Town of Southern Shores

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Southern Shores Town Council
Town of Southern Shores, North Carolina
Special Meeting
Council Retreat
January 12-13, 2006
8:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on January 12, 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 and Carrie Gordin, Town clerk.

OPENING

Mayor Smith called the meeting to order at 8:00 a.m., led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Smith asked if there were any changes to the agenda. Council Member Hess requested that the Closed Session on the Retreat agenda be changed to the January 24 Council meeting. Mayor Smith stated hearing no objection so ordered.

Mayor Smith stated that Cheryl Byrd, Dare County Commissioner, will be the guest speaker during lunch to discuss the distribution formula used for allocating Occupancy, Sales and Land Transfer taxes.

Council Member McDonald moved to approve the agenda as amended. Mayor Smith 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.

NCDOT Project to Widen NC12

Mr. Classen stated that several calls have been placed to NCDOT representatives as well as Senator Basnight's office stating that they do not support the latest proposal by NCDOT to widen NC12. He stated that Mayor Smith and he met with NCDOT representatives on January 4 to discuss the latest proposal. Council Member Sanders attended part of the meeting.

Discussion was held regarding the impact these improvements would have on the Town. Mayor Smith recommends that Council stay united and tell NCDOT to not make any improvements to NC12. Council Member Shields and McDonald support this action also.

Council Member Sanders stated that Council passed a resolution on January 3 in opposition to any widening of NC12 but that he voted against it. He supports NCDOT doing something to improve safety and the flow of traffic.

Council Member Hess stated that she also supports DOT doing something and that she voted against the resolution.

Following further discussion Council Member Shields moved that Council tell DOT to not make any improvements to NC12 at this time. Mayor Smith seconded.

Council Member Sanders stated that typically Council does not take action during a retreat. Mr. Classen stated that it is not the practice but that Council legally can take action.

Council Member Shields withdrew his motion.

Mr. Classen stated that DOT have the NC12 Road Improvement plans ready to go to bid and need to move ahead to have the project completed by Memorial Day. He stated that DOT has acquired the needed right of way at a cost of $90,000 and the funding is available now for completion of the project.

Geri Sullivan, 31-10th Avenue, requested that Council not make a decision at this time and look other alternatives such as the "super street" concept since the Long Range Plan survey showed that the residents of the Town do not want changes to NC12.

Council Member Sanders stated that Council passed a resolution on January 3, 2006, which he did not vote for. He stated that he stands by Council's majority vote but he questioned if complete consideration was given on the resolution.

Council Member Hess moved to the support the NCDOT 2004 plan for NC12 road improvements. Council Member Sanders seconded.

Council Member McDonald stated that at this time he does support the DOT NC12 plan and it should be left as is. He stated that DOT did not address any stormwater issues in the current plan and to add more asphalt will cause more stormwater.

The motion failed with Mayor Smith and Council Members Shields and McDonald voting no; Council Members Hess and Sanders voting aye; and no Council Member absent or not voting.

Mayor Smith moved to approve Mayor Pro Tem Shields original motion which is to notify NCDOT that Council wants no improvements done at this time to NC12. 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.

Mayor Smith called a recess at 9:05 a.m. Mayor Smith reconvened the meeting at 9:15 a.m.

Mr. Classen reviewed the 2005 Retreat Goals and asked Council upon consideration of the 2006 Retreat items to work toward a series of 2006 goals to be completed within a year or over a period of time, prioritizing the goals by subject matter.

Jay Russell, Chairman of the Stormwater Management Committee, reviewed a report the committee presented to Council on April 2004 and updated Council what the committee has been doing over the last fifteen months. He stated that the committee is waiting for two (2) critical reports 1) the NC12 Joint Stormwater Study and 2) the Chicahauk Hydrology Study before presenting a final report.

Mayor Pro Tem Shields stated that the Dare County Hydrological Study has been completed is supported by Senator Marc Basnight.

Mr. Classen thanked the committee for doing a great job.

Joe Walter, Chairman of the 2005 Long Range Plan Committee, presented the 2005 Long Range Plan at the January 3, 2006 Council meeting, upon which Mayor Smith moved that Council review the Plan at the Retreat. Mr. Walter thanked his committee, especially Nina Teller for her editing.

Mr. Classen recommended that, following Council's review of the 2005 Long Range Plan, Council accept the plan, set priority for goal completion over a four to five year period and place on the agenda at the February 3 Council for consideration.

Council reviewed the 2005 Long Range Plan following issues as found in the plan: Transportation, Infrastructure, and Quality of Life, Communications, Government, Public Safety and Environment.

Upon review and following discussion, Mayor Smith stated that the Long Range Plan should have been reviewed by Council before it was authorized to have copies distributed. He stated there are budgetary errors that need to be corrected.

Council Member Hess commended the Long Range Plan committee for a doing a great job and stated that it was good that the Town did not pay for the plan.

Fire Chief Harvey thanked the Long Range Plan committee and stated that the fire department would use the Plan as it is intended.

Bruce Green, a member of the Committee, stated that he has served on several committees for the town and that the leadership on this committee was outstanding.

[**Clerk's Note**: A copy of the 2005 Long Range Plan can be obtained at Town Hall during regular working hours.]

Mr. Classen thanked the committee.

Mr. Classen thanked Cheryl Byrd, Dare County Commissioner, for attending the afternoon session of the Retreat regarding discussion on occupancy and sales taxes and Land Transfer Taxes inside Dare County.

Commissioner Byrd presented materials to Council regarding local taxes and the way they are distributed to municipalities by Dare County.

Discussion was held regarding how a change in the distribution of the taxes between municipalities could be made. Commissioner Byrd stated that a local law would need to go before the legislators requesting specific changes.

Commissioner Byrd requested that Council consider rescinding a resolution that they adopted supporting the 1%sales tax for beach nourishment. Commissioner Byrd reviewed issues facing the County Commissioners.

Discussion was held with the Town attorney regarding legal options that may be available to prevent DOT from widening NC12. Mr. Classen drafted a letter to be sent to DOT stating, at this time, Council does not approve any improvements be made to NC12. The letter was immediately faxed to all DOT representatives involved in the project, as well as Senator Basnight and Stan White, Dare County Commissioner and DOT Board member.

[**Clerk's Note**: A copy of letter dated 1/12/2006 to DOT regarding NC12 Road Improvements is attached hereto as Exhibit A and made part of these minutes].

Council reviewed the 2005 Retreat and then began addressing the 2006 Retreat issues.

[**Clerk's Note**: A copy of the 2006 Retreat Issues are attached hereto as Exhibit B and made part of these minutes].

Following discussion, Mr. Classen stated that many issues would be followed up on during the next budget process beginning in March. Some of those issues are as follows: Southern Shores Volunteer Fire Department budget, additional services from Ocean Rescue, Police Department operations, Public Works equipment and operations, trash can issues, and the Town fee schedule update.

PUBLIC COMMENT

Leo Holland, 23 Spindrift Trail, president of the Southern Shores Civic Association, addressed Council on three issues: 1) asked Council to review the Right-of-Way ordinance that requires a homeowner to request a parking permit when they are having an event; 2) Spindrift Trail at Wild Pony needs road repair; 3) requested that the Building Inspections Department proceed with the Chicahauk handicap cross-over project so that it will be operational by Memorial Day.

Geri Sullivan, 31-10th Avenue, requested Council clarify the action taken against DOT's road improvement proposal for NC12. Mayor Smith read the letter earlier approved by Council.

Bob Palombo, 159 Duck Road requested Council consider changing the speed limit on NC12 from 45 to 35 mph and that he cross walks on NC12 be marked with lights like the Town of Duck.

Mike Zona, 31-10th Avenue, requested that the speed limit on NC12 be reduced during the summer.

Mr. Classen stated that the Town has requested a reduction in the speed limit on NC12 but DOT has stated that it is not necessary.

Gwen Cruickshanks, 110 Acorn Lane, Point Harbor, stated that everyone should support the "Build the Bridge" campaign and a group could go to Raleigh in protest of the current NC12 DOT proposal.
An unidentified lady asked what is going to happen to the bike path on NC12.
Mr. Classen stated that DOT's proposal would require the path to be moved inward of the right-of-way.

Mike Stone, 8 Sandfiddler, stated that reducing the speed limit to 35 mph would only congest the traffic flow on Hwy. 158.

Ray Sharpe, 46 Fairway Drive, requested that Council consider increasing the speed limit at Mallard Cove to 20 mph. Mr. Sharpe thanked Mike Hejduk, Code Enforcement Administrator, Council, David Bakken, and the Planning Board for all their help in getting Duck Woods Country Club completed.

Hearing no other business and hearing no objection, Mayor Smith moved at 5:30 p.m. to recess the Retreat until 8:00 a.m., January 13 in the Pitts Center.

January 13, 2006 Council Retreat (continued)

Mayor Smith called the recessed Council Retreat to order at 8:05 a.m.

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 and Carrie Gordin, Town clerk.

Mike Hejduk, Town Code Enforcement Administration, reported that he was invited to attend a meeting with the Army Corps of Engineers (ACE) and Phillip Whitfield, president of Chicahauk Property Owners, to discussion environmental issues. He stated that he learned from that meeting that a certain area in Town known as Target 29 was a bombing practice range during WWII and through the 1960's. He stated that Target 29 is in the area of Trinitie Trail and Crooked Back Loop. He stated that some dropped ordinances have been found throughout the years. He stated that this is an environmental and safety issue and that soil samples would be taken for ground water contamination.

Stan White, DOT Board member, joined Council to further discuss DOT's proposal for the NC12 road improvements. Hearing no objection, Mayor Smith stated that Council will address DOT's proposal at the January 24 Council meeting and the Town Manager will contact DOT following that meeting.

Hearing no objection, Mayor Smith moved, at 12:00 p.m. to recess the Retreat. The Retreat will resume following the Joint Planning Board/ Council meeting scheduled to begin at 1:00 p.m.

Mayor Smith reconvened the Retreat at 3:35 p.m.

Council continued to review the 2005 Long Range Plan and Retreat issues. Following the discussions Mr. Classen asked that Council review the issues and prioritize into a working document for Council's review at the January 24, 2006, Council meeting.

2006 Town Council Retreat Goals

January 12-13, 2006

The following list of goals is not exhaustive but lists those items the Southern Shores Town Council felt were its top priorities requiring attention in 2006. The Retreat featured presentations on the community Long Range Plan just completed by a volunteer committee, an updated of prior-year goals, public input from citizens and non-resident property owners, and discussions with Town staff.

To aid themselves and staff, the Town Council prioritized their goals into three categories. *Inside the categories, the goals are listed in no particular order.*

Category One Goals
GOALS REQUIRING THE GREATEST ATTENTION BY THE TOWN GOVERNMENT

- Canal dredging project.
- Prudent fiscal management; establish multi-year budget policies.
- Develop a genuine capital improvement plan.
- Improve communications with citizens and volunteer boards/committees.

Category Two Goals
GOALS THE TOWN COUNCIL WOULD LIKE TO SEE COMPLETED OR SUBSTANTIAL PROGRESS MADE IN 2006

- Complete the property numbering project, including the proper numbering of developed properties and the naming of streets.
- Install a bathroom, shower, and changing area at the Public Works Building.
- Update the Town Code, along with the Zoning and Subdivision ordinances.
- Provide equipment and training to do small road repairs, such as repairing large potholes and edge-of-pavement failures.
- Receive Stormwater policy/improvement recommendations from the Stormwater Management Advisory Committee and the Planning Board; develop an implementation plan.

Category Three Goals
GOALS THAT SHOULD RECEIVE ATTENTION BY THE TOWN COUNCIL AND STAFF BUT THEIR COMPLETION IS DEPENDENT UPON AVAILABLE TIME AND RESOURCES

- Establish a committee to investigate a Southern Shores "Gathering Place".
- Implement low-budget stormwater projects that diminish stormwater problems in small areas.
- Investigate (and possibly take action):
    - Placing more utilities underground.
    - Cellular coverage within the Town/region.
- Monitor (and possibly take action) on municipal beach renourishment plans.
- Review lot coverage rules and receive recommendations from the Planning Board.
- Review public safety service levels of service and monitoring systems.
- Study the level, kind (type), and friendliness of Town services and service delivery.
- Study the trashcan rollback law and other solid waste issues.

The Town Council recognizes that events beyond their control will alter this list of goals. The purpose of the Retreat and the goals was to review with citizens where the Town is heading and to enhance a positive direction for the Southern Shores community. These goals represent a prioritization of just some of the many ways citizens, businesses and non-resident property owners move the community towards a better future.

Hearing no other business, Mayor Pro Tem Shields moved to adjourn the meeting at 4:10 p.m. Mayor Smith 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

EXHIBIT A

January 12, 2006

Via Fax and Regular Mail

Mr. Stan White, Transportation Board Member – District 1
Dare County Board of Commissioners
P.O. Box 1000
Manteo, NC 27954

RE: Opposition NC12 Improvements

Dear Stan:

During its January 12 meeting, the Town Council held an extensive discussion of all the issues surrounding improvements NCDOT has proposed for NC12 in Southern Shores. The Town Council voted to oppose any improvement at this time pending further study.

Sincerely,

Don Smith, Mayor

cc: Senator Marc Basnight
Secretary of Transportation Lyndo Tippett
Anthony Roper, NCDOT – Division 1
Southern Shores Town Council

EXHIBIT B

RETREAT ITEMS FOR 2006 AGENDA:

Overarching Priority:

When approved by the Town Council, develop implementation goals for the 2005 Long Range Plan and present implementation plan – including funding recommendations – to the Town Council for approval.

I. **PUBLIC SAFETY -** In addition to developing plans for implementing items within the Long Range Plan:

A. Fire
   1. Budget, we can reduce
   2. LOSAP program funding, double dipping.
   3. Eliminate budget practice of placing $50,000 per year for new trucks.

B. Ocean Rescue
   1. Implement roving beach patrol to perform customer service functions.

C. Law Enforcement:

1. Consider a police commissioner, volunteer.
2. Police officers taking cars home.
3. Purchase new vehicles look for good gas mileage and possibly motor cycles.
4. No need for AR 15's, etc. need to look at all expenditures and look for ways to reduce budget without reducing coverage, etc.
5. Vehicles replacement schedule.
6. Shot Guns, detailing cars, excess lighting on cars, special flash lights for guns, extra uniforms,{ stop changing designs} police cars should remain white and not painted two colors, etc
7. Investigate the cost of shifting policy from hiring young, newly-graduated patrol officers to recruiting and hiring seasoned patrol officers.
8. External training/public crime prevention training
   a. Due to increasing retail activity, emphasize crime prevention training for retail operators.
   b. Due to increasing Internet-related crimes, perform Internet safety training for Children.
9. Internal training emphasis:
   a. Due to proliferation of banks in and immediately adjacent to Southern Shores, increase training/preparedness for bank robbery first response activities.
   b. Due to potentially slowing economy, the increasing population and the increasing number of families, increase training/preparedness for responding domestic disputes.
10. In coordination with the Fire Department, Coast Guard Auxiliary, Surf Rescue contractor and other agencies, develop a waterway law enforcement patrol and response plan.

II. **PUBLIC WORKS**: In addition to developing plans for implementing items within the Long Range Plan:

A. Transportation

1. NC12 Widening
2. Multi-use Paths
3. Utilities Underground
4. Due to ever-increasing costs of contracted work and the need to respond quickly to citizen requests and before further damage is done to roadways, purchase equipment to perform small road repairs (cut out and repair potholes, edge-of-pavement failures, etc.)
5. Use of right-of-way to accept stormwater from roadway and avoid channeling stormwater, especially to properties off right-of-way; install swales and driveway slotted drains as necessary.
6. Use ITRE report and GIS to develop roadway/pathway re-paving schedule; recommend funding in annual budget.

B. Bldg./Grounds

1. Chicahauk Parking Lot.
2. Number of trucks, etc

3. Install lights in parking lot of Town Hall
4. Develop plans for bathroom, changing area, and shower at Public Works building;
   recommend project for inclusion within Capital Improvement Plan
5. With start of monthly public C&D drop-off at Public Works Building in spring 2006, develop vehicle/storage circulation plan at facility.

C. Miscellaneous.
1. We do not need Glen, etc attending meetings unless there is a special reason.

III. **CODE ENFORCEMENT AND PLANNING:** In addition to developing plans for implementing items within the Long Range Plan

A. Code Enforcement
1. Complete the property numbering project to allow emergency services quicker responses.
2. Pursuant to Town Council action (Resolution 2005-02-01), which adopted the Hazard Mitigation Plan, the Town should "carry out objectives of the plan" to mitigate adverse effects of natural and man-made hazards that pose threats to lives and damage to property in our community such as flood, fire and wind and to ensure continued availability and affordability of Insurance for property owners.

B. Planning
1. Update land use laws/rules to reflect new State laws and current land use standards.
2. Work with the Planning Board and Town Council in defining the goals/reasons for lot coverage regulations and assist in developing laws and rules to meet those goals.

C. Trash cans ordinance.

D. PODS, allowed in Town.

E. Parking in ROW.

IV. **GOVERNANCE, ADMINISTRATION AND OTHER** – In addition to developing plans for implementing items within the Long Range Plan:

A. Finance
1. Reduce the tax rate.
2. Establish a restricted Emergency Reserve Account for hurricane and other emergencies containing 3 to 6 months of operating expenses. Adopt a resolution on how these funds are allocated.
3. Prior to annual budget hearing, make available a full disclosure of the new fiscal years budget and make sure figures are correct so residents can comment. Develop a process that will allow questions and answers.
4. Quarterly budget reviews, plain and simple.

5. Develop long term plan for capital improvements based on order of importance and necessity, fund from capital reserve account so money is available first and than budgeted.
6. Live within revenues; no longer take money from fund balance.
7. Fee Schedule update.

B. Personnel
1. Review personnel policy.
2. Form letters for reprimands.

C. Governance
1. Vacancies on council - Discuss special election to replace the current method of replacing council members.
2. Dog Ordinance.
3. Vegetation Committee.
4. Review Council/Manager form of government.
5. Assist Town Council in developing rules of procedure for Council meetings. Use Institute of Government's "Rules of Procedure for a City Council" as model.
6. Beach Nourishment.

D. Administration
1. Improve communication with Town residents and non-resident property owners about Town activities.
2. Improve/fully implement citizen service request and response system.
3. Update the Town Code; include the Zoning Ordinance within the Town Code.

E. Miscellaneous.
1. Cell Phone Service and related communications tower ordinance
2. Clean up Town of un-maintained homes