

TOWN OF SOUTHERN SHORES
LAND USE PLAN STEERING COMMITTEE MEETING
PITTS CENTER, AUGUST 16, 2007, 7:00 pm

In Attendance:

Committee Members

Dan Shields – Council Member
Dave Sanders – Council Member
Frans Koeleveld – Board of Adjustment
David Kole – Chief of Police, Temporary Interim Town Manager
Mike Hejduk – Code Enforcement Administrator
Bob Harvey – Chief, Southern Shores Volunteer Fire Department
Tom Bennett – SCSA
Joe Walter - CPOA, Planning Board
Richard Perkins – Real Estate Member

Public Participants

Jodi Hess – Council Member
John Gualtieri – CPOA Board of Director

Press

Jessica Horbach – Coastland Times

[Please note: underlined portions of this document indicate areas which require further research and discussion for possible Policy or Ordinance development]

Mr. Hejduk stated the Phase 2 portion of the project requires a series of meetings to develop policies (addressing the six management topics and local concerns). These must be developed by June 30, 2008. Mr. Hejduk would like the Steering Committee to focus on the direction the project should follow over the next few months. Referencing two emails, Mr. Hejduk stated he has proposed the Committee meet on a regular schedule (twice a month) to keep momentum moving and he has proposed a way to create a network to communicate to as many people as possible. This approach would have minimal associated costs and may be an alternative to the formal survey which can not be funded right now.

Mr. Hejduk stated, for this meeting, he would like to look at the list of the Management Topics and Concerns from the Citizen Participation Meeting and, even if there were some flaws and issues with the weighting of the issues, try to pick a few from each of the topics and try to formulate the types of policies needed in order to accomplish something in each of the areas.

Mr. Hejduk asked Chief Bob Harvey, Southern Shores Volunteer Fire Department, to address issues from the perspective of the Fire Department regarding the management topics identified, specifically the topic addressing natural hazards or resource response to the larger houses. Mr. Hejduk asked what kind of policies would the Fire Department want to see as part of the Land Use Plan, adding this exercise to review this area will help to educate the committee on the policy review processes for all the topics.

Referring to Appendix B, Page 48, Chief Harvey stated the Fire Department would be involved in topics 2-Land Use Compatibility, 3-Infrastructure Carrying Capacity and 4-Natural Hazard Areas. Chief Harvey stated there is a conflict existing between the effort by committee to preserve the natural vegetation that the town has versus the statistics and data available to the Fire Department identifying the fire risks associated with the natural vegetation. The reality of the large homes and their impact on the fire service should be addressed. The town is not thought of as a commercial town yet three years ago there were over 100 commercial properties and this has grown. Chief Harvey provided an example of how a large home can impact the fire department response to a call. The Fire Department will have to change the way they respond to a call because of the large houses, i.e. access to upper levels can not be reached. Chief Harvey stated the reality is the smaller houses are being replaced by larger houses which, by Fire Department standards, are as large as commercial buildings. Clarifying the access, Chief Harvey stated a standard 200 foot hose will not reach from the end of the driveway up to the third floor of a structure. Mr. Shields asked if the issue is there is not enough pressure to get the water from the hydrant to the house; Chief Harvey responded it is the sheer distance and generally not the pressure itself. Mr. Shields asked what would the town need to do to address this type of problem. Chief Harvey stated the fire department needs to adapt to the 'new world' and the town can not do anything specific other than to recognize the town is no longer a 3 bedroom town. Mr. Hejduk stated the number of people per house has increased from 6 to 10 people per house since the last Land Use Plan update was done. Mr. Shields, referencing a comment Chief Harvey made during the large home example, asked if the town can require a layout inspection of the large home to familiarize the department with the layout. Mr. Sanders responded the General Statutes of North Carolina does not apply to the Fire Department for private rental residences. Mr. Shields asked if the Town can impose this rule on rental properties and the consensus was the town could. [This may be a potential ordinance.] Mr. Hejduk stated under preplanning, which covers the building permit issued by the town, the building inspectors have the right to go on the property and, as a courtesy inspection, the owner would probably not deny the fire department entry to review the layout. This would not need an ordinance change.

Mr. Sanders stated addressing private residences is totally different than addressing commercial property. One of the items discussed in the past, with no progress, is the natural nature of our community. The town does not have a wild land interface, rather it has a wild land intermix. There is foliage right up to the house, which put the fuels right up to the house, making it more difficult to protect the structures. At the same time, looking at hurricane situations, you do not want to make a lot of interruptions to the tree canopy because this protects the houses from the wind damage. Town Council has gone on a tour of the town with the Forestry Agency and some ideas were brought about which just never materialized. We should look at this with the intent to adapt (policies) that won't interfere with the hurricane coverage but will give the fire department more room to maneuver around the structures. The standard is to not have a tree within 30 feet of a house, however this standard would result in a number of houses not having any or very few trees. The initiative should be to educate property owners on steps they can take to eliminate the fire danger. Chief Harvey stated the last three or four items in the Infrastructure Carrying Capacity section would rank as the top three or four items from a fire department perspective, yet the citizen participation ranking garnered only 7 points total. It is very important, as a public service component, to keep pace with our growing population, the diversity and change in our population, change in the traffic patterns, change in size of structures, etc. Chief Harvey stated the fire department facilities will become a critical issue.

Mr. Hejduk stated a lot of what the Land Use Plan addresses deals with is population base and asked if there are metrics used by the fire department to address these areas. Chief Harvey responded there are, adding they are distance from a fire station, distance from a fire hydrant and the capacity of the water system. Mr. Hejduk asked where is the fire department standing, assuming a 50 house development pace, in five years regarding a need for land. Chief Harvey stated the fire department can satisfy the need provided they can keep the volunteer number up, which is against any current national trend. The distance a house is from a fire station is not going to change over time because the town is not going to acquire more land, size of structure (non sprinklered) is changing as larger houses are being built and the increasing population may be a factor at some point. Mr. Walter asked if we are jeopardizing the fire insurance rating. Chief Harvey responded the town has the best fire insurance rate for residential but we do not have the best rate for commercial. Chief Harvey opined what is in jeopardy is the manpower and lack of support. When the fire department starts to lose members and lack of interest the response time increases. The fire department is required, to be a minimum fire station, to have one engine and four people on every call within a certain amount of time. Currently the fire department meets the standard but if these start to slip then the fire insurance ratings will go down.

Chief Harvey stated the current fire stations can not be used for a paid department. There is no sleeping space available and they do not meet OSHA standards. It will take approximately 8 million dollars to upgrade the stations. Mr. Shields stated this is a very important figure to remember because if we do not get the volunteers to man the stations, requiring the need to go to a paid fire department, the initial cost will be 8 million dollars before the first fireman is hired. Chief Harvey stated approximately 25 – 33% of the department do not live in Southern Shores. An aggressive recruiting is planned for this Fall. Chief Harvey stated this department is the only pure volunteer department on the Outer Banks. There is only one paid, part time secretary on staff. This is not the trend for the area and nationally as well.

Chief Harvey stated one of the stations (East Station) is functionally obsolete now. The last engine purchased was custom made to fit in the building. There is zero clearance on the front and 12 inches on the back for the 3 person cab. The next engine will have to be a 6 person cab and it will not fit in the building. Mr. Hejduk stated we need to frame a policy for the Land Use Plan that addresses this issue. Chief Harvey opined the best way to address it in a broad range is to recognize the town has no property zoned for public safety use and no property zoned for expansion of the existing fire stations and the police department. Chief Harvey opined the Land Use Plan should look at the conflict between the desire to have a lot of vegetation and the need to control it; the need for public space and how it is utilized by the public facilities; and how the fire department deals with large housing. The town right of ways must be maintained, i.e. cut back at least twice a year, or the trucks will not be able to go down the roads. The Vegetation Committee and the Fire Department need to come to an agreement for fire wise planning. A replacement for the East Station needs to be addressed. The lot is maxed out and can not be developed any further. Mr. Bennett asked how much acreage is needed to develop a new station. Chief Harvey stated it would be ideal to build a station that would become the main station and the East Station could then be used as an ancillary use station. After a brief discussion of potential options, Mr. Shields stated the committee is responsible for identifying that it needs to be done but is not responsible for identifying how and when it is done.

Mr. Hejduk referenced a town map that has been coded for three entities – Southern Shores Civic Association (SSCA), Chichauk Property Owners Association (CPOA), and Town owned properties (right of ways, waterways and cemetery). Mr. Hejduk noted there are pieces of land which may or may not suit these entities the way they are right now. There may be a mix the way these properties can be used and the public will need to provide their input.

Mr. Hejduk asked Chief Kole to provide his assessment of the Land Use Plan in regards to the Police Department. Chief Kole stated he has a lot of the same concerns that Chief Harvey has. In addition, Chief Kole stated traffic flow and traffic control are issues. Chief Kole stated he has not had to experience a bad storm but can see the potential based on his experience with traffic control during smaller storms. Other areas of concern include law enforcement and parking. Mr. Hejduk asked what the parking issue is and why do people get tickets. Chief Kole stated there are few 'No Parking' signs and the visitors do not realize they are not allowed to park on the streets. There are 4 – 5 complaints each week regarding parking tickets issued. Chief Kole opined if there was signage documenting the No Parking area then it would be easier to address the complaints. The visitors do not see any signs and assume that parking is allowed. Chief Kole opined if signs were placed in key locations stating there is No Parking on or along any street it would educate the public. Chief Kole stated road service and road quality is a concern along with the width of the streets. There are no sidewalks or street lighting and a lot of people walk in the evening. Wider streets or walk paths would be a preferred resolution. The department as a whole will be outgrown soon. Chief Kole expressed a concern that the town does not have any affordable housing for the officers. The officers on staff are dedicated to the town but they would have even more vested interest if they were living in the community. Trying to maintain the high quality is difficult but the take home car does provide some incentive for them.

Mr. Hejduk stated other communities have allowed development of affordable housing, i.e. town homes, duplexes, etc., and Southern Shores does not have a lot of land left for large numbers of homes. There is a little bit of commercial left part of which is designated for the condominium project. Another option is permitting duplexes. This is a way to shave down the price of housing that might fit in town.

Mr. Shields stated one issue he has regards the direct access across town. There is no way to get from one side of the town to the other side without going on a highway. The police need to be able to get across town. Chief Kole stated it can be very difficult to respond to a call, especially on the weekends. Mr. Hejduk stated there is a major item noted regarding cut through traffic and the opposition to it. A policy will need to be developed to address this area. Chief Harvey stated that any measure put in place to prevent cut throughs will penalize the residents as well. Chief Kole stated he will feel more comfortable addressing this topic in about 2 months when the data is available from the car counter survey that is currently being done.

Chief Kole stated the ratio of resident to officer is greater than the Town of Duck. Chief Kole stated his goal is to have two officers on shift at all times and they are not able to have that now. We would need to hire two more officers to accomplish this. Chief Kole stated adding one more officer would decrease the delay for investigations to be completed, adding investigations are currently delayed due to officer involvement with road coverage.

Mr. Walters asked Chief Kole to address the teenage drug problem. Chief Kole stated he does not see the problem getting worse. Chief Kole stated there has been a recent increase in the number meetings in the parks at night. Chief Kole stated these meetings are initiated over the internet. Chief Kole stated he believes providing a facility, properly managed with the right people, offering areas of interest to the young people, will help to keep the kids off the streets [policy to encourage youth programs].

After a brief discussion regarding parking, Mr. Sanders stated we must recognize the bulk of the taxes are paid by the rental property visitors. The ad valorem tax is only 37% of our budget. We live in a subsidized community because of the tourist trade. Mr. Sanders stated traditionally, a lot of the rental houses become permanent residences. The trend might be changing with some of the houses that have been built, but the number of rental properties has declined. There is a trend for homes to be occupied by family members for vacation purposes. Mr. Sanders stated there has also been a trend to remove ocean front property from the rental market when it is sold. This may result in more parking issues as people will have to rent non ocean front homes and will need parking. There will be less people down here as a result of the decrease in rental homes and we will receive less occupancy tax and sales tax received as a result.

Mr. Hejduk stated the SSCA provides our parks and recreation areas around town. The SSCA is a private, non profit entity that is independent from the town. Mr. Hejduk asked Mr. Tom Bennett to comment on where the SSCA fits into the Land Use Plan. Mr. Bennett stated there are a few ways. The Civic Association owns a number of fragmented properties and there is no one property that may be large enough for a town center / recreation facility. One way would be a joint venture / cooperative team effort where the town works with the civic association and develops a shared property that could be used for a number of things, i.e. small properties could be developed into skateboard park or a frisbee golf course which would not require the removal of any trees. The civic association has a few parcels of land that would be ideal for these activities. Another area worth further discussion is the major stormwater management problem that exists in the town. The Southern Shores Civic Association owns 6 to 8 ponds, that have been neglected for years. These could be dredged to make them more suitable for wildlife and recreation and interconnect them where feasible which would create a well managed stormwater system. It will cost something to develop this but it will probably not be any more than what it would cost to repair the roads impacted by stormwater. [Policy to encourage Public / Private (non-profit) partnerships]

Mr. Bennett stated there is one piece of property at Duck Woods Drive and US 158 that would be a wonderful location for development. This is about an 8 plus acre parcel of land, if Duck Woods Drive is rerouted, with about 2,000 feet of water front. This would be an ideal location for a community center, a park, a handicapped fishing area, or perhaps an assisted living facility. This would need to be a cooperative effort with the town. Mr. Shields stated the town can get grants where the civic association can not. Mr. Bennett stated there is a small pie shape piece of property at Hickory and Hillcrest where a cell tower could be located and generate a monthly rental income for the association. The SSCA turned the canal system over to the town because the SSCA could not afford to dredge them. Mr. Bennett opined we have to be a little more visionary and look ahead and plan for the future. If the civic associations had set aside money over the years they would have been able to dredge portions of the canal at a time. The civic association and the town are both guilty of not looking at the future. We can not 'leave things alone' and 'not do anything', as was communicated at the citizen participation plan meeting, and be visionary at the same time. The job of this Steering Committee is to identify the areas

that need to be considered. We must have the vision to look ahead and not be afraid to say we need to look at this and plan for it.

Mr. Bennett opined people will cooperate through education to make them aware of the problems and issues, and through communication. Mr. Bennett stated any group is welcome to include announcements in the SSCA newsletter. Chief Harvey opined we should not cut any discussion off because we do not think we can afford it, rather we should have the discussion and put a price tag on it to figure out how much we can do. Mr. Bennett opined there are two beach parking lots maintained by the civic association, the triangle parking and the Hillcrest parking. The association tries to enforce the parking by checking decals but the association does not have any authority to enforce the parking. Mr. Bennett opined he would like to have a relationship with the Police Department to have them patrol the parking lots. Mr. Shields stated the Police department can go on the property only if asked by the property owner but they can not patrol it on their own. Mr. Sanders opined there is a fallacy that the town can not spend money on private property. Mr. Sanders stated Mr. Webb Fuller indicated in a conversation the town can do this in a cooperative effort. This is part of the disconnect that has happened in the past – to keep the private side and the public side separate. We need to keep our private beach access private, but we need to look at a means to pool resources from the organizations that won't endanger that possibility. There must be some way to accommodate the people that live or stay here without opening the access up to everyone. Mr. Hejduk stated the signs state association members and their guests. If we can figure out a way to share the private access without damaging the resource it may solve the riddle. Mr. Bennett asked how an improved property is defined. Mr. Shields stated if any type of maintenance is done it is considered improved. It does not require a structure. Mr. Hejduk stated if a building permit is written for a property, even to add a bulkhead to a lot, it is listed in the tax listing and is classified as an improved property.

Mr. Bennett stated there is a tremendous amount of areas for bulkheading. One of the opinions that came out at a canal dredging meeting held in Washington, NC was that the canals should be bulkheaded. Another opinion resulted from an inquiry as to when the canals were last dredged. The opinion was the canals may have reverted to a natural state which changes the whole picture from dredging existing canals to building new canals. The guidelines for building a new canal are very different than maintaining an existing canal.

Mr. Hejduk asked if the Steering Committee members would like to reconvene in 2 weeks and would the preference be a morning or evening meeting. Mr. Shields would like to go through the draft Phase 1 report and develop one set of comments. Mr. Shields asked if there is an outline for Phase 2. Mr. Hejduk referenced the previous policies which can be used as a guideline. The management topics have changed but the previous policies will give a good place to start to see where we stand. Mr. Sanders stated it will be helpful for the Council members when discussions are initiated regarding capital improvement. Mr. Shields stated he will insist these plans are used going forward in council deliberations. This is a document he fully intends to use.

Mr. John Gaultier opined these meetings are very important to educate our people. Mr. Hejduk asked if the minutes are made available can they be distributed to the members of the various groups. All of the groups have access to the town website where all the minutes will be posted.

The committee agreed to meet, Thursday, August 30th at 7:00 PM.

Respectfully submitted.
Cyndy Gabrys
Administrative Support Assistant
Land Use Plan Sub Committee

Reviewed and approved by
Mike Hejduk
Land Use Plan Project Manager