

August 1, 2017

To: Town Council
From: Town Manager
Chief of Police
Town Attorney

Memorandum Regarding: Transmittal of Some Options to Deter Traffic on All Town Streets

At the June 6, 2017 meeting of the Southern Shores Town Council, on motion made by Council Member Gary McDonald and seconded by Council Member Chris Nason, the Town Council voted to *direct the Town Manager, the Police Chief, and the Town Attorney to bring some concrete options that would deter traffic on all streets of the Town, along with associated costs, to the Council for it to consider.* Options in response to the Council directive have been listed below for the Council to consider.

Residents' concerns regarding non-resident traffic on the public streets of the Town of Southern Shores during summer months have been an issue in Southern Shores for many years. Town Councils have discussed the matter at length. In previous years, the potential for NCDOT to widen NC Highway 12 through the Town of Southern Shores (including the addition of a third and/or fourth lane) as a way to address increased traffic, deterred some citizens' concerns over seasonal traffic on interior Town streets.

The Town of Southern Shores (1) has a history of on-going support for the Mid-Currituck Bridge, (2) has maintained a leadership role in founding and supporting the manning of the US Highway 158 – NC Highway 12 intersection with law enforcement officers during seasonal traffic events, and (3) took the leadership role in advocating the start-up promotion of the alternate "Summer Saver" route (I-95 – US Highway 64) to the Outer Banks by both the Outer Banks Visitor Bureau and the NCDOT. Since 2009, the Town of Southern Shores has enjoyed a close working relationship with the NCDOT at each of the Division, District, and County levels, as well as with both the previous and current DOT Board members representing Division One which includes Dare County.

Recent traffic counts are attached.

Public Forum on Seasonal Traffic. On October 2, 2014, the Town Council held a Public Forum at the Kitty Hawk Elementary School meeting space for the purpose of *receiving public comments, ideas, and concerns on any possible solutions to increased seasonal vehicular traffic on any public street of the Town of Southern Shores.* A copy of the public forum Facilitator's Report, submitted to the Town Council on November 18, 2014 and included in the minutes of the Council meeting held that same date may be viewed on the Town's website at:

<http://southernshores-nc.gov/wp-content/uploads/2015/10/Oct-2-2014-Public-Forum-on-Summer-traffic-report.pdf> .

Recommendations of the South and East Dogwood Trails Task Force: On October 6, 2015 the Town Council appointed nine (9) Southern Shores citizen-residents to the South and East Dogwood Trails Task Force. On October 27, 2015, the Town Council formally charged the Task Force to *solicit input from property owners of Southern Shores and develop a report to the Town Council specifically regarding issues of vehicular and pedestrian safety, any future street improvements, and long-term maintenance of South and East Dogwood Trails.* The complete work of the Task Force, along with public input documentation, may be read on the Town's website at:

<http://southernshores-nc.gov/dogwood-trails-task-force/> . On January 17, 2017, the Task Force presented its Final Report to the Town Council titled "Evaluation of South & East Dogwood Trails", which includes options suggested by the public. This report may be read in full on the Town's website at

<http://southernshores-nc.gov/wp-content/uploads/2015/10/170117-FINAL-REPORT-DWTF-2ND.pdf> . Pages 9-10 of the report specifically address *the issue of "Seasonal Cut-Through Traffic"* , and includes options determined by the Task Force based on its own study and including options suggested by the public to the Task Force.

Options that the Town Council could now revisit and consider:

In addition to all the options recommended and listed in each of the two aforementioned reports, the Town Council could consider the following options, for substantial, or absolute, deterrence of "cut-through, non-resident" traffic on streets of the Town. The Town Attorney is prepared to discuss with the Council the Town's legal risks and liabilities of administering any of the following options.

1. **"No-left Turn"**. Revisit and exhaust all political efforts to receive the necessary support of the governing body of the Town of Kitty Hawk, the NCDOT Division One Resident Engineer, the NCDOT Area One Board Member, and any other state officials with persuasive influence over a NCDOT decision to design, develop, and sustain "a no-left turn" restriction within the traffic control devices for the east-bound lanes of US Highway 158 in Kitty Hawk at their intersection with S. Dogwood Trail. A "no-left turn" restriction itself would prevent all vehicles (including those of residents and their service providers) from turning left from the eastbound lanes of US Highway 158 into S. Dogwood Trail during such days and hours the restriction is active. Westbound vehicles would be able to turn right at the intersection. In the past, NCDOT has not supported such a restriction. (See attached Council minutes of September 22, 2009). Also, the Town of Kitty Hawk has not been supportive of this concept in the past as the intersection lies within its municipal boundaries and law enforcement jurisdiction (concurrent with the State).

During times that a no-left turn restriction is operational at the S. Dogwood Trail intersection with US Highway 158, online travel and mapping applications would presumably continue to offer alternative routes to NC Highway 12 by recommending a left-turn at the Juniper Trail intersection with US Highway 158, as well as left-turns at six (6) other locations along NC Highway 12 - Porpoise Run, Dolphin Run, East Dogwood Trail, Hickory Trail, Hillcrest Drive, and 11th Avenue for vehicles seeking access to streets running parallel to NC Highway 12. Concurrent "no-left" turn restrictions would also have to be considered for east-bound and north-bound traffic at those intersections as well.

2. **Block Bridges and/or Streets.** (South and East Dogwood Trails Task Force recommendation) In the event the Council considers the referenced option of blocking a bridge – or a variation of that option by blocking/barricading a street to prohibit traffic from transiting from either direction, the Town would have to assume the financial responsibility of manning the barricades, preferably with a uniformed officer during the times of restriction. To be totally effective and efficient, all vehicles would need to be restricted from passing through the barricade during the operational hours. A heavy barricade would need to be installed at a strategic location in order to be properly maintained during the "closure season". There would also be a need for this immediate area to be re-designed to provide space for vehicles to safely and legally turn around, should they travel this route and ignore closure postings.
3. **Create "Gated Community" by Limiting Street Access to Only Residents or Property Owners.** Assuming the Town Council is willing to assume the legal risk and financial responsibility of prohibiting any person but residents to access its streets, the option of prohibiting the general public from Town streets, even for limited times, could be considered by the Town Council. With both the Dick White Bridge and the Trinite-Juniper Trail canal culvert open to public traffic, there are currently ten (10) entry points that a vehicle may use to enter upon Town streets from

PROS and CONS of Options

Option 1. "No-left Turn" on East-bound lane of US Highway 158 at S. Dogwood Trail

PROS:

1. Would legally prohibit eastbound US Highway 158 traffic from turning left onto S. Dogwood Trail during times the restriction is posted.

CONS:

1. Would have to legally prohibit all traffic (including residents, property owners, and residents and owner agents providing services) from making a left-turn during the times of restriction.
2. Would presumably require a similar enforced "no-left turn" restriction at US Highway 158 intersection with Juniper Trail – and to avert traffic seeking other routes alternate to NC Highway 12, could also require similar enforced "no-left turn" restrictions at five (5) other locations along NC Highway 12 - Porpoise Run, Dolphin Run, East Dogwood Trail, Hickory Trail, Hillcrest Drive, and 11th Avenue – to block traffic from seeking access to streets running parallel to NC Highway 12.
3. Until travel and mapping applications adjust themselves, US Highway 158 eastbound traffic could possibly then be directed onto the "no-through" Duck Woods Drive, and into the Market Place Shopping Center (with direct access onto Juniper Trail).
4. Although some vehicle traffic has already been turning left off of US Highway 158 onto private Landing Trail prior to the South Dogwood Trail intersection, a no-left turn restriction at that intersection would presumably result in an increase in left-turns onto private Landing Trail and on private Fox Wood Circle with increased non-resident travel through the Southern Shores Landing community. (The private entrance street could be legally gated by that HOA.)
5. Unless NCDOT is willing to re-design and permanently re-construct the intersection for seasonal "no-left turn" implementation, this option would require the Town of Southern Shores to acquire and place safety directional/barricade traffic devices in US Highway 158 prohibiting east-bound traffic from entering the current left-turn lane. These structures would have to be placed out by Town personnel the morning of and prior to the traffic event, and retrieved the afternoon after the traffic event, on each day the traffic event occurs. If NCDOT requires the Town to acquire and install signage, that would be additional significant cost.
6. Would require North Carolina Department of Transportation approval, and would require concurrence from the Town of Kitty Hawk, which would presumably include a mutual aid agreement and the Town of Southern Shores' assumption of all law enforcement duties involving the traffic handling, and legal hold-harmless/indemnity provisions.
7. To deal with the effect of non-compliant traffic from making the turn (i.e. enforceability) during times of restriction, increased law enforcement manpower would be necessary - as well as room for vehicles to turn around without creating stacking back onto US Highway 158.

Option 2. Block Bridges and/or Streets by Physical Means

PROS:

1. Would physically prohibit non-residents and/or non-property owners from entering upon Town-owned streets during times of restriction.

CONS:

1. Residents, property owners, service providers, and possibly emergency vehicles would also be restricted during times of restriction; sufficient room for turn-around for restricted vehicles without stacking will be required.
2. Legal prohibition of a "No Through Traffic" ordinance would require increased enforcement manpower; and enforcement of a "No through traffic" ordinance would be impractical due to required showing of intent to drive through Town from one side to another for purpose of passing through.
3. Required cost of infrastructure installation and maintenance.
4. Persons previously using the Town's public streets, could possibly bring a lawsuit to claim and enforce a vested easement right of travel over these streets if now blocked from using them.
5. Any streets restricted by a "No Through Traffic" ordinance from actual use by the general public, even for a period of time, could no longer be certified as "open to use by the general public" for purposes of the Town receiving annual funds from North Carolina's State Aid to Municipalities Program (Powell Bill) for street maintenance, repair, and construction. Current Powell Bill FY 17-18 budgeted revenue for all Town streets (approx. 38 miles) = \$ 119,000.
6. Involves a legal process, with accompanying legal costs.

Option 3. Create "Gated Community" by Limiting Street Access to Only Residents or Property Owners.

PROS:

1. Would physically and/or legally prohibit non-residents and/or non-property owners from entering upon Town-owned streets during times of restriction.

CONS:

1. If either un-manned or manned access gates are used to allow entrance for residents, property owners, qualified service providers, and emergency vehicles, sufficient room for turn-around for restricted vehicles without stacking will be required.
2. Legal prohibition of "No Through Traffic" would require increased enforcement manpower; impractical due to required showing of intent to violate for successful enforcement.
3. Required cost of infrastructure and manpower at ten (10) different locations (some w/ multiple openings) to insure compliance.
4. Persons previously using the Town's public streets, could possibly bring a lawsuit to enforce a vested easement right of travel over these streets if now blocked from using them.
5. Once restricted from use by the general public, even for a period of time, restricted Town streets could no longer be certified as "open to use by the general public" for purposes of the Town receiving annual funds from North Carolina's State Aid to Municipalities Program (Powell Bill) for street maintenance, repair, and construction. Current Powell Bill FY 17-18 budgeted revenue for all Town streets (approx. 38 miles) = \$119,000.
6. Involves a legal process, with accompanying legal costs.

**ESTIMATED COSTS OF INFRASTRUCTURE AND
INCREASED LAW ENFORCEMENT MANPOWER**

1. Manning entry and exit points with non-law enforcement officers, including professional security guards, is an option, however non-law enforcement personnel would have to be administered and supervised separately from the Police Department. The Town would be liable for their actions and inactions. The ten (10) entry and exit points in Town with required officers:

<u>Street(s) to be gated</u>	<u>Officers Needed</u>
S. Dogwood Trail at US Hwy 158	2
Juniper Trail at US Hwy 158	2
Chicahawk Trail at NC Hwy 12	1
Porpoise Run at NC Hwy 12	1
Dolphin Run at NC Hwy 12	1
E. Dogwood Trail at NC Hwy 12	1
Hickory Trail at NC Hwy 12	1
Hillcrest Drive at NC Hwy 12	1
11th Avenue at NC Hwy 12	1
13th Avenue at NC Hwy 12	1
<u>Relief Support officers</u>	<u>2</u>
Total officers required	14

It is impractical to employ sworn law enforcement officers on a part-time basis. Each officer needing to be hired would be a new full-time employee of the Southern Shores Police Department. Including salary and benefits, uniforms and equipment, required training, and vehicle, each new officer would require a Town investment of \$115,165.00. (14 x \$115,165.00 = \$1,612,310.00)

2. Gates with electronic access - commercial grade: (Current Estimate, awaiting actual quote)
Qty 22 x \$30,000 to \$ 50,000= \$666,000.00 to \$1,100,000.00
Installation could be another \$150,000.00 – \$500,000.00
This does not include utilities/shaded shack/electric/engineering/roadwork for necessary staging and turn around areas.
3. Blocking through-access on a street at a certain location and for a time with a gate/barricade, would require cost of the gate at that location, and a law enforcement officer to administer the access at each blocked location as determined by the Town Council. Presumably and at a minimum, emergency vehicles could be allowed through on demand during times of restriction.
4. For a 'No-Left Turn' administration at both S. Dogwood Trail and Juniper Trail, four dedicated law enforcement officers would be needed; utilizing existing officers with overtime expense: 4 officers x \$70.00/hr x 10 hours/day x 2 days/weekend = \$5,600.00 x 12 weekends = \$67,200.00 on overtime costs. This assumes the Town has enough current officers to work into overtime slots. If not, additional hires would be needed. Note: if five (5) other streets along NC Highway 12 also require no-left turn enforcement to prevent access to streets parallel to NC Highway 12, law enforcement officer costs would incur in those locations (Porpoise Run, Dolphin Run, East Dogwood Trail, Hickory Trail, Hillcrest Drive, and 11th Avenue) as well.
5. For a 'No-Left Turn' administration at both S. Dogwood Trail and Juniper Trail, at least two

Public Works personnel would be needed for the tasks of setting out and retrieving the directional devices; utilizing overtime expense: 2 PWs x \$40.00/hour x 10 hours/day x 2 days/weekend = \$1,600 x 12 weekends = \$19,200. This assumes the Town has enough current Public Works personnel to work into overtime slots. If not, additional hires would be needed, or the cost of contracting this service would need to be incurred.

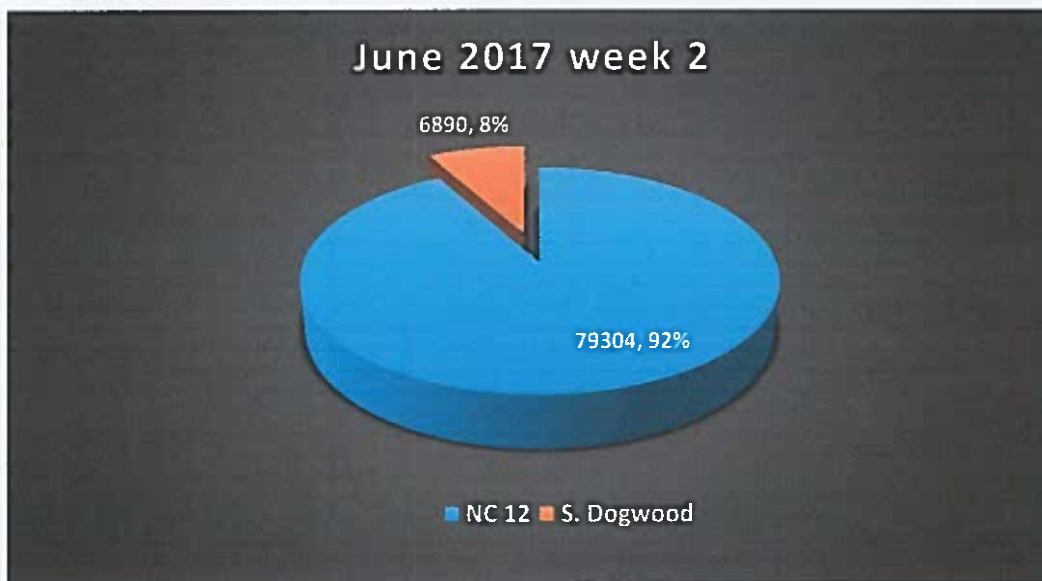
6. "No-left Turn" traffic devices, barricades, signage, and safety placement equipment acquisition costs estimated to be \$5,000 - \$7,500 per intersection with turn lanes. Intersections without turn lanes in place, could be less. Cost to develop off-season storage not yet calculated.
7. Necessary legal costs would be estimated once a particular option objective is directed for planning.

Traffic Counts

Week: June 12 thru 18 2017

S Dogwd A	Jun-17	S Dogwd B		NC12	Jun-17 Hllcrst
Week 2	June	12 thru 18		Week 2	
Mon	906	1182	-276	10588	282
Tue	861	1144	-283	10920	232
Wed	891	1232	-341	11268	234
Thu	828	1178	-350	11615	263
Fri	884	1183	-299	11018	249
Sat	1504	1843	-339	520 12243	650
Sun	1016	1249	-233	11652	391
Total	6890	9011	-2121	79304	2301

NC 12 79304
 S. Dogwood 6890

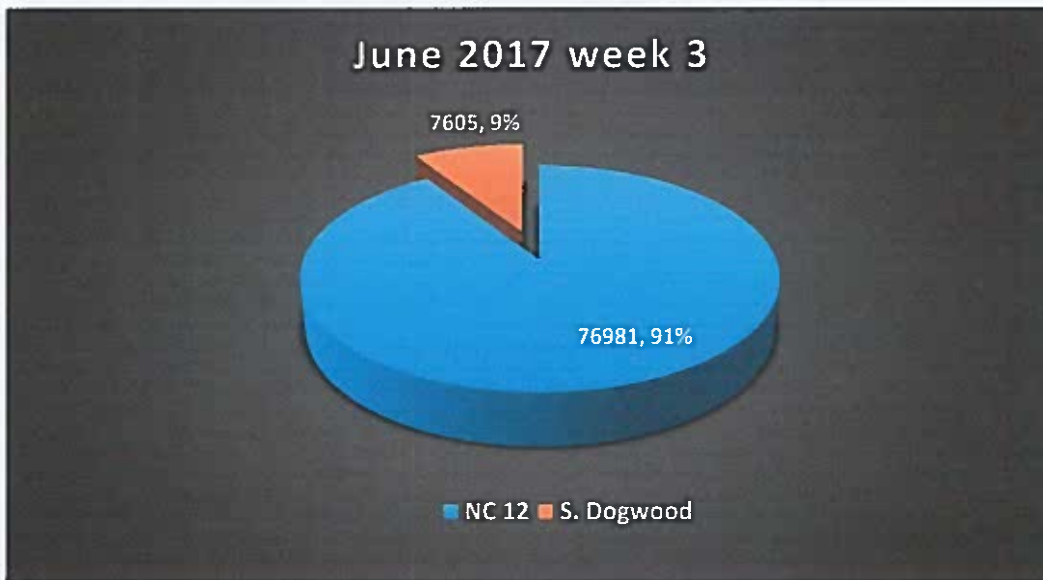


S Dogwd A = Counts after (north) of Country Club
 S Dogwd B = Counts before (south) of Country Club

All counts are for (incoming) Northbound Traffic

S Dogwd A	Jun-17	S Dogwd B	NC12	Jun-17 Sea Oats	Wax Myrtle
Week 2	June	19 thru 25	Week 3		
Mon	930	1256	-326	10678	
Tue	789	1045	-256	10730	
Wed	855	1162	-307	11084	229
Thu	832	1213	-381	10838	201
Fri	920	1233	-313	11431	207
Sat	2113	2725	-612	10843	1967
Sun	1166	1411	-245	11377	275
Total	7605	10045	-2440	76981	2879

NC 12 76981
 S. Dogwood 7605



S Dogwd A = Counts after (north) of Country Club
 S Dogwd B = Counts before (south) of Country Club

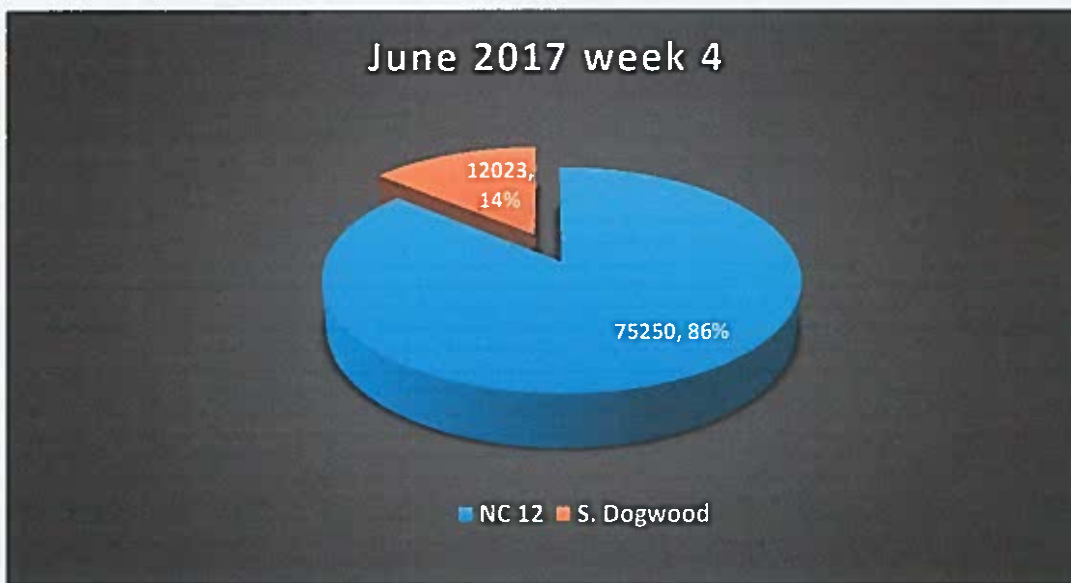
All counts are for (incoming) Northbound Traffic

Traffic Counts

Week: June 26 thru July 02 2017

S Dogwd A	Jun-17	S Dogwd B	NC12	Jun-17	Sea Oats	Wax Myrtle
Week 2	June	26 thru jul02	Week 4			
Mon	1077	1326	-249	10439	202	0
Tue	841	1172	-331	11394	159	0
Wed	1014	1358	-344	11234	0	0
Thu	987	1367	-380	11525	217	161
Fri	1141	1533	-392	12466	276	186
Sat	3958	5005	-1047	8579	2424	1745
Sun	3005	3740	-735	9613	2204	0
Total	12023	15501	-3478	75250	5482	2092

NC 12 75250
 S. Dogwood 12023



S Dogwd A = Counts after (north) of Country Club
 S Dogwd B = Counts before (south) of Country Club

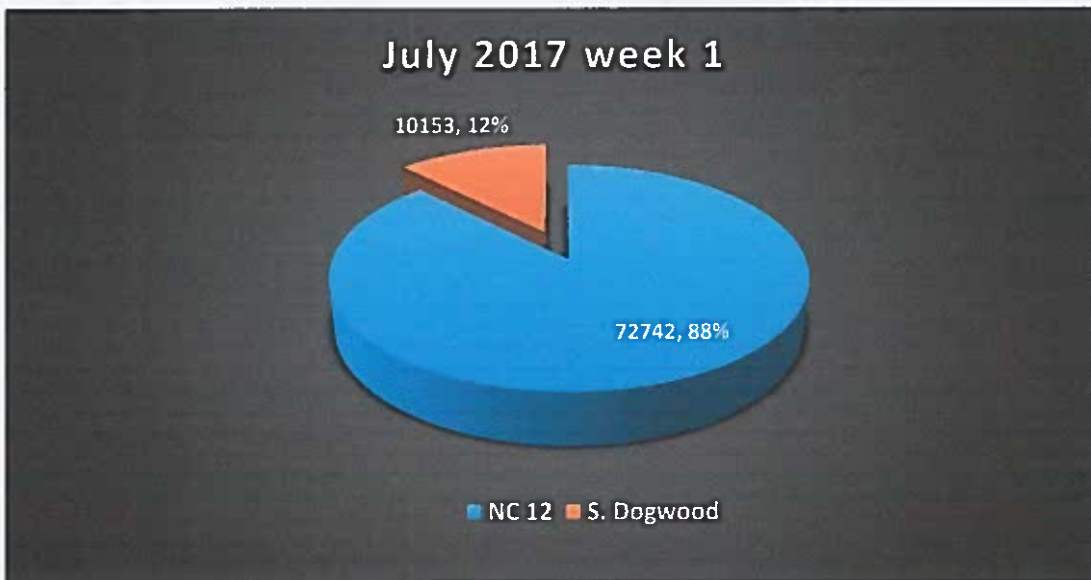
All counts are for (incoming) Northbound Traffic

Traffic Counts

Jul 3 thru Jul 9
 Week: June 26 thru July 02 2017

S Dogwd A	Jun-17	S Dogwd B	NC12	Jun-17 Sea Oats	Wax Myrtle
Week 2	July	Jul 3 thru jul 9	Week 1		
Mon	1228	1885	-657 11530	547	333
Tue	958	1170	-212 7436	170	172
Wed	1113	1463	-350 11262	285	157
Thu	1097	1463	-366 11026	262	217
Fri	1298	1561	-263 11021	209	156
Sat	2862	3564	-702 9520	2060	1159
Sun	1597	1749	-152 10947	661	408
Total	10153	12855	-2702 72742	4194	2602

NC 12 72742
 S. Dogwood 10153



S Dogwd A = Counts after (north) of Country Club
 S Dogwd B = Counts before (south) of Country Club

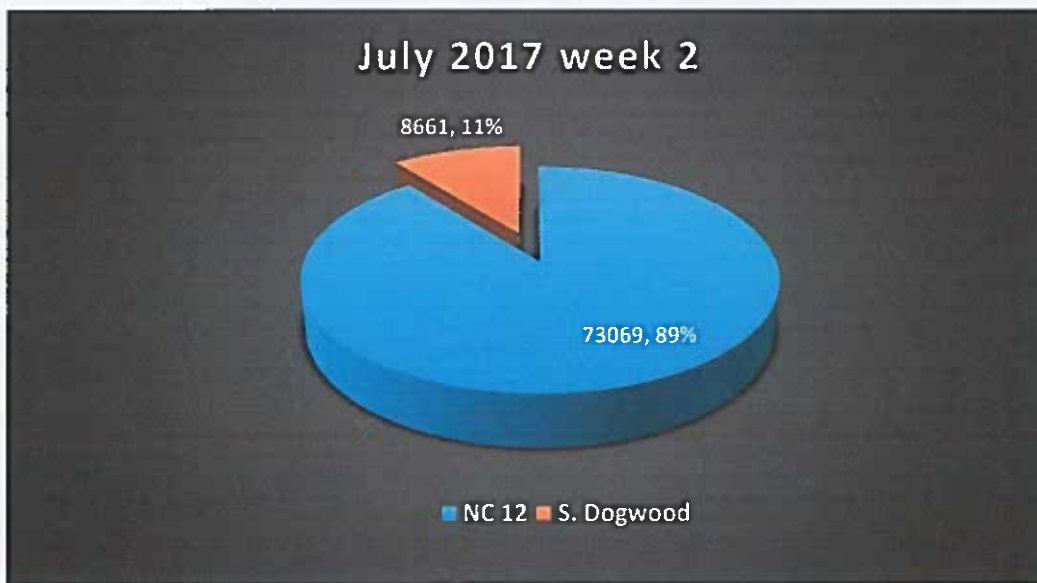
All counts are for (incoming) Northbound Traffic

Traffic Counts

Jul 10 July/6
 Week: ~~June 26~~ thru July 02 2017

S Dogwd A	Jun-17	S Dogwd B	NC12	Jun-17 Sea Oats	Wax Myrtle	
Week 2	July	Jul 10 thru Jul 16	Week 2			
Mon	908	737	171	9896	233	69
Tue	899	1319	-420	10293	217	113
Wed	932	1364	-432	10885	210	133
Thu	903	1319	-416	10914	206	121
Fri	1028	1427	-399	11141	221	155
Sat	2688	3512	-824	9330	1778	1056
Sun	1303	2172	-869	10610	1020	736
Total	8661	11850	-3189	73069	3885	2383

NC 12 73069
 S. Dogwood 8661



S Dogwd A = Counts after (north) of Country Club
 S Dogwd B = Counts before (south) of Country Club

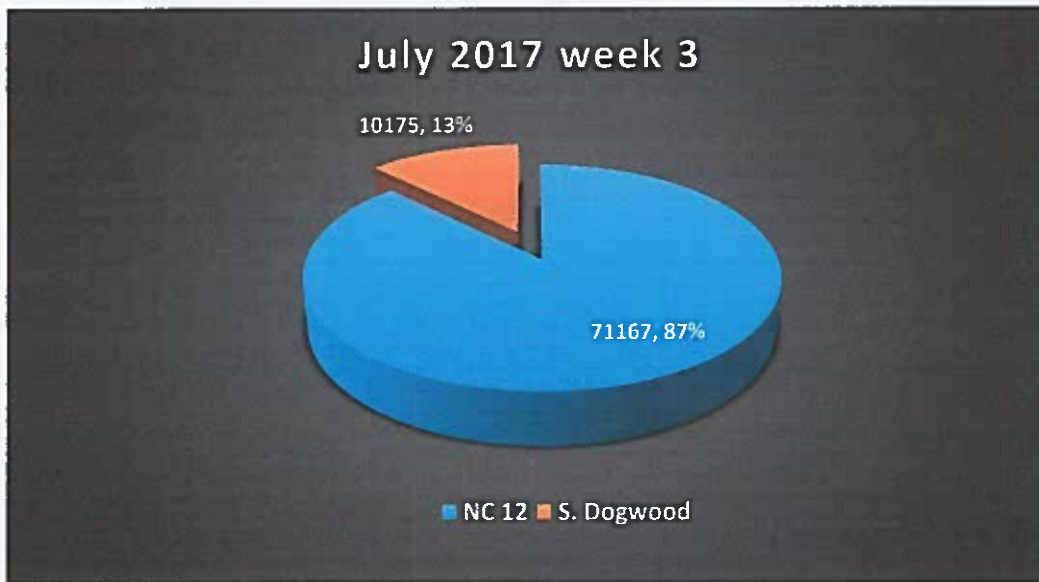
All counts are for (incoming) Northbound Traffic

Traffic Counts

Week: July 17 thru July 23 2017

S Dogwd A	Jun-17	S Dogwd B	NC12	Jun-17 Sea Oats	Wax Myrtle
Week 2	July	Jul 17 thru Jul 23	Week 2		
Mon	1158	0	1158	9945	0
Tue	940	1335	-395	10084	234
Wed	937	1328	-391	10345	120
Thu	916	1349	-433	11055	210
Fri	970	1379	-409	11360	242
Sat	3162	4353	-1191	8471	1905
Sun	2092	2737	-645	9907	1684
Total	10175	12481	-2306	71167	4395

NC 12 71167
 S. Dogwood 10175



S Dogwd A = Counts after (north) of Country Club
 S Dogwd B = Counts before (south) of Country Club

All counts are for (incoming) Northbound Traffic



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

www.southernshores-nc.gov

Council Meeting
September 22, 2009
8:00 a.m.-Pitts Center

The Southern Shores Town Council met on September 22, 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: Charlie Read, town manager, Ben Gallop, town attorney and Carrie Gordin, town clerk.

Mayor Smith called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance. He held a moment of silence for the families of Bob Siegel and Francis Rogallo. He stated Bob was a long time resident who volunteered for many years on the Town's Board of Adjustment and as the president and member of the Southern Shores Civic Association. He stated Mr. Rogallo also was a long time resident and is remembered for his years being instrumental in hang gliding on the Outer Banks. He also remembered all our military men and women serving around the world.

APPROVAL OF AGENDA

Council Member McDonald moved to amend the agenda by moving Item VIII. B. Council representative to canal project to the canal dredging update. 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.

PRESENTATION-EMPLOYEES YEARS OF SERVICE

Mayor Smith presented Jennifer Couture, police department administrative assistant with certificate of appreciation for her ten years of service and a plaque.

Mayor Smith presented Carrie Gordin, town clerk with a certificate of appreciation for her fifteen years of service and a gift.

GENERAL PUBLIC COMMENT

Mayor Smith opened the public comment section.

Jim Winebarger, Dare County Board of Education Facilities Director, stated he attended the Southern Shores Planning Board meeting last night to provide information on a Kitty Hawk Elementary School project for renewable energy known as Renewable Energy Discovery Zone "Schoolyard Demonstration Project" funded by NC Department of Environment and Natural Resources (NCDENR). He stated this program provides elementary school student to participate in a "real world" application of science curriculum and provide a broader understanding of alternative energy sources.

He now is asking Council's support on the project. He stated the project involves placement of solar panels at the school as well as a wind turbine. He stated he is aware the planning board is drafting an ordinance for the use of wireless towers and wind turbines.

He asked Council as they are moving forward on drafting the ordinance to allow this type of wind generator. He stated it is hoped that the school project will be used by other schools and more information can be found on the school's website. He stated he would be happy to take Council and or the Planning Board on a tour.

Hearing no other comments Mayor Smith closed the public comment section.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)

The Town Manager introduced Jerry Jennings, district manager and Chad Edge, traffic engineer and stated they were invited to attend the Council meeting to address several traffic issues. They provided a Power Point presentation.

Mr. Jennings stated NC12 has many functions other than moving traffic and that vehicle and pedestrian safety is the number one factor.

Mayor Smith asked if the speed limit should be reduced to 35 mph from 45 mph on NC 12 due to the additional crosswalks.

Mr. Edge stated not necessarily and explained there are many factors to consider. He stated DOT would allow the speed limit to be reduced to 35 mph on a seasonal basis if the town requested it.

Mayor Smith feels placing signs before the crosswalk alerting drivers a crosswalk is ahead would be helpful.

Mr. Edge stated that blinking lights and signage becomes over used at times and once they blend in people tend to ignore them.

Council Member Stroud stated his observation is when drivers see people walking toward the crosswalk the drivers stop to early and this may cause a rear-end accident. He would like to see the yellow signs used not the sign that reads "must stop" at the crosswalk. .

The Town Manager thanked them for coming and asked if the R1-5 signs should be removed. Mr. Edge said yes.

Council Member Hess stated she is concerned with the number of crosswalks but that the signs do work. She stated there are thirty-three crosswalks. She asked if it would be safer to have fewer crosswalks.

Mr. Edge stated people will cross the road wherever they want.

Mr. Edge stated typically NCDOT will not put crosswalks on a road like NC12 they look at the situation and sometimes go against a standard and make a judgment call. He stated the town requested the signs.

Council Member McDonald stated he has many business trucks on NC12 and as he drives he finds it difficult to see the pedestrians due to signage and other vehicles. He feels there are too many signs or that the signs need to be reduced or placed higher so the pedestrians can be seen.

Council Member Hess asked if a traffic light could replace the blinking light.

Mr. Jennings stated there are certain requirements in the placement of traffic lights and he doesn't think traffic volume is there but they will look into it.

The Town Manager asked if NCDOT would consider a mowing contract with the town to mow the right-of-way on NC12. Mr. Jennings other areas supplement the NCDOT mowing by doing the mowing themselves. NCDOT may be willing to pay the town what they pay their mowing contractor.

The Town Manager asked if the high water signs could be replaced with signs that read "road susceptible to flooding".

Mr. Jennings stated new signs could be placed and NCDOT will meet with someone from the town to get locations.

Council Member Pfizenmayer stated he is in favor of the crosswalks and reducing the speed limit. He asked can signs be placed at the beginning and at the end of the town warning of all the crosswalks.

Mr. Jennings stated yes signs reading "crosswalks ahead" can be installed but after a while they will blend into the scenery and people won't notice them. He stated we need to educate the tourist about the crosswalks.

Mayor Smith stated the Mid-Currituck Bridge needs to be built and this would relieve the problems.

Mr. Jennings stated the schedule has not been changed from 2013.

The Town Manager asked if there is a traffic study being done for the intersection at Town Hall.

Mr. Jennings stated other than the bridge study there is none but they are aware of the congestion.

Council Member Stroud asked what can be done to allow low speed vehicles on the multiuse paths so citizens can get through town. To allow these types of vehicles on the road the speed limit must be 35 mph or less. He stated also allowing these vehicles to go to the beach would allow for more parking since they are smaller.

Mr. Jennings stated there have been legislation changes for these types of vehicles but NCDOT has no regulation authority on Town owned roads and motorized vehicles are not allowed on multiuse paths.

The Town Attorney stated low speed vehicles are street legal which requires them to meet the same safety and road standards as vehicles. He stated the use of an HOV lane may be an option which requires a separate lane.

Council Member Stroud asked about restricting cut through traffic by installing no left turn signs at S. Dogwood and Hickory Trail during specific times.

Mr. Jennings stated that is not a viable solution and would cause more problems.

APPROVAL OF MINUTES-August 25, 2009

Council Member McDonald moved to adopt the August 25, 2009 as presented. Mayor Smith 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.

CONSENT AGENDA

- A. Tax pickups and Releases
- B. FY2009-2010 Budget Amendment #2

Council Member Hess moved to approve the consent 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.

[Clerk's Note: A copy of the Tax pickups and releases are attached as Exhibit A].

[Clerk's Note: A copy of the FY2009-2010 Budget Amendment #2 is attached as Exhibit B].

REPORTS-None

OLD BUSINESS

Beach Access Parking

Council Member Pfizenmayer addressed the confusion for residents and tourist of different required parking passes for different areas in town. The Southern Shores Civic Association (SSCA), Chicahawk Property Owners Association (CPOA) and the town all require a different parking pass for each of their respective parking lots. He stated he has not talked to CPOA. He stated this might encourage people to join the SSCA. He doesn't feel this would take away any parking spaces.

Council Member Stroud stated he disagrees that there would be less parking available because those who do not join the SSCA would use the town parking. He thinks the tow civic associations should have one pass and leave the town lot alone so property owners can have a place to park.

Council Member Hess asked would this mean that Chicahawk residents would be allowed to park in the SSCA parking lot without belonging to SSCA. She is not sure what we are trying to fix.

Council Member Pfizenmayer stated by having one sticker it would reduce the amount of tickets issued. He stated he would further discuss this with the SSCA and CPOA presidents and get back with Council.

Canal-Council Representative to Project

The Town Manager stated as the town prepares to kick-off Phase I of the canal dredge project it is important to keep the momentum into the permitting and grant application portions of the next phase. He requested Council consider keeping the team intact and direct the team to proceed with the next phase of this vital project as soon as the successful bidder/contractor is selected for Phase I. He stated Council Member Hess has agreed to remain as one of the team members and to participate in refining permits and preparation of the grants.

Council Member Pfizenmayer stated he thought this was the town manager's job to work with the project manager. The Town Manager stated direct council representative is important and is needed for a smooth transition into Phase II.

Mayor Smith stated he is confused with this direction since Council Member Hess was appointed to negotiate with certain parties to obtain spoil sites and that has been completed. He doesn't see why she would need to continue since Council will be kept up to date by the project manager and that Council can attend any meetings related to the project.

The Town Manager stated George Wood, EPI, and the town engineer has suggested keeping the team together.

The Town Attorney stated the project manager's contract is through Phase I. He stated the project manager will be working through issues on Phase II and there will need to be a line item in the budget for Phase II which will require a budget amendment.

Mayor Smith stated he is concerned with the budget needs and we should wait until after the bids are opened. The Town Manager needs to provide a report to Council as soon as possible regarding Phase II.

Council Member Stroud stated he appreciates Council Member Hess putting in the time and supports her staying on the team.

Council Member McDonald stated he also supports Council Member Hess remaining on the team. He stated the reason for confusion in the past is that no council person was appointed and this has been helpful.

Council agreed the team should move ahead and to keep Council Member Hess as part of the team.

NEW BUSINESS -None

OTHER ITEMS

Town Manager

The Town Manager reported Bonnie Swain, finance officer and he met with a Third Party (TPA) Administrator and the North Carolina League of Municipalities (NCLM) insurance to discuss a co-op managed by the TPA in conjunction with the NCLM (current carrier) to aid in lower insurance costs and greater benefits with an expanded network for our employee health insurance. He stated the towns of Kitty Hawk, Kill Devil Hills and Nags Head are also considering this option.

He reported working with the Capital Improvement Plan (CIP) a Cost Benefit Analysis will be discussed with Tim Gregory, public works supervisor, on ways to bring large road repairs in-house. A Funding Task Force will be established to address the financing options for the CIP and this will require Council input throughout the process.

He announced that the search for a Planner has been completed. An offer of employment has been made to Wesley Haskett to serve as planner with additional duties of inspections and permitting. He stated Wesley currently fills the dual-municipality role of Planner for Chowan County and Planning Director for the Town of Edenton. Previously he served as interim Planner for Gates County thereby working for three jurisdictions simultaneously. He stated he successfully completed a comprehensive pre-employment background investigation and will begin the first or second week in November.

Town Attorney

The Town Attorney stated upon review of the draft wireless ordinance he had made some changes and he asked Larry Lawhon, wireless committee chairman, if the planning board had approved those changes. Mr. Lawhon stated yes and that the planning board has set a public information workshop for October 14th and the Planning Board will be asking Council to hold a public hearing in November.

Mayor

Mayor Smith asked Joe Anlauf, town engineer, if there is an update on the rejuvenation project done on Soundview and Kingfisher. Mr. Anlauf stated there has been a visual inspection but to have a professional inspection it will cost \$6000 for GTE to perform it. He stated he doesn't know if now is the time to spend the money. He recommended waiting until December to visually inspect the roads and then contact GTE to ask them to support their warranty.

Council

Council Member McDonald announced the Dare County Tourism Board has hired Lee Nettles, as the new director of the Outer Banks Visitors Bureau. He stated Mr. Nettles previously was the director from Cape Fear.

GENERAL PUBLIC COMMENT-None

Council agreed to hold a five minute recess and then return for the Canal Maintenance Dredge Project Update.

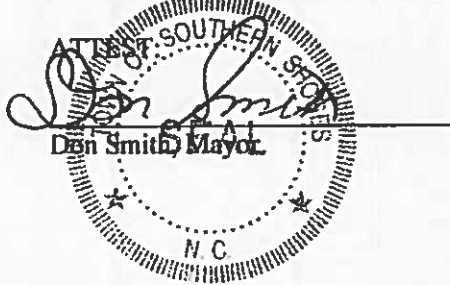
CANAL MAINTENANCE DREDGE PROJECT UPDATE

Tom Bennett, project manager, provided an update on the project by saying the town received the final permit from the Army Corp of Engineers with some requirement changes one of which is the Submerged Aquatic Vegetation (SAV) will need to be transplanted which will incur some additional costs. He stated the bid opening will be held next Monday (September 28) and three bids are required. He stated a permit modification will be needed if the new dewatering system is used.

Council Member Hess stated if three bids are not received we will need to re-advertise for seven days and Council will need to hold a special meeting to approve the contract.

Joe Anlauf provided an informative power point presentation. Following the presentation he stated there will be a change to the Southern Shores Civic Association spoil site agreement dealing with the type of de-watering process used but this will need to wait until the bids are opened. He also stated some trees will need to be removed at the marina.

Hearing no further business Council Member McDonald moved to adjourn the meeting at 10:55 a.m. Mayor Smith 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.



Respectfully submitted:



Carrie Gordin, Town Clerk

Exhibit A

**TOWN OF SOUTHERN
SHORES
TAX DEPARTMENT**

9/22/2009

PICKUPS

Feb. Vehicles	\$8.59
Mar. Vehicles	\$25.75

RELEASES

Feb. Vehicles	\$77.36
Mar. Vehicles	\$47.17
April Vehicles	\$44.56
May Real	\$4.56
June Vehicles	\$2.20

TOTAL

\$34.34

\$175.85

Exhibit B

**Town of Southern Shores
Budget Amendment Number # 2**

Increases			Decreases		
Account Number	Description	Amount	Account Number	Description	Amount
40-39909	Revenues Undesignated FB	\$12,200			
59-50915	Expenditures Brush Trimming	\$12,200			
	TOTAL			TOTAL	\$ -

Explanation: The cost to have brush trimmed back 5 feet

Recommended By:

Charles B. Read, Jr Town Manager

Approved By: Town Council

Don Smith, Mayor

Date



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

www.southernshores-nc.gov

Town of Southern Shores
Joint Council/Planning Board Meeting
June 11, 2009
12:00 P.M.-Pitts Center

The Southern Shores Town Council met with the Southern Shores Planning Board on June 11, 2009 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer. The following Planning Board Members were present: Nancy Wendt, chair, Bob Palombo, Mike Florez, Larry Lawhon, alternate, Bill Gleason, alternate and Ed Overton, ETJ representative with Jay Russell, vice chair absent with excuse. Also present: Charlie Read, town manager, Franz Koeleveld, Board of Adjustment chair, Police Chief Kole, Merrie Smith, executive assistant and Carrie Gordin, town clerk.

Mayor Smith called the meeting to order at 12:00 p.m. and turned the meeting over to Nancy Wendt.

Planning chairperson Wendt explained the meeting is not a meeting between council and planning board but the planning board acting as a planning department. She stated since the Town has no planner at this time and there are activities that need to be addressed, completing the Coastal Area Management Act (CAMA) Land Use Plan (LUP), the planning board took on this role beginning in December of 2008. The LUP was returned by CAMA with recommended changes which the planning board has worked on making corrections to the document. She stated council was provided a copy of recommendations on several planning topics at the June 2 council meeting and that is what will be discussed today.

[Clerk's Note: A copy of the Power Point presentation will be attached as Exhibit A].

Planning Board Rules of Procedure

Chairperson Wendt stated due to working with planning issues it was found their Rules of Procedure needed to be amended to include a second meeting a month. She stated the Planning Advisory Group (PAG) meets the first Monday of the month to hold public workshops and to work on long range planning activities and on the third Monday of each month the Planning Board meets to review permit applications and ordinance changes.

[Clerk's Note: Members of the PAG are members of planning board who chair specific committees or lead projects dealing with planning issues].

Coastal Area Management Act Land Use Plan (CAMA LUP)

Sam Williams stated the original plan submitted to CAMA was returned with eighty-two suggested corrections. He stated they requested a matrix but he found it to be difficult and he re-wrote the plan. He stated the steering committee and others found some additional needed corrections. He stated the maps (13) of which 4-5 will need to be corrected also. He stated this may require additional funding if the contracted planner-in-charge is unable

to complete the work. He submitted 4-5 goals and policy recommendations and asked council to provide comment within the next two weeks. The goal is have the plan submitted to CAMA by September. He stated the Coastal Resource Commission provides final approval. He stated if certain deadlines are not met the plan may not be finalized until 2010. He stated the plan is a five-year plan and if it is not finalized until 2010 it will be time to start over. He asked Council to contact him upon review of the plan to let him know they have no changes or they are in agreement with the plan recommendations.

Council Member McDonald asked why the planner didn't finish the plan. N. Wendt stated CAMA changed the requirements for LUP in 2003 and available grant funds were reduced and at the time the town started the process only one bid was received. She stated the LUP has now been reformatted to meet state requirements.

Transportation/Cut-through Traffic

Bob Palombo stated safety is the first priority. He stated the town does have a seasonal problem with traffic but the problem is volume not speeding. He stated work should begin immediately on a master plan with a date to be determined for completion.

Mayor Smith stated there is the recommendation to lower the speed limit on NC12 from 45 mph to 35 mph. and this could be done just for the summer (May-Sept.). He stated he doesn't support this and that tailgating is the problem.

Police Chief Kole stated during a test drive it was found there is only a 1.3 minute difference between the two speeds. He stated a consideration for lowering the speed limit would allow the low speed vehicles to be used on NC12.

The Town Manager supports lowering the speed limit for safety's sake. It was stated there is an electronic device available that enables flashing lights to activate to alert drivers at crosswalks.

Council Member Hess stated she is not sure changing the speed limit will make a difference and she supports crosswalks at traffic lights only. She would like to see the others removed.

Police Chief Kole stated the last crosswalk put in by NCDOT, in front of the Triangle Park, is dangerous and no one discussed this with the police department before it was done.

The Town Manager stated NCDOT supports the placement of marked crosswalks and that they are beneficial.

Council Member Pfizenmayer supports lowering the speed limit on NC 12 in the summer months and drivers need to be more alert for pedestrians. He stated the tourists look for and use the crosswalks.

Council Member Stroud supports the use of low-speed vehicles. He is not sure changing the speed limit for a short period of time is the way to go. He stated there is an area in town that prevents the use of this type of vehicle and we should be looking at a way to allow them all the time.

Council Member Hess stated reducing the speed limit may increase cut-through traffic.

Council Member Stroud supports drafting and approving an ordinance to prohibit cut-through traffic as a test for six months and then review the outcome. If it is found to be baseless than rescind the ordinance. He would like to find a way to alleviate the 8,000-10,000 cars cutting through town. He would like to see the ordinance written to read no cut-through traffic on the weekends in the summer months and asked that we find out if DOT would allow placing no left turn signs at S. Dogwood Trail.

Chief Kole stated the ordinance can't be enforced. He stated it is his experience if you show DOT you are making an effort they may help.

Council Member Stroud stated if we need to pay for extra officer and it would reduce the traffic then why not do it.

The Town Manager stated no-through traffic signs have been posted. He stated an ordinance addressing no through trucks, buses and other heavy vehicles has been drafted and he would like to see it approved.

Council Member McDonald stated if we ask DOT for help with our traffic problems like cut-through traffic then they will make NC12 a three-lane and we don't want that. He stated we stopped them before but it is a matter of time before they address this again.

He asked what kind of message do we give to say don't drive through our town but leave us your money. He stated council agreed before to not put more ordinances on the books that couldn't be enforced.

Mayor Smith stated the number of vehicles is more like 4,000 cutting through town to go north and if they use NC12 the residents there will be impacted.

The Town Manager stated a weight ordinance has been drafted and he would like to see it approved.

Bill Gleason stated the PAG report addresses some of these issues and one recommendation is the use of multi-use paths.

N. Wendt stated the town's rights-of-way may be used and policies could be written regarding pedestrian safety. Chief Kole stated policies and standards when written apply to all areas.

Bob Palombo stated educating the people is a key factor.

Storm Water Management

N. Wendt stated Jay Russell is unable to be here today. Mike Torres reviewed the presented recommendations.

Dan Shields, member of the Storm Water committee, stated Council approved the storm water plan and they have not disbanded the committee. He stated there is no one solution for storm water and in the CIP it is incorporated that any road improvements will address storm water issues.

N. Wendt stated in speaking for Jay the approved plan was a set of policies and that a comprehensive plan would be written and should become part of the Land Use Plan. She stated some of those polices went to the transportation committee for review with the roads plan which is linked to the CIP.

Wireless Infrastructure

Larry Lawhon stated cellular service in town is poor. He stated currently telecommunication towers are only allowed in the commercial district. He provided recommendations from the Wireless committee.

Council Member Hess stated she has attended most wireless meetings and her concerns are the setback requirements and the potential use of certain areas for towers. She stated soil sampling is required to determine what type of tower could be used and what specifications would be required.

N. Wendt stated placement of a tower would be a conditional use and the need to be determined what zoning district could be used. She stated there may be a need to amend zoning districts. She stated a draft ordinance has been prepared using language for the current telecommunications ordinance.

She stated there are three areas for consideration: permitted or conditional use, safety, and what areas to allow towers. She stated we will need attorney input. She stated a 100% setback is mostly used for tower placement.

Mayor Smith asked if the committee is investigating with the different service providers on what they need. She stated yes the committee has met with different ones.

N. Wendt stated the town needs more tall towers (under 195') and she asked does the town want to address this up front or wait until the providers come in and place towers as needed.

Financial Planning

Bill Gleason provided a Statement of Work for council's consideration. He stated a lot of progress has been made over the last year since he became involved. The focus has been on roads and the canal dredging project has been left out since the town is still waiting for permits and spoil sites. He stated storm water is part of the road improvement. He stated council approved ten budget principals but a more rigorous process for financial planning is needed. Council should set the criteria for priority of projects. He stated he met with each council member and it has always been a pay as you go policy. He stated now is the time to dedicate money for CIP projects. He recommended reconstituting the plan and call them a planning committee using the same people and to include someone (Jay Russell) on storm water and to work in the fall on a more comprehensive plan once the status of the canal dredging is known. He recommended preparing a list of projects over a 5-7 year period showing on the projects will be funded.

The Town Manager stated it is great to have this committee who is willing to stay on.

N. Wendt stated it is important to make it clear to the citizen's of council's intent.

S. Williams stated it is important to find what level of service people want and at what cost.

Mayor Smith stated he would like to hear from the citizens if they still would want a specific service, like chipping, if they knew the actual costs.

Council Member Hess stated discussion has been held before on how to poll the citizens. They can be reached by email using specific software.

B. Gleason stated it would beneficial to show capital expenses side-by-side with operating expenses that would shoe the cost of street repairs and chipping service. The citizen would then need to choose which is more important.

Council Member McDonald stated financing a big project like Chicahawk Trail improvements means a tax rate increase do the people want to do that.

Everyone agreed the town needs to get better input from the citizens.

Public Comment

Tom Welch, 17 Skyline Road, stated he does long range planning for a living and this was a great presentation. He stated it would cost the town over \$100,000 to get this kind of product. He stated the lack of long range planning comes at a cost which shows we need a plan.

N. Wendt summarized by asking Council to submit their comments on the recommendations provided to the planning department and to decide how we will get the information to the citizens.

Council discussed what recommendations they would address first and when. It was decided agenda items 1 (Rules of Procedure), 2 (CAMA LUP) and 7 (Financial Planning Statement of Work) would be addressed at the June 23 council meeting. Agenda item 4 (Cut-through traffic) and 6 (Wireless Infrastructure) would be placed on the July 7 council meeting and agenda items 3 (Transportation) and 5 (Storm water Management) would be addressed at the July 28 council meeting.

Hearing no other business Mayor Smith thanked everyone for attending and adjourned the meeting at 2:05 p.m.

ATTEST:



Respectfully submitted:

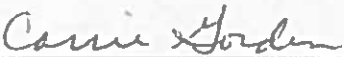

Carrie Gordin, Town Clerk

Exhibit A

Power Point Presentation Presented by Planning Board / Planning Advisory Group

Agenda

1. Rules of Procedure
2. CAMA LUP
3. Transportation
4. Cut Through Traffic
5. Stormwater Management
6. Wireless Infrastructure
7. Financial Planning

Planning Board / Planning Advisory Group

Rules of Procedure Recommendation

1. Findings:

- a. Reviewing permits/ordinances is a different type of work than committee/project work; best to focus on one at a time
- b. 1st Monday of the month
 - Public Workshops on planning topics
 - Planning Advisory Group working sessions
- c. 3rd Monday of the month
 - Review permit applications
 - Review proposed ordinances & amendments

2. Recommendation:

- a. Revise Planning Board Rules of Procedure to reflect new meeting schedule effective immediately

Planning Board / Planning Advisory Group

CAMA LUP Recommendations

1. Findings:

- a. NC –DNR requested 82 corrections / changes to LUP DRAFT
- b. The LUP Steering Committee and PAG identified additional errors, omissions & mis-statements

2. Recommendations:

- a. Adopt revised goals, policies & action items & use the corrected DRAFT as basis for the Futures Section
- b. Correct & complete required mapping work (work with Earth-Tech or another consultant)
- b. Complete reviews & approvals. Target milestones are:
 - Revised LUP to DNR Sept 2009

- TOSS Public Hearing Sept 2009
- Town approved LUP to CRC Oct 2009
- Town adoption of CRC approved LUP Nov 2009

Planning Board / Planning Advisory Group

Transportation Recommendations

1.Findings:

- a.Pedestrian safety is an issue at crosswalks and on class 1 roads that were not built to carry seasonal traffic volumes & that do not have pathways or adequate pedestrian safety zones
- b.Seasonal problems are caused by increased volume not by speeding
- c.Increased use of low speed vehicles could add to public safety issues
- d.Lack of transportation policies & standards results in inconsistent decisions

2.Recommendations:

- a.Adopt proposed policies, road classification system & standards
- b.Incorporate Federal, NC & NHTSA standards for low speed vehicles into TOSS ordinance
- c.Require all roadway & pathway projects to comply with policies & standards
- d.Evaluate pedestrian safety zones for all class 1 roadways & propose corrective actions
- e.Create a Master Plan (design or blueprint) for an interconnected network of multi-use pathways

Planning Board / Planning Advisory Group

Cut -Through Traffic Recommendations

1.Findings:

- a.Seasonal traffic issues on town roads are caused by increased volume not by increased speeding
- b.Pedestrian safety is an issue at crosswalks and on class 1 roads that were not built to carry seasonal traffic volumes and that do not have pathways or adequate pedestrian safety zones

2.Recommendations:

- a.Establish a legal basis for action (approve ordinance to prohibit through traffic on turn over days during the season)
- b.Based on ordinance, take action to remove cut-through routes from mapping services like MapQuest & rental company driving directions
- c.Based on ordinance, appeal to NC DOT for assistance to prohibit left turns from R 158 into E Dogwood & Juniper Trail on Saturdays and Sundays from May 15 through Sept 30

Planning Board / Planning Advisory Group

Stormwater Recommendations

1.Findings:

- a.TOSS paid \$163,811 for studies; analysis & design work is done
- b.6 problem areas identified; 5 are still pending
- c.Stormwater Committee recommendations still pending:

- Address financial support for stormwater management (CIP)
- Revise ordinance to make it more effective & more enforceable
- Develop & implement a Stormwater Management Plan

2.Recommendations:

- a.Approve the Stormwater Policy Advisory Committee recommendations from April 2007 effective immediately
- b.Develop a Stormwater Management Plan to implement the Advisory Committee recommendations
- c.Require all roads projects to comply with Stormwater Management policies effective immediately

Planning Board / Planning Advisory Group

Wireless Recommendations

1.Findings:

- a Cellular service poor due to inadequate coverage & capacity
- b Current ordinance does not serve either citizens or carriers
- c.Expansion of wireless infrastructure is inevitable

2.Recommendations:

- a.Adopt proposed definitions, policies & action items for wireless
- b.Town Attorney recommend zoning approach & draft an ordinance
- c.Incorporate Federal, State & Industry standards into new ordinance
- d.Planning Board and Town Council review DRAFT ordinance with a goal of holding a public hearing in September 2009
- e.Define a process for technical review of permit applications for wireless facilities when needed by year end 2009

Financial Planning Recommendations

1.Findings:

- a.Existing financial planning process does not link long-range plans and proposed projects to CIP & budgets.
- b.Prioritization of pending projects needs to be more transparent with clearly defined prioritization criteria (e.g., government mandates, public health & safety, etc.).
- c.Operating and capital budgets are developed with limited public dialog regarding how alternative tax rates and/or reserve fund policies impact project priorities and funding.

2.Recommendations:

- a.Adopt proposed Statement of Work (SOW)
- b.Develop & approve an inclusive process by year end 2009
- c.Implement new process effective January 1, 2010

Planning Board / Planning Advisory Group

Next Steps

1. Council will make its decisions by ?
2. Draft implementation plans & schedules
3. Communicate decisions, implementation plans & schedules to the community
4. Incorporate citizen feedback as appropriate
5. Proceed with implementation