



Town of Southern Shores

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Town of Southern Shores

Council Meeting

March 6, 2007

7:00 PM.-Pitts Center

The Southern Shores Town Council met on March 6, 2007 at the Pitts Center.

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

Also present were: Webb Fuller, Town Manager; Carrie Gordin, Town clerk; and Ike McRee, Town Attorney.

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for the armed forces serving around the world.

APPROVAL OF AGENDA

Mayor pro tem Shields moved to approve the agenda as presented. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, 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 agenda.

Bob Palombo, 159 Duck Road, Build the Bridge-Preserve Our Roads (BBPR) board member read a letter from Senator Marc Basnight to Gwen Cruickshanks, president (BBPR), stating that the Mid-Currituck Toll Bridge would begin construction in 2010 and be completed by 2014. The NC Turnpike Authority is using a new permitting method, approved by Congress, which will expedite the project by years. He asked that everyone write to Senator Basnight, Representative Bill Owens and David Joyner, Director of the NC Turnpike Authority, thanking them for their support.

Mayor pro tem Shields commended the committee for a job well done.

Hearing no further comments, Mayor Smith closed the public comment section of the agenda.

REPORTS

Planning Board-None

Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly fire report.

Police Department

Chief Kole presented the monthly police report. Chief Kole stated that he would like to dispel a rumor following an isolated incident that involved a juvenile exposing himself. He stated that the incident is under investigation but that the juvenile is not a stalker. He stated that at any time an incident is of a serious nature the citizens would be notified. He stated that a drop box has been placed at the police department to receive after hour parking tickets. He reported the police department has initiated a monthly newsletter on the town's website. He thanked Jennifer Couture, police department administrative assistant and Merrie Smith, town administrative assistant, for their help.

Canal Dredging Project

The town manager reported that the canal dredging committee met with John CeCe with CAMA and John Sutherland from the NC Division of Water Resources discussed the permitting process, mechanics involved in the dredging process and they toured the proposed spoil sites at Chicahawk, Hillcrest and the Stone properties. He stated that he would be meeting with Mr. Stone and the Hillcrest property owners next week. He stated that the CPOA board agreed that the town engineer could survey the Chicahawk property as part of the condemnation process and he has authorized Quible to do the survey.

CONSENT AGENDA

- A. Minutes-February 6, 2007
- B. Tax Pick Ups and Releases
- C. Budget Amendments FY2006-07
- D. Resolution 2007-03-01-Capital Reserve Fund

Mayor pro tem Shields moved to approve the consent agenda A-C.

Resolution 2007-03-01-Capital Reserve Fund.

Mayor pro tem Shields moved to approve Resolution 2007-03-01 as presented.

Council Member Hess asked why is there a specific time frame noted.

The town manager stated that it is required to have a time frame and it can be extended each year.

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

[Clerk's Note: Resolution 2007-03-02-Capital Reserve Fund is attached hereto as Exhibit A and made part of these minutes].

CONDITIONAL USE HEARING

Southern Shores Civic Association (SSCA) -North Marina site plan amendment (gazebo) and lighted flag pole at Loblolly Marina-LDA-2007-01-02

Ike McRee explained a conditional use hearing is a quasi-judicial procedure with anyone presenting evidence must be sworn in and all parties presenting evidence have the right to cross examine and be cross examined. Upon hearing all the evidence council will take whatever action it deems appropriate.

Mr. McRee stated that the SSCA is seeking site plan approval for two changes to existing marina amenities. (1) construction of an open air pavilion on the west bank of the North Marina for the Southern Shores Boat Club (SSCB) and (2) installation of a lighted flag pole at the Loblolly Marina.

The town clerk swore in Mike Hejduk, code enforcement administrator; B.K. (Mac) McDanel, Southern Shores Boat Club, commodore; Brian Watson, 171 Sassafras Lane and Jimbo Ward, 9 Birch Lane.

Mr. McRee opened the hearing.

Mike Hejduk stated that the property has been posted and notice placed in the paper and notices have been sent to adjacent property owners. He reviewed the North Marina site plan and marked as Exhibit A and provided a digital photo of the pavilion as Exhibit B. He stated that since both properties belong to the SSCA and each require a conditional use hearing and they are in the RS-1 zone he put them together. Council was provided with an LDA 2007-01-02 Executive Summary of Facts. He stated that light spillage would be addressed if found to be in violation. He stated that as the gravel driveway appears on the site plan it is not permitted and would need to be removed before the building permit is issued.

Council Member Hess asked if proper notification has been given to all adjacent property owners. The town clerk provided a list of the property owners notified.

Council Member Hess asked if any discussion had been given to security lighting (motion lights) for the pavilion. Mike Hejduk stated not at this time.

Mayor pro tem Shields asked if the driveway could be moved to the west and meet the CAMA requirements. Mike Hejduk stated that in accordance to NC Accessibility Code the property is private but the amenity is public so there needs to be an improved surface to the pavilion and the temporary toilet.

Council Member Hess asked about the wood chip trail. Mike Hejduk stated that there would be landscaping improvements but would not need to come before council.

Mr. McDanel disclosed that he had a conversation with Mr. Proctor, adjacent property owner, regarding the location of the pavilion and he feels Mr. Proctor was satisfied that his view would not be impacted by the new structure.

Jimbo Ward stated that he loves the marina but he is concerned about the lighting. He encouraged the boat club to be discreet with the lighting.

Brian Watson stated that he is also concerned about the parking and the lighting of the gazebo. He stated that the building would encourage more people and he asked that the police patrol that area more frequently when the building is completed. He commented that some boat club members need to regulate their speed.

Hearing no other comments Mr. McRee closed the hearing.

Mayor pro tem Shields moved to approve the SSCA LDA-2007-01-02 improvements to the North Marina and the Loblolly Marina and to include the executive summary of facts as presented by Mike Hejduk.

Council Member Hess stated that she is concerned about the lighting of the pavilion.

Discussion was held on the use of motion sensor lighting and if it would be the best type of lighting. Lighting details would be discussed during the building permit process with Mike Hejduk.

Jim Pfizenmeyer stated that the flag pole would be lighted with a shielded 50 watt light.

The owner of Island Flags stated that it may be costly to fly flags twenty-four hours a day. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

OLD BUSINESS

Hazard Mitigation Plan Report

Mike Hejduk, code enforcement administrator provided council with copies of the Town's Hazard Mitigation Plan as revised by the Hazard Mitigation Plan Committee. He provided information that the Federal and state requirements mandate annual review of the progress reports and public disclosure. He presented a power point presentation addressing certain area of concerns that need council input for updating the plan. Some of the concerns should we continue to allow open burn permits and beach pushes, identify local flood hazards and ways to mitigate, consider changing the setback for ocean front properties, placement of utilities underground with some expense for this.

Mayor pro tem Shields stated that council should consider changing the setback for oceanfront properties. It was recommended that NC Sea Grant be contacted for recommendations.

NEW BUSINESS

Government Access Channel Budget

Council received the proposed FY2007-08 budget for the Government Access Channel and as the town is a member of the Government Access Channel Committee it is requested that each participating town share is \$1,000.

Council Member Hess serves as the town representative on committee she moved that council approve the \$1,000 expenditure as requested. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

OTHER ITEMS

Council Members-None

Mayor-None

Town Manager

The town manager stated that Chief Kole has submitted a request that council consider the police department receiving a used Humvee emergency vehicle from the NC Department of Crime Control and Public Safety, Law Enforcement Support services. There is no cost for the vehicle but the vehicle needs to be transported from Raleigh. The vehicle would need to be equipped with a radio and emergency lights which the department has and it may need some cosmetic work. It would park at the fire department with the 1½ ton truck to be used in catastrophic events.

The town manager stated that the police department does need a certain number of four wheel drive vehicles but as vehicle replacements are made the Durangos would be replaced with standard patrol cars.

Mayor Smith stated that the vehicle is twenty years old, gets horrible gas mileage and to pay insurance and maintenance on a vehicle that we may never use is not cost effective.

Council Member Sanders stated that the deuce and a half has been used during storm events and has not been a drain on funds. He stated that this vehicle is designed to be used in times of flooding not police vehicles.

Fire Chief Harvey stated that the batteries were replaced on the deuce and a half and cost \$20 a year to maintain it. He stated that it is started weekly and they would do the same with the Humvee.

Council Member McDonald asked how many hours or miles does the Humvee have.

Chief Kole stated that he does not know but that he and Lt. Terry has seen the vehicle.

Mayor Smith asked how much it will cost for transporting and minor maintenance. Chief Kole stated that the department has money in their maintenance budget and it could cost \$1500-\$2000 for unexpected expenses. He stated that the department has surplus emergency equipment.

Mayor Smith stated that he is interested in saving money and he does not support something that we might use in an emergency. He stated there will be additional cost for insurance, gas, and repair work. He expressed his concern that the police department continues to buy equipment that is not needed. He recommends that staff provide a total cost before they vote.

The town manager stated that the opportunity is here and he would be remiss not to present it to council for their consideration.

Council Member Hess moved to approve the transporting of this vehicle to the town at the request by Chief Kole. Mayor pro tem Shields seconded. The motion passed with Council Members Shields, Hess and Sanders, voting aye; Mayor Smith and Council Member McDonald voting no; and no Council Member absent or not voting.

Town Attorney -None

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Steve Uperti, 157 Wax Myrtle Trail, thanked the mayor and the town manager for the discussion held during the Mayor's Chat on the canal dredging. He asked that council not lose sight of the citizens that will be impacted by the Chichauk spoil site and the impact it will have on the wildlife. He asked that council stay sensitive to this.

Fire Chief Harvey asked that everyone keep Andy Cagiano, long time resident and firemen, in their prayers. He is having major surgery on his shoulder.

Hearing no further comments, Mayor Smith closed the public comment section of the agenda.

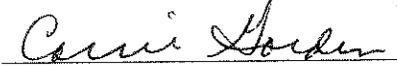
Hearing no other business Mayor pro tem Shields moved to adjourn at 8:05 p.m. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

ATTEST:


Don Smith, Mayor



Respectfully submitted:



Carrie Gordin, Town Clerk

**RESOLUTION
ESTABLISHMENT OF THE CAPITAL RESERVE FUND**

WHEREAS, there is a need in the Town of Southern Shores, NC to maintain and improve Town streets, buildings and storm water management systems; and

WHEREAS, the Town must bear the costs of the above mentioned improvements and accumulate revenues for the purpose of maintaining and improving Town streets, buildings and storm water management systems.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD THAT:

Section 1. The Town Council hereby creates a Capital Reserve Fund for the purpose of accumulating revenues for Capital projects which include maintenance and improvements to Town streets, buildings and storm water management systems.

Section 2. The fund will remain operational for a period not to exceed five years (beginning July 1, 2007 and ending June 30, 2012).

Section 3. This resolution shall become effective upon its adoption.

Adopted this 6th day of March 2007.

S E A L

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Memorandum

To: Southern Shores Town Council
CC: Town Manager
From: George Kowalski, Chairman, Planning Board
Date: 1/29/2007
Re: Recap, Planning Board Meeting of January 16, 2007

Planning Board recommended actions for the Town Council:

- 1. Approve the site application, subject to special conditions, LDA 2007-01-01, the Outer Banks Dentistry.**
- 2. Subsequent to the notification of adjacent property owners and subsequent to holding a public hearing, approve the site application, subject to special conditions, LDA 2007-01-02, the SSCA North Marina Pavilion.**

Organization: Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members George Kowalski, Georgine Poisal, Jay Russell, Dave Peckens, Joe Walter, ETJ representative Ed Overton, Alternate Nancy Wendt, and Alternate Jim Connors were all present. Also in attendance were the Code Enforcement Administrator Mike Hejduk and Administrative Support Assistant Cyndy Gabrys.

Public Comment: There was no public comment.

Committee Reports:

The **Stormwater Management Advisory Committee** report was presented by Jay Russell, who stated that the committee met with Robert McClendon of the UNC Coastal Studies Institute. The committee had several concerns regarding the direction of the report and asked that the emphasis be changed. This will be done and the committee is awaiting the next rough draft of the report.

The **Hazard Mitigation Plan Committee** report was given by Mike Hejduk. A meeting was held on Wednesday, January 10, 2007 at 10:00 AM. A second meeting will be held Wednesday January 17, 2007 at 9:00 AM. The committee is well on its way reviewing all aspects of the plan.