



Town of Southern Shores
Regular Council Meeting
August 7, 2018

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, August 7, 2018.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Chris Nason and Council Members Fred Newberry, Jim Conners and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Robert Hobbs, Town Manager Peter Rascoe and Town Clerk Sheila Kane

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

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

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Mayor Bennett moved to adopt the August 7, 2018 agenda with the amendment of a new Item A. under Old Business- "Council consideration of invoking CENSURE of Councilman McDonald for his unfounded personal comments made to Councilman Nason during the July 10, 2018 Council meeting and for which he has yet to publicly apologize." The motion was seconded by Councilman Conners. Mayor Bennett called on Councilman McDonald, providing him another chance to apologize for his previous comments towards Councilman Nason, and by doing so the Mayor would now withdraw his motion. Councilman McDonald stated he had nothing else to say. The motion passed (3-2) Mayor Bennett, Mayor pro tem Nason, and Councilman Conners voting affirmative; Councilman Newberry and Councilman McDonald opposing.

CONSENT AGENDA

The consent agenda consisted of the following items:

- i. Council Meeting Minutes – July 10, 2018

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

RECOGNITION

Mayor Bennett recognized Sam Williams for his nine years of service on the Planning Board and Carlos Gomez for his 2 years of service on the Planning Board. (Carlos Gomez was not able to attend)

Councilman Conners asked Councilman McDonald if he has spoken with Mr. Gomez about wanting to remain on the Capital Infrastructure Improvement Committees (CIIP). Mr. McDonald stated he has spoken with Carlos Gomez and the answer was affirmative.

STAFF REPORTS

The following Department Heads presented Department reports for the month:

- Town Planner Wes Haskett presented the Planning Department's monthly report for July. The Historic Landmark Commission will be considering 170 Ocean Blvd. for designation on August 28th. The Planning Board will meet on August 20th to consider VA-18-06 (variance request) and ZTA 18-04 (zoning text amendment as directed by Council).
- Police Chief David Kole presented a monthly report for July.
- Deputy Chief Jay Williams presented the Fire Department's monthly report for July.
- The Town Manager presented the Manager's report and addressed several matters:
 - Potholes have been the main complaint received at Town Hall the past three weeks. They are being attended to in priority order.
 - Due to the significant amount of rain, the mowing schedule for Public Works has picked up.
 - CIIP approved projects for FY18-19- On August 14th informal bids for the East Dogwood walking path will be reviewed. Any contract award will be reported to Council. Bids will be reviewed for Yaupon Trail on August 23rd. The final geotechnical results have been received for Juniper trail and those results will be factored into the design project and then will go out to bid.
 - The Southern Shores Fire Department architect will review the site plan and drawings with Council at the September meeting and then the final design will go out for bid. The bids and finance package will be brought to Council at the November 7th meeting.
 - Staff is not planning to have any items of business scheduled for any October meeting.
 - Lifeguard stand locations will reduce as we get closer to the end of the summer season. Roving guards are contracted through October 15th.

Councilman Conners asked the Town Manager when the Town Engineer would get to look at the fire station plans. The Town Manager stated the Town Engineer would be able to review the plans for storm water as soon as they are done. The plans are expected in the later part of August.

Town Attorney Hobbs reported he and the Town Manager worked together on the Southern Shores Volunteer Fire Department contract.

GENERAL PUBLIC COMMENT

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

1. Karen Price-18 Ocean Blvd.-the beach nourishment project in front of Pelican Watch was a success and thanked Council.
2. Van Price-18 Ocean Blvd. -agreed the beach nourishment project was a success
3. Steve Hanson-250 N. Dogwood Trl.-his property was on the SSPD watch list while away and thanked Officer Hines for doing a diligent job and reporting an irrigation leak that he discovered at the property.
4. Jim Groff-102 S. Dogwood Trl.-disappointed Dogwood Trail is in Group C on the Capital Infrastructure Improvement Plan. The road will not last that long. Needs to be widened, with curb and gutter and sidewalk. Doing an overlay is a waste of money. There is no excuse to do nothing. Do what is right, maybe not popular, but the right thing to do.
5. George Berry-239 N. Dogwood Trl.-major problem with our roads and the traffic. Since we have the tourists and traffic, do something with it. Widen the roads or add shoulders. Fix the potholes and dips. Challenges Council and Town Manager to come up with a plan.

OLD BUSINESS

CONSIDERATION OF INVOKING CENSURE ON COUNCILMAN McDONALD

MOTION: Councilman Conners moved to excuse Councilman McDonald from voting on the motion to Censure. The motion was seconded by Mayor pro tem Nason. The motion passed 3-2 with Mayor Bennett, Mayor pro tem Nason and Councilman Conners voting affirmative; Councilman Newberry and Councilman McDonald opposing.

Councilman Newberry asked Attorney Hobbs what the definition of censure and misconduct meant in this case.

Attorney Hobbs stated there are no legal consequences from a censure. The wording of the motion, the description used, will dictate the definition. In general, it addresses the lack of support, displeasure with actions of a Council member.

Council Member McDonald, for the record he stated, the three Council Members have discussed this outside, which represents a majority of the Council. He asked Attorney Hobbs if he was right in stating this is illegal.

Council Member Conners stated - before Mr. Hobbs even answers, the three Council Members did not discuss this together.

Mayor Bennett stated it was discussed individually.

Councilman Newberry stated he has a problem with the process and this impedes his freedom of speech.

Councilman Conners stated this has nothing to do with freedom of speech, it has to do with civility.

Councilman McDonald stated Council has a right to do this, but it was just done wrong.

MOTION: Mayor Bennett moved to adopt a Resolution Invoking Censure of a Council Member McDonald of the Southern Shores Town Council for Improper Meeting Behavior [Resolution 2018-08-01 attached]. The motion was seconded by Councilman Conners. The motion passed (3-1) Mayor Bennett, Mayor pro tem Nason and Councilman Conners voting affirmative; Councilman Newberry opposing. (Councilman McDonald excused from voting).

Next Agenda Item:

Consideration of ZTA-18-07, Zoning Text Amendment application submitted by the Town of Southern Shores (Passed first reading June 5, 2018), and ZTA 18-07A, (subsequent draft directed July 10, 2018), both to amend Town Code Section 36-132, *Regulation of Structures and Uses Nonconforming*. (Council may currently adopt ZTA-18-07. ZTA-18-07A may only be adopted upon receiving a recommendation of the Planning Board, and subsequently holding a Public Hearing. ZTA-18-07A is on the August 20, 2018 Planning Board agenda for consideration.)

Mayor Bennett stated this zoning text amendment addresses the 50 ft. wide lots. Council originally felt that ZTA-18-07 had too many things wrong with it and asked staff to draft a revised version. This revised version (ZTA-18-07A) will be reviewed by the Planning Board on August 20, 2018. Mayor Bennett recommended waiting on consideration of ZTA-18-07 to hear a recommendation from the Planning Board on ZTA-18-07A and setting a public hearing for September 5, 2018.

MOTION: Hearing no other discussion, Mayor Bennett moved to set a public hearing for ZTA-18-07A on September 5, 2018. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

NEW BUSINESS

HISTORIC LANDMARK COMMISSION- CONSIDERATION OF 116 OCEAN BLVD. LANDMARK DESIGNATION

Chairperson Whitley presented the Historical Landmarks Commission report on 116 Ocean Blvd, recommending approval by Council to designate this structure as a historical landmark. Ms. Whitley reported the structure still exists now as it always has, as far as structure. The historical commission does not control painting and upkeep.

Mr. Small, one of the current owners of 116 Ocean Blvd., stated there is a lot of heritage built into the cottage and four volumes of logs document the family history of the cottage. Himself and his

siblings wish to keep the cottage in their family for future generations. The tax savings from receiving historic landmark designation would allow money to be put back into the cottage for improvements.

Attorney Hobbs opened the public hearing and called for comment. Hearing no one wishing to speak, he closed the public hearing.

Councilman Newberry stated he is in favor of granting the designation but on the condition that the prejudicial language against a protected minority class be redacted from the deed.

Attorney Hobbs stated that provisional has been judicially redacted from all deeds in the United States. It carries nothing more than historical significance of a negative time. It is unenforceable by law.

MOTION: Councilman Conners moved to approve for designation as a historic landmark 116 Ocean Blvd. The motion was seconded by Mayor Bennett. The motion passed unanimously (5-0).

Next Agenda Item:

CONSIDERATION OF DRAFT FIRE SERVICES CONTRACT, EFFECTIVE JULY 1, 2019.

MOTION: Following a brief discussion, Mayor Bennett moved to table consideration of the draft Fire Services Contract for discussion in November and that Council in concept agrees with the draft so far. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

Next Agenda Item:

TRASH/RECYCLE CANS LINING NC 12

The Town Manager briefed Council on the new recycle contract with Bay Disposal, highlighting a \$30,000 cost savings to the Town. He stated he previously received emails or calls from several citizens about the potential Wednesday recycle day, but since it actually started he has received only one email complaint regarding all types of cans along NC Highway 12. He has and will continue to educate residents and realty companies about the pick-up days. The Town had over 352 pages of performance complaints in the past 18 months from the previous recycle company.

No action taken.

GENERAL PUBLIC COMMENT

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

1. George Berry-239 N. Dogwood Trl.-perhaps the Town could provide stickers for trash and recycle cans.
2. Gerri Sullivan-31 10th Ave.-thought the censure issue was over at the last meeting, two Council members were blindsided.
3. Ann Sjoerdsma-69 Hickory Trl.- is not pleased with the censure process. She stated what Councilman McDonald said was inappropriate, but Councilman Newberry and the public were left in the dark about resolution. Need better solution to recycle pickup.

4. Matt Thiede-17 Wood Duck Ct.-thanked Council for acting quickly and appropriate on Councilman McDonald's inappropriate statements. Lot coverage issue is unclear and needs to be defined clearly

MAYOR COMMENTS & COUNCIL COMMENTS

Mayor Bennett stated being part of the Censure was one of the most unpleasant things he has had to do with since being Mayor. A Council member had been discredited when they shouldn't have been. Councilman McDonald had numerous opportunities to apologize for making his statements and also two lengthy opportunities to do so tonight. The censure does not affect him in any way, except maybe his ego. The Mayor said he is not going to apologize for bringing this back; he consulted with the Town Manager and Town Attorney.

Councilman Nason stated he supports the censure. He would have preferred to address the issue right as it happened and was just looking for an apology. We need to move forward for the good of the Town.

Councilman Newberry stated he was appalled at the process of the censure. He was not included in the discussion and would prefer all the discussions to be out in the open. He stated, like Chris said, let's move on for the good of the Town.

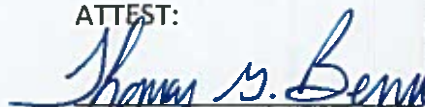
Councilman Conners recognized the passing of Renate Macchirde, Director of Room at the Inn, and the impact she had in our community. He said she was a good example of a someone who steps up to the plate to help her community. Councilman Conners also mentioned that he, along with many other in the community, keep up with continuing education for certificates/license held. This continuing education helps him in his discussions and decisions on Council.

Councilman McDonald stated transparency was an issue when he came on Council and it still continues. The fact that he was discussed in the community, and he knows there were people in the community that knew this was going to be discussed by three Council members and staff tonight, goes to show transparency is still an issue. He stated he did not know he didn't have a right to free speech.

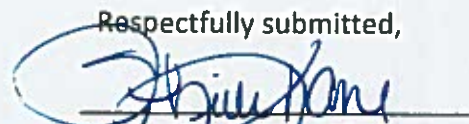
ADJOURN

Motion: Councilman McDonald moved to adjourn the meeting. The motion was seconded by Mayor Bennett. The motion passed unanimously (5-0). The time was 7:57 pm.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,

Sheila Kane, Town Clerk

**AUGUST 7, 2018
MINUTE ATTACHMENTS**



Town of Southern Shores

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

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

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RESOLUTION INVOKING CENSURE OF A MEMBER OF THE SOUTHERN SHORES TOWN COUNCIL FOR IMPROPER MEETING BEHAVIOR

RESOLUTION 2018-08-01

WHEREAS, the CENSURE of a Member of the Southern Shores Town Council serves as an official expression of pronounced condemnation and disapproval of the Member by the Town Council for an improper and inappropriate action, including breach of meeting decorum; and

WHEREAS during the July 10, 2018 Regular Meeting of the Southern Shores Town Council, Members of the Council were engaged in debate of a Motion to Not Adopt a proposed zoning text amendment (ZTA-18-04) being considered as an item of business on the meeting agenda; and

WHEREAS Councilman Gary McDonald initially introduced the Motion being debated, it being seconded by Councilman Fred Newberry; and

WHEREAS Councilman Christopher Nason, during the debate, spoke in opposition to Councilman McDonald's pending Motion; and

WHEREAS Councilman McDonald, subsequently speaking again in support of his Motion, spoke directly to Councilman Nason stating "How much money do you need to make?"; and

WHEREAS Councilman Nason immediately responded to Councilman McDonald's statement to him by twice denying he is "making any money for this" and by twice requesting Councilman McDonald to retract his statement, to which Councilman McDonald refused to do so; and

WHEREAS Mayor Tom Bennett, as the presiding officer of the Council meeting, requested that Councilman McDonald apologize for the personal comments he made towards Councilman Nason; and

WHEREAS Councilman McDonald refused to apologize, only stating "The truth sometimes hurts.", as well as specifically acknowledging that statement was not an apology; and

WHEREAS Councilman McDonald did not offer, nor has he since offered, any evidence to substantiate the truth of his statements, nor did he offer any evidence that the outcome of passage of the zoning text amendment being considered was reasonably likely to have a direct, substantial, and readily identifiable financial impact on Councilman Nason; and

WHEREAS since the July 10, 2018 Council meeting, Councilman McDonald has not made any public retraction or apology for his comments made towards Councilman Nason; and

WHEREAS a transcript of the relevant portion of the July 10, 2018 Council meeting is attached to this Resolution; and

WHEREAS the Town of Southern Shores *Code of Ethics and Standards of Conduct for Council Members* prohibits Impropriety and the appearance of impropriety in all activities by a Council Member and was acknowledged in writing by Council Member McDonald on November 24, 2015; and

NOW THEREFORE BE IT RESOLVED, based on Councilman McDonald's unsubstantiated statements made publicly and personally to Councilman Nason, and his refusal to publicly retract them and publicly apologize to Councilman Nason and the citizens of the Town of Southern Shores, the Southern Shores Town Council does hereby CENSURE Councilman McDonald for his improper and unsubstantiated statements made to Councilman Nason, thereby constituting improper behavior as a member of the Town Council.

Resolved this 7th day of August 2018.



Tom Bennett, Mayor

On Behalf of the Southern Shores Town Council



Attest:


Town Clerk

RESOLUTION 2018-08-01 ATTACHMENT

Transcript of a Portion of July 10, 2018 Regular Meeting of Southern Shores Town Council

Beginning at time of 2:48:16 on audio-visual recording of meeting at link:

https://www.youtube.com/watch?v=ZAubUn_WRd4&feature=youtu.be.

(Portion of comments during debate of Councilman McDonald's seconded Motion to not adopt the Planning Board Recommendations of Zoning Text Amendment (ZTA)-18-04, Item 5.C. of meeting agenda.)

.....
Mayor Bennett: "We have three choices, we can send it back to the Planning Board, we can vote against it, or we can vote for it."

Councilman McDonald: "We have a motion and a second on the floor."

Mayor Bennett: "The motion on the floor is"

Councilman McDonald: "No offense Andy. I voted this down the first time and the reason I did was sixty-eight percent of the people in the community responded to a survey that we had recently done and they were against it. Their comments were to leave it alone, ah, and I respect your lesson and ability but these folks really, I don't, they are intelligent folks they don't really need a lesson right now. I know they've done their research. Ah.. And a majority of our community is against this. I don't know why it came back up ... well I ... [turning towards and addressing Councilman Nason directly] How much money do you need to make?" ... (audience laughter)

Councilman Nason: "I'm not making any money for this."

Councilman McDonald: "I mean I'm serious."

Councilman Conners: "That is un-called for. That is outright un-called for."

Councilman McDonald: "I'm sorry."

Councilman Nason: "Gary please retract that. Please retract that. Because I'm not making any money for this, very honestly."

Councilman McDonald: "No."

Councilman Nason: "This is more about the renovation process than anything else."

Councilman McDonald: "You're giving us a history lesson on what you believe. I let you go the whole time. You interrupted Fred two or three times, I mean come on."

Councilman Conners: "Wait a minute I want to go back to that. That kind of behavior is outright un-called for."

Mayor Bennett: (banging gavel) "Gentlemen." (banging gavel)

Councilman Nason: "That is entirely inappropriate."

Mayor Bennett: (banging gavel) "Gentlemen, gentlemen." (banging gavel). Gary, I think you owe Mr. Nason an apology for that last comment."

Councilman Conners: "I think an apology is in order."

Councilman McDonald: "Ok."

Mayor Bennett: "I'll handle this Jim ... Jim."

Councilman Conners: "I'll be quiet."

Mayor Bennett: (To Councilman McDonald) "It's pretty simple. You spoke a little bit out of turn. I think you owe him an apology."

Councilman McDonald: "Ahhhm."

Mayor Bennett: (To Councilman McDonald) "Not a big deal."

From the Audience-Ann Sjoersdma: "It's true."

Councilman McDonald: "The truth sometimes hurts."

From the Audience-Ann Sjoersdma: "It's true."

Mayor Bennett: "That's not an apology."

Councilman McDonald: "That's right."

Mayor Bennett: "Have it your way."

Councilman Nason: "I make a motion that we censure Mr. McDonald for his comments."

Councilman Conners: "I'll second that."

Mayor Bennett: "We have a motion and a second."

Councilman McDonald: "Well, we're in, you've already got a motion on the floor."

Mayor Bennett: "I know that. Hold on, we've got a motion on the floor we've not finished considering. I can't handle but one at a time."

Councilman Conners: "Ok."

Mayor Bennett: "The motion on the floor is to not adopt the recommendations of the Planning Board reference to ZTA 18-04. Is there any further discussion on that?"

Mayor Bennett: (pausing) "If not, I call at this time for a vote."

Councilman Conners: "Can we clarify what a yay vote or a nay vote means?"

Mayor Bennett: "A yay vote means we're supporting not approving ZTA 18-04."

Councilman Conners: "Not adopt, ok."

Mayor Bennett: "All in favor of Mr. McDonald's motion please indicate by saying aye."

Councilman Newberry: "Ah, repeat the motion please."

Mayor Bennett: "Gary will you repeat your motion?"

Councilman McDonald: "I made the motion that we not adopt ZTA 18-04, and that we not send it back to the Planning Board."

Mayor Bennett: (To Councilman Newberry) Do you need that motion repeated or have you got it?"

Councilman Newberry: "I got it."

Mayor Bennett: All in favor of Mr. McDonald's motion indicate by saying aye."

Councilman McDonald: Aye

Councilman Newberry: Aye

Mayor Bennett: We have two ayes, anymore ayes?

Mayor Bennett: All opposed.

Councilman Conners: "No."

Mayor Bennett: "No."

Councilman Nason: "No."

Mayor Bennett: "So we are not going to...ah cancel that, support that motion. Do I have a motion to send it back to the Planning Board for their consideration?"

Councilman Nason: "I'll support that, that's fine."

Councilman Conners: "I'll second that motion."

Mayor Bennett: "Any further discussion of that one?"

Councilman McDonald: "Well, sixty-eight percent of the community voted, I mean come on folks, what is it about not supporting your community that y'all are against?"

Mayor Bennett: "You said that. I'm not saying we are not supporting the community, I'm saying we send it back to the Planning Board for their consideration one more time. That's all I'm saying. I am respecting Mr. Ward's request that we do that. I think, there's a new Planning Board, let them look at it. If they come back and say we don't like any of this or we love it all. I don't know what they are going to say."

Councilman McDonald: "Well we said one time we didn't like any of it. ... (addressing Councilman Nason) Then you brought it back."

Councilman Nason: "No, what people didn't like was the pool."

Councilman McDonald: "September to February, you brought it back."

Councilman Conners: "This happens in probably every municipality in government in the United states, where something may be voted down, elections have consequences, and it comes back up again. Or you don't even have to have an election, that people will tweak things and bring the same Issue up.

Councilman McDonald: "When the majority of your community says they don't support it?"

Councilman Conners: "Based on a survey that was so poorly written most people didn't take it."

Councilman McDonald: "CodeWright."

Councilman Conners: "That was a very poorly written survey."

Councilman Nason: "Tom, we have a motion on the floor."

Mayor Bennett: "I got, I got it."

Mayor Bennett: "There's a motion on the floor gentlemen to send this back to the Planning Board one more time. All in favor?"

Councilman Conners: "Aye."

Councilman Nason: "Aye."

Councilman McDonald: (raised his hand.)

Mayor Bennett: "Aye."

Mayor Bennett: "All opposed?" (Looking at Councilman Newberry)

Councilman Newberry: "Send it back."

Mayor Bennett: "Thank you. The motion has been passed to send this back to the Planning Board one more time."

Councilman Nason: "I'd like to make a motion. I'd like to, and this is related to this Issue that just came up, I'd like to make a motion that this board formally censure Mr. McDonald for his comments. They were totally out of line, there's no evidence for it, and ..."

Councilman Conners: "I second that motion."

Councilman Nason: "... I will accept his apology, I will withdraw it if you apologize now, if you don't feel like it that's fine. I would like or the board to formally censure him for his comments."

Councilman Conners: "And I'm seconding that motion."

Mayor Bennett: "Any further discussion?"

Councilman Nason: (to Councilman McDonald) "If you go ahead and apologize I'll accept it and move on."

Councilman Newberry: "I don't know what he said couldn't hear him. ... Repeat it, I don't know what he said"

Councilman Nason: "I was requesting that the Board formally censure Mr. McDonald for his comments. I'd willing to be willing to accept ... "

Councilman Newberry: "I don't know what he said. How can I censure him if I don't know what he said? Repeat what he said."

Councilman Nason: "I'm not going to repeat it."

Councilman Newberry: I didn't hear. I didn't hear you. Y'all talk too low down there.

Councilman McDonald: "I use my microphone."

Mayor Bennett: (To Councilman Nason) "Will you repeat what he said?"

Councilman Nason: "No, let's no even repeat it, it is so wrong in so many levels that it annoys the crap out of me.

Councilman Conners: It was an accusation that Mr. Nason is making money off of the passage of that."

Councilman Nason: "off of this change ... Yes, I agree with that."

Councilman Conners: "That's how I interpreted that."

Councilman Nason: "Yes I agree with that."

From the audience – Ann Sjoerdsma – "How much money do you need to make?... exact quote"

Mayor Bennett: "Yes, which in my opinion is inappropriate. It should not have been said. ... We have a motion by Mr. Nason to censure Mr. McDonald's remark and essentially censure him for making that remark. I have a second for that motion. All in favor of doing so please indicate by saying aye."

Councilman Conners: "Aye."

Councilman Nason: "Aye."

Mayor Bennett: "All opposed?"

Councilman Newberry: "Nay."

Councilman McDonald: (raised his hand)

Mayor Bennett: "Nay. The motion is not carried. Thank you."

Mayor Bennett: "Let's look at the agenda here one more time before nightfall."

Time: 2:55:46



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2391 / Fax 252-255-0876
www.southernshores-nc.gov

ORDINANCE 2018-08-01

ORDINANCE DESIGNATING THE PROPERTY AND STRUCTURE LOCATED AT 116 OCEAN BLVD. AS A HISTORIC LANDMARK

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3C Article 19, Chapter 160A (Historic Districts and Landmarks) of the General Statutes of North Carolina and an ordinance creating the Southern Shores Historic Landmarks Commission (the "Historic Landmark Designation and Historic Landmarks Commission Ordinance") have been met and;

WHEREAS, Southern Shores Historic Landmarks Commission has undertaken an inventory of properties of historical, architectural, prehistoric and cultural significance within the Town of Southern Shores caused to be made an investigation and report on the historic, architectural, prehistoric, educational or cultural significance of the property known as Small World, located at 116 Ocean Boulevard in the Town of Southern Shores; and

WHEREAS, a written application was received from the record owner(s) of the property requesting the property be designated as a historic landmark; and

WHEREAS, the Southern Shores Historic Landmarks Commission held a public hearing on June 26, 2018 to consider designating Small World, located at 116 Ocean Boulevard as a historic landmark; and

WHEREAS, the Southern Shores Town Council has taken into full consideration all statements and information in the application and the designation report prepared for the Southern Shores Historic Landmarks Commission and presented to the Southern Shores Town Council on the 7th day of August, 2018, on the question of designating the property known as Small World, located at 116 Ocean Boulevard owned by Clayton J. Small, David C. Small, and Donald E. Small as a historic landmark, and

WHEREAS, the property known as Small World, located at 116 Ocean Boulevard in the Town of Southern Shores and more particularly described as the house and lots shown as Lots 7 & 8, Block 18, Section 2, Southern Shores as referenced in Exhibit A attached hereto, is an intact example of the modest, single story, low gable roof houses of mid-20th century origin that were constructed in the Outer Banks in a similar vein to the historic Flat-Top houses in Southern Shores developed by Frank Stick; and

WHEREAS, the property known as Small World, located at 116 Ocean Boulevard in the Town of Southern Shores is thought to be one of only two gable roof structures in the Southern Shores potential historic landmark inventory.; and

WHEREAS, Small World, located at 116 Ocean Boulevard in the Town of Sothern Shores, no significant property improvements or architectural changes to the structures have occurred and they remain as they existed nearly 65 years ago; and

WHEREAS, the Southern Shores Historic Landmarks Commission has recognized the special significance of Small World in terms of its historical, prehistoric, design, setting, workmanship, materials, feeling and/or association and has recommended that the property be designated a "historic landmark" as outlined in Section 17-3 of the Historic Landmark Designation and Historic Landmarks Commission Ordinance; and

WHEREAS, the Division of Archives and History of the North Carolina Department of Cultural Resources has reviewed and commented on the application and designation report for Small World.

NOW, THEREFORE BE IT ORDAINED by the Southern Shores Town Council that:

Section 1. The property and structure known as Small World, located at 116 Ocean Boulevard in the Town of Sothern Shores, North Carolina jurisdictional area, more particularly described in Exhibit A, is hereby designated a historic landmark pursuant to Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Southern Shores Historic Landmark Designation and Historic Landmarks Commission Ordinance.

Section 2. The owner(s) and occupants (s) of the property known as Small World be given notice of this ordinance as required by applicable law and that a copy of this ordinance be filed and indexed in the office of the Register of Deeds of Dare County, as required by applicable law.

Section 3. In accordance with Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and Southern Shores Historic Landmark Designation and Historic Landmarks Commission Ordinance, a second copy of the ordinance shall be kept on file in the office of the Southern Shores Town Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be kept on file with the Southern Shores Planning and Code Enforcement Department.

Section 4. In accordance with Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Southern Shores Historic Landmark Designation and Historic Landmarks Commission Ordinance, the exterior and site features of all historic landmarks are always under the purview of the Southern Shores Historic

Landmarks Commission's Certificate of Appropriateness provisions.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Any part of the ordinance determined by a court of competent jurisdiction to be in violation of any law or constitutional provision shall be deemed severable and shall not affect the validity of the remained.

Section 7. In the event the demolition, removal, or destruction of the property is authorized as provided by law, such action may be delayed up to 365 days as provided by Section 17-9 of the Historic Landmark Designation and Historic Landmarks Commission Ordinance.

Section 8. This ordinance shall become effective immediately upon its adoption.

ATTEST:

Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date Adopted: X/X/2018

Motion to adopt by Council Member:

Motion seconded by Council Member:

Vote: X Ayes X Nays

EXHIBIT A

Dare County Tax Department
P.O. Box 1000
Manteo NC 27954-1000



PROPERTY TAX BILL



00002082018000029981800007336464
SMALL, CLAYTON JAMES
248 GRIGGS ACRES DR
POINT HARBOR NC 27964

>>>>IMPORTANT>>>>

[PLEASE CLICK HERE FOR IMPORTANT INFORMATION!](#)

DROP BOX NOW AVAILABLE...located in front of the Dare County Justice Center, 942 Marshall C. Collier Dr., Manteo NC

Please Mail or bring this bill when making payment to insure payment is credited to the correct account.
MAIL TO: The Tax Office Designated below.

PENALTIES ARE DETERMINED BY U.S. POSTAL POSTMARK.

Owner as of January 1: SMALL, CLAYTON JAMES

Customer Number	District	Bill Number		
023061285	SOUTHERN SHORES	29981		
Parcel Number	Billing Date	Tax Year	Due Date	Delinquent After
022535000	07/17/2018	2018	09/01/2018	01/07/2019
Description of Property		% Rate	Tax Levied	
PIN#: 986708-87-3693				
Description: LOT: 7-8 BLK: 18 SEC SO/SH SEC 2		.170000	DARE CO	\$4,997.30
Street Address: 116 OCEAN BLVD		.220000	SS TOWN	\$2,339.16
Real Property Value:	1,060,700	.000000		\$0.00
Personal Property Value:	2,555	.000000		\$0.00
Exempt Value:	0	.000000		\$0.00
Total Taxable Value:	1,063,255			\$0.00
		.000000		\$0.00
			LATE LIST:	\$0
			PAYMENT:	\$0
				AMOUNT DUE: \$7,336.46

Make Check Payable & Remit To: (Include Parcel Number 022535000 on your check.)

DARE COUNTY TAX COLLECTION
PO BOX 538310
ATLANTA, GA 30353-8310

Questions: Direct all inquiries to (252)475-5952

Office Hours: 8:30 AM - 5:00 PM, Monday - Friday

Credit Card Payments Please note that all credit card payments made at the tax office will now be charged a 2% administration fee

When calling please have your 9 DIGIT PARCEL NUMBER available

[illegible]



We encourage your public comments. All speakers must recognize the utmost importance of maintaining the decorum of Town meetings and of the need for all to have an opportunity to speak in a timely and uninterrupted manner. Please limit your comments to 3 minutes and speak courteously and respectfully to the Council as a whole. The 3 minute time allotted is your time to speak. You may choose to use all of it or less, but it is not transferrable to anyone else. Public comment is your opportunity to provide input on Town matters. It is not meant to be a dialogue exchange between you, members of the Council, or others in the audience.

[illegible]