

Southern Shores Town Council
Town of Southern Shores, North Carolina

Regular Meeting
March 2, 2004

MINUTES

The Southern Shores Town Council met on March 2, 2004, in the Pitts Center, Southern Shores Town Hall Complex, Southern Shores, North Carolina. The following members were present:

Mayor Paul Sutherland
Council Members: Hal Denny, Dan Shields, David Sanders, and Jodi Hess
Carl Classen, Town Manager
Ike McRee, Town Attorney
Carrie Gordin, Town Clerk

Mayor Sutherland called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Mayor Sutherland asked that moment of silence be held for all those that are in uniform and for those not in uniform who are fighting for our freedom.

Approval of Agenda

Council Member Shields moved to approve the agenda as presented. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Approval of Minutes for January 13 and February 3, 2004 minutes.

Council Member Denny moved to approve minutes as presented. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Recognition of Police Officers

Police Chief Pledger reported two Southern Shores Police Officers were involved in a mutual aid arrest with the Town of Kitty Hawk. Officers Long and Drummond captured and detained suspects involved in a string of burglaries. Council thanked them for a job well done.

Recognition of EMT's

Fire Chief Bakken recognized three Southern Shores Volunteer Fire Dept. personnel who have received EMT certification: Dave Shrader, Jeanne Shrader and Bob Harvey. Mayor Sutherland presented each with a Town mug.

Reports

Chairman Green presented Planning Board recap for the February 16, 2004 meeting.

The Board reviewed an as-built site plan for the Southern Shores Civic Association Loblolly Marina. The Board found that the presented site plan was inaccurate and the Boat Club was advised to resubmit an accurate plan for the Board's consideration.

The Board reviewed a site plan for the Southern Shores Volunteer Fire Dept. which included three phases of construction: 1) construct a 12'x12' storage shed at rear of truck bay; 2) construct windbreak between the truck bay and the fire house; 3) construct an additional antenna tower with antennas. The Board recommends Council approval of phases one and two and that phase three come back to the Board for further review due to some changes to parking spaces and the construction of the antenna tower.

The Board reviewed a draft amendment regarding the time frame that applications need to come before the Board for review. Chairman Green stated that currently it is required that applications be submitted fourteen days before the scheduled meeting. The proposal is to change that time frame to 30 days prior to the meeting.

The Board reviewed a draft amendment in that the term "golf clubs" should be amended to read "country club", that the required acreage for a country club should be 100 acres from the proposed 20 acres, that the maximum height for accessory buildings be 50 feet from the proposed 40 feet.

Draft

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF SOUTHERN SHORES, NORTH CAROLINA, AMENDING THE ZONING
ORDINANCE RELATING COUNTRY CLUB USE HEIGHTS AND APPLICATION
DEADLINES**

Whereas, the Town of Southern seeks to preserve the health, safety and welfare of the Town by modernizing certain sections of the Zoning Ordinance; and,

Whereas, one of Southern Shores' defining attributes is a prestigious country club facility in the heart of the community and the country club use must be reviewed from time to time so as to allow it to remain financially viable while not harming the character of the neighborhood and community; and,

Whereas, the Town Council hereby finds that, based upon the existing definition for determining the height of a building, that the height allowed for the principal structure of a country club needs to be increased and,

Now, Therefore, Be It Ordained by the Town Council of the Town of Southern Shores, North Carolina:

Article I. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered

deletions to existing language. Language of an adopted ordinance shall be shown in italics (*italics*).

Article II. Country Club Use Regulations Amended

Section One. Section 7.04D (R-1 Low Density Residential) is hereby amended to read as follows:

D. Dimensional Requirements for R-1 Low Density Residential Districts

1. *Minimum lot size*

- a. For all uses other than Country Club *20,000 square feet*
- b. Country Club *100 acres*

2. *Minimum lot width*

100 feet (measured at building setback line)

3. *Minimum front yard (setback)* *25 feet*

4. *Minimum side yard (setback)*

15 feet; an additional 5-foot side yard adjacent to the street is required for a corner lot. Fifteen (15) feet for swimming pools.

5. *Minimum rear yard (setback)*

25 feet

6. *Maximum allowable lot coverage*

30%, except Town-owned facilities and fire stations. 85% for Town-owned facilities and fire stations. In the case of an oceanfront lot, only that area landward of the first line of stable natural vegetation (as defined by CAMA) shall be used for calculating lot coverage.

7. *Height:*

a. For uses other than country club:

HEIGHT, TOP PLATE;	26 feet
HEIGHT, MAXIMUM	35 feet

b. For country club use – principal building only:

HEIGHT, TOP PLATE;	56 feet
HEIGHT, MAXIMUM	65 feet

c. For country club use – recreation use accessory building in which the principal recreational use is playing tennis:

HEIGHT, TOP PLATE;	40 feet
HEIGHT, MAXIMUM	50 feet

8. *Minimum living space for residential uses*
living

1,000 square feet of enclosed space.

Article IV. Application Deadlines Amended

Section One. Section 10.04 (Application for Building Permits and Site Plan Requirements) is hereby amended to read as follows:

Section 10.04 Application for Building Permits and Site Plan Requirements

B. All Uses other than One and Two Family Dwelling Units.

2. Site Plan Requirements.

Twelve (12) copies of the site plan shall be submitted no later than ~~fourteen (14) days~~ thirty (30) days prior to the Planning Board meeting at which the plan is to be reviewed. All plans shall be prepared, stamped and endorsed by a North Carolina registered engineer, surveyor or architect, or other person duly authorized by the State to prepare such plans. All plans shall contain at least the following information.

Section Two. Section 10.05 (Application for Permit for Conditional Uses) is hereby amended to read as follows:

Section 10.05 Application for Permit for Conditional Uses

A. Written application for a conditional use permit shall be submitted to the Planning Board no later than ~~fourteen (14) days~~ thirty (30) days prior to the Planning Board meeting at which the plan is to be reviewed. Such written application shall indicate the section of this Ordinance under which a permit is being sought and shall contain the information required by the appropriate section and such other information as may be required to insure compliance with this Ordinance.

Section Three. Section 12.04B.1. (Powers and Duties of the Board of Adjustment) is hereby amended to read as follows:

Section 12.04 Powers and Duties of the Board of Adjustment

B. Variances: Conditions Governing Applications, Procedures, Fees

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment may, in passing upon appeals, vary or modify any regulation or provisions of the ordinance relating to the height, area, and size of structure, or size of yards and open spaces, or required parking spaces so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial

justice is done. A fee in accordance with a regularly adopted fee schedule of the town shall be paid to the town for each application for variance to cover the administrative expenses involved. A variance from the terms of this ordinance will not be granted by the Board of Adjustment unless and until:

- 1. *A written application for a variance is submitted thirty (30) days prior to the meeting at which it is first heard and demonstrating:*

Section Four, Section 12.03 (Planning Board Action) is hereby amended to read as follows:

Section 14.03 Planning Board Action

Every proposed amendment, supplement, change, modification, or repeal to this Ordinance shall be referred to the Planning Board for its recommendation and report at least ~~fourteen (14) days~~ thirty (30) days prior to its monthly meeting. The Planning Board shall have forty-five (45) days within which to submit its recommendation to the Council. All petitions for a change in the zoning map shall include a legal description for the property involved, the names and addresses of current abutting property owners, and a copy of all or a portion of the applicable tax or zoning map with the applicable property outlined.

Article V. Effective Date

This Ordinance is effective immediately.

Approved this _____ 2004.

Mayor Paul Sutherland

ATTEST:

Carrie Gordin, Town Clerk

Public notice published in _____
newspaper on _____ and on _____

Approved as to Form:

Ike McRee, Town Attorney

Discussion was held by the Board to change the meeting date of the Planning Board since Council changed their agenda workshop date, further discussion is needed.

Mayor Sutherland made a motion to accept the Planning Board report as presented. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Tax Collection

Council Member Denny made a motion to approve report as presented. Council Member Hess seconded.

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

Mid-Currituck Sound Bridge Campaign

Bob Palombo reported that the Build the Bridge, Preserve Our Roads board members will be attending a NCDOT meeting in Wilmington on March 18, 2004 to support the Transportation Improvement Program on toll bridges and that the Mid-Currituck Bridge is a proposed toll bridge.

Mr. Palombo stated that there are 17,575 petition signatures.

Mayor Sutherland stated that the Economic Impact Study for NC12 is moving ahead.

He stated that with Council's approval a letter requesting support of the "build the bridge" campaign has been sent to Elizabeth City, Winfall, and Perquimans.

He stated that the Build the Bridge, Preserve Our Roads committee is sponsoring a public meeting with NCDOT in the Pitts Center, March 31, 2004 at 7:00 p.m.

Mayor Sutherland made a motion to accept the bridge report. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Mayor Sutherland read the monthly Building Inspection report and made a motion to accept the report. Council Member Denny seconded. The motion passed with Council

Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Town's 25th Anniversary

Jim Pfizenmayer gave an update on the plans for the Town's anniversary celebration. It will be held on April 24 from 10 a.m. to 3 p.m. There will be a parade, arts and craft booths, and refreshments. Mayor Sutherland made a motion to accept the report. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

SSVFD Report

Fire Chief Bakken presented monthly fire department report. He also reported that a "marsh burn" has been scheduled for March 4 on Ginguite Creek.

Public Hearings

Amending Town Charter-Form of Government-Council/Manager Form of Government

Mayor Sutherland opened the public hearing on the amendment to the Town Charter's form of government from Council/Mayor to Council/Manager. Hearing no public comment Mayor Sutherland closed the public hearing.

Mayor Sutherland explained that this ordinance officially changes the Town charter form of government. He stated that in accordance to North Carolina General Statutes Council would vote on this at the April Council meeting.

Proposed amendment-Country Club Use-Height

Mayor Sutherland opened the public hearing to amend the Town's Zoning ordinance Article VII. Schedule of District Regulations, Section 7.04D-R-1 Low Density Residential District, Dimensional requirements, regarding country club; minimum lot size and maximum height. (See ordinance above)

David Bakken, 75 Wild Swan Lane, spoke first as a citizen by stating that he feels the draft ordinance needs redrafting before adopting. He stated there is no protection in the ordinance to the Town specifying where the club could be located on the site. He stated that where it is located impacts the surrounding area. He stated that on a higher elevation with the proposed height it would set out in the open and nothing in the ordinance prevents a wall from being put around the structure.

He then addressed the Council as the Town fire chief by saying that breaking the maximum required 35' height limit could have a serious impact. He stated that the current fire equipment and personnel are not equipped to handle a structure with a height of 65 feet.

He stated that the water supply to the building would need to be investigated. He stated that approving such an amendment for a private organization that would benefit greatly from spot zoning. He stated that there is nothing in the ordinance to prevent the club from dividing the acreage and putting utility buildings on the site. He stated that he is concerned about the future of the Town.

Ray Sharpe, President of the Duck Woods Country Club Board of Directors, and representing the 735 members of the club, stated that the Planning Board is recommending approval of the proposed ordinance. He stated that the proposed new structure is 23,000 sq. ft., with an 8" fire main line, there is mutual agreements between other towns for fire protection, no walls are proposed, and any modifications to an approved site plan must go before Planning Board for approval. He brought a model of the structure.

Hearing no further comments Mayor Sutherland closed the public hearing.

Southern Shores Volunteer Fire Department site plan modifications-Conditional Use

Mayor Sutherland opened the public hearing. Hearing no public comment he closed the public hearing.

Zoning Amendment-Application Deadlines

Mayor Sutherland opened the public hearing. Hearing no public comment he closed the public hearing.

Mayor Sutherland moved to amend the agenda at the manager's request to add several items to New Business: item 26: 2004-02-02 Draft Ordinance regarding Country Club use-height and minimum lot size and minimum site plan review period, item 27: SSVFD site plan, conditional use, item 28: Resolution Local E-Government Leg-Up grant, and item 29; discussion on zoning regulation regarding minimum lot size. By consensus Council agreed with the changes.

Mr. Classen explained that upon talking to representatives of the DWCC regarding the amendment ordinance the proposed height of the new club was set for discussion. The proposed height and top plate could be lowered by 5' if it is found that the structure does not need 65' for the primary structure. It was added in the draft ordinance to include the indoor tennis structure (top plate 40' and height 50') and is shown on the site plan. He stated that the draft ordinance minimum lot size is 20 acres but that the Planning Board amended and recommends that the minimum lot size be 100 acres.

As part and included in the draft ordinance is language to amend application submittal time frame for Planning Board and Board of Adjustments.

He recommends that Council split the ordinance and address Article IV as a separate draft ordinance for the Planning Board and Board of Adjustments to review and consideration by Council at April meeting and take up the country club issue separately.

Mayor Sutherland made a motion to split Article IV. Applications of Regulations from the draft amendment to be considered at the April Council meeting. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Council Member Shields asked why an indoor tennis court is shown on the site plan if they are not ready to construct it and why is a 50-foot height structure needed? He asked what portion of the country club property is now being used?

Mr. Sharpe stated that the property is 277 acres. He stated that 150 acres are being used and 100 acres borders Duck Woods Drive and there are some wetlands.

Mr. Classen stated that the indoor tennis facility can be considered as a policy issue. He stated that the standard height for an indoor tennis court is measured from the playing surface to a point above the net is 38' and the 40' would allow for some type of roofline.

Council Member Denny stated that he investigated the definition of spot zoning for the request of the height change for the country club and found that it is not spot zoning.

He was not aware that the indoor tennis court was part of the plan. He does not support that the indoor tennis court be constructed at the current tennis court site.

He asked that when the Planning Board reviews the site plan that they pay careful attention to emergency access to the facility from all sides.

Mayor Sutherland moved that Council approve the draft amendment as applied to "country club" but to delete section 7c. recreation use accessory building in which the principal recreational use is playing tennis from ordinance. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; No Council Members voting no; and no Council Members absent or not voting.

Council Member Sanders stated that he too was concerned with spot zoning and agrees with Council Member Denny that it is not spot zoning. He stated that throughout the Town's history people have had to meet the zoning requirements and they have. He stated that there have been times when the height requirement has been sought for change but the town has held fast on the required 35' height. He stated that he is concerned if Council would pass this amendment that is greater than our current height ordinance it would set precedence and will have to be re-visited in other areas. He is not ready to vote for change in the height requirement.

Mayor Sutherland stated that he respects the comments made by Chief Bakken and agrees that it is not spot zoning. He feels this a special situation that the country club is a crown jewel of the town and the upgrade will bring more people to the town. He stated that neighboring towns rely on mutual aid for fire emergencies as well as we should and can for the new country club height.

Mayor Sutherland moved that Council approve the draft amendment as applied to "country club" but to delete section 7c. recreation use accessory building in which the principal recreational use is playing tennis and Article IV. be split from ordinance to be returned to staff.

Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; Council Member Sanders voting no; and no Council Members absent or not voting. (Approved 4 to1).

Council Member Shields moved to also amend Article II. Section one: Section 7.04D.1.b.minimum lot size from 100 acres to 150 acres. Council Member Denny seconded. The motion passed with Council Members Denny, Hess, Shields and Mayor Sutherland voting aye; Council Member Sanders voting no; and no Council Members absent or not voting. (Approved 4 to1).

SSFVD site plan modification-Conditional Use

Mr. Classen stated that there are three phases on the site plan modification: 1) construct a 12'x12' storage shed at the rear of the truck bay; 2) partially enclose the breezeway between the truck bay and the firehouse; 3) add an additional antenna tower. He stated that the handicap parking space needs consideration as well as phase 3.

Council Member Shields made a motion to approve the presented modification to the Southern Shores Volunteer Fire Dept. located at 15 S. Dogwood Trail to include phases one and two but that phase three will go back to Planning Board for recommendation. Mayor Sutherland seconded.

The motion passed with Council Members Denny, Hess, Shields, Sanders and Mayor Sutherland voting aye; No Council Members voting no; and no Council Members absent or not voting.

Old Business**Powell Bill Street Project Update**

Council Member Denny stated that the re-build work continues on Woodland Circle; Cypress/Sweet Gum; East Dogwood Drainage and that no further expenses have arisen after the initial unforeseen expenses and the overall project remains within budget.

Engineering Services Contract

Council agreed to table the discussion on this item until the April Council meeting.

New Business**Animal Control Policy Advisory Committee**

Mayor Sutherland made a motion to appoint the slate of committee members as presented for the Animal Control Policy Advisory Committee. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Mayor Sutherland stated that Sarah Tyler was previously appointed as chair to the committee.

Cemetery Advisory Committee

Mayor Sutherland made a motion to appoint Robert Poisal and the slate of committee members as presented except to delete the name of Charlene Seto. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Interlocal Joint Tax Collection Agreement

Mr. Classen stated that under the cooperative system the Town's real estate property taxes would appear on the same bill as the Dare County real estate taxes. The Town's tax rate would need to be established by June 25 and transmitted to the County for the bills to go out on time. Collections would be transmitted back to the Town monthly, less a 1.5% service charge. The service charge would include the cost of mailings, collections, and delinquent tax collections. The County would NOT collect pre-2004 delinquent real estate taxes and he has directed the Town Attorney and Tax Collector to commence actions against all pending delinquencies.

By approving the attached agreement, the agreement would be forwarded to the County Commissioners on March 15 and the approvals could be in place in time for an April 1 deadline.

Mr. Classen stated that there are two date references in the contract that need to be amended to read 2004 not 2003.

Mayor Sutherland made a motion to execute the agreement and forward to the County for approval. Council Member Denny seconded. The motion passed with Council Members Denny,

Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Town Audit Agreement

Mr. Classen presented a proposal from Johnson, Burgess, Mizelle, & Straub to perform the FY2003-04 audit at a cost not to exceed \$9,000.

He stated that Council reviewed the agreement consistent with the Local Government Commission requirements as in keeping with past agreements

Council Member Shields made a motion to approve the FY2003-04 Audit Agreement from Johnson, Burgess, Mizelle, & Straub and to authorize the Mayor, Town Manager, and Town

Clerk to sign and execute all documents in support of this position. Council Member Sanders seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Water Line Extension Resolution 2004-03-aa

**A RESOLUTION OF THE
TOWN COUNCIL OF SOUTHERN SHORES, NORTH CAROLINA,
RELATING TO A WATER LINE EXTENSION**

Whereas, the Town of Southern Shores seeks to cooperate with Dare County to improve water service to the residents of the town; and,

Whereas, Dare County has developed a plan and partially funded a plan for extending a water line from Chicahawk Trail to close water line loops on Scuppernong Lane and Mistletoe Lane; and,

Whereas, the Town appreciates the efforts of Dare County to extend the water line and urges the County to continue funding the extension plan; and,

Whereas, fire safety water flow and drinking water quality would be significantly improved if water line loops were created along all of the existing dead-end water lines off Bayberry (Honeysuckle Lane, Fox Grape Lane, and Dewberry Lane).

Now, Therefore, Be it Resolved, the Southern Shores Town Council meeting this 3rd day of February, 2004, does hereby request that Dare County extend the Chicahawk Trail water main through to create loops along existing dead end lines on Scuppernong Lane, Mistletoe Lane, Honeysuckle Lane, Fox Grape Lane, and Dewberry Lane (as shown in the attached map, which is noted as "Exhibit A"); and,

Be it Further Resolved that the Mayor shall transit this Resolution to the Dare County Board of Commissioners and request their support and approval of this project.

Approved this ___ day of March 2004.

Mayor Paul Sutherland
Town of Southern Shores

ATTEST:

Carrie Gordin, Town Clerk
Town of Southern Shores

Council Member Denny made a motion to adopt the resolution as presented. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Government Access Channel annual budget (GAC)

Council Member Hess Town representative on the Government Access Channel Operations Committee stated that the proposed budget for the Government Access Channel is in the amount requested (\$1,147.50 per member community), which is a 14.75% increase over the current appropriation of \$1,000. If Duck becomes a member, the total amount requested will drop to \$983.57. Duck is presently negotiating a franchise agreement with Charter Communications. Council will need to approve this once the GAC committee has adopted the budget.

Traffic Cut-Through Issues

Mayor Sutherland and Council Members Hess and Sanders attended a special meeting to review and discuss the issues presented at a Town brainstorming meeting held in August 2003 and compiled the list presented to Council.

Mayor Sutherland made a motion to proceed with the list as compiled. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Summary Background

Southern Shores is a gateway community to the Outer Banks. During summer months, especially weekends when visitors are departing from and arriving to their rental cottages, the traffic along US158 and NC12 (Duck Road) can back up for miles. This back-up is due to several factors, but most notably the ever-increasing development of the Currituck Outer Banks and Duck. Other reasons include, but are not limited to, the narrowness of NC12 through the Duck Village shopping area, the lack of sufficient left-turn lanes on NC12 in Southern Shores, and the lack of traffic signal coordination on NC12. Because of this regular summertime back-up, people – notably local drivers, regular visitors, and business vendors – will try to get around some of the weekend traffic jam by cutting through Southern Shores.

This causes problems for Southern Shores residents who want to enjoy the peaceful use of their

neighborhood streets, plus Town streets are narrow and inadequately built to handle numerous larger vehicles.

The summertime weekend traffic problem on NC12 and the accompanying Southern Shores cut-through problem will best be alleviated by construction of the Mid-Currituck Bridge, but also through better turning lane use in Duck and Southern Shores and improved traffic signalization in Southern Shores.

The problem will NOT be solved by more asphalt (wider roads); that would only shift the problem from US158 to NC12 while radically splitting the communities of Southern Shores and Duck.

Interim Response

Any response to the problem short of construction of the Mid-Currituck Bridge is only a stop-gap measure even if Currituck County halted all growth on the Currituck Outer Banks.

Southern Shores joins with Currituck County and many other local governments in urging the state and federal governments to immediately cease arguing and *Build the Bridge!*

However, given the need to address the ever-worsening traffic cut-through problem, the Town Council held a community brainstorming session in August 2003. From this community brainstorming, two pages of ideas were ranked by participating citizens. The Town Council then used time during its annual goals setting session in January 2004 and during a special workshop in February 2004 to develop a series of immediate steps to initially respond to the traffic cut-through issue.

Cut-Through Responses

1) TRAFFIC ROUTING

- a) Contact again MapQuest and other computer traffic routing services to urge them not to route drivers through Southern Shores en route to northern Outer Banks sites.
- b) Work with the Tourism Board to develop a program of kiosks in outlying rest areas where visitors may get print out maps to their accommodations and/or rental agencies but are routed appropriately and not through residential neighborhoods.
- c) Contact real estate rental companies and urge them not to route visitors through residential neighborhoods.

2) NC12/US158 IMPROVEMENTS

- a) Discuss with the Duck the installation of a center turn lane on NC12 from US158 to a point north of the Duck Village shopping area.
- b) Extend the extra turn lane from US158 to northbound NC12 to a point approximately one-half mile north of US158.
- c) Consider a local act that would require NCDOT to seek approval of Duck and Southern Shores before improvements are made to NC12 in their respective communities.

3) TRAFFIC ENFORCEMENT

- a) Become more aggressive at speed limit enforcement along cut-through routes on summertime weekends
 - i) More use of the traffic/speed trailer
 - ii) Increase radar patrols
 - b) Traffic Check Points
 - i) Utilize traffic checkpoints (license and registration checks) along cut-through routes on summertime weekends
 - (1) Highly publicize dates and times of traffic checkpoints prior to commencement
 - (2) Town Manager to work with Police Chief of issue of over-extending manpower during summertime and hurricane season
 - c) Provide police traffic direction on key NC12 and US158 intersections, as deemed needed
- 4) STREET IMPROVEMENTS
- a) For safety of pedestrians and bicyclists, install multi-use path along South Dogwood and East Dogwood
 - b) Develop town wide multi-use path plan
 - c) Better signage on neighborhood streets, such as “Children at Play”
- 5) TOWN POLICIES
- a) Investigate authority of Town to regulate commercial trucks and delivery vans cutting through Southern Shores residential streets on summertime weekends
 - b) Investigate authority of the Town to control and enforce “No Through Traffic” regulations.
 - c) Re-consider support for a highway intersection flyover from US158 to NC12
- 6) OTHER
- a) Use Channel 12 to encourage people not to cut through residential neighborhoods
 - b) Investigate and emergency services connection from Chicahawk to Dogwood without use of NC12
 - c) Support Dare County and private companies in their efforts to complete trash collection along US158 and NC12 during the pre-dawn morning hours on summertime weekends.

e-NC Grant Application: Mr. Classen presented a resolution and stated that Merrie Smith has prepared a grant application to the e-NC LEG-UP Program, which is a State program to help smaller communities improve the use of the Internet to provide services and connect with citizens. No cash match is required but staff will have to provide in-kind services and make themselves available for training.

Resolution No. 2004-03-xx

A RESOLUTION OF THE
OF SOUTHERN SHORES TOWN COUNCIL
SUPPORTING A
LOCAL E-GOVERNMENT (LEG UP) APPLICATION

Whereas, the Town of Southern Shores provides means to keep the citizens of Southern Shores up to-date on all Town information by broadcast email and website; and,

Whereas, the web site needs improvement to provide more up-to-date information, become more user-friendly, to make it provide for certain government transactions; and,

Whereas, proposed upcoming cooperative projects involving geographic information systems (GIS), visitor information, and law enforcement will provide additional information to citizens, non-resident property owners and visitors.

Now, Therefore, Be it Resolved, the Southern Shores Town Council supports an application to participate in the E-NC Authority’s “Local E-Government Utilization Program”.

Approved this ___ day of March 2004.

Mayor Paul Sutherland
Town of Southern Shores

ATTEST:

Carrie Gordin, Town Clerk
Town of Southern Shores

Council Member Denny made a motion to adopt the resolution as presented. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Required Minimum Lot Size

Mr. Classen stated that at the retreat Council discussed the current procedure used for subdividing lots and asked if a change could be made. He proposed that the current 20,000 sq. ft. minimum lot size could be changed to 30,000 sq. ft. He stated that a draft ordinance could be introduced tonight, have Planning Board review at their next meeting, set a public hearing but have the effective date be March 2, 2004.

Council's general consensus is there is no need for immediate action.

Mayor Sutherland asked the Town manager to draft a specific task paper on the subject for Council's review and then would be submitted to the Planning Board.

Council's Agenda

Council Member Denny expressed that sometime Council operates in gray areas and that they will continue to work together regarding the country club issues.

Council Member Sanders agreed with Council Member Denny.

Council Member Shields-no comment

Council Member Hess stated that she supports the additional hiring of the public works employees. She also stated that Council would continue to keep the tax rate low.

Mayor's Agenda

Mayor Sutherland reported that he is proposing to the other Town mayors that the Shared Occupancy Tax formula should be changed. He explained that currently the Town that has the lowest taxes receives the less occupancy tax. He has set a meeting with the NCLM and the other mayors to discuss the tax share be divided by Town population.

Mayor Sutherland recognized Jeanne Shrader for her article in the Ann Landers column.

Mayor Sutherland addressed concern over the misuse of the trash dumpsters behind the fire dept.

Mr. Classen stated that this could become a serious health problem.

Mayor Sutherland stated that Council submitted a legal order against Ginguite Woods Water Reclamation Association for violations to the Town's Code Wastewater section and Town manager will give update on this.

Town Manager's Agenda

Mr. Classen presented Council with a handout regarding GWWRA. He stated that the monitoring and reporting procedures for GWWRA is in violation. The Town has proceeded with legal action that states that GWWRA has thirty days to comply. All work has not been met at this time and fines were levied which have not been paid. He stated that the next step would be to place a lien on the property.

Upon discussion with Mr. McRee, Mayor Sutherland directed staff to proceed to collect fees by legal means. Hearing no objection so ordered.

Mr. Classen provided an initial proposal from Johnson, Burgess Mizelle & Straub, which outlines the outsourcing payroll services they could handle. He stated that the set-up cost would be approximately \$1,600 with a monthly charge of approximately \$550 to \$700.

Mr. Classen stated that in response to a recent confirmed rabies incident in Southern Shores, the Town held a public Rabies Public Information Meeting on Monday, February 23. Representatives of the Dare County Health Department, Outer Banks SPCA (which runs the Dare County Animal Shelter and County animal control), and the Southern Shores Police Department answered citizen questions and took comments. From the meeting, it was a consensus to provide additional public education through broadcast emails, the Town website, materials in new citizen packets, correspondence with real estate agencies, and through the government access channel. Additionally, the Town will encourage more citizens to get Dare County dog licenses and to encourage easier maintenance of licensing.

Mr. Classen stated that in keeping with the need to provide more law enforcement patrols on the beach and the ability to respond following natural disasters (e.g., hurricanes), staff is working towards a goal of making half the police vehicles four-wheel drive vehicles.

He stated that presently, two vehicles need immediately replacement and three are scheduled for replacement in FY2004-05. He recommended that Council authorize the town manager to purchase five police 4WD taking possession of no more than three in the current fiscal year and two more in next fiscal year. The total amount of the five vehicle purchased, including the vehicle, police package, radios, equipment, markings and all other expenses, shall not exceed \$170,000, plus applicable taxes.

He recommended that the purchase for the two vehicles scheduled for replacement is placed now and a commitment is made before May 15 for the FY2004-05 vehicles (for delivery in July, 2004). He stated that the Town could purchase all five vehicles in the 2004 model year and save the price increase likely to come with the new model year and an unknown interest rate.

He stated that the FY2004-05 commitment would need pre-approval by Council.

Council Member Denny asked if a budget amendment would be needed? Mr. Classen stated yes if the proposed five cars are purchased but that no cars would be budgeted for FY2004-2005.

Council Member Denny directed staff to review the costs for the two additional police vehicles for Council consideration at the March workshop.

Mr. Classen announced the Dare County Large Item Pick Up would be held April 14.

Mr. Classen submitted a revised interconnection diagram for a Joint GIS Project. He explained that this system, which is designed based leasing Charter Communications fiber strands, would also accommodate the existing Magistrate's system, DCI connection, and planned joint OSSI (law enforcement records management system) system.

Mr. Classen stated that the previous wireless connection, which was set aside when sufficient bandwidth to carry the system was cost-prohibitive. He stated that the cost is being scouted but initial estimates are \$650 per month per municipality. He stated that this may seem high, but it can likely supplant approximately \$300/month in existing law enforcement line costs by the end of the first year. Without the fiber system, the Town will face an additional \$6,000 software expense (approximately \$1,200 annual software maintenance expense) for the ArcIMS GIS Internet software. That maintenance and replacement reserve expense equates to approximately \$220 per month.

The capital cost for the GIS outside the fiber cost is presently anticipated to be approximately \$10,000, which is within the budget though some line item amounts will need to be raised/lowered by the town manager, which is already allowed by law.

Mr. Classen submitted a copy of a 1985 legislation providing for Facility Fees. He stated that Dare County towns have the ability to levy a facility fee. He stated that such a fee shifts more of the cost of development to new development. Council agreed to discuss at March workshop.

Mr. Classen stated that he hosted a meeting of the managers from Kitty Hawk, Duck and Currituck County on February 27. He stated that the purpose of the meeting was to see if the four local governments could agree upon a site for a joint temporary debris removal site and, if so, possibly jointly issuing a RFP for emergency debris removal.

Such a joint project might cut the unit cost of emergency debris removal and provide timely debris removal from the northern beaches.

Mr. Classen stated that Dare County made an error in its October 2003 distribution by basing that distribution upon proceeds from all of FY2002-03 rather than the just the fourth quarter. As such, Southern Shores received a distribution of \$10,065 in October 2003 rather than the correct amount of \$3,017.74.

There is not enough anticipated distribution remaining for FY2003-04 to simply credit the \$7,047.26 over-payment to the Town, it is recommended to simply reimburse the County for the amount due and maintain the regular upcoming distributions.

Mayor Sutherland made a motion to approve the expenditure of \$7,047.26 to reimburse Dare County for an over-distribution of the June 30, 2003 quarterly distribution made to the Town in October 2003. Council Member Denny seconded.

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

Town Attorney Agenda

Mr. McRee stated that five of the eight counts on the Franchi case have been requested to be dismissed and he is now waiting for the courts decision.

Public Comment

Al Stein of 103 Chicahawk Trail asked about the status of the repairs to the dune steps at the Chicahawk parking lot? Mayor Sutherland stated that was not Town property, that it is owned by the SSCA.

Hearing no other business Mayor Sutherland adjourned the meeting at 9:10 p.m. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting

ATTEST:

Respectfully submitted:

Mayor Sutherland, Mayor

Carrie Gordin, Town Clerk