

Southern Shores Town Council
Town of Southern Shores, North Carolina
Regular Meeting
January 18, 2005
9:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on January 18, 2005, at the Pitts Center.

The following members were present:

Council Members: Jodi Hess, Dan Shields, David Sanders, and Brian McDonald
Absent: Mayor Hal Denny
Carl Classen, Town Manager
Carrie Gordin, Town Clerk

I. Opening

Mayor pro tem Hess called the meeting to order at 9:00 a.m. and announced that Mayor Denny is not feeling well and would not be in attendance today. She led the Pledge of Allegiance.

Moment of Silence: Mayor pro tem Hess asked that a moment of silence be held for Mayor Denny's health and to remember the important event coming up this week with the inauguration and a lot of preparation is being done so there are no problems and all the soldiers in our thoughts.

II. Approval of Agenda

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

III. Public Comment:

Neal Blinken of P.O. Box 1374, resident of Duck. He stated that he is a Town property owner, as well as he has members of his family who are residents of the Town. He addressed Council regarding his attendance at last night's Planning Board meeting. He stated that he was surprised at the assault on residential development discussed by the Planning Board.

Mr. Blinken referred to the draft zoning amendments 2005 P.B. 1 and 2. He stated that currently the zoning ordinance allows residential construction in the commercial zone by right but now appears to be under siege.

Mr. Blinken stated that the changes in the ordinance would prohibit single family, multifamily etc. from being allowed in the commercial zone. He stated that one of the

amendments proposes to increase the acreage for a Planned Unit Development (PUD) which would all but prohibit a PUD in Town. He stated that he doesn't believe that is what the town's people want. He offered to pay for a mailing to be sent to all Town residents asking the question, "Do you want the commercial zone restricted or to leave it as is"?

Gregory Testa of 53 Spindrift Trail stated that he is non-resident property owner. He appealed to Council regarding the Spindrift Multi-Use Path by asking that they take care and in the construction of the path and that as many trees as possible be saved. He asked that Council hold discussions with the affected property owners in dealing with trees. He also stated that when Council decides what type of surface to use for the path, asphalt vs. concrete, to consider the best type in the long run.

He also asked Council to consider the best way to enforce the trash can roll back ordinance without penalizing the non-resident property owners.

IV. Reports

A. Planning Board: Jim Groff, chairman gave a brief update of the meeting held last night. He reported that the Planning Board has presented new procedures for the meeting. He stated that the Planning Board will now have a Public Comment section as part of the monthly agenda and that the meeting time has been changed to begin at 7:00 p.m. instead of 7:30 p.m. He stated that a written recap of the meeting, as well as reports by the Stormwater Management and Long Range Planning committees would be given at the Council's February 1 meeting. He stated that the Board reviewed two applications as well as reviewed and discussed several draft ordinances. He stated the next Planning Board meeting is scheduled for February 21, 2005.

B. Mid-Currituck Sound Bridge Campaign Update: No report

C. Southern Shores Volunteer Fire Department: No report

V. Old Business

A. Natural Gas Franchise 2005-01-01

Mr. Classen explained that after Council's review of the draft Town attorney, Ike McRee amended to draft at Council's request. He stated that Council has before them the amended franchise agreement.

Upon review by Council, Council Member Shields moved to approve the franchise agreement as amended. Council Member Sanders seconded. The motion passed with Mayor pro tem Hess, Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Denny absent.

B. 2005 Spring Roads Improvement Project

Mr. Classen submitted project costs for the Spring 2005 Road Improvement Project to Council. He reminded them to delay proposed projects may jeopardize other projects or delay current projects.

Council Member Shields stated that for the Council to consider such projects he would like to see a 5-10 years road plan. He stated that the current budget has not been set for this project and Council needs to be able to budget properly.

Council Member Shields recommends not approving the project until after the retreat, at that time further discussion would be held.

Mayor pro tem Hess asked that staff provide Council with a CIP on this project at the February meeting.

Mr. Classen asked Council to authorize him to contract for the drainage issue in the Road Improvement Project on Sea Oats/13th Ave. and 11th Ave. stating that this really should not wait any longer. He advised that the bid process is not required for this type of project. He stated the cost for the construction is \$9,000 and that the engineering plans are already completed. Council Member Shields moved to approve the Town manager to let the contract for the above stated project. Council Member McDonald seconded. The motion passed with Mayor pro tem Hess, Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Denny absent.

C. Spindrift Trail Multi-Use Path

Mr. Classen stated that at the December 7 Council meeting, discussion ensued regarding whether the path should be constructed with asphalt or concrete. Since that time, he stated that Joe Anlauf with Quible and Associates has done considerable research as to which construction type will bring the Town the most advantageous life-cycle cost.

Mr. Anlauf presented information to Council and gave a detailed presentation.

Mike Hejduk suggested bidding the project as two separate contracts: 1) removal of trees and preparation and 2) concrete construction.

Council Member Shields expressed concern in whatever type of substance Council decides for the path that it should be uniform in future path projects.

Council Member Sanders expressed concern regarding the budget as well as studying the issue in more detail before making a decision.

Following much discussion Council Member Shields moved to amend Council's previous decision to use asphalt but instead to use non-tinted concrete. Council Member McDonald seconded. The motion passed with Mayor pro tem Hess, Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Denny absent.

Mike Hejduk suggested that Council consider the cost savings to include an asphalt

multi-use path at S. Dogwood when the road improvements are considered jointly with NCDOT, Dare County Board of Education and the Town.

Mr. Classen stated that he would include a Town multi-use path plan at the Council's retreat.

VI. New Business

A. Property Address Project

Fire Chief Bakken gave a presentation regarding a number of properties in Town that are difficult to find by ambulances, fire trucks, delivery trucks and others. He stated that in a recent survey it was found that over 800 properties did not adequately post their addresses in compliance with minimum local standards which is 3" high numbers; contrasting colors. He stated that the good news is that almost 2,000 homes are correctly addressed on-site.

He stated that hundreds of property owners have purchased the reflective address signs through the Southern Shores Volunteer Fire Department.

Upon review it was also found that certain property addresses are non-sequentially numbered or the numbering is inconsistent with standard practices.

He stated that there are several properties with duplicate numbers or using designated A, B and C, but not in order.

He stated that another problem is structures having an address on one street but effectively located (accessed) on another street. He reported that the most flagrant example of the problem is Town Hall, whose address is 6 Skyline Road but is accessed principally from North Virginia Dare Trail. He stated that the worse examples are homes where the driveway cannot be found from the street used as the address. He stated that no ambulance could find access to these homes in an emergency. He stated that staff plans to educate the various groups throughout Southern Shores highlighting this issue and urging people to come into compliance.

He stated that the goal is to seek the highest possible level of voluntary compliance. In many cases, the current property owners inherited a problem that they must now resolve.

B. Town Code Amendment-Paint Ball Guns

Mayor pro tem Hess stated that Council received a complaint from a resident regarding the use of paint ball guns in that they were noisy and that after the "games" paint ball debris and barricades were not removed.

Pat Wilson of 101 Bear Track initiated the complaint. Appearing at the meeting she stated that she moved to Southern Shores because it is beautiful, quiet and the common areas were to be undeveloped. She stated she walks her dog and she can hear the noise from the guns, they are not quiet and that the kids are screaming and yelling. She stated that she picks up her dog "poop" which is biodegradable and the dispensed paint balls should be picked up also.

Mrs. Wilson invited Council to visit the site on the Chicahawk common area to see the 25 barricades left there. She stated that she is not against children but she is against war. She stated that the Chicahawk board member children are some of those that are playing the paint ball games.

Mr. Don Snyder of 105 Bear Track addressed Council. He asked who is responsible. He stated that he called the president of the CPOA and was told the common area has no boundaries which the kids use.

He stated that he walks his dog and the kids were playing and were hiding close to the path and that an accident could happen. He stated that he has studied the paint ball games and that there are various degrees of power the guns expel. He stated that he is on the YMCA Board and had considered bring up paint ball games but that they require a large amount of supervision. He asked Council to take careful consideration regarding this issue.

Both speakers asked Council to look at the sites being used for these games.

Mr. Classen presented possible amended language to the Town Code relating to the use of paintball guns.

1. A person may discharge a compressed air gun firing projectiles of non-toxic, biodegradable paint or dye (commonly known as paintball guns) if:
 - a. An adult is on-site and supervising the activity; and,
 - b. The paintball gun is only discharged in, on or across property where the operator has prior written permission to discharge the gun.
2. For purposes of this section, the term "adult" shall be defined as a person who has attained the age of 21 or more and is presently living with one or more the persons discharging a paintball gun.
3. It shall be illegal for a person to discharge a compressed air gun firing balls of non-toxic, biodegradable paint or dye (commonly known as paintball guns) in, on or across property where the operator does not have prior written permission to discharge the gun.
4. The adult supervisor shall be liable both criminally and civilly for the action of persons under his supervision.
5. This ordinance shall be effective upon adoption and shall expire on December 31, 2009.

Additional recommendations were to consult with Town attorney regarding liability, to meet with parents and kids to discuss possible ordinance changes, inquire what the other towns and the County are doing, advise CPOA to request the change to the ordinance, to hold a public hearing to get the residents input on this before a decision is made, do nothing, or provide an allowable site.

Police Chief Pledger stated that added language needs to be included stating the pointing weapons at people not involved in the play is against the law.

Council directed the Police Chief to advise people first regarding that current Town law prohibits the firing of paint ball guns before any action is taken.

Al Foreman, a Dare County Parks and Recreation Board member stated that the County has offered a partnership with the YMCA to allow a "paint ball" area but nothing has been decided.

Council will review and discuss the pending language on this issue at the retreat and at the February 15 Council meeting.

C. Retreat Agenda

Mr. Classen presented a draft "Retreat" agenda.

Council requested that staff amend the agenda to include specific list of issues to be discussed by the groups or individuals listed to speak at the retreat. Council stated that it would be more productive to know what issues are going to be discussed prior to the meeting.

VII. Other Items

A. Council's Agenda-None

B. Mayor's Agenda

Mayor pro tem Hess stated that Council received calls from volunteers expressing their disappointment in the Town not having the Volunteer luncheon in December.

Mr. Classen stated that staff is in preparation and has set a date for February 11 for the luncheon. He stated that the theme is We Love Volunteers. He stated that more information would be given at the February 1, Council meeting.

Mayor pro tem Hess stated that Council has received calls regarding the County's tax re-assessment. She asked if it would be possible to have someone from the County Tax office to come to the February 1 Council meeting to explain the process of re-assessments. Mr. Classen stated that Town Hall also has received calls. He stated that as always, the tax rate is determined as [part of the budget process] and will reflect the needs of the community. He stated that he would contact the County tax office and let Council know if that could be placed on the agenda.

C. Manager's Agenda

Mr. Classen stated that Jay Russell, a retired lighting contractor and vice chairman of the Planning Board, has been working with Town staff to develop a plan for improving lighting inside and outside of Town Hall. MOS Electric (David Strickland, town resident) has worked with Jay in getting the prices for the Town and improvements will be installed over the winter and spring.

Mr. Classen provided quotes from Waste Industries and Waste Management for an interim C&D dumpster at the Public Works Building until a contract can be worked out with Dare County. Mr. Classen stated that the County contract is renewable in about six months.

At Council's request this issue will be further discussed at the retreat and a plan submitted at the February 15 Council meeting.

Mr. Classen recommended an additional pickup before the annual spring large item pickup. He will talk to SSCA regarding the use of the Hillcrest Parking Lot as the staging area to be used the first part of April following Easter weekend.

VIII. Public Comment-No additional comments

Hearing no other business, Council Member Shields moved to adjourn the meeting at 11:50 a.m. Council Member Sanders seconded. The motion passed with Mayor pro tem Hess, Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Denny absent.

ATTEST:

Respectfully submitted:

Mayor pro tem Hess

Carrie Gordin, Town Clerk

