

Southern Shores Town Council
Town of Southern Shores, North Carolina
Regular Meeting
January 4, 2005
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on January 4, 2005, at the Pitts Center.

The following members were present:

Mayor Hal Denny

Council Members: Dan Shields, David Sanders, and Brian McDonald

Absent: Council Member Hess

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 for the families of Gladys Gray and Pat Andrews. He stated that the weather though it is beautiful here can turn the tables and killed over 100,000 people from a Tsunami and to pray for all those people lost.

Approval of Agenda

Mayor Denny asked that the agenda be amended to include under Old Business item C. Fire Truck and under New Business item C. Schedule of Council meetings and item D. Paint Ball issue and to go into closed session at the end of the meeting for consultation with counsel on a legal matter.

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

Approval of Minutes-November 17, 2004 Council Meeting

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

Approval of Minutes-December 7, 2004 Council Meeting

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

Approval of Minutes-December 9, 2004-Joint Council/Planning Board Meeting

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

Public Comment: No public comments were made.

Reports

Planning Board: Jim Groff, chairman and Jay Russell, vice chairman were not available to give report. Mayor Denny stated that no regular Planning Board meeting was held in December.

Mid-Currituck Sound Bridge Campaign Update: Build the Bridge-Preserve Our Roads Committee (BB-PR) representative, Bob Palombo reported that the Town of Duck, the Duck Business Alliance and the Duck Civic Association would be signing the contract to hire the lobbyist within a few days. He stated that he would be bringing the contract to Council as soon as possible and that Currituck County would be the last to sign it. He reported that two members of the committee are meeting with the Chief of Staff of Senator Dole and Senator Burr next week.

Southern Shores Volunteer Fire Department: Fire Chief Bakken presented the monthly report, as well as a year end report. He also reported that false alarm calls are down.

Special Presentation

Chief Pledger announced that after a long search for the position of detective, the

Police Department is promoting Sgt. Matt Anderson to that position. He presented Sgt. Anderson with his detective badge.

Old Business

A. Board of Adjustment-Alternate Appointments

Four resumes were submitted for Council's consideration.

Ed Cowell, Jr.
Henry Frazier, III
Kara Lashley
Morgan Mason

Mayor Denny asked how many alternates were needed and he was told in the past three have been appointed.

Mayor Denny nominated Ed Cowell and Henry Frazier. Council Member Shields seconded. The motion passed with Mayor Denny, Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; Council Member Hess absent.

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

Mayor Denny asked that staff notify the applicants of Council's decision, and to prepare an appropriate letter to Kara Lashley for his signature.

B. Project Updates

Carl Classen presented several issues for Council's review.

Under the proposed Spring 2005 Road Improvement Project, Mr. Classen presented several road projects. He stated that from the January 4 Project Update Report certain jobs are of significant importance for inclusion within the project. He stated that the construction cost estimates are provided by Joe Anluaf, Quible, and are based upon prior bids, plus anticipated inflation in construction/material costs.

Mr. Classen recommended that Council review and discuss the items presented at the January 18 Council meeting before any action is taken. A review of the mid-year financial report will be provided at that meeting.

C. Southern Shores Volunteer Fire Department (SSVFD) Fire Truck

Dick Furioni reported to Council that the original estimate of the cost of the new fire truck was too conservative. He stated that the cost is \$283,444. He stated that an amount of \$62,000 is needed as the down payment, and the final payment would be needed in Sept. or Oct. of 2005.

Council Member Sanders moved to approve as a grant the expenditure of \$283,444 for the purchase of the fire truck. Mayor Denny seconded. The motion passed with Mayor Denny, Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; Council Member Hess absent.

New Business

A. Stormwater Management Plan Proposal

Mr. Classen presented to Council a proposal from the Town's engineer, Quible & Associates, for preparation of a stormwater management plan for the Town. Mr. Joe Anlauf of Quible & Associates was in attendance and participated in the deliberation. Mr. Classen stated that a stormwater management plan would assist the Town in developing infrastructure projects that enhance removal of various stormwater flows from rights-of-way and other public areas. Further, having such a plan helps keep flood insurance premiums lower for the entire Southern Shores community.

Mr. Classen stated that the proposal from Quible encompasses the following elements:

- Overview of the Drainage Basin
- Stormwater Management Plan Model
- Potential Solutions

He stated that Quible Engineering has prepared stormwater management plans for other municipalities and has provided references and that Quible's proposal calls for completion in 6 -8 months at a price of \$45,000.

Council Member Shields moved to approve the proposal from Quible & Associates for the Stormwater Management Plan as presented. Mayor Denny seconded. The motion passed with Mayor Denny, Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; Council Member Hess absent.

B. Natural Gas Franchise

Mr. Classen presented the natural gas franchise as drafted by counsel, Ike McRee, who is acting as the joint attorney on this project for Duck, Kitty Hawk, Nags

Head and Southern Shores. He stated that this draft is also being used by Kill Devil Hills, but they are continuing to work through their own town attorney, Robert Outten, who has received and worked through Ike McRee's drafts.

He stated that this draft reflects a review and subsequent changes by the town managers (or assistants) from Duck, Kill Devil Hills, Kitty Hawk, Nags Head and Southern Shores. The original was given to the natural gas company in mid-December asking for their comments, but none were received as requested before the town managers' review and none have been received through December 30.

He stated that franchises, including natural gas franchises, must be approved twice at regular meetings before they can become effective. Council Member McDonald raised the issue of aesthetics around any above ground structures. He suggested that language should be included in the franchise to address this issue, in that such areas can be unsightly.

Fire Chief Bakken stated that fire department training on natural gas emergencies and requirements might be addressed in the agreement.

Council directed the Town attorney to draft language to address both matters, aesthetics and training for fire departments.

Mr. McRee stated that each town needs to hold two meetings before approval.

Hearing no objection, Mayor Denny moved to refer this issue for review at the January 18 Council meeting, which could allow for the first vote on the franchise.

C. Resolution 2005-01-01-Schedule of Council Meetings

Council Member Shields moved to adopt the resolution with the correction that the dates for the annual Council retreat be included. Council Member Sanders seconded. The motion passed with Mayor Denny, Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; Council Member Hess absent.

D. Paint Ball Issue

Mayor Denny stated that Council received a complaint from a resident regarding a group setting up a paint ball arena on Chicahawk Common Area. He stated that upon talking to Gary McDonald, president of the Chicahawk Property Owners Association (CPOA) he was told that CPOA did not have a problem with it.

Mayor Denny stated that the Town Code prohibits the use of the paint ball guns because they are shot by compressed air and the ordinance does prohibit discharge of compressed air guns.

Chief Pledger concurred that the ordinance does prohibit this type of gun and that the Town could incur some type of liability if not addressed.

Council Member McDonald asked if the current law prohibits nail guns. Mr. McRee stated that in his opinion the current law does not apply to nail guns.

Mayor Denny directed staff to draft language to exempt paint ball guns from Section 6-4 (a) of the Town Code and to include language allowing paint ball games under adult supervision on private property and to include language in the ordinance for a later review of the subject. A draft ordinance would be submitted at the January 18 Council meeting.

Council Agenda-None

Mayor's Agenda

Mayor Denny stated that he has been asked if there is a monitoring device in the Atlantic Ocean to register Tsunami's. He stated there are not but that NOAA does do some data collection through distance offshore buoys.

Mayor Denny reported that he had been invited to become a member of the Energy, Environment, and Natural Resources Committee of the NC League of Municipalities, and that he had accepted.

He asked that anyone wishing to submit topics for the Council's Retreat should contact Town Hall to be included on the agenda.

Town Manager's Agenda

Mr. Classen called upon Mike Hejduk, Town Code Enforcement Administrator, to give his report.

Mr. Hejduk reported that the Duck Woods Country Club is doing construction under a special permit and that he would be doing inspections as needed. He stated that the Building Inspections Dept. has been working on a records management plan. They are scanning as-built surveys and are over half-way completed. He stated that staff has completed the interviews for the Administrative Support Assistant.

Mr. Hejduk stated that the moratorium would be lifted on the trash can rollback ordinance in February and that the issues regarding right-of-way encroachments is moving ahead.

Mr. Classen stated that Mike Hejduk and Chief Bakken are working on the Town's Master Address Project. He stated that this project would be on the agenda for the January 18th Council meeting.

Police Chief Pledger presented his monthly report.

Mr. Classen gave a brief Public Works Department report for Glenn Alexander, whose absence was excused. He reported the department is installing reflectors to mark locations of fire hydrants.

Mr. Classen reminded everyone to take their real Christmas trees to the Hillcrest Parking Lot to be chipped.

Public Comment

Ed Cowell of 134 Beech Tree advised that he has been involved in many franchise agreements and in his experience, Council should include all pertinent language that they would like to have in the franchise agreement before signing the document.

Closed Session

Mayor Denny moved to go into closed session with the Town Attorney to discuss the lawsuit between the Town and Ginguite Woods Water Reclamation Association, Inc.

Upon returning to open session and hearing no other business Council Member Sanders moved to adjourn the meeting at 8:50 p.m. Council Member Shields seconded. The motion passed with Mayor Denny, Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; Council Member Hess absent.

ATTEST:

Respectfully submitted:

Mayor Denny

Carrie Gordin, Town Clerk

