



Town of Southern Shores

6 Skyline Road, Southern Shores, North Carolina 27949

Phone 252-261-2394 | Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Southern Shores Town Council
Town of Southern Shores, North Carolina
Regular Meeting
July 5, 2005
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on July 5, 2005, at the Pitts Center.

The following Council Members were present: Mayor Hal Denny, Council Members Jodi Hess, Dan Shields, David Sanders, and Brian McDonald.

Also present were: Carl Classen, Town Manager; Carrie Gordin, Town Clerk; and Ike McRee, Town Attorney.

OPENING

Mayor Denny called the meeting to order at 7:00 p.m. led the Pledge of Allegiance, and held a moment of silence.

APPROVAL OF AGENDA

Mayor Denny moved to amend the agenda to move from New Business VI. B. Sandy Ridge Site Plan, C. Southern Shores Realty Recombination Plat-LDA 2005-05-02, and D. Duck Woods Country Club Temporary Parking for consideration and to be placed under the Planning Board Report Item IV. A.

Council Member Shields moved to approve the agenda as amended. 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; and no Council Member absent.

APPROVAL OF MINUTES

Council Member Shields moved to approve the May 3, 2005, minutes as presented. 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; and no Council Member absent.

Council Member Hess moved to approve the May 17, 2005 minutes as presented. 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; and no Council Member absent.

Council Member Hess moved to approve the Recessed May 27, 2005 minutes 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; and no Council Member absent.

PUBLIC COMMENT

Mayor Denny opened the public comment.

Tom Welch, 17 Skyline Road, addressed Council opposing Southern Shores Realty request for a recombination of property located adjacent to the proposed site plan for the Sandy Ridge Shopping Center.

Pat Storey, 362 Sea Oats Trail, addressed Council by speaking on behalf of one of the silent majority of those living in Southern Shores and proud to call it home. She thanked Council for approving the FY 2005-06 budget and making provisions for needed capital improvements yet holding the tax rate to 8.5 cents.

Hearing no other comments Mayor Denny closed the public comment section.

SPECIAL REPORT

Outer Banks Community Foundation

Jon Kenton representing the Outer Banks Foundation stated the purpose of the Foundation and why it would be beneficial to the Town to select the Foundation for the Town's Cemetery Perpetual Care Fund.

Mayor Denny stated that the North Carolina Community Foundation has submitted a resolution and agreement for Council's consideration and he asked if the Outer Banks Community Foundation would provide similar documents for Council's consideration. Mr. Kenton said yes. Mayor Denny moved to place the Outer Banks Community Foundation on the agenda at the July 19 Council meeting. 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; and no Council Member absent.

REPORTS

Planning Board

Planning Board Chairman Jim Groff presented a report on the June 20, 2005 Planning Board meeting. (Clerk's Note: A copy of the Report is attached hereto as Exhibit A and made part of these minutes).

The Cove

Mr. Groff summarized the Board's recommendations regarding the site plan for The Cove, a 36-unit condominium. He stated that the Board recommends approval subject to the Town Attorney giving an opinion on an amendment to the recreation area which has been drawn and signed by Northern Outer Banks Associates, Southern Shores Landing Property Owners' Association and Duck Shores LLC, and that it adequately protects the Town's interests until such time as an amended site plan is submitted for the area in question by an eligible applicant, possibly Duck Shores LLC or Southern Shores Landing Property Owners' Association.

Following discussion, no action was taken pending receipt of a completed application.

Southern Shores Realty Recombination (LDA2005-05-02)

Mr. Groff asked Council to consider the Southern Shores Realty recombination plat (LDA2005-05-02) before considering the Sandy Ridge Center site plan amendment (LDA2005-05-01) due to the proposed land swap between the two parties.

Mr. Groff stated that the Planning Board recommends Council approval of the of the Preliminary Plat submitted by Southern Shores Realty conditioned relating to submission and recording of an agreement establishing interest in the three properties described, (Southern Shores Realty, Goodwill Community Foundation and Sandy Ridge Center); establishment of access easements to Sandy Ridge Center and Goodwill Community Foundation through South Park; provision of information regarding who is responsible for installation of the paved road and curbing called South Park; and Southern Shores Realty recombining into a single parcel all property owned by them as shown on the Preliminary Plat.

After discussion, Council Member Shields moved to approve the Planning Board recommendation regarding the Southern Shores Realty Recombination Plat application LDA2005-05-02 with the following modification made by the Town Manager by changing the recordation date from July 31 to August 31. Council Member Hess seconded.

Upon further discussion Council Member Shields withdrew his motion and Council Member Hess withdrew her second.

Following further discussion and clarification by the Town Manager and the Town Attorney Council Member Hess moved to approve the recommendations made by the Planning Board for the Southern Shores Realty Recombination Plat Application LDA2005-05-02 and the modification to change the date of recordation from July 31 to August 31. Motion reads as follows:

- Review of the Final Plat for conformity with requirements in Town law regarding elements of a Final Plat and written approval of such conformity by the Town Manager on the site plan to be recorded in the Dare County Registry.
- Recordation on or before August 31, 2005 in the Dare County Registry of the agreement and easements noted in the Planning Board recommendation above.
- Approval by the Town Manager of a site plan amendment of the Goodwill property closing the existing access to that facility and installing an access on the new private access provided by Southern Shores Realty jointly to be used by Goodwill, Sandy Ridge Center and Southern Shores Realty. This matter was not discussed in the Planning Board recommendation but was raised by the applicants as part of their use of the Southern Shores Realty joint access property.

- The applicant must strictly abide by all requirements of Article V of Chapter 7 of the Southern Shores Town Code 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 may apply to this development.

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; and no Council Member absent.

Sandy Ridge Center (LDA 2005-05-01)

Mr. Groff stated that the Planning Board recommends Council approval of the site plan application for the Sandy Ridge Center's (LDA 2005-05-01) with new conditions relating to the Town Engineer's review the applicant adding one (handicap) accessible parking space; the applicant either filling and grading adjacent property to the west or installing a retaining wall to accommodate an eight foot difference in elevation. Further, if this project cannot proceed under the Amended Site Plan (LDA 2005-05-01), the Board recommends that Council continue its acceptance of the original site plan previously approved.

After discussion, Mayor Denny moved to approve the Planning Board recommendation regarding application number LDA2005-05-01 amending the Sandy Ridge Center site plan with the following modification;

- Approval by the Town Manager of the final design of the changes in the site plan recommended by the Planning Board and hereby approved by the Town Council so that the final detail of the changes are consistent with current law and good planning practices.
- That approval of this Sandy Ridge site plan amendment (LDA2005-05-01) is null and void if the Southern Shores recombination plat (LDA 2005-05-02) is not approved by the Town Council on or before July 19, 2005 and the recombination plat is not recorded as approved by the Town Council in the Dare County Registry on or before August 31, 2005. If this Sandy Ridge site plan amendment becomes null and void for the reasons cited herein, approval of the previous Sandy Ridge site plan (LDA2005-01-01) shall be in full force and effect with all deadlines therein as originally approved having been extended for an additional four (4) months.
- Approval by the Town Manager of a site plan amendment of the Goodwill property closing the existing access to that facility and installing an access on the new private access provided by Southern Shores Realty jointly to be used by Goodwill, Sandy Ridge Center and Southern Shores Realty. This matter was not discussed in the Planning Board recommendation but was raised by the applicants as part of their use of the Southern Shores Realty joint access property.
- Standard site plan approval language:
 - 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 may apply to this development; and,
 - 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,

- 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.

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; and no Council Member absent. Mayor Denny stated that the Goodwill has acknowledged acceptance of the access change.

Duck Woods Country Club Temporary Parking (LDA 2005-06-01)

Mr. Groff stated the Planning Board recommends Council approval of the modified site plan which allows temporary parking on former tennis courts with a temporary access until December 31, 2005.

Following discussion Council Member Hess moved approval of Duck Woods Country Club Temporary Parking (LDA 2005-06-01) with the following modifications and conditions:

- Removal of the temporary driveway and existing tennis court surfaces upon completion of the demolition of the old Duck Woods Country Club, but no later than December 31, 2005;
- Re-seeding and restoration of the Town right-of-way used as a driveway to the temporary parking area upon completion of the demolition of the old DWCC club, but no later than December 31, 2005.

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; and no Council Member absent.

Mayor Denny thanked the Planning Board for all their hard work.

Mid-Currituck Sound Bridge Update

Bob Palombo reported that progress is being made and a bill will likely be passed by the legislators that will provide for private contracting of the Bridge. The federal grant is on hold until July 19, but the lobbyist has informed them that the Mid-Currituck Sound Bridge is high on the list.

Mr. Classen stated that Council, at the June 24 Council meeting, approved extending participation in the O'Connor and Hannan contract for two (2) additional months capped at \$2,000 total believing that this action would continue the contract through the August Congressional Recess and Council agreed that the Town would continue to act as fiscal agent for the project. He asked that Council amend the June 24 motion extending the Town's participation for two (2) months at \$1,000 per month to three (3) months and a maximum of \$3,000 and the Town would continue to act as fiscal agent.

Mayor Denny moved to amend the June 24 motion as presented by the Town Manager. 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; and no Council Member absent.

Southern Shores Volunteer Fire Department

Fire Chief Harvey presented the monthly report.

Tax Pickup and Releases (Clerk's Note: A copy of the report is attached hereto as Exhibit B and made part of these minutes).

Mayor Denny moved to approve the Tax Pickups and Releases as presented. 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; and no Council Member absent.

Mayor Denny moved to amend the agenda to include a canal dredging report under item E. Council Member McDonald seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Canal Dredging Project

Mr. Classen presented a hand-out addressing several issues involved for consideration on this project. He stated this is the single largest dredging project ever proposed in NC, except for a harbor project, with over seven miles of canals. Council had asked staff to compare the cost for a five foot depth to a six foot depth. The engineer provided the information \$134,000 for six feet and \$80,000 for five feet but it may not be worth doing this. Two dredging cycles are needed and two spoil sites would be needed.

Mr. Classen stated that he is seeking Council's approval to move forward on this project with Phase 1 with the dredging with the six foot plan.

He stated that this requires a great amount of staff time and requested Council consider authorization to hire a part time temporary project manager and if approved a FY2005-06 budget amendment would be needed.

Council Member Hess moved to authorize the Town Manager to precede with the applications for Phase I and II and the dredging to be in accordance to the six foot depth. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

OLD BUSINESSCemetery Perpetual Care Trust

Hearing no objection Mayor Denny tabled the discussion on this issue until the July 19, 2005 Council meeting.

Paint Ball Advisory Committee Recommendations

Mayor Denny stated that the Paint Ball Advisory Committee has recommended that Council not permit a paint ball facility in Town. A further Committee recommendation was to allow the

activity on personal property and that activities for young people need to be addressed and to ask them what they would like to do.

Council Member Denny moved to accept the Committee's recommendation not to establish a paint ball facility in Town and not to allow paint ball marker activity on private property at this time. 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; and no Council Member absent.

Vegetation Advisory Committee Recommendations- Resolution 2005-07-01

Mayor Denny stated that the Vegetation Advisory Committee submitted a Resolution 2005-07-01 to Council at the June 7 Council meeting. He stated that the recommendation establishes the policy framework for further action by Council in development of a vegetation management program. He further stated the Resolution represents a general statement on the part of the town, for the record, to provide an overview, intent and policy direction against which Ordinances would be addressed.

Mr. Sheehan, Chairman of the Vegetation Committee, stated if Council does not support the importance of a vegetation management plan then the committee should be dissolved. He stated that results from the Long Range Planning Committee survey shows 80% of the respondents support protecting natural vegetation in the Town.

After discussion, Council Member Shields moved to adopt the Resolution 2005-07-01 as amended. 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; and no Council Member absent.

Council Member Shields moved to establish the Vegetation Advisory Committee to act as a Board of resident volunteers to assist the Town in the preparation and implementation of a Vegetation Management Plan. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

NEW BUSINESS

Ordinance 2005-07-01-Home Occupation

Mr. Classen submitted draft language for Ordinance 2005-07-01-Home Occupation for Council's review. The Ordinance is to clarify that take-home vehicles with information about a person's business or occupation could be allowed and not violate the home occupation regulations.

Mr. Classen stated that the Planning Board recommends that no changes should be made in the existing home occupation language within the current Zoning Ordinance. If the Town Council desires to introduce this amendment, the language should be drafted into ordinance format (Ordinance No. 2005-07-01) and submitted to the Planning Board for their review and recommendation. Upon action by the Planning Board, the Ordinance would return to the Town Council for public hearing, possible further amendment, and final action. The Planning Board appointed a committee of the Planning Board, which would be chaired by Mac McDanel, to review the existing home occupation regulations.

Mr. Classen provided options for Council consideration:

- The Town Council can submit its language to the Planning Board for inclusion in deliberations by the Planning Board home occupation committee.
- The Town Council could decline to take any action at this time pending review of the home occupation regulations by the Planning Board committee.
- The Town Council could direct the Town Manger to not expend any Town resources on enforcement of the home occupation regulations pending outcome of the Planning Board committee and further action by the Town Council in response to the Planning Board committee recommendations.

After discussion, Mayor Denny moved to approve the recommendation made by the Planning Board to enforce the home occupation law as currently written and to appoint a committee to examine the issue in more detail and that Ordinance 2005-07-01 as submitted needs to go to the Planning Board for review and recommendation. 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; and no Council Member absent.

Capital Improvement Plan Development

Mr. Classen stated at the June 24 Council meeting, Council directed staff to submit a proposal for creating a comprehensive 10-year capital improvement plan and utilization of a citizens committee in the development of the plan.

After discussion, Council took no action.

OTHER ITEMS

Council Items

Council Members did not have any further comments.

Town Attorney Items

Mr. McRee stated that the Town is in receipt of a letter from Coates & Bennett Property Law Firm regarding the Town's renewal the Blue Sky trademark at a cost of \$800 by August 3, 2005. Mr. Classen recommends contacting a representative from the Blue Sky Foundation or Johns Hopkins University who gathers wind instrument implementation data from the Pitts Center to see if either is interested in maintaining the trademark at that cost. Hearing no objection Mayor Denny so ordered the parties be contacted and staff to report at the July 19 Council meeting.

Mr. McRee requested that Council go into closed session under NCGS 143-318.11 (a) (3) to discuss the Morris Board of Adjustment (2004-09-001) litigation.

Mayor Items

Mayor Denny reported that he attended a meeting in Raleigh of the North Carolina League of Municipalities for the Division of Environment and Natural Resources Committee and it appears the \$1 per ton tipping fee increase will be approved and a groin request from Brunswick County did not pass. Mayor Denny stated he attended the Dare County Tourist Bureau Board meeting and noted that the occupancy taxes are about even with last year's receipts.

Mayor Denny presented a memo from Barnhill Contracting regarding the Beech Tree/East Holly Trails project with a proposal in the amount of \$149,101 for the reduced scope of work. Mayor

Denny moved to approve this proposal and contract change. He further moved to authorize the Town Manager to execute all needed documents as required to implement this action. 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; and no Council Member absent.

Town Manager Items

Mr. Classen presented several issues to Council:

- Town logo shirts are available for sale at Town Hall.
- Due to Sprint's inability to rebuild its towers in timely manner, Town staff will begin using Nextel Wireless on or about June 7.
- Sprint has been sent a letter directing them to remove the tower from the Sandfiddler Court site by August 6, 2005, or to submit the necessary applications to make the tower permanent.
- A current staff person will be re-assigned half-time from the Police Department to assist with Code Enforcement beginning this week.
- The Zoning and Subdivision Ordinance needs to be updated at a cost of approximately \$15,000 - \$25,000.
- Police Department is regularly checking the Town parking areas for vehicles parked not displaying Town stickers.
- Authorized purchases of replacement of existing patrol vehicles with the final the type of video system installed.
- Duck Woods Country Club (DWCC) Storm Drainage on South Dogwood Trail Right-of-Way are so severe the Town Manager has requested that Quible, the Town Engineer, prepare a storm drainage plan for DWCC and has been informed that no further storm water facilities serving private facilities should be placed in the Town right-of-way.
- Barnhill did not complete the Spindrift Multi-Use Path or the Chicahauk Beach Access Parking Area projects on time and is being assessed \$100 per calendar day in liquidated damages.
- The Public Works Department is picking up trash from the newly-installed beach-side trash cans at Hillcrest twice daily during the week and weekend collection is under discussion.
- The newly-installed stormwater basin on Sea Oats/Thirteenth Avenue has suffered an erosion problem. The Public Works Department has temporarily corrected the problem. The Town Engineer has been directed to design a concrete flume to handle this problem.
- Mike Hejduk, Town Code Enforcement Administrator reviewed the monthly Building Inspection report.
- Police Chief Pledger presented crime reports.
- Glenn Alexander, Public Works Supervisor presented monthly activity report.

Mr. Classen requested that Council authorize the Town Manager to prepare and circulate a Request for Proposal (RFP) for a planning consultant to work with a special committee. Council Member Sanders moved to direct the Town Manager to prepare and circulate an RFP as requested. 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; and no Council Member absent.

Mr. Classen requested that Council authorize the execution of the Southern Shores Volunteer Fire Department (SSVFD) FY2005-06 contract. Mayor Denny moved to authorize the Town Manager to execute the SSVFD FY2005-06 contract. Council Member McDonald seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Public Comment-No additional comments were made

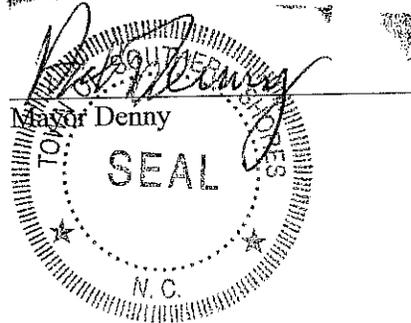
Announcements- Mayor Denny announced the next Council Meeting will be held July 19, 2005, at 9:00 a.m. at the Southern Shores Volunteer Fire Department with a Town Emergency Management meeting to follow beginning at 11:00 a.m.

Hearing no other business, Council Member Hess moved to enter into closed session at 10:40 p.m. to discuss in accordance with NCGS 143-318-.11(a)(3) legal matters with Town Attorney regarding the Morris Board of Adjustment Case (2004-09-001). 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; and no Council Member absent.

Council Member Shields moved to come out of closed session at 10:50 p.m. 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; and no Council Member absent.

Council Member Shields moved to adjourn the meeting at 10:50 p.m. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Attest:



Respectfully submitted:

Carrie Gordin
Carrie Gordin, Town Clerk

Exhibit A

Memorandum

To: Southern Shores Town Council
CC: Town Manager
From: Jim Groff, Chairman, Planning Board
Date: 06/21/2005
Re: Recap, Planning Board Meeting of June 20, 2005

Planning Board recommended actions for the Town Council:

1. LDA 2004-12-02 The Cove - Site Plan: The Planning Board recommends Council approve the site plan application for "The Cove" pending Town Attorney concurrence that the "Withdrawal and Dedication of Easements" document, signed by Northern Outer Banks Associates, Southern Shores Landing Property Owners' Association and Duck Shores LLC, adequately protects the Town's interests until such time as an amended site plan is submitted for the area in question by either Duck Shores LLC or Southern Shores Landing Property Owners' Association, (whoever has standing at the time); that the Council hold a public hearing regarding the change in use of the area; and further that "The Cove" complete no sales of its condominium units until the Ginguite Woods Wastewater Reclamation Plant has operated without violation for a period of six consecutive months. Further, if the Town Attorney concludes that the "Withdrawal and Dedication of Easements" document will not serve the Town's interests until an amended sited plan is submitted, then the Planning Board withdraws its recommendation to Council and holds over "The Cove's" site plan application until such time as an amended site plan is submitted to staff. Finally, the motion includes direction to the Town Manager to provide all necessary documentation to the Town Attorney by COB June 21, 2005 and the Town Attorney to respond to the Planning Board by Friday, June 24, 2005.

NOTE: The Town Attorney, on June 22, 2005, opined that approval of the "The Cove's" site plan and authorization of the construction of buildings within the Southern Shores Landing PUD amenity would in essence result in an unauthorized amendment of the Southern Shores Landing PUD plat and cause the developer/owner to not be in compliance with the approved plat. The Town Attorney recommended that the Southern Shores Landing PUD plat be amended to show the modified location of the recreation amenity prior to proceeding to consider and possibly approve the site plan for "The Cove".

2. LDA 2005-05-01 Sandy Ridge Center - Amended Site Plan: The Planning Board recommends Council approval of the site plan Application for the Sandy Ridge Center's new location unless the Town Engineer's review recommends otherwise and contingent upon (1), the applicant adding one (handicap) accessible parking space and (2), the Applicant either filling and grading adjacent property to the west or installing a retaining wall to accommodate an eight foot difference in elevation. Further, if this project cannot proceed under the Amended Site Plan, the Board recommends that Council continue its acceptance of the original site plan previously approved.
3. LDA 2005-05-02 Southern Shores Realty Recombination - Preliminary Plat: The Planning Board recommends Council approval of the of the Preliminary Plat submitted by Southern Shores Realty conditioned upon submission and recording of an agreement establishing interest in the three properties described, (Southern Shores Realty, Goodwill Community Foundation and Sandy Ridge Center); establishment of access easements to Sandy Ridge Center and GCF through South Park; provision of information regarding who is responsible for installation of the paved road and curbing called South Park; and Southern Shores Realty recombining into a single parcel all property owned by them as shown on the Preliminary Plat.

NOTE 1: Access to the Southern Shores Realty property from Skyline Drive, (Michael Allen Street), is the subject of litigation between Dr. and Mrs. Tietjen and Southern Shores Realty. Their attorney, M. H, Hood Ellis opines that the Town's Zoning Ordinance prohibits use of Michael Allen Street, zoned residential, as a vehicular access to commercial property. The Board did not disagree, but felt, given that Southern Shores Realty has not declared planned use for its property north of Sandy Ridge Center, the issue did not bear directly on approval of the proposed recombination, and, by unanimous vote, recommended approval.

NOTE 2: Recommendations 1, 2, (partial), 3 and 5 contained in the Summary of Facts submitted to Council WERE NOT provided to, or considered by, the Planning Board. Further, recommendations 1, 2(partial) and 6 were deleted in the approval recommended by the Planning Board.

4. LDA 2005-06-01 DWCC - Amended Site Plan Modification: The Planning Board recommends Council approval of the modified site plan which allows temporary parking on former tennis courts until December 31, 2005.
5. Home Occupation: The Planning Board recommends Council direct staff to enforce the existing ordinance regarding home businesses in the residential area.

Organization: Chairman Groff called the meeting to order at 7:02 PM. All Planning Board members, Alternates and the ETJ member were present. Also present were the Town Manager, the Code Enforcement Administrator, Fire Chief and Administrative Assistant. Participating in this meeting were Republic Properties representatives Mazingo, Evans, Blinken and Peters, Sandy Ridge representative Davenport, Southern Shores Realty representative Stone and several residents of Skyline Drive.

Public Comment: None.

Committee Reports: J. Walter provided a draft summary of the Long Range Plan Advisory Committee's report to Chairman Groff. A final report is anticipated in a few weeks. The Stormwater Management Advisory Committee is awaiting engineering reports before meeting again and proceeding with their study.

Site Plan Applications:

1. The Cove: The Cove representatives argued that the "Withdrawal and Dedication of Easements" document executed by the Homeowners Association, Neal Blinken and Duck Shores LLC protected the Town until such time as an amended site plan was submitted by either Duck Shores LLC or the Homeowner's Association, whoever had standing. After discussion, the Planning Board approved a motion recommending approval of the site plan submitted, subject to the opinion of the Town Attorney and other conditions.
2. Sandy Ridge Center - Amended Site Plan: Involves a land swap between Southern Shores Realty and DAVCO, allowing Sandy Ridge Center to move 50 feet to the west. This in turn, provides room for a common entrance, (South Park), off Southern Shores Way for Goodwill, Sandy Ridge and the Southern Shores Realty property north of Sandy Ridge/Goodwill. Planning Board recommended approval, with conditions.
3. Southern Shores Realty Recombination - Preliminary Plat: Required because of the land swap between Southern Shores Realty and Sandy Ridge Center. Planning Board recommended approval, with conditions, of the Preliminary Plat which, after the land swap, deletes several non-conforming lots and recombines them into one large parcel. Several Skyline Drive residents spoke in opposition because the width of one access to the Southern Shores Realty property, (a paper street), from Skyline Drive is in dispute and because of their concern that opening this street would allow cut through traffic and/or significant traffic if Southern Shores realty decided to develop their property for commercial use.
4. Fire Department - Amended Site Plan: Withdrawn by Staff
5. Town Hall - Amended Site Plan: Withdrawn by Staff
6. DWCC - Parking Site Plan Modification: No DWCC representatives present but given the urgent need for temporary parking, the Planning Board recommended approval for using the abandoned hard courts for this use until December 31, 2005.

New Business:

Policy Discussions:

User Friendly Beach Access: Held over for future discussion.
 Commercial Zoning: Returned to Staff for further discussion with the Chair.
 Privilege License Tax: Held over for revisions and further discussion.
 Home Occupation: Discussion ranged from driving out young business men and women from the community to the need for residential communities to be truly residential neighborhoods, as current law requires. The Planning Board, by unanimous vote, recommended Council direct Staff to enforce current law.

NOTE: Subsequently, the Chairman has recommended establishing a Planning Board Committee to investigate this issue and recommend possible revisions to the current law to the Board. The Chairman has appointed, subject to approval of the Board, B. K. McDanel to chair this committee, and will seek other volunteers to serve on the committee.

Other Business: The Chair requested Staff to hold to previously agreed upon dates for submission of documentation to the Board. Specifically, Board packets be available for Board members by COB on the Tuesday before the Board meeting and the agenda be available for approval one week before packets are available.

Announcements:

1. Next meeting - Monday, July 18, 2005; 7:00 PM; Pitts Center

Adjournment:

Upon motion, the meeting was adjourned at 10:40 PM

Exhibit B

TOWN OF
SOUTHERN
SHORES
TAX
DEPARTMENT

6/30/2005

PICKUPS
 JUNE VEHICLE
 LEVY

 JUNE LEVY

\$4,963.69

 \$0.40

RELEASES

JUNE VEHICLE \$132.10
 JUNE REAL
 ESTATE \$167.62

TOTAL

\$4,964.09

\$299.72