



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

Corrected

Town of Southern Shores
Council Meeting
November 15, 2005
9:00 a.m. Pitts Center

MINUTES

The Southern Shores Town Council met on November 15, 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 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 Charles Koyiades.

APPROVAL OF AGENDA

Council Member Shields moved to amend and approve the agenda by moving under Old Business item 4. B. Sprint to follow the Public Comment section. 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.

Mike Stone, 8 Sandfiddler Court, requested that Council re-consider their decision in removing the dumpsters from behind the fire department and bring the dumpsters back.

Hearing no further public comment, Mayor Denny continued with the agenda.

OLD BUSINESS

Sprint Site Plan LDA- 2005-07-01

Mayor Denny stated that the Town has come to an agreement with Sprint on the language for an Agreement and Easement for the placement of a public utility building on Town-owned property along NC12 referenced as 109A Ocean Boulevard. The site plan has been reviewed by the Planning Board (August 2005) and recommended for approval with the condition that staff advise adjacent property owners of the site plans. One of the adjacent property owners requested that the Sprint building be placed closer to the road (NC12).

Town staff had originally asked that the building be placed as far back on the property as possible to obscure the building from public view and to possibly allow future use on the front of the property.

After discussion regarding the placement of the Sprint structure, Council Member Shields moved to approve Sprint Site Plan LDA-2005-07-01 as recommended by the Planning Board with the special and standard conditions as follows:

Special Conditions:

1. Execution of Utility Encroachment / Easement Agreement with the Town of Southern Shores.
2. Removal of all overhead telephone lines and telephone poles along Ocean Blvd up to Duck Road.

Standard Conditions:

1. 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,
2. 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,
3. 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; and,
4. Per the provisions of Section 10.02 B, C and D, Southern Shores Zoning Ordinance, approval of this application shall be null and void if:
 - a. No building permit for the principal structure is issued within one hundred and eighty (180) days from the date of final approval of the site plan by Town Council; and,
 - b. The start of construction has not commenced within 180 days from the date of issuance of the building permit or if after commencement work is discontinued for a period of 12 months; or,
 - c. The work authorized by the building permit issued is not prosecuted to completion within 18 months of the date of issuance of the building permit.

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.

REPORTS

Southern Shores Volunteer Fire Department

Fire Chief Bob Harvey provided the monthly Fire Department report.

Audit FY 2004-2005

Teresa Osbourne, of Pickrel, McGinnis & Dowdy, LLP, presented the Town's FY 2004-05 Audit. The auditor made several recommendations, as reflected in the management letter, for Council's consideration. (Clerk's Note: A copy of the FY 2004-05 Audit is available at Town Hall).

Council Member Sanders moved to accept the audit 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.

Following the audit report and hearing no objection, Mayor Denny called for a short recess at 10:20 a.m. The meeting was reconvened at 10:30 a.m.

Employee Recognition

Mayor Denny recognized Bonnie Swain, Tax Collector and Finance Technician, for her first year of service to the Town and presented her with a one-year Town pin.

OLD BUSINESS Continued

Encroachment agreement applications

Mike Hejduk, Town Code Enforcement Administrator, presented three (3) encroachment agreement applications for Council's consideration and Council reviewed each application separately.

Mr. Hejduk presented an encroachment agreement application from Vern and Julie Metcalf, 264 Sea Oats Trail. Following discussion by Council, Council Member Hess moved to deny the application. 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.

Mr. Hejduk presented an encroachment agreement application from Jared and Amanda Bell, 7 Palmetto Lane. Following discussion by Council, Mayor Denny moved to approve the application 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.

Mr. Hejduk presented an encroachment agreement application from Thomas Karole, 77 E. Dogwood Trail. Following discussion by Council, Council Member McDonald moved to approve as presented without any future encroachments. Motion failed due to no second. Mayor Denny moved to approve the application with the following conditions: (a) an as-built site plan be provided showing the location of the completion of the retaining wall; (b) that language in the encroachment agreement would state that if Council deemed it necessary to remove the encroachments it would be at the property owner's expense; (c) that the encroachment agreement would be recorded in the Dare County Registry. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Shields, Sanders and McDonald voting aye; Council Member Hess voting no; and no Council Member absent.

OPERATIONS UPDATE

Mayor Denny stated to comply with the auditor's recommendation the Town Manager is presenting a FY 2005-2006 Budget Ordinance Amendment package for Council's consideration. He requested that each budget amendment be voted on separately.

Mr. Classen presented Budget Amendment No. 1. (Clerk's Note: See attached Budget Ordinance Amendment 2005-11-01 as Exhibit 1).

Upon discussion Council Member Shields moved to approve Budget Amendment No. 1 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.

Mr. Classen presented Budget Amendment No. 2. (Clerk's Note: See attached Budget Ordinance Amendment 2005-11-01 as Exhibit 1).

Upon discussion Council Member Sanders moved to approve Budget Amendment No. 1 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.

Mr. Classen presented Budget Amendment No. 3. (Clerk's Note: See attached Budget Ordinance Amendment 2005-11-01 as Exhibit 1).

Upon discussion Mayor Denny proposed to reduce the Pintail Trail Drainage by \$20,000 and to delete Chicahawk Trail Improvements at a cost of \$15,000, delete Duck Woods Drive Stormwater project at a cost of \$20,000 and delete Hickory Trail/E. Dogwood Trail project at a cost of \$10,000 which would show a reduction of \$65,000 from Budget Amendment No. 3. Council Member Shields move to approve Budget Amendment No. 3 as amended in the amount of \$65,000.

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

Mr. Classen presented Budget Amendment No. 4. (Clerk's Note: See attached Budget Ordinance Amendment 2005-11-01 as Exhibit 1).

Upon discussion Council Member Sanders moved to approve Budget Amendment No.4 as presented. 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.

Vegetation Management Advisory Board

Mr. Classen stated that Jack Sheehan, Chairman of the Vegetation Management Advisory Board is requesting additional members, as submitted, to be appointed to the Board.

Council Member Shields moved to appoint Jim Connors, Sally Lowe, and Kathy McCullough-Testa to the Vegetation Management Advisory Board. 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 had no further comments.

Mayor Denny had no further comments.

AGENDA DEVELOPMENT

Hearing no objection Mayor Denny moved that several items from the Town Manager's agenda be placed on the December 6 Council agenda. Those items are:

Ordinance 2005-11-01 - Charter Cable Franchise Fee
Resolution 2005-12-01- 2006 Council Meeting Schedule
Resolution 2005-11-02 Stormwater Policy Advisory Committee
South Dogwood Multi-Use Path/Road Improvement Project
Dare County Solid Waste Contract

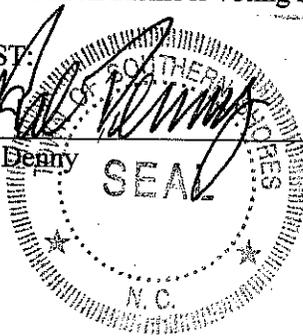
Council Member Hess requested the new Vegetation Management Advisory Board members be introduced at the December 6 meeting.

Mr. Classen requested that Council approve the resolution from the North Carolina Division of Emergency Management that provides reimbursement from FEMA for Hurricane Ophelia. Council Member McDonald moved to approve the Resolution of Designation of Applicant's Agent 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.

Hearing no other business, Council Member Hess moved to adjourn the meeting at 1:00 p.m. 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
Carrie Gordin, Town Clerk

Budget Ordinance No. 2005-11-01

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL
AMENDING THE BUDGET AND TAX RATE FOR FY 2005-06**

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

ARTICLE I. Purpose

The purpose of this Ordinance is to amend Ordinance No. 2005-06-01 Amending the Budget and Tax Rate for FY2005-06 for Southern Shores, which was originally adopted by the Southern Shores Town Council on June 24, 2005.

ARTICLE II. Ordinance 2005-06-01 is hereby amended to reflect the following changes in the FY2005-06 General Fund:

Account Number	Description	Current Budget	Increase	Decrease	Amended Budget
General Fund (10)					
Revenues:					
10-40-39909	Fund Balance Appropriated - Encumbrances	\$312,359	\$85,452	\$0	\$397,811
	Total		<u>\$85,452</u>		<u>\$397,811</u>
Expenses:					
10-59-43040	Solid Waste - Trash Container Purchase	\$308,500	\$11,790	\$0	\$320,290
10-59-43050	Solid Waste - Recycle Container Purchase	\$127,200	\$11,790	\$0	\$138,990
10-59-42040	Buildings & Grounds - Town Hall Complex	\$48,500	\$7,297	\$0	\$55,797
10-51-41040	Computer Service	\$10,000	\$3,515	\$0	\$13,515
10-51-42060	Vehicle Maintenance	\$20,000	\$7,030		\$27,030
10-63-48200	Stormwater Management	\$0	\$44,030		\$44,030
	Total		<u>\$85,452</u>		<u>\$599,652</u>

Explanation: To carry over purchase orders pending on June 30, 2005 and as per Audit

ARTICLE III. Amend the FY2005-06 General Fund:

Account Number	Description	Current Budget	Increase	Decrease	Amended Budget
General Fund (10)					
Revenues:					
10-40-39909	Fund Balance Appropriated - Encumbrances	\$397,811	\$283,444	\$0	\$681,255
	Total		<u>\$283,444</u>		<u>\$681,255</u>
Expenses:					
10-42-43020	Fire Department - Fire Truck Grant	\$288,105	\$283,444	\$0	\$571,549 \$0
	Total		<u>\$283,444</u>		<u>\$571,549</u>

Explanation: To expend Council-approved (Jan 4, 2005) grant in FY2005-06 upon vehicle delivery and as per Auditor recommendation

ARTICLE IV. Amend the FY2005-06 Capital Reserve Fund and General Fund:

Account Number	Description	Current Budget	Increase	Decrease	Amended Budget
Capital Reserve Fund (50)					
Revenues:					
50-40-34300	Powell Bill Revenue	125,000	0	125,000	0
50-40-39909	Appr.-Undesignated Cap Reserve Fund				
	Balance	70,683	35,840	0	106,523
50-40-39911	Tourist Bureau Grant	50,000	0	50,000	0
50-40-39917	Canal Dredging Grant	480,000	0	480,000	0
50-40-39998	Transfers from General Fund	<u>400,817</u>	<u>0</u>	<u>0</u>	<u>400,817</u>
	Total	1,126,500	35,840	655,000	507,340
Expenses:					
50-10-48010	SS Canal Dredging	600,000	0	600,000	0
50-10-48020	Pintail Trail Drainage	25,000	0	25,000	0
	S. Dogwood/US 158 Road				
50-10-48030	Improvements	175,000	0	175,000	0
50-10-48040	Bridge Repairs	30,000	0	30,000	0
50-10-48050	Chicahauk Trail Impr.	15,000	0	15,000	0
50-10-48060	Duck Woods Drive Stormwater Project	20,000	0	20,000	0
50-10-48070	Hickory Trail; E. Dogwood to Hillcrest	10,000	0	10,000	0
50-10-48080	S. Dogwood Multi Use Path	125,000	0	125,000	0
50-20-49000	Vehicle Replacement	126,500	0	126,500	0
50-40-39997	Transfers to General Fund	<u>0</u>	<u>106,523</u>	<u>0</u>	<u>106,523</u>
	Total	1,126,500	106,523	1,126,500	106,523

General Fund (10)

Revenues:					
10-40-34300	Powell Bill Revenue	\$0	\$122,760	\$0	\$122,760
10-40-39911	Tourist Bureau Grant	\$0	\$50,000	\$0	\$50,000
10-40-39997	Transfer from Capital Reserve	\$0	<u>\$507,340</u>	\$0	<u>\$507,340</u>
	Total		\$680,100		\$680,100
Expenses:					
10-51-49000	Capital Outlay- Vehicles	\$0	\$103,500	\$0	\$103,500
10-63-48100	Chicahauk Hydro. Study	\$0	\$88,600	\$0	\$88,600
10-63-49000	Capital Outlay- Vehicles	\$0	\$23,000	\$0	\$23,000
10-59-48001	Cemetery Road	\$0	\$30,000	\$0	\$30,000
10-59-48010	SS Canal Dredging	\$0	\$50,000	\$0	\$50,000
10-59-48020	Pintail Trail Drainage Project	\$0	\$5,000	\$0	\$5,000
10-59-48030	S. Dogwood/US 158 Rd. Impr. Project	\$0	\$175,000	\$0	\$175,000
10-59-48040	Bridge Repairs	\$0	\$30,000	\$0	\$30,000
10-59-48080	S. Dogwood Multi Use Path	\$0	<u>\$175,000</u>	\$0	<u>\$175,000</u>
	Total		\$680,100		\$680,100

Explanation: To transfer from Capital Reserve Fund to General Fund (per Auditor's recommendation); to recognize updated cost estimates

ARTICLE V. Amend the FY2005-06 General Fund:

<u>Account Number</u>	<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended Budget</u>
<u>General Fund (10)</u>					
Revenues:					
10-40-36300	Commercial Dumpsters	\$0	\$5,000	\$0	\$5,000
	Total		<u>\$5,000</u>		<u>\$5,000</u>
Expenses:					
10-59-43040	Solid Waste - Dumpster Purchase	\$320,290	\$5,000	\$0	\$325,290
	Total		<u>\$5,000</u>		<u>\$325,290</u>

Explanation: To transfer from Capital Reserve Fund to General Fund (per Auditor's recommendation)

ARTICLE VI. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

ARTICLE VII. Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 15th day of November 2005.

S E A L

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

