



Town of Southern Shores
Regular Council Meeting
October 6, 2020

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, October 6, 2020.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Elizabeth Morey and Councilmen Matt Neal, Jim Conners, and Leo Holland.

COUNCIL MEMBERS PARTICIPATING REMOTELY: None

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Ben Gallop, Town Manager Cliff Ogburn, Finance Officer/ HR Director Bonnie Swain, Deputy Town Manager/Planning Director Wes Haskett, Town Clerk Sheila Kane, Police Chief David Kole, Fire Chief Ed Limbacher, and Public Works Director David Bradley.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

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

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Councilman Holland moved to approve the agenda as presented. The motion was seconded by Mayor pro tem Morey. The motion passed unanimously (5-0).

CONSENT AGENDA

The consent agenda consisted of the following items:

- Council Meeting Minutes - Workshop Mtg. 9/1 & 8/18

MOTION: Mayor pro tem Morey moved to approve the consent agenda as presented. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

EMPLOYEE RECOGNITION

Master Patrol Officer Tracy Mann was recognized for 10 years of service to the Town of Southern Shores. Officer Mann serves as the School Resource Officer for Kitty Hawk Elementary.

PRESENTATIONS

FY 2019-2020 Audit-Teresa Osborne, Dowdy & Osborne

Teresa Osborne presented the annual audit report and financial highlights:

- The town has received an unqualified/unmodified opinion on its financial statements, which is the best opinion that you can receive.
- The assets and deferred outflows of resources of the Town of Southern Shores exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by
- \$ 15,939,976 (net position).
- The government's total net position increased by \$ 590,399, due to a combination of factors including revenues over expenses in the governmental funds of \$ 663,695 adjusted by several factors to convert to the full accrual basis of accounting. These adjustments include capitalization of assets (net of depreciation and disposals) in the current year amount of \$ 192,999 full accrual revenue adjustments of (\$ 57,052) and long-term debt adjustments of (\$ 209,243).
- As of the close of the current fiscal year, the Town of Southern Shores' governmental funds reported combined ending fund balances of \$ 7,210,701, an increase of \$ 663,695 over the prior year. Approximately 17% of this total amount or \$ 1,215,155 is non-spendable, restricted, committed or assigned.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$ 5,995,546 or 97% of total general fund expenditures for the fiscal year.
- Total property valuation increased \$ 9,709,650 (0.71%) from \$ 1,374,336,818 in fiscal year 2019 to \$ 1,384,046,468 in fiscal year 2020.
- The general fund budget for the year was adopted with a tax rate of 22 cents per \$ 100 of assessed valuation which represents the same tax rate as the prior year.

Councilman Holland asked about the stabilization by state statute. Ms. Osborne explained that statute requires that you reserve a portion of your fund balance for recorded revenues that are not yet received and an added amount for any open purchase orders.

[Clerk's Note: The meeting was recessed briefly during the audit presentation due to technical difficulties]

STAFF REPORTS

The following department heads presented department reports for the month:

- Deputy Town Manager/Planning Director Wes Haskett presented the department's monthly permit report for the month of September. He provided the following department highlights:
 - Town Code Update-The Town Attorney's comments on the Zoning Chapter have been sent to CodeWright. Chad Meadows will begin reviewing the comments on October 12th and we have a call scheduled to discuss them on October 15th. Once the comments have been addressed and necessary revisions have been made, we will send the Public Hearing Draft to the Planning Board for their review.
 - Planning & Code Enforcement Dept. Positions--Advertisements for the positions of Permit Officer and Building Inspector/Code Enforcement Officer have been published. Permit Officer, Dabni Shelton has chosen to retire and has been out of the office for several weeks. She has been and will be missed and her shoes will be impossible to fill. We've received a good number of applications for that position and we hope to begin interviews next week. Our part-time Building Inspector, Buddy Shelton, had previously indicated that he would continue working with us until early February unless someone is

hired and familiar with the Town prior to that. Our intention is to hire a new full time Building Inspector/Code Enforcement Officer no later than late November or early December that can shadow Buddy and become familiar with our permit and inspections process.

- NCDEQ Division of Water Resources Grant Application-We were notified earlier today that we have been tentatively approved for financial assistance through the NCDEQ Division of Water Resources Coastal Storm Damage Mitigation Fund for a beach nourishment project. As directed by Council, Option 4 in our Beach Management Plan Addendum was the project referenced in the application and submitted materials.
- Police Chief David Kole presented the Police Department's report for September.
- Fire Chief Ed Limbacher presented the Fire Department's report for September.
- The Town Manager presented the Manager's report on operations highlights:
 - Beach Nourishment- Town of Southern Shores 2020 Annual Monitoring and Initial Permitting Coordination
 - Task 1 –Annual Beach Profile Data Acquisition 98% complete
 - Task 2 –Annual Data Analysis and Report 30% complete
 - Task 3 – Inter-Agency Coordination / BOEM G&G Permitting 100% complete
 - Beach Nourishment-Town of Southern Shores 2022 Permitting & Design
 - Task 1 –Environmental Documentation and Permitting 6% complete
 - Task 2 – Engineering and Design 10% complete
 - Task 3 – Borrow Area Investigations and Design 1% complete
 - Task 4 – Native Sampling 50% complete
 - Task 5 –Survey to Quantify 3-Inch Clasts on Native Beach 98% complete
 - Traffic Engineer-The Town has contracted with JM Teague Engineering. The traffic engineer will provide analysis of the data and problems associated with the seasonal cut through traffic. We expect to have a report back from them sometime in January with potential measures we can take to mediate the problem. They will gather geometric data, current turning movement percentages, and conduct observations of the current vehicular volumes and movement that can be translated into seasonal numbers. They are taking measurements and gathering detailed information of all things associated with travel in our town including logging every traffic sign and traffic signal box.
 - Dewberry Lane-RPC will be pouring the concrete aprons which will impact the driveways for the next couple of days.

GENERAL PUBLIC COMMENT

Mayor Bennett called for public comment and hearing no citizens wishing to speak, Mayor Bennett closed public comment.

BUSINESS ITEMS

Resolution Approving Acceptance of Easements for Beach Nourishment Construction Project.

At its July 21, 2020 Workshop, the Council directed staff, the Town Manager and Town Attorney to seek voluntary easements for beach nourishment. In furthering the efforts to obtain easements, staff has worked with the Town Attorney to develop a timeline and budget for easement acquisition. Before staff can record the easements with the Dare County Register of Deeds, the Council will need to take action to accept the easements. That action is in the form of a resolution. Staff recommends that council approve the resolution to accept the easements for the purposes of beach nourishment construction and to approve the budget amendment to cover the expense of acquisition.

Councilman Conners was concerned that item one allowed for unnecessary access to the entire property. The language needs to remove any mention of access from the landward upland side of the properties, access from the beach side only.

Town Attorney Gallop explained it allowed access to the easement area only, basically the beaches. There is an additional pedestrian access for inspections or observations, a walkway easement. No equipment is permitted except for the beach area only.

Councilman Neal stated we are granting the authority to negotiate the easements, not construct the language for it. Town Attorney Gallop confirmed.

Town Manager Ogburn stated this will be for those property owners who are granting voluntary easements.

Mayor pro tem Morey stated we should only ask for what we need, keep it narrow, and provide an introductory statement stating this is specifically for beach nourishment related activities.

MOTION: Councilman Neal moved to adopt item 7A of the agenda (Resolution 2020-10-01 Authorizing Acquisition of Easements for Beach Nourishment Project) and instruct the Town Manager and Town Attorney to add:

- A purpose statement to the easement
- Modify pedestrian access to exclude maintenance and repair
- Clarify the terms of access to the easement.

The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

MOTION: Councilman Conners moved to approve the accompanying budget amendment -easement acquisitions for beach nourishment. The motion was seconded by Mayor pro tem Morey. The motion passed unanimously (5-0).

Councilman Neal asked if this could be rolled into the total funding of beach nourishment, refund ourselves. Town Manager Ogburn answered affirmative.

Annual Appointment of Reconstruction Task Force

The agenda summary sheet read in part as follows:

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

- Mayor
- Mayor Pro Tern
- Planning Board Chairperson
- Planning Board Vice Chairperson
- Town Manager
- Deputy Town Manager/Planning Director
- Police Chief
- Fire Chief

- SSCA President
- CPOA President
- Construction Community Representative

Deputy Town Manager/Planning Director Wes Haskett stated in this instance, the construction community representative would be David Buchanan. The reconstruction task force comes from the Town code, which Council can amend, but for now the task force is appointed annually.

MOTION: Mayor pro tem Morey moved to appoint the Reconstruction Task Force as presented by staff. The motion was seconded by Councilman Neal. The motion passed unanimously (5-0).

COUNCIL COMMENTS

Mayor Bennett thanked the staff and Council for their dedication to the tasks and jobs they are doing.

Mayor pro tem Morey encouraged the public to get their flu shot.

Councilman Holland provided a brief Tourism Board update on numbers:

- July occupancy was up 37% / up 3% year to date
- Meals are still off, down 21%
- Restaurant industry year to date is down 30%
- The Tourism Board has a new redesigned website which you can view at outerbanks.org.

Councilman Holland also stated that Holy Redeemer Church will host a Red Cross Blood drive tomorrow from 12-6pm.

Town Manager Ogburn followed up discussion with the idea of starting budget discussion at the next workshop meeting. He would like to discuss a five-year capital improvement plan.

Mayor pro tem Morey asked if MSD discussions would be on the agenda. Town Manager Ogburn stated that would come at a later meeting.

Councilman Holland stated Council should discuss long range planning and MSD's at separate meetings.

Councilman Conners stated the CIIP discussions or committee need to be discussed in November as well.

CLOSED SESSION

Mayor Bennett moved to go into closed session pursuant G.S. 143-318.11(a)(1) to approve closed session minutes and general accounts. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

ADJOURN

Upon returning to open session and hearing no other business, Mayor Bennett called for a motion to adjourn.

MOTION: Mayor pro tem Morey moved to adjourn the meeting. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0). The time was 7:07 pm.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk