



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

June 7, 2011

7:00 p.m.-Pitts Center

The Southern Shores Town Council met on June 7, 2011 in the Pitts Center.

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

Also present were: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny called the meeting to order at 7:00 p.m. led the Pledge of Allegiance. He held a moment of silence for the families of Elizabeth Perry, Bill Storey, long time resident and Town volunteer, and Ken Perine, also the Town Manager who recently lost his father as well as his father-in-law and to honor all our men and women in uniform serving around the world.

Mayor Denny acknowledged the absence of Council Member Pfizenmayer.

APPROVAL OF AGENDA

Mayor pro tem Hess moved to approve the agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny, Mayor pro tem Hess, Council Members Stroud and Kowalski voting aye.

EMPLOYEE RECOGNITION-5 Years of Service- Police Officers McManus and Torres

Chief Kole was recognized to present service awards to two police officers for five years of service to the Town. Sergeant McManus has thirteen total years of law enforcement service and Senior Patrol Officer/Investigator Torres has a total of twenty-six years of law enforcement service. Mayor Denny and the Town Manager presented each with a plaque, a certificate and a five-year Town pin.

PRESENTATION-AUSTISM SOCIETY of NC OBX CHAPTER-Eileen Lowrey, Chapter President

Ms. Eileen Lowrey presented information on the second annual Surfing for Autism event to be held on August 12-13. She stated last year 30 kids and their families and others participated and this year the event has grown to 60 kids participating. She stated a department within the UNC School of Medicine that specializes in autism (TEACCH) will provide the activities and she encouraged everyone to attend.

Mayor Denny thanked her for coming.

APPROVAL OF MINUTES-May 3, 2011

Mayor pro tem Hess moved to approve the May 3, 2011 minutes as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny, Mayor pro tem Hess, Council Members Stroud and Kowalski voting aye.

CONSENT AGENDA

Tax Pickup and Releases

Mayor pro tem Hess moved to approve the Consent Agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny, Mayor pro tem Hess, Council Members Stroud and Kowalski voting aye.

[Clerk's Note: A copy of the Tax Pickups and Releases is hereby attached as Exhibit A].

STAFF REPORTS

Town Planner

Wes Haskett, Town Planner, presented the May Building Inspections/Code Enforcement Report.

[Clerk's Note: A copy of the May Building Inspections/Code Enforcement Report is hereby attached as Exhibit B].

Police Department

Police Chief Kole presented the May report.

Southern Shores Volunteer Fire Department

Fire Chief Harvey presented the May report.

REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS

Town Planning Board

Sam Williams, Chairman, reported the Planning Board on May 16 reviewed the proposed site plan for the construction of TowneBank of Currituck on Juniper Trail. Upon review, the Planning Board is recommending approval of the site plan with certain conditions.

[Clerk's Note: Recaps from May 2, 2011 and May 16, 2011 Planning Board meetings are hereby attached as Exhibit C].

Southern Shores Civic Association

Larry Lawhon announced the shower/foot bath at Hillcrest Drive crossover is completed. Approval has been given for a boat slip at the N. Marina to the Town Police Department for their boat. AT&T presented preliminary documents for proposed cell tower which have been signed by the SSCA. The project has been put on hold until after the merger between AT&T and T-Mobile is finalized.

Chicahauk Property Owner's Association-None

GENERAL PUBLIC COMMENT-None

OLD BUSINESS

Consideration of FY2011-2012 Budget Ordinance 2011-06-01

The Town Manager presented a FY2011-2012 budget summary.

Mayor Denny stated there have been no unforeseen changes to the proposed budget for fiscal year 2011-2012 since the public hearing. He moved to approve FY 2011-2012 Budget Ordinance 2011-06-01 as presented. Mayor pro tem Hess seconded. The motion passed with Mayor Denny, Mayor pro tem Hess and Council Member Kowalski voting aye with Council Member Stroud voting no.

[Clerk's Note: A copy of Budget Ordinance 2011-06-01 is hereby attached as Exhibit D].

NEW BUSINESS

Consideration to Set Public Hearing-TowneBank of Currituck Site Plan Review Application

The Town Planner requests Council set a Public Hearing on June 21 at 8:00 a.m.

Mayor Denny stated the request requires a quasi-judicial hearing review of the site plan. He stated if Council has no objection he would set the hearing for the TowneBank of Currituck to be held on June 21 Council meeting at 8:00 a.m. Council agreed.

Re-Appoint Planning Board Member-Jay Russell

The Town Planner stated Jay Russell's term expires June 30 and Mr. Russell has agreed to continue serving on the Planning Board if Council would chose to re-appoint him.

Mayor Denny moved to re-appoint Jay Russell beginning July 1, 2011 to another three-year term on the Planning Board. Council Member Kowalski seconded. The motion passed with Mayor Denny, Mayor pro tem Hess, Council Members Stroud and Kowalski voting aye.

OTHER ITEMS

Town Manager

The Town Manager thanked everyone for their condolences on the loss of his family members.

Other issues he addressed:

- On May 21 a "Go Far" kids 5k Run was held in Town with the Town being a full partner in the event. "Go Far" is a national after school fitness program. Town Hall staff, Public Works, and the Police Department all helped in this event along with the Mayor giving a Southern Shores welcome at the start. It was a great success with over three hundred participants.
- The Ocean Rescue beach lifeguard service is in full operation.
- The hurricane season is officially open and the Town has begun in-house preparations with a table top exercise scheduled June 28 for staff.

- The Town's chipping program is over for the season and will restart in September. Letters are being sent from the Code Enforcement Department to property owners who have put brush out or who have not removed their mulch from the right-of-way.
- NCDOT notified the Town Manager that the Trinitie Trail Bridge plans should be expected within the next two weeks.

Town Attorney-None

Mayor

Mayor Denny reported he attended a joint NC/VA Hurricane Evacuation Training Conference in Chesapeake.

He stated he has received complaints that Charter Communication service and their customer service is slow. He asked anyone having complaints to let him know and he would contact the representative.

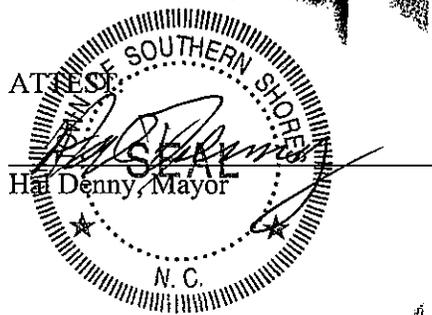
Council

Council Member Hess stated while attending a Shoreline Commission Management meeting it was discussed that the Town of Duck is working on a beach erosion study and she would like to discuss with Council if they would be interested in a similar study on the Town's beaches.

Following regular business Mayor Denny moved to go into closed session in accordance with N.C.G.S. 143-318.11(a)(3) attorney/client privilege (6) personnel and (5) discussion on possible acquisition of property at 207 Ocean Blvd. Mayor pro tem Hess seconded. The motion passed with Mayor Denny, Mayor pro tem Hess, Council Members Stroud and Kowalski voting aye.

Upon returning to open session Mayor pro tem Hess moved to authorize the Town Manager to be the Town Council's advisor in matters associated with the Phase 1 dredging contract. Council Member Stroud seconded. The motion passed with Mayor Denny, Mayor pro tem Hess, Council Members Stroud and Kowalski voting aye.

Hearing no other business Mayor Denny moved to adjourn the meeting at 8:45 p.m. Council Member Stroud seconded. The motion passed with Mayor Denny, Mayor pro tem Hess, Council Members Stroud and Kowalski voting aye.



Respectfully submitted:

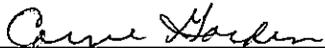

 Carrie Gordin, Town Clerk

Exhibit A

**TOWN OF SOUTHERN
SHORES
TAX DEPARTMENT**

6/7/2011

PICKUPS

RELEASES

January Real	\$21.00
Feb. Real	\$5.66
December Vehicle	\$79.44
January Vehicle	\$8.20
Feb. Vehicle	\$29.09
March Vehicle	\$16.08

TOTAL

\$0.00

\$159.47

Exhibit B

Town Planner May Report

1. Brush and Limb Piles

-We are currently in the process of sending notices of violation to the owners of property where piles of brush and limbs have been left in the Town right-of-way. The Town's spring chipping program concluded on May 27th and as of today, we have sent 32 notices of violation which serve as a reminder that the chipping program has concluded and that leaving the piles in the Town right-of-way is a Code Violation.

2. Mailed 3 Code Enforcement Violation Letters in May

- 1 Camping violation, 1 growth or accumulation of animal or vegetable matter violation, and 1 junked motor vehicle violation.

3. Permitting and Inspections for May

- 7 zoning permits were issued.

-1 lot disturbance permit was issued.

-30 building permits were issued: 1 new single-family dwelling, 2 additions, and 27 others.

-84 Dare County building inspections were conducted (45 job sites).

-Total amount of fees collected in April: \$5,385.90.

Exhibit C

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

Copies: Town Manager (Peter Rascoe)

Town Attorney (Ben Gallop)

Town Staff (David Kole, Bonnie Swain, Carrie Gordin, Pat Forrester)

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

From: Wes Haskett, Town Planner

Date: May 9, 2011

Re: May 2, 2011 Planning Board Workshop Meeting Recap

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL – None

PLANNING BOARD WORKSHOP MEETING MAY 2, 2011

Chairperson Sam Williams called the meeting to order at 7:00 pm. Planning Board Members, Jay Russell, alternate member Larry Lawhon, alternate member Elizabeth Morey, and Town Planner Wes Haskett were present. Vice Chairperson Mike Florez, Planning Board member Bill Gleason, Planning Board member Bob Palombo, and ETJ Representative Ed Overton were absent with excuse. Alternate members Elizabeth Morey and Larry Lawhon served as voting members due to the absence of several Planning Board members.

APPROVAL OF AGENDA

Jay Russell motioned to approve the agenda. Larry Lawhon seconded the motion. The motion passed unanimously (4-0).

Agenda items for the meeting included:

1. Stormwater Management Ordinance

APPROVAL OF MINUTES

Larry Lawhon motioned to approve the minutes of the April 4, 2011 Workshop Meeting. Jay Russell seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None

STORMWATER MANAGEMENT ORDINANCE

Chairperson Williams began the discussion by noting the history of stormwater issues which began in September, 2004 when the Town Council authorized the Stormwater Advisory Committee to study problems with flooding in the Town of Southern Shores. As a result, several studies on stormwater were conducted. Reports from these studies provided recommendations and projects for the Town Council to consider. The Town Council accepted the reports and

recommended projects and has instructed the Planning Board to develop a draft stormwater management ordinance.

The current Town Code only addresses stormwater in a general way with no specific standards or best management practices with respect to residential or commercial uses. Current Town policy requires that roadway stormwater issues be addressed as roads are replaced or repaired. The Planning Board reviewed and discussed the current Southern Shores stormwater ordinance and stormwater ordinances for the Towns of Southern Shores, Nags Head and Kitty Hawk, and a model stormwater ordinance. Based on these discussions, the Board provided Wes Haskett with preferred standards and language to be included in a draft stormwater management ordinance for Southern Shores. This draft ordinance will be discussed and likely form the basis for a new draft Southern Shores stormwater ordinance.

PUBLIC COMMENT

None

PLANNING BOARD MEMBER COMMENTS

None

ANNOUNCEMENTS

Chairperson Williams noted that next meeting will be held on May 16, 2011 and that the only agenda item was the review and discussion of SPA-11-02, a site plan approval application from TowneBank of Currituck to construct a new bank at 2 Juniper Trail.

ADJOURNMENT

Larry Lawhon motioned to adjourn. Jay Russell seconded the motion. The motion passed unanimously and the meeting adjourned at 8:45 p.m.

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

Copies: Town Manager (Peter Rascoe)

Town Attorney (Ben Gallop)

Town Staff (Bonnie Swain, Carrie Gordin, David Kole, Pat Forrester)

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

From: Wes Haskett, Town Planner

Date: May 23, 2011

Re: May 16, 2011 Special Planning Board Application Review Meeting Recap

PLANNING BOARD APPLICATION REVIEW MEETING RECAP MAY 16, 2011

Due to the absences and recusals of several Planning Board members, the meeting was held as a Special Planning Board Application Review Meeting. The meeting was approved by Chairperson Williams on May 3, 2011 and notice of the meeting was given in accordance with the current Planning Board Rules and Procedures.

Chairperson Sam Williams called the meeting to order at 3:00 pm. Planning Board Member Mike Florez and alternate member Larry Lawhon were present. Planning Board member Jay Russell was absent with excuse. Planning Board members Bill Gleason, Bob Palombo, and alternate member Elizabeth Morey recused themselves from the review and discussion of SPA-11-02 prior to the meeting. ETJ Representative Ed Overton was not eligible to participate in the review and discussion since the subject property is not located in the Town's ETJ area.

APPROVAL OF AGENDA

Mike Florez motioned to approve the agenda. Larry Lawhon seconded the motion. The motion passed unanimously (3-0).

Agenda items for the meeting included:

1. Review of SPA-11-02

APPROVAL OF MINUTES

Larry Lawhon motioned to approve the minutes of the May 2, 2011 Workshop meeting. Mike Florez seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None

REVIEW OF SPA-11-02

Chairperson Williams noted that the initial site plan package was submitted on March 25, 2011 and that it did not meet the site plan requirements established in the Town Zoning Ordinance. The site plan package was revised and submitted for review on April 15, 2011. Wes Haskett presented the staff report for SPA-11-02 and asked for questions from the Board. There were no questions or public comment regarding SPA-11-02. Chairperson Williams asked Andy Deel, applicant representative with Quible and Associates, if the paved median would be removed as requested by the Southern Shores Volunteer Fire Department. Andy Deel stated that the median would be removed. Chairperson Williams noted that the site plan package did not show proposed signage measurements asked if the proposed signage would be installed according to the size restrictions established in the Zoning Ordinance. Andy Deel stated that the signage would be installed in accordance with the signage requirements.

Chairperson Williams asked if stormwater will be diverted to a constructed wetland. Andy Deel stated that stormwater will be diverted to a constructed wetland and that some pervious parking spaces will be provided. Chairperson Williams noted that he was concerned that the proposed

Sweetgum trees and other planted vegetation near the entrance would obstruct the view of motorists when turning onto Juniper Trail. Andy Deel stated that traffic will be entering and exiting the property through the existing adjacent parking lot which should not be affected by the proposed landscaping and that the landscaping plan would be revised if necessary to avoid obstruction of the view of traffic.

Larry Lawhon noted that the proposed landscape plan shows Black Pine trees, which tend to not do well in this area, and that the applicant may want to consider another species to replace them. Chairperson Williams asked why the shape of the constructed wetland on page 3 of the site plan package was not consistent with what is shown on the landscape plan. Andy Deel stated that the difference is due to redesign of the constructed wetland in accordance with the required State stormwater plan and that the design of the constructed wetland on page 3 of the application package is indicative of the final design.

Chairperson Williams motioned that the revised site plan application to construct a TowneBank of Currituck (SPA-11-02) be approved with the following conditions: (1) those conditions recommended in the staff report (dated May 5, 2011 prepared by Wes Haskett, Town Planner) on this application, (2) removal of the proposed raised median at the entrance, and (3) adjustment, as needed, of the landscaping plan to assure that the view of traffic is not obstructed, and that the approved revised site plan application be submitted to the Southern Shores Town Council with a Planning Board recommendation for approval. Larry Lawhon seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None

PLANNING BOARD MEMBER COMMENTS

Chairperson Williams reported that the Town is considering providing a parking lot for beach access and that the current Zoning Ordinance requires all off-street parking lots to be paved. This requirement could potentially be considered for amendment. Chairperson Williams also reported that there is an ongoing discussion about who will be maintaining the right-of-way off of Poteskeet Trail. Right-of-way use and maintenance for stormwater projects will be discussed when the Planning Board continues its review and discussion of the draft Stormwater Management Ordinance.

ANNOUNCEMENTS

None

ADJOURNMENT

Larry Lawhon motioned to adjourn. Mike Florez seconded the motion. The motion passed unanimously and the meeting adjourned at 3:20 p.m.

Exhibit D



Town of Southern Shores

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

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

www.southernshores-nc.gov

Ordinance No. 2011-06-01

An Ordinance of the Southern Shores Town Council Adopting a Budget and Tax Rate for FY 2011-2012

BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina that the following be the budget for FY 2011-12:

SECTION I, GENERAL FUND

- A. Appropriations: The following amounts are appropriated for the operation of the Town government and its activities for the fiscal year beginning July 1, 2011 and ending June 30, 2012:

Administration Department	\$ 811,543
Code Enforcement & Inspections Department	\$ 213,260
Fire Department	\$ 524,550
Ocean Rescue	\$ 150,000
Police Department	\$ 1,218,860
Public Works Department	\$ 583,993*
Streets Department	\$ 809,873*
Sanitation Department	\$ 552,000
Contribution to Capital Reserve Fund	<u>\$ 10,071</u>

Total General Fund Appropriations **\$ 4,874,150**

(* includes appropriations for Capital Improvement Plan attached)

- B. Estimated Revenues: It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2011 and ending June 30, 2012 to meet foregoing appropriations:

Property Taxes- Current Year	\$ 2,416,000
Vehicle Taxes- Current Year	\$ 40,000
Property & Vehicle Taxes- Prior Years, Penalties and Interest	<u>\$ 9,800</u>
Subtotal: Property and Vehicle Taxes	\$ 2,465,800

Land Transfer	\$ 197,000
Local Option Sales Tax	\$ 736,000
Occupancy Tax	\$ 875,000
Other Intergovernmental Revenues	\$ 432,600
Building Permits & Fees	\$ 62,600
Lease purchase proceeds	\$ 74,000
Other Revenues	<u>\$ 31,150</u>

Total General Fund Revenues **\$ 4,874,150**

SECTION II, CAPITAL RESERVE FUND

Appropriations Authorized:

Transfer to General Fund	\$ 1,010,873
TOTAL APPROPRIATIONS FROM CAPITAL RESERVE FUND	\$ 1,010,873
RESERVED FOR FUTURE CAPITAL PROJECT USE	\$ 10,071
TOTAL	\$ 1,020,944

Revenues Anticipated:

Transfer from General Fund for Capital Projects	\$ 1,020,944
TOTAL CAPITAL RESERVE FUND REVENUES	\$ 1,020,944

SECTION III, TAX RATE ESTABLISHED

There is hereby levied a property tax of fourteen cents (\$0.14) on each one hundred dollars (\$100) valuation of real and personal taxable property in the Town of Southern Shores, as listed for taxes as of January 1, 2011 by the Dare County Tax Department, for the purpose of raising revenue included in "Property Taxes – Current Year" and "Vehicle Taxes – Current Year" in the General Fund, being Section I. B. of this Ordinance.

The rate of tax is based on an estimated total valuation of real and personal property for the purpose of taxation of \$1,733,968,269.00 and an estimated collection rate of 99.50%. The estimated rate of collection is based on the fiscal year 2010-2011 collection rate pursuant to NCGS §159-13(b)(6).

SECTION IV, AMENDMENT TO CAPITAL RESERVE FUND RESOLUTION

The resolution adopted March 6, 2007 creating the Capital Reserve Fund is hereby amended to include as its purpose the funding of the projects identified in the Capital Improvement Plan attached hereto. \$1,010,873 of the total General Fund revenues is designated for transfer to the Capital Reserve Fund for the specific capital projects identified in the 2010-2011 Capital Improvement Plan attached hereto. \$10,071 of the total General Fund revenues is designated for transfer to the Capital Reserve Fund for future capital projects to be identified in the overall Capital Improvement Plan of the Town of Southern Shores.

SECTION V, EXPENDITURES

All expenditures must be made in accordance with governing general statutes and adopted Town policies regarding purchasing and bidding. Notwithstanding, the Budget Officer is hereby authorized to expend funds consistent with the governmental functions and amounts shown as appropriated and to execute such documents necessary for same. Notwithstanding current Town policies regarding purchasing and bidding, the Budget Officer is hereby authorized to execute documents for the lease or lease-purchase of vehicles and equipment in accordance with appropriations established by this Ordinance.

SECTION VI, CAPITAL RESERVE FUND EXPENDITURES

Withdrawals from the Capital Reserve Fund referenced in Section IV above shall only be made for the purposes outlined in that Fund's establishing resolution as amended, and by this Ordinance are authorized to be made to the General Fund for such purposes consistent with the provisions outlined in NCGS §159-22.

SECTION VII, LEASE REVENUES

The Budget Officer is hereby authorized to execute such documents necessary for the realization of revenues or other consideration from any lease or use of Town property with a term not to exceed three years.

SECTION VIII, BUDGET OFFICER LINE TRANSFER AUTHORIZATION

The Town Manager shall be authorized to reallocate Departmental appropriations among the various objects of expenditures as he believes necessary for appropriate budget performance, and is also authorized to make inter-departmental transfers, within the same Fund, not to exceed 10% of the appropriated monies for the Department whose allocation is reduced. An official report of any such inter-department transfers shall be made to the Town Council at its next regularly scheduled meeting. Notwithstanding, the Town Council must pre-authorize the inter-departmental transfer of contingency appropriations authorized by this ordinance.

SECTION IX, BUDGET OFFICER RESTRICTIONS

With exception of discretionary merit pay and cost of living adjustments as appropriated in this ordinance, no salary increases may be made without approval of the Town Council.

Inter-fund transfers that are not established in the budget document may be accomplished only with the prior authorization of the Town Council.

SECTION X, UTILIZATION OF BUDGET AND BUDGET ORDINANCE

This Ordinance and the Budget Document shall be the basis of the financial plan for the Town of Southern Shores, North Carolina Municipal Government during the fiscal year 2011-12. Copies of this Budget Ordinance shall be furnished to the Clerk of the Town Council and to the Budget Officer and Finance Officer, and is to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this _____ day of June, 2011

ATTEST:

Mayor Hal Denny

SEAL

Carrie Gordin, Town Clerk