



# Town of Southern Shores

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Southern Shores Town Council  
Town of Southern Shores, North Carolina  
Regular Meeting  
September 6, 2005  
7:00 p.m.-Pitts Center

## MINUTES

The Southern Shores Town Council met on September 6, 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 for the victims of Hurricane Katrina.

### APPROVAL OF AGENDA

Mayor Denny moved to amend the agenda to include item E. under the Opening portion of the agenda to consider the June 24, 2005 minutes.

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 June 24, 2005 minutes as presented but with non-substantive corrections. 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.

**PUBLIC COMMENT**

Mayor Denny opened the meeting for public comments.

Al Smith, 279 Sea Oats Trail, requested that Council consider finding ways to reduce the amount of "speeders" on Hillcrest Drive and Sea Oats Trail. He stated that from 8-11 a.m. and 3-6 p.m. are the prime times for the speeders and that the presence of an officer would curtail the activity. He also would like Council to consider left and right hand turn lanes on East Dogwood to Duck Road before the next tourist season.

Nils Ladenburg, 132 High Dune Loop, requested that Council consider some changes to the new Town parking lot on Chicahawk Trail. He stated that the porta-john is unnecessary, there are too many signs, and the screening of the trash cans needs improvement. He feels the parking lot is an eyesore and not up to the Town's standards. He submitted pictures and asked that Council Members observe the parking lot regarding his suggestions.

Hearing no other comments, Mayor Denny closed the public comment period.

**SPECIAL PRESENTATION**

Mayor Denny reported that the representative from the Dare County Firewise program was unable to attend.

**REPORTS****Planning Board**

Jim Groff, Planning Board Chairman, provided a copy of the August 15 meeting report which is attached hereto as Exhibit A and made part of these minutes.

Council Member Shields moved to appoint George Kowalski as Vice Chairman to the Planning Board for a one year term expiring on June 30, 2006. 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.

**Build the Bridge/Preserve Our Roads (BB-PR)**

Geri Sullivan reported the BB-PR Board will meet on September 22, 2005 with ECU representatives to review a draft work plan. The objective is to outline the tasks to accomplish the feasibility for a privately funded Mid-Currituck Toll Bridge. She stated that NCDOT has scheduled a meeting and tour with the town managers of Southern Shores, Duck, Kitty Hawk, and the Currituck County Manager. The BB-PR has requested to be included in all meetings that involve discussion of the proposed bridge but have not received any response from NCDOT. The Town Managers of Southern Shores and Kitty Hawk have also made the request on the Board's behalf. The next BB-PR meeting will be September 22, 2005 from 2-4 p.m. in the Pitts Center.

**Southern Shores Volunteer Fire Department**

Fire Chief Harvey presented the monthly report.

Mr. Classen reported that over the weekend a Southern Shores Police Officer, a member of the Fire Department, a member of Ocean Rescue and the Captain of the Duck Fire Department, using

the Southern Shores Police boat, rescued three people after their catamaran tipped over in Currituck Sound. Council thanked them for a job well done.

### OLD BUSINESS

#### Resolution # 2005-09-01 Relating To Duties of the Vegetation Advisory Board

Upon discussion, it was noted that the Resolution should include the residential areas as well as commercial areas and that the Resolution should be reviewed by the Chairman of the Vegetation Advisory Board. Hearing no objection, Mayor Denny directed that the Town Manager review the Resolution with the Chairman and that the Resolution be on the September 20 Council meeting agenda.

### NEW BUSINESS

#### NCDOT Municipal Agreement/Resolution for Bridge Inspection

Mayor Denny stated the Town bridges are required to be inspected by NCDOT every two years and the NCDOT-proposed agreement allows the Town to share the costs with NCDOT and to get a better rate from an experienced bridge engineer than the Town could otherwise. Council Member Shields moved to approve the agreement and Resolution and to authorize execution of the documents as required. 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.

#### STOP Signs-South Dogwood Trail at Pintail Trail

Mayor Denny stated that Council has received a request from Jon Kenton, president of the Kitty Hawk Elementary School PTA, to remove the STOP signs on South Dogwood at Pintail Court. This request originated from a meeting held on August 23 with representatives from the Town, NCDOT, School, and the school construction company seeking ways to keep traffic moving safely and efficiently during the KHES renovations.

Hearing no objection, Mayor Denny directed Mr. Classen to draft an ordinance to amend the Town's Official Traffic Map to remove stop signs on South Dogwood at Pintail and to include any STOP signs that may need to be removed on other streets and submit the Ordinance at the September 20 meeting.

Other suggestions regarding the safety of the children crossing South Dogwood were to paint a crosswalk or to install speed bumps. Police officers direct traffic during the schools peak hours.

Mr. Classen stated a public input meeting is being held on September 15, 7-9 p.m. in the Pitts Center to discuss the South Dogwood Multi-Use Path project and this issue could also be addressed at that time.

#### Osman-Request Reduction in Building Permit Fee

Dan Osman, builder at 39 11<sup>th</sup> Avenue, submitted a request dated August 29, 2005 asking Council to consider reducing the additional building permit fee (\$2,395.60) applied against him for starting construction without a building permit. Mayor Denny called upon Mr. Osman, who gave his presentation for why the building permit fee should not be as high as it is for starting his construction project without a building permit.

Mr. Mike Hejduk, Code Enforcement Administrator, presented the history of the case, current law, recent experience of a similar nature, and the building fee assessments charged by other Dare County towns for starting construction without a building permit. Mayor Denny called again upon Mr. Osman gave additional argument in response to Mr. Hejduk's presentation.

After discussion, Council Member Shields moved to deny Mr. Osman's request. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; Council Member McDonald abstained; and no Council Member absent.

#### Kenton-Request to Improve Tall Pine Lane Town Right-of-Way

Jon Kenton. 120 Tall Pine Lane, submitted a request dated August 1, 2005 that Council allow him to take out the asphalt rectangle in Town right-of-way at the end of Tall Pine and replace it by extending his concrete driveway to meet the roadway near the fire hydrant and to install turf stone to the west of the driveway so as to better define a turnaround area and to improve drainage. Mr. Kenton stated the work would be done at his cost. Mr. Dorman, 121 Tall Pine, supports this improvement. Hearing no objection, Mayor Denny directed the Town Manager to meet with Mr. Kenton and the Dare County Solid Waste Collection supervisor regarding these proposed improvements. Mayor Denny moved to direct the Town Manager to work with the Town Engineer and Mr. Kenton to develop a mutually agreeable plan as generally described by Mr. Kenton in his proposal to the Town Council. 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.

#### OTHER ITEMS

##### Council Member's Agenda

Council Member Hess moved that Council approve expenditure in the amount of \$3,000 from the existing equipment fund balance of the Government Access Channel Fund to purchase additional software that would allow access to the government access channel from the Dare County Emergency Operation Center. Mayor Denny seconded. Council Member Hess explained that, as required by the GAC agreement, all participating municipalities must vote on use of the equipment fund balance. 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 Sanders requested staff provide a graph or map showing the ad valorem tax for 2005. Mr. Classen will provide at the September 20 Council meeting.

##### Mayor's Agenda

Mayor Denny submitted a proposed letter nominating Kitty Hawk's Mayor, Bill Harris, for the Coastal Resource Commission. Council Member Shields moved to approve the letter of nomination for Mayor Harris as written. 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.

Town Manager's Agenda

Mr. Classen presented a new format for financial reports and chart of accounts with preliminary August 31, 2005 numbers. He stated that further review and discussion will be held at the September 20 Council meeting. He also stated that the new auditing firm of Pickrel McGinnis & Dowdy has completed most of the on-site work and plans to have the audit prepared for presentation at the October 18 Council meeting.

Mr. Classen reported that he has requested a draft of the FY2005-06 solid waste contract from Dare County and requested that the County provide a C&D dumpster at the Town Public Works facility on Pintail Trail. He was informed that the County does not have sufficient employees to service any additional dumpsters. The Town currently has an agreement with Waste Management for provision of a C&D dumpster and he asked Council to consider offering a monitored waste services to town residents once a month at a cost approximately \$500 per month. Hearing no objection, Mayor Denny directed that further discussion will be held at the September 20 Council meeting.

Police Chief Pledger presented the monthly incident report.

Mike Hejduk, Code Enforcement Administrator, presented the monthly Building Inspection's report.

Mr. Classen reported the Town received an offer of a State grant in the amount of 50% of the cost of the canal dredging project over a period of three years and that this amount was less than requested. The project is moving ahead but he recommends that the dredging be delayed until next year so that the permit can be secured without rushing into bidding and possibly incurring double mobilization costs.

Mayor Denny stated that it is certain that the dredging project is not going to start this year but he would like to see six months from now everything is ready to move forward in time to meet the next dredging cycle.

A public input meeting is scheduled for September 15 in the Pitts Center at 7:00 p.m. on the Dogwood Trails Multi-Use Paths.

Mayor Denny reported that the street improvements to the cul-de-sac at East Holly Trail have been suspended due to the lack of easement agreements. The amended Beech Tree Trail improvement will be completed.

Mr. Classen reported that Dominion Power has provided Duck Woods Country Club (DWCC) a cost of approximately \$33,000 to place underground most of the overhead electric lines at the Club, including the one overhead distribution line serving the Town. He stated that DWCC has requested the Town to pay 50% of the cost (approximately \$16,500) as its share of the work. DWCC has already approved the expenditure in full but the amount could not be covered under the South Dogwood Trail Multi-Use Path project because only one of the two obstructions would be removed from the right-of-way at DWCC.

Mr. Classen recommends Council share in the cost (approximately \$16,500) for placing underground the electrical lines now crossing South Dogwood at the Duck Woods Country Club buildings. This is not a budgeted item since it has just come before Council.

Mayor Denny stated that money is available for this project from the Capital Improvement fund since the street improvements to E. Holly Trail will not be completed. Mayor Denny moved to

share in the cost (approximately \$16,500) with Duck Woods Country Club for placing underground the electrical lines now crossing South Dogwood at the Duck Woods Country Club buildings. 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.

Town Attorney Agenda

The Town Attorney, Ike McRee, did not have any matters to report.

Public Comment

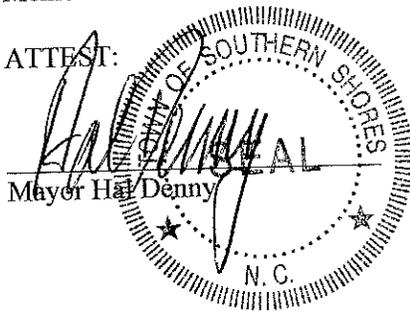
Geri Sullivan, 31-10th Avenue, asked Council to consider the residents of Pintail Court when discussing the removal of the Stop sign at South Dogwood and that this is not just a seasonal issue for those residents as the school traffic impacts their ability to access South Dogwood. She stated that tonight Council considered several budgetary items, some approved that are not budgeted items. She urged them to look at needs before wants.

Jon Kenton, 120 Tall Pine Lane, stated that the safety of the school children is what is important and not the convenience of the residents on Pintail. He supports the South Dogwood Trail Multi-Use Path, and he would urge Council to use common sense on what is needed when spending extra money.

Leo Holland, 23 Spindrifft Trail, President of the Southern Shores Civic Association (SSCA), reminded the Council of the SSCA membership meeting September 12 and stated that they will be honoring volunteers. He too would caution Council on additional spending of the budget.

Hearing no other business Council Member Shields moved to adjourn the meeting at 9:30 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.

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:** 10/5/2005  
**Re:** Recap, Planning Board Meeting of August 15, 2005

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**Planning Board recommended actions for the Town Council:**

1. Approve George Kowalski as Vice Chairman of the Planning Board for a one year term expiring June 30, 2006.
2. LDA 2005-07-01 Sprint Public Utility Facility - The Planning Board recommends Council approve the Site Plan for an 18' x 18' wood frame utility building at 109A Ocean Blvd. to house telecommunication switching equipment, conditioned upon:
  - a. Execution of a Utility Encroachment/Easement Agreement with the Town.
  - b. Removal of all telephone poles along Ocean Boulevard from 11 Ocean blvd. northward to the "split" at the caution light and removal of all overhead telephone lines from 11 Ocean Blvd. northward across NC 12/Duck Road to the Fire Station within two years of the date of the easement agreement. (Flashing caution lights strung across NC 12 at "triangle" at 135 and 136 Ocean Blvd. to remain.)
  - c. Advising property owners north, (J. Burkey), and south, (W. Maywalt), of 109A Ocean Blvd. of the proposed construction.
  - d. Vegetation Board review and approval of the proposed plan to retain existing vegetation.
  - e. CPOA review and concurrence with the proposed construction.
  - f. Execution of a \$70,000 construction bond
  - g. Compliance with all Standard Conditions

**Organization:** Chairman Groff called the meeting to order at 8:05 PM. Planning Board members Russell and Walter were present, as were Alternate Poisel and ETJ Representative Halloran. Members Kowalski and Peckens, and Alternate McDanel were absent, (excused). Also present were the Code Enforcement Administrator, the Fire Chief and Administrative Assistant. Participating in this meeting were Southern Shores Realty representative M. Stone, and Skyline Drive residents, including Mr. and Mrs. Tom Welch.

**Election of Vice Chairman:** George Kowalski was unanimously elected to the position of Vice Chairman of the Planning Board, subject to approval of the Town Council.

**Public Comment:** At the Chairman's request, Mr. Welch addressed the Board regarding Skyline Drive resident's concerns about creation of cut-through traffic if/when the Southern Shores Realty property is developed with two entrances, one from Skyline Drive and the other from "Southern Shores Way". Mr. Welch sought Board adoption of a motion opposing creation of any new residential cut-through by way of a connection of Skyline Drive. The Chairman stated that the Board would investigate whether the Town could legally impose limitations on access to the Southern Shores Realty property.

**Committee Reports:** The **Long Range Plan Advisory Committee** is continuing to collect and analyze data. The Committee's recommendations will address funding and are anticipated to be complete by early 2006. The **Stormwater Management Advisory Committee** will continue its meetings in September when the engineering report is anticipated to be available. The **Home Occupation Committee's** Chairman, while recovering from surgery, is reviewing existing law and developing revisions for consideration by his committee. He intends to hold public meetings before bringing recommendations to the Planning Board.

#### **Site Plan Applications:**

**1. LDA 2005-07-01 - Sprint Public Utility Facility:** Project description by John DeLucia, project engineer, and Jim Skipper, Sprint Communications, and subsequent discussion, revealed:

- a. Approximate 20' high, 18' X 18' wood frame utility building on piles, served by a concrete driveway on Town property that had been reserved for a street from Ocean Drive to Clamshell Trail. (There are no plans to use this property for a street.)
- b. Neither adjacent owners nor the CPOA had been advised of the project.
- c. A swale along the driveway will be used for stormwater infiltration.
- d. No water supply or sewage disposal required.
- e. Project envisions retaining existing vegetation. Vegetation Board not consulted.
- f. Fire Chief approves project.
- g. Non conforming use. Commercial building in residential zone.

h. Construction should start ASAP to avoid diversion of funds to other Sprint projects.

i. Sprint requires letter from Town requesting bond in amount of \$70,000.

j. Sprint envisions maximum period of two years to erect building, install equipment, bury cable and remove overhead lines and poles.

k. Board recommends Council conditional approval of Sprint project.

**Policy Discussions:**

1. **Privilege License Tax:** Held over to a future meeting pending receipt of information from the Institute of Government.
2. **Commercial Zoning:** Board selected, from an extensive staff prepared list of businesses that could be taxed under a privilege tax ordinance, those businesses that should be allowed to be conducted, (based), in the Town.
3. **Recombination of Nonconforming Lots:** Held over to a future meeting pending receipt of additional information.

**Announcements:** Next meeting: Monday, September 19, 2005; 7:00 PM Pitts Center

**Adjournment:** Upon motion, the Board meeting adjourned at 9:43 PM