

Southern Shores Town Council
Town of Southern Shores, North Carolina

Regular Meeting
May 4, 2004

MINUTES

The Southern Shores Town Council met on May 4, 2004, in the Pitts Center, Southern Shores Town Hall Complex, Southern Shores, North Carolina. The following members were present:

Mayor Paul Sutherland
Council Members: Hal Denny, Dan Shields, and Jodi Hess. David Sanders, absent.
Carl Classen, Town Manager
Ike McRee, Town Attorney
Carrie Gordin, Town Clerk

Mayor Sutherland called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Mayor Sutherland stated that he believes the country is engaged in WWII and asked that we remember the men and ladies around the world fighting against terrorism.

Approval of Agenda

Mayor Sutherland moved to approve agenda as presented. Council Member Denny seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; no Council Member voting no; and Council Member Sanders absent.

Approval of Minutes for April 6, 2004 minutes.

Council Member Shields moved to approve the minutes as presented. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Shields, and Mayor Sutherland voting aye; no Council Member voting no; and Council Member Sanders absent.

Reports

Bruce Green, Planning Board chairman presented recap for April 19, 2004 meeting.

Planning Board Meeting Recap-April 19, 2004
Prepared by Carrie Gordin, Town Clerk

The April meeting of the Southern Shores Planning Board was called to order by temporarily elected Chairman Jay Russell due to Chairman Green's illness. A quorum was in attendance as well as Kathy Halloran, Extraterritorial Jurisdiction representative for Martin's Point.

1. Town Hazard Mitigation Plan-Draft

Lee Padrick, State Project Planner, attended the meeting and reviewed briefly the Executive Summary and scheduled for adoption of the plan. The Planning Board will review and discuss at the May meeting.

Mr. Padrick stated that any changes need to be addressed to the Planning Board at that meeting. The Plan will then be submitted to the State for approval. Upon approval by the State, Council then would need to adopt the plan prior to the November deadline.

2. Southern Shores Volunteer Fire Department (15 S. Dogwood Trail) site modification for Phase Three of Bissell Professional Group Project #38093 (revised 2/18/2004).

The plan submitted addresses required parking and the additional telecommunication tower. The Planning Board recommends approval by Council. This requires a conditional use hearing recommended to be held at the June 2004 Council meeting.

3. Outer Banks Appliances Site and Elevation Plan (6325 N. Croatan Hwy-Remainder of Lot #4, Martin's Point Bissell Professional Group Project #4133 and Architectural Drawings Project #04134-Cahoon and Kasten, Architects).

After review and discussion, the Planning Board recommended that the applicant amend the site plan and resubmit amended site plan at a later date.

4. Request to amend Town Zoning Ordinance regarding maximum height requirements.

Upon review and discussion the Planning Board requested that Mike Hejduk, Code Enforcement Administrator summarize the issues regarding the measuring of height for structures and to also address impacts on drainage. Mr. Hejduk has 30-60 days to submit a summary.

5. Permitted residential sign requirements

It has been recommended by staff that the Planning Board amend size requirements for signs placed in the residential district. Since signs are not allowed in the right-of-way some people questioned whether and the allowable size of 3.5 sq. ft. is not big enough for real estate signs.

The board recommended that staff submit draft language to allow residential signs at a maximum of six sq. ft. for review at the May Planning Board meeting.

6. Draft zoning amendment-30-day application submittal requirement.

Planning Board reviewed the approval of the submitted draft ordinance changing application submittals from 14 days prior to Planning Board meeting to 30 days prior to Planning Board meeting at the last meeting.

Planning Board is aware that the draft is recommended to Council for approval and a public hearing has been set for the May Council meeting. The Planning Board unanimously approved the draft ordinance at their April meeting and request that Council reschedule the public hearing for the June Council meeting.

7. David Peckens, Planning Board member requested that the board review the possibility of setting up architectural guidelines for the Town's commercial district. The board decided that a workshop should be held for this topic and a date and time would be announced.

Carrie Gordin, Town Clerk
Submitted on behalf of the Planning Board

Mayor Sutherland set a date for the public hearings for the conditional use site modification of the SSVFD and the draft zoning amendment for Planning Board application submittals for the June 1, 2004 Council meeting.

25th Anniversary Celebration Final Update

Pat Storey thanked Council; all those who supported the Town in the celebration and especially Jim Pfizenmayer by saying there couldn't have been a better leader.

She also thanked the local newspapers for all the great coverage on the event and presented a Town mug to Lee Schindel of the Coastland Times, who was present and said that Julia Ledoux of the Sentinel also receive a mug.

Jim Pfizenmayer thanked the steering committee and the volunteers (some 45) for all their help. He also thanked the police and the public works departments. He reported there were 60 booths, over 1200 plates of food were served, and the parade was a great success.

Animal Control Advisory Committee

Sarah Tyler, committee chairman reviewed issues that have been discussed by the committee. It is the committees recommendation that Council consider several issues immediately: 1) amending the Town Code regarding the mandatory clean up of dog feces in all parts of Town, not just the beach; 2) with the aid of the civic associations, provide signage of the dog feces and placing "poop bags" in areas to aid dog owners to obey the regulation; and 3) that regulations be placed and enforce that all animals (cats and dogs) be up to date on their shots.

Council Member Denny moved staff to prepare language to amend the Town Code regarding the dog feces and doggie bag distribution for Council's review at the May workshop. No second was heard.

After discussion Council decided that any changes should be done all at one time and would be reviewed in October when the committee submits its report.

Environmental Professionals
Canal Dredging Contract

George Wood reviewed the application process but did state that the Hydrographic Survey could not be done by jet skis and that a boat would be used to conduct the survey.

The application date is set for July and permit discussion with bid documents drawn by October. He stated that the bid might need to go out twice and work done over 2 seasons (Nov.-Feb.).

Mr. Classen reported that the Town has received notification that they will receive a grant in the amount of \$48,000.

Council Member Hess asked when the canal ownership issue needs to be resolved. Mr. Woods stated that the ownership of the canals would need to be determined during the CAMA permitting process.

Mid-Currituck Sound Bridge Update

Gerri Sullivan stated that NCDOT has slipped in their study process and has not been cooperative. She reported that "Operation Snowflake" letter campaign to the Governor, the legislators and NCDOT representatives has begun. The scheme is to bombard the powers-to-be with letters of support for the bridge.

She reported that there will be a public hearing in July with Col. Alexander of the Army Corps of Engineers, Lyndo Tippett, director of NCDOT and others will be available for questions.

She reported that Gwen Cruickshanks and Jim Groff attended home owner meetings in Corolla and Carova Beach to help build support of the bridge in that area.

SSVFD-Chief Bakken

As part of Chief Bakken's report he would like the placing of the "No Fireworks" signs throughout Town as last year.

Council Member Shields recommends continuing with the placement of the "No Fireworks" signs in Town. Council Member Hess seconded.

Council Member Denny asked if the signs are fire department or Town signs? Upon clarification the motion and second was recalled.

Council Member Denny moved to request that the Town support SSVFD in the posting of the fireworks signs. Mayor Sutherland seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; no Council Member voting no; and Council Member Sanders absent.

Tax and Building Inspections reports were read by Mayor Sutherland.

Mayor Sutherland moved to approve the reports as presented. Council Member Denny seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; no Council Member voting no; and Council Member Sanders absent.

Draft amendment-Ordinance No. 2004-03-aa-Relating to application submittals to

Planning Board-See Planning Board Recap.

Old Business

Spindrif Trail Multi-Use Path

Mr. Classen stated that a public input was advertised and held from 6:00 p.m. to 7:00 p.m. tonight and one person showed up. A few comments were emailed or dropped off at Town Hall and the public consensus is to place the path on the east side of Spindrif. He stated that comments received addressed that fewer trees would need to be removed and there are no crossovers on that side. He stated public comments addressed the bike path at the end of Spindrif on the east side which could be connected with the proposed path.

Mr. Classen stated that the cost of the type of path (asphalt or concrete) is comparable and he would like the Chichahauk parking lot to be considered as part of the bidding process for the path. Mr. Classen stated that the cost estimate for the project is \$100,000 to \$125,000. He asked that Council decide which side of the street the path should go so that the plans and bids could be received.

Council Member Denny stated that he supports the path being placed on the west side and that only one tree needs to be removed. He stated that there is one developed property on the east side that is very close to the setback and to cut 12' for the path would only allow about 12' from their front yard deck and he would prefer not to do that.

Council Member Shields asked if the path could be moved from side to side of Spindrif? Mr. Classen stated that it would be advisable to keep the path on one side but Council can approve as they like.

Council Member Denny moved to place the path on the west side of Spindrif. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; no Council Member voting no; and Council Member Sanders absent.

Mr. Classen asked Council if staff could move ahead with bid specifications and include the parking lot?

Council Member Denny stated that he and Council Member Shields have not investigated thoroughly and are not ready to discuss the parking lot at this time as part of the bidding process. Hearing no objection, the Mayor ordered that the parking lot plans be delayed.

Draft Ordinance No.2004-05-aa Relating to Use of the Right-of-Way

Mayor Sutherland recommended that this issue be tabled to the May workshop. As so ordered.

New Business

Joint Medical Insurance Group-Draft Interlocal Agreement

Carl Classen stated that he has been working with the other municipalities on a joint medical insurance plan. He stated that the Town of Kitty Hawk has approved the agreement, Duck has declined at this time.

Council Member Hess asked that since Duck has declined the agreement would need to be modified to read (5) municipalities and how does this affect the voting rights? Town attorney said the agreement would need to be modified as applicable and be corrected as necessary.

Mayor Sutherland moved to approve the joint medical insurance interlocal agreement with appropriate changes being made. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; no Council Member voting no; and Council Member Sanders absent.

FY2004-2005 Budget

Mr. Classen stated that a budget workshop was held on April 29, 2004 and following that meeting as he has prepared the proposed budget to include a two cent increase for a Capital Improvement Fund to be applied to a roads program. He stated that the proposed budget is only \$80,000 larger than the current budget.

He explained that each time the Town loses share of the countywide tax levy, it is penalized through sales and occupancy taxes received. He stated that Mayor Sutherland proposed a new formula on distributing those taxes to the other towns to no avail.

Council Member Denny moved to submit the Budget Ordinance #2004-05-bb FY 2004-2005 as presented for public hearing for the June 1, 2004 Council meeting. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; no Council Member voting no; and Council Member Sanders absent.

Mr. Classen announced a copy of the proposed budget is available at Town Hall.

Mayor Sutherland stated that no one wants to raise taxes and that the Town has prided itself in reducing taxes and he even tried to get the occupancy tax distribution formula changed but to no avail. He stated that roads cost money and the proposed budget provides for a long-term plan for capital improvements.

Council's Agenda

Council Members had no additional items for discussion.

Mayor's Agenda

Reported that Council held a public information meeting for the residents of Southern Shores Landing on May 12, 2004.

Attended the annual Prayer Breakfast sponsored by the YMCA.

Presented annual proclamation on "Safe Boating".

Town Manager's Agenda

Mr. Classen asked Mike Hejduk, Town Code Enforcement Administrator to update Council on Ginguite Woods Water Reclamation Association, Inc. (GWWRA)

Mr. Hejduk stated that GWWRA is still not in compliance with Town Code and the State Permitting Agency. He stated that the hearing was held with a final order issued and also a second notice of violation has been issued. The civil penalty due to the Town is \$7,700.

Council previously approved and the owner of GWWRA was served with a Notice of Contemplated Action whereby the \$7,700 civil penalty has accrued. Following the legal time frame for the action, Council has agreed to start the process over.

Mr. Hejduk reported that the owner of GWWRA has refused certified notice of the final zoning violations to be corrected. Mayor Sutherland directed the Town Manager to have the notice served by the Town police department.

Mr. Classen reported that a bond agreement (cash bond) is being drafted for approval between the Town and the developer of Southern Shores Landing which would protect the Town and allow the developer to continue to build while the litigation continues with GWWRA, Inc.

Mr. Classen stated that he is working on a proposal with DOT on a drainage project on NC12 from the avenues of the Town to the Duck line.

Mr. Classen reported that Mike Hejduk and Jennifer Couture will be the Town's representatives on the joint GIS project with the other towns and Dare County. He stated that Merrie Smith is working with the e-NC Leg-Up grant and that funding may become available from that project that would allow the purchase of a computer.

Mr. Classen reported that the DOT has let a contract for a left turn lane extension project for NC12 which will begin shortly and is to be completed by Memorial Day. He stated that this does not include the traffic light at Chicahawk.

Mr. Classen reported that DOT had requested that mile post signs be placed on NC12 but that Currituck County is doing something different so at this time no MP signs would be placed there.

Mr. Classen reported that the Town is eligible for a Canal Water Quality Improvement grant from the Clean Water Management Trust Fund to set up a series of pumps at the Beech Tree and Holly Canal to Loblolly to improve the stagnate water.

Mr. Classen reported that he is investigating a grant application that could help with a multiuse path to be constructed on S. Dogwood/E. Dogwood. The acceptance of the grant requires that the path be 10' wide but the grant does approve sidewalks. He stated that he was elected to be on the Dare County Transportation Task Force Technical Committee for northeastern Albemarle region.

Mr. Classen announced that two new Public Works employees have been hired: Steven Anderson and Chad Forrester.

Chief Thad Pledger presented the April crime report.

Town Attorney's Agenda

Ike McRee reported that the court denied the summary judgement regarding the Franchi case (PWC) and the Bowlin case was pulled from the court docket but will be placed again in the near future.

Public Comment

Bob Palombo of 159 Duck Road and secretary to the Build the Bridge-Preserve Our Roads, Inc. stated as your appointed representative to Build the Bridge-Preserve Our Roads, Inc. I am addressing council tonight regarding the section in the recent Southern Shores newsletter concerning the steps that are being taken by council as a result of their February 2004 special workshop to, “ and I quote”, develop a series of immediate steps to initially respond to the traffic cut-through issue.

The step that the Build the Bridge-Preserve Our Roads, Inc. Board of Directors has authorized me to respond to is: “NC 12/US Hwy. 158 improvements...discuss with Duck the installation of a center turn lane on NC12 from US Hwy. 158 to a point north of the Duck village shopping area and extend the extra turn lane from US Hwy. 58 to northbound NC12 to a point approximately one-half mile north of US Hwy. 158”

Based upon the results of the August 2003 community brainstorming session attended by 65 residents which generated the ideas considered in the February 2004 workshop, 14 of the attendees suggested a center turn lane on nc12, representing 21.5% of the attendees. This suggestion appears in the newsletter as one of the immediate steps for action by council.

The Board of Directors of Build the Bridge-Preserve Our Roads, Inc. is very concerned that this item is listed as one the Council is working toward. Build the Bridge-Preserve Our Roads, Inc. with over 900 members and over 18,000 signatures opposed to any widening of NC12 or US Hwy. 158 respectfully challenges the consideration of this step in alleviating traffic concerns. We ask that the total Council get behind the acceleration of the construction of the Mid-Currituck Sound Bridge, following the lead of Southern Shores Mayor Paul Sutherland.

I do have applications for membership to Build the Bridge-Preserve Our Roads for all Council Members, recognizing that Mayor Sutherland and Councilman Denny are already members.

Thank you for listening to our concerns, and I hope that the we can rely upon our Council Members not to work toward widening NC12, but to facilitate the construction of the Mid-Currituck Sound Bridge....the only option that Build the Bridge-Preserve Our Roads is willing to accept.

Gerri Sullivan of 31-10th Ave. submitted her comments regarding the project by DOT to extend the turn lanes on NC12. She stated that she agrees with Mr. Palombo and is also concerned that as printed in the April 2004 town newsletter the extension of the turn lanes on NC12 could

hamper progress for the Mid-Currituck Bridge. She submitted a copy of a turn lane survey (2 pages with 9 pages of written comments) conducted by her in May 2002.

Ms. Sullivan stated that the results showed 9% (19 properties) were in favor of a turning lane and 90% (225 properties) were opposed.

Ms. Sullivan stated that Council's consideration of the extension of the turn lanes came from the brainstorming meeting results held by Council in August of 2003 where a small group of sixty people displayed by dots (14) their suggested choices on this issue.

Ms. Sullivan asked Council to consider the pedestrians and the impact that the extended turn lanes would have on them and on the some 800 properties along NC12. She asked that Council carefully consider any suggestions or considerations they make on turning lanes? She stated that she has never observed a traffic backup caused by people trying to turn on NC12.

Councilman Denny stated that Council doesn't usually respond during the public comment section of the meeting but that he deeply resents the implications voiced by Ms. Sullivan. He stated that no one on Council is promoting this.

Hearing no other business Mayor Sutherland moved to adjourn the meeting at 9:00 p.m. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; no Council Member voting no; and Council Member Sanders absent.

Paul Sutherland, Mayor

Carrie Gordin, Town Clerk