



# Town of Southern Shores

"A Town of Volunteers"

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The Town of Southern Shores Town Council November 5, 2003 Regular Meeting

Date changed due to Election

Minute Book 13-Page 01

## TOWN OF SOUTHERN SHORES COUNCIL

Regular Meeting  
November 5, 2003  
Pitts Center-7:00 p.m.

### MINUTES

The Southern Shores Town Council November meeting was held Wednesday November 5, 2003, at 7:00 p.m. in the Pitts Center. The regular meeting date Tuesday November 4 was changed due to the Election. The following members were present:

Mayor Paul Sutherland  
Council members: Gene Kennedy, Hal Denny and Dan Shields  
Town Manager Carl Classen  
Town Attorney Tom White  
Carrie Gordin, Town Clerk

Absent: Council member Don Smith

Mayor Sutherland called the meeting to order at 7:00 p.m.

Mayor Sutherland led the Pledge of Allegiance

Mayor Sutherland asked that a moment of silence be held and asked that we remember the fighting forces uniformed and not who are defending our country and also for the family of Jenny Dunaye who passed away.

#### Consideration of Agenda

Mayor Sutherland asked for approval of the agenda.

Mr. Classen asked that two additional items be placed on the agenda: under 10. New Business (h.) SSVFD-15 S. Dogwood Trail communication tower and to go into Closed Session at the end of the meeting to discuss acquisition of real property.

Council member Shields moved to adopt the agenda as corrected. Council member Denny seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

**Consent Agenda**

Mayor Sutherland moved to adopt the consent agenda including the monthly Building Inspections and Tax reports. Council member Denny seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

**Minutes**-October 7, 2003

Council member Shields moved to adopt the minutes as presented. Council member Denny seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

**Reports**

Special Recognition of Southern Shores Volunteer Fire Dept. and Rehab group

Chief Bakken presented the fire department and the rehab group for Council to recognize their hard work pre and post Hurricane Isabel. Council presented the fire department with a 20" chain saw and an electric crock-pot to the rehab group and a special thanks was given to all.

A certificate of appreciation was given to Jennifer Classen for volunteering her time to help answer the phones for many hours at the Emergency Operation Center during Hurricane Isabel.

Planning Board Recap-October 20, 2003. The Board reviewed:

Proposed amended site plan for Wisteria Commons at Southern Shores, Lots 5 & 6 Block 53, Section B, 5415 N. Croatan Hwy., Mike Bishal owner. Proposal to remove current structure and to construct new structure with three retail (3) shops which the Planning Board recommends Council's approval.

Proposed site plan for US Cellular to co-locate a telecommunications antenna atop the Dare County water tank located at 18 S. Dogwood Trail behind Kitty Hawk Elementary School. A conditional use hearing is required by zoning ordinance. The Board recommends Council's approval pending the out come of conditional use public hearing.

Representatives for Wisteria Commons and US Cellular were in attendance at the Council meeting and submitted amended site plans at that time.

Mr. Classen suggested that Council table any decision on these issues until Planning Board has reviewed all changes.

Tom Johnson, attorney and spokesperson for US Cellular asked that Council consider setting the date for the conditional use hearing in December so that the project could move ahead in a timely manner. He stated that the changes are minor and should not effect a positive recommendation.

Mayor Sutherland moved to set the conditional use hearing for US Cellular to co-locate a telecommunication antenna atop the Dare County water tank for the December Council meeting. Council member Denny seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

Mayor Sutherland moved to delay Council's consideration for the Wisteria Commons submitted amended site plan to the December Council meeting pending the action of the Planning Board at their November 17 meeting. Council member Kennedy seconded.

The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

**Old Business**

Mid-Currituck Sound Bridge

Bob Palombo gave an update by saying that Currituck County Commissioners do not fully support the bridge and would like to see a "fly-over" on NC12. He stated that Senator Marc Basnight is supportive of the Mid-Currituck Sound Bridge project. He stated that there are 68,730 signatures on the petition.

Hurricane Isabel Aftermath

Beach/Dune Project

Mr. Classen stated that the North Carolina Sea Grant is conducting a workshop December 1 on dune repairs at the Ramada Inn-Kill Devil Hills. The Town will be listed as one of the sponsors. There is no cost to the Town, but a \$5.00 donation from participants will be requested so as to pay for a copy of "The Dune Book", which will be handed out.

Final Town Clean-up

Vegetative Debris: Atlantic Tree made a final run through Town but was unable to complete the run due to the ever-increasing volume of vegetative debris and the rain. The balance will be picked up either through the chipping program or as time allows at the end of week following required chipping and clearing work

Construction and Demolition (C&D) Debris: Town staff has completed picking up the limited amount of Construction & Demolition (C&D) debris along the rights-of-way.

Beach Pick Up: Staff is seeking a contractor to complete one last beach pick-up during November. Most oceanfront property owners have moved C&D to the beach.

Debris Site Clean-Up: The temporary debris site has been cleaned up and has been signed off by the owner and the Town. The site may be used temporarily again for containers to haul away beach debris.

FEMA/State Reimbursement: Linda Dough has held an initial meeting with FEMA and State representatives about securing reimbursement for Isabel-related expenses. She is now working on the required documentation. Waste Management has sent an initial billing in the range of \$691,000.

Building Permit Fee Waiver

Mr. Classen reported that at the October 7 Council meeting, Council directed that the matter of refunding/waiving all building permit fees for Hurricane Isabel-related repairs be placed on the October 28 meeting and, if necessary on the November 5 agenda. He stated that the Town Council granted a similar building permit fee waiver on October 7 for non-profit groups.

At the workshop, staff gave the Council a report on how many such permits have been issued and how much revenue was received from the permits.

Council member Shields made a motion to waive building permit fees to property owners who had storm related damage from Hurricane Isabel and that any such fees paid be returned.

Council member Kennedy seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

**Canal Clearing**

Mr. Classen stated that two (2) bids were received for the clearing of the canals. He stated that the scope of work needs to be defined.

He asked Council how they would like to see the project defined: 1) limit the project to just those trees that are actually in the water or 2) include all those trees that are in the water and would be considered nuisances under the nuisance abatement ordinance in which the property owner would have monetary responsibility?

Based upon the outcome of the Council decision, staff will mark the trees and get new quotes from contractors.

Mayor Sutherland made a motion that the Town define the scope of work of the canal clearing and remove all trees in the canal that are blocking navigation and then the boat club will review the canals after the clearing and list all nuisances and notify the property owners of the nuisance.

Council member Shields seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

Mr. Classen proposed that an ordinance change be discussed by Planning Board regarding the placement of property addresses on the canal side of the property.

**Canal Dredging Project /Resolution #2003-11-039**

Mr. Classen stated that Council member Denny has led a committee regarding dredging the Southern Shores canals. On October 1, the committee met with John Sutherland, Water Resources Specialist of DENR, and they discussed a grant application for the canal-dredging project.

Based upon what Mr. Sutherland said, the Town will be eligible for somewhere between 65% and 80% funding from the State.

Resolution Number #2003-11-039 would authorize an application for the canal dredging project. The application would be submitted before December 31, 2003 with an award date sometime in the spring, 2004. Work could begin in the fall/winter of 2004-05 with a possible second or third phases in subsequent years.

**RESOLUTION**  
**TOWN OF SOUTHERN SHORES**

**Town Canal Dredging**

**Resolution #-03-11-039**

**WHEREAS**, The Town Council of the Town of Southern Shores, North Carolina desires to sponsor a canal dredging project of the entire Town's canal system, which would provide for floodwater drainage, navigation safety and continued single-family/commercial fishing

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1) The Town requests the State of North Carolina to provide financial assistance to the Town for an amount yet to be determined of project construction costs;

- 2) The Town assumes full obligation for payment of the balance of project costs;
- 3) The Town will obtain all necessary State and Federal permits;
- 4) The Town will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Town will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Town will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Town will assure that the project is open for use by the public on an equal basis;
- 8) The Town will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Town accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Town Council of the Town of Southern Shores this 5<sup>th</sup> day of November 2003.

ATTEST:

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

\_\_\_\_\_  
Paul Sutherland, Mayor

Mayor Sutherland moved to adopt Resolution #2003-11-039 as presented. Council member Kennedy seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

#### New Business

##### Annual Volunteer Luncheon

Mayor Sutherland made a motion that the annual Volunteer luncheon be held on December 11, 2003 in the Pitts Center and that the budget be set similar to last year's luncheon. Council member Shields seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

##### Outer Banks Forum request to waive building permit fee

Mayor Sutherland reported that the request has been rescinded and that no action is required.

##### Fire Hydrants

Mayor Sutherland stated that Council had discussion regarding the impediments found around or near the Town's fire hydrants.

Council member Shields moved to direct the Planning Board to review and submit draft language to Council. Council member Kennedy seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

##### 1<sup>st</sup> Flight Centennial-Shuttle Bus

Council member Denny recommended that NCDOT be contacted regarding that provision is made to have a shuttle bus just for citizens of Southern Shores and Duck. He stated currently that it is proposed that the northern beach area citizens go to Currituck County and ride the shuttle to the festivities.

Mr. Classen suggested Council appoint a liaison and request a liaison from the Town of Duck to coordinate with NCDOT on this issue.

Council member Kennedy stated that he would bring this up at the Tourist Board meeting on Friday.

Mayor Sutherland requested that Mr. Classen and Council member Denny work together on this.

Consideration of Simplified Sales and Use Tax letter

Mr. Classen provided the following information that the federal legislation would apply the sales and use tax to such remote sales as Internet sales, home shopping channel sales and catalog sales just as it now applies to merchants in Southern Shores. Based upon estimates from the North Carolina League of Municipalities (NCLM), the Simplified Sales and Use tax would generate approximately \$100,000 annual revenue in 2011.

Mayor Sutherland made a motion to execute and send the letter as proposed in support of the sales and use tax. Council member Kennedy seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

Request for a proposed sidewalk at 152 Duck Road

Mr. Classen stated that NCDOT requested a response from the Town on this issue and that his recommendation to Council would be not to support a private sidewalk. Council directed Mr. Classen to respond by letter rejecting the request.

Consider letter regarding multi-use path on Hwy. 158 to Martin's Point

Mr. Classen stated that he has been investigating who proposed a multi-use path along Hwy. 158 to Martin's Point. He recently found out that the Kitty Hawk Recreation committee initiated the request for the multi-use path. He stated that his concern is who would be responsible for the maintenance of the path. He stated that if NCDOT would be responsible then it is his contention that they should be responsible for the other path fronting Hwy. 158. Mr. Classen stated that the path has been approved by NCDOT and is supposed to be completed

Mayor Sutherland directed Mr. Classen to continue his investigation on this issue.

Southern Shores Volunteer Fire Department additional communication tower

Mr. Classen stated that one of the issues coming out of Hurricane Isabel was the need for additional communications at the South Fire Station – Town Emergency Operations Center. He stated that grant opportunities are being sought for funding this project.

During discussion about the communications tower, it was learned that the Fire Station would need to be re-zoned to Low Density Residential (R1) from Single Family Residential (RS1) to accommodate the tower. The adjoining property – Kitty Hawk Elementary School – is already zoned RS1. He presented a draft ordinance making the change on the zoning map.

Mayor Sutherland made a motion that the draft amendment be referred to the Planning Board for review and consideration. Council member Shields seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

Council's Agenda

Mr. Classen read a statement from Council member Smith thanking everyone for their support during the election.

Mayor's Agenda

Mayor Sutherland congratulated all those who were elected and thanked everyone that ran in the election.

Town Manager's Agenda

Mr. Classen reported that he is in negotiation for the Town's phone system to be under state contract, which should be less costly.

He stated that the Tourist Bureau steering committee is considering a grant to be applied for a multi-use path on Spindrift Trail.

Town Attorney's Agenda

Tom White had nothing to address.

Public Comment

Leo Holland, president of SSCA requested if the multi-use path on Spindrift Trail is approved that the path be constructed with concrete (not asphalt) like the path in Chichahauk.

Ed Cowell, 134 Beech Tree Trail, stated that he does not support Council removing trees from the canals on private property at the Town's expense. He stated that several years ago he received a letter from the Town regarding trees that needed to be removed from his canal property at a cost to him of \$1,200-1,800. He stated that if Council did decide to remove the trees at their expense then he would expect a refund.

Fire Chief Bakken gave the monthly fire report.

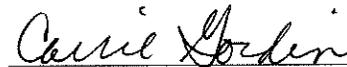
There being no further items to come before Council at this time, Mayor Sutherland moved to go into closed session in accordance to G.S. 143-318.11 (a) 1. To discuss acquisition of property. Council member Denny seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

Mayor Sutherland moved to go into open session and to adjourn the meeting at 8:25 p.m. Council member Shields seconded. The motion passed with Council members Sutherland, Denny, Kennedy and Shields voting aye; no Council member voting no; and Council member Smith absent.

ATTEST:

Respectfully submitted:

  
Mayor Paul Sutherland

  
Carrie Gordin, Town Clerk



TOWN OF SOUTHERN SHORES  
 "A Town of Volunteers"  
 6 Skyline Rd, Southern Shores

Monthly Code Enforcement & Building Summary  
 October, 2003

**Summary**

# New houses permitted this month	14	Estimated Value	\$ 5,590,222.00
Additions, Remodels and Other permits	36	Estimated Value	\$ 661,600.00
Total	50	Total	\$ 6,251,822.00
New CO issued this month	8	Total Homes YTD FY 2003-04	2123
		Total Homes as of FY 2002-03	2093
Total Permits for the FY 2003-04	155	Total Fees Collected	\$ 104,602.59

**SOUTHERN SHORES**

<u>Type of Construction</u>	<u>Number</u>	<u>Est. Cost</u>	<u>Permit Fees</u>
New Construction	14	\$ 5,590,222.00	\$ 31,445.55
Additons/Alterations	5	\$ 171,000.00	\$ 1,142.90
Other Permit Types	29	\$ 469,600.00	\$ 2,260.00
Add to Permits	2	\$ 21,000.00	\$ 174.20
Lot Disturbances	7		\$ 525.00
Additional fees	4		\$ 437.50
Plan Review Fees	20		\$ 2,625.00
CAMA minor permits	2		\$ 200.00
		\$ 6,251,822.00	\$ 38,810.15

**MARTIN'S POINT**

<u>Type of Construction</u>	<u>Number</u>	<u>Est. Cost</u>	<u>Permit Fees</u>
New Commercial			
**Additions/Alteration			
Other			
New CO issued			\$ -

\*\* We will be reporting certificates of occupancy issued & possible additions to open permits for MP.

Respectfully submitted,

Michael J Hejduk  
 Code Enforcement Administrator