

TOWN OF SOUTHERN SHORES
LAND USE PLAN STEERING COMMITTEE MEETING
PITTS CENTER, OCTOBER 4, 2007, 1:00 pm

In Attendance:

Committee Members

Dan Shields – Council Member
Frans Koeleveld – Board of Adjustment
Mike Hejduk – Code Enforcement Administrator
Tom Bennett – SSCA
Joe Walter - CPOA, Planning Board
Richard Perkins – Real Estate

Public Participants

Gray Berryman, Tom Welch

Press

Jessica Horbach

Mr. Hejduk stated three things have occurred since the last meeting. One item is regarding a quarterly report that is required to be sent to the State. Mr. Hejduk stated he has provided the first quarter status report. The summary outlook of the report states ‘Attendance at biweekly Steering committee meetings has dwindled. No representation from the Construction Industry – no replacement identified by Outer Banks Homebuilders Assoc. No funding authorization by Town Council for additional web based survey as requested by Committee and suggested by Community Outreach volunteer coordinators who have since resigned from the Committee. Initial review comments on Phase I report by State Planner require additional work not budgeted for in current contract.’ Mr. Hejduk stated the Town has received a memorandum from Charlan Owens (District Planner for DCM) dated September 25th which identified staff comments regarding the Phase I material submitted by Cindy Camacho. As stated in her memo, Ms. Owens indicated the Division of Coastal Management [DCM] does not typically provide written comments until a complete draft of the document is received, however DCM staff believes that general comments provided may assist the Land Use Plan Steering Committee in the review of work completed to date. Mr. Hejduk stated Ms. Owens provided eleven (11) pages of comments which are divided into two types of comments. The comments are listed by Land Use Planning Guidelines subheading and under each subheading ‘missing/needed/clarification’ items as well as ‘comments/suggestions’ are identified. Ms. Owens stated that missing items are required to be addressed while comments and suggestions are only advisory.

Mr. Hejduk stated there are some items that are just minor housekeeping items but our consultant, Cindy Camacho, has indicated there are also some items that are beyond the scope of the original phase two project. Mr. Hejduk stated our consultant is developing an estimate of hours required to work on these items. Mr. Hejduk stated Ms. Camacho responded to the District Planner that there are some items which were not in effect during the phase one draft and the requirement to now incorporate is out of the scope of the project. Ms. Camacho was referring to item 38 on the comments memo which states up to date information regarding under surface water is to be incorporated into our Land Use Plan adding that the Pasquotank River Basin-wide Water Quality Plan draft update is scheduled for final approval in September 2007. The Phase one report was developed using the current version of the water quality plan and not the water quality draft update. Mr. Hejduk stated item 41 is of the same nature.

Mr. Hejduk stated we are suppose to take the Citizen Participation Plan comments, looking at what we think are the areas to be addressed and, with the help of the consultant, develop the goals and the draft policy statements for Council. Mr. Hejduk stated he has developed a spreadsheet based on all the items that were identified at the Duck Woods Country Club meeting and categorize them under some general headings as positive goals and then tried to develop a statement that is related to a policy of the goal without getting into the details. (Mr. Hejduk provided a handout of the spreadsheet to the attendees and the distribution list of the memo attached to the spreadsheet.)

Mr. Hejduk opined, given the fact the Town does not have a Town Manager right now and considering the upcoming election, he is not sure if the Committee should continue on its present course and meet in October. Mr. Hejduk is not sure we are getting as much input as we need to receive at this point and we could request an extension of time for filing the final report.

Mr. Perkins asked if we have a definitive idea of what the minimums are that we must accomplish. Mr. Hejduk stated Phase one and two are defined, except for what the District Planner is interpreting some items at this point. Mr. Perkins stated if we have a definitive minimum for what needs to be done then it should not matter what the additional requirements are. We are required to meet the minimum. Mr. Hejduk stated Ms. Owens comments for item 38 and 41 were identified as missing/needed/clarification (required) and not comments/suggestions (optional).

Mr. Shields opined we have the basic guidelines from the State and any changes to Council will have no bearing on the guidelines dictated by the State. The Council may not like what is determined in the plan but we must meet the minimum as required by the State. Mr. Shields opined we should continue what we are doing. Mr. Koeleveld asked if phase one is done. Mr. Hejduk stated it is, except for all the comments recently received from the Planner. Mr. Koeleveld suggested that we work on the comments to complete them. Mr. Hejduk responded we can do that but the consultant will probably require additional money to cover the addition to the scope of the project. Mr. Shields this is something that will need to be addressed by Council. Mr. Hejduk stated there are pages of items that are tagged as required. The report prepared by the Division of Water Quality was supposed to be approved in September. Mr. Perkins opined we should call the contact for the report, obtain a copy of it and add it to our report. Mr. Shields stated the Division of Water Quality is just now having public hearings on the stormwater rules. This study is being mentioned as well but it has not been approved yet.

Mr. Gray Berryman asked if including the CAMA guidelines means we are recognizing them as valid. Mr. Hejduk opined the Town may need a statement indicating the Town recognizes the rules identified and develops a resolution that the Town is against the rules. Mr. Shields stated, if necessary, we can indicate that the report is not ready and will be addressed when it is available.

Mr. Shields asked for clarification of the item 'improve waste water treatment' listed on Mr. Hejduk's memo of 09/27/07. Mr. Hejduk responded there is an opinion that failing septic systems along the water front may be part of the water quality problem. Mr. Hejduk stated the Town of Nags Head had a study done because of a concern of the large rental home drain fields close to the ditches in the town. The study was to evaluate if the septic drain fields bled into the ditches which are then flushed into the ocean outfall and could possibly close the beach. Mr. Hedjuk stated the portion of the study that he read indicated the outflow that comes out of the subsurface drain field is not very harmful and does not cause a problem with the water quality

flowing into the ditches. Mr. Hejduk stated, to address the possible concern that our canals are being polluted because of failing septic systems, he has included this as a goal to review the need to have mandated system maintenance plan. Mr. Shields agreed that it would be a good idea to look at it and feels that Nags Head's efforts will, in the long run, help to save money and improve the water quality. Mr. Bennett stated most counties have mandated septic system maintenance, requiring inspection and periodic pumping. Mr. Walter asked if there is specific water quality monitoring data available for the canal. Mr. Hejduk stated there was a water quality monitoring program conducted by Mr. Lawler for the town but he did not review the report. Mr. Shields stated samples from the wading beach have been sent to State labs and the results were animal related rather than human. Mr. Shields stated this is an ongoing process all along the coast and the results have consistently shown to be animal.

Mr. Hejduk stated the Letter to the Editor indicates that the minutes from the meetings that are on the Town website are being read. The information in the minutes is not always being used correctly. The citizen input received at the workshop held on March 29, 2007 and subsequent emails identified many problems and the proposed solutions spur emotional responses. Our discussions regarding traffic resulted in a proposed goal to maintain NC12 as two lanes to continue the pressure to build the bridge, as well as adding a center turn lane for emergency vehicles. This is an example of items that are in conflict. Mr. Shields stated the turn lane discussion has been ongoing with previous opinions stating that adding one turn lane will lead to adding another lane etc and this was not the direction the town wanted to head. Mr. Koeleveld stated the third lane would alleviate the traffic problems, however Mr. Shields opined that the problem would remain due to the lanes being reduced back to two lanes north of town. Mr. Bennett opined that a turn lane promotes traffic flow.

Mr. Hejduk stated the previous land use map will need to be updated if the re-alignment of Duck Woods Drive is done and there may be changes needed for the land use designation types.

Mr. Berryman stated he has some suggestions for the Policies portion of the Problems/Goals/Policies spreadsheet. He suggested cul-de-sac development and maintenance be added to the Transportation Management section and under the Environmental Impacts / Preservation policies section he suggested adding a policy which will encourage pet owners to clean up after their pets. Mr. Bennett stated the SSCA has recently decided to place pick up bags at the Hillcrest beach access area and use it as a test to see if they are used. If they are, the SSCA will then consider installing at most of the beach access locations. Mr. Bennett stated they must contact the County regarding the disposal of the bags into the regular trash cans or if it is necessary to dispose it into special waste containers.

Mr. Perkins asked if there is an ordinance in place addressing this. Mr. Shields stated this would be an ordinance that is not enforceable. Mr. Koeleveld opined if there was an ordinance people would be more inclined to clean up after their pet. Mr. Bennett opined if people are not responsible and do not care then they won't use the bags.

Mr. Walter stated the issue of bulkhead / rip rap along the canals should be discussed. This will be a major expense. Mr. Shields opined that rip rap might not even be an option because of the way it must be installed. Mr. Bennett stated shoreline stabilization includes both bulkheading a rip rap. Rip rap may not work well in some areas like the canal, but may be a solution for an area like the bathing beach. The location will define the type of resolution needed to stabilize the area. Mr. Bennett stated the civic association is going to address their shoreline stabilization as a long range plan with associated projected costs.

Mr. Walter stated the CPOA is also considering what should be done to stabilize the shoreline areas. Mr. Walters stated there are some property owners interested in bulkheading their properties at their own expense. The association needs to discuss what should be done. Mr. Walters stated some owners have suggested they would bulkhead their properties provided they are given the property through a quit claim deed. Mr. Walter stated there are a number of people against bulk heading and would prefer to use natural vegetation for the stabilization. Mr. Bennett stated bulk heading is not the best solution for animal life. Mr. Koeleveld stated canal dredging and maintenance expenses decrease with bulk headed properties. There is a concern though that bulk heading a property may require the removal of vegetation to install the bulk head and this could present opposition as well.

Mr. Hejduk stated the broad generic policy statements may not have plans and budgets developed at the onset and some of the goals developed may be diametrically opposed to each other. The committee should be aware that when it comes time for the public hearing people will be reading these with a fine tooth comb and there will be objection to them. Mr. Bennett stated it is our obligation to do what is best for the town. Mr. Bennett stated there will be differences of opinion but it is our obligation to present what we see is the best direction for the town. How we get there may cause problems but that is what is needed to determine what the best solution is.

The next meeting for the Land Use Plan Steering Committee will be Thursday, October 18, 2007 at 1:00 PM in the Pitts Center.

Respectfully submitted,
Cyndy Gabrys
Administrative Support Assistant

Reviewed and approved by
Mike Hejduk
Land Use Plan Project Manager