

Southern Shores Town Council  
Town of Southern Shores, North Carolina  
Regular Meeting  
February 1, 2005  
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on February 2, 2005, at the Pitts Center.

The following members were present:

Mayor Hal Denny

Council Members: Jodi Hess, Dan Shields, 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

Mayor Denny held a moment of silence.

Approval of Agenda

Mayor Denny asked that the agenda be amended to include under New Business Item C. Approval of minutes from Retreat.

Council Member Hess moved to approve the amended agenda. 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 Member absent.

Approval of Minutes-January 4, January 18, and Special Meeting January 27-28 Retreat,  
2005

Council Member Shields moved to approve the January 4, 2005 minutes as presented. Council Member McDonald seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Approval of Minutes-January 18, 2005 Council Meeting

Council Member Shields moved to approve the minutes as presented. 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 Member absent.

Public Comment:

Pat Storey representing the League of Women Voter's presented Council with the 2005 Dare County Citizens Guide. She reported that the League received enough funding to print 10,000 copies of the guide. She stated that the guide can also be found on the Dare County website.

She stated that the League presented a panel presentation "Business of Your Local Government" with the County manager and all municipalities were represented. She stated that Mr. Classen represented the Town very well. She stated that the only question was related to curbside recycling and that Mr. Classen reported that Southern Shores is the only municipality in Dare County who offers the service to its residents.

Reports

Planning Board: Jay Russell, vice chairman presented the January 17, 2005 report to Council.

**Organization:** Chairman Groff called the meeting to order at 7:02 PM. Vice Chairman Russell and Planning Board members D. Peckens, G. Poisell, (sitting for J. Walter), G. Kowalski and Alternate M. McDanel were present. Also present were Town Manager C. Classen, Enforcement Administrator M. Hejduk, Fire Chief D. Bakken, as well as representatives from Republic Cove Partners, (J. Evans), McKim and Creed, (J. Mazingo), Northern Outer Banks Associates, (N. Blinken) and Mike Stone.

**Committee Reports:** Subsequent to approval of the agenda, the Board heard reports from the Long Range Plan Advisory Committee and the Stormwater Management Advisory Committee. The Chairman of the LRP Advisory Committee and the Chairman of the Planning Board recommend Council approve for

distribution to all Southern Shores property owners, the questionnaire developed by the Committee. The Stormwater Management Advisory Committee will present an interim report to the Council at its February meeting.

**Applications:** There were four applications for review on the Board's agenda. Of the four, only two were presented by applicants. A proposed dentist's office at the corner of South Dogwood Trail and Croatan Highway and a proposed professional building on the Martin's Point service road, lacked representation and were tabled until the February meeting of the Board. Relative to one of the other two applications, the Board recommended Council approve the application of Verizon Wireless to install antennas on the Dare County water tank next to KHES, to include an equipment building under the tank. Due to a number of concerns expressed by the Fire Chief and staff, the Board returned the application to construct multi-family housing, (i.e. The Cove at Southern Shores), to the applicant, (Republic Cove Partners), and recommended applicant work with staff to resolve all issues and subsequently, upon satisfactory resolution of those issues, resubmit a revised application.

**Policy:** Relative to policy issues, the Board continues to discuss permitted uses, including PUDs, in commercial zones. Both Mr. Stone and Mr. Blinken opined that the ordinance should not be changed.

The Board also reviewed Ordinance No. 2005-01-PB3 and recommended Council approve the proposed language amending the Zoning ordinance relating to setbacks. While the ordinance retains the 15 foot setback, it provides that structures declared unusable due to fire, flood, windstorm or natural disaster, or damaged to an extent greater than 50% of their replacement value, may be reconstructed on the same footprint, or if that cannot be determined visually, to the limits of an "as-built" drawing.

**Future Meetings:** The next meeting of the Planning Board will be at 7:00PM, (note new time), on Monday, February 21, 2005.

Recommended Action Items for Council:

1. Approve for distribution to all Southern Shores property owners, the questionnaire developed by the Long Range Plan Advisory Committee.
2. Approve the Conditional Use Application by Verizon Wireless for a wireless telecommunications facility at 18 S. Dogwood Trail.
3. Approve Ordinance No. 200541-PB3 regarding setbacks

Mr. Russell announced the Stormwater Management Committee is meeting February 2, 2005 at 3:00 p.m. in the Pitts Center.

Council Member Shields moved, upon the introduction of draft ordinance 2005-01-

PB3 regarding setbacks, to set public hearing at the March 1, 2005 Council meeting. Council Member McDonald seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Council Member Shields moved to hold the conditional use hearing for the Verizon Wireless application at the March 1, 2005 Council meeting. 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 Member absent.

Mid-Currituck Sound Bridge Campaign Update: Geri Sullivan reported that several members of the BB-PR committee met with Senator Dole's staff in Washington, DC to discuss the private funding for building of the bridge. She reported that the staff was pleased with meeting and the BB-PR committee is awaiting to hear when the process will proceed to the legislation.

She also reported that the economic study is complete and they are proceeding to distribute the study to all town businesses and the Homeowners Associations in Duck, as well as to everyone who adopted a resolution in support of the bridge.

Southern Shores Volunteer Fire Department: Fire Chief Bakken presented the monthly report.

Canal Dredging Project: Kendall Turnage of Environmental Professional Inc. gave update on the project. He reported that the property owners who have agreed to let their property be used as the spoil sites have been most cooperative. He stated that the spoil sites could be increased if some trees were removed. He suggested that the Town might negotiate with the property owners on this issue.

Some discussion was held regarding the raising of the Dick White Bridge, which would facilitate in the dredging project.

### Special Presentation

Dare County Tax Department: Mr. Classen stated that the Tax Department was unable to send someone at this time to discuss the property re-evaluation. A brochure from the DC Tax Department was given to all in attendance. Mr. Classen will discuss the revenue neutral rate with Council at the February 15 Council meeting.

### Old Business

#### A. Natural Gas Franchise

Mr. Classen stated that the franchise ordinance was passed for the first of two required times by the Town Council on January 18.

Council expressed concern that there has been no contact from the gas company representatives.

Ike McRee stated that upon having a conversation with another Town attorney he was told that the gas company was not receptive to the request from Council that the gas distribution sites be screened. It was stated that the Homeland Security has set certain parameters on this type of issue. He stated that the gas company also was not agreeable to the bond posting requirements.

Mike Hejduk, Code Enforcement Administrator stated that the construction of the Kitty Hawk Elementary School is dependent upon the approval of the utility.

Council Member Shields stated that if the gas company does not like the language in the ordinance they can come before Council to negotiate but at this time he supports moving ahead with approval.

Council Member Shields moved to adopt the franchise as presented Ordinance #2005-01-01. 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 Member absent.

**B. Spring 2005 Road Improvement Package**

Mr. Classen stated that Council agreed at their January 4 meeting to review possible elements within the Spring 2005 Road Improvement Project. The matter was further discussed on January 18 and was laid over until tonight's meeting.

He stated that Council approved for moving forward immediately, though, within the current budget:

Sea Oats/13 <sup>th</sup> Avenue Stormwater Repair	\$ 6,000
Eleventh Avenue Stormwater Repair	\$ 3,000

He reported that after RPC, Contractors looked at the project it was found that the cost estimates for the above project was low and the cost is now \$24,000.

He stated that the following estimates are provided by Joe Anluaf, Quible, and are based upon prior bids, plus anticipated inflation in construction/material costs.

<u>Job Item</u>	<u>Estimated Construction Cost*</u>
East Holly Trail Cul-de-sac Improvement	\$ 27,000
Juniper Trail Multi-Use Path Completion	\$ 17,000
Asphalt - \$11,000	
Juniper Trail/US158 Right Turn Lane	\$ 19,000

Small Road Repairs	\$ 25,000
Subtotal: Estimated Construction Cost	\$ 88,000
Plus: 10% Contingency	\$ 8,800
Plus: 20% Engineering/Administration**	\$ 17,600
Preliminary Total	\$ 114,400
Beech Tree Trail Improvement	\$ 148,000
Plus: 10% Contingency	\$ 14,800
Plus: 15% Engineering/Administration	\$ 22,200
Preliminary Total	\$ 185,000
TOTAL	\$299,400***

\* - Construction costs rounded up to nearest \$1,000

\*\* - Use 20% E/A when construction estimate under \$100,000.

\*\* - TOTAL estimate can be reduced by \$4,400 due to 15% E/A on smaller project when combined with total project.

Following discussion Council agreed to remove the projects relating to Juniper Trail until the construction is completed for the East Carolina Bank located at that intersection.

Council Member Hess moved to approve the project with the removal of the Juniper Trail Multi-Use Path and Juniper Trail /US158 right turn lane projects from the package and to submit those projects to the CIP. Council Member Denny seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

#### C. Chicahawk Hydrological Study Area-Select Contractor

Mr. Classen requested that this item be tabled until the February 18 Council meeting. He stated that he was unable to discuss with the Town engineer.

#### New Business

##### A. Volunteer Appreciation Luncheon

Mr. Classen reported that the Volunteer Appreciation Luncheon would be held on February 11 at the Pitts Center beginning at noon. He stated that the theme for the event is "Volunteering is a Work of Heart" and that invitations have been mailed.

He stated that it is people like Jay Russell who is on the Planning Board but has also volunteered his expertise in recommending the replacement of the interior and some exterior lighting at the Town Hall Complex. He is very pleased with the volunteer support.

##### B. Retreat De-briefing

Mayor Denny moved to approve the minutes for Council Retreat held January 27-28, 2005 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 Member absent.

Mayor Denny moved to approve the “goals” from the retreat as part of the retreat minutes. Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting; and no Council Member absent.

Mr. Classen asked Council to also include the manager’s “To Do” list as part of the minutes. Hearing no objection so moved.

Council’s response was that the “retreat” was a success, in that a lot of issues were discussed projects that have been put off are now being addressed and that the prioritization of the projects covered will help in the facilitation.

#### Council Agenda

Council Member McDonald asked what is the status of the telecommunication antenna installation at the South Fire Station. Mr. Classen stated that we are awaiting information from the Crime Commission regarding the grant.

Council Member Shields thanked all the citizens and the staff for the submissions for the retreat.

#### Mayor’s Agenda

Mayor Denny reported that the Dare County Control Group met to review the Dare approved Dare County Emergency Management Ordinance. He stated there were a couple of points that the towns did not agree with and a letter was sent to the DC Commissioner’s regarding this. He stated that the mayors are awaiting comments.

He stated that Currituck County debris site will also be made available to Dare County and the municipalities.

He reported that Ginguite Woods Water Reclamation, Inc. (GWWR) has submitted a check in the amount of \$14,400 from a consent judgment for civil penalties due to violations of the wastewater treatment plant at Southern Shores Landing.

Ike McRee stated that the court order consent judgment states that GWWR comply and meet deadlines as prescribed by the order and the law.

Mr. McRee explained that this action now allows the Town to go into a no-clause ordinance which saves on the administrative process if GWWR fails to meet the consent judgment.

Mr. Classen asked if this consent judgment would also apply to the Southern Shores Landing Homeowner’s Association. Mr. McRee stated no but that the homeowner’s should contact the Town staff of any problems of non-compliance and the Town could contact the court on their behalf.

Town Manager’s Agenda

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

Mr. Hejduk announced that the Building Inspections Department has hired a new employee to begin on February 14. He also presented the monthly department report.

Sgt. Paul Terry presented the monthly report due to Chief Pledger being away for training.

Glenn Alexander, Public Works Supervisor introduced George Wacker to the department. He stated that George comes to us from the Philadelphia area and has previous public works experience.

Mr. Classen also stated that George is a member of the SSVFD.

Mr. Classen reported that four RFP’s were received for the NC12 Joint Drainage Project and that two of the RFP’s would be reviewed and a report would be given to Council on February 15.

Town Attorney Agenda

Mr. McRee announced that the Board of Adjustment is in receipt of an appeal and updates would be given as needed.

Public Comment- No public comments were made.

Hearing no other business Mayor Denny moved to adjourn the meeting at 8:30 p.m. 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 Member absent.

ATTEST:

Respectfully submitted:

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Mayor Denny

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Carrie Gordin, Town Clerk