



# Town of Southern Shores

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Southern Shores Town Council  
Town of Southern Shores, North Carolina  
Regular Meeting  
January 24, 2006  
9:00 a.m.-Pitts Center

## MINUTES

The Southern Shores Town Council met on January 24, 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 absent.

Also present were: Carl Classen, Town manager and Carrie Gordin, Town clerk.

### OPENING

Mayor Smith called the meeting to order at 9:00 a.m., led the Pledge of Allegiance

Mayor Smith held a moment of silence for the families of Lloyd Paine, Southern Shores resident and Mac Midgett, Dare County Commissioner.

### APPROVAL OF AGENDA

Mayor Smith asked for any changes to the agenda. Mayor Pro Tem Shields moved to excuse Council Member McDonald from the meeting. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and Council Member McDonald absent.

Mayor Pro Tem Shields moved to change the closed session to the February 8 Council meeting and approve the agenda as amended. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and Council Member McDonald absent.

### PUBLIC COMMENT

Mayor Smith opened the public comment section of the meeting.

Geri Sullivan, 31-10<sup>th</sup> Avenue, addressed Council regarding NCDOT's proposal for the NC12 Road Improvements. She stated that in 2000 Council requested that NCDOT extend the turn lane on NC12 but that due to public input requesting this not be done, Council rescinded the request. She opposes NCDOT's proposal for the NC12 improvements.

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

## **REPORTS**

### Planning Board

George Kowalski presented the January 16, 2006 Planning Board report in Chairman Jim Groff's absence.

Mayor Smith moved to accept the report as presented. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and Council Member McDonald absent.

(Clerk's Note: A copy of the January 16, 2006 Planning Board Report is attached hereto as Exhibit A and made part of these minutes).

### Quarterly Financial Report

Carl Classen presented the quarterly Financial Report.

Mayor Pro Tem Shields asked Mr. Classen to report on the repair status of the Town owned bulkheads

## **OLD BUSINESS**

### NC12 Road Improvement Project

Mr. Classen introduced Jerry Jennings and Anthony Roper, DOT representatives as well as Dare County Commissioner Cheryl Byrd. He stated that Stan White, Dare County Commissioner and DOT Board member, is unable to attend since he is attending the opening of the new school in Nags Head and Manteo.

Mr. Classen asked that Council recommend approving "Virginia Dare Trail" as the name of the spur street in front of Town Hall. Upon doing so, the process would then need to go before the Town of Kitty Hawk for their approval, since the road is actually in the boundaries of Kitty Hawk.

Mr. Jennings and Mr. Roper presented and reviewed a revised set of plans received by Council at the January 3 Council meeting. Mr. Roper stated that the proposed road improvements to NC12 are from a request made by Council in 2002 and 2004. Mr. Roper stated that the plans have gone for bid and are scheduled to be opened on the first day of February.

Mr. Roper stated that the project would have been completed in 2005 but DOT needed right of way easements from Pelican Watch property owners and they could not complete the legal process before funding was lost. He stated that the easements have been given funding is available, and the project should move forward.

Discussion was held regarding the proposed plan with focus on factors such as traffic flow, safety for vehicles and pedestrians, and drainage issues. The turn lane would be extended at Skyline Road and at Chicahauk Trail. Traffic signals will be placed, as well, as pedestrian refuge area to allow for pedestrian crossings. The multi-use path will need to be moved in some areas and a dry hydrant will also be placed for stormwater management.

Discussion was held regarding the concerns that the NC12 improvements will change the character of the Town and that center turn lanes are not safe.

Commissioner Byrd stated that the Outer Banks Transportation Task Force is looking at the NC12 intersection. She stated that the "super street" concept may be a viable alternative and should be a consideration.

Mayor Smith stated that this Council needs to investigate all the alternatives before a decision is made since the citizens have said to do nothing to NC12 in response to a question in the Town's Long Range Plan survey.

Council Member Hess stated that she was part of the 2004 Council and approved the original plan and that she likes the idea of the "super street" concept. She stated that with the new hotel in Kitty Hawk and the increase of traffic in the summer that she supports the proposed plan.

Council Member Sanders also supports the plan and feels Council should be proactive and do what is needed to avoid accidents.

Mr. Roper stated that he is willing to work with Council but if Council decisions were to make major changes to the proposed plan it would delay the project.

Hearing no objection Mayor Smith moved the NC12 Road Improvement Plan be put on the February 8 Council meeting agenda for Council consideration and that NCDOT would be notified immediately of their decision.

Mayor Smith called for a five minute recess at 10:35 a.m. The Council reconvened at 10:40 a.m.

## **OLD BUSINESS**

### 2006 Council Goals

Mayor Smith requested that under the Category One Goals, bullet number two, delete the word "continue". Hearing no objection, Mayor Smith moved to place the 2006 Council Goals on the February 8 Council agenda for consideration as amended, so moved.

### Council Vacancy Proposal

Mr. Classen presented a draft procedure changing the Town's Charter for filling a Council seat by special election. Upon discussion, some changes were noted in regards to what time table would be used in deciding when a special election should be held. Other issues discussed were if the vacancy should be held open or an appointment made until the election is held. New draft procedures will be presented for Council's review at February 8 Council meeting and a request for introduction and consideration is needed by the General Assembly.

Council Member Hess requested information on the cost of a special election.

### Planning Board Recommendation-Zoning Ordinance Amendment regarding Church Height/Principal Use Structures

Based upon Planning Board's recommendation and hearing no objection Mayor Smith directed moved this issue be held over pending receipt of a further recommendation from the Planning Board.

### Town Code Amendment-Signs

Mr. Classen presented draft Ordinance 2006-01-bb and asked Council to consider a Town Code amendment allowing staff to approve placement of traffic control signs within the Town. Currently, that authority is exclusively retained by the Town Council. He stated that within the past year, the Town Council has considered not only speed limits and installation of stop signs, but also installation of information signs such as children at play. Mr. Classen stated that he would present at the February 28 Council meeting addressing non-regulatory signs.

### Modify Town Traffic Map-Virginia Dare Trail

Mr. Classen reported the Town Hall (current address is 6 Skyline Road) is a problem in the Town's property numbering issues under consideration by the Code Enforcement Department. To begin to resolve the problem, a name for the roadway in front of Town Hall needs to be selected. On older recorder plats, the roadway is named Wilbur Lane. Goodwill uses an address on North Croatan Highway (though that is a different street) however; the roadway is a direct extension of North Virginia Dare Trail and to make matters more interesting, the roadway is actually in Kitty Hawk so any name selected by the Southern Shores Town Council would need approval by the Kitty Hawk Town Council. The property owners abutting the roadway passing in front of Town Hall need to be contacted to explain the problem and request their input and ideas.

Hearing no objection, Mayor Smith moved to place this item on the February 8 Council meeting, so moved.

### South Dogwood Trail Projects

Mr. Classen provided materials from the Town Engineer relating to the following projects: South Dogwood Trail (at KHES) Road Improvement Project; South Dogwood Trail Multi-Use Path, and Cemetery Road Improvement.

Joe Anlauf, project engineer from Quible was present to answer questions.

Upon discussion on all the projects, Council Member Hess moved to approve (a) Option # 3 (\$164,160.00 with a 10% engineering fee) on the South Dogwood Trail Improvements at Kitty Hawk Elementary School as presented by Joe Anlauf that would allow a full rebuild with light duty asphalt, reduce the undercutting requirements and would involve less materials; (b) Option # 1 (six-foot concrete) \$188,865.00 on the South Dogwood Multi-Use Path; (c) to delay the cemetery road project; and (d) authorize the Town manager to execute documents as needed to complete these projects within a total amount not to exceed \$380,000. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and Council Member McDonald absent.

## OPERATIONS UPDATE

### Manager's Report/Capital Projects

Mr. Classen stated that the Beech Tree Trail Project, which is now essentially complete was not transferred from the Capital Reserve earlier this fall and that \$180,000 (\$150,000 plus 20%) needs to be transferred from the Capital Reserve to the General Fund.

Council Member Hess moved to authorize the Town manager to transfer \$180,000 (\$150,000 plus 20%) from the Capital Reserve to the General Fund. Council Member Sanders seconded.

The motion passed with Mayor Smith and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and Council Member McDonald absent.

Mr. Classen presented a draft Resolution # 2006-01-03 Surplus Property regarding police vehicles. Mr. Classen stated that he plans to utilize an online bidding process through GovDeals.com. rather than use the traditional auction process.

Council Member Hess moved to approve Resolution # 2006-01-03 Surplus Property as presented. Council Member Shields seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and Council Member McDonald absent.

(Clerk's Note: A copy of Resolution #2006-01-03 Surplus Property is attached hereto as Exhibit B and made part of these minutes).

### **OTHER ITEMS**

#### **Council Members**

Mayor Pro Tem Shields announced the League of Women Voters is sponsoring a meeting entitled "The First Report of the Outer Banks Hydrological Management Committee" on January 26 at the Kill Devil Hills Town Hall, which he will attend.

Council Member Sanders requested that the trash can issue be placed on the February 8 Council agenda for discussion.

Mayor Pro Tem Shields was appointed to the Dare County Tourism Board as the Town's representative.

#### **Mayor**

Mayor Smith requested that Staff filter the emails that go to Council. Staff agreed to avoid duplication of emails when possible. Following discussion Council agreed to review emails and delete as needed.

Mayor Smith requested that Council review the Town's Code of Ethics policy at the February 28 Council meeting.

Mayor Pro Tem Shields requested that Council discuss the establishment of a committee to investigate a Sothern Shores "gathering place" at the February 28 Council meeting.

### **PUBLIC COMMENT**

Mayor Smith opened the Public Comment section of the meeting.

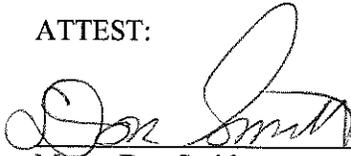
Ed Cowell, 131 Beech Tree Trail, reported that an air boat is making loud noises and requested this be looked into.

Mike Stone, 8 Sandfiddler Court, requested Staff review the proposed address for the Stone property located adjacent to the Sandy Ridge development, in that the Stone property fronts the spur (Town Hall) as well as North Croatan Highway.

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

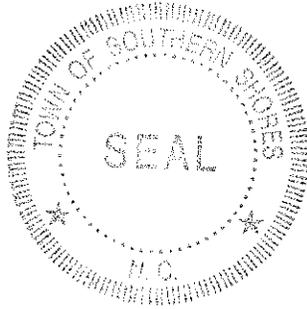
Hearing no other business Mayor Smith moved to adjourn the meeting at 12:00 p.m. Council Member Shields seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and Council Member McDonald absent.

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 January 16, 2006

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## **Planning Board recommended actions for the Town Council:**

### **1. None**

**Organization:** Chairman Groff called the meeting to order at 7:00 PM. Planning Board members Kowalski, Russell, Peckens, and Walter as well as Alternate McDanel, were present. Also present were Code Enforcement Administrator Hejduk and Administrative Assistant Gabrys. Participating in this meeting were Council Member Hess, All Saint's Church representatives T. Judge and R. Edwards, (plus a number of parishioners), and Southern Shores Realty representative M. Stone. Subsequent to approval of the agenda, the Board approved, with one revision, the minutes of its December 19, 2005 meeting.

**Public Comment:** None

### **Committee Reports:**

1. **J. Walter** advised that the **Long Range Plan Advisory Committee's** report was presented to the Town Council at the latter's January 3<sup>rd</sup> meeting, discussed in length during the Council's retreat and now awaits Council decision. J. Groff requested Mr. Walter to periodically remind the Planning Board of the report's recommended actions so they can be recommended for implementation in a timely manner.
2. **J. Russell, Stormwater Management Advisory Committee,** commented that the Committee could do little until the remaining studies were complete. J. Groff asked the Committee to develop a list of projects that could be undertaken now to alleviate flooding, citing re-grading of access paths to allow drainage to existing ponds and initiating procedures to transfer ownership of the ponds to the Town for dredging if the Committee felt the ponds could be effectively utilized for stormwater management.

3. **M. McDanel** distributed revised home occupation guidelines to each member of the Board for comment. Subsequent to receipt of comments, his committee will meet to review comments and discuss another public meeting.

**Site Plan Applications: None**

**Other Business:**

- A. **All Saints' Church, (ASC):** Referring to the Church's master plan and model, T. Judge and R. Edwards submitted suggested revisions to the zoning ordinance for "Churches" and noted in the instance of ASC, the increased top plate height for the sanctuary was needed to avoid a 'closed in' environment for a planned congregation of 350, (current congregation 300), and to accommodate flood elevations. They commented that while construction of the sanctuary structure, (Phase II of the master plan), was 5-8 years in the future, dimensional guidance is required now so the architect currently developing plans for related spaces to be constructed under Phase I, can tie those spaces in with the future sanctuary. The ASC hopes to bring a site plan application to the Board in April, 2006, for Phase I.

By motion, the Board held over consideration of the ASC's application pending Staff development of proposed ordinance amendments addressing the Church's request.

**B. Policy Discussions:**

1. **PODs:** The Chairman moved to request the Town Manager to draft proposed Zoning Ordinance amendments that, under certain conditions, would allow the use of PODs, or similar, for household moves in the Town. The motion failed to gain a second.
2. **Non-Commercial Signs:** The Chairman moved to request the Town Manager to draft proposed amendments to the Zoning Ordinance that would allow "banner type", (as opposed to fixed), non-commercial charity event signs no greater than 60 square feet in size and limited by other restrictions. Subsequent to discussion, motion passed unanimously.

**Other Items:**

1. Given new State requirements for a statement that zoning ordinance amendments are consistent with adopted comprehensive land use plans, the Chairman requested Staff provide a copy of the Town's Land Use Plan to each member of the Planning Board.
2. Next Commercial Use and Home Occupation workshop set for February 21st at 1:00 PM.

3. Lot coverage Workshop to be held on January 24<sup>th</sup>, 1:00 PM.
4. Consideration of revisions to Zoning Ordinance regarding PUDs pending overall review of zoning ordinance for compatibility with State law.
5. Chairman will pursue possible options regarding (1), a no fee privilege license and (2), mixed use in commercial districts with the Town Manager.

**Announcements:** Next meeting: Monday, February 20, 2006; 7:00 PM; Pitts Center.

**Adjournment:** Upon motion, the Board meeting adjourned at 8:57 PM

**Exhibit B**

***Resolution 2006-01-03  
Declaring Surplus Property***

*Whereas*, the Town of Southern Shores Town Council desire to dispose of certain surplus property of the Town of Southern Shores:

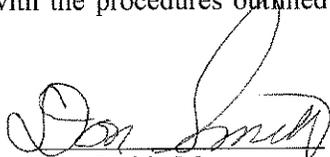
*Now, Therefore Be It Resolved* the Town of Southern Shores Town Council declares that the following items are surplus and no longer have any additional use to the Town:

Four (4) Police Department Vehicles

Year	Make	Model	VIN#
1999	Ford	Crown Victoria	2FAFP71W5XX115633
2001	Ford	Crown Victoria	2FAFP71W51X116465
2001	Ford	Crown Victoria	2FAFP71W91X116467
2001	Ford	Crown Victoria	2FAFP71W71X116466

*Now, Therefore Be it Further Resolved* that the Town of Southern Shores Town Council authorizes Town Manager Carl Classen to proceed with the procedures outlined in G.S. 160A-266 regarding the disposal of surplus property.

Adopted this the 24<sup>th</sup> day of January 2006.

  
 Don Smith, Mayor

ATTEST:

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 Carrie Gordin, Town Clerk

