



# 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](http://www.southernshores-nc.gov)

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

## MINUTES

The Southern Shores Town Council met on December 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.

### APPROVAL OF MINUTES

Carrie Gordin, Town clerk, presented Council minutes for Council approval: July 19, 2005, August 2, 2005, September 20, 2005, October 4, 2005, October 18, 2005, November 1, 2005 and November 15, 2005.

Council Member McDonald presented a correction to the November 15, 2005 minutes.

Council Member Shields presented a correction to the July 19, 2005 minutes.

Council Member Shields moved to approve all the presented minutes with the corrections as noted for July 19 and November 15, 2005. 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 or not voting.

### OATHS OF OFFICE

Mayor Denny stated that in his six years on Council there were 138 meetings and that he missed only 5 of those meetings and he enjoyed every one of them. He stated that it was a great experience and he thanked everyone for allowing him to serve. He stated that it was a privilege to participate in the Town government in the highest level. He presented a few gracious farewell remarks to the Council Members, the front office staff, the Building Inspections Department, the

Public Works Department, the Police Department, the Southern Shores Volunteer Fire Department, the Town Attorney, all the many volunteers, the Planning Board and the Board of Adjustment, the Vegetation Advisory Board, the Southern Shores Civic Association and the Chicahauk Property Owners Association. He stated that it is with great pride he has served the Town and he thanked everyone.

Council Member Hess presented Mayor Denny with a framed copy of the Town Seal and remarked that Council thanks him for his many volunteer years of dedication to the Town and his time with the Southern Shores Civic Association. She also thanked Mrs. Denny (Billie) for her support in allowing Mayor Denny being a part of Southern Shores.

Mayor Denny called upon Carrie Gordin, Town clerk, to perform the swearing in of the new Council members.

The Town clerk swore in Brian McDonald as Council Member.

The Town clerk swore in Don Smith as Mayor.

### **ORGANIZATIONAL MEETING**

Mayor Smith recessed the regular Council meeting and called the organizational meeting to order to elect a Mayor pro tempore.

Mayor Smith nominated Council Member Shields as Mayor pro tempore and asked for any further nominations. Hearing no further nominations, he asked again for any further nominations, hearing none he closed the nominations. Mayor Smith called for the vote for Council Member Shields for Mayor pro tempore. The motion passed with Mayor Smith, Council Members Hess, Shields, Sander and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Mayor Smith announced that Council Member Shields has been elected Mayor pro tempore and hearing no other business he hereby adjourned the organizational meeting and reconvened the Regular meeting.

Mayor Smith called for a short recess with refreshments served.

Mayor Smith called the meeting back to order.

### **APPROVAL OF AGENDA**

Mayor Smith asked if there were any changes to the agenda. Hearing no changes and hearing no objection, Mayor Smith declared the agenda approved as presented.

### **PUBLIC COMMENT**

Mayor Smith opened the public comment section of the meeting. Hearing no comments from the public Mayor Smith closed the public comment. Mayor Smith stated that he is suggesting to Council, for consideration, a change in the public comment section where Council would be allowed to respond to speakers after all the speakers have made their comments. Also he is asking Council to consider a comment period be allowed on each agenda item.

## **REPORTS**

### **Planning Board**

Jim Groff, Planning Board Chairman, reported there was no regular Planning Board meeting in November but that the Board has scheduled several special meetings. He announced that the Planning Board held a workshop December 6 to discuss the permitted/prohibited/ and permitted with conditions businesses in Town, with additional workshops to follow. On December 7 at 7:00 p.m. the Planning Board is holding a public input meeting regarding the draft "home occupation" zoning changes. Also, a meeting will be held on December 13 at 3:00 p.m. regarding the NC12 Stormwater Study presented by VBH and an additional meeting time for the public is at 7:00 p.m. On December 19 at 7:00 p.m. is the regular monthly Planning Board meeting.

### **Mid-Currituck Sound Bridge**

Bob Palombo reported that the Build the Bridge-Preserve Our Roads Board has been re-elected at the annual meeting held on November 30, 2005. The \$800,000 grant money has been received by NCDOT and will be given to East Carolina University to be used for a feasibility study.

### **Southern Shores Volunteer Fire Department**

George Kowalski, Chairman of the Board of Directors, presented the monthly report. He announced that Brahim Saab, Captain of the East Station, has returned to Lebanon and there have been organizational changes. Dick Furioni received a promotion to assistant chief/safety officer. He also stated that the fire hose testing has been completed and he thanked the SSCA for the use of the Hillcrest parking lot for the testing.

## **OLD BUSINESS**

### **Ordinance 2005-11-01-Charter Cable Franchise Fee**

Mayor Smith stated that Ordinance 2005-11-01-Charter Cable Franchise Fee is required by law to be voted on at two different regular Council meetings and that Council approved this ordinance the first time at the November 1, 2005 Council meeting and now needs a second vote for approval.

Council Member Shields moved to approve Ordinance 2005-11-01-Charter Cable Franchise Fee. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

(Clerk's Note: A copy of Ordinance 2005-11-01-Charter Cable Franchise Fee as approved is attached hereto as Exhibit A and made part of these minutes).

### **Resolution 2005-12-01- 2006 Council Meeting Schedule**

Following discussion regarding the selection of the dates for Council "Retreat" which Council decided on January 26-27, 2006 and to change the Council's mid-month meeting from the third Tuesday to the fourth Tuesday of the month, Council Member Sanders moved to approve amended Resolution 2005-12-01- 2006 Council Meeting Schedule. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member absent or not voting.

(Clerk's Note: A copy of Ordinance 2005-12-01-Council Meeting Schedule as approved is attached hereto as Exhibit B and made part of these minutes).

#### Resolution 2005-11-02-Stormwater Policy Advisory Committee

Following discussion, Resolution 2005-11-02-Stormwater Policy Advisory Committee dates was changed from June 30, 2006 to December 31, 2006 for submitting a final report to Council.

Council Member Shields moved to approve Resolution 2005-11-02-Stormwater Policy Advisory Committee as amended. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

(Clerk's Note: A copy of Ordinance 2005-11-02-Stormwater Policy Advisory Committee is attached hereto as Exhibit C and made part of these minutes).

#### Vegetation Advisory Board Appointments

Mayor Smith stated that Town Council appointed additional members to the Vegetation Advisory Board on November 15, 2005 2 and he introduced Jim Conners, Sally Lowe, and Kathy McCullough-Testa.

#### Dare County Solid Waste Contract

Following discussion, Council Member Shields moved to approve the FY2005-06 Dare County Solid Waste Contract as presented and to authorize the Mayor, Town Manager and other appropriate Town officials to sign and execute all documents necessary. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Council Member Sanders inquired about the cost of collecting solid waste from a private contractor. Hearing no objection, Mayor Smith directed that the Town manager submit to Council a cost analysis between Dare County Solid Waste Service and a private solid waste contractor and to present the findings at the January mid-month Council meeting.

**NEW BUSINESS** –No New Business heard.

#### **OTHER ITEMS**

Council Member – No comments heard from Council.

#### Mayor

Mayor Smith thanked the citizens for their vote. He stated that the Council asks for all citizens' help as they work together moving the Town forward to be the kind of community everyone can enjoy and be proud of. He stated that he has several ideas to create a friendly attitude towards residents, non-resident property owners and visitors. He asked that Council support that beginning in January before each first Tuesday Council meeting, he and the Town Manager will be in the Pitts Center for an hour to meet with citizens, answer questions, hear complaints and concerns and get ideas.

Hearing no objection, Mayor Smith directed the Town Manager to set up the Mayor Chats and to publicize them appropriately.

Mayor Smith stated he would like to ask Council to change the policy about public comment times on the Council agendas. He would like people to have the opportunity to talk about items generally under the public comment periods and also give people the opportunity to speak to specific agenda items when they come up during the meeting by having sign-up sheets for each agenda item available at the beginning of the meeting. Hearing no objection, Mayor Smith directed the Town Manager to write up this procedure and to begin implementation at the January 3<sup>rd</sup> meeting.

Mayor Smith stated that some of his goals are to get the Town tax rate down without draining its emergency reserves, keeping citizens informed on Town projects, and helping citizens to comply with the code enforcement laws. He stated that Southern Shores is the best place to live on the Outer Banks and that he hopes everyone can work together to keep it that way. He thanked Council in advance for all the hard work they'll be putting in to make it happen.

#### Town Manager

##### South Dogwood Trail Projects

Mr. Classen stated that the South Dogwood Multi-Use Path and Road Improvement Projects/Cemetery Road project will be placed on the January agenda for Council to discuss.

##### Cemetery – Request to Purchase Six Lots -Forbes

Mr. Classen stated that the Town received a request from Christine Forbes, 10 Second Avenue, to “purchase” six lots in the Southern Shores Cemetery. Ms. Forbes paid \$1,200 on November 16, 2005 and that reflects the \$200 fee per burial space. He stated that the Town Cemetery rules require that a person may acquire the right to have burials in four lots, but that any such acquisition beyond four lots requires Town Council approval. He requests that Council approve Ms. Forbes request to acquire the rights to purchase six burial lots.

Council Member Shields moved to approve Ms. Forbes request to purchase two additional cemetery lots in the Town’s cemetery. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

##### Shoreline Management Commission

Mr. Classen stated he has received a request from Warren Judge, Chairman of the Dare County Shoreline Management Commission, for a Council appointment to the Commission representing Southern Shores. He stated that former Mayor Hal Denny represented the Town on the Commission, which was formed by Dare County in 2005. The Town Council may select the mayor or any council member to serve on the Commission. He recommends that Council consider making the appointment at the Council’s January 3<sup>rd</sup> meeting.

Town Attorney - No comments were offered by Mr. McRee.

#### Public Comment

Mayor Smith opened the public comment section of the meeting. Hearing no comments, Mayor Smith closed the public comment section and continued with the meeting.

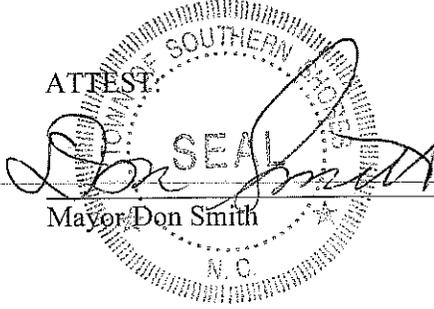
#### Announcements

Mayor Smith announced that the Home Occupation Sub-Committee of the Planning Board is holding a public input meeting on December 7, 2005 at 7:00 p.m. in the Pitts Center. He also

stated that on December 9, 2005 at 7:00 p.m. in the Pitts Center the Town is inviting everyone for Christmas Caroling with refreshments.

Hearing no further business, Council Member Shields moved to adjourn at 8:30 p.m. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting;

ATTEST:



Mayor Don Smith

Respectfully submitted:

Carrie Gordin, Town Clerk