

Southern Shores Town Council
Town of Southern Shores, North Carolina
Regular Meeting
December 7, 2004
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on December 7, 2004, at the Pitts Center.

The following members were present:

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

Opening

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

Moment of Silence: Mayor Denny asked that a moment of silence be held in memory of the attack on Pearl Harbor 63 years ago today.

Approval of Agenda

Mayor Denny asked that the agenda be amended to include closed session at the end of the meeting for consultation with legal counsel.

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

Approval of Minutes-November 3, 2004 Council Meeting

Council Member Shields and Hess noted some minor corrections. Council Member Shields moved to approve the minutes as corrected. Council Member Sanders seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; no Council Members absent.

Public Comment: No public comments were made.

Reports

Planning Board: Jim Groff, chairman presented the November 15, 2004 planning board recap. He recommended that the Long Range Planning Advisory Committee and the Stormwater Management

Advisory Committee reports be given, not as standing report but as progress is made by the committees.

Mid-Currituck Sound Bridge Campaign Update: Build the Bridge-Preserve Our Roads Committee (BB-PR). Bob Palombo reported that there are now 20,300 petition signatures. He stated that there are five participants (Towns of Duck and Southern Shores, Duck Business Alliance, Duck Homeowner's Association and private donations through the Currituck Chamber of Commerce) involved in the hiring of lobbyist and the contract is in progress of being drafted. He stated that a fiscal agent has not been appointed at this time, but that Allan Starr is the contact person regarding the hiring of the lobbyist. He stated that several BB-PR members will be attending a meeting in Washington, DC in January to meet with the staff of Senator Dole. He stated that the BB-PR members are contacting individual property owners on NC12 to inform them of the impact on their property if NCDOT decides to widen NC12. He distributed bumper stickers supporting the bridge, which also are available at Town Hall.

Southern Shores Volunteer Fire Department: Fire Chief Bakken reported that the SSVFD has completed the annual hose testing and fire hydrants testing under the direction of Pete Macfarlane. He stated that the Department has received three bids on the purchase of a new fire truck. Council has an item on the agenda for discussion regarding an expenditure for the fire truck.

Special Presentations

All Saint's Episcopal Church Master Plan: Tess Judge made a presentation on the Master Plan for the All Saint's Episcopal Church. Several members of the congregation were in attendance at the meeting.

Officer Jonathan Slegel Intermediate Certificate: Chief Pledger presented Officer Slegel his Intermediate Certificate. He stated that Officer Slegel is a dedicated officer and also has the responsibility of being the evidence technician.

Old Business

East Carolina Bank Site Plan Application (LDA2004-2004-01): Staff presented findings of fact, Planning Board recommendations, additional staff recommendations and background materials relating to Land Development Application (LDA) 2004-11-01 from East Carolina Bank to demolish and re-build on property owned by the Bank at the corner of Juniper Trail and US158.

The Planning Board reviewed the application on October 18, 2004 and requested changes. In response to the Planning Board changes, a revised site plan was submitted by the applicant and that site plan dated 10/21/2004 and related documents constitute the complete ECB application package-Exhibit A is included with this packet. In response to the revised site plan, additional staff recommendations are also included.

On October 19th following an October 18th Planning Board recommendation, the Town Council voted to approve demolition of all existing structures on the three parcels covered under the site plan submitted at that time. The Town Council took no other action on the site plan application at that time.

Council Member Shields moved to approve the East Carolina Bank Site Plan (LDA2004-11-01), as approved by the Planning Board or as amended in the site plan package prepared October 21, 2004 by Hyman & Robey, with conditions and modifications as noted in A through H below. The motion passed with Mayor Denny, Council

Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; no Council Members absent.

As approved, the conditions and modifications to the East Carolina Bank Site Plan (LDA2004-11-01), read as follows:

- A. That the applicant must strictly abide by all requirements of the Zoning Ordinance of Southern Shores, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations that may apply to this development; and,
- B. No building permit shall be issued until written evidence satisfactory to the Code Enforcement Administrator is submitted to the Town in accordance with Section 10.04 B.6, Southern Shores Zoning Ordinance; and,
- C. For purposes of this application and this application alone, the phrase "Building Inspector" found in Section 10.04 B.8, Southern Shores Zoning Ordinance, shall be the Code Enforcement Administrator as appointed by the Town Manager; and,
- D. Subject to approval by the Code Enforcement Administrator, an area for one or more recycling receptacles shall be shown on the site plan.
- E. The applicant agrees to work with and support the Town in seeking the underground installation of overhead utility lines presently on or adjacent to the subject property, if adequate resources can be secured.
- F. The applicant shall combine lots presently referred to as PIN 986720804989 and 986720803984 and record recombination in Dare County Registry before any Certificate of Occupancy for any new structure is issued.
- G. The Agreement (or a document accomplishing the same) with The Marketplace Shopping Center for access to parking lot as shown on Sheet C1 must be recorded in the Dare County registry prior to issuance of a Certificate of Occupancy for any structure.
- H. Per the provisions of Section 10.02 B, Southern Shores Zoning Ordinance, approval of this application shall be null and void if no building permit relating to structures shown in Exhibit A be applied for and received on or before June 7, 2005.

Spindrifft Multi-Use Path Construction Bids: Mayor Denny reported that a second round of construction bids for the Spindrifft Multi-Use Path were opened on Monday, December 6, 2004. The second round was required after the first round of advertising for bids failed to garner three bidders. As presented, the construction project required the bid to include as option (#1) an asphalt path and option (#2) a concrete path. Barnhill Contracting Company was the low bidder for Option #1 at \$73,765.00 and Option #2 at \$111,870.00.

Council discussed the lifecycle cost for the two types of paths and the additional cost of the concrete. Council also discussed whether using concrete was to be aesthetically consistent with the CPOA paths.

Following discussion, Council Member Hess moved to approve the bid of \$73,765.00 for the asphalt path. Council Member Shields seconded. The motion passed with Council Members Hess, Shields, and Sanders voting aye; Council Member Denny and McDonald voting no; no Council Members absent.

Spindrifft/Chicahauk Parking Lot Construction Bids: Mayor Denny reported that a second round of construction bids for the Spindrifft/Chicahauk Parking Lot were opened on Monday, December 6, 2004. The second round was required after the first round of advertising for bids failed to garner three bidders.

Barnhill Contracting Company submitted the low bid of \$127,818.00.

Council Member Shields moved to approve the bid of \$127,818.00 from Barnhill Contracting Company for the Chicahawk Parking Lot. Council Member McDonald seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; no Council Members absent.

Southern Shores Surf Rescue Contract: Mr. Classen presented a revised contract (12/7/2004) to Council for approval. The proposed contract calls for one (1) lifeguard per stand, plus two roving All Terrain Vehicles (ATV's) and one supervisor, who is shared with the Town of Duck. It was confirmed by Nags Head Fire Chief Butch Osborne that Nags Head provided a like amount of service, except only one ATV. If the Council finds that additional lifeguards become necessary the Council can re-open contract discussions with Surf Rescue, Inc. for the additional service.

Council Member Hess moved to approve the December 7 contract as presented. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; no Council Members absent.

Fire Truck Purchase: Mr. Classen explained that on October 19, the Town Council authorized a \$250,000 ($\pm 10\%$) loan to the Southern Shores Volunteer Fire Department for the purchase of a new fire truck. After research, it was found that a loan to a private non-profit – even if to a tax-receiving entity and for a governmental purpose – is not authorized under the statutes. Mr. Classen's recommendation is to amend the October 19 loan authorization to a grant authorization of \$250,000 ($\pm 10\%$) to the Southern Shores Volunteer Fire Department, Inc. for the purpose of purchasing a fire truck. The final amount will be determined based upon the actual invoiced price of the truck, and will be paid to the Fire Department within twenty (20) days of required payment to the fire truck supplier. If multiple suppliers are used to complete the truck purchase, the grant shall be paid likewise to the Fire Department for each invoice from a supplier.

Mayor Denny moved to authorize the \$250,000 ($\pm 10\%$) grant to the SSVFD as presented by Mr. Classen for the purchase of a new fire truck. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; No Council Member voting no; no Council Members absent.

Project Updates

Mr. Classen submitted a written review of various on-going projects for Council review.

New Business

Capital Projects Planning: Hearing no objection, Mayor Denny ordered that this item be held over for further discussion at the annual Council retreat, so moved.

Canal Dredging Project Spoils Sites: Mr. Classen reported that he is working with the Dredging Committee in pursuing spoils sites for the Southern Shores Canal Dredging Project.

There are two different locations for consideration. Agreements with the affected property owners will be

required prior to submission of State and federal applications required prior to commencing dredging.

The first spoils site location is along the canals at the rear of properties located along Hillcrest just north of Hickory. Although these property owners have been orally supportive in the past, the Town manager is arranging a meeting with them to go over the project in detail and to give them the opportunity to discuss spoils site issues with the Town's consultant, George Wood of Environmental Professionals, Inc.

The second location is for a back-up spoils site, which would be located on Duck Woods Country Club property. That site, which is north and east of the existing driving range, will need to be reviewed for its practicability as the ground may not be suitable (e.g., wetlands) to allow issuance of the required federal and State permits.

Mr. Classen stated that to determine the viability of the Duck Woods spoils site, Environmental Professionals (EPI) would need to conduct a feasibility study first (Phase I, which includes Sections 1 and 2 of the attached EPI letter) and then, if the site is found suitable for a spoils site, prepare and submit the permit applications (Phase II, which includes Sections 3 and 4 of the attached EPI letter). The Project would cost \$3,250 for Phase I and \$10,750 for Phase II (plus an estimated \$250 - \$400 in application fees).

For both the Hillcrest and Duck Woods spoils sites, the Town will need to execute easements and/or other agreements with the property owners.

Mr. Classen recommends that Council authorize him to execute a Service Contract Purchase Order with Environmental Professionals (EPI) for a two-phase study of the Duck Woods Country Club spoils site as outlined in the EPI proposal to the Town dated November 27, 2004. The Purchase Order would have a cost not to exceed \$14,400, and the Town Manager would be required to report back to Council if findings from Phase I warranted moving forward with Phase II.

Mr. Classen recommends that Council authorize him to negotiate easements and other agreements, as necessary, with affected property owners along Hillcrest Drive and at Duck Woods Country Club for spoils sites and to authorize the Mayor, Town Manager, Town Clerk and other necessary Town officials to sign and execute such easements and agreements.

Council Member Shields moved to approve the Town Manager's recommendation, including authorization to negotiate easements and other agreements and to execute easements and agreements with Environmental Professionals (EPI) for a two phase study at the Duck Woods Country Club spoil sites, as outlined in the EPI proposal dated November 27, 2004 and that phase two not be executed until a report is given on phase one. Council Member Hess seconded.

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

Other Items

Council Member's Reports:

Council Member McDonald inquired about the roadside trimming along Woodland Drive. Glenn Alexander, Public Works Supervisor, stated that the Public Works Department is in the process of

trimming many streets, of which Woodland Drive is one.

Council Member Shields inquired about scheduling a date for the annual Council retreat. Hearing no objection, Mayor Denny set the retreat dates for January 27-28, 2005 beginning at 8:00 a.m. on January 27. It was stated that a Broadcast Email should be sent the early part of January requesting citizens to submit issues of concern to be addressed at the retreat.

Mayor's Report: None

Town Manager's Report:

Mr. Classen called upon Department Heads for reports.

Mike Hejduk, Code Enforcement Administrator reviewed the monthly Building Inspections report and stated that revenues for the department have increased due to an increase in department fees and that there is no slow down in construction. He stated that the Building Inspections Department just completed its Insurance Services Office (ISO) Audit which is required by the National Flood Insurance Program every five years.

Glenn Alexander, Public Works Supervisor, reported that the department planted 25 Cypress trees along side the Public Works Building to buffer Southern Shores Landing, they continue to deliver and repair trash/recycle cans, working on Town Hall landscaping, replaced 25 stop signs all to a uniform height, trimming road side site lines, painting stop bars on the road and following the progress of the chipping program, which is working very well.

Police Chief Pledger presented a year-to-date and a monthly report of crimes from 2003 to 2004 and stated that crime is down in the Town. He stated that the Police Department participated in a "Booze It and Lose It" checkpoint on the Wright Memorial Bridge, Saturday, December 4, in which 65 traffic violations and 2 DWI's were cited.

Mr. Classen presented a late item to Council that he received on December 6 regarding the insurance adjustor's estimate to repair the 1997 Ford F-150 Building Inspector truck. The estimate is almost \$3,670, but staff contends that the figure is too low since much of the damage is related to the broken axle/bent frame and that will present problems to the differential and other parts not apparent at this time.

He stated that it was the intention to replace the Building Inspector truck in FY2005-06.

Mr. Classen stated that on State contract, a 4WD crew cab/8-foot bed truck is \$18,800 while a 4WD crew cab/6.5-bed compact pick-up is \$18,900. He stated that the total cost will include safety lights, decals, and other accessories, plus titling expenses.

He stated that staff has not settled on a specific style of truck. Discussion is being held between the Code Enforcement Administrator and the Building Inspector on that issue.

Mr. Classen recommends that Council accept the insurance settlement in the amount of \$3,669.79, and authorize an expenditure of up to \$20,000 from Capital Improvement Fund-Vehicle Replacement Reserve for a replacement truck.

Council Member Hess moved to authorize the Town Manager to commit an expenditure of up to \$20,000 from Capital Improvement Fund-Vehicle Replacement Reserve for a replacement truck. Council Member Shields seconded.

Council asked that staff determine the status of the damaged truck once they accept the presented estimate, what is the "Blue Book" value on the truck, and how does that compare to the settlement estimate and submit information at the January Council meeting. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; no Council Members absent.

Town Attorney's Report-None

Public Comment

Mierk Dabrowski of 327 Duck Road stated that he is a resident of Southern Shores and a member of the SSCA and he appealed to Council's decision to construct the Spindrifft Multi-Use Path using asphalt. He stated that he supports the use of concrete. He stated that the cost of using asphalt is less initially but there will be additional maintenance cost overall and that concrete will last twice as long as the asphalt.

Announcements:

Mayor Denny announced that there would be no mid-month Council meeting or December Planning Board meeting will be held and that the Town Hall will be closed December 24 and December 27, 2004. He reminded Council of the December 9 a special joint meeting with the Planning Board would be held.

Closed Session:

Council Member Hess moved to go into closed session in accordance to NCGS. 143-318.11 (a) (3) to discuss legal issues with the Town attorney. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; No Council Member voting no; no Council Members absent.

Adjourn:

Council returned to open session and hearing no further comments before the Council, Council Member Shields made a motion to adjourn the meeting. Mayor Denny seconded. Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Members absent or not voting. The meeting adjourned at 9:41 PM.

ATTEST:

Respectfully submitted:

Mayor Denny

Carrie Gordin, Town Clerk