



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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

info@southernshores-nc.gov

www.southernshores-nc.gov

Town of Southern Shores
Council Meeting
July 5, 2006
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on July 5, 2006, at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Dan Shields, David Sanders, and Brian McDonald. Council Member Jodi Hess absent.

Also present were: Webb Fuller, Interim Town Manager; Carrie Gordin, Town clerk; and Ben Gallop, Associate Attorney.

OPENING

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for our troops overseas.

APPROVAL OF AGENDA

Council Member Shields moved to amend the agenda by deleting item V. E. Hurricane Debris Management contract until information is available. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Andy Keeney, 6008 Currituck Road, Martin's Point, attorney for The Cove at Southern Shores, addressed Council on the progress of the development. He stated that the CAMA and storm water permits are in the review process. He stated that the Planning Board recommends approval of the amended site plan that is on tonight's agenda. He stated that the amended site plan shows changes to the retention pond is 100% on the property and that NCDOT has reviewed and approves of this change. He asked that Council vote favorably on the amended site plan.

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

REPORTS

Planning Board

George Kowalski, chairman of the Planning Board presented the June 19, 2006 Planning Board report.

Following discussion, Council set July 26, 2006 at 9:00 a.m. in the Pitts Center to hold a Joint Planning Board/Council meeting. The purpose of the meeting is to discuss several draft ordinances: property numbering, lot coverage, home occupations and commercial businesses and the vegetation plan.

Mayor pro tem Shields recommended that a special meeting be set for Council to review and discuss the vegetation management plan. He stated that it really isn't a Planning Board issue and may take some time.

[Clerk's Note: A copy of the June 19, 2006, Planning Board Report is attached hereto as Exhibit A and made part of these minutes].

Southern Shores Volunteer Fire Department

Chief Harvey reported one structure fire with a casualty as well as the monthly report.

Southern Shores Police Department

Chief Pledger presented the monthly police report.

OLD BUSINESS

The Cove at Southern Shores Multi-Family Subdivision (LDA-2004-12-02- amended site plan

Mike Hedjuk, Code Enforcement Administrator, presented an update on The Cove's amended site plan. Council previously received a copy of the amended site plan (Revision "F") as well as a copy of the Summary of Facts (dated 6/30/2006) provided by Mr. Hejduk. Mr. Hejduk stated that the Planning Board has recommended approval of the amended site plan which shows removing portions of the stormwater detention basin facilities from US Hwy 158 NCDOT rights of way and relocate entirely on the subject property.

Mayor pro tem Shields asked Mr. Hejduk if Council approves the amended site plan how long does the developer have to pull the building permit? Mr. Hejduk stated 180 days from the approval of the amended site plan.

Mr. Hejduk stated that the building permit would not be issued until the stormwater and CAMA permits are issued or a variance is granted.

Mayor pro tem Shields stated that The Cove has come before on two other occasions requesting Council's approval of the site plan but then it was found that needed permits were not in order. He stated that he hopes The Cove does not need to come before Council again.

Mr. Kenney stated that he understood.

The town manager stated that before any building permit is issued everything will be in order.

Mayor pro tem Shields moved to approve the amended site plan (Revision "F" as submitted) for The Cove be approved. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

Flood Damage Prevention Ordinance

Mike Hejduk stated that the Planning Board has reviewed the ordinance and recommends adoption. He stated this ordinance needs to be adopted and submitted to the State by September 20, 2006. A public hearing is required and it is recommended that Council hold the public hearing at the July 25 Council meeting. As part of the requirements, proper notification of the public hearing includes that all homeowners be notified by first class mail.

Council Members Sanders stated that Council hopes to get away from holding public hearings and approving items at the mid month meeting and return to the way of the workshop meeting where Council can take time to discuss items before making decisions.

Following discussion, Mayor pro tem Shields moved to hold the public hearing for the Flood Damage Prevention Ordinance 2006-07-01 at the August 1, 2006 Council meeting. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

Town Manager Selection

Mayor Smith stated that Webb Fuller was hired as the Town's interim town manager on April 26, 2006. He stated that Webb had to put the FY2006-07 budget together in a very short period of time and he has done a tremendous job. He stated that the entire staff is to be applauded for helping Webb in completing the budget, especially Bonnie Swain, Finance Officer. He stated that during the last two months Webb had to get to know all the employees and Council and that he is pleased with Webb's accomplishments in that short period of time. He stated that Town Council continues to be impressed with Webb's performance and it is Council's pleasure to announce that Webb Fuller has agreed to remain as town manager. He stated that the town attorney is working on finalizing the details of the contract but all is agreed upon.

Webb stated that he is looking forward to the challenges and thanked Council for the opportunity.

South Dogwood Trail Road Project Update

The town manager reported that the site work for the South Dogwood Trail Road Project is under way. He stated that after discussion with the project manager and contractor it was decided that the multi-use path would be moved from the west side to the east side of South Dogwood. He stated that as the construction continues the public would be advised through the DOT sign boards, broadcast email, and the media when the road would be closed.

NEW BUSINESS

Amend Town Code-Parking Fine

The town manager stated that Council directed staff to submit ordinance amendment to increase the parking fine from \$25.00 to \$50.00 and staff request Council approve Ordinance 2006-07-02 to increase the Town parking fine from \$25.00 per violation to \$50.00 per violation.

Council Member Sanders moved to adopt Ordinance 2006-07-02 to increase the Town parking fine from \$25.00 per violation to \$50.00 per violation. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

[Clerk's Note: A copy of Ordinance 2006-07-02- Town Parking Fine is attached hereto as Exhibit B and made part of these minutes].

OTHER ITEMS

Council Members

Council Member McDonald reported stop and street signs missing at Holly Trail and he asked that anyone noticing signs down to call the police department.

Council Member Sanders requested staff submit a cost estimate to paint a designated pedestrian path on each side of East Dogwood Tr. from Hillcrest east to NC 12.

Glenn Alexander, Public Works Supervisor, stated that installing the path is on the list, as well as installing a bike rack at East Dogwood Trail that has been donated by the SSCA.

Mayor

Mayor Smith stated that he is the Town's representative on the Dare County Shoreline Management Commission which met on June 27. He stated that a representative from Nags Head requested the committee recommend to the Dare County Commissioners that they approve in participating in paying 50% of the yearly cost of the lobbyist contract, which was previously paid in full by the Nags Head and Kill Devil Hills citizens. He stated the cost of the contract was \$60,000 a year plus expenses, which expired June 30. He stated that the expenditure was approved and that he was the only dissenting vote. He stated that the next request to the committee was to ask the DC Commissioners to agree to pay 25% of the cost of the current plan with a total cost estimated at \$30-35 million dollars and this was approved with he being the only dissenting vote. He stated that the Town of Nags Head is planning to hold a voter referendum in November for its residents to approve spending these monies which will increase their property taxes by approximately 30%. He stated that if this passes it would impact all town revenues. Those towns who have a higher tax rate receive more revenues from the County. He stated that the current method used for distribution of revenues is in proportion to each town's ad valorem tax rate. He stated that another way of dividing the revenues is by population which would not penalize a town from being fiscally responsible and would be a better way.

He urged all taxpayers to contact the County commissioners to say no to this waste of money and he asked that Southern Shores take a stronger position against beach nourishment. He asked the committee why, after the sales tax was defeated, they are ignoring the voters.

Mayor Smith asked that a county-wide referendum be put in place and let the citizens vote the beach nourishment program up or down.

Mayor Smith stated that Council sent a letter, on two different occasions, to the County requesting their intent to distribute the sales tax collected for beach nourishment and to ask the County to call or submit a countywide beach nourishment plan and Council has had no response. Council agreed to resend the letter.

Town Manager

Webb Fuller provided a canal dredging update by saying that the money is in the state budget for the Town's grant. The grant is \$800,000 from the state and the Town's share is \$200,000. He stated, as part of the project, soil sample testing needs to be provided. He stated that if the Town does not find any dredging spoil sites there can be no dredging. He asked Council to talk to the residents to help find suitable spoil sites. He stated a firm has been contacted to do the soil sampling.

Council Member Sanders stated this is an important project, the Town has the money and now the residents need to help provide sites for the spoils.

Town Attorney - None

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Jim Pfizenmayer, 4 Loblolly Lane, stated that soil samples of the canals were taken about two years ago when the main channel was dredged. He stated that the Southern Shores Boat Club is offering the North Marina parking lot as a spoil site. He encouraged all efforts to move ahead with the project.

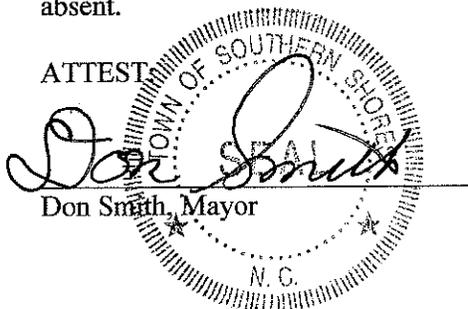
Hearing no other comments Mayor Smith closed the public comment section.

ANNOUNCEMENTS

Leo Holland announced that the Southern Shores Civic Association general meeting would be held July 10, 2006 at 7:00 p.m. in the Pitts Center.

Hearing no further comments Mayor pro tem Shields moved to adjourn at 8:05 p.m. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

ATTEST



Respectfully submitted:



Carrie Gordin, Town Clerk

Memorandum

To: Southern Shores Town Council
CC: Town Manager
From: Jim Groff, Chairman, Planning Board
Date: 8/4/2006
Re: Recap, Planning Board Meeting of June 19, 2006

Planning Board recommended actions for the Town Council:

1. **LDA 2004-12-02 The Cove – Amended Site Plan: Approve that portion of the amended site plan application for “The Cove”, (Mckim & Creed Dwg. No. C-02 Rev. D), removing the stormwater retention ponds from the NC DOT right-of-way and placing them totally within the project site.**

NOTE: In making this recommendation, the Board is aware that Council approval will provide “The Cove” with an additional 180 days, (from the date of Council approval), to obtain a building permit.

2. **Subsequent to holding a public hearing, approve Ordinance No. 2004-04-aa, as revised, amending Section 7-36 of the Southern Shores Town Code – Property Numbering.**
3. **Subsequent to holding a public hearing, approve Ordinance No. 2005-XX-XX, as revised, amending Section 6.07 of the Southern Shores Zoning Ordinance – Access to Main Thoroughfares.**
4. **Subsequent to holding a public hearing, approve staff recommendations to assign new street names and house numbers on Ocean Boulevard, Duck Road, Hillcrest and N. Dogwood, Hickory Trail and the Marina; as well as renumber properties on Ocean View Loop and Ocean View Drive.**
5. **Subsequent to holding a public hearing, adopt Ordinance No. 2006-06-PB10 – Flood Damage Prevention – as amended and as a ‘stand-alone’ ordinance.**

6. Approve the elections of George Kowalski as Chairman and Georgine Poisal as Vice Chairman of the Planning Board.

Organization: Chairman Groff called the meeting to order at 7:00 PM. Planning Board members Kowalski, Russell, Peckens, and Alternate Poisal, sitting for excused Member Walter, as well as ETJ member Halloran and Alternates Wendt and Conners, were present. Also in attendance were Council Member Hess, the Code Enforcement Administrator, Fire Inspector, Fire Chief and Administrative Support Assistant. Participating in this meeting were Hornthal, Riley, Ellis and Maland attorney Ellis; Republic Properties representatives Evans, Mozingo, Martier and Blinken; and Southern Shores Realty representative Stone.

Public Comment: None.

Committee Reports: The **Stormwater Management Advisory Committee** meets on June 21st to review the proposal to consolidate the reports received to date, (along with the one awaiting completion), and will meet again in July to review progress.

Site Plan Applications:

- 1. The Cove:** Because of the difficulty in obtaining a stormwater permit from the NC Division of Water Quality, The Cove representatives initially sought, in an amended site plan, removal of the stormwater retention ponds from the state right-of-way and deletion of the Geoblock fire vehicle access road from the site plan approved by Council, with the provision that The Cove would provide, at no expense to the Town, a four wheel drive truck for rescue purposes. Subsequently however, The Cove learned that the DWQ had favorably viewed The Cove's porosity data for Geoblock and therefore, at this meeting of the Board, The Cove withdrew its request to delete the Geoblock access road. The remaining purpose for submission of the amended site plan was to simply obtain approval of the revised plan for the stormwater retention ponds. Asked what The Cove planned if the Geoblock was ultimately disapproved by the State, Mr. Evans replied "The site would require re-engineering" and Mr. Mozingo concurred, saying, "We will have to find another solution." Code Enforcement, the Fire Inspector and Fire Chief offered no objections to the amended plan. Accordingly and subsequent to the Chairman pointing out that approval of the amended site plan would give The Cove an additional 180 days, following Council approval, for issuance of a building permit, the Planning Board, by motion unanimously approved, recommended Council approval of the amended site plan as it relates to the revision of the design for the stormwater retention plans as shown on Revision D, Drawing C-02.

New Business:

1. Amendment to the Official Property Numbering Map: Noting that this effort was in response to a Council goal, David Bakken gave a presentation pointing out that naming certain streets and re-numbering various properties would provide addresses which emergency services and visitors could more easily find. He advised however that such would require revision to existing ordinances and close coordination with property owners.

Subsequent to discussion, the Board, by motion unanimously approved, (1) recommended Council adopt proposed Ordinances No. 2004-04-aa and No. 2005-xx-xx amended to substitute the words "Town Manager or his/her designee" wherever the words "Building Inspector" appear, and (2) recommended Council approve assigning new street names and numbers and renumber Ocean View Loop and Ocean View Drive as suggested by Staff

It is anticipated that additional ordinances will be required to correct all the inconsistencies throughout the Town. Accordingly, the Chairman suggested Staff bring to the attention of Council during a Workshop, a few of the most serious problems to obtain "the sense of the Council" relative to proceeding with this effort, since it, (to no one's surprise), is potentially quite divisive with questions as to why Fred had to comply and Joe didn't.

2. Ordinance No. 2006-06-PB10 – Flood Damage Prevention Ordinance: M. Hejduk advised that new, county-wide, Flood Information Rate Maps, (FIRM), becomes effective on September 20th of this year. The Town's current flood ordinance, last amended in January 2001, requires updating by that date to meet new requirements and maintain, or perhaps improve, the Town's 20 % flood insurance premium discount. Following discussion, the Board agreed with Staff that the existing Flood Damage Ordinance should be deleted in its entirety and, by motion unanimously adopted, recommended Council approve the Staff proposed draft Flood Damage Prevention Ordinance as a stand-alone ordinance amended to reflect (1) "Reference Level is the bottom of the lowest horizontal structural member of the lowest floor, ..."; (2) Deletion of subparagraph (a), i) under Section B, (3), Certification Requirements; and (3) substitution of the date "November 27, 1979" for the date "February 3, 1987" in Article 6, Section A. It was noted that adoption of this ordinance requires a public hearing and letters to affected property owners.

3. Election of Chairman and Vice Chairman: George Kowalski was elected Chairman and Georgine Poisal was elected Vice Chairman for terms commencing July 1, 2006 and expiring June 30, 2007.

Other: The Chairman encouraged Board members to attend the Council Workshop on June 27th to hear Council Member comments regarding continuing development of the Permitted Businesses and Home Occupations Ordinance. He noted that Council is scheduled to provide guidance regarding a lot coverage ordinance at its July 25th Workshop.

The Chairman thanked ETJ Member K. Halloran, whose term expired with this meeting, for her six years of service. A replacement has not been named by Dare County.

M. Hejduk reviewed the progress of several approved projects for the Board.

Announcements: Next regular meeting: Monday, July 17, 2006; 7:00PM Pitts Center

Adjournment: Upon motion, the Planning Board meeting adjourned at 9:30 PM.

Exhibit B

Ordinance No. 2006-07-02

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE TOWN CODE
CHAPTER 1-GENERAL PROVISIONS**

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Chapter 1, General Provisions, Section 1-6 General Penalty; enforcement of ordinances; continuing violations.

Section 1-6 (d—1) Violations of Chapter 5 of this Code is hereby amended to read as follows:

Violations of chapter 5 of this Code shall subject the offender to a civil penalty upon the issuance of a notice or ticket of violation of chapter 5 in accordance with the provisions of article VI (Enforcement) of chapter 5. The amount of civil penalty shall be in the sum of ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) for each violation and each day any single violation continues shall be a separation violation. The civil penalties shall be paid and collected in accordance with article VI of chapter 5 and if such penalty is not paid within fifteen (15) days of the issuance of the notice or ticket, the sum shall be recovered by the town in a civil action in the nature of debt.

Article IV. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article V. Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the ___ day of _____ 2006.

S E A L

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: 07/05/2006