



Town of Southern Shores

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Town of Southern Shores
Council Meeting
May 23, 2006
8:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on May 23, 2006, at the Pitts Center.

The following Council Members were present: Mayor pro tem Shields, Jodi Hess, and Brian McDonald. Mayor Don Smith and David Sanders absent.

Also present were: Webb Fuller, Interim Town Manager; and Carrie Gordin, Town Clerk.

OPENING

Mayor pro tem Shields called the meeting to order at 8:00 a.m. led the Pledge of Allegiance and held a moment of silence for our troops serving our country overseas.

APPROVAL OF AGENDA

Council Member Hess moved to amend the agenda by placing Item IV. Old Business E. Vegetation Management Plan to the June 6 Council agenda when all Council would be available. Council Member McDonald seconded. The motion passed with Council Members Hess, Shields, and McDonald voting aye; no Council Member voting no; and Mayor Smith and Council Member Sanders absent.

PUBLIC COMMENT

Mayor pro tem Shields opened the public comment section of the agenda.

Carl Seto, Jr., 100 Turtle Pond Court, stated that he is concerned about the newspaper articles hammering the Town's police and fire departments. He stated that if the Town lost those departments taxes would need to be increased. He stated that he feels the Town has gone down hill, the roads are pitiful and something needs to change. He is tired of the New York attitude, where people come here, make changes, ruin everything and then leave. He stated the fire department is an all volunteer department and the Town can't afford to lose them. He stated that he is tired of hearing about the purchase of the police cars and the cost of hiring more people. He supports the police chief and thinks he is doing a good job. He asked, "What does somebody expect?" You need to have the right equipment for the job. He asked, "If a house is on fire do you want them to ride a bicycle?" He stated that he does see the police patrolling and the police department is functioning fine. He said in his opinion Don doesn't need to be the "EC". Jack Sheehan, 301 North Dogwood Trail, stated that he supports Carl's comments and he is pleased that he spoke. He stated that he doesn't understand the criticism and maybe more comments like that is needed.

Hearing no other comments, Mayor pro tem Shields closed the public comment section.

REPORTS

Planning Board

George Kowalski presented the May 15, 2006, Planning Board report in Chairman Groff's absence.

(Clerk's Note: A copy of the May 15, 2006, Planning Board Report is attached hereto as Exhibit A and made part of these minutes).

OLD BUSINESS

Canal Dredging Project

The Town manager reported that the grant money has not been approved in the General Assembly's budget but can be included and he waiting to hear that the grant has been approved. He stated that the Town is still actively seeking spoil sites. He stated he is meeting with the new Duck Woods Country Club board members and the new Chicahawk property owner's board members to discuss the possibility of use of property for the spoil sites. Council will attend meetings as needed in support of acquiring spoil sites.

Channel Markers

Discussion was held previously when the Southern Shores Boat Club (SSBC) inquired about the maintenance on the channel markers in Currituck Sound. The Town Code under Chapter 10, Beaches and Waterways, Section 10-14.4.b.4. states personal watercraft operation jet skis are to be no closer than 400 yds. of the shoreline on the Currituck Sound and Martin's Point (ETJ) so markers must be maintained. In the past the SSBC has installed the markers and reported the condition of the markers. Council Member Hess moved to ask that the SSBC move ahead with the project. Mayor pro tem Shields seconded. The motion passed with Council Members Hess, Shields, and McDonald voting aye; no Council Member voting no; and Mayor Smith and Council Member Sanders absent.

ATV Purchase

The Town manager stated that the Police Department is requesting the purchase of a new ATV to replace the 2002 model and this is currently not a budgeted item. He stated that NEST Group has submitted a request to use the Town's ATV. He stated that he would recommend entering into a lease purchase for an ATV but he does not recommend allowing anyone to use it.

Council Member McDonald asked if an ATV could be purchased for the current police budget. Mr. Fuller said yes.

Council agreed to discuss this issue at the June 6 meeting. Council directed the Town manager to draft a letter to the NEST Group stating the ATV would not be available.

Atlantic Tree Contract

The Town manager stated that Mark Fletcher, owner of Atlantic Tree, and the contractor for the Town's chipping service has presented a request for a three year renewal contract for Council's consideration.

Mayor pro tem Shields stated that the Town is pleased with the service provided by Mark and he moved to accept the contract. Council Member Hess seconded. The motion passed with Council Members Hess, Shields, and McDonald voting aye; no Council Member voting no; and Mayor Smith and Council Member Sanders absent.

Rules for Special Events Parking

The town manager stated that following Council's decision to allow a resident to use the Town's parking lot for a special event it was discussed that rules should be drafted to allow for such occasions in the off season.

Staff reviewed some options and explained some of the issues. Council agreed to place this item on the June 6 agenda.

NEW BUSINESS

Presentation of proposed FY2006-07 Budget

The town manager presented the proposed FY2006-07 Budget to Council. He stated that Bonnie Swain, Finance Technician, was essential in his preparation of the budget. He stated that only having two weeks of preparation time on this budget he would consider it to be a maintenance budget. He recommends that the tax rate remain at 8.5 cents but that the tax rate should be at 10.5 cents. His goal is have the fund balance remain stable. He stated that there may need to be changes but fiscal restraint would be applied. He stated there are changes to the budget format from the previous year. His recommendations to Council are to use the Powell Bill fund for the Red Bay road improvements. He also recommended that Council consider dedicating a certain amount of funds to the Capital Improvement Plan. He stated that if Council is considering lowering the tax rate then there would need to be an increase in revenue sources or some things in the budget would need to be removed.

Mayor pro tem Shields stated that following the adoption of the budget Council needs to take a hard look to find ways that the roads can be maintained.

The three Council members present discussed the proposal in the budget regarding Council receiving compensation and none of them supports the recommendation.

Council Member McDonald stated that Mayor Smith wants to see the tax rate lowered and that the tax payer's money be spent fiscally.

Council agreed to hold a budget workshop on June 1 and to hold the budget hearing on June 6.

Discussion regarding Hurricane Preparedness

Council agreed to hold the annual hurricane preparedness meeting on June 13 at 9:00 a.m. at the Southern Shores Volunteer Fire Department.

Southern Shores Civic Association Town Sign Request (SSCA)

The town manager reported that the Town has received a request from Nita Mitchell, Vice President of the SSCA that Council consider approving the purchase and installation of three (3) Town signs.

Council directed staff to submit a cost and design plan for the signs and that they are in accordance to current zoning requirements. Council directed the town manager to look at the budget for funding of the project.

Southern Shores Volunteer Fire Department (SSVFD) Request for Surplus Vehicles

Fire Chief Harvey requested Council consider allowing the SSVFD to have two of the surplus police vehicles. Council approved the surplus of four police vehicles on January 24, 2006.

Mayor pro tem Shields stated that the Town has provided the fire department with surplus vehicles in the past. Council agreed to provide the SSVFD with two of the surplus vehicles.

OTHER ITEMS

Town Manager's Agenda

The town manager explained that on the current FY2004-05 contract with Atlantic Tree a reimbursement in the amount of \$9230.76 (two contract payments) needs to be paid. He stated that the way the contract reads and the way the contractor was paid were different but that the contractor is owed the money. He wanted the Council to be made aware of the clerical error.

Temporary Toilet Placement

The town manager reported that a request has been made to amend the Town's Code regarding the placement of temporary toilets on job sites. He stated an amendment to the Code will be submitted for Council's consideration.

Wind Borne Debris Protection Standards

The town manager stated that the town attorney has provided a written response to Mike Hejduk regarding the effective date (January 1, 2006) for enforcement of the Wind Borne Debris Protection Standards.

Storm Debris Management Contract

The town manager stated that more information would be available at the June 6 Council meeting.

Council Agenda-none

Mayor's Agenda-none

PUBLIC COMMENT

Mayor pro tem Shields opened the public comment section of the agenda.

Jim Conners, 83 Duck Woods Drive, stated that he was a member of the Vegetation Advisory Board but resigned. He stated that he has expressed his concerns about the Board's recommendation to Council he feels the plan submitted by them is an extremist document. He

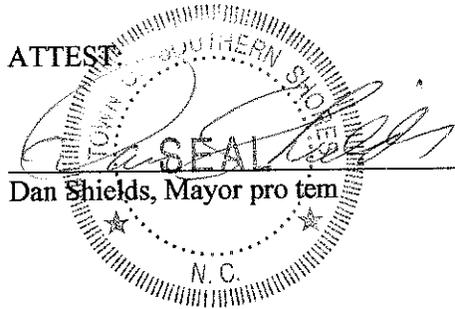
request that Council consider disbanding the Board and appoint a vegetation committee to work under the direction of the Planning Board.

Jim Stone, 8 Sandfiddler Court, stated that he supports the comments made by Mr. Connors. He stated that some statements made in the Vegetation Plan are erroneous.

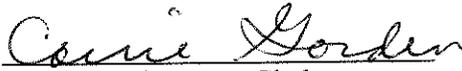
Hearing no other comments, Mayor pro tem Shields closed the public comment section of the agenda.

Hearing no other business, Council Member Hess moved to adjourn the meeting at 9:35 a.m. Council Member McDonald seconded. The motion passed with Council Members Hess, Shields, and McDonald voting aye; no Council Member voting no; and Mayor Smith and Council Member Sanders absent.

ATTEST



Respectfully submitted:


Carrie Gordin, Town Clerk

Memorandum

To: Southern Shores Town Council
CC: Town Manager
From: Jim Groff, Chairman, Planning Board
Date: 8/4/2006
Re: Recap, Planning Board Meeting of May 15, 2006

Planning Board recommended actions for the Town Council:

- 1. Hold a public hearing and approve, contingent upon (1), Notification of adjacent property owners; (2), Town Council approval of Ordinance No. 2006-05-01, (permit multiple primary buildings in R-1 districts); (3), Town Council approval of Ordinance No. 2006-01-PB1, (dimensional requirements for churches); and all 'Standard Conditions'; LDA 2006-05-01 – Site Plan Application for Phase I, (classrooms, administrative space, etc.), for the All Saints' Church expansion.**

Organization: Chairman Groff called the meeting to order at 7:02 PM. Planning Board members Kowalski, Russell, Peckens and Walter, as well as ETJ Representative Halloran and Alternate Poisel, were present. Also present were Code Enforcement Administrator Hejduk, Fire Chief Harvey and Administrative Assistant Gabrys. In attendance at the meeting were All Saints' Church representatives T. Judge and R. Edwards. Subsequent to approval the agenda, the Board tabled until its next meeting, approval of the minutes of its April 17th meeting.

Public Comment: None

Committee Reports:

- 1. J. Russell** stated that the **Stormwater Management Advisory Committee**, with the assistance of Nancy White and an intern, is reviewing recommendations contained in the Quible and VHB reports. The Committee will continue to meet to pursue revisions to the Town Ordinances that will improve stormwater management.
- 2. J. Groff** asked Alternate Member Poisel and Administrative Assistant Gabrys to meet with him on May 16 to complete the "spreadsheet" addressing permitted businesses and home occupations. He then scheduled a Planning Board Workshop to review draft proposed

Commercial Use and Home Occupation ordinances on June 6th at 1:00 Pm in the Pitts Center.

3. **M. Hejduk** noted that the Planning Board should consider the Flood Damage Prevention Ordinance, as well as a revised Land Use Plan no later than its July meeting, in order to ensure Town residents receive credits under the National Flood Insurance Program for preventative actions.

Site Plan Applications:

1. **LDA 2006-05-01 – All Saints’ Episcopal Church Expansion:** John DeLucia, Albemarle Associates, provided an overview of the proposed project. Discussion focused on stormwater management, structure height, lot coverage, lighting, etc. Fire Chief Harvey, subsequent to advising the Board that he was a member of All Saints’ Church, stated his approval of the Site Plan Application. Staff recommended Conditional Approval of the plan. Upon motion, the Board unanimously recommended Council approval of this site plan application contingent upon the holding of a public hearing, notification of adjacent property owners and Council approval of two previously recommended ordinances that impact the size and configuration of the expansion.

Other Business:

1. **Ordinance No. 2006-04-PB5 Relating to Home Occupations**

Prior to proceeding with this ordinance, the Board must review the ‘spreadsheet’ which addresses permitted, permitted under specific criteria and prohibited businesses in commercial districts and homeowner occupations in residential districts.

2. **Ordinance No. 2006-05-PB8 – Regulations Governing Signs:** The Planning Board reviewed two draft ordinances, one previously recommended for Council approval but returned to the Board for consolidation with an ordinance addressing temporary signs, and the other a collection of alleged Town Attorney comments on the current sign ordinance. Since it is understood that the Town Attorney is also developing a new draft sign ordinance, discussion on this ordinance was deferred pending Planning Board Chairman discussions with the Town Attorney to clarify the situation.

Other: Chairman Groff noted that Members Kowalski and Walter will accept re-appointment to the Board and Alternate Poisel will accept appointment to the vacancy created by Member Groff’s decision not to seek re-appointment to the Board.

Announcements: Workshop – Tuesday, June 6, 2006; 1:00 PM; Pitts Center.
Next regular meeting: Monday, June 19, 2006; 7:00 PM, Pitts Center.

Adjournment: Upon motion, the Planning Board meeting adjourned at 8:03 PM