



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

February 28, 2006

9:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on February 28, 2006, at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Council Members Jodi Hess, Dan Shields, Brian McDonald and David Sanders 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 and held a moment of silence.

Mayor pro tem Shields moved to excuse Council Member Sanders absence. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and McDonald voting aye; Council Member Sanders absent and no Council Member voting no.

APPROVAL OF AGENDA

Mr. Classen requested Council enter into closed session following the Public Comment section of the agenda to consult with the Town attorney under G.S. 143.318.11(a) (3) regarding Duck Shores, LLC.

PUBLIC COMMENT

No one signed up to speak during the public comment section of the agenda.

Council Member McDonald moved to go into closed session to consult with the Town attorney. Council Member Shields seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and McDonald voting aye; Council Member Sanders absent and no Council Member voting no.

Mayor pro tem Shields moved to enter into open session and continue the meeting. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members

1 D - 2006

Hess, Shields, and McDonald voting aye; Council Member Sanders absent and no Council Member voting no.

Following the closed session Council heard from George Kowalski and Randall Wrenn under the Public Comment section of the agenda.

George Kowalski, 135 Duck Woods Drive, requested Council investigate the lane directions at the traffic light at the Market Place onto Hwy. 158. He stated that at traffic light from Walmart onto Hwy. 158 across from the Market Place is opposite, in that the traffic is directed to go straight or turn right in one lane and a single left hand turn lane onto Hwy. 158.

Randall Wrenn, 133 S. Dogwood Trail, asked Council to investigate the amount of Pine tree debris accumulating in the Town's rights-of-way, in this area, that it is impeding the water flow. He asked that something be done to improve the situation.

REPORTS

Planning Board

George Kowalski presented the February 20, 2006 Planning Board report in Chairman Jim Groff's absence.

Following discussion and reviewing Planning Board' recommendations, Mayor Smith moved to hold public hearings at the April 4 Council meeting for the following ordinances: 2006-02-PB1 and 2006-02-PB2. The zoning ordinance 2006-01-PB1 for All Saints Church will be further reviewed at the March 28 Council meeting, awaiting an opinion from Town Attorney.

(Clerk's Note: A copy of the February 20, 2006 Planning Board Report is attached hereto as Exhibit A and made part of these minutes).

OLD BUSINESS

Code of Ethics Policy

Mr. Classen presented suggested changes to the Town's Code of Ethics Policy for elected officials and board/committee members at Mayor Smith's request. He stated that the changes should reflect the natural course of private sector business but not allow those private business relationships to impinge upon the integrity of the Town's policymaking. Place this item on the March 7 Council meeting for further discussion.

Town Code Amendment-Signs

Mr. Classen stated that Staff would like 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. He presented a draft Ordinance 2006-01-bb amending the Town Code to provide for approval of traffic control devices by the Town Manager in a limited role with all other traffic control decisions (stop signs, speed limits, parking areas) remaining with the Town Council. Place this item on the March 7 Council agenda for further discussion.

Establishment of Committee – Gathering Place

Mr. Classen stated that as part of the 2005 Southern Shores Long Range Plan called for the establishment of a "regional gathering place" in Southern Shores (Objective 3.1.1) to serve as a

multi-purpose Community Center. He stated that Mayor pro tem Shields requested Council discuss the establishment of a committee and an appointment of a chairman to the committee to begin a feasibility study on the issue.

Upon the appointment of a chairman and the selection of a Committee they would present a status report to be given to the Town Council not later than January 15, 2007. Place this item on the March 7 Council agenda for further discussion.

Long Range Plan

This item will be reviewed by Town Council at a later time.

Appointment to Firemen's Local Relief Fund

Mr. Classen explained that in accordance to NCGS 58-84-30, it is the responsibility of Council to appoint two (2) members to a 5-member local board of trustees to the Fireman's Relief Fund for the Southern Shores Volunteer Fire Department and that appointees serve staggered two-year terms. He stated that the Town Clerk records show that past Councils have appointed such members but the last appointment was made in 2003. He stated that Andy Cagiano and Al Smith, the last Town-appointed trustees, have agreed to be re-appointed. Place this item on the March 7 Council agenda.

Resolution 2006-02-01- Establishing a Policy for the Unreserved Fund Balance

Mr. Classen stated at Mayor Smith's request he has drafted Resolution 2006-02-01 - Establishing a Policy for the Unreserved Fund Balance. The purpose of this Resolution is to establish a target for an emergency management undesignated reserve in the General Fund equal to 50% of the prior year's annual operating revenues, plus it establishes an additional target of 25% more for loss of income and other cash flow problems caused by a catastrophic event and the Resolution seeks attainment of these two goals within five fiscal years. Place this item on the March 7 Council agenda for further discussion.

Resolution 2006-02-c - Requesting County to initiate steps regarding a referendum on Beach Nourishment

Mr. Classen stated that Mayor Smith directed staff to draft a resolution requesting that the Dare County Board of Commissioners request appropriate authority and then conduct a countywide advisory vote on the issue of beach nourishment.

Mr. Classen submitted two resolutions for Council's review: 1) Resolution 2006-02-c Requesting County to initiate steps regarding a referendum on Beach Nourishment and 2) Resolution 2006-02-d Requests that the 1% sales tax collected for beach nourishment be distributed to the county and municipalities based upon each entity's percentage of the total population.

Council is concerned about the impact on the other Towns if the Town of Nags Head implements their beach nourishment plan as proposed. More discussion is needed with the other Mayors and Managers.

Place these draft Resolutions on the March 7 Council agenda for further discussion.

OPERATIONS UPDATE

Build the Bridge/Preserve Our Road Board Lobbying Contract

Mr. Classen reported that currently the Town continues to act as fiscal agent for the lobbying contract with Mr. Mannina's firm for the Build the Bridge/Preserve Our Roads Board. He stated that this contract was approved last summer to help secure funding for the study on a private-public partnership for the construction and operation of the Mid-Currituck Sound Bridge. He stated the lobbying effort was successful with the inclusion of a \$2 million grant to East Carolina University for this purpose; however, the contract continues and it has become increasingly more difficult getting payments from the other participants. He recommends that Council cease participation in the Mannina lobbying contract and to notify the other partners in the project that the Town is divesting itself of fiscal agent responsibilities.

Mayor pro tem Shields moved to authorize the Town Manager to notify all applicable parties that the Town of Southern Shores no longer wishes to act as the fiscal agent for the lobbying contract with Mr. Mannina for the Build the Bridge /Preserve Our Roads Board. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and McDonald voting aye; Council Member Sanders absent and no Council Member voting no.

Mid-Dogwood Trail Multi-Use Path

Mr. Classen stated that at the February 8 Mayor/Manager chat, Al Smith (279 Sea Oats) suggested installing a path along East Dogwood in the dune area to NC12 to allow people access to the beach and to the NC12 bike path without having to walk/bike in the heavily-used East Dogwood roadway. He suggested installing an edge-of-road path, as it might be less expensive due to the width of the right-of-way, the lack of heavy vegetation, and the easy grade, instead of the construction an actual multi-use path.

Mr. Classen stated in response to that idea and that the Town already has a similar multi-use path plan in the Capital Improvement Plan (as part of the overall South Dogwood/East Dogwood path system from US158 to NC12) but it could be several years before the East Dogwood section would come up for construction due to the expense of the Mid-Dogwood path, this idea may be something to be considered. He stated that the Town has been awarded a \$50,000 construction grant for use towards the Mid-Dogwood Multi-Use Path but that due to the complexity of building a path along the northern portion of South Dogwood Trail and the two bridges represents a design challenge and the project will take longer and the overall costs will be escalated and it would not be possible to build that path in FY2006-07, which is the fiscal year the grant must be expended. He stated that Council does not need to take final action on the changed project at this time; but rather, determine whether the Tourism Board will allow an amendment of the existing grant award from the Mid-Dogwood Multi-Use Path to the East Dogwood Dunes Multi-Use Path. He recommends that Council authorize the Town manager to request that the Dare County Tourism Board amend the Town's Restricted Use Grant from the Mid-Dogwood Multi-Use Path to the East Dogwood Dunes Multi-Use Path and to direct the Town Manager to include this item in the Capital Improvement Plan for funding in FY2006-07.

Mayor Smith moved to authorize Town manager to request that the Dare County Tourism Board amend the Town's Restricted Use Grant from the Mid-Dogwood Multi-Use Path to the East Dogwood Dunes Multi-Use Path and to direct the Town Manager to include this item in the Capital Improvement Plan for funding in FY2006-07. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and McDonald voting aye; Council Member Sanders absent and no Council Member voting no.

Rights-of-Way Signs

Mr. Classen stated that he has been working with the Code Enforcement staff to review the method by which the sign ordinance is enforced. He stated that all the warnings that have been given to the real estate industry, the contracting industry and others, staff will now begin regular enforcement of rules as related to signs and other obstructions within the Town rights-of-way. Citations will be issued and staff will remove the sign or obstruction until the citation is paid or an appeal is filed with the Board of Adjustment in accordance to Section 6.03. G.8. of the Town's Zoning Ordinance. He stated the Town is authorized to impose a penalty on a violator of up to \$500 per day per sign but that seems excessive for a sign violation. He proposed violations shall be per sign with a penalty schedule as follows:

First violation within three (3) years	\$ 50.00
Second violation within three (3) years	\$100.00
Third violation within three (3) years	\$250.00
Fourth and subsequent violations within three (3) years	\$500.00

He hopes that imposition of these penalties will be minor. This information will be conveyed to the Realtors and Home Builders associations, as well as a press advisory, posting on the web site, and placed in upcoming Broadcast News.

Council expressed concern that this seemed excessive and would be time consuming for staff and that a \$50.00 fine with a 14-day notice of removal of sign would be more acceptable.

Mr. Classen suggested that Council review the ordinance and possibly make changes.

OTHER ITEMS

Council Members

Council Member Hess recommended that the Government Access Channel budget be placed on the March 7 Council agenda for consideration. She also asked that consideration be given that the Long Range Plan Committee provide an "educational forum" to the citizens on topics such as Town/SSCA property ownership, Police Department activity, Public Works Department activity, Building Inspection Department activity, issues that would help the citizens understand how the Town government works.

Mayor pro tem Shields asked what the status of the Town's bulkheads are. Mr. Classen stated that he would look into this and report back to Council. Council Member Shields announced that a series of meetings would be held with the Hydrological Committee and information from those meetings would be provided to Council and the Planning Board.

Mayor

Mayor Smith stated that Mayor Cahoon of Nags Head has requested a contribution of \$500 for a Coastal Resource Commission reception to be held on March 22. Mayor Smith encouraged all the members of Council to attend. Mr. Classen stated that this type of expenditure does not need Council action, the budget allows for educational program expenditures.

Mayor Smith stated that he received a request from the Herron family to place a cross on NC12 marking the site of the fatal accident that killed a family member. Mayor Smith was provided with regulations from DOT addressing this issue. He stated that he would provide this information to the Herron family.

PUBLIC COMMENT

No comments were made.

ANNOUNCEMENTS

Police Chief Pledger announced that the annual Tour de Cure (Diabetes Bike-Athon) would be held on April 22.

Hearing no further business, Council Member McDonald moved to adjourn at 11:40 a.m. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, and McDonald voting aye; Council Member Sanders absent and no Council Member voting no.

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: 4/5/2006
Re: Recap, Planning Board Meeting of February 20, 2006

Planning Board recommended actions for the Town Council

1. **Approve, with conditions, the amended site plan for the Duck Woods Country Club.**
2. **Set a public hearing date and approve amendments to the zoning ordinance that would extend the R-1 District now encompassing the Duck Woods Country Club and Kitty Hawk Elementary School westward across S. Dogwood Trail to include the Southern Shores Fire Department and Town Storage Building Sites, the Town's south Right of Way along Pintail Trail and the All Saints Church property.**
3. **Conditioned upon Council approval of 2. above, and subsequent to notifying adjacent property owners and holding a public hearing, approve amending Section 7.04, (R-1 Low Density Residential) and Section 7.10, (C-General Commercial District) of the Zoning Ordinance to add dimensional requirements for churches in these zones as follows:**
 - a. **Minimum lot size – 80,000 square feet**
 - b. **Minimum lot width – 100 feet**
 - c. **Minimum front yard setback – 25 feet plus one foot for each foot of building height over 35 feet.**
 - d. **Minimum side yard setback – 15 feet plus one additional foot for each five feet of building height over 35 feet**
 - e. **Minimum rear yard setback – 25 feet plus one additional foot for each five feet of building height over 35 feet**
 - f. **Maximum allowable lot coverage – 35%**
 - g. **Height – Top plate height shall not exceed 35 feet. Notwithstanding the provisions of Section 4.11, Roof line height shall not exceed 55 feet. Steeple height, including all appurtenances, shall not exceed 65 feet.**
 - h. **Multiple Primary Buildings – Allowed, provided all buildings are connected by covered breezeways or walkways.**

Note: The Chairman requests this Planning Board recommendation, (#3), be reviewed by the Town Attorney, and an opinion rendered by him relative to its legality, prior to Council consideration.

4. **Subsequent to holding a public hearing, approve amendments to the zoning ordinance, contained in draft ordinance No. 2006-02-PB1, related to Non-Commercial Charity Event signs.**

Organization: Chairman Groff called the meeting to order at 7:03 PM. Planning Board members Kowalski, Russell, and Walter, Alternate McDanel, (sitting for Member Peckens, excused) and Alternate Poisel, were present. Also present were Code Enforcement Administrator Hejduk and Administrative Assistant Gabrys. In attendance at the meeting were Council Member Hess, Neal Blinken, All Saints' 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 the minutes of its January 16th meeting and its January 24th Lot Coverage Workshop.

Public Comment: None

Committee Reports:

1. **J. Walter** advised the **Long Range Plan Advisory Committee** is seeking guidance regarding the corrections required to the Committee's final report.
2. **J. Russell** stated that the **Stormwater Management Advisory Committee** would meet in March to develop a list of actions that are not dependent upon results of ongoing studies, and could be undertaken by the Town in the near future, if funding is available. He noted that to date, none of the studies have been completed.
3. **M. McDanel** shared revised proposed **home occupation** guidelines with the Board and suggested they be discussed at Tuesday's Workshop.

Site Plan Applications:

1. **LDA 2005-06-01 – Duck Woods Country Club; Amended Site Plan:** Subsequent to discussion with DWCC General Manager J. Boldiga and Code Enforcement, the Planning Board recommended Council approval of the Amended Site Plan conditioned upon:
 - a. Installation of parking lot lighting pursuant to submitted plans, (require engineer's seal), and additional lights along the northern bulkhead of the tennis court parking area.
 - b. Painting a pedestrian crosswalk across S. Dogwood Trail
 - c. Installing DWCC provided stop signs in the Town R.O.W. at four driveway exits.
 - d. Painting an accessible route from accessible parking area to main entrance sidewalk.
 - e. Removal of old hard courts within 180 days.
2. **LDA 2005-12-01 – All Saints' Church, (ALC); Conditional Use Amendment:** Staff and Board Member Peckens recommended the Planning Board, in order to group community and assembly occupancy facilities in the same district, consider extending the R-1 District encompassing the DWCC and KHES, westward across S. Dogwood Trail to the ALC property. Neal Blinken suggested extending the R-1 District to include "The Cove" project in order to increase the height, and visibility,

of the proposed condominium. Subsequent to discussion, the Board agreed to defer consideration of including "The Cove" property and approved a motion requesting the Town Manager to draft proposed amendments to extend the R-1 zoning district as recommended.

R. Edwards responded to questions from the Board regarding the expansion of the ASC facilities and noted it was their hope to bring a Site Plan for Phase 1, (Administrative space, classrooms, etc.), to the Board in April. Discussion concluded that 80,000 square foot lot size was appropriate for churches but could be applied only in two zoning districts, R-1 and Commercial. Subsequently, the Board, by motion, recommended Council approve revisions to the Zoning Ordinance addressing dimensional requirements for churches for these zones.

3. LDA 2006-10-01 SSCA - Community Beach Access at Chicahawk Trail: SSCA President Leo Holland provided background regarding this project, noting that Goodwill Industries initially provided \$5000.00 to the Town, who gave it to SSCA, for ADA compliant facilities. A dune crossover appeared to be the best use for this money and the SSCA evaluated all potential sites. With the new parking lot, Chicahawk appeared to be the best choice, however when it became known that in addition to constructing the crossover, SSCA would also have to build a driveway to a parking pad on the east side of Ocean Boulevard and widen the path from the new parking to the crossover, the cost of the project became prohibitive. The project has therefore been abandoned and the SSCA is currently deciding whether it should return the funds to Goodwill or attempt to find another, (less costly), project.

Other Business:

1. Old Business:

- a. **Lot Coverage:** Results of the January 24th Workshop were briefly discussed. Staff will draft proposed revisions to the Zoning Ordinance for Board consideration at its next meeting.
- b. **Property Street Name and Numbering Changes:** M. Hejduk briefed the Board on the Town's initial approach to resolving property numbering and street naming issues.
- c. **Non-commercial – Charity Event Signs:** The Board reviewed Staff prepared amendments, (Ordinance No. 2006-02-PB1), to the Zoning Ordinance that would allow temporary signage promoting events sponsored and organized by charitable organizations. Subsequent to discussion, the Board, by motion, recommended Council approval of the proposed revisions to the Zoning Ordinance.
- d. **Joint Meeting with Council:** Chairman Groff, referring to the draft minutes of the joint Planning Board/Town Council meeting, opined that agreements reached were not adequately reported. Vice Chair Kowalski felt that discussion regarding communication issues was also lacking. Groff and Kowalski will draft suggested revisions to the minutes and forward them to the Town Clerk.

2. New Business:

- a. **Hazard Mitigation Plan:** M. Hejduk generally discussed the Town's Hazard Mitigation Plan, the flood insurance program and premium increases. He concluded by recommending establishment of a Hazard Mitigation Planning Committee, as a standing committee of the Planning Board.

Chairman Groff, in conjunction with Staff, will draft an outline of committee responsibilities for Board consideration.

Other: Chairman Groff recommended Board Members peruse Senate Bill 518, (an Act clarifying and making technical changes to planning statutes), included in their packets. Also included in their packets was a copy of Mr. T. Welch's response to Chairman Groff's letter forwarding the Town Attorney's opinion regarding the Town's authority to limit access to property from multiple points.

Announcements: Next meeting: Workshop, 1:00 PM, Tuesday, February 21, 2006; Pitts Center.

Follow-on Workshop: 1:00 PM, Tuesday, March 14, 2006; Pitts Center.

Next regular meeting: Monday, March 20, 2006; 7:00 PM, Pitts Center

Adjournment: Upon motion, the Planning Board meeting adjourned at 9:31 PM