis currently underway should be completed and ready for him to share with Council in December, 2016.

Mayor Pro Tem Newberry stated to Chief Limbacher that he needs justification for why the Fire Department needs to be enlarged and he wants data on specific items to show it. He stated it is also important for the public to understand it because what the SSVFD is asking for is going to be quite an expensive project and will cause a lot of public concerns as far as cost. He stated they have questions and need some answers.

BOARD AND COMMITTEE REPORTS (RECOMMENDATIONS)

Council Planning Committee

Mayor Bennett gave a briefing of the Council Planning Committee report of the August 8th meeting (report attached).

MOTION: Following up on one item discussed at the committee meeting, Mayor Bennett himself moved to invite Kenneth Wilson of Coastal Planning and Engineering to present to Council in person on a recent proposal of his to perform a Town Beach Profile Monitoring Initiative for the Town of Southern Shores. The motion to invite Mr. Wilson was seconded by Council Member Holland. The motion passed unanimously (5-0).

Council Public Safety Committee

Mayor Bennett gave a briefing on the Council Public Safety Committee report of the August 22nd meeting (report attached). The committee recommendations were brought to Council for consideration.

MOTION: Per one of the committee recommendations, Mayor Bennett moved to authorize a meeting between the Mayor and NCDOT District One Board Member and the NCDOT Division One Engineer to discuss safety enhancements for pedestrian crosswalks along NC Highway 12, and to discuss NCDOT possibly lowering the speed limit on NC Highway 12 in Southern Shores from 45 mph to 35 mph during the summer season only. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

The Council's Public Safety Committee also recommended removal of stop signs at four (4) locations: 2 on South Dogwood Trail at private Mallard Cove intersection; 2 on East Dogwood trail at Hickory Trail intersection; 2 on Chicahauk trail at easternmost Clamshell Trail intersection; 2 on Hickory Trail at Hillcrest Drive intersection.

MOTION: Council Member McDonald moved to table consideration of the committee's stop sign removal recommendation until the November 1, 2016 Council meeting for consideration, allowing the public time to review the proposed committee recommendation. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

The Public Safety Committee also recommended raising the speed limit on Circle Drive from the current 15 mph to 25 mph.

MOTION: Council Member McDonald also moved to table consideration of the committee's recommendation to change the speed limit on Circle Drive until the November 1, 2016 Council meeting for consideration, allowing the public time to review the proposed committee recommendation. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

OLD BUSINESS

Report/ Recommendation on Council's Historic Landmarks Designation program initiative

Council previously gave staff authority to begin exploration of a historic landmarks designation program in Southern Shores in recognition of the cultural resource of not only the flat top cottages in Southern Shores that began in 1946 and subsequent years, but other properties that were presumably 50 years old or of historic significance.

At least 34 flat top cottages remain intact in Town and also a number of other structures that are of the same age. Staff developed an inventory with the assistance of volunteers who also volunteer each year for the historic flattop cottage tours. An inventory of 44 total structures was developed with the possibility of several others existing as well. Staff was able to notify and get responses back from owners on whether they were interested in this type of program, which is a state program. Staff has had several meetings with the owners, one of which included a representative from the State Historical Preservation Office from the NC Department of Environment and Cultural Resources. Staff has been able to determine the positive interest of 26 property owners in Southern Shores. Out of those 26 properties, 23 are flattop cottages. The program itself is identical to the program in Kill Devil Hills which is a historic landmark designation program. The enabling state statute calls for the Council to create a commission of legal residents of Southern Shores who would consider applications from eligible property owners for their properties become designated historic landmarks in Southern Shores. The process would then entail a property owner applying for designation, and written analysis of the owner's property going to the State Historic Preservation Office for nonbinding comments. The SHPO's nonbinding comments would then come back to the Council for it to decide whether or not to include that property as a historic landmark in the

program. Once included in the program the landmark is protected on the exterior in that no substantial changes may be made to the exterior unless the commission issues a certificate of appropriateness based on an application from an owner.

Once in the program, the property will remain in the program until it becomes unqualified. By state statute, the property owner gets a 50% property tax abatement on the ad valorem tax bill. The tax abatement is on both County and Town ad valorem taxes. If all 26 properties were to be designated, based on current tax assessments that would account for approximately \$14,553.31 in abated revenue to the Town of Southern Shores as a result of the designations.

MOTION: Council Member Holland moved to (1) authorize the Town Manager and the Town Attorney to develop a draft ordinance creating a Southern Shores Historic Landmarks Commission in accordance with North Carolina General Statute § 160A-400.7 for presentation at Council's October 4th meeting. In accordance with the North Carolina General Statutes and if created, the Commission would be charged with duties and responsibilities cited in the enabling legislation, including (1) adopting rules of procedure and guidelines for designating historic landmarks, (2) adopting guidelines for altering, restoring, moving or demolishing historic landmarks, (3) undertaking a formal inventory of historic properties to be forwarded to the North Carolina State Historic Preservation Office for its review and concurrence, and (4) proposing draft ordinances designating one or more of the properties in the inventory as historic landmarks. The draft ordinance shall also include the following requirements: (a) No property shall be designated a historic landmark except by application executed by all current record property owners; (b) No interior features of any structure shall be subject to regulation; (c) No colors of any exterior feature of a designated historic landmark shall be subject to regulation; and

(2) Schedule a Public Hearing for October 4th to receive public comment on the possible creation of a Historic Landmarks Commission by proposed ordinance; and

(3) In the event of establishment of a Historic Landmarks Designation Program, authorize a budget amendment for the current fiscal year of \$5,000 for the Town Planning Department, for the purpose of covering any costs of initial program establishment, including costs of professional writing for development of historical and architectural assessments for Initial applications to be considered by the North Carolina State Historic Preservation Office for comment to the Southern Shores Town Council.

The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

Consideration of Draft Resolution Amending Council Rules of Procedure Section 13

Mayor Bennett stated, in accordance with Council's directive of August 2, 2016 passed on motion of Mayor Pro Tem Newberry, Council has received a proposed draft amendment to the Rules of Procedure-Section 13. for review. The proposed amendment contains revised business days for a Clerk-proposed, Mayor-approved agenda to be transmitted to Council, and revised business days for agenda back up materials to be transmitted to Council and made available for public review.

Mayor Pro Tem Newberry moved to adopt the proposed draft amendment but stated he would also like to amend it to require that high level matters the Town Manager plans on reporting to Council during its meetings also need to be listed ahead of time in the proposed meeting agenda so that the public knows what to expect and can comment if they feel they need to. Mr. Newberry stated the public wants to know in advance of a meeting what important matters the Town Manager, or any of his staff, intend to report on to the Council.

During discussion, the Town Manager stated any issue having that much significance as an action item would be listed as his own proposed agenda item. Under the current Council Rules of Procedure, the Town Manager has authority to propose an agenda item for consideration by the Mayor. Mayor Pro Tem Newberry was asked by Council Member Holland if he desired to amend his motion. Mayor Pro Tem Newberry stated he did not.

MOTION: Mayor Pro Tem Newberry moved to approve the proposed amendment to the Council Rules of Procedure Section 13 as presented (Resolution 2016-09-01). The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

NEW BUSINESS

Draft Resolution Incorporating a Veterans Preference Policy (Resolution 2016-09-02) into Employment Policy of the Town of Southern Shores

MOTION: Mayor Bennett moved to adopt Resolution 2016-09-02 a Resolution Incorporating a Veterans Preference Policy into the Employment Policy of the Town of Southern Shores. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Discussion of Potential Town Liability for Placement of Street Traffic Devices

Council member McDonald requested this agenda item by his question of the Town's liability regarding placement of traffic control devices, such as street bumps, on Town streets. Town Attorney Gallop stated being the 2-inch x 10-inch speed hump/bump recently installed temporarily on East Dogwood Trail is limited in size, is located at a stop sign, and is visible, making for an exceptionally low risk of liability to the Town. He stated it is not a regulatory device and it has also since been removed.

GENERAL PUBLIC COMMENT

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

- Van Price, 18 Ocean Blvd.- Southern Shores is in need of Beach Nourishment now.
- Karen Price, 18 Ocean Blvd.-very concerned about the beach conditions, supports beach nourishment.
- Jim Kranda, 82 Poteskeet Trail, SSVFD did great job with storm cleanup, Town newsletter does not need to become a blog page; policy of removing structures from beach has worked.
- Lawrence Sawyer, 119 Chicahauk Trail- lives at the corner of Chicahauk Trail and Clamshell. It is a busy corner and thinks the stop sign helps slow the traffic down, making it safer.
- Al Ewerling, 187 S. Dogwood Trail-Thanked the Council for approving the Veterans preference resolution. Would like to go back to parking stickers for Town residents for beach access parking in Town parking areas - rather than hang tags.
- Debbie Newberry- 267 N Dogwood Trail-warnings should still be given out before tent structures or belongings are removed from beach; need two public comment periods; push blinking lights at crosswalks.
- Trisha Farinholt-69 Ocean Blvd. - Thinks two public comment periods in agenda is good; thinks the beach access parking hang tags are fine and as taxpayer can use it as they choose; speed limit on NC12 should be lowered year-around; not all areas of the beach need replenishment; thanked Council for approving Historic Landmark Preservation.
- Geri Sullivan - 31 Tenth Avenue-Thanked Mayor, Town Manager, and Police Chief for advocating reducing speed on NC12.
- Evelyn Grieve - 6 Mallard Cove- Would like the stop sign at Dogwood Trail and Mallard Cove to remain.

[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 NC12 / East Dogwood project is currently under design and about 90% complete. Once complete it will go to NCDOT Division One for engineering review and approval. The project will then go out for bid.
- An RFQ was sent out for a physical survey of South and East Dogwood Trails. A total of four (4) firms submitted statement of qualifications (SOQs). All firms were found to be equally qualified to perform a survey of street right of way, thereby the firm submitting the lowest unit price as a response to the RFQ was Quible and Associates, who was selected. Quible will do the survey in three parts. The survey map will be an aerial view and will include all topographical information, obstructions in the Town right-of-way, and all trees in the Right-of-Way 8 inches in diameter and larger. South Dogwood Trail is 2.43 miles long with a sixty (60) foot right-of-way and East Dogwood Trail is .98 miles long with a hundred (100) foot right-of-way.
- The structural engineer is working on the bulkhead design for Yaupon Trail. There are three sections of bulkhead that will need repair. The CAMA permit for the road repair is being developed for submission this fiscal year, and actual street improvement will take place next fiscal year.
- The north section of Wild Swan Lane final design will be reviewed soon with the residents. Storm water remediation is the main focus of this project. No trees will be removed as a part of the project
- The surveys on both Juniper Trail and Osprey Lane are in progress. The Town's engineer is still doing testing on the Juniper Trail Bridge and hopefully will have a recommendation for its repair in the next few weeks.

Council Member's Comment & Responses

Mayor Bennett stated at the close of the Managers' report at the August 2nd meeting, one Council members questioned and was critical of Town Manager Rascoe regarding his Council-directed negotiations to acquire the property at 29 E. Dogwood Trail. The Council Member had indicated since the property had been on the market for a number of years it was not very desirable, and the Town should have been able to acquire it for less than what the Town paid for it. The Mayor stated it should be noted that the Council essentially took away the Town Manager's ability to negotiate from a strong position by refusing to go into a closed session at the April 19 meeting to discuss the purchase. As a result of the open meeting discussion, the public and the owner's agent were well aware of the Town's desire and need to acquire the property to address and hopefully resolve a serious public safety issue, namely the storm water flooding on NC12 and East Dogwood Trail. The Mayor further stated that at the Council's July 5th meeting, all the Council members present unanimously voted to direct Town Manager Rascoe to negotiate and acquire the property to a price not to exceed the list price as of that day. The Mayor stated that Councilman McDonald even then said himself that the Town shouldn't pay more than the tax assessment. The Town purchased the parcel for a price equal to the tax assessment, \$186,500.00. the Mayor stated, as a reminder, that closed sessions of Council can be a friend of Council and a friend of the taxpayers. In this instance if the property owner and agent had not been publicly aware of the extent of the Town's commitment to acquire the property, Mr. Rascoe could have, in the Mayor's opinion, negotiated from a stronger position on behalf of the Town.

Mayor Bennett reported he attended the Southern Shores Boat Club breakfast a few weeks back and Town Planner Wes Haskett and Permit Officer Dabni Shelton made a wonderful presentation on the new flood maps and how they would affect our residents.

Mayor Pro Tem Newberry stated the reason he wrote and submitted his beach parking hang tag article for the Town email newsletter was purely for public awareness and to get information and feedback. Council voted at the June 7th meeting to allow Council Members to write personal articles for inclusion in the Town email newsletter. He took the liberty to write an article that concerned him and wanted to make the public aware and wanted public input. Mr. Newberry stated the intent was public awareness, not to step on anyone's idea. He stated citizens have complained to him. He stated he had personally received 37 emails in which 35 agreed with his position stated in the article and 2 adamantly that did not. He spoke with 5 people on the street who agreed with him and those people stated they have spoken to miscellaneous others who agreed, counting another 7 people. Mr. Newberry stated some citizens had ideas on how to improve the program, stating that the program needs to include all property owners, not just residents, the ability to get passes. Also, that open vehicles, such as jeeps, are allowing for the theft of the hang tags and that stickers prevent abuse.

Council Member Holland thanked Staff, the Fire Department, and the Police Department for their hard work during Tropical Storm Hermine over the holiday weekend. He stated he also is on the Tourism Board and there was a big concern with the month of June on lack of occupancy and prepared meals taxes received. July and August did seem to pick back up and real estate firms are reporting mostly booked reservations for September. Mr. Holland stated we all benefit from the tourism market as taxes would be approximately \$2,700 higher for each county resident. Dare County ranks #4 out of the 100 counties in North Carolina.

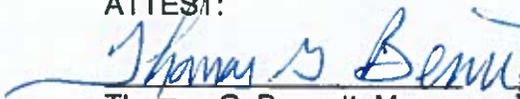
Council Member Nason thanked Police, Fire, and Atlantic Tree Experts (ATX) for a fine job with storm cleanup.

Council Member McDonald stated the Fire Department and Police Department did an outstanding job during the storm and providing emergency services for our Town. Mr. McDonald thanked citizens for their input. He stated some major budget items have been mentioned tonight that Council has no plans for the long term, such as a new fire station and beach nourishment. The Town currently has a lot that we are paying for such as the Code rewrite, the survey, and the roads. He stated it will be important to look at the budget going into next year. The Town had \$20,000 set aside for storm damage and he now knows that it is not enough. In the future he hopes we can better budget for storm events. He stated this is why he has asked for historical data.

ADJOURN

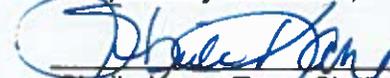
MOTION: Council Member McDonald moved to adjourn. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0). The time was 8:20 pm.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk

**Town of Southern Shores
Budget Amendment Number # 3**

Police Increases			Police Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<u>Revenues</u>				
40-35800	Sale of Fixed Assets	\$3,300			
40-33500	Misc. Revenue	\$300			
	<u>Expenditures</u>				
51-50151	Equipment Purchase	\$3,600			
	TOTAL			TOTAL	\$ -

Explanation: To recognize the sale of tasers and private donations to purchase Police equipment

Recommended By:

J. Peter Rascoe, III Town Manager

Approved By: Town Council

Thomas G. Bennett, Mayor

Date

Town of Southern Shores Council Planning Committee Meeting (Bennett, Newberry)
10:00 AM August 8, 2016
Town Hall Conference Room

Attending:

Committee Members: Tom Bennett, Mayor

Staff: Wes Haskett, Town Planner; Rachel Patrick, Public Works Director

Attending Public: Leo Holland, Council Member

Absent:

Committee Member: Fred Newberry, Mayor Pro Tem

Mayor Bennett called the meeting to order at 10:03 a.m.

Wes Haskett explained that Ken Wilson, P.E., Coastal Planning and Engineering of N.C. had recently contacted the Town Manager suggesting that the Town consider authorizing a beach profile analysis to be performed for the north and south portions of the Town's beach during the same time as the surveying work for parts of the Duck, Kitty Hawk, and Kill Devil Hills beach nourishment project. By doing the survey work at that time, it would be a cost savings for the Town. The most recent data consists of beach profile surveys of the southern 15,000 feet of the Town in 2004, 2005, and 2006 conducted by the U.S. Army Corps. of Engineers Field Research Facility in Duck. A new profile survey would consist of about 13,000 feet located between the southern portion of the Duck nourishment area and the northern portion of the Kitty Hawk nourishment area at a cost of just under \$35,000. Mr. Wilson has offered to present this information to the Town Council and discuss with them some of the first steps he would recommend to establish a shoreline monitoring program.

Mayor Bennett stated that it would be a good time to have this work done considering the timing of the Duck, Kitty Hawk, and Kill Devil Hills nourishment project and by doing so, the Town would be getting ahead of potential problems. Rachel Patrick agreed and stated that it would be an advantage for the Town to have this data to observe changes. Mayor Bennett stated that he will recommend to the full Council at the September 6, 2016 meeting that Council request Ken Wilson, P.E., Coastal Planning and Engineering of N.C. to give a presentation at the October 4, 2016 Council meeting to present the project details and the possibility of establishing a shoreline monitoring program.

Mayor Bennett explained that he and Chief Ed Limbacher, Southern Shores Volunteer Fire Department had discussed the need for making improvements to the South Dogwood Trail fire station. Chief Limbacher has hired the services of a consultant to perform a needs assessment for the facility to see how they should move forward. One possibility is to build a new facility which could potentially involve having to relocate the Town's Public Works facility. Rachel Patrick stated that the East Dogwood Trail fire station property location could work for Public Works, but the existing building on the site would not be suitable for their needs.

Wes Haskett motioned to adjourn the meeting. Rachel Patrick seconded the motion. The meeting adjourned at 10:30 a.m.

Town of Southern Shores Council Public Safety Committee Meeting (Bennett, McDonald)
10:00 a.m. August 22, 2016
Town Hall Conference Room

Attending:

Committee Members: Mayor Tom Bennett and Councilman Gary McDonald

Citizen Representative: Steve Hotchkiss

Town Staff: Town Manager Peter Rascoe; Police Chief David Kole; Fire Chief Ed Limbacher;
Surf Rescue Director Mirek Dabrowski; Town Planner Wes Haskett

Public: Council Member Leo Holland; Pat Regan, volunteer for SSVFD

Mayor Bennett called the meeting to Order at 10:00 a.m.

Chief of Police Kole was recognized to present the first item on the meeting agenda, being his recommendations and reasonings regarding the existence, placement, and removal of traffic control devices including regulatory signage and calming devices. (A copy of Chief Kole's recommendation memorandum, along with copies of citizens' prior comments regarding Hickory Trail traffic including its prior street rebuild and width, is attached to these minutes.) Each recommendation listed was presented by Chief Kole with his reasonings, and discussed by the committee members and staff. Citizen representative Steve Hotchkiss stated concern about NC Highway 12's speed limit of 45 mph being too fast in the summer months, and the need for enhancements to the state highway's crosswalks. A fourth location for stop sign removal was recommended by Mayor Bennett, being the east-west stop signs on Hickory Trail at its intersection with Hillcrest Drive. The Town Manager commented to the committee that Chief Kole's recommendations for stop sign removals and speed limit change would require Council action for amendment to the official traffic map in accordance with the Town Code. He also commented that the Chief's recommendations for adding more no-parking signs in certain no-parking areas, and adding more speed limit signs in established speed zones are matters that the Public Works Department will work with the Police Department on. The Town Manager also commented to the committee that the Chief's concerns and recommendations about crosswalks and speed limit on NC Highway 12 were appropriate for Council action to direct a dialogue between the Town and the NCDOT Board member for District One and the NCDOT District One Engineer, if the Council so chooses.

After further discussion by the committee, the two members of the committee reached consensus on the following committee action:

1. Recommend Council approve removal of
 - (a) Two (2) east-west stop signs on East Dogwood Trail at its intersection with Hickory Trail. (Adjacent traffic calming device will have been removed September 6, 2016);
 - (b) Two (2) north-south stop signs on South Dogwood Trail at its intersection with private Mallard Cove Loop.
 - (c) Two (2) east-west stop signs on Chicahauk Trail at its eastern intersection with Clam Shell Trail.
 - (d) Two (2) east-west stop signs on Hickory Trail at its intersection with Hillcrest Drive.
2. Recommend Council authorize increasing the speed limit on Circle Drive from 15 mph to 25 mph.

3. Recommend Council authorize a meeting between the Town and the NCDOT District One Board Member and the NCDOT Division One Engineer to discuss safety enhancements for pedestrian crosswalks along NC Highway 12, and to discuss NCDOT possibly lowering the speed limit on NC Highway 12 in Southern Shores from 45 mph to 35 mph during the summer season only.

Fire Chief Limbacher was recognized for an update on the SSVFD's planning efforts to obtain an updated facility. (A copy of Chief Limbacher's update report is attached to these minutes.) He explained that the SSVFD has now engaged an architectural firm to conduct a needs assessment which will take 60 to 90 days to complete. He also explained that he has searched extensively for siting alternatives in Southern Shores and concluded a new expanded facility on the same location, along with possible additional combined adjacent real property currently owned by the Town, is the only feasible option. The Town Manager concurred that the SSVFD's East Dogwood Trail station property has a large enough footprint for a Public Works building, but the existing brick building would need to be removed and a new building sited appropriately for Public Works operations. (Property record cards with assessed values are included in Chief Limbacher's update report.) Chief Limbacher and Pat Regan explained to the committee that financing options are currently being studied by them. The Fire Chief also commented that he expects the SSVFD will be ready to make a formal proposal to the Town Council regarding a new facility at either the November or December Council meetings.

The Town Manager commented to the committee on two matters regarding the Town's possible involvement in a new facility for the SSVFD. He urged the committee members and members of Council to look at the assessed values of the properties that might be considered for a possible land swap between the Town and the SSVFD for the project. And he reported to the committee members that most likely, any financing obtained by the SSVFD for a new facility would require involvement by the Town at least serving as a loan guarantor.

Committee member Mayor Bennett commented that the SSVFD's current relationship with the Town is a contractual one, rather than any current Town ownership involvement.

Committee member Councilman McDonald stated that due to low interest rates, this is an opportune time to seek financing by loan for such a facility, and also stated it might be appropriate for the Town to begin designating reserve funds for such a capital project as this.

Pat Regan, on behalf of the SSVFD stated any investment by the Town for a new replacement facility for the SSVFD would be wise due to the Fire Department being better able to do its job for Town citizens and property owners, ultimately keeping the annual operating costs for the Town low.

The Town Manager and the Fire Chief also both commented it is the goal of both entities in this process to retain the presence of the Dare Emergency Medical Services station in the Town of Southern Shores. Currently the northern Dare EMS station is housed as a tenant in the SSVFD's East Dogwood Trail station.

The Town Manager was recognized to present a staff discussion before the committee on staff's current enforcement protocol for the Council's adopted Code Section 34-55(b)(2). For the past five years staff has placed a warning tags on non-compliant unattended personal articles left on the beach after 5:00 p.m. If the articles then remain unattended and are not subsequently removed

after another day, they are removed by Town staff (lifeguards, SSPD Community Resource Officer, or Public Works staff), held for several days and then disposed of in accordance with the Code Section. The Town Manager and staff answered questions for the committee members and engaged in discussion about the current protocol and proposed protocol for staff enforcement.

The Surf Rescue Director Dabrowski stated this protocol with warning tags has been followed for five years now, and he feels the necessity of the tags is no longer viable. His beach clearing operations have reached a point where most beachgoers in Southern Shores are compliant, with the necessity to tag and remove very few personal articles on a weekly basis. He stated his job could be performed more efficiently without him having to continue tagging non-compliant personal articles before subsequent removal.

The Town Planner concurred that the tag protocol was instituted by staff five years ago as an educational tool for the public, and that the enforcement initiative has been successful in that very few complaints are now received about personal articles left unattended on the beach in Southern Shores.

Police Chief Kole stated the existing signage notifying the existence of this Code section needs to be enhanced at each beach access. He stated many complainants state unawareness of the prohibition.

Committee member Councilman McDonald stated that any change in protocol should be noticed as best as possible to the beach going public through all available media.

Based on the discussion, the Town Manager stated media postings, announcements, and notices would go out in Spring 2017 to rental property management firms and civic and homeowners associations in Southern Shores informing that the Town's current Code Section (Sec. 34-55(b)(2)) would now be enforced without staff-issued warning tags. Town staff would also analyze the current signage at the beach accesses.

➤ Committee member Mayor Bennett reported to the committee, staff, and attending public that he had been recently encouraged by Representative Tine personally and by Senator Cook's office regarding possible State funds that might be received by the Town to offset its own appropriation for the storm water remediation project at the area of the intersection of NC Highway 12 and East Dogwood Trail. He is also hopeful of a completion of the project by Thanksgiving 2016. The Town Manager reported that the Town Engineer is currently drafting project plans, and staff hopes to put the project out for bid immediately upon completion of those plans.

➤ The Mayor called for public comment.

Councilman Leo Holland (attending the meeting as a member of the public) commented he recommends the committee consider removal of stop signs at Clam Shell Trail. The Police Chief confirmed that those two signs are in his recommendation and are included in the set of four stop signs the committee members have reached consensus in recommending to the full Council for removal.

There being no further business before the committee, the meeting was adjourned by committee member Mayor Bennett at 11:45 a.m.

SOUTHERN SHORES POLICE DEPARTMENT

Public Safety Committee 8/22/2016

Recommendations:

- Current
- ❖ Future

Stop Signs – Removal

- E. Dogwood @ Hickory both sides – will allow smoother flow of traffic, eliminate backup on summer weekends– remove Traffic calming device.
- S. Dogwood @ Mallard Cove – allow smooth flow of traffic, not enough traffic from Mallard Cove to justify stop sign, this was an unwarranted placement to discourage cut-thru traffic over 10 years ago. (right of way brush cut back for clear line of sight)
- Clamshell (east end) @ Chicahauk – low traffic volume to justify
- ❖ Eagles Nest @ Trinitie/Juniper
- ❖ Gravey Pond @ Trinitie

No Parking Signs -Add

- Across from 228A Ocean Bld.
- All Avenues – throughout town

Speed Limit – Circle Drive Increase from 15mph to 25mph -be consistent with majority of town streets

Speed Limit Signs 25MPH – additional signage:

- Trinitie -near 40 & 70 block (southbound) 50 & 80/90 block (northbound)
- Sea Oats – between Soundview & Kingfisher(southbound), near 290, 230 block (southbound) and 300 block (northbound).
- Wax Myrtle – 170, 230, 280 and 320 block (southbound), 160,180,220 (northbound)
- S. Dogwood – 140 block (northbound), 170 block (southbound)
- E. Dogwood – 30 block (eastbound)
- Chicahauk – 100 block (eastbound)

Crosswalks:

- NC12 across from Triangle Park – dangerous, remove it or demand NCDOT place flashing crosswalk signs on it.
- NC12 just south of Triangle Park/split – same as above....
- NC12 All crosswalks should have activated flashing lights installed by NCDOT
- Pelican Watch Assoc. request, unsafe and PD against this. NCDOT Sidewalk to crosswalk near Handi Hugo

Hickory – Pedestrian & Speed Issues

- Speed data was collected in 2008, results showed 65% travel avg. speed 23.5 MPH, 34%- avg. speed 27 MPH, 1% - 30.5 MPH See minutes – Speeding not an issue See A. Sjoersma – letter against reduction.
- 2008 Full rebuild – request to widen to 22' – complaints of no place to walk etc. Requested additional 4' shoulder for walking lane – council voted 4 to 1 against it, after 5 residents voiced their concerns and were against it. See minutes



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2391 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Town of Southern Shores

Council Meeting

January 20, 2009

8:00 A.M.-Pitts Center

Minutes

The Southern Shores Town Council met on January 20, 2009 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Also present were: Charles Read, Town Manager, Carrie Gordin, Town Clerk and Tom White, presiding Town Attorney in Ben Gallop's absence.

Mayor Smith called the meeting to order at 8:00 a.m., led the Pledge of Allegiance and held a moment of silence for Bill Christie and Father Joseph Klaus, residents, the Inauguration of our President Elect and our troops serving around the world.

APPROVAL OF AGENDA

Mayor Smith moved to approve the agenda as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

PUBLIC COMMENT

Ron Barbaro, 51 Hickory Trail, addressed Council regarding the Hickory Trail Road Improvement Project. He asked Council to keep certain things in mind when developing the project. He asked they use the maximum distance between the edge of the road and private property, construct the road so that it has minimum storm water runoff, not to cut anymore trees down than necessary and not to straighten the road. He stated Public Works recently brushed the road and it looks like it has been widened. He requested the road be no more than eighteen feet wide and if a path is considered it should not just be on one side of the road. He asked if the Town is required to do an environment access study since Powell Bill funds are being used.

Mayor Smith told Mr. Barbaro that this section of the agenda is to hear from the public and that Council does not make comments.

Ellen Barbaro, 51 Hickory Trail, stated she is against widening Hickory to twenty-two feet. She stated the road does need to have some improvements but Council should listen to the residents.

Yvonne Sternberg, 57 Hickory Trail, stated she moved here because it was a quiet residential area. She opposes any widening of the road beyond eighteen feet. She doesn't want to see a white line designation for pedestrians. She has seen where it is in other places in town and drivers cross over the line, it is not

*Town of Southern Shores, NC
Council Meeting
January 20, 2009
Page 1 of 7*

beneficial. She stated speeders are still an issue. She has written to the town before regarding speeders and it appears Council is ignoring these requests.

Norm St. Laurent, 63 Hickory Trail, stated he echoes the previous speakers. He agrees speeders are a problem and he stated he has never seen a police officer issue a ticket on Hickory. He stated pedestrian paths cause accidents. He stated his wife had an accident on another path here and still is in pain. He asked Council to not create something that is going to cause another accident and he requested the speed limit be enforced. He stated a letter was presented to Council, signed by 14 residents, requesting the speed limit be lowered.

Etta Lanuti, 54 Hickory Trail, stated she moved to a quiet area with woods on one side and the ocean on the other side but the quiet is changing. She stated she counted ninety-five cars in one hour between 8-9 a.m. She requested not too widen the road. She asked Council to consider using an adjusted traffic schedule for the weekend with no left turns, reduce speed limit to fifteen mph. She stated we are a neighborhood not a short cut through. She stated we are a democracy not a republic and she is disappointed at this time.

Barbara Walters, 60 Hickory Trail, stated she has lived here 31 years and Southern Shores is a unique and beautiful place but we are in danger of losing it. She stated Southern Shores is becoming the new outer banks. She stated if you want street lights and sidewalks go somewhere else. She stated we aren't going to stop cut-through traffic but don't widen the road, it will cause drivers to go faster.

Dee Fulgham-Lewis, 62 Hickory Trail stated safety is the most important aspect. She stated it is dangerous to go to the mailbox. She agrees with widening the road to eighteen feet with limited impact. She supports a speed limit reduction to fifteen mph. She stated Hickory is not welcome portal to the northern beaches. She stated economic aspects should be considered and to have a path will increase the cost of the project. She does not support a path. She asked Council to listen to the people, act on our behalf not against us.

APPROVAL OF MINUTES-None

CONSENT AGENDA-None

REPORTS -None

OLD BUSINESS

Southern Shores Volunteer Fire Department Draft Contract

Mayor Smith read from a prepared statement. Thanks to all for your emails and phone calls on this matter. Let me take this opportunity to correct some misunderstandings regarding the contract proposal with the Southern Shores Volunteer Fire Department.

Sparked by the failing economy, Council wished to speak directly with the Volunteer Fire Department Board to discuss how badly the economy is impacting the Town of Southern Shores and all OBX communities and why the Town of Southern Shores cannot support their huge budget increase.

SSVFD BUDGET DEMAND: Citing fixed costs including the purchase of 2 new fire trucks, The SSVFD is requesting a huge budget increase. Demanding such an increase when other contracted services and the Town's own Departments will be tightening their belts is unfair, unreasonable, and unsound.

WHY – Chief Harvey reported that the SSVFD has ordered 2 new fire trucks at a cost of ONE-MILLION DOLLARS.

DEBT – Chief Harvey reports that the SSVFD has financed the ONE-MILLION DOLLAR cost of the 2 new trucks and plans to pass this cost to the Town at a rate of about \$130K per year for ten years. This obligation was taken by the SSVFD without consulting the Town or receiving approval of the Town's Governing Body. I would ask the SSVFD Board if they have consulted the County and gained the approval of the Dare County Governing Board as this matter pertains to the fire service contract for Martin's Point.

TOSS DEBT – The Town of Southern Shores does not have any long-term debt! When Council unanimously adopted the CIP they stated clearly that TOSS was going to pay-as-we-go and NOT take on any long-term debt. At the same Council Meeting, it was reported that the economists at the UNC School of Government advise that due to the current economic crisis municipalities should NOT incur long-term debt.

HISTORY – During the last 3 years, the formerly all volunteer Southern Shores Fire Department has amassed huge debt and new expenses. In 2005 the SSVFD purchased a new engine at a cost of about a HALF-MILLION DOLLARS, in 2008 the SSVFD purchased a rehab vehicle for another ONE HUNDRED THOUSAND DOLLARS. During 2008 rumors surfaced that the SSVFD was going to begin paying their Chief a SEVENTY THOUSAND DOLLAR salary. In June 2008 after months of denial, the Town Council was advised at a meeting to adopt the budget that "a (SSVFD) contract with the Chief had been signed" and that in essence it was too late for the Town to do anything about it. Throughout 2008, the SSVFD, namely Chief Harvey, Deputy Chief Shrader, and Board President Kowalski stated that the SSVFD is a totally separate entity and that the Town had no right to question their annual budget demand, they then blocked several Council attempts to see the "full" SSVFD Budget and told Council publicly, that "it is none of your business". Well it is our business – in fact it is our sworn duty and fiduciary obligation to be the "watch dog" of the Town's finances.

ECONOMIC CONSIDERATIONS – for a year I have been alerting Council and Citizens to the economic recession warning that it will likely worsen. Throughout the Presidential campaign Americans focused on the economy. The President said this is the worst economy since the great depression and that it is going to get worse before it gets better. Press Secretary Rob Gibbs said "I think the American people understand, as the president does, that this economy is likely to get worse before it gets better and I think the American people and the president understand also that it's certainly going to get far worse unless or until we act immediately," .

REVENUE PROJECTIONS – the Town of Southern Shores is likely to receive less shared revenue this year directly attributable to the declining economy. Tourism is down! The *Virginian Pilot* reported "...Beach reservations are sagging by as much as 15 percent for this coming summer." Accordingly we will see a decline in associated revenue based on the reduced collection of Occupancy Tax and Gas Tax (Powell Bill money) and other tourism related taxes.

CONTRACT – The Town met with the SSVFD this past Saturday and Sunday in continuing good faith negotiations and desires a 5-year contract for basic fire protection services and is offering the SSVFD a modest cost of living increase. Council is aware of citizen concerns and will not take any action that will be detrimental to fire insurance rates or fire protection service.

Council Member Hess stated she agrees with the Mayor's economic response but she stated the Town Manager and the Town Attorney were to be negotiating the terms of the contract and the last she heard that was what was happening. She understands negotiations on the assets are a problem but she doesn't like the way things are going. She stated she is not on the fire department side she is not on anyone's side. She stated the current contract is \$291,000 and the requested contract was \$350,000 and there has been an increase in fuel and insurance costs. She agreed that the fire department should not buy high cost equipment without Council's knowledge. She stated she would like to see a flat fee five-year contract but negotiations are still needed. She stated giving the fire department a week to respond is unreasonable and to say we will go somewhere else, where would we go and at what costs.

She stated she is tired of the attitude, the advisory board didn't work and she asked why can't the Council and the fire department sit down and discuss this.

Council Member Stroud stated he served on the advisory board for several months and a five-year draft contract with an annual increase of 2% or a fixed amount was to be discussed. He stated he doesn't support the county collecting the taxes for the fire department. He stated he doesn't think requesting a week for a response from the fire department is unreasonable. He stated the draft contract for their review covers the same issues addressed before and they should be able to review it and return to Council with their changes.

Mayor Smith stated this has gone on too long and the Town may be forced to go in another direction. He stated with the retreat coming up where Council will be discussing the budget this needs to be acted on quickly.

Council Member Hess stated she opposes the presentation of this contract.

Council Member Pfizenmayer stated the same arguments have been on-going. He stated he supports a five-year contract and the fire department needs to review the draft contract and bring back their concerns.

Council Member Stroud stated the Town Attorney asked for direction from Council on what they would like to see in the contract and this is what we have.

Council Member McDonald stated the Town has six months to get a contract approved. He stated no one could have imagined economically what has happened over the last year. He stated a \$300,000 contract is fair. He stated there may need to be changes for compensation and capital expenses over the years in the contract.

He stated last year the town departments cut their budgets by ten percent and the fire department got what they wanted. He stated this draft contract doesn't cover everything he would like to see in it but it is a good beginning. He would like to see the fire department look at the contract today and come back today with comments.

Mayor Smith recommended presenting the draft fire department contract to the fire department board and ask them to respond within a week for Council to discuss at the February 3 Council meeting. He stated by putting it off it will never get done. He supports this draft contract.

Council Member McDonald stated there are more issues to consider than just money.

Mayor Smith moved to present the current draft contract to the Fire Department Board and to include a letter stating they should respond within one week. Council member Stroud seconded. The motion passed with Mayor Smith and Council Members McDonald, and Stroud and Pfizenmayer voting aye; Council Member Hess voting no and no Council Member absent.

Hickory Trail Road Rebuild Project (CIP)

Mayor Smith thanked the residents for their comments on the road project. He stated the Town Engineer provided six options for consideration. He stated he had asked about the feasibility of a walking path to be included in the project. He stated from the six options three options have been presented for Council consideration. He stated the roads rebuild with an eighteen foot wide road and no path with some straightening of some areas to keep the street in the middle of a sixty foot right-of-way seems most agreeable.

Council Member Stroud stated he does not support reducing the speed limit to 15 mph as requested by the residents.

Council Member McDonald stated Council has heard the citizen's comments.

The Town Manager stated there will be the need to take down some trees for the improvements.

Chief Kole stated there is a safety issue and it is not a right to be allowed to walk on the roads. You walk at your own risk. There may be a consideration at a later time for a natural path but that would need to be discussed as a budget outlay.

Council Member Hess stated making a decision is a dilemma for Council. She stated we value your comments and the total safety of those using the road. She stated some Beech Tree residents requested not to have anything done to their portion of the road and then six months later they wanted the road done. She stated the Traffic Committee has looked at all of this.

Mayor Smith moved Council approve the option stating the payment width to be no more than eighteen feet with no shared-use path. Council Member Pfizenmayer second. The motion passed with Mayor Smith and Council Members McDonald, and Stroud and Pfizenmayer voting aye; Council Member Hess voting no and no Council Member absent.

Planning Advisory Group (PAG)

The Town Manager stated in looking out for efficiency he is asking for citizen, staff and Council input on upcoming projects. He stated the CIP Task Force was a great success and with a town of volunteers he has asked the Planning Board for help. He asked Nancy Wendt to address Council on this issue.

Ms. Wendt provided a Power Point presentation identifying the group's goals. The members of the group are Nancy Wendt, Sam Williams, Mike Florez and Bill Gleason all members of the Planning Board.

She stated the Town Attorney has looked at the duties and responsibilities of the Planning Board and the Code Enforcement Administrator has looked at the proposal and they support the initiative presented.

She stated the Town's Land Use Plan (LUP) was submitted to the state by the Planner-in-Charge without final Town input and it was sent back with eighty-six items to be corrected.

Council Member Hess stated if there are problems with the LUP it should go back to the LUP Steering Committee who spent two years on the project not another group inside the Planning Board. She stated she has attended most of the Planning Board meetings and she doesn't remember this being brought up before now. She doesn't know if this group is needed and she is concerned if the Planning Board should be doing this.

Mayor Smith stated he supports the group and thanked them for volunteering. He recommends the group move ahead with town staff support.

Following the presentation the PAG asked Council to support the Planning Board appointing the Planning Advisory Group. The PAG will prepare a Statement of Work addressing the urgent planning issues. The PAG will address the approach/actions/timetables as follows: by limiting the scope of CAMA LUP and do outreach. Engage the community in a visioning process, discover and document common ground use words, pictures, maps and examples. Create "Comprehensive Planning" consistency criteria / tool. Assess Long Range Plans, complete and integrate missing elements and implement CIP / budgeting principles and processes.

Mayor Smith moved to approve the Planning Advisory Group going to the Planning Board to request their appointment. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

ms. wendt stated they will develop a Statement of Work (SOW) and timetable to present to Council.

Council Member Pfizenmayer stated he doesn't want to see the group become a stumbling block and not be able to continue or complete the work.

Ms. Wendt stated language can be included in the SOW if the group is not working it will be dissolved. Any recommendations will be given to Council with staff data analysis.

[Clerk's Note: A copy of the Planning Advisory Group's Power Point Presentation can be found on the Town's website or a hard copy is available at Town Hall].

NEW BUSINESS-None

OTHER ITEMS

Manager

The Town Manager requested Council go into closed session following regular business for a personnel issue.

He stated he received an email from Joe Anlauf, Town Engineer, and it was reported the crack pouring and asphalt rejuvenation project on Kingfisher Trail, Loop, Court and Soundview Trail have been completed and were inspected on January 15, 2009 showing the installation has been done properly in accordance with industry standards. He stated the product has a three year warranty period and the product will be monitored over this time period to measure its value as a potential means to extend the life expectancy on other existing roads.

Police Chief Kole requested Council approve participation with the five municipalities in a grant application which will cost the town no more than seven hundred dollars to acquire funding for a software program Netmotion, Mobility XE, which will correct an unsatisfactory level of wireless broadband service within the five Dare County municipalities. Chief Kole stated there is money in the department budget for this. Council agreed.

Attorney-None

Mayor-None

Council -None

Mayor Smith called for a five-minute recess before continuing with the agenda.

GENERAL PUBLIC COMMENT

David Sanders, 158 Beech Tree Trail, thanked the PAG for an excellent presentation on an organized decision making process. He then commented on the distribution of the fire department contract stating the process has taken over a year and there still is no progress yet. He stated being on Council and now a citizen and watching from the other side a video tape would be good. It appears Council doesn't have it together. He stated the process of discussion today shows discord and misunderstandings with some demands and some negotiations. He stated the concerns are the fire department budget and what happens to the assets if the fire department is dissolved. He asked Council to look at the level of service and asked do we need to reduce the service due to meet financial needs or make service fit to the money. He stated the purchase of new fire trucks were presented to Council in 2004/05. He stated the Town purchased a fire truck for the fire department and it was a mistake and caused problems and now Mayor Smith is upset with the purchase of new fire trucks. He stated a \$300,000-500,000 outlay should be considered a long term purchase. He stated it took five years for the fire department to get an insurance rating of a class five.

*Town of Southern Shores, NC
Council Meeting
January 20, 2009
Page 6 of 7*

...the rates have almost doubled but his insurance has increased more just because where he lives. He requests Council make an educated vote when the negotiations are complete and accept the responsibility of their vote, come good or bad. He stated the operation and performance of the fire department has not been discredited. All the fire department volunteers need to feel they are trusted. Poor morale equals poor performance. He asked if a cost benefit analysis has been done on the fire department. He stated at one time it was said for every \$100 spent on the fire department saved the taxpayer \$300 on developed property.

George Kowalski, 135 Duck Woods Drive, Chairman of the Fire Department Board, stated he has had no contact with anyone from the Town since October in a meeting held with the Fire Advisory Board. He stated there have been no negotiations and he came here to receive a contract. He stated the Board has not developed a budget yet. He stated the Board is willing to sit down with Council.

Etta Lanuti, 54 Hickory Trail, addressed previous comments regarding lowering the speed limit to 15 mph on Hickory Trail. She stated she feels the residents should be allowed to set the speed limit on their street. She stated she was asking that no left turn signs be posted for weekends only. She thinks drivers should respect others on the road and look out for each other that is the way it is suppose to be.

Fire Chief Harvey, 270 Sea Oats Trail, stated he agrees with George (Kowalski). He stated he met one time with the Town Manager and explained the fire department's position on issues and no suggestions or discussion came from the manager. He stated he asked the manager two questions regarding the budget and was given no answers. He stated if it was said tonight that he had met with the Town's Attorney that was not a true statement. He stated he met with the manager the first part of the year and he was asked about the fire department budget and Chief Harvey told him budget numbers were not available the budget has not been submitted. Chief Harvey suggested the manager look at last year's fire department budget and the debt service on the new trucks. He stated this process has been on-going for three years with this Council, the previous council and the Fire Advisory Board and it was explained why two trucks are needed. He stated discussion had started before the current economic downfall. He stated as a tax payer himself he is distressed. He stated the fire department looked into financing equipment and are utilizing that option. He stated the fire department held a public hearing on the purchase of equipment and no public showed up. He stated the fire department does want to sit down with Council. He attends staff meetings and most all Council meetings.

Norm St. Laurent, 63 Hickory Trail, addressed Police Chief Kole and Council by asking that the speed limit on Hickory Trail be enforced. He stated he has never seen an officer give a ticket on Hickory. He thanked Council for their efforts and asked they get things moving. He stated the PAG gave an excellent presentation. He stated the fire department does a great job. He asked that Council use some of the points from the PAG to work with the fire department to come to a resolve.

Mayor Smith moved to go into closed session in accordance to NCGS 143.318.11 (a) (3) and (6). Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Mayor Smith moved to return to open session no action taken hearing no other business he moved to adjourn the meeting at 12:40 p.m. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

ATTEST:

Respectfully submitted:

Don Smith, Mayor

Carrie Gordin, Town Clerk

*Town of Southern Shores, NC
Council Meeting
January 20, 2009
Page 7 of 7*

Mr. Charles B. Read, Jr.
Town Manager
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949

Nov. 20, 2008

Dear Mr. Read:

I reside full-time at 69 Hickory Trail in Southern Shores and oppose the recommendation by some of my neighbors, whose petition I declined to sign, that the speed limit on the street be lowered from 25 mph to 15 mph. I do not see this action as an effective, much less reasonable, approach to addressing perceived safety issues presented by roadway traffic, and, in fact, believe it would engender new problems (expenditures related to law enforcement; significant resident inconvenience) that trouble me more. I respectfully request that you not submit a speed limit-lowering ordinance to the town council, as you suggested in your letter of Nov. 5, 2008.

I have lived in the woods of Southern Shores for 17 years, the past 10 years as a homeowner at 69 Hickory Trail, which is near the intersection of Hickory and E. Dogwood trails. Not only do I reside at this address, but I work out of my home, so I have occasion to observe road conditions every day, throughout the day, during every season of the year. There is no question that the volume of traffic on Hickory Trail during the summertime weekends is very heavy and annoying for us residents, as arriving and departing vacationers travel to and from the northern beaches. From Monday through Friday, however, the traffic is not a nuisance, except during the morning and afternoon "rush hours" of cut-through local traffic. This traffic—which is year-round, consists of all manner of vehicle, including construction trucks and school buses, and starts around 6 a.m. (vacationers are not such early birds)—generates a lot of noise.

Frankly, I am more concerned about the traffic noise on Hickory Trail than I am about safety hazards posed by traffic volume and speed. I know of no instances when collisions between vehicles or between a vehicle and a pedestrian or between a vehicle and a bicyclist have occurred on the stretch of road in question. When speeding occurs on Hickory Trail, it tends to be isolated local drivers doing it. The same seems to be true on North, South, and East Dogwood trails, which I drive and walk on a regular basis. Although I have observed police officers monitoring vehicle speeds on East and North Dogwood trails, I have never seen them monitoring vehicle speeds on Hickory Trail. Certainly this should be done, and the traffic flow studied for months, before a drastic speed-limit change such as the one my neighbors suggest is proposed to the town council. (Police do monitor the three-way stop at Hickory Trail and E. Dogwood Trail, but their presence has not appreciably altered driver behavior. I see numerous drivers run these stop signs every day.)

If my neighbors are truly concerned about safeguarding public safety on Hickory Trail, rather than simply in discouraging cut-through traffic, I would suggest they consider the strategic placement of mirrors on both sides of the road around its (slight) curves and/or the posting of signs indicating when the road narrows and blind spots occur. Lowering the speed limit to a 15-mph crawl is little more than an ill-conceived "quick fix" to traffic volume. I do not believe that the undue burden that a ridiculously low speed limit would place upon Hickory Trail residents and local law enforcement officers would be offset by any real benefit, in terms of public safety or welfare, or neighborhood quality of life.

Thank you.

Best regards,
Ann G. Sjoerdsma
69 Hickory Trail
Southern Shores, NC 27949
255-0179 (ph.)
255-1619 (fax)
256-0413 (cell)

Motor Vehicle Laws of North Carolina

§ 20-174. Crossing at other than crosswalks; walking along highway.

Statute text

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the extreme left of the roadway or its shoulder facing traffic which may approach from the opposite direction. Such pedestrian shall yield the right-of-way to approaching traffic.

(e) Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

History

(1937, c. 407, s. 135; 1973, c. 1330, s. 33.)

Southern Shores Volunteer Fire Department

Facilities Planning Update

8/22/16



Update

- Launched digital communication announcing Needs Assessment
 - TOSS monthly email updates
 - SSVFD Facebook page
- Hired Stewart-Cooper-Newell Architecture to complete Needs Assessment
 - Focused on Public Safety Buildings / Completed over 100 Fire Stations, many coastal
 - Built Kitty Hawk station several years ago with great results
 - Assessment will take 60-90 days to complete
- Started to assess financing options
 - Traditional bank loan
 - USDA loan
- Plan to have full proposal to TOSS Town Council by end of November

TOSS and SSVFD (FSRE) Land Swap Proposal

As of 8/22/16

	Address	Owner	Parcel #	Building and Misc Value	Land Value	Total Value	Lot Sq. Ft	Disposition
Fire Headquarters	15 South Dogwood Trail	Fire Services Real Estate	022519012	\$ 596,800	\$ 123,100	\$ 719,900	30,000	Keep
East Station	28 East Dogwood Trail	Fire Services Real Estate	022110000	\$ 340,000	\$ 296,100	\$ 636,100	27,000	Swap
Public Works Lot	27 Pintail Trail	Town of Southern Shores	022519011	\$ 88,200	\$ 123,100	\$ 211,300	30,000	Swap

Search by Parcel Number Results

- [PARCEL DATA SHEET](#)
- [BUILDING PHOTOS](#)
- [TAX BILL](#)
- [TAX CERTIFICATION](#)

Parcel: 022519011
PIN: 986718404285
Location: 27 PINTAIL TRL
District: [20] SOUTHERN SHORES
Subdiv: [0000] SUBDIVISION - NONE
Lot-Block-Sect: LOT: BLK: SEC:
Multiple Lots: ACROSS FROM KITTY HAWK
 ELEM. SCHOOL
Living Units: 0
Plat-Cab-Slide: PL: C SL: 1E
Status: EXEMPT

Owner: TOWN OF SOUTHERN SHORES
Owner:
Address: 5375 N VA DARE TRI.
 SOUTHERN SHORES NC 27949
Ownership: PRIMARY - 100%
Nature of Ownership:
Deed Date: 04/01/1986
Bk/Pg: 0452/0409
PUSE: [9700] TOWN OF SOUTHERN SHORES

Billing Values		Next Year Values*	
Land:	123,100	Land:	123,100
Building:	82,100	Building:	82,100
Misc:	<u>6,100</u>	Misc:	<u>6,100</u>
Total:	211,300	Total:	211,300

***** END OF RECORD *****
 (data file last updated on 8/5/2016)
 *Next year values on file as of 8/5/2016

Dare County Government
 954 Marshall C Collins Dr
 PO Box 1000 Manteo NC 27954
 Phone: 252.475.5000

TOSS Public Works
 30,000 sq ft.

Search by Parcel Number Results

- [PARCEL DATA SHEET](#)
- [BUILDING PHOTOS](#)
- [TAX BILL](#)
- [TAX CERTIFICATION](#)

Parcel: 022519012
PIN: 986718406372
Location: 15 S DOGWOOD TRL
District: [20] SOUTHERN SHORES
Subdiv: [0000] SUBDIVISION - NONE
Lot-Block-Sect: LOT: BLK: SEC:
Multiple Lots: -
Living Units: 0
Plat-Cab-Slide: PL: C SL: 1E
Status: EXEMPT

Owner: FIRE SERVICE REAL ESTATE, INC
Owner:
Address: 15 S DOGWOOD TRL

 KIPPY HAWK NC 27949
Ownership: PRIMARY - 100%
Nature of Ownership:
Deed Date: 01/30/2009
Bk/Pg: 1790/0153
PUSE: [9810] FIRE / COMMUNITY / CIVIC

Billing Values	
Land:	123,100
Building:	566,900
Misc:	<u>29,900</u>
Total:	719,900

Next Year Values*	
Land:	123,100
Building:	566,900
Misc:	<u>29,900</u>
Total:	719,900

***** END OF RECORD *****

(data file last updated on 8/5/2016)

*Next year values on file as of 8/5/2016

Dare County Government
 954 Marshall C Collins Dr
 PO Box 1000 Manteo NC 27954
 Phone: 252-475-5000

Fire Headquarters
 Lot size: 30,000 sq. ft.

Search by Parcel Number Results

- [PARCEL DATA SHEET](#)
- [BUILDING PHOTOS](#)
- [TAX BILL](#)
- [TAX CERTIFICATION](#)

Parcel: 022110000
PIN: 986819516864
Location: 28 E DOGWOOD TRL
District: [20] SOUTHERN SHORES
Subdiv: [S493] SO/SH AMENDED PLAT B SEC 3
 REV
Lot-Block-Sect: LOT: 23-25 & PT 22 BLK: 33
 SEC: 3
Multiple Lots: -
Living Units: 0
Plat-Cab-Slide: PL: 2 SL: 142
Status: EXEMPT

Owner: FIRE SERVICE REAL ESTATE, INC
Owner:
Address: 15 S DOGWOOD TRL
 KIPPY HAWK NC 27949
Ownership: PRIMARY - 100%
Nature of Ownership: SOL.
Deed Date: 01/30/2009
Bk/Pg: 1790/0153
PUSE: [9810] FIRE / COMMUNITY / CIVIC

Billing Values		Next Year Values*	
Land:	296.100	Land:	296.100
Building:	324.700	Building:	324.700
Misc:	15.300	Misc:	15.300
Total:	636.100	Total:	636.100

***** END OF RECORD *****
 (data file last updated on 8/5/2016)
 *Next year values on file as of 8/5/2016

Dare County Government
 954 Marshall C Collins Dr
 PO Box 1000 Manteo NC 27954
 Phone: 252.475.5000

East Station
 Lot size 27,000 sq. ft.

Sec. 34-53. Swimming prohibited during dangerous conditions.

(a) It is recognized that during certain periods of time, as a result of a combination of environmental conditions, dangerous riptides and undercurrents occur in the ocean surf making ocean conditions unsafe for swimmers. The town manager is authorized, when the manager shall make a determination that conditions are unsafe for swimmers in the Atlantic Ocean, to prohibit all swimming in the Atlantic Ocean until such time as they shall determine that the unsafe conditions have abated. During such periods in which swimming is prohibited and after notice is given to the public by announcement on the local radio station and by the posting of signs on the public accesses to the Atlantic Ocean, swimming in the Atlantic Ocean shall be unlawful. The town manager and chief of police shall make the determination of whether or not ocean conditions are safe based upon observations of the effects of winds, tides, storm conditions and other environmental conditions affecting the surf in the Atlantic Ocean. They shall also take into consideration weather reports of existing storms in the Atlantic Ocean and the proximity of those storms to the beaches of the town, and the effect thereof.

(b) The term "swimming," as used in this section, is defined to mean and include any entry into the water of the Atlantic Ocean whether or not assisted by a raft, float, or other aid or device commonly used, but shall not include any entry assisted by a surfboard as defined in this section. The term "surfboard," as used in this section, shall be defined as a fiberglass and foam combination, at least five feet in length, having a minimum of one fin and used in conjunction with a leash.

(c) The owner of any residential dwelling (including, but not limited to, condominiums, townhouses, time shares and cottages) offered for rent within the town limits shall post and prominently display a notice setting forth the prohibitions in subsections (a) and (b) of this section, and it shall be a violation of this section for the owner to fail or refuse to post the notice and display it prominently within each rental unit or dwelling offered for rent.

(Code 1988, § 10-15; Ord. of 10-2-1990, pt. II; Ord. of 7-6-1999, pt. I)

Sec. 34-54. Prohibition of motorized vessels on Duck Woods Pond.

No person shall operate a boat of any type, jet ski or other vehicle, which vessel contains an internal combustion engine, over, upon or underneath the waters of Duck Woods Pond. This prohibition includes all water vessels which may have an internal combustion auxiliary engine.

(Code 1988, § 10-16; Ord. of 10-2-1990, pt. II)

Sec. 34-55. Beach and dune management.

(a) *Definitions.* The following definitions shall apply to all portions of the Town Code relating to the public beaches, primary dunes and frontal dunes within the town:

- (1) *Adverse impact* means anything that would destroy, harm, impair, diminish, or degrade the value or integrity of a sand dune for storm protection or wildlife habitat.

- (2) *Beach* means the lands consisting of unconsolidated soil materials that extend for a distance of 100 yards east of the mean low water mark into the Atlantic Ocean landward to a point where either the growth of stable natural vegetation occurs or a distinct change in slope or elevation alters the configuration, whichever is farther landward.
- (3) *Dune system, frontal dune* is the first mound of sand located landward of the beach having sufficient vegetation, height, continuity, and configuration to offer protective value.
- (4) *Dune system, primary dune* is the first mounds of sand located landward of the beach having an elevation equal to the mean flood level for the area plus six feet. The primary dune extends landward to the lowest elevation in the depression behind the same mound of sand.
- (5) *Dune walkover access, improved* is a raised walkway constructed for the purpose of providing access to the beach from points landward of the dune system.
- (6) *Dune walkover access, unimproved* is a sand walkway or path used for the purposes of providing pedestrian access to the beach which is located in an area where there is no escarpment present between the dune structure and the beach.
- (7) *Escarpment* is the vertical drop or steep slope in the beach profile separating two comparatively level or more gentle sloping surfaces caused from high tide or storm tide erosion. Escarpments for the purposes of this chapter shall only be determined to exist in areas where the height and slope of the escarpment would preclude reasonable pedestrian access to the beach without causing an adverse impact to the dune structure.
- (8) *Tent* is portable shelter supported by a framework of multiple poles.

(b) Beach and dune protection. The following activities shall be considered unlawful on the beach, as defined in section 34-55:

- (1) Erection of a tent, cabana, or umbrella which, in the opinion of public safety personnel:
 - a. Prevents or disrupts the passage of emergency or ocean rescue vehicles; or
 - b. Hampers the ability to provide adequate ocean rescue service by obstructing the line of sight to the water from lifeguard stands or other surveillance areas.
- (2) Leaving unattended personal articles on the beach between the hours of 5:00 p.m. and 7:00 a.m. These items may include, but shall not be limited to, volleyball nets, badminton nets, poles, tents, chairs, cabanas, sunshades, horseshoe stakes, croquet courses, umbrellas or any other personal property items. Unattended personal articles left on the beach between 5:00 p.m. and 7:00 a.m. are subject to removal and disposal;
- (3) Substantially altering the contour or shape of the flat beach area by excessive digging or mounding of sand that:
 - a. In the opinion of public safety personnel, such alteration presents a present, dangerous condition; or

2017

- b. Is left unattended for any period of time without restoring the beach to its original condition.
- (c) The following activities shall be considered unlawful within the dune system:
 - (1) Walking or traversing on the dunes outside of an improved or unimproved dune walkover access as defined in section 34-55(a);
 - (2) Degrading, disturbing, or compromising the integrity of the dune structure. These prohibited activities include, but shall not be limited to:
 - a. Digging, shelling, mining, or mechanical alteration of the dune topography;
 - b. Playing, sliding, climbing, or rappelling on the frontal or primary dune or the dune escarpment; and
 - c. Discharging water into the dune where it will cause significant scouring or erosion or otherwise affect the integrity of the dune.
 - (3) Development activities without a valid building permit, health department approval, or CAMA authorization;
 - (4) Littering.
- (d) *Exemptions.* This section shall not apply to the following activities:
 - (1) Development activities authorized or permitted by the town, the county department of environmental health, or CAMA;
 - (2) Dune or property maintenance activities including planting or fertilization of vegetation, sand fence installation, minor dune repairs, and removal of litter or debris;
 - (3) Federal, state, and local officials engaged in official regulatory activities; and;
 - (4) Persons engaged in research, conservation, or extension activities as authorized by the town manager.

(Ord. No. 2010-04-01, pt. I, 4-20-2010; Ord. No. 2012-01-02, art. III, pt. I, 1-3-2012)

Secs. 34-56—34-74. Reserved.

ARTICLE IV. COASTAL AREA MANAGEMENT*

Sec. 34-75. Definitions.

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

AEC means area of environmental concern.

CAMA means the Coastal Area Management Act of 1974, as amended.

CRC means the state coastal resources commission.

***State law reference**—Coastal Area Management Act, G.S. 113A-100 et seq.



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

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7
8 **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES,**
9 **NORTH CAROLINA AMENDING THE TOWN COUNCIL'S RULES OF PROCEDURE**
10 **(Resolution #2016-xx-xx)**
11

12 **WHEREAS**, the Town Council desires to modify the procedure for release of proposed
13 meeting agendas and agenda packets contained with the Town of Southern Shores Rules
14 of Procedure for Town Council (the "Rules of Procedure").
15

16 **NOW, THEREFORE BE IT RESOLVED**, as follows:
17

18 1. **Section 13. Agenda generally.** of the Rules of Procedure is hereby amended as
19 follows:
20

21 (a) The Town Clerk shall prepare a proposed agenda for each meeting. The Mayor
22 shall approve the proposed agenda before it is ~~advertised~~ made available to
23 Council members and the public. The Town Clerk shall make a diligent effort to
24 make the proposed agenda available to Council members and the public,
25 including electronically to the extent possible, at least five (5) business days
26 before the meeting to which the proposed agenda applies. A request to have an
27 item of business placed on the proposed agenda must be received at least ten (10)
28 business days before the meeting. Any Council member, the Town Manager and
29 the Town Attorney may, by a timely request, have an item placed on the proposed
30 agenda.
31

32 (b) The Town Clerk shall make a diligent effort to make the agenda package
33 available to each Council member and to the public, including electronically to
34 the extent possible, no more than two (2) business days following date of
35 proposed agenda release. The agenda package shall include, for each item of
36 business placed on it, as much background information on the subject as is
37 available and feasible to reproduce at the time of the release of the agenda
38 package. A copy of all proposed ordinances shall be ~~attached to~~ included within
39 the agenda package. ~~Each Council member shall receive a copy of the proposed~~
40 ~~agenda and the agenda package. Copies shall also be available for public~~
41 ~~inspection.~~
42

43 (c) The Council may, by majority vote, add items to or subtract items from the
44 proposed agenda.
45
46



Town of Southern Shores

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Resolution Incorporating a Veterans Preference Policy into the Employment Policy of the Town of Southern Shores

WHEREAS, it is the desire of the Town Council of the Town of Southern Shores that Veterans of the armed services of the United States, in appreciation for their service to the Country, State, County, and Town, and in recognition of the time and advantage lost toward pursuit of a civilian career, should be granted preference in employment for positions subject to this policy within every Department; and

WHEREAS it is the intent of the Town Council to adopt and incorporate into this policy those same definitions of terms cited in subsection (b) of Section 15, Article 1. of Chapter 128 of the North Carolina General Statutes, "§ 128-15. *Employment preference for veterans and their spouses or surviving spouses.*" [NCGS 128-15 (b)].

WHEREAS it is the intent of the Town Council of the Town of Southern Shores, for initial employment and other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers; and after applying the preference to an eligible Veteran who is a candidate from outside the Town structure, the eligible Veteran shall be hired when overall qualifications are substantially equal to nonveterans or non-eligible Veterans in the most qualified applicant pool; Substantially equal qualifications occur when Town hiring staff cannot make a reasonable determination that the qualifications held by one or more applicants are significantly better suited for the position than the qualifications held by another applicant.

NOW THEREFORE the following policies are directed to be incorporated into the employment policy of the Town of Southern Shores

1. The definitions cited in North Carolina General Statute 128-15 (b) are incorporated into the hiring policy of the Town of Southern Shores;
2. Eligible Veterans, as defined in NCGS 128-15 (b) (3) , shall be granted preference for initial employment and other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers;
3. A qualified, eligible Veteran shall be given preference over other applicants in the applicant pool who are nonveterans or non-eligible Veterans and whose overall qualifications are substantially equal to or otherwise not better than those of the Veteran. Substantially equal qualifications occur when Town hiring staff cannot make a reasonable determination that the qualifications held by one or more applicants are significantly better suited for the position than the qualifications held by another applicant.

This the 6th day of September, 2016.

Tom Bennett, Mayor

Attest: Town Clerk

§ 128-15. Employment preference for veterans and their spouses or surviving spouses.

(a) It shall be the policy of the State of North Carolina that, in appreciation for their service to this State and this country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, veterans shall be granted preference in employment with every State department, agency, and institution.

(b) As used in this section:

- (1) "A period of war" includes World War I (April 16, 1917, through November 11, 1918), World War II (December 7, 1941, through December 31, 1946), the Korean Conflict (June 27, 1950, through January 31, 1955), the period of time between January 31, 1955, and the end of the hostilities in Vietnam (May 7, 1975), or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.
- (2) "Veteran" means a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions.
- (3) "Eligible veteran" means:
 - a. A veteran who served during a period of war; or
 - b. The spouse of a disabled veteran; or
 - c. The surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly as the result of such service; or
 - d. A veteran who suffered a disabling injury for service-related reasons during peacetime; or
 - e. The spouse of a veteran described in subdivision d. of this subsection; or
 - f. The surviving spouse or dependent of a person who served in the Armed Forces of the United States on active duty, for reasons other than training, who dies for service-related reasons during peacetime.

(c) Hereafter, in all evaluations of applicants for positions with this State or any of its departments, institutions or agencies, a preference shall be awarded to all eligible veterans who are citizens of the State and who served the State or the United States honorably in the military forces of this State or of the United States during a period of war. This preference applies to initial employment with the State and extends to other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers.

(d) The provisions of this section shall be subject to the provisions of Article 1 of Chapter 165 of the General Statutes, and Parts 13 and 19 of Article 9 of Chapter 143B of the General Statutes. (1939, c. 8; 1953, c. 1332; 1967, c. 536; 1987 (Reg. Sess., 1988), c. 1064, s. 2; 2007-286, s. 1; 2011-183, s. 96.)