



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

Council Meeting

January 5, 2010

7:00 p.m.-Pitts Center

The Southern Shores Town Council met on January 5, 2009 at the Pitts Center.

The following Council Members were present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members Kevin Stroud, Jim Pfizenmayer and George Kowalski.

Also present were: Charlie Read, Town Manager, Ben Gallop, Town Attorney and Carrie Gordin, Town Clerk.

Mayor Denny called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. He held a moment of silence for the family of Bill Albrecht and stated Bill was a long time resident (30years) and a long time member of the Southern Shores Volunteer Fire Department and for all of our service men and women serving us around the world.

APPROVAL OF AGENDA

Council Member Hess moved to approve the agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

GENERAL PUBLIC COMMENT

Sam Williams, 109 Pudding Pan Lane, stated he requested the past Council and now is asking this Council that a quarterly financial report be given at meetings.

APPROVAL OF MINUTES-November 4, 2009, December 1, 2009 and Special Meeting December 9, 2009.

Council Member Kowalski stated he has a series of corrections mainly capitalization in all sets of the minutes and a few other corrections. Mayor Denny recommended Council Member Kowalski get with the Town Clerk to make needed corrections and re-submit the November 4 minutes at the February Council meeting.

Mayor Denny moved to approve the December 1, 2009 minutes with any typographical corrections submitted by Council Member Kowalski. Council Member Hess seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Council Member Hess moved to approve the December 9, 2009 minutes. Mayor Denny seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

CONSENT AGENDA –None

REPORTS

Planning Board-Recaps-Planning Board and the Planning Advisory Group (PAG) - December 7, 2009

Nancy Wendt, Planning Board Chairman, stated a special meeting was held to review the final subdivision plat for 109 Osprey Lane LDA- 2009-09-17 as is presented in the recap with the Planning Board's approval and is on tonight's agenda.

Mayor Denny stated it appears the wireless ordinance has been prepared showing the needed corrections as discussed from the previous Council meeting. Chairman Wendt concurred.

[Clerk's Note: Copies of the Planning Board Recap and the Planning Advisory Group recap December 7, 2009 are hereby submitted as Exhibit A and B respectively].

Southern Shores Volunteer Fire Department (SSVFD)

Chief Harvey presented the monthly report (December) and a 2009 Year-End report. He also reported the fire department has provided 17,000 hours of volunteer service.

Police Department

Chief Kole presented the monthly report (December).

Southern Shores Civic Association (SSCA)

Leo Holland reported a Board meeting will be held January 7 at 9:00 a.m. The General meeting will be held December 11 with the election of four new Board members and there will be two guest speakers speaking on "Going Green". He reported chains have been placed at the crossovers.

Chicahauk Property Owners Association (CPOA)

Marianne Landrum reported the CPOA are in the final stages of re-drafting their covenants have been completed and she requested the Town place them on the Town's website. She inquired on the status of the CPOA easement to the Town for the canal dredge by asking if the Town still needs it. She also requested Council consider road repairs in Chicahauk when doing their budget.

Tom Bennett stated the Town would not need the CPOA easement for Phase 1 of the canal maintenance dredge project.

Mayor Denny stated Council will discuss roads at the upcoming Retreat as part of the Capital Improvement Plan (CIP).

Canal Maintenance Dredging Project

Tom Bennett, Project Manager, reported the Town is just days away from doing the dredge. He stated a large debt of gratitude goes to Joe Anlauf, Quible Engineering; George Wood, EPI; Council Member Hess; the property owners; especially to Frank and Mike Stone whom without them the Town couldn't get the needed permits and the SSCA/Boat Club. He stated additional site work is needed. He reported the North Marina is closed to the public for safety reasons but you can see the operation from Sassafra. He stated anyone interested he can arrange for a tour but there are certain safety procedures that are required. He stated there are many State level agencies watching this project due to this being the largest dredge project of this kind in the State. He stated an instructional video will be made.

Council Member Hess stated the process for Phase II is being worked on. She stated an extension may be granted due to the current weather conditions and we may be able to complete Phase I.

Mayor Denny on behalf of Council thanked Tom Bennett for all of his help.

PUBLIC HEARING –Draft Wireless Ordinance (2009-08-01)

Mayor Denny stated there are two public hearings being held tonight with the first being on the Wireless Ordinance (LDA-2009-08-01). He stated Larry Lawhon, Wireless Committee Chairman will provide a brief Power Point presentation on the development of the ordinance.

Mr. Lawhon presented the Power Point presentation.

[Clerk's Note: A copy of the presentation can be found on the Town's website].

Mayor Denny opened the public hearing for the draft Wireless Ordinance 2009-08-01.

Lisa Murphy, AT&T representative, addressed Council and encouraged them to adopt the ordinance. She stated the committee and others have put a tremendous amount of time in drafting this ordinance. She stated the ordinance is a fair and balanced ordinance and thanked the Town for allowing the carriers to be involved in the process. She stated if nothing is done, nothing will be done and the carriers will continue to bypass you and invest in other areas. She stated the Towns' current ordinance doesn't meet today's technology requirements. She stated people expect this public utility and it is at no cost to the Town. In summary she requested Council approve this ordinance.

Mayor Denny thanked Ms. Murphy and all those who labored their way through the process.

Hearing no other comments Mayor Denny closed the public hearing.

Mayor Denny moved to adopt Ordinance 2009-08-01 Wireless Telecommunications. Council Member Kowalski seconded.

Council Member Hess stated she supports the ordinance but she has some concerns and she has found some typing errors.

Council Member Hess addressed page 7 line 12 regarding "permissible uses" she asked can a tower be placed on an empty lot or at a park.

The Town Attorney said not on an empty lot it doesn't have a use but it could be placed on a park site, it depends on the use of the property. There are a number of different uses that are approvable in the ordinance or exist in a non-conforming uses that might be a primary use that could have an accessory use.

Council Member Hess asked can a tower be placed at the open space location known as the "triangle" at Hillcrest and Hickory.

The Town Attorney stated that site would need to be investigated under the permissible uses or as a conditional use on open spaces.

Council Member Hess addressed page 8, section (c) permitted structures regarding the last sentence on what is permitted or not permitted.

The Town Attorney stated a pointy-type tower could only be a monopole and wireless support structures are not allowed.

Council Member Hess asked on page 11, section 3 (a) (2) line 24 an applicant must show evidence of good faith to negotiate market value terms for the collocation at each site what would be considered evidence.

The Town Attorney stated the streamline collocation procedure was put in by the General Statute and an affidavit would be considered evidence.

Council Member Hess addressed page 12 line 44 regarding the abandonment of a tower and asked how would the Town know if a tower is not in operation for 180 days in a 12 month period. She asked how the Town will enforce this.

The Town Attorney stated this language protects the Town if and when a tower is no longer operational and once abandoned you would need this language in the ordinance.

Council Member Hess questioned on page 13 section 4 under the review process if the words "the planning board will use" should be deleted and read "The following criteria etc.

Mayor Denny suggested changing the text to read The "Town" will use the following criteria etc.

The Town Attorney stated this language is the same as in the current ordinance and Council can make any changes they wish. He stated the motion would need to be amended.

Mayor Denny agreed and said he would amend his motion after all changes are noted.

Council Member Hess asked on page 13 (d) Annual Review (1) line 45 (a) is the Certificate of Occupancy (CO) or the conditional use permit being renewed annually.

The Town Attorney stated the CO is required and gives the property owner the right to use the property but it is also required that the conditional use permit is renewed annually.

Council Member Hess questioned the language on page 14, line 19-25 (2) Noncompliance.

The Town Attorney stated this is the correct language.

Council Member Hess questioned page 14 (e) Validity of Permits why are we allowing a 24-month time frame.

The Town Attorney stated the General Statutes requires a specific period of time from the issuance of a building permit for the structure to be constructed.

Council Member Kowalski stated he reviewed his comments regarding typos and minor word changes with Wes Haskett, Town Planner.

Council Member Stroud stated he has concerns and has stated them before especially in allowing tall towers. He suggested cutting the allowable tower circle map by twenty-five percent. He doesn't support the 1/3 rule or having the view of a tall tower near the ocean. He stated a tower west of NC 12 may be okay. He doesn't know how Council can vote on the ordinance when we don't know if a specific area is going to allow a tall tower. He would not vote to approve the ordinance tonight.

Council Member Kowalski stated the 1:1 height was required and a 1:3 height needed Council approval. He stated two places that keeps coming up is the East fire station and the "triangle" and nothing more than a 70' tower would be allowed on either side of NC12.

Council Member Stroud asked if a carrier bought two lots and tore down one or two dwellings can a tower be placed on those lots.

The Town Attorney said no; a tower can't go on a vacant lot but depending on the primary use with a permitted use other than a house a tower could be placed possibly in a commercial area.

Mayor Denny asked what tower height is allowed at the East fire station.

Larry Lawhon, Wireless Committee Chairman, stated using the 1/3 rule a tower no higher than 70' could be constructed.

Fire Chief Harvey stated allowable lot coverage at the East fire station is at the maximum so this site is not even a viable site for a tower.

Council Member Kowalski asked what sites are viable sites.

Planning Chairman Wendt stated up until recently the sites were not divulged. Chairman Wendt stated a carrier must come to an agreement with a property owner and Council must approve the site before a tower is placed.

Council Member Stroud asked about the site at Hickory/ Hillcrest.

The Town Attorney stated personally he doesn't know at this time if any of the sites would work under this ordinance.

Mayor Denny stated it reads on page 13 line 51 (d) (1) (a) (b) that Planning Board sets fees. He thought Council sets fees.

The Town Attorney stated the Building Inspections and Code Enforcement Departments should have input on the fee schedule. He stated Council may not want to deal with consultants. Council can decide who sets the fee schedule.

Council Member Hess stated in the past recommended amendments to the fee schedule is brought to Council for approval.

The Town Attorney stated fees are addressed on page 13, section 6 Consultants which allows the Town to set fees.

Mayor Denny moved to modify his motion for approval to change page 13, line 7 (4) to read the Town not the Planning Board, and to further modify page 13 line 51 strike "Code Enforcement and Inspections Department" and insert the word "Town" and approve ordinance as modified. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Mayor Denny moved to approve the amended ordinance 2009-08-01. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Pfizenmayer and Kowalski voting aye; Council Member Stroud voting no and no Council Member absent.

PUBLIC HEARING –Final Plat Subdivision (LDA- 2009-109 Osprey Lane

Mayor Denny stated Council approved the preliminary plat on December 1, 2009.

Mayor Denny opened the public hearing.

The Town Clerk swore in Alvin Rountree, Town Code Enforcement Administrator and Doug Styons, Applicant Representative.

The Code Enforcement Administrator stated the final subdivision plat is presented and the property owner installed the required water tap and everything complies. He requested Council approve the final plat.

Hearing no other comments Mayor Denny closed the public hearing.

Mayor Denny moved to approve the subdivision final plat at 109 Osprey Lane as presented. Council Member Hess seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

OLD BUSINESS

Copier Lease Agreement

The Town Manager stated this item was brought to the previous Council's attention. The Town Attorney provided some concerns regarding the lease agreement with ESI due to the fact the finance company was in Pennsylvania and did not use the same leasing standard language as North Carolina.

Staff recommends the Town change its copier service to ESI which will include new copiers for town hall and the police department.

Council Member Kowalski stated the service cost with COECO is \$538.00 a month and the service cost with ESI is \$427.18 a month.

Council Member Hess moved to approve the contract with ESI. Mayor Denny seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

NEW BUSINESS

Amend Council Rules of Procedure

Mayor Denny stated at the last Council meeting Council agreed to change their second monthly meeting to the third Tuesday of the month. Council needs to approve officially the amendment to the Council Rules of Procedure.

Council Member Hess moved to approve the amended Council Rules of Procedure as presented:

Section 6. Meetings.

- (a) Regular meetings. The council shall hold a regular meeting on the first Tuesday of each month at 7:00 p.m. in the council chambers, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. In addition to the regular meeting, the council shall hold a work session on the ~~third~~ ~~fourth~~ Tuesday of the month at 8:00 a.m. in the council chambers.

Mayor Denny seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Council Calendar Resolution 2010-01-01

Mayor Denny presented the 2010 annual Council calendar for approval.

Council Member Hess moved to approve the Resolution 2010-01-01 Council meeting 2010 calendar as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Mayor Denny stated the January 19 Council meeting is canceled and the annual retreat will be held on January 20-22.

[Clerk's Note: A copy of Resolution 2010-01-01 is hereby attached as Exhibit C].

Dare County Tourism Board Appointment

Mayor Denny stated more information is needed and he requested this item be tabled to a later meeting. Council agreed.

OTHER ITEMS

Town Manager

The Town Manager requested Council adopt a Mutual Aid agreement with the Town of Kitty Hawk for Building Inspections services. He stated the current agreement has expired. The Town of Kitty Hawk approved the agreement last night.

Mayor Denny moved to approve the Mutual Aid agreement for Building Inspections services with the Town of Kitty Hawk. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Town Attorney

The Town Attorney asked if his services are needed at the Council Retreat to submit the agenda to him so he can schedule his calendar.

Mayor

Mayor Denny announced the *Essentials of Government* course for new Council Members will be held in March in Kitty Hawk but he encouraged all Council Members to attend.

Mayor Denny announced that Council Member Stroud is a new Father of a son.

Council-None

PUBLIC COMMENT

The Canal Project Manager stated the dredge barge can be contacted by radio on VHF channel 6, 16 or 18 with the call sign "PMC Holmes Beach".

Hearing no other business Mayor Denny moved to go into closed session pursuant to NCGS 143.318.11 (a) 3, 1 and 6. Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Upon returning to open session and hearing no other business Mayor Denny moved to adjourn the meeting at 9:45 p.m. Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

ATTEST:

Hal Denny, Mayor
N. C.

Respectfully submitted:



Carrie Gordin, Town Clerk

Exhibit A

To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)
Town Attorney (Ben Gallop)

Copies: Town Manager (Charlie Read)
Town Staff (Pat Forrester, Carrie Gordon, Wes Haskett, Alvin Rountree, Merrie Smith, Bonnie Swain)
Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)

From: Nancy Wendt, Planning Board Chair

Date: December 08, 2009

Re: Recap, Planning Board Special Meeting December 07, 2009

Attach: LDA 090917 Final Plat

PLANNING BOARD RECOMMENDATIONS FOR THE TOWN COUNCIL:

APPROVE LDA 090917 – Final Plat for Proposed Subdivision – Olivola / Walton, 109 Osprey Lane

MEETING RECAP

- I. **CALL TO ORDER:** Chairperson Wendt called the meeting to order at 7:00pm. Planning Board Members Nancy Wendt, Jay Russell, Bob Palombo, Mike Florez and Sam Williams, and alternate members Bill Gleason and Larry Lawhon were present. ETJ Representative Ed Overton was absent with excuse. Also in attendance were Planning Board Administrative Assistant Merrie Smith, Code Enforcement Officer Alvin Rountree and Town Planner Wes Haskett.
- II. **APPROVAL OF AGENDA:** Sam Williams motioned to approve the agenda. Jay Russell seconded the motion. The motion passed unanimously.
- III. **APPROVAL OF MINUTES:**
Bob Palombo motioned to approve the minutes from the November 16, 2009 Planning Board meeting. Sam Williams seconded the motion. The motion passed unanimously.
- IV. **PUBLIC COMMENT:**
None
- V. **PERMIT APPLICATIONS**
LDA 090917 Walton, 109 Osprey Lane, Subdivision Application, Final Plat for of Olivola Peninsula (Walton)

Alvin Rountree, Code Enforcement Officer, reported that the Code Enforcement Department found this application complete and in full compliance with the Zoning Ordinance. Code Enforcement recommends approval.

Doug Styons, Land Surveyor, represented the property owner. He commented that nothing has changed since the preliminary plat.

The Planning Board had no questions for Code Enforcement or for the applicant.

A motion for the Planning Board to recommend that the Town Council approve LDA090917 was made by Jay Russell and seconded by Bob Palombo. The motion passed unanimously.

VI. OTHER BUSINESS - NEW

SUBDIVISION ORDINANCE

Alvin Rountree presented Code Enforcement's assessment of the existing ordinance. The primary issue is that the current ordinance does not differentiate between major and minor subdivisions. Consequently the requirements and the review process are unnecessarily burdensome for minor subdivisions. Code Enforcement recommends that a new ordinance be drafted that will:

1. Incorporate the state definitions and requirements for all Subdivisions.
2. Add definitions that differentiate between minor and major Subdivisions
3. Specify separate provisions for infrastructure improvements, application documentation, and the review and approval process for each type of Subdivision.

The Planning Board concurred with Code Enforcement's recommendation to differentiate between major and minor subdivisions and to streamline the review and approval process for minor subdivisions. Wes Haskett will prepare a proposed subdivision ordinance for the Planning Board's review first quarter 2010.

VII. ANNOUNCEMENTS:

None

VIII. REGULAR MEETINGS:

Regularly scheduled meetings for the next month are:

1. Planning Board meeting December 21, 2009 - CANCELLED
2. PAG December 21, 2009 – CANCELLED
3. PAG January 4, 2010 Pitts Center 7pm
4. Planning Board January 19, 2010 Pitts Center 7pm
5. PAG January 19, 2010 following Planning Board meeting

IX. ADJOURNMENT:

Mike Florez made a motion and Sam Williams seconded the motion to adjourn. The Planning Board meeting adjourned at 7:45 pm.

Summary of Facts

Project No. LDA090917
Project Name: Final plat of Olivola Peninsula (Walton)
Application for: subdivision approval
Documentation: see plat

1. Name of Applicant: Nancy O. Walton
2. Address of Applicant: 109 Osprey Ln, Southern Shores NC
3. Agent for Applicant: Doug Styons, Professional Land Surveyor
4. File Reference:
5. Property Identification Number (PIN): 986709169879
6. Street Address of Property: to be assigned
7. Location of Property: 109 Osprey Lane
8. Flood Zone: AE7 and X (2%)
9. Zoning District(s) per Zoning Map dated 4/4/2000: RS-1
10. Is a Zoning Change Required for the Proposed Use? No
11. General Description of the Proposal: division of 3.93 acre parcel into 2 separate parcels (3.01 and .92 acres)
12. Land Use Plan Classification: Residential
13. Date Application Received by Town: /September 18, 2009
14. Received by: Merrie Smith
15. Application Fee Paid: Yes (\$95.00)
16. Completeness of Application: complete
17. Proposal to be completed in phases? no
 - A. If yes, are phases shown on site plan(s)?
18. Documents Received Upon Filing Application or otherwise received and made part of this application: Yes (site review by Dare County Health Dept)
 - A. Other documents as may be included, subject to Council approval.
19. Adjacent Property Uses:
 - A. Predominant: Residential, canal, (Ginguite Creek)
 - B. Other: n/a
20. Existing Land Use: residential
21. Utilities
 - A. Does the applicant propose the use of public sewage systems? No
 - (1). Is the application in compliance with Chapter 30, Section 30-76(2) – Dare County Health Department Approval? Yes, in a letter dated September 15, 2009 from the Health Department.
 - B. Does the applicant propose the use of public water systems? Yes
 - (1). Is the application in compliance with Chapter 30, Section 30-76(2) – Dare County Regional Water System Approval? Yes
 - C. Is the area within a five-year proposal for the provision of public water? Yes
 - D. Is the area within a five-year proposal for the provision of public sewage? No
 - E. Overhead Utilities unknown
 - F. Solid Waste Facilities: Solid waste collection and disposal will be supplied by Dare County.
 - G. Security Lighting: n/a
22. Right-of-Way and Stormwater/Drainage Improvements
 - A. Are any rights-of-way improvements required? Private access easement
 - B. Are any stormwater or drainage improvements required? Not at this time

- (1). If yes, are such improvements shown in the application?
C. Construction Parking and Mobilization: n/a
23. Landscaping
A. Is any buffer required? n/a
B. Is any landscaping described in application? No
24. Findings Regarding Additional Requirements None
25. Minimum requirements for approval:
A. Is the application complete? Yes.
(1). Is the application complete per Zoning, Chapter 36, Section 36-299 (b)(Site Plan Requirements) Checklist Complete? Yes
B. Does the application fail to comply with one or more requirements of the Zoning Ordinance? No

Staff Recommendations

Staff recommends.

Approval

Exhibit B

To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)

Copies: Town Manager (Charlie Read)

Town Attorney (Ben Gallop)

Town Staff (Pat Forrester, Carrie Gordon, Wes Haskett, Alvin Rountree, Merrie Smith, Bonnie Swain)

Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)

From: Nancy Wendt, Planning Board Chair

Date: December 08, 2009

Re: Recap, PAG Working Session December 7, 2009

PB / PAG RECOMMENDED ACTIONS FOR THE TOWN COUNCIL

None

PAG MEETING RECAP DECEMBER 7, 2009

The Planning Advisory Group working session convened at 7:45pm following the Planning Board special meeting. Planning Board Members Nancy Wendt, Jay Russell, Mike Florez, Bob Palombo, Sam Williams, alternate members Bill Gleason and Larry Lawhon, Administrative Assistant Merrie Smith, Code Enforcement Officer Alvin Rountree and Town Planner Wes Haskett were present.

AGENDA

Nancy Wendt proposed that Code Enforcement be added to the meeting Agenda and be given the floor first. PAG members agreed.

SUBDIVISION ORDINANCE

Alvin Rountree presented his assessment of the problems that are caused by the current ordinance for subdivisions. During the Planning Board meeting preceding the PAG meeting Alvin recommended that the current ordinance be amended to:

4. Incorporate the state definitions and requirements for all Subdivisions.
5. Add definitions that differentiate between minor and major Subdivisions
6. Specify separate provisions for infrastructure improvements, application documentation, and the review and approval process for each type of Subdivision.

Alvin suggested that the definition for minor subdivisions specify up to 3 or 5 lots and less than 10 acres for the original parcel. In Dare County 3 or fewer lots is a minor subdivision. In Currituck County 5 or fewer lots is a minor subdivision. In both Counties minor subdivisions qualify for a streamlined review and approval process. The PAG agreed that less than 10 acres subdivided into up to 3 lots is a minor subdivision. Minor subdivisions will require fewer improvements and will qualify for a streamlined review process that **will not** require Planning Board review, public hearings or Town Council approval.

Bill Gleason expressed concern that the proposed changes would permit a subdivision applicant with a 9 acre parcel to circumvent the process for major subdivisions by subdividing the original 9 acres into 3 lots of 3 acres each and then, in a separate application, subdivide each of the new 3 acre lots into three 1 acre lots thus avoiding the more stringent improvement requirements that apply to major subdivisions. Wes Haskett responded that subsequent subdivisions always refer back to the original "parent" parcel. Applicants cannot bypass necessary improvements through multiple filings.

The PAG briefly discussed subdivision improvement requirements as they apply to major versus minor subdivisions in Southern Shores. Two aspects of subdivision improvements are public utilities and roadways. Alvin Rountree stated that the objective of the ordinance is to protect property owners and subsequent buyers of subdivided parcels from owning land that cannot be used as intended due to inadequate improvements. For example, there need to be adequate roadways to provide vehicular access to each lot and adequate easements to permit utilities (public water, electrical power, telephone lines, etc.) and emergency services (police, fire and EMS) to access each lot. Each subdivided lot also needs to have the capacity for on-site septic and a building site that is above the flood plain.

Wes Haskett will prepare a proposed subdivision ordinance and present it to the Planning Board for discussion first quarter 2010. The proposal package will include the a draft of the text for the ordinance, a chart that illustrates all of requirements for a major subdivision compared to those for a minor subdivision under the proposed ordinance and a brief summary of the rationale for making these changes to the current subdivision ordinance.

Wes Haskett will illustrate these details in a comparison chart of the infrastructure improvements required for major versus minor subdivisions in the proposed ordinance that he will present to the Planning Board first quarter 2010.

ADMINISTRATIVE AND REPORTING ITEMS

Nancy Wendt reported that Mayor Denny verbally indicated that the Planning Board will be asked to present a brief report at the Town Council Retreat scheduled for January 20 – 22, 2010. This is consistent with the Planning Board's commitment to provide the Council with a review of all projects and activities every six months. The last full review was done at the joint Planning Board – Town Council meeting on June 11, 2009. Wes Haskett will follow up with the Town Council and will advise the Planning Board regarding the day and time for this report. In preparation for this semi-annual briefing, Nancy distributed the project summary sheet that was used to brief Mayor Denny and Council Member Kowalski on November 23, 2009. Each project lead will update their portion of this sheet with key accomplishments for 2009, current project status, pending recommendations and any outstanding support requirements. Updates need to be sent to Nancy by close of business December 16, 2009. Nancy will consolidate the material into single DRAFT document which the team will review at the PAG meeting scheduled for January 4, 2010.

The standard materials that need to be on file for public inspection for each planning project were reviewed and discussed. These materials include:

1. Statement-of-Work – A one page summary that describes the purpose of the project, the work to be done and the deliverables to be produced. Each project file will include the original SOW plus any amended SOW's with the date they were approved.
2. Project Chart – A chart that illustrates project steps (major milestones), action items, estimated completion dates and responsible parties. Each project file will include the original project chart plus monthly updates. This chart will replace the Milestone Tracker that was used at the beginning of 2009.
3. Resource Chart – An itemized list of the types of staff support and professional services a project requires expressed in estimated man hours or dollars. These estimates provide the basis for the Planning Board's operating budget and support resources requests.
4. Monthly RECAPS – Monthly summaries (typically less than one page) of project activity, findings, accomplishments, new or changed resource requirements and recommended actions. These summaries provide input to the monthly PAG RECAP.
5. Key Documents – Key documents in each Project file will include as appropriate: a final report, any proposed ordinance, presentations, workshop materials and any other documents that are relevant to the project.

The team agreed that once a month at the 3rd Monday of the month PAG meeting project leads will submit updated versions of items 2, 3 and 4 to Wes Haskett electronically. Project leads will provide updated versions for items 1 and 5 on an as needed basis.

Effective January 1, 2010 the preparation of Planning Board and PAG meeting RECAPS will revert back to town staff the way it was under Mike Hejduk. Wes Haskett will prepare RECAP DRAFTS based on his meeting notes plus the written input provided by project leads. As always Planning Board / PAG members will review RECAP DRAFTS for completeness and accuracy prior to their submission to the Town Council.

LR PLANNING PROJECTS

The group discussed the past months activity and the current status of LR Planning projects.

1. CAMA LUP UPDATE PROJECT – ACTIVE Sam Williams

Sam Williams reported that he distributed the current CAMA LUP draft text to all PB members for review on December 2, 2009. Sam needs everyone's comments and corrections by close of business December 16, 2009.

Sam presented a one page chart that shows the remaining steps and action items that need to be completed in order to finish the CAMA LUP update. The team found Sam's chart especially helpful and agreed to use it as a model for documenting the outstanding items and estimated schedules for other planning projects. Thank you Sam!

Sam asked if the contact person to correct the GIS maps for inclusion in the LUP has been identified yet. Wes Haskett is working on this issue and he stated that he expects to have an answer by the end of this week.

2. TRANSPORTATION PLAN – ACTIVE Bob Palombo

Bob Palombo reported that he spoke with Dave Peckens regarding the Roads Evaluation Committee's willingness to work with the Transportation team to complete an initial assessment of existing roads compliance with the town ordinance. Dave is willing to help, but his committee was disbanded after their report was approved by Council in July 2008 and committee members do not want to take on any new assignments unless they are asked to do so by the Town Council.

Bill Gleason reminded everyone that he believes assessing roadway compliance with the code is "a waste of time." His reason is the town has no money to correct any non-compliant situations if they are identified. Bill also stated that "neither Dave Peckens nor his committee are qualified" to do this work. Bill believes that "this requires an engineer." The group acknowledged Bill's dissenting view and reaffirmed that they believe this assessment is necessary to ensure that all needs are publically identified and prioritized before the Town Council makes any decisions about which needs to or not to fund.

4. STORMWATER MANAGEMENT PLAN – ACTIVE Jay Russell

Jay Russell proposed the following action items for the Stormwater Management Plan.

- The Town of Southern Shores plans to install stormwater improvements individually either in association with street improvement projects or as defined in the Capital Improvement Plan.
- The Town of Southern Shores Stormwater Management Program Drainage Study prepared by Quible & Associates, P.C., and the Stormwater Study of the NC 12 corridor entitled "NC 12 Drainage Improvement Report" as prepared by Vanasse Hangen Brustin, Inc., will be referenced in the design of the improvements.

The team concurred with these recommendations.

With respect to the stormwater guidelines to be incorporated in the town ordinance, Jay reported that he has hit a wall. He has met with Alvin Rountree, Joe Anlauf, Robert McClendon and others but there is no clear consensus about how best to move forward on guidelines. Jay, Wes and Nancy will meet to review the alternatives and to prepare recommendations for the rest of the group to discuss in January.

5. WIRELESS PLAN – ACTIVE Larry Lawhon

Larry Lawhon reported that the Town Council discussed the Wireless Ordinance again at their meeting on December 1, 2009. The Council accepted the Wireless Committee's and the Planning Board's recommendation to delete the proposed ordinance provision for multiple wireless facilities on one parcel of land. Council also directed town staff to:

- Publicize the most current DRAFT of the proposed ordinance and the site information as widely as possible over the next few weeks.
- Obtain and circulate a copy of the TIA 222G standards.
- Increase the liability coverage requirement for wireless facilities to \$5 million
- Set a date for a second public hearing on Wireless for January 5, 2010.

- Incorporate Wes Haskett's inspection and maintenance recommendation into the proposed ordinance.

Wes Haskett recommended that Southern Shores adopt an annual inspection and maintenance process similar to Chowan County's process which is as follows.

Annual Review Required

The County on an annual basis shall review all WTA and WTSS. An application for annual renewal must be submitted to the County no later than ninety (90) days prior to the date of last renewal or the date of the original certificate of occupancy. Structures will be re-permitted for the next three hundred sixty-five (365) days following review by the inspections office, the Planning Board.

Application for Renewal

The checklist of requirements for renewal of Wireless Telecommunications Antennae and Wireless Telecommunication Support Structures is listed below:

- (a) Renewal application fee.
- (b) Complete renewal application form.
- (c) Letter of continued insurance coverage for minimal general liability.
- (d) Letter from the inspections department that the WTSS or WTA has remained in compliance with ordinance since the later of the last renewal or the certificate of occupancy.
- (e) Engineers letter stating that the WTSS or WTA had remained in compliance with all federal, state, and ordinance requirements for structural integrity, and for radio frequency exposure requirements.
- (f) Letter from the owner(s) that the WTSS or WTA has remained in compliance with all FCC, FAA, and NEPA requirements since the later of either the last renewal or the certificate of occupancy.
- (g) Letter from the owner(s) that they intend to maintain full financial responsibility for the WTSS or WTA for the entire renewal period.

Wes will follow up with the town attorney to incorporate this annual renewal process into the proposed ordinance that is currently before the Town Council.

6. WIND GENERATION PLAN – ACTIVE Mike Florez

Mike Florez reported that his next team meeting is scheduled for December 17 at 3pm in the Pitts Center. The objective of this meeting is to pull together the wind team's findings and to lay out the remaining action items that need to be completed in order to finish the Wind Generation Report and to prepare a proposed ordinance for wind facilities.

Mike spoke to Jim Winebarger (Dare County Schools) and learned that the proposed wind turbine project at Kitty Hawk Elementary School has been put on hold while priority attention has shifted to a larger wind demonstration project in Hatteras. The status of Jim Millis' wind facility is unknown. The turbine portion of the facility has been removed, but there is no information as to why.

7. PARKS & RECREATION PLAN – INACTIVE

The need for a coordinated parks and recreation plan has been identified before most recently in Southern Shores 2005 LR Plan. A statement of work will be prepared and an invitation to participate in the development of this plan will be extended to civic associations and citizens in first quarter 2010. The civic associations' willingness to work with the town to coordinate plans will determine what next steps are possible.

8. COMMUNITY COMMUNICATIONS PROJECT - INACTIVE

This project, requested by the Town Council in June 2009, will review municipal best practices, evaluate tools and recommend actions to engage citizens more fully in the LR planning process for Southern Shores. This project will be launched in 2010.

ZONING ORDINANCE IMPROVEMENTS

The group discussed the need to continuously improve the zoning ordinance. Opportunities for improvement may be identified by the Planning Board, a Council Member, Code Enforcement, a member of Town Staff, a member of the Board of Adjustments, a member of the Planning Board, a permit applicant or a citizen of Southern Shores.

In addition to the proposed ordinances that are being developed by some Planning Board Projects (e.g., Wireless and Wind) the following ordinance improvements are currently in the pipeline.

1. Subdivision Ordinance – ACTIVE Wes Haskett
Code Enforcement recommends changing the ordinance from one process that fits all subdivisions to differentiating between minor and major subdivisions.
2. Height Calculation Method – ACTIVE Wes Haskett
Code Enforcement recommends changing the max height calculation method from the lowest corner to an average of all four corners.
3. Regulation of Lot Disturbance – INACTIVE Alvin Rountree
Code Enforcement recommends strengthening the ordinance to prevent unwise sculpting of land that can cause negative impacts on adjacent properties and the environment (e.g., excessive use of fill or major changes in grade that create stormwater runoff problems for adjacent roadways and properties.)

4. Event Houses – INACTIVE Mike Heiduk

In 2006 Mike Heiduk recommended strengthening the regulations that prohibit the use of residential structures for commercial purposes (e.g., event houses that cause parking overflow, traffic congestion, trash overflows, and the potential for producing waste water in excess of septic design limits that are based on a max occupancy of 14.) Stricter enforcement of parking regulations has reduced the magnitude of event house problems.

UPCOMING MEETINGS & PROPOSED AGENDA ITEMS

1. PAG working session January 4, 2010 from 7pm to 9pm at Pitts Center
 - Review Planning Board Summary for Town Council Retreat
 - Discuss Planning Board / PAG resource requirements for 2010-2011
 - All PAG projects general status
2. Planning Board meeting January 18, 2009 7pm to 9pm at Pitts Center
 - Permit Applications as received
 - Proposed Ordinance as received
3. PAG working session January 18, 2009 following Planning Board meeting.
 - All PAG projects general status

ADJOURNMENT

The PAG meeting adjourned at 9:45pm.

Exhibit C

Resolution 2010-01-01

COUNCIL MEETING SCHEDULE

WHEREAS, the Town Council of Southern Shores hereby resolves to implement the following as its monthly meeting schedule for calendar year 2010 and;

WHEREAS, all Council meetings are scheduled to be held in the Kern P. Pitts Center and this is a Dare county voting place.

BE IT RESOLVED that the regular monthly meetings of the Town of Southern Shores Town Council will take place in the Kern P. Pitts Center on the first Tuesday of each month being called to order at 7:00 p.m. but more specifically as follows:

Tuesday, January 5, 2010
Tuesday, February 2, 2010
Tuesday, March 2, 2010
Tuesday, April 6, 2010
Tuesday, May 4, 2010
Tuesday, June 1, 2010

Tuesday, July 6, 2010
Tuesday, August 3, 2010
Tuesday, September 7, 2010
Tuesday, October 5, 2010
Wednesday, November 3, 2010
Tuesday, December 7, 2010

BE IT RESOLVED that the regular monthly Town of Southern Shores Town Council agenda workshop meetings will take place on the third Tuesday of each month being called to order at 8:00 a.m. in the Kern P. Pitts Center but more specifically as follows:

Tuesday, January 19, 2010
Tuesday, February 16, 2010
Tuesday, March 16, 2010
Tuesday, April 20, 2010
Tuesday, May 18, 2010
Tuesday, June 15, 2010

Tuesday, July 20, 2010
Tuesday, August 17, 2010
Tuesday, September 21, 2010
Tuesday, October 19, 2010
Tuesday, November 16, 2010

BE IT RESOLVED if Council finds there are no specific items for the third Tuesday meeting agenda the meeting will be cancelled.

BE IT RESOLVED if an election is being held on the first Tuesday of a month then the Council meeting date will be changed to the first Wednesday at 7:00 p.m.

BE IT FURTHER RESOLVED that to process routine actions in an expeditious manner a consent agenda will be utilized and administered by the Town Manager as part of Council's regular meeting agenda.

BE IT FURTHER RESOLVED to insure public comment is heard one or more Public Comment sections will be placed on the Council meeting agendas. Such comments shall be brief and to the point. The Mayor and or Council may address comments raised or refer the comments to staff for further investigation.

Adopted this 5th day of January 2010.

S E A L

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk