

Southern Shores Town Council
Town of Southern Shores, North Carolina
October 19, 2004
9:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on October 19, 2004, in the Pitts Center.

The following were present:

Mayor Denny, Council Members Dan Shields, Jodi Hess, and David Sanders
Carl Classen, Town Manager
Carrie Gordin, Town Clerk

Mayor Denny called the meeting to order at 9:00 a.m. and he led the Pledge of Allegiance.

Mayor Denny asked that a moment of silence be held for Sherman and Janet Pierce in the loss of their son.

Approval of Agenda

Mayor Denny moved to approve the agenda. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Public Comment

Pat Storey of 362 Sea Oats commended Council on their appointment of Hal Denny as Mayor. She reminded everyone that the League of Women Voters is holding the Candidates Forum with the County Commissioners tonight in the Pitts Center at 7:00 p.m. and that it would be televised at a later date.

Terry Frank, attorney with Vandeventer Black and representing Southern Shores Realty addressed Council regarding the proposed ordinance (2004-10-01) that would deny residential use in the commercial zone. She submitted a document explaining the use of "floating" zoning techniques, as well as a draft amendment applying that language for Council's consideration.

Neal Blinken resident of the Town of Duck stated that regarding the proposed ordinance in the way it is written precludes any residential development in the commercial zone. He stated that this would force all commercial development to be developed in a commercial manner. He stated that commercial development is among the most intensive forms of development. He stated that the proposed amendment will do exactly

the opposite as the Town manager was quoted in the newspaper regarding the density of a Planned Unit Development in a commercial zone. He said to look at the other side of the coin, would you rather have something like Mallard Cove. He stated that there is a need for residential property in Town and that the Town needs diversity. He stated that the founding fathers of the Town provided for the option of residential in the commercial zone because they knew when the tracts of land became available it would be nice to have that option.

Reports

Jim Groff, Planning Board chairman presented the recap from the October 18, 2004 Planning Board meeting.

Chairman Groff called the Planning Board meeting to order at 7:30 PM. Vice Chairman Russell, as well as Planning Board member Peckens and Alternate McDanel, were present. Members Kowalski and Walter, and Alternate Poisel, were absent. Also present were Council members Shields and Hess, Town Clerk Gordin, Fire Chief Bakken, and Enforcement Administrator Hejduk.

East Carolina Bank representatives included Dorson White and Hyman & Robey engineer Chris Aebel.

Subsequent to approval of a modified agenda, the Board agreed to defer approval of the minutes of the Planning Board meeting of September 20th until the Chairman had an opportunity to provide corrections.

Progress of the Planning Board's Long Range Planning Committee, which has met twice, was presented by Committee member McDanel. The Committee is looking for additional, (young), members representing Southern Shores sound side and ocean side as well as a parent of young children. The Committee will focus on expanding the current LRP to address recreational facilities, storm water runoff, youth activities, beach nourishment, volunteer activities and the health of the canal system. In this regard, the Committee is also seeking citizen input via Broadcast email.

The Planning Board's Storm Water Management Committee has been briefed by Enforcement Administrator Hejduk regarding recent problems and is planning to meet again on October 20th to begin their investigation of improving storm water management with ordinance revisions.

The Planning Board next reviewed the preliminary site plan for the new East Carolina Bank to be constructed at the intersection of Juniper Trail and US 158. It was noted that the site plan did not reflect several recent revisions. Further a few additional issues were raised, the principle one being storm water management. Because East Carolina Bank was anxious to begin construction, the Planning Board ultimately agreed to recommend Council approve demolition and lot clearing in accordance with the terms of the lot disturbance permit, with the understanding that East Carolina Bank would resubmit its

site plan, revised in accordance with recommendations discussed during this meeting, for consideration at the November 15th meeting of the Board.

M. Hejduk, in the absence of any representatives from All Saint's Episcopal Church, outlined the Church's draft master plan, noting that under the recently proposed ordinance revisions, when completely built out, the Church could exceed lot coverage limitations. The Board agreed to pursue the issue upon submission of a site plan by the Church.

The Board then reviewed the impact on property owned by F. Stone in light of the recently proposed ordinance revisions. The Board reiterated its position that their purpose in proposing revisions was to prevent future high density development in commercial areas of the Town. It was noted that zoning changes could be effected that would allow low density residential units in commercial areas, and vice versa.

M. Hejduk showed the Board a sketch plan for condominiums proposed by Mr. N. Blinken for property west of Southern Shores Landing, indicating that a preliminary site plan may be submitted for approval in the near future.

Other potential applications include a dentist office at the intersection of S. Dogwood Trail and US 158 and Vandeventer Black office renovations on Juniper Trail.

Chairman Groff invited Board members to attend the November 3rd meeting of the Council as well a Council Workshops. There being no further business before the Board, the meeting was adjourned at 8:58 p.m.

As recommended by the Planning Board, Council Member Shields moved to approve the East Carolina Bank to proceed with the demolition and lot disturbance permit processes on site. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Mac McDanel, a member of the Planning Board and a Long Range Plan committee member submitted a request for participation in the notice as an outline for Council to review as a draft broadcast email. He stated that a core committee has been appointed including Joe Walter as the chairman by the Planning Board. He stated that Sally Meagher (SSCA) and Randy Jones have agreed to be on the committee also. He reported to Council that the committee would review the current plan and that a number of issues such as stormwater and canals will be addressed. The process to review and submit recommended changes to Council would be a year long process.

Mayor Denny recommended that the Town manager prepare a resolution and submit at the November 3, 2004 Council meeting to officially appoint the Long Range Plan. Hearing no objection, so ordered.

Council Member Shields recommend that the Planning Board chairman review the submitted documents from Terry Frank and submit comments to Council before the November 3, 2004 meeting.

Jim Groff recommended that Council also appoint the members of the Stormwater Management Committee. Mayor Denny recommended including a prepared resolution for that committee also for Council approval. Hearing no objection, so ordered.

Old Business

SSVFD Fire Truck

Mr. Classen stated that the SSVFD Board submitted a request that the Town consider assisting the Department in financing a fire truck purchase. Mr. Classen stated that last spring the SSVFD applied for a grant but received notice that they did not get the grant. The plans and specifications for the new fire truck are currently being developed, but the cost is estimated at approximately \$250,000 ($\pm 10\%$) he stated that during budget deliberations it was discussed that the Town might consider a five-year loan with no interest and an increase of \$50,000 in the annual contract payment to the SSVFD. The increase would be in addition to the \$50,000 the Town now is annually placing into its Vehicle Replacement Reserve for a fire truck purchase anticipated in FY2009-10.

Mr. Classen stated that showing a debt by the SSVFD could help in any future plans for the SSVFD in applying for grants.

Council Member Hess moved to loan the money to the SSVFD for a new fire truck as outlined and to direct the Town attorney to draw up the necessary documents to be approved by the SSVFD. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Lifeguard Service

Mr. Classen provided a proposal from Myrek Dubrowski, Search and Rescue, Inc., for providing lifeguard service to the Town. The existing lifeguard service contract with the Town of Nags Head expires on December 31, 2004. Mr. Classen stated that former Mayor Sutherland reported to Council that Nags Head Mayor Bob Muller had told him that Nags Head was not interested in continuing the present arrangement of service. But upon later conversation Mayor Denny and the Town Manager were told by Mayor Muller and the Nags Head Town manager that there was a miscommunication and that Nags Head would be willing to consider negotiating a new contract if Southern Shores so requested.

Mr. Classen stated that Mayor Denny and he met with Mr. Dubrowski to review the proposal and to discuss lifesaving services in Southern Shores.

Mr. Dubrowski reviewed his presented proposal to Council. He stated that he has also proposed a similar offer to the Town of Duck. He gave in detail his experience qualifications and reviewed the proposal.

Mayor Denny moved to direct the Town Manager to write a proposed formal agreement to be reviewed by Council at the November 3, 2004 Council meeting. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Council Member Hess asked if the provided service would report offenses, such as dogs on the beach, to the Police. Mr. Dubrowski stated that something could be written into the agreement and that he would have no problem with that language.

Cemetery Road Replacement

Mr. Classen submitted proposed cost estimates for the placement of a permanent road in the Town’s cemetery for Council’s consideration. He stated that there are various concrete alternatives: Standard Concrete; Exposed Aggregate; and Stamped Concrete. Using data previously supplied by the engineer, the road cost options are as follows:

Crushed Stone	\$32,407.20
Asphalt	\$32,227.48
Standard Concrete	\$39,820.80
Concrete – Exposed Aggregate	\$52,140
Concrete – Stamped/Color	Most Expensive; Cost Not Determined due to Numerous Variables Going into Cost Estimate

Mr. Classen stated that the current budget allows \$30,000 for cemetery road repair.

Mayor Denny stated that he proposes the exposed aggregate surface.

Council Member Hess moved to approve the cost option of \$32,227.48 for the asphalt road base to include stones to prohibit skateboarding and in line skating. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Review draft ordinances set for public hearings for November 3, 2004 as proposed by the Planning Board.

Ordinance No. 2004-10-01

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE ZONING ORDINANCE RELATING TO LOT COVERAGE,
SCHOOL FACILITY HEIGHT, COMMERCIAL DISTRICT USES, PLANNED**

UNIT DEVELOPMENTS, RESIDENTIAL CONSTRUCTION, AND SITE PLAN REQUIREMENTS

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 3.02, Southern Shores Zoning Ordinance – Definition of Specific Terms and Words

Section 3.02 of the Southern Shores Zoning Ordinance is hereby amended to read as follows:

LOT COVERAGE: That portion of the lot area, expressed as a percentage, that is occupied and obstructed by any structure above the ground, including, but not limited to, building(s), pools, parking areas, access ways, private sidewalks, driveways and roadways, and any accessory use and structure requiring location on or above the ground. Government owned and maintained sidewalks and multi-purpose pathways located on private property are excluded from the calculation of lot coverage.

Driveways and sidewalks utilizing a porous material that is otherwise allowed by law may calculated at less than one hundred percent (100%) lot coverage if (a) the manufacturer certifies the porosity of the material and (b) the town manager approves of the use of the material and if he approves in writing the amount less than one hundred percent lot coverage.

Article IV. Amend Section 4.04, Southern Shores Zoning Ordinance – Computation of Required Space

Section 4.04 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as specifically allowed by this Ordinance.

For purposes of this and other sections in this Ordinance and the Southern Shores Town Code, land that is submerged or regularly under water or intended in the future to be in such condition in canals, sounds, streams, ocean, CAMA-defined wetlands¹, and the US Corps of Engineers 404 wetlands, shall not be included in the area of any lot for purpose of meeting minimum square footage requirements

All lots created shall have all of the minimum square footage contiguous to all other minimum square footage within the same lot. Further, at least thirty-three percent (33%) of the required minimum lot area shall be uplands that do not contain 404 wetlands. No street or road right-of-way, body of water, utility easement or storm water easement may separate one area of a lot from another area of the same lot. No recombination of two or more lots shall create a lot where the minimum square footage is not contiguous to all other minimum square footage.

Article V. School Height 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* 150 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; and 40% for school facilities. 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:*

¹ Remove language relating to CAMA buffer.

For uses other than country club and school facilities:

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 school facilities

HEIGHT, TOP PLATE;	45 feet
HEIGHT, MAXIMUM	55 feet

8. Minimum living space for residential uses 1,000 square feet of enclosed living space.

Article VI. Amend Section 7.10 Southern Shores Zoning Ordinance – C- General Commercial District

Section 7.10(B) of the Southern Shores Town Code is hereby amended to read as follows:

B. Permitted Uses

The following uses shall be permitted by right:

1. *Offices, including ~~such uses as~~ but limited to:*

*business
financial
governmental
medical and professional*

Retail stores, including ~~such uses as~~ but limited to:

*antiques
books
cameras
candy
clothing
craft goods
delicatessen
drugs
flowers
food stores*

Section 9.01 A of the Southern Shores Zoning Ordinance is hereby amended to read as follows:

A. Definition

A tract of land of at least ~~five (5)~~ ten (10) acres in area, under single, corporate, firm, partnership, or association ownership planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved outlined development plan and a preliminary site plan and which is a departure from the strict requirements relating to lot sizes, setback lines and yard spaces but which does maintain zoning district density requirements. Only residential uses shall be allowed in a Planned Unit Development.

Article VIII. Amend Section 10.04 Southern Shores Zoning Ordinance – Application for Building Permits and Site Plan Requirements

Section 10.04 of the Southern Shores Zoning Ordinance is hereby amended to read as follows:

A. Single Family Detached and Duplex Residences

All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing:

- 1) the actual dimensions and shape of the lot to be built upon;*
- 2) the exact sizes and locations on the lot of buildings already existing, if any;*
- 3) the appearance of the sides and rooflines of proposed structures shown on the site plan, plus a rendering showing the anticipated front appearance of the structure relative to the landscaping; and,*
- 4) the location and dimensions of the proposed ~~building~~ structure or alteration.*

The application shall include such other information as lawfully may be required by the Building Inspector, including existing or proposed ~~building~~ structures or alteration; existing or proposed uses of the ~~building~~ structures and land; and the number of families, housekeeping units, or rental units ~~the a~~ a building structure is designed to accommodate; conditions existing on the lot and on nearby lots; elevations of finished floors; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

Two copies of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. A copy of the plans, similarly marked, shall be retained by the Building Inspector.

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

1. *Site Plans must be reviewed by the Planning Board and approved by the Town Council before a building permit for construction may be issued.*

2. *Site Plan Requirements.*

Twelve (12) copies of the site plan shall be submitted no later than 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:

a. *Property and Ownership Information*

- 1) *Present recorded owner and the map book reference of the site property.*
- 2) *Owners, lot numbers or map book and page reference of all adjacent properties.*
- 3) *Boundary of the entire lot by course and distance.*
- 4) *Width of the existing rights-of-way.*
- 5) *Nature or purpose, location and size of existing easements.*
- 6) *Iron pins 3/8" in diameter and 36" in length or concrete monuments shall be shown and installed at all lot corners, points of tangents, and any angle point along a given course of the lot.*
- 7) *Plan drawn to at least 1" = 100' scale showing North arrow.*
- 8) *Zoning district of the site and all adjacent properties.*
- 9) *Lot area by upland; by swamp, marsh and wetland; and the total area.*

b. *Existing Features Information*

- 1) *Streets showing the type and width of pavement, curbs and sidewalks.*
- 2) *Topographic features of the lot and existing grades for the lot, streets, storm drainage, etc.*
- 3) *All underground utilities and facilities.*
- 4) *All existing buildings and structures.*
- 5) *Wetlands as certified by the US Army Corps of Engineers or their authorized agent.*
- 6) *Flood Zone(s), base flood elevation, and map reference as determined by the latest FEMA Flood Insurance Rate Map, with the notation "Flood zones subject to change by FEMA."*

c. *Site Improvements: (~~show all proposed site improvements including, but not limited to:~~~)*

- 1) The anticipated final appearance of the sides and rooflines of proposed structures shown on the site plan, plus a rendering showing the anticipated front appearance of the structure relative to landscaping. The final appearance of all structures shall be determined at time of building permit application.
- 2) *Proposed building type and material (i.e. steel, brick, concrete or wood frame), number of floors and dimensions.*
- 3) *Proposed lowest floor elevation.*
- 4) *Location and type of all sidewalks and curbs within the site.*
- 5) ~~Location of sanitary sewer facilities with connection to sewer system or septic tank.~~ Proposed method for treating wastewater, location of all wastewater collection and treatment facilities (including any applicable property to be reserved for possible future wastewater use), names of any regulatory agency that must approve wastewater system, name of and written approval for connection from any organization that will collect or dispose of wastewater.
- 6) *Layout and number of parking stalls, driveway connections, and internal traffic plan.*
- 7) *Finished grades.*
- 8) *A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre.*
- 9) *Rights-of-way improvements in accordance with the policy of the Town Council.*
- 10) *Storm drainage in accordance with the policy of the Town Council.*
- 11) *A tabulation of lot coverage by type of cover and overall project coverage and percent coverage.*
- 12) *The limits of land disturbing activity and the calculated area of land disturbance.*
- 13) *Proposed use under the zoning ordinance.*
- 14) *Parking requirement and spaces provided.*
- 15) *Proposed signage and calculations.*
- 16) ~~Proposed sewage disposal system and the name of the agency with approval jurisdiction.~~
- 17) *The proposed water supply.*
- 18) *Proposed outdoor lighting.*
- 19) *Required and provided buffers, and proposed landscaping.*
- 20) Location of solid waste container, plus location of separate recycling container.

d. All items on the site plan and all pertinent provisions of the Zoning Ordinance shall be addressed by the applicant before the site plan is presented for review by the Planning Board.

e. Dimensional requirements and development standards shall be in accordance with the district in which the development is to be located.

3. Water and Wastewater Treatment and Disposal

a. ~~No Before any proposed site plan shall be accepted by the Town as part of an application recommended for approval or conditional approval by the Planning Board, without written tentative approval of the proposed sewage treatment and disposal facilities by the Dare County Department of Environmental Health or the North Carolina State Department having jurisdiction, shall be demonstrated to the Planning Board.~~

b. ~~Before any site plan approval or conditional approval, evidence shall be presented showing purchase of connection to the Dare County Regional Water System. No proposed site plan shall be accepted by the Town as part of an application for approval or conditional approval by the Planning Board, without written tentative approval of the proposed water distribution facilities by the Dare County Water Department or the North Carolina State Department having jurisdiction.~~

Article IX. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article X: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the __ day of _____ 2004.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: 10/05/2004

Dates of Publication: October 14 and October 21, 2004-Coastland Times

Date(s) of Public Hearing(s): November 3, 2004

Council Member Shields asked how many existing lots would be affected by Article IV. with regards to the wetlands section and how many lots would not meet the lot size. Mr. Classen stated that all lots not bulkheaded and those that have wetlands on them would be impacted but the 20,000 sq. ft. required lot size remains the same.

Council Member Denny stated that some type of grandfathering should be included.

Council Member Sanders stated that he is concerned about changing ordinances and making properties non-conforming and then the possibility of the need to revise the ordinance to include grandfathering language.

Planning Chairman Groff recommended deleting the sentence in the draft Article IV. Amend Section 4.04, Southern Shores Zoning Ordinance – Computation of Required Space, paragraph three, sentence two, regarding; Further, at least thirty-three percent of the required minimum lot area shall be uplands that do not contain 404 wetlands 33%.

Mr. Classen stated that other language would then need to be removed and he suggested re-drafting the language to the amendments at the public hearing for Council's consideration at the November 3 public hearing. Hearing no objection, so ordered.

Mayor Denny stated that Article V. amending the allowable lot coverage and height for schools and that a conditional use hearing is scheduled for Kitty Hawk Elementary School for a re-construction site plan on November 3.

Mr. Classen reviewed Article VI. regarding permitted uses in the Commercial zone. He stated that the amended language would be specific of what businesses are allowed.

Council Member Hess stated that she is concerned about removing residential from the commercial zone and Council Member Sanders agreed.

Planning Board Chairman Groff explained that the Planning Board is trying to maintain low density residential development and not to have future developments like Southern Shores Landing.

Council Member Sanders stated that developments like Mallard Cove serve a purpose and that he agrees that Southern Shores Landing may not look like Southern Shores homes but it too serves a purpose. He is concerned about changing laws that affect property owner's rights.

Council Member Shields expressed concern regarding the removal of Planned Unit Developments (PUD) as proposed in Article VI.

Mr. Classen explained that current law allows by right that multi-family structures can be built in Town as a permitted use in the commercial zone. As the draft is submitted this

language would be removed and the ability to build additional PUD. He stated that another proposed draft ordinance regarding PUD's is to increase the allowable land for a PUD from 5 acres to 10 acres which allows the current PUD's to remain and not be non-conforming. He recommends that a zone be considered for allowing housing in the commercial zone as a conditional use.

Mayor Denny stated that hearing these planning issues from the Town manager when the issues should be from the Planning Board. He stated that he has not been able to study all that is presented and his conclusion at this time is to reject Article VI. because it goes against the Town's Land Use Plan and that affordable housing is needed.

Mr. Classen recommends withdrawing the public hearing and that Council and the Planning Board hold a joint meeting to discuss the issues raised today.

Council Member Hess moved to cancel the public hearing for Ordinance 2004-10-01 except for Article IV. Amend Section 4.04, Southern Shores Zoning Ordinance – Computation of Required Space as amended and Article V. School Height Regulations. Council Member Shields seconded.

The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Draft Ordinance 2004-10-02-Commercial Recycling-Public hearing scheduled for November 3, 2004.

Mayor Denny directed staff to submit the cost to implement the program to Council at the November 3 meeting.

Town Audit-FT2003-2004

Mayor Denny moved to change the agenda to hear the FY2003-2004 Audit Report. Hearing no objection, so ordered.

Debbie Burgess, CPA of Johnson, Burgess, Mizelle and Straub presented the FY2003-2004 Town Audit.

Council Member Shields moved to accept the FY2003-2004 Audit Report as presented. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

NC 12 Crosswalks

Council Member Hess stated that she is concerned about the safety of pedestrians and traveling vehicles since NCDOT painted the crosswalk markings on NC12. She stated

that upon talking to the Police Dept. it was found that the law was vague in its enforcement.

Mayor Denny stated that NCDOT painted the crosswalks and posted signs upon a request from the Town but we were not informed when they would be doing it.

Upon discussion, Mayor Denny asked the Town manager to investigate the Town's authority to place additional signage stating "Yield to Pedestrians" and report at the November 3 meeting.

Project Update

Holly Trail Reconstruction Project

Mr. Classen stated that the project is almost completed but that there is a concern of the drop-off area on the canal side of the road. He proposed consideration by Council to install an engineered guard rail or post with ropes, reflective striping and the posting of caution signs.

Spindrift Trail Multi-Use Path

Mr. Classen reported that the Town is awaiting the bid specifications from Quible for the multi-use path and the parking lot at Chicahauk Trail. He stated that the town attorney is drafting the easement agreement for the parking lot for CHPOA consideration.

Drainage Issues

Mr. Classen presented information to Council regarding projected costs for Town drainage projects. He stated that projected costs are estimated at \$350,000. He stated that a meeting is to be scheduled with Stan White (NCDOT) to discuss NCDOT's drainage plan along NC 12.

He stated that there are areas in Town that needs immediate action. Those areas are on 11th and 13th Aves. He stated that other trouble spot areas are on Clamshell, Trinitie, and Chicahauk Trails.

He stated that he has authorized a minor hydrology study to use the data to design a study plan.

Council tasked the staff to draft a letter to Mickey Hayes regarding the status of the Duck Woods Pond drainage issue along Ginguite Trail and that the Mayor review the letter before released. Hearing no objection, so ordered.

Dune Grass Project

Mr. Classen stated as previously authorized he is working cooperatively with the Town manager of Duck in developing a Joint Dune Planting Request for Proposal (RFP). He submitted a summary of two RFPO responses.

He stated that based upon an estimated 23,760 (4.5 miles) of oceanfront property in Southern Shores, the estimated cost for the SWD proposal would be \$15,016.32 and the cost for the Coinjock Farms proposal would be \$35,640. The cost difference comes from the number of plants per 1,000 with Coinjock Farms proposing to plant over twice the number of plants as SWD.

He stated that the Town received \$19,714.00 from Hurricane Isabel grants for this project with any balance coming from local funds.

Council tasked the Town manager to submit recommendations at the November 3, 2004 Council meeting.

New Business

Council Vacancy

Mr. Classen provided a list of six applicants for Council's consideration to fulfill the vacancy. He stated that in accordance to law Council could appoint the Council Member today or at the November 3, 2004 Council meeting. He stated that by law, Council could go into closed session to discuss the applicant's resumes but that the appointment would need to be made in open session.

Council Member Shields moved to nominate Brian McDonald to fill the vacancy. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Council Member Hess stated that she too supports the nomination of Brian McDonald. She stated that he ran for Council seat at last election and that he has shown great interest by attending many night Council meetings.

Mayor Denny stated that Brian is also his choice.

Council Member Shields moved to close the nominations. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent. Council Member Shields moved to appoint Brian McDonald as Council Member fulfilling a term to expire November 2005. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Council Items-None

Mayor Items-None

Town Manager Items

Mr. Classen announced that Bonnie Swain has been hired for the Financial Technician position. He stated that she has fourteen years of bookkeeping experience and will start on November 1, 2004.

Mr. Classen reported that the Town has purchased a 4wd Ford Escape to be used by the Code Enforcement Administrator or the Building Inspections office.

Public Comment

Hearing no other business, Council Member Shields moved to adjourn the meeting at 12:00 p.m. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

ATTEST:

Respectfully submitted:

Mayor Denny

Carrie Gordin, Town Clerk