



Town of Southern Shores

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Southern Shores Town Council
Town of Southern Shores, North Carolina
Regular Meeting
March 1, 2005
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on March 1, 2005, at the Pitts Center.

The following members were present: Mayor Hal Denny, Council Members: Jodi Hess, Dan Shields, David Sanders, and Brian McDonald

Also present were: Carl Classen, Town Manager; Carrie Gordin, Town Clerk; and Ike McRee, Town Attorney

OPENING

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

Mayor Denny called for a moment of silence for the family of Susan Davis and for Ginny Albrecht who is in Britt Haven.

APPROVAL OF AGENDA

Mayor Denny requested that the agenda be amended to include a closed session meeting to consult with the attorney. Council Member Shields moved to approve agenda as amended. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

APPROVAL OF MINUTES

Council Member Shields moved to approve the February 1 and February 15, 2005 minutes as presented. Council Member McDonald seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

PUBLIC COMMENT

Mayor Denny opened the floor for public comment.

Geri Sullivan, 31 Tenth Ave., stated her opposition to installing a center turning lane on NC12.

Bob Palombo, 159 Duck Road, also stated his opposition to installing a center turning lane on NC12.

Linda Lauby, 75 E. Dogwood Trail and business owner in Southern Shores Crossing (Outer Banks Press), urged Council to allow citizens to vote for mixed beverages.

John Gaw, 75 E. Dogwood Trail, asked that Council allow the citizens to decide on a liquor-by-the-drink issue.

Brian Ellis, 317 Oak Run, Kitty Hawk and restaurant owner in Southern Shores Crossing (Meridan 42), submitted a letter of request asking the Council to allow the citizens to decide on liquor-by-the-drink issue. He also delivered a petition with over 500 signatures showing support for this position.

Thomas Carroll, no address given, stated that he is a former restaurant owner in Corolla and he supports the request made by Meridan 42.

Kari Pfau, 127 Tall Pine Lane, stated that she is a restaurant owner in Corolla and supports putting the liquor-by the drink question on the ballot.

Lynn Haywood.70 Hickory Trail, stated that he supports putting the liquor-by the drink question on the ballot.

John Maloney, 194 Bright Lantern, stated that he supports putting the liquor-by the drink question on the ballot.

REPORTS

Planning Board

Planning Board-Chairman Jim Groff presented a written report from the February 21, 2005 meeting, which is attached hereto as Exhibit A and made part of these minutes.

Mr. Groff reported that the Planning Board recommended the following actions for the Town Council:

1. Approve, with conditions, the site plan application for the Shoreline Professional Building (LDA 2004-12-04), a two story professional office building.
2. Approve, with conditions, the site plan application for the Sandy Ridge Center LDA 2005-01-01), a shopping center at 5325 N. Croatan Highway.

Mid-Currituck Sound Bridge Campaign Update

Geri Sullivan reported that a meeting would be held tomorrow [March 2] at the Sanderling Inn to meet with the lobbyist, Mr. Mannina, to discuss the drafting of the federal legislation.

Southern Shores Volunteer Fire Department

Fire Chief Bakken presented a monthly report and asked that if anyone is interested in becoming a volunteer fireman to contact any fire person or call the fire station.

Canal Dredging Project

Mayor Denny reported that an agreement in principle has been reached with four property owners on Hillcrest Drive for establishment of a spoils site. He also reported that the dredging grant application would be submitted in the spring. Mayor Denny asked the audience to write to Senator Basnight and Representative Culpepper supporting the funding request.

PUBLIC HEARINGSConditional Use Hearing- Verizon Wireless Communication (LDA 2004-12-01)

Mayor Denny called the hearing to order. Verizon has requested place a telecommunications facility at the Dare County Water Tower, 18 South Dogwood Trail. Carrie Gordin, Town Clerk, swore in Jim Groff, Catherine Faulkner (Verizon Wireless Real Estate manager), and Brent McPherson (public).

Ms. Faulkner stated that she has been working with Mr. Hejduk on this project and that there appears to be no concerns. She stated that she would answer any questions. Mr. McPherson, no address given, reported that the ladder on the Dare County water tank needs to be re-attached as a safety issue. Bobby Outten, Dare County attorney, was present at the meeting and stated that Dare County would be advised.

Hearing no other comments, Mayor Denny closed the public hearing.

Council Member Shields moved to approve the Summary of Facts as presented and to approve application LDA2004-12-01 for a telecommunications tower with conditions. Council Member McDonald seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent. A copy of the Summary of Facts with conditions as approved, is attached hereto and made a part of these minutes as Exhibit B.

Ordinance #2001-01-01-An Ordinance Amending the Zoning Ordinance Relating to Setbacks

Mayor Denny opened the public hearing. No comment was forthcoming. Mayor Denny closed the public hearing.

Council Member McDonald moved to approve Ordinance No. 2005-01-01 as presented. Council Member Sanders seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent. A copy of Ordinance No. 2005-01-01, as approved is attached hereto and made a part of these minutes as Exhibit C.

CAMA Land Use Plan Grant Application: Scoping Document

Mayor Denny opened the public hearing.

Mr. Classen explained that the Town is eligible for a grant to help pay for the State-mandated CAMA Land Use Plan, which State law requires to be regularly updated. He stated that the last Town CAMA Land Use Plan was certified by the Coastal Resource Commission on September 25, 1998, so the Town is now due to update its Plan. As part of the grant application process,

Town participated in a "scoping" meeting and that the "scoping" document is the subject of this public hearing.

Hearing no other comments Mayor Denny closed the public hearing.

Council Member Shields moved to approve the CAMA Land Use Plan Grant Application and Scoping Document, including any corrections. Council Member McDonald seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

OLD BUSINESS

Salt Water Fishing License

Council received pertinent documents at their February 15 Council meeting regarding legislation on salt water fishing licenses and they agreed to authorize the Mayor to bring the matter back to them for discussion at his discretion.

Mayor Denny presented a draft letter for Council's review and consideration to be sent to local State legislators. Council Member McDonald moved to send the letter to Senator Basnight and Representative Culpepper. Council Member Sanders seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

NEW BUSINESS

Site Plan Review- Shoreline Professional Building (LDA2004-12-04)

Mr. Classen stated that, pursuant to Section 10.04.B.4. of the Southern Shores Zoning Ordinance, the Planning Board has recommended the approval of the site plan application (LDA2004-12-04) from Shoreline Builders, Inc. for construction of a commercial building at 6475 North Croatan Highway in the Town's Extra-Territorial Jurisdiction (ETJ) with conditions.

He provided a copy of the Summary of Facts, plus the Planning Board recommendation, and additional staff comments and recommendations to Council.

Council Member Shields moved to approve the Summary of Facts and the application LDA2004-12-04 for Shoreline Professional Builders for the Shoreline Professional Building with conditions. Council Member McDonald seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent. A copy of (LDA2004-12-04) as approved, is attached hereto and made a part of these minutes as Exhibit D.

Site Plan Review – Sandy Ridge Shopping Center (LDA2005-01-01)

Mr. Classen stated that, pursuant to Section 10.04.B.4. of the Southern Shores Zoning Ordinance, the Planning Board has recommended that Town Council approve the site plan application from Davco Electric, Inc. for construction of a commercial building at 5325 North Croatan Highway. He provided a copy of the Summary of Facts, plus the Planning Board recommendation, and additional staff comments and recommendations to Council.

Council Member Shields expressed concern regarding the ingress/egress on the west end of the property and recommended that the entrance be placed in the middle of the property. He stated that future traffic impact should be considered.

Mike Robinson, engineer for the site stated that NCDOT made the recommendations for the driveway locations as well as approving them.

Discussion was held regarding the moving of the sign closer to the east entrance with a shared driveway by the adjacent Goodwill store. Mike Davenport, owner of the property stated that he would prefer not to do that.

Mr. Classen stated that moving the location of the sign would encourage people to use the east entrance. Mr. Classen stated that the details could be worked out with Mr. Hejduk. It was suggested to move the sign 50' east of the proposed area.

Council Member McDonald moved to approve the Summary of Facts and the application (LDA2005-01-01) for Sandy Ridge Shopping Center with conditions. Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent. A copy of Summary of Facts (LDA2005-01-01) as approved, is attached hereto and made a part of these minutes as Exhibit E.

Government Access Channel Budget

Council Member Hess moved to approve the Government Access Channel FY2005-06 budget with cost allocations as presented. Mayor Denny seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent. A copy of the cost allocation is attached hereto and made a part of these minutes as Exhibit F.

Petition for Mixed Beverage Election

Mayor Denny stated that from the public comments heard at tonight's [March 1] meeting, as well as the petition submitted by Brian Ellis, owner of Meridan 42 restaurant, and given the manager's summary provided on the process for the conduct of a mixed beverage election, he would support holding the referendum.

Council Member McDonald previously submitted questions to the manager regarding expected revenues and how soon revenues would be expected if approved. Mr. Classen explained that the ABC Revenues are shared by the municipalities who allow liquor by the drink. He stated that Council needs to consider the time frame held for the election, as a special election or on the ballot for the scheduled November election.

Council Member McDonald moved to authorize and direct the Town Manager to request the Dare County Board of Elections to hold a special election in early May for liquor by the drink in accordance with the General Statutes. Mayor Denny seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Council Member Shields suggested that Council request the Planning Board to review the Zoning Ordinance for any appropriate changes that may be needed in light of the election just requested. Hearing no objection, Mayor Denny so ordered.

OTHER ITEMSCouncil Items

Council Member McDonald stated that he is glad to see the Long Range Planning Survey.

Council Member Shields reported that the Stormwater Committee submitted a draft letter to Senator Basnight and are awaiting comments before a final report is completed. He stated that the stormwater grant application is being reviewed.

Mayor's Items

Mayor Denny announced that he had appointed a Paint Ball Advisory Committee pursuant to Council's action at the February 15, 2005, Council meeting. The members are: Dick Wood (Chairman), Mike Bishal, Laurie Graham, Margaret Lawler, Donn Snyder, Pat Wilson, and Council Member Dan Shields. Additionally, the Town Manager has assigned Sgt. Matt Anderson of the Police Department to work with the Committee.

Mayor Denny stated that the Town staff is working on the Town Street Numbering Project and that one of the problem areas is Town Hall, by having the address of 6 Skyline but having no access from Skyline. He stated that suggestions are needed to possibly re-name the street in front of Town Hall. He suggested the name "Southern Shores Way".

Mayor Denny reported that he would be attending a meeting with the Dare County Emergency Management Control Group to discuss issues with the County ordinance passed in August 2004 relating to emergency management.

Mayor Denny announced that the Outer Banks Transportation Task Force is holding several public input meetings to discuss local traffic issues in Dare and Currituck counties. Mayor Denny invited everyone to attend the meeting to be held Monday March 7, 2005 at 7 p.m. in the Pitts Center.

Mayor Denny commended the volunteers and staff for a job well done in getting out the Long Range Planning Committee's survey.

Mayor Denny reported that the Kern and Ginks Pitts Fund, which is administered by the Currituck-Dare Community Foundation, reported that \$500 was available for distribution this year. The Allocations committee awarded the \$500 to the SSCA.

Mayor Denny stated that he continues to support Bob Palombo's statement made under Public Comments to reduce the speed limit to 35 mph on NC12 during tourist season.

Town Manager's Items

Mr. Classen reported that he met with the SSVFD members regarding the grant application for telecommunications. A meeting is set for March 21 to talk with Dare County Emergency Management, Dare County Sheriff's Department and the Police Department.

Mr. Classen reported that the Town needs to select an auditor for the current fiscal year. He stated that, typically, audit contracts are for three-year terms, but the amount is agreed upon annually. He asked that Council authorize staff to issue an RFP that is based upon the Local Government Commission (LGC) requirements, but has been shortened to fit our smaller town

government. He stated that responses to the RFP would be received in time for Council to make its selection at the April 4th Council meeting (and staff can include the cost in budget preparation).

Council Member Shields moved to authorize the Town manager to issue an RFP for an auditor. Mayor Denny seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Glenn Alexander, Public Works director reported the beach clean-up from the nor'easter has been completed. He stated that the Town volunteers were instrumental in getting a 4-day job completed in two days. He thanked all the volunteers for their help. He reported that it took six 20 cubic yard dumpsters to hold the debris and that the volunteers saved the Town many thousands of dollars in labor costs. Mr. Classen stated that there was more debris from this nor'easter than from Hurricane Isabel. Mr. Classen also reported that the Public Works Dept. has constructed five "hatteras-style" ramp sections to be used for emergencies at the SSCA emergency crossovers.

Police Chief Pledger presented the monthly crime report.

Town Attorney's Items

Mr. McRee reported that the agreement to transfer the SSCA Canals to the Town is being drafted. He stated that a description of the Gravey Pond area is needed before the quit claim deed can be completed and signed by CPOA for transfer to the Town.

Mr. McRee stated that the attorney for Mr. Franchi and himself (representing the Town) have come to an agreement that the litigation could be disposed of procedurally and not go to trial. He stated that he would keep Council informed on this issue.

PUBLIC COMMENT

Mayor Denny called for additional comments from the public. No comments were received.

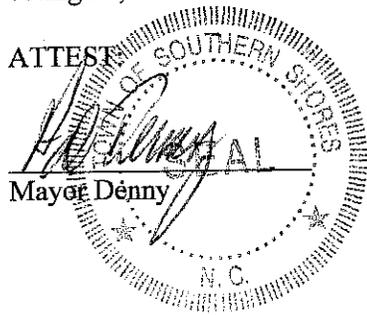
CLOSED SESSION

Mayor Denny moved to enter closed session for consultation with legal counsel as per NCGS.143-318.11 (a)(3). Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Upon conclusion of the closed session, Mayor Denny moved re-enter open session and to adjourn the meeting at 10:10 p.m. Council Member Shields seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

ATTEST

Mayor Denny



Respectfully submitted:

Carrie Gordin
Carrie Gordin, Town Clerk