



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

Town of Southern Shores
Council Meeting
September 20, 2005
9:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on September 20, 2005, in 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 and Carrie Gordin, Town Clerk.

OPENING

Mayor Denny called the meeting to order at 9:00 a.m. led the Pledge of Allegiance, and held a moment of silence for the family of Ronald Witzel and for Chet Forrester who is in critical condition in the hospital for the past ten days. He is the husband of Town employees Pat Forrester, Town Permit Officer, and father of Chad Forrester, Public Works technician.

APPROVAL OF AGENDA

Mayor Denny moved to amend the agenda to include under Item 3. Reports to include a Planning Board report and that Council enters into a Closed Session to discuss a personnel matter. (NCGS 143-318.11(a)(6)).

Council Member Shields moved to approve the agenda 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.

PUBLIC COMMENT

Mayor Denny opened the public comment section of the meeting.

Jon Kenton, 120 Tall Pine Lane, asked to be allowed to clarify his comments made to Council at the September 6 Council meeting. When he addressed Council requesting the removal of the STOP sign at South Dogwood and Pintail Trail he was speaking as a concerned parent not as the President of the Kitty Hawk Elementary School PTA. He supports having a police officer on duty at the start and end of the school day, as well installing crosswalks for traffic control.

Mike Williams, 24 Ginguite Trail, stated that he is opposed to removing the STOP sign on South Dogwood at Pintail Trail.

REPORTS

Jim Groff, Planning Board Chairman, presented two zoning ordinance amendments reviewed at the September 19 Planning Board meeting and recommends approval by Council. He stated that both ordinances require public hearings.

Zoning Ordinance 2005-09-PBxx2 amendment relates to noncommercial signs. It modernizes language relating to noncommercial signs/temporary signs promoting a cause or nonprofit event. It is recommended that the allowable size for a noncommercial sign be 40-sq.ft. The Ordinance makes only grammatical changes to the law as it relates to political signs.

Zoning Ordinance 2005-09-PBxx amendment relates to how people can develop nonconforming lots. The purpose of the Ordinance is to maintain the family-home look of the Southern Shores ocean and sound homes while inhibiting the development of excessively long, narrow homes on slender, nonconforming lots.

Mr. Groff announced that Jay Russell would be attending the October 4 Council meeting representing the Planning Board.

Hurricane Ophelia Update

Mr. Classen reported that there was no reported damage in Southern Shores from Hurricane Ophelia. He thanked the SSVFD, Public Works Department, Police Department, Building Inspections Department, and Merrie Smith for a great on-the-ground training exercise.

Tax Pickup and Releases-End of Year (FY2005) (Clerk's Note: A copy of the End of Year Pickup and Releases FY2005 is attached hereto as Exhibit A and made part of these minutes)

Mayor Denny moved to approve the June 2005 Tax Pickup 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.

OLD BUSINESS

Ordinance 2005-08-02-User Friendly Beach Accesses (Discussion Only)

Council discussed the public hearing notification regarding Ordinance 2005-08-02-User Friendly Beach Accesses. Council approved a public hearing to be set for Ordinance 2005-08-02-User Friendly Beach Accesses for the September 6 Council meeting but improper notice was given and the public hearing could not be held on that date. Subsequently, a proper notice was submitted to hold the public hearing at the October 4 Council meeting.

It was stated that the purpose of Ordinance 2005-08-02-User Friendly Beach Accesses is to let people sit and enjoy a view of the ocean and to meet the needs of the Southern Shores Civic Association (SSCA) regarding their crossovers. Among other provisions, the ordinance proposes to amend the current size of the walkway from four feet wide to six feet wide for beach accesses.

Mr. Hejduk stated that CAMA regulations allows a beach access to be six feet wide but that the current Town ordinance states walkways and steps shall not exceed four feet in width.

Council Member McDonald asked would it not be advantageous to build the walkways at six feet to meet the American Disabilities Act (ADA) requirements in the future for the SSCA. Mr. Hejduk stated that the RS-1 Single Family District is not required to meet ADA regulations.

After discussion regarding the goals of the Ordinance 2005-08-02-User Friendly Beach Accesses, handicap accessibility and other issues, Council Member Shields moved to cancel the scheduled public hearing on October 4 for Ordinance 2005-08-02-User Friendly Beach Accesses and to direct staff to make changes reflecting the Council discussion and bring forth for Council review at the October 4 Council meeting. 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.

Council Member Hess asked how this would affect the plans for the Chicahawk handicap crossover and how did the public hearing for Ordinance 2005-08-02-User Friendly Beach Accesses get placed on the October 4 Council meeting without Council's approval. Mayor Denny explained that once it was learned that the public notice was incorrect the item was pulled from the agenda and reset for October 4 meeting.

Resolution 2005-09-01-Vegetation Advisory Board

Mr. Classen reported that Jack Sheehan, Chairman of the Vegetation Advisory Board has recommended changes for Council's review but that Mr. Sheehan is not present at this meeting. Hearing no objection, Mayor Denny directed staff to draft appropriate changes and re-submit to Council at the October 4 Council meeting.

Monitored C&D Dumpster

Mr. Classen reported that he requested a draft of the FY2005-06 Solid Waste contract from Dare County and asked that the County also provide a C&D dumpster at the Town Public Works facility on Pintail Trail. He has been informed that the County does not have sufficient employees to service any additional dumpsters and so the request has to be denied at this time. The Town currently has an agreement with Waste Management for the provision of the use of a C&D dumpster. He asked does Council want the Town to offer a monitored C&D waste service to town residents on Saturday mornings once per month at an approximate cost of \$500 per month. After discussion regarding the budget and hearing no objection, Mayor Denny directed that this item be considered as part of the FY2006-07 budget.

NEW BUSINESS

Ordinance 2005-09-aa-Amending Town Traffic Map-Stop Signs

Mayor Denny stated that Ordinance 2005-09-aa amending Town Traffic Map-Stop Signs provides for the removal of STOP signs at specific streets.

After discussion on each proposed change Council Member Shields moved not to approve Ordinance 2005-09-aa 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 Sanders moved to draft an ordinance to place a stop sign north bound on Dogwood Trail at Yaupon Trail. He stated drivers are confused having a three-way intersection but just one stop. Council Member Sanders also stated this stop sign might help discourage people from cutting through Town. Mayor Denny seconded. The motion failed 4 to 1 with Mayor Denny and Council Members Hess, Shields, and McDonald voting no; Council Member Sanders voting aye; and no Council Member absent.

OTHER ITEMS

Council Members

Council Member Sanders addressed the letter Council received from the property owner who received a violation letter for leaving the trash can out. He recommends that current Town law be reviewed to either remove the language that addresses cans being left out or that the Town comes up with a plan to address the cause of the problem.

Council Member Shields stated that same letter was sent to a rental company and the property owner does not have a contract with a rental company and this should not happen in the future.

Council Member Hess would like Council to be copied on the response to the property owner from the Code Enforcement Department. Mr. Hejduk explained that the current data base showed this property was a rental property and it is found to be old information.

Council Member Hess asked the status of installing turning lane identifications on East Dogwood at NC12. Glenn Alexander, Public Works Supervisor, stated that it can be done but there also is line-of-sight issue that needs to be addressed regarding private property. Mr. Classen stated that the Manual of Unified Traffic Control Device needs to be reviewed for regulations on the width of the lanes. He also stated the property owner does not want the vegetation cut back.

Council Member Hess encourages staff to apply, as applicable, for State grants on Stormwater Management.

Council Member Hess the status of the Sprint property. Mr. Classen stated that the Sprint counter proposal for the bonding was insufficient and the legalities of ownership of the property have not been determined.

Council Member Hess requested the Town Manager investigate the impact on the other towns if the Town of Nags Head raises property taxes and uses a designated amount to be applied to beach nourishment. Mr. Classen will request the Town Attorney to investigate if a "special assessment" by a municipality is applied to the shared revenue formula.

Council Member Hess suggested that as a part of the Council meeting agenda to include an agenda item to look at upcoming agenda items.

Mayor Items

Mayor Denny requested that a vegetated section on the south side at the intersection of Chicahauk Trail/NC12 needs to be cut back at least by 4-5 feet.

Town Manager Items

Mr. Classen raised several items for Councils review and consideration:

- Provided and reviewed a new format for the monthly Financial Report. Council would like to have the financial report as soon as the month is closed and are available.
- Provided information to Council regarding the Town's Solid Waste Ordinance on the Commercial Solid Waste Fee requirements. It is unknown how the original fees were calculated. The new Town Auditor recommends to move the former solid waste container reserves in to the general fund reserve and to make dumpster replacement a regular expense. This has become a Council issue because the ordinance reads "there shall be assessed a fee or charge in an amount determined annually by the Town Council". Mr. Classen recommends Council approve the 2005 Commercial Solid Waste Fee of \$28.46 per cubic yard as calculated pursuant to Town Code. After discussion and hearing no objection, Mayor Denny directed the Town Manager draft an ordinance amending section 8-7 of the Solid Waste Ordinance that the Town Council to delete the requirement for annual approval by the Town Council. Hearing no objection, Mayor Denny so ordered.
- Grants are available from the Parks and Recreation Trust Fund and applications are due by January 2006.
- Provide information on the Dogwood Trails Multi-Use Paths public meeting at the October 4 Council meeting.
- Provided a map regarding the changes from the Dare County Property Revaluation Assessment.

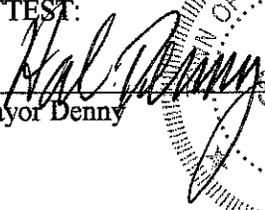
PUBLIC COMMENT Mayor Denny opened the public comment section of the meeting. Hearing no comments, Mayor Denny closed the public comment.

ANNOUNCEMENTS

Hearing no objection, Mayor Denny moved to recess at 11:20 a.m. for fifteen minutes and then return to enter into closed session to discuss a personnel matter (NCGS 143-318.11(a)(6)).

Mayor Denny moved to go into open session at 1:00 p.m. and to recess the meeting to continue the closed session regarding personnel matter (NCGS 143-318.11(a) (6) at 9:00 a.m. on September 30, 2005 in the Pitts Center. 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.

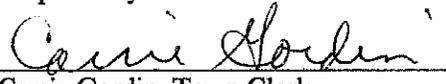
ATTEST:



Mayor Denny



Respectfully submitted:



Carrie Gordin, Town Clerk

Exhibit A

TOWN OF
SOUTHERN
SHORES
TAX
DEPARTMENT

6/30/2005

PICKUPS

JUNE VEHICLE
LEVY

\$4,963.69

JUNE LEVY

\$0.40

RELEASES

JUNE VEHICLE
JUNE REAL
ESTATE

\$132.10

\$167.62

TOTAL

\$4,964.09

\$299.72