



Town of Southern Shores

6 Skyline Road, Southern Shores, North Carolina 27949

Phone 252-261-2394 | Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Southern Shores Town Council
Town of Southern Shores, North Carolina
Regular Meeting
January 3, 2006
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on January 3, 2006, at the Pitts Center.

The following Council Members were present: Mayor Don Smith, 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 Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance

Mayor Smith held a moment of silence for the family of Rick Herron, who died in a tragic car accident and for all the men and women in the service around the world and for the trapped miners in West Virginia.

APPROVAL OF AGENDA

Mayor Smith asked if there were any changes to the agenda. Council Member Shields moved to approve the agenda as presented. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

APPROVAL OF MINUTES

Mayor Smith presented the December 6, 2005 Council minutes for approval. Council Member Shields moved to approve as presented. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

PUBLIC COMMENT

Mayor Smith opened the Public Comment section of the meeting and stated that before tonight's meeting began he and the Town manager had held the first "Mayor/Manager Chat" to hear comments from the citizens.

Jim Evans, Republic Cove Partners, addressed Council regarding the Cove at Southern Shores a multi-family housing development. Mayor Smith stated that since this is an item on the agenda, Mr. Evans could speak at that time.

Bob Palombo, 159 Duck Road, stated that the citizens of Southern Shores are opposed to NCDOT's proposal to widen NC12. He asked that Council express their opinion on NCDOT's proposal to widen NC12.

Gerri Sullivan, 31 10th Avenue, stated that she is opposed to NCDOT's proposed NC12 changes.

Robin Morgan, 57 Deer Path Lane, is opposed to NCDOT's NC12 proposal.

Hearing no further public comments, Mayor Smith closed the public comment section of the meeting and continued with the meeting.

REPORTS

Planning Board

Jim Groff, Planning Board Chairman, presented the Planning Board recap for the December 19, 2005 meeting.

(Clerk's Note: A copy of the December 19, 2005, Planning Board Report is attached hereto as Exhibit A and made part of these minutes).

Mid-Currituck Bridge

Bob Palombo reported that NCDOT is attempting to divert funding from East Carolina University. Those funds are to be used for a study on the proposed Mid-Currituck Bridge. This issue is being worked out at the federal level.

Southern Shores Volunteer Fire Department

Fire Chief Harvey presented the monthly fire report.

Long Range Planning Committee Final Report

Joe Walter, Chairman, presented the Long Range Planning Committee Final Report to Council. Chairman Walter recognized his committee and thanked them for all the work they did. He then reviewed the findings and recommendations contained in the Report.

After discussion and hearing no objection, Mayor Smith ordered the Report be placed on the Retreat agenda for additional review and discussion with the Committee.

OLD BUSINESS

NC12 Road Improvement Project

Mr. Classen reported that on December 20, 2005 he received an email from NCDOT stating they were going for bid on the NC12 road improvement but that the plan shown exceeded what Council approved in 2004 and the plan did not address stormwater issues in the expanded area. Mr. Classen had invited NCDOT representatives to attend the meeting tonight but no one was available. Mr. Classen presented Resolution 2006-01-02 relating to NC12 improvements.

After extensive discussion, Council Member Shields moved to approve Resolution 2006-01-02 relating to NC12 improvements. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields and McDonald voting aye; Council Members Hess and Sanders voting no; and no Council Member absent or not voting.

After further discussion, Council Member Shields moved to amend his motion to approve Resolution 2006-01-02 relating to NC12 improvements to change lines 32-35 to read that the NCDOT project would widen the NC12 roadway to *five lanes* to Southern Shores Realty; *four lanes* to Skyline Road; and *three lanes* to the "split" at Duck Road/Ocean Blvd. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields and McDonald voting aye; Council Members Hess and Sanders voting no; and no Council Member absent or not voting.

(Clerk's Note: A copy of Resolution 2006-01-02 as approved is attached hereto as Exhibit B and made part of these minutes).

Resolution 2006-01-01 - 2006 Council Meeting Schedule

Mayor Smith stated that Resolution 2005-12-01 - 2006 Council Meeting Schedule has been amended to include dates for the Council "Retreat" as well as additional date changes due to Dare County elections being held on the same Tuesday as some Council meetings.

Council discussed holding the Joint Planning Board/ Council meeting on January 13 at 1:00 p.m., following the Retreat. Council Member Shields moved to approve the amended Resolution 2006-01-01 2006 Council Meeting Schedule. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; no Council Member absent or not voting.

(Clerk's Note: A copy of Ordinance 2006-01-01 – 2006 Council Meeting Schedule as approved is attached hereto as Exhibit C and made part of these minutes).

Shoreline Management Commission Representative

Mr. Classen stated that Warren Judge, Chairman of the Dare County Shoreline Management Commission, is requesting an appointment to the Commission from Southern Shores. The Commission is made up of one (1) local elected representative from each Town and one representative of the County Commissioners.

Former Mayor Hal Denny represented the Town on the Commission, which was formed by Dare County in 2005. He stated that Council may select the mayor or any council member to serve on the Commission.

Mark Martin, 191 Wax Myrtle Trail, gave an overview of the Commission goals stating that this group is starting anew and gave the names of the other Town representatives and that it is important that Council select someone tonight.

Council Member McDonald moved to appoint Mayor Smith as the Southern Shores representative. Council Member Shields seconded. Hearing no other nominations the motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; no Council Member absent or not voting.

Tourist Board Representative

Mr. Classen submitted a letter from former Mayor Hal Denny stating that he will resign his position as a member of the Dare County Tourism Board effective with the selection of a replacement. His term on the Board is set to expire December 2006 and terms are for two years; members may be re-appointed. He stated that the Town nominates two people – typically two members of the Town Council – to the Dare County Board of Commissioners, which actually makes the final selection of one of the submitted nominations.

Mayor Smith nominated Council Member Shields as the primary nominee. Council Member Shields moved to nominate Council Member Hess as the secondary nominee. Hearing no objection so moved. Discussion was held following the nominations that the two names appointed by Council would be submitted to the Dare County Commissioners, as requested, for appointment of the Town's representative on the Tourism Board.

NEW BUSINESS

The Cove at Southern Shores (LDA-2005-12-02) Request Permit Extension

The Council is in receipt of a written request from James Mazingo (McKim & Creed) for a 90-day extension to the site plan approval for The Cove at Southern Shores, a multi-family housing development.

Jim Evans of Republic Properties Corporation, stated the extension request is needed to complete CAMA review. He stated that, due to CAMA dates for submittal review and approval, The Cove was unable to meet the existing Town deadlines.

Mr. Groff, Planning Board chairman, stated that this issue has not been brought before the Planning Board and that he is unsure of where The Cove stands with the conditions as approved by Council of the site plan. Mr. Evans stated that the request does not affect the conditionally approved site plan.

Council Member Shields moved to approve the 90-day extension request to the site plan approval for The Cove. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; no Council Member absent or not voting.

Planning Board Recommendation-Zoning Ordinance # 2006-01-aa regarding Church Height

Mr. Classen stated that the Planning Board report from December 19, 2005 included a recommendation allowing the maximum height of churches to be amended to 35 feet for the top plate and 65 feet for the spires and other similar appurtenances but the Planning Board did not specify a maximum height for the roof. He stated that staff has drafted Ordinance 2006-01- aa to reflect the recommended height as well as adding a provision for "Group Development" to church conditions similar to that already found under Commercial District conditions. He stated that this would allow for addition of heated space in a new wing without enclosing the existing gazebo in the first phase of expansion per the Master Plan.

Mr. Edwards, a member of the Church Board stated that the height extension for the spire does not need to be decided at this time but that the requirements need to be known when Phase 1 is implemented even though the spire is not needed until Phase 2 is under construction.

Following discussion, Mr. Groff recommends that Council not act on Ordinance 2006-01-aa Church Facilities and re-submit the Ordinance to the Planning Board for additional review and recommendation.

Hearing no objection, Mayor Smith stated this matter will be laid over until the Planning Board submits their recommendation.

OTHER ITEMS

Council Members

Council Member Hess noted an article in the *Virginia Pilot* regarding Phragmites (destructive aggressive wetland grass). Mr. Classen stated that a public information workshop sponsored by the NC Cooperative Education was held in the Pitts Center on this issue.

Mayor

Mayor Smith stated that he would like to ask the Town manager to draft a local act filling a Council vacancy by a special election instead of appointment by Council.

Following discussion, and hearing no objection, Mayor Smith directed the Town manager to draft language for a local act for Council's review at the January 24th Council meeting.

Mayor Smith announced that Jim Conners has submitted his resignation from the Vegetation Management Board. Mayor Smith thanked Mr. Conners for his comments and that they will be taken under advisement.

Town Manager

Mr. Classen presented a draft agenda for the 2006 Annual Retreat, which will be held on January 12-13, 2006. The agenda was developed based upon prior Council retreat agendas and with input and suggestions from the Mayor and Council.

Mr. Classen provided draft Ordinance 2006-01-bb relating to traffic control signs, which would allow Staff to be able to respond to requests for traffic control signs in a quicker manner than waiting to have the request come before the Town Council. Ordinance 2006-01-bb amending the Town Code would provide for approval of traffic control devices by the Town manager but clearly state that the Town Council may override a Town manger decision and direct the public works department to install the sign. Hearing no objection, Mayor Smith ordered this item will be placed on the January 24th meeting agenda.

Mr. Classen called upon Police Chief Pledger to give the monthly report. Chief Pledger also reported a fatal accident of a local that happened on 1st Avenue.

Mr. Classen asked Council to approve the Tax Pickup and Releases for December 2005. Council Member Shields moved to approve the Tax Pickup and Releases for December 2005 as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Town Attorney

Mr. McRee had no comments.

PUBLIC COMMENT

Mayor Smith opened the Public Comment section of the meeting.

Bob Palombo, 159 Duck Road, stated that Council voting in support of Resolution # 2006-01-02 relating to NC12 improvements goes against the citizens who said they do not want any changes to NC12.

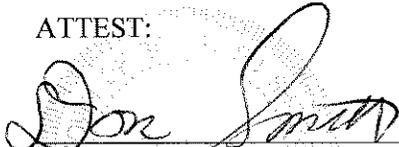
Hearing no further public comments, Mayor Smith closed the public comment section and continued with the meeting.

ANNOUNCEMENTS

Mayor Smith reminded the public that Council's mid-month meeting will be held on the fourth (4th) Tuesday of the month at 9:00 a.m. in the Pitts Center beginning January 24, 2006.

Hearing no other business, Council Member Shields moved to adjourn the meeting at 9:45 p.m. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

ATTEST:



Mayor Don Smith

Respectfully submitted:



Carrie Gordin, Town Clerk

Memorandum

To: Southern Shores Town Council
CC: Town Manager
From: Jim Groff, Chairman, Planning Board
Date: 3/8/2006
Re: Recap, Planning Board Meeting of December 19, 2005

Planning Board recommended actions for the Town Council:

- 1. Set a public hearing date and adopt an amendment to the zoning ordinance allowing group development structures connected by a breezeway or covered walkway(s), and establishing a top plate height of 35 feet and a maximum height, (for steeple or spire), of 65 feet for the main sanctuary or assembly hall, (only), as a permitted conditional uses for churches.**

Organization: Chairman Groff called the meeting to order at 7:02 PM. Planning Board members Kowalski, Russell, Peckens, and Walter as well as Alternates Poisal and McDanel, were present. Also present were Code Enforcement Administrator Hejduk, Fire Inspector Bakken and Administrative Assistant Gabrys. Participating in this meeting were Duck Woods Country Club representatives J. Boldiga and R. Sharpe, ECB representative Olin Davis, All Saint's Church representatives T. Judge and R. Edwards, (plus a substantial number of parishioners), and Southern Shores Realty representative M. Stone. Subsequent to approval of the agenda, the Board approved the minutes of its October 17, 2005 meeting.

Public Comment: None

Committee Reports:

- 1. J. Walter** advised that the **Long Range Plan Advisory Committee's** report was at the printer, with an anticipated availability date of January 3rd, in time for the next Council meeting.
- 2. J. Russell, Stormwater Management Advisory Committee,** noted that the consultant developing solutions to the NC 12 stormwater problems gave a summary of their findings to date, to the Planning Board on December 13th. He further commented that that evening's presentation for the citizens of Southern Shores drew less than a half dozen people.
- 3. M. McDanel** stated that the **Home Occupation Committee's** public meeting on December 7th generated spirited debate regarding potential revisions to the existing ordinance, and noted that the audience consisted primarily of

approximately 25 individuals who conducted business from their home. The Committee will consider these comments, and others, when it next meets on this issue.

Site Plan Applications:

- 1. LDA 2005-06-01 Duck Woods Country Club - Amended Site Plan:** Due to delay in providing required information and time for staff to complete its review, consideration of the amended site plan, by motion, (5-0), was held over to the January meeting of the Board.
- 2. LDA 2005-06-01 All Saint's Church, (ASC) - Proposed Amendment to the Zoning Ordinance:** To meet expansion needs, ASC previously brought to the Board, and subsequently to the Council, a master plan that incorporated modifications to existing, as well as new, structures. While this plan was generally favorably received, it was noted at the time that site plans for each phase of construction would be considered separately. For guidance to their architect, however, the ASC sought relief from the 35' height restriction currently in effect for the Town's RS-1, (single family residential), district. Discussion revealed that the ASC was only seeking relief for one structure, specifically the assembly hall, (aka the sanctuary), and all other buildings in their proposed complex would comply with the existing restrictions of 26', (top plate) and 35', (maximum height). While there was concern as to whether precedent might be set, the Board, by motion, (4-1), agreed to recommend to Council amending section 7.01 of the Zoning Ordinance to increase the top plate height limitation for a church's principal assembly hall, (i.e. sanctuary), to 35 feet and the maximum height limitation to 65' to accommodate steeples and spires. Included in this motion addressing conditional uses permitted, was allowing group development of church structures provided all buildings are at least 2500 square feet in size and connected by a breezeway or covered walkway.

Policy Discussions:

- 1. East Carolina Bank, (ECB) - Temporary C/O Request:** Phase 1 of the ECB project is almost complete. Olin Davis commented that since State law prohibits closure of banks on other than weekends and holidays, the bank has to transfer its operations from the old structure to the new over a weekend. Using a sketch, he sought Board approval of proposed temporary parking and traffic flow until phase II of the project is complete. (Phase II entails demolition of the old bank and installation of the new septic drain field, parking lot, landscaping, multi-use path, etc.) The Board suggested minor revisions to the proposal, which Code Enforcement will pursue, and recommended Code Enforcement extend the time limit for completion of Phase II by 90 days.
- 2. Powers and Duties of the Planning Board:** At the Chairman's request, the packet contained a copy of Section 7-20 of the Town Code addressing "Powers and Duties" of the Planning Board. The charter, "...to bring about a coordinated and harmonious development of the area" is quite broad and, recognizing that the degree to which this mandate is implemented rests with the Town Council, the Chairman sought Board concurrence to address this issue at a joint Planning

Board/Council meeting. Discussion revealed unanimous support for pursuing the issue at a joint meeting.

- 3. Lot Coverage:** In a memo to the Board Chairman, M. Hejduk provided rationale for proposed amendments to the Zoning Ordinance regarding lot coverage.

Subsequent to discussion, the Board agreed to pursue this issue at a workshop which would include both civic association ARBs and the Vegetation Board. Tuesday afternoons appeared to be the preferred time for workshop meetings.

Other Business:

1. The Chairman, in consonance with Staff, will pursue dates for two workshops, one continuing commercial use/home occupations/privilege tax ordinance amendments and the other addressing lot coverage. Included in its January meeting will be discussion of allowing "pods" for limited periods of time in residential areas to facilitate movement of household goods.
2. Code Enforcement provided Board members with newspaper clippings citing the problems other communities' are experiencing in attempting to improve neighborhoods by revising existing ordinances.

Announcements: Next meeting: Monday, January 16, 2006; 7:00 PM; Pitts Center.

Adjournment: Upon motion, the Board meeting adjourned at 9:05 PM

Exhibit B

Resolution No. 2006-01-02

A RESOLUTION OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO NC12 IMPROVEMENTS

WHEREAS, the North Carolina Department of Transportation (NCDOT) first presented its plan to widen NC12 to the Town Council in May, 2004, and this plan proposed widening NC12 to three (3) lanes from the Town's southern border to the intersection with Chicahauk Trail; and

WHEREAS, the Town Council met with NCDOT representatives and received public comment on the plan; and

WHEREAS, on June 1, 2004, the Town Council approved a compromise plan that called for installation of a three-lane improvement from the Town's southern border to Skyline, extending the left turn lanes at Chicahauk Trail, and for a cooperative agreement for the installation of stormwater drainage at a problem area near Southern Shores Realty; and

WHEREAS, this project was originally scheduled to be completed during the winter 2004-05 but was delayed by NCDOT; and

WHEREAS, the Town worked with NCDOT on the stormwater issues along NC12 (including the problem at Southern Shores Realty), jointly entered into a stormwater study agreement with NCDOT, and even recently jointly worked on pedestrian safety improvements to the NC12/Virginia Dare Trail

intersection and at no time was there any thought that the original compromise was not the plan being developed for bidding by NCDOT; and

WHEREAS, despite reported funding shortfalls, NCDOT informed the Town on December 20, 2005 that the NCDOT project would widen the NC12 roadway to five lanes to Southern Shores Realty; four lanes to Skyline Road; and three lanes to the "split" at Duck Road/Ocean and the bidding would be underway in January 2006;

NOW THEREFORE, BE IT RESOLVED that the Southern Shores Town Council opposes any widening of NC12 beyond the compromise improvements to Skyline Road as approved on June 1, 2004; and,

BE IT FURTHER RESOLVED that the Southern Shores Town Council finds the method by which the NCDOT surprised the Town with this action is unseemly and violates the cooperative spirit normally enjoyed by the Town and State agency representatives; and,

BE IT FURTHER RESOLVED that a copy of this Resolution be given to Senator Basnight, Representative Culpepper, Division 1 Transportation Board Member Stan White, to the Mayors of all Towns in Dare County, and to such other people as the Mayor or Town Manager deem appropriate.

Adopted this 3rd day January 2006.



Don Smith, Mayor

ATTEST:

SEAL

Carrie Gordin, Town Clerk

Exhibit C

Resolution No. 2006-01-01

**A Resolution of the
Town Council of Southern Shores, North Carolina,
Relating to the 2006 Meeting Schedule**

WHEREAS, the Town Council of Southern Shores hereby resolves to implement the following as its monthly meeting schedule for calendar year 2006 and;

BE IT RESOLVED, by the Town Council of Southern Shores, North Carolina, meeting this 3rd day of January, 2006, that regular monthly meetings of the Town Council of the Town of Southern Shores will take place generally on the first Tuesday of each month beginning at 7:00 p.m. in the Kern P. Pitts Center but more specifically as follows:

- | | | | |
|---|-----------------------------|----|----------------------------|
| 1 | Tuesday, January 3, 2006 | 6 | Tuesday, June 6, 2006 |
| 2 | Wednesday, February 8, 2006 | 7 | Wednesday, July 5, 2006 |
| 3 | Tuesday, March 7, 2006 | 8 | Tuesday, August 1, 2006 |
| 4 | Tuesday, April 4, 2006 | 9 | Tuesday, September 5, 2006 |
| 5 | Wednesday May 3, 2006 | 10 | Tuesday, October 3, 2006 |

1 Wednesday, November 8, 2006

3 Tuesday, January 2, 2007

2 Tuesday, December 5, 2006

4

5 **BE IT FURTHER RESOLVED**, that additional regular monthly daytime meetings of Council will
6 take place generally on the fourth Tuesday of each month, being called to order at 9:00 a.m. in the
7 Kern P. Pitts Center but more specifically as follows:

8

9 Tuesday, January 24, 2006

15 Tuesday, July 25, 2006

10 Tuesday, February 28, 2006

16 Tuesday, September 26, 2006

11 Tuesday, March 28, 2006

17 Tuesday, October 24, 2006

12 Tuesday, April 25, 2006

18 Tuesday, November 28, 2006

13 Tuesday, May 23, 2006

19 Tuesday, January 23, 2007

14 Tuesday, June 27, 2006

20

21 **BE IT FURTHER RESOLVED**, that to process routine actions in an expeditious manner, a
22 consent agenda may be utilized and administered by the Town Manager as part of Council's
23 regular meeting agenda; and

24

25 **BE IT FURTHER RESOLVED**, that the Town Council will conduct a retreat workshop
26 meeting during the period January 12-13, 2006 beginning at 8:00 a.m. on January 12th in the Pitts
27 Center; and

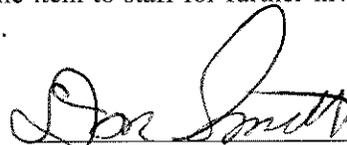
28

29 **BE IT FURTHER RESOLVED**, to insure public comment is heard, one or more Public
30 Comment sections will be continued on the agenda at regular monthly meetings of Council. Such
31 comments shall be brief and to the point. Neither the Mayor nor Council shall comment on items
32 raised by the public except that the Mayor may refer the item to staff for further investigation or
33 to place the item on the agenda for future consideration.

34

35 Adopted this 3rd day of January 2006.

36



Mayor Don Smith

37

38 ATTEST:

S E A L

39

40 Carrie Gordin, Town Clerk

41

42

43

44

45

46

47

48

49

