

Southern Shores Town Council
Town of Southern Shores, North Carolina

Regular Meeting
November 3, 2004
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on November 3, 2004, at the Pitts Center.

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

The following members were present:

Mayor Hal Denny
Council Members: Dan Shields, Jodi Hess, and David Sanders
Carl Classen, Town Manager
Tom White, Town Attorney
Carrie Gordin, Town Clerk

Mayor Denny asked that a moment of silence held for everyone to think how grateful and lucky we are to live here and how fortunate we are for the great democracy of this country.

Swearing in Council Member McDonald

Town clerk swore in Brian McDonald and Council welcomed him aboard. Mayor Denny stated that Brian was appointed unanimously by Council at the October 19 Council meeting.

Appoint Mayor pro tem

Council Member Sanders moved to nominate Council Member Hess as mayor pro tem. Council Member McDonald seconded. Hearing no other nominations the nominations were closed.

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

Town clerk swore in Mayor pro tem Hess.

Mr. Classen introduced Bonnie Swain the Town's new Tax Collector and Finance Technician as well as her husband, Eric, and daughter, Abby.

Approval of Agenda

Mayor Denny moved to amend the order of the agenda relating to Item 6. Conditional Use Hearing-Kitty Hawk Elementary School Reconstruction Site Plan and Item 7 a. Mayor Denny so ordered.

Approval of Minutes

Mayor Denny moved to approve the minutes for the October 5, 2004 Council meeting as presented. The October 19, 2004 minutes have been delayed for approval. Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Members absent.

Public Comment

Anita Fletcher presented information regarding the Community Care Clinic of Dare. She stated that it is a non-profit organization that provides and facilitates basic health care for people who do not have or cannot afford adequate health insurance for Dare County residents and individuals who work in Dare County. Ms. Fletcher stated that the organization is sponsoring a golf tournament, auctioning Christmas trees at the annual Festival of Trees and requesting donations. The proceeds would be used to apply for a matching grant available from Blue Cross Blue Shield.

Jim Connor of Duck Woods Drive stated that he was involved in an incident involving a dog fight. He stated that three large dogs were fighting and that on the property there were six to seven dogs. He stated that the odor from having that many dogs was terrible. He requested that Council consider amending the Town Code to limit the number of dogs allowed on a property or at least require a type of kennel license.

Reports

A. Planning Board

Chairman Groff reviewed issues discussed previously at the October 18, 2004 Council meeting. He reported that issues to be addressed by Council are on tonight's agenda for consideration.

B. Mid-Currituck Sound Bridge Campaign Update-Build the Bridge, Preserve Our

Roads, (BB-PR) Inc.

Bob Palombo stated current developments of the BB-PR, Inc. is currently in informal negotiations with a Washington, D.C. lobbyist to determine the possibility of obtaining federal highway funds for studies related to the feasibility of a public/private partnership as a means of financing construction and operation of an environmentally appropriate Mid-Currituck Sound Bridge. He stated as a not-for-profit tax exempt organization BB-PR cannot engage in lobbying for federal funds. Since the bridge effort directly affects the Towns of Duck and Southern Shores and Currituck County and local civic/business and homeowners' associations, BB-PR, Inc. is proposing to ask each of these groups to donate funds. He stated the legal representative we are working with owns a home in Corolla and he has made informal contacts with federal officials who have expressed their support for the efforts of BB-PR, Inc. to expedite the construction of the bridge. He stated that these officials have indicated to him that the real possibility of obtaining study funds does exist. On behalf of BB-PR he is asking the Town of Southern Shores if they would be willing to contribute funds toward this effort. He stated that the bridge will be built; it is our goal to get it built sooner, rather than later. He thanked Council for their consideration of the request. Mr. Palombo stated that the next scheduled meeting is November 18, 2004 at 7:00 pm. in the Pitts Center.

SSVFD

Fire Chief Bakken reported that the reflective house number placement is on going. He also reported that Pete Macfarlane is the senior fire man of 23 years and that Randall Wrenn and himself follow in years served in the SSVFD.

Public Hearings

Mayor Denny opened a public hearing on Ordinance No. 2004-10-01 amending the Zoning Ordinance Relating To Lot Coverage And School Facility Height.

Jim Connor, of 83 Duck Woods Drive, stated that he is concerned about the language as related in the Computation of Required Space regarding the 404 wetlands. He stated that he addressed his concerns with the Town Manager and now the language in the ordinance has been changed. Mr. Connor asked how the proposed changes would affect properties with easements and the making of properties non-conforming.

Mr. Connor asked if this proposed change is a reaction to something that happened or something that may happen. Mr. Connor requested that Council consider tabling this part of the ordinance for future review. Mr. Connor stated that he has no problem with the proposed language regarding school facilities.

Hearing no further public comment, Mayor Denny closed the hearing.

Conditional Use Permit Application Hearing-Kitty Hawk Elementary School Reconstruction Site Plan

Mayor Denny called the public hearing open, hearing no public comment, Mayor Denny closed the hearing.

Tom White, acting Town attorney advised Council, at this time, not to close the public hearing for the Conditional Use Permit Application for the Kitty Hawk Elementary School but to continue the public hearing to the November 16 Council meeting. Mr. White advised that proper conditional use procedures as prescribed by State and local law needs to be followed. Mr. White stated that the applicant needs to review the draft findings of fact (submitted LDA 2004-XX-XX) and have the opportunity to respond to those Findings of Fact.

Mayor Denny rescinded his closing of the public hearing as advised by counsel.

Mayor Denny opened public hearing on Ordinance # 2004-10-02 amending the Town Code Relating to Commercial Recycling. Hearing no comments from the public, Mayor Denny closed the hearing.

Mr. Classen stated that a meeting would be held with business owners and the cost of implementation would be compiled. He stated that implementation of the program would begin in the spring and a progress report would be presented to Council in January.

Council Member Shields moved to approve Ordinance 2004-10-02. Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Members absent.

Ordinance #2004-10-02-Town Code-Commercial Recycling Containers

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO AMENDING THE TOWN CODE RELATING TO COMMERCIAL RECYCLING

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 Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 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 8-4 Southern Shores Town Code – Receptacle Standards; Residential and Commercial

Section 8-4 of the Southern Shores Town Code is hereby amended to read as follows:

a. Residential.

The town shall provide, at no cost to the owner, tenant or occupant, to every single residential unit one (1) waste receptacle and one (1) receptacle for recycling. These receptacles shall remain the property of the town and shall not be removed from the assigned lot or parcel except by town personnel. Residential receptacles shall be delivered upon the issuance of an occupancy permit.

b. Commercial Establishments.

The town shall provide, at no cost to the owner, tenant or occupant, bulk containers for waste in accordance with Section 8-6 of this chapter and a receptacle for recycling. Bulk containers shall be not less than two (2) cubic yards and not larger than eight (8) cubic yards. In cases where a single business establishment generates less volume of business trash, the town may provide a rollout receptacle for the solid waste collection. In the case of special bulk containers larger than eight (8) cubic yards that cannot be picked up by Dare County Department of Public Works equipment, such containers shall be purchased or leased by the business establishment, at no cost to the town, and the cost of business trash removal to suitable disposal sites shall be borne by the business owner or tenant.

Article IV. 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 V: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 3rd day of November 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

Date of Publication: October 14, 2004-Coastland Times

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

Ordinance #2004-10-03-Town Code-Animals Running at Large

Mayor Denny opened the public hearing on Ordinance #2004-10-03-Town Code-Animals Running at Large. Hearing no comments from the public, Mayor Denny closed the hearing.

Hearing no objection, Mayor Denny deferred any action on this Ordinance until the November 16th meeting to discuss amending new language as section (5) relating to non-property owner animals.

Old Business

Resolution No. 2004-11-01-Long Range Planning Advisory Committee

Council Member Hess moved to adopt the resolution as presented. Council Member Sanders seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Members absent.

A Resolution of the Town Council of Southern Shores, North Carolina, Relating To Creation of the Long Range Planning Advisory Committee

Whereas, the Town of Southern Shores seeks to update the Town Long Range Plan, which was last revised in 2001 and,

Whereas, the Town Council seeks input from citizens on how to make Southern Shores a better place to live, visit, work, and conduct business;

Now, Therefore, Be it Resolved, the Southern Shores Town Council meeting this 3rd day of November, 2004, does hereby establish a Long Range Planning Advisory Committee; and

Be It Further Resolved that the Long Range Planning Advisory Committee shall have a Chairman and Vice Chairman, who shall be Planning Board Members Joe Walter and Mac McDanel, respectively; and

Be It Further Resolved the Chairman shall recommend to the Mayor, who shall appoint necessary persons representing multiple demographics with the Town members of the Committee, which is charged with the following functions:

1. Form a Steering Committee, if necessary, that shall guide the work for updating the Southern Shores Long Range Plan;
2. Review existing plans and other documents relating to the development of the Town and/or nearby or similar-type communities.
3. Conduct a long range study for the Southern Shores community;
4. Seek input from citizens, property owners, business owners and employees, and other persons who have an interest in the future of Southern Shores;
5. Make recommendations to the Planning Board and Town Council depicting a vision of/for the Southern Shores community;
6. Make recommendations to the Planning Board and Town Council for adoption and implementation of a revised Long Range Plan;
7. Perform such other functions as are necessary to carry out the mission specified for the Committee; and,

Be it Further Resolved that the Mayor is hereby directed to consult with the Chairman of the Planning Board in considering names for membership on the Long Range Planning Advisory Committee and shall, with the consent of the Town Council, make appointments to the Committee, including a chairman or co-chairmen; and,

Be it Further Resolved that the Steering Committee shall, as it deems necessary appoint a vice chairman or vice chairmen and adopt such rules as deemed necessary for the conduct of their business; and,

Be it Further Resolved that the Town Manager shall assign and provide adequate staff resources to complete the work of Committee; and,

Be it Further Resolved that the Committee shall submit its final report and recommendations to the Council on or before December 1, 2005 and the Long Range Planning Advisory Committee shall thereafter cease to exist.

Approved this 3rd day of November 2004.

Mayor Hal Denny
Town of Southern Shores

ATTEST:

Carrie Gordin, Town Clerk
Town of Southern Shores

Mayor Denny moved that Council give him authority to appoint Dick Furioni, Sally Meagher, and Randy Jones. Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Members absent.

Resolution No. 2004-11-02- Relating To Creation of the Stormwater Policy Advisory Committee

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

Resolution No. 2004-11-02-A Resolution of the Town Council of Southern Shores, North Carolina, Relating To Creation of the Stormwater Policy Advisory Committee

Whereas, the Town of Southern Shores seeks to improve the infrastructure, rules and regulations relating to the management of stormwater in the Town and,

Now, Therefore, Be it Resolved, the Southern Shores Town Council meeting this 3rd day of November, 2004, does hereby establish a Stormwater Policy Advisory Committee, which is charged with the following functions:

1. Review existing infrastructure, ordinances, rules and regulations relating to stormwater management in the Town;
2. Review stormwater infrastructure ordinances, rules, regulations and financing mechanisms in other towns;
3. Conduct discussions with the public on possible improvements to the stormwater infrastructure, rules and regulations of the Town;
4. Make recommendations to the Planning Board and Town Council for infrastructure improvements and changes to stormwater management ordinances, rules and financing mechanisms;
5. Perform such other functions as are necessary to carry out the mission specified for the Committee; and,

Be it Further Resolved that the Mayor is hereby directed to consult with the Chairman of the Planning Board in considering names for membership on the Stormwater Policy Advisory Committee and shall, with the consent of the Town Council, make appointments to the Committee, including a chairman; and,

Be it Further Resolved that the Committee shall, as it deems necessary appoint a vice chairman and adopt such rules as they deem necessary for the conduct of their business; and,

Be it Further Resolved that the Town Manager shall assign and provide adequate staff resources to complete the work of Committee; and,

Be it Further Resolved that the Committee shall submit its final report and recommendations to the Council on or before June 1, 2005 and the Stormwater Policy Advisory Committee shall thereafter cease to exist.

Approved this 3rd day of November 2004.

Mayor Hal Denny
Town of Southern Shores

ATTEST:

Carrie Gordin, Town Clerk
Town of Southern Shores

Project Update

Mr. Classen presented a written update on various projects now underway.

Council Member Shields stated that he would be attending the County stormwater management meeting on November 16.

New Business

Dune Beach Grass Planting

Mr. Classen presented two bids for planting beach grass along the dune line of the Town. SWD and Coinjock Farms.

Jim Connor stated that upon his review of the bids they are not presented so that a comparison of the cost could be considered. He stated that he is a landscaper and that proper planting needs to be administered to receive full benefit from the project.

Council Member Sanders suggested that staff present revised bid specifications to be reviewed at the November 16, Council meeting.

Hearing no objection, Mayor Denny deferred any action on this item to the November 16 Council meeting.

Ocean Rescue Lifeguard Service

Mr. Classen stated that he is working with the ocean rescue contractor and they should have a proposed contract in time for discussion at the November 16 Council meeting.

Council Items

Council Member McDonald thanked Council for the confidence they have shown in his appointment and he will do his very best to work hard for the citizens of the Town. He submitted his resignation from the Board of Adjustment as an alternate, effective immediately.

Council Member Shields moved to accept the resignation of Brian McDonald from the Board of Adjustment. Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent, Council Member McDonald not voting.

Council Member McDonald disclosed that his business, Outer Banks Heating and Cooling currently provides services on the Town's heating and air conditioning units. He requested that Council consider allowing the company to continue doing emergency repairs.

Tom White, acting Town attorney stated that General Statute is clear that Council Members can not receive compensation while serving on the board.

Hearing no objection, Mayor Denny directed that this be further investigated by the Town Manager and addressed at the November 16 Council meeting.

Council Member Hess thanked the Council for their support in her appointment as Mayor pro tem.

Mayor Items

Mayor Denny stated that Council needs to submit two nominees for the Tourism Board for the County to appoint one representative. He stated that his term will expire in December but that he is willing to re-submit his name. He requested that individual Council members consider submission of their name as a nominee at the November 16 Council Meeting.

Mayor Denny stated that Council and the Planning Board have agreed to hold a joint meeting to discuss zoning and land use matters. A date for the meeting is to be announced.

Mayor Denny reported that the natural gas project is coming to Dare County and that the SSVFD, Town Public Works building, and the Duck Woods Country Club will all be connected at the same time due to the installation of the gas line along North and South Dogwood Trail.

Town Manager Items

Mr. Classen reported that Travis Jennings has been hired as the e-NC Grant Project Intern. He stated that he is a student at ECSU and lives in Hertford.

Mike Hejduk, Code Enforcement Administrator gave monthly Building Inspections report. His presentation will be using GIS capabilities as much as possible.

Mayor Denny moved to approve the Tax Report including monthly pickup and releases. Council Member Shields seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, and Sanders, and McDonald voting aye; no Council Member voting no; and no Council Members absent.

Hearing no other business Mayor Denny moved to adjourn the meeting at 9:05 p.m.

ATTEST:

Respectfully submitted:

Mayor Denny

Carrie Gordin, Town Clerk