



# Town of Southern Shores

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Council Meeting  
March 2, 2010  
7:00 p.m.-Pitts Center

The Southern Shores Town Council met on March 2, 2010 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: Chief David Kole, Interim 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 our Armed Forces standing in harm's way and for the people of Haiti and Chile.

## **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**

Gray Berryman, 37 Skyline Road, stated he would like to speak on beach nourishment and will be glad to hear from Mayor Oakes. He stated he has some serious objections to the Town of Nags Head's plan such as the economic risk, the logistical risk and the environmental risk are great but his biggest concern is the request to raise the occupancy tax during this economic environment.

**APPROVAL OF MINUTES**-January 30, 2010 Emergency Meeting, February 2, 2010 Meeting and February 6, 2010 Emergency Meeting.

Council Member Hess moved to approve all the minutes as presented. Council Member Pfizenmayer 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**

FY 2009-2010 Budget Amendments 8-11

Resolution 2010-03-01 Establishing Policy for Preparing, Approving and Maintaining General Accounts and Minutes of Closed Sessions

Council Member Hess moved to approve the FY 2010 Budget Amendments 8-11 and Resolution 2010-03-01 as corrected. 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.

Note: A minor typographical error was corrected to Resolution 2010-03-01.

[Clerk's Note: Copies of Budget Amendments 8-11 and Resolution 2010-03-01 are hereby attached as Exhibits A-E.]

Mayor Denny acknowledged Dare County Chairman Warren Judge.

**PRESENTATION**- Bob Oakes-Town of Nags Head Mayor - Beach Nourishment

Mayor Oakes provided a presentation addressing a Nags Head Beach Nourishment plan with the request to the Town that they consider supporting the Town of Nags Head's request that the Occupancy Tax be raised 1% for a ten-year period with the allocation of five years of the additional occupancy tax revenue for repayment of a revenue bond for the Nags Head Beach Nourishment Project and to allocate twenty million dollars from the Dare County Nourishment Fund for a permitted ten-mile beach project in Nags Head. He stated Nags Head has already spent one million dollars on this project. He stated the occupancy tax was increased in 2002 one percent and nothing since. He stated the increase in this tax would have the least impact on the local towns. He stated it is a lengthy process to have condemned or nuisance homes removed following a storm and this is a way to protect the income stream and to protect real property. He stated damaged houses left standing reflect on the whole Outer Banks not just the town where located. He stated Nags Head is asking support from all the towns. He stated the legislators would need to approve a change in the occupancy tax so there is some urgency in getting it to the legislators during the "short session" (May) but the legislators won't consider it if there is controversy. He stated Nags Head is trying to resolve a difficult issue with as little damage to our neighbors as we can.

Council Member Stroud stated previously Southern Shores asked the local towns to consider a different method of distributing County taxes on a population based method and no one was interested. He asked if Nags Head would consider looking at this again. Mayor Oakes stated he has not read enough about this or how the existing system was originated to form an opinion.

Mayor Denny stated Council hasn't taken a position on this issue and the town does have a representative on the Shoreline Commission. He thanked Mayor Oakes for the information and he stated this issue would be placed on the March 16 Council agenda for discussion.

**REPORTS**

Planning Board -Planning Advisory Group Recaps-January 19, 2010 and February 1, 2010

Nancy Wendt, Planning Board Chairman, stated the Planning Board is working on several ordinance amendments; height calculation; wind generation and storm water. She stated there is a gray area regarding open spaces in the wireless ordinance that needs clarification which planning board will review.

Also the Planning Board is requesting thirty minutes for a Transportation Plan presentation at the April 20 Council meeting. Chairman Wendt stated additional time may be needed for question and answer on this item.

[Clerk's Note: Copies of Planning Advisory Group Recaps January 19, 2010 and February 1, 2010 are hereby attached as Exhibit F and G].

Southern Shores Volunteer Fire Department-None

## Police Department

Chief Kole provided a monthly report.

## Southern Shores Civic Association (SSCA)

Karen Kranda, President, stated the SSCA is starting the crossover maintenance and she asked for volunteers and adopt a crossover program is open. She stated SSCA is trying to arrange for a community shredding of papers on a Saturday at Hillcrest Beach soon, to be announced. She thanked Chief Kole for setting up the meeting with Dominion Power on the removal of the Crepe Myrtle trees. SSCA will be mailing out the parking decals the middle of March and there will be a General Membership meeting in May 10.

## Chicahauk Property Owners Association (CPOA)

Marianne Landrum reported the CPOA semi-annual meeting will be held on March 20 at 11:00 a.m. in the Pitts Center.

## Canal Dredging Project

Tom Bennett, Project Manager, stated it has been about three weeks since the Town found the Contractor in default of the dredging contract but we are moving ahead. He stated Byrd Brothers has agreed to step in and resolve the contract they have contracted with Rowboat Dock and Dredge to determine a way to make a successful effort for the next dredging cycle. He stated Byrd Brothers will work with Sampson Contractors and Piedroba Marine to move forward. He stated Eric Wainwright, Byrd Brothers, has been in daily contact with Joe Anlauf and him since this process has started. He stated we have given a 30-day extension on the original 7-day time frame to resolve the issues. He stated April 1<sup>st</sup> is the target date to have the North Marina open. He stated if we plan to use the marina next year a partial restoration would be done. He stated the day markers will be replaced.

Council Member Pfizenmayer asked if all the pipes are out of the water. The Project Manager said yes with no damage. The Project Manager stated at this time it has not been decided if the pipe can be used again and if so it will need to be stored locally but owner ship of the pipe needs to be clarified.

## OLD BUSINESS

### Amending Fee Schedule for Application Fees for Wireless Towers

Mayor Denny moved to approve the amendment to the Town's Fee Schedule Ordinance 2007-01-03 to include for Wireless Applications in the amounts of: \$200 for Application for new tower, \$100 for Tower annual renewal, \$100 New collation and \$50 for Collocation annual renewal. 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.

[Clerk's Note: A copy of the amended Town Fee Schedule Ordinance 2007-01-03 is posted at Town Hall and found on the Town web site).

## NEW BUSINESS

### NetMotion Agreement

Chief Kole stated this is specifically a shared grant for computer software for police cars and originates from the Town of Nags Head. This is to allow the purchase of twenty-five additional licenses with all the towns paying the same share of \$347.63.

Council Member Hess moved to approve the expenditure of \$347.63. Council Member Pfizenmayer 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 Complex Parking Lot Lighting Contract Proposals

Chief Kole stated proposals were solicited and he recommends the MOS Electric bid in the amount of \$15,614.00 for parking lot lights using fiberglass poles.

Council Member Kowalski stated there are a number of lights proposed. Chief Kole stated the plan shows seven light poles to be installed to Town Code.

Mayor Denny moved to approve the MOS Electric bid in the amount of \$15,614.00 for parking lot lights at the Town Hall Complex. 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.

Council Member Hess stated this is not a budgeted item. Mayor Denny stated a budget amendment is needed and will be prepared.

### Resolution 2010-03-02 Opposing Cape Hatteras and Cape Lookout as a Marine Protection Area

Mayor Denny stated this resolution originated from Dare County and has been distributed to coastal towns and counties. He stated the resolution opposes any restrictions to Cape Hatteras and Cape Lookout in making them a National Marine Protection Area (MPA).

Mayor Denny moved to approve Resolution 2010-03-02 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.

[Clerk's Note: A copy of Resolution 2010-03-02 is hereby attached as Exhibit I].

## OTHER ITEMS

### Town Manager

Chief Kole provided Council with an amended computer use policy and he stated he is working on a policy for social networking.

Mayor Denny requested Council review the policy and place this item on the March 16 agenda.

Chief Kole stated a proposal has been accepted for sand fencing and will be initiated within the next week.

Chief Kole stated he is working with the Finance Officer who has provided Council with a budget time line.

Mayor Denny urged the Council Members to provide the Town Manager with their budget concerns.

Chief Kole stated he recently received an update price quote on the 800MHz radios from Gately for the police department and to include radios for the Public Works and the EOC. He stated 10 basic bare minimum radios for Public Works and the EOC the cost is \$18,800.00. He stated the radio price for the police department is now at \$107,000 down from \$180,000.

Mayor Denny stated he remembered a projected cost of \$225,000 for the radios the first part of the year.

Chief Kole stated an Officer of the Year program was initiated last year and at an awards breakfast held last Tuesday Officer Jeremy Hemilright was selected as Officer of the Year by his peers.

Chief Kole stated last year it was proposed to replace the H/VAC units in the Town buildings but it was never done. He stated bid proposals were sent out and he is recommending that all the H/VAC units and duct work be replaced in all three buildings (Town Hall, Pitts Center and Police Dept.). He stated he recommends Council award the contract to Norris Mechanical in the amount of \$54,850.00 and he has a budget amendment for approval also.

Mayor Denny moved to award the contract to Norris Mechanical in the amount of \$54, 850.00.

Council Member Kowalski stated that by replacing the ductwork mold will be removed.

Alvin Rountree, Code Enforcement Administrator, stated there may be some places that mold will not be able to be removed so the best thing to do is to replace all the ductwork.

The Town Attorney stated he was not involved in this bidding process but he would recommend the motion include a condition that the contractor provides a performance bond. He stated there are statutory requirements for performance bonds and he is not sure at this time if one is needed. He also stated it should show the Minority Business Participation statute has been met.

The Town Manager stated a separate bid notice was sent to cover the Minority Business Participation. under Attorney Leidy's guidance.

Mayor Denny moved to amend his motion to include the contract be awarded dependant upon Norris Mechanical being able to furnish a performance in a bond form suitable to our Town Attorney. 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.

Mayor Denny moved to approve Budget Amendment #12 in the amount of \$54,850.00 for town building maintenance. 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.

[Clerk's Note: A copy of Budget Amendment #12 is hereby attached as Exhibit H].

The Town Manager announced Dare County has provided a link on their website go to the Sheriff Dept. website and read road conditions for local areas.

Town Attorney-None

Mayor

Mayor Denny reported that he and Dare County Commissioner Warren Judge participated in the *Read Across American Program* at Kitty Hawk Elementary and they read Dr. Seuss. He enjoyed it very much.

Council

Council Member Hess stated Government Channel has approved their budget and she will present Council with their annual share of \$1,000 for the budget.

**GENERAL PUBLIC COMMENT**

Jack Brady, 2 Teal Court, stated he recently purchased a low speed vehicle and he would like to be able to travel thorough town and he would like Council to find a way to have an eco-friendly trail.

The Town Manager stated this issue has been discussed before but it is something that the civic associations need to get involved along with the Town and find a connection but for everyone to know the access is only for low speed vehicles.

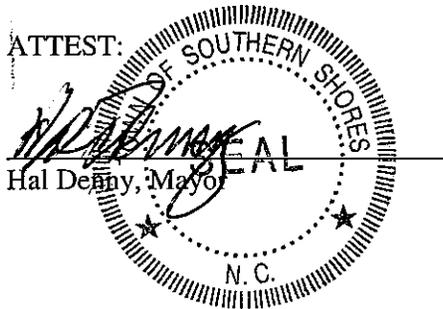
**CLOSED SESSION**

Mayor Denny stated the scheduled closed session is to approve past closed session minutes and he is canceling this until a closed session is called.

Hearing no other business Council Member Hess moved to adjourn the meeting at 8:35 p.m. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

ATTEST:

Hal Denny, Mayor



Respectfully submitted:

  
Carrie Gordin, Town Clerk

Exhibit A

**Town of Southern Shores  
Budget Amendment Number # 8**

<b>Revenues Increases</b>			<b>Revenues Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	Undesignated FB	1,000,000	40-39917	Canal Dredging Grant	1,000,000

Explanation: To pay canal dredging expenses from FB instead of Grant from State

Recommended By:

\_\_\_\_\_  
David Kole, Interim Town Manager

Approved By:

\_\_\_\_\_  
Hal Denny, Mayor

\_\_\_\_\_  
Date



Exhibit C

**Town of Southern Shores  
Budget Amendment Number # 10**

**Administration  
Increases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
<b><u>Revenues</u></b>		
40-39909	Undesignated FB	\$42,000
<b><u>Expenditures</u></b>		
42-50120	Contracted Services	\$42,000

**Administration  
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>

Explanation: To cover the cost of J. Webb Fuller, LLC

Recommended By:

\_\_\_\_\_  
David Kole, Interim Town Manager

Approved By:

\_\_\_\_\_  
Hal Denny, Mayor

\_\_\_\_\_  
Date

Exhibit D

**Town of Southern Shores  
Budget Amendment Number # 11**

**Code Enforcement  
Increases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
<b>Revenues</b>		
40-39924	Sand Fencing Grant	\$7,105
<b>Expenditures</b>		
63-50938	Sand Fencing	\$7,105

**Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>

Explanation: Additional funds available from County for sand fencing and grass planting

Recommended By:

\_\_\_\_\_  
David Kole, Interim Town Manager

Approved By:

\_\_\_\_\_  
Hal Denny, Mayor

\_\_\_\_\_  
Date

**Resolution 2010-03-01**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES,  
NORTH CAROLINA ESTABLISHING A POLICY FOR PREPARING, APPROVING AND  
MAINTAINING GENERAL ACCOUNTS AND MINUTES OF CLOSED SESSIONS**

**WHEREAS**, the Town Council of the Town of Southern Shores is required by the North Carolina General Statutes to keep a general account and minutes of its closed sessions; and

**WHEREAS**, the Town Council of the Town of Southern Shores must occasionally consider the draft minutes of its closed sessions and vote on the approval of the same.

**NOW, THEREFORE BE IT RESOLVED**, the Town Council hereby adopts the following policy with regard to preparation and maintenance of the general accounts and minutes of closed sessions of the Town Council:

1. All draft and approved general accounts and minutes of past, present and future closed sessions of the Town Council are hereby sealed unless or until affirmatively unsealed by majority vote of the Town Council. This provision shall include, but not be in any way limited to, notes taken, documents and materials considered, recordings made and resolutions adopted during the closed session. All draft and approved general accounts and minutes of closed sessions of the Town Council which have previously been released or unsealed by affirmative vote of a majority of the Town Council shall remain released or unsealed unless a majority of the Town Council votes to seal any such general account or minutes.
2. Unless absent due to illness or previously planned vacation or pursuant to an affirmative vote of a majority of the Town Council, the Town Clerk shall attend all closed sessions of the Town Council. The Town Clerk shall prepare a draft of the general account and minutes of each closed session for subsequent review by the Town Council. In the absence of the Town Clerk, the Town Manager shall prepare the draft general account and minutes of the closed session. If neither the Town Clerk nor the Town Manager attends a closed session the Mayor or the Town Council by majority vote shall appoint a member of the Town Council to prepare the draft general account and minutes of the closed session.
3. To the extent possible a separate general account and minutes of each portion of a closed session which can be associated with a separate purpose shall be prepared.
4. The draft general account and minutes of each closed session shall be prepared within thirty (30) days of the closed session to which they apply. The draft general account and minutes of each closed session shall be submitted for approval of the Town Council at the earlier of (1) the first scheduled closed session held after they have been prepared;  
  
or (2) a closed session specifically held for such purpose at the first Town Council meeting greater than ninety (90) days after the closed session to which they apply. The Town Clerk shall ensure that general accounts and minutes of closed sessions are considered as required herein.
5. The Town Clerk shall keep a running list of the draft and approved general accounts and minutes of all closed sessions of the Town Council denoting the following:

- a. Whether each is draft or approved;
  - b. Whether each is sealed, unsealed or partially unsealed;
  - c. The general purpose of the closed session; and
  - d. Whether each shall be permanently sealed.
6. At each closed session where draft general accounts and minutes are to be submitted to the Town Council for approval, the Town Clerk shall submit the list of draft and approved general accounts and minutes of closed sessions to the Town Council for consideration of whether or not any sealed general accounts and minutes should be unsealed or partially unsealed and whether or not any general accounts and minutes should be permanently sealed. The Town Council shall also perform such consideration at its first regular meeting in January and at its last regular meeting before any scheduled election. The Town Clerk shall prepare a draft resolution of action to be taken for the Town Council's consideration.
7. If any word, phrase, language, section or other portions of this policy are held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, sections or other portions of this policy shall remain in full force and effect.
8. Any and all other policies previously adopted by the Town which are inconsistent with this policy are hereby revoked.

Adopted this 2nd day of March, 2010.

\_\_\_\_\_  
Hal Denny, Mayor

Attest:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Exhibit F

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

**Copies: Interim Town Manager (Chief David Kole)**

**Town Attorney (Ben Gallop)**

**Town Staff (Pat Forrester, Carrie Gordon, 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: Wes Haskett, Town Planner**

**Date: February 18, 2010**

**Re: Recap, PAG Working Session January 19, 2010**

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**PB / PAG RECOMMENDED ACTIONS FOR THE TOWN COUNCIL - None**

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**PAG MEETING RECAP JANUARY 19, 2010**

The Planning Advisory Group working session convened at 7:00pm. Planning Board Members Nancy Wendt, Bob Palombo, Sam Williams, alternate member Bill Gleason, alternate member Larry Lawhon, Town Planner Wes Haskett, and Merrie Smith were present.

**AGENDA**

Nancy Wendt noted that the January 19, 2010 PAG meeting was the time for the PAG to hear and provide feedback on the presentations which she and Wes Haskett will be giving to the Town Council during their annual retreat on January 20, 2010. The final drafts of both presentations have been posted on the Town's website. <http://www.southernshores-nc.gov/Retreat%202010.htm>

**RETREAT PRESENTATIONS**

Wes Haskett presented his slides on Town Planner roles and responsibilities. Nancy Wendt presented her slides on the Planning Board's roles and responsibilities as well as current and upcoming projects. The PAG provided feedback which mostly consisted of grammar, punctuation, and capitalization corrections to the existing text which were noted and corrected prior to their presentations on January 20, 2010.

**UPCOMING MEETINGS & PROPOSED AGENDA ITEMS**

1. Planning Board meeting February 16, 2010 has been cancelled.
2. PAG working session February 1, 2010.
  - All PAG projects general status
3. PAG working session February 16, 2010.
  - All PAG projects general status

**ADJOURNMENT**

The PAG meeting adjourned at 8:25pm.

Exhibit G

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

**Copies:** Interim Town Manager (Chief David Kole)

Town Attorney (Ben Gallop)

Town Staff (Pat Forrester, Carrie Gordon, 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:** Wes Haskett, Town Planner

**Date:** February 18, 2010

**Re: Recap, PAG Working Session February 1, 2010**

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**PB / PAG RECOMMENDED ACTIONS FOR THE TOWN COUNCIL - None**

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**PAG MEETING RECAP FEBRUARY 1, 2010**

The Planning Advisory Group working session convened at 7:00 pm. Planning Board Members Nancy Wendt, Bob Palombo, Sam Williams, Mike Florez, Jay Russell, alternate member Larry Lawhon, and Town Planner Wes Haskett were present. Nancy Wendt reminded the PAG that the group decided to start submitting status update charts and reports to Wes Haskett for all current projects which should be submitted by the close of business on February 8, 2010.

**LAND USE PLAN UPDATE (Sam Williams)**

Sam Williams reported that the Code Enforcement staff is currently working on validating some statistics found in the Land Use Plan as well as correcting all of the Land Use Plan maps. Wes Haskett noted that the maps should be finished by the end of the week and that statistics were near completion.

**TRANSPORTATION PLAN (Bob Palombo)**

Bob Palombo reported that no work has been done since the last PAG meeting and that he needed direction in how to proceed. The road classification system for TOSS roads has been accepted by the Town Council and the Town Code needs to be amended to reflect it. The CIP project review process needs to be amended so that all transportation factors are considered when any work is done on the roads.

Nancy Wendt noted that it would be beneficial to present proposed policies and action items to the Town Council again. If the Council agrees, they could then adopt the proposed process for road work and put it in to action as roads are repaired. Bob Palombo will prepare a report to present to the Town Council following a presentation to the PAG.

Bob Palombo also reported that the Transportation Committee has been dissolved and some of the responsibilities have been reassigned. The Town Planner will now be responsible for assessing the adequacy and physical condition of TOSS owned roads, bridges, and multi-use paths as well as assisting Chief Kole with the transportation needs analysis.

**WIND GENERATION PLAN (Mike Florez)**

Mike Florez reported that the Wind Committee was in the process of reporting its findings to the PAG. Wes Haskett is currently working on a draft ordinance to present to the Wind Committee at the February, 18<sup>th</sup> meeting. Mike Florez also noted that the Wind Committee received a copy of a letter to the Mayor which suggested that the Town should establish a wind generation facility capable of meeting the power needs of the Kitty Hawk Elementary School and the Southern Shores municipal complex. A reply has been drafted for the Mayor's review.

**WIRELESS PLAN (Larry Lawhon)**

Larry Lawhon reported that the Wireless Ordinance amendment has been adopted by the Town Council. The remaining work to be done for this project consists of the submittal of a final report

and the implementation of the new Ordinance. Wes Haskett noted that the Code Enforcement Department was currently working on creating a fee and application for new wireless towers, collocations, and renewal permits.

### **CITIZEN COMMUNICATION PLAN (Larry Lawhon)**

Larry Lawhon reported that a draft Statement of Work has been submitted to the PAG and asked that all comments be sent to him.

### **STORMWATER MANAGEMENT PLAN (Jay Russell)**

Jay Russell reported that the Emerald Isle Stormwater Ordinance could be very useful while creating a Stormwater Ordinance for the Town of Southern Shores and asked the PAG to read it again. The Emerald Isle ordinance asks homeowners to be responsible for stormwater and impervious surfaces and contains performance standards and design standards for addressing stormwater issues. Wes Haskett and Joe Anlauf will read and discuss the Emerald Isle Stormwater Ordinance and report back to the PAG.

### **UPCOMING MEETINGS & PROPOSED AGENDA ITEMS**

4. Planning Board meeting February 16, 2010 has been cancelled.
5. PAG working session February 16, 2010.
  - All PAG projects general status
6. PAG working session March 1, 2010.
  - All PAG projects general status

### **ADJOURNMENT**

The PAG meeting adjourned at 8:40 pm.

#### Exhibit I

Resolution 2010-03-02

#### **RESOLUTION OPPOSING THE INCLUSION OF CAPE HATTERAS NATIONAL SEASHORE AND CAPE LOOKOUT NATIONAL SEASHORE INTO A NATIONAL MARINE PROTECTION AREA (MPA)**

**WHEREAS**, the Dare County Board of Commissioners, acting on advice and recommendation from the North Carolina Watermen United, has reviewed the proposed inclusion of the Cape Hatteras National Seashore and Cape Lookout National Seashore into a National Marine Protection Area (MP); and

**WHEREAS**, National Marine Protection Areas are delineated areas in the oceans, estuaries and coasts with a higher level of protection than prevails in the surround waters; and

**WHEREAS**, National Marine Protection Areas use a classification system that focuses on five key functional characteristics; Conservation Focus, Level of Protection Afforded, Permanence of Protection, Constancy of Protection and Ecological Scale of Protection; and

**WHEREAS**, the current National Marine Protection Areas nomination is unclear on the level of protection sought for Cape Hatteras and Cape Lookout National Seashores in regards to No Fishing, No Take and No Access clauses which further prohibit or restrict commercial or recreational fishing; and

**WHEREAS**, the creation of No Fishing, No Take and No Access clauses within the National Marine Protection Area would cause severe adverse effects on Dare County, its citizens and visitors both economically and culturally; and

**WHEREAS**, the clauses of No Fishing, No Take and No Access are in direct conflict with the stated goal of the National Parks Service nomination which is protecting the natural Heritage of both Cape Lookout and Cape Hatteras National Seashores as much of Dare County heritage is engrossed in commercial and recreational fishing; and

**WHEREAS**, inclusion of Cape Hatteras National Seashore and Cape Lookout National Seashore into a National Marine Protection Area will be devastating to the Commercial and Recreational Fishing Industry of Dare County and Coastal North Carolina, thus placing an undue hardship on the Dare County economy especially in the Tourism, Service and Retail sectors as related to the for-hire commercial charter vessels, commercial and recreational fishing industry; and

**WHEREAS**, existing Federal and State laws and regulations from agencies such as the North Carolina Division of Marine Fisheries, North Carolina Wildlife Resources Commission, the United States Fish and Wildlife Department and the South Atlantic Marine Fisheries Commission already regulate the levels of activities along Cape Hatteras National Seashore and any further regulations under the proposed National Marine Protection Areas would be burdensome and further bring undue economic hardship to Dare County, it's citizens and visitors.

**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Southern Shores requests that the Secretary of Commerce and the Secretary of Interior along with the National Marine Protection Area Commission consider and study the economic impacts to Dare County and the State of North Carolina in regards to the inclusion of Cape Hatteras National Seashore and Cape Lookout National Seashore into the National Marine Protection Area; and

**FURTHER BE IT RESOLVED** that the Town Council of the Town of Southern Shores strongly opposes any additional regulations or prohibitions including any No Fishing, No Take and No Access clauses associated with the proposed National Marine Protection Area; and

**FURTHER BE IT RESOLVED** that copies of this resolution will be transmitted to the United States Congressional members representing Dare County and Coastal North Carolina, the United States Senators representing North Carolina, the United States Secretary of Interior and the United States Secretary of Commerce.

This the 2nd day of March, 2010

\_\_\_\_\_  
Hal Denny, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Exhibit H

**Town of Southern Shores  
Budget Amendment Number # 12**

<b>Public Works Increases</b>			<b>Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<b><u>Revenues</u></b> Undesignated FB	\$54,850			
59-50927	<b><u>Expenditures</u></b> Town Bldg. Maintenance	\$54,850			

Explanation: To remove old units and ductwork and replace with new ones at Town Hall, Pitts Center and Police Dept.

Recommended By:

\_\_\_\_\_  
David Kole, Interim Town Manager

Approved By:

\_\_\_\_\_  
Hal Denny, Mayor

\_\_\_\_\_  
Date