



Town of Southern Shores

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Town of Southern Shores
Council Meeting
July 25, 2006
8:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on July 25, 2006 in the Pitts Center.

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

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

OPENING

Mayor Smith 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

Mayor pro tem Shields moved to approve agenda as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

PUBLIC COMMENT-None

REPORTS

Planning Board

George Kowalski, chairman, presented the July 17, 2006, Planning Board report.

[Clerk's Note: A copy of the July 17, 2006, Planning Board Report is attached hereto as Exhibit A and made part of these minutes].

Mayor pro tem Shields thanked Kathy Halloran, Planning Board ETJ representative, for her service on the Planning Board.

Canal Dredging Project Update

The town manager reported that he met with Duck Woods Country Club board and discussed possible areas for spoil sites. He stated that the board would like to see a soil sample report before moving ahead. He stated that EPI, not GET Solutions, would be performing the soil samples and report.

Council Member Hess asked if there is a time limit on using the grant money. The town manager stated that the State is ready to close out the grant but the town is not ready.

The town manager stated that individual citizens have contacted him offering their property for the spoil sites but that it is better to have bigger sites and using several smaller sites would increase the cost of the project.

South Dogwood Trail Road Project Update

The town manager reported that the initial phase of the project as gone well and that staff has worked well with the contractors and engineer. He stated moving the multi-use path to the east side will be the best thing. But there are some issues to be addressed such as the interface of the path to the street apron at the school and working with two different contractors or two different projects is a challenge.

OLD BUSINESS

Occupational Safety and Health Administration (OSHA) Training Update

Sgt. Matt Anderson stated that Police Officer Long, Karen Costello, administrative assistant, and himself attended an OSHA training workshop. He stated that OSHA has set standards for employers to provide workplace safety and preventive measures for hazards that accompany employees in various jobs. He gave a brief presentation that included information that grants are available to be used for safety equipment and training, what other towns require, and that if OSHA does investigate they will give you time to correct any violations. He stated that working with the police, building inspections and public works departments it is hoped that a safety standard can be written as it pertains to each of these departments to ensure that all employees are in a safe and OSHA compliant work area.

NEW BUSINESS

Amend Town Code-Chapter 7-Temporary Toilet Facilities Ordinance 2006-07-03

Mike Hejduk, Code Enforcement Administrator, stated that Council approved Ordinance 2006-06-01 on June 6 regarding the same subject but that the Code Enforcement Department found the ordinance to have editorial issues. He requests that Council approve Ordinance 2006-07-03 as amended and that no public hearing is required.

Council Member Hess moved to approve Ordinance 2006-07-03-Temporary Toilet Facilities as presented. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, 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 2006-07-03 is attached hereto as Exhibit B and made part of these minutes].

East Dogwood Trail Pedestrian Lane

Following a request by Council Member Sanders for a pedestrian path from East Dogwood Trail to NC12 to be installed staff reviewed options. The town manager, the code enforcement administrator and the public works supervisor all looked at the site. It was recommended that the path be no more than three feet wide on the south side of East Dogwood to Wax Myrtle Trail. Discussion was held on extending the path from Wax Myrtle to NC12 but due to the variation in the road width (18-20 feet) and the turn lanes at the intersection additional considerations need to be made.

Council Member Hess requested again that DOT be contacted to ask them to clean up the intersections at Hillcrest and at East Dogwood.

OTHER ITEMS

Council Members

Council Member Hess asked for an update on the Market Place accident. The town manager stated that the owner of the property hired contractors and that proper permits were issued based on the information given. It appears the way the contractor removed the wall caused it to fall. The town staff with a joint effort with the SSVFD performed admirably. The Dept. of Labor was notified and is now in their hands.

Council Member Hess asked that something be done about a certain property that leaves the trash cans out for two weeks. The town manager said that he would take care of it.

Council Member Hess stated that concern has been expressed to her regarding the inmates and what appears they are not being supervised. She suggested that a presentation be given at the Mayor's chat or at a Council meeting explaining the inmate program.

Mayor pro tem Shields asked if the property owner was ever notified that he needed to plant replacement trees, in the island, on Fairway Drive that he originally took down without permission and to remove the concrete that was left there.

He stated that people are saying that the life guards are more friendly and helpful this year, than in past years.

Council Member Hess asked about the status of the property across from Kitty Hawk Elementary School that was suppose to pay for tree replacement that they took down without permission.

Mayor

Mayor Smith reported that the County attorney is working with the Town manager on drafting a letter of request to the County Commissioners for the beach nourishment tax refund.

Mayor Smith asked how soon the Red Bay Lane road improvement could begin. The town manager stated that he has contacted the town engineer to begin the design work.

Mayor Smith stated that the joint meeting with the Planning Board (July 26, 2006) may need to be recessed and a time would be discussed if needed.

Manager

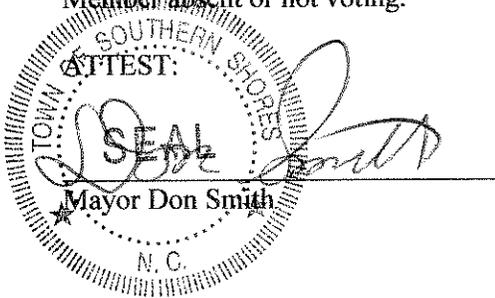
The town manager reported that the foot shower at the Town's parking lot has been turned off due to valve not being turned off properly which resulted in a high water bill. Staff is reviewing the operations at the site for improvements.

PUBLIC COMMENT- No comments were made.

The town manager called for a short closed session on a personnel issue. Mayor Smith moved to go into closed session in accordance to NCGS 143.318.11 (a) (6) Personnel Matters. Mayor pro tem seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Mayor pro tem Shields moved to enter into open session. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Hearing no other business, Mayor pro tem Shields moved to adjourn at 9:50 a.m. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.



Respectfully submitted:

Carrie Gordin
Carrie Gordin, Town Clerk

Memorandum

To: Southern Shores Town Council
CC: Town Manager
From: George Kowalski, Chairman, Planning Board
Date: 7/20/2006
Re: Recap, Planning Board Meeting of July 17, 2006

Planning Board recommended actions for the Town Council:

- 1. Subsequent to holding a public hearing, approve Ordinance No. 2006-07-PB11, as revised, amending Section 10.04 of the Southern Shores Zoning Ordinance – relating to Site Plan Requirements, with correction in line 12 on page 2.**

Organization: Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members Georgine Poisal, Dave Peckens, Joe Walter, and Alternate Jim Conners, sitting for excused Member Jay Russell, and Alternate Nancy Wendt, were present. Also in attendance were future ETJ member Ed Overton, the Code Enforcement Administrator Mike Hejduk, and Administrative Support Assistant Cyndy Gabrys. Participating in this meeting were Gary Ferguson, and representing Duck Woods Country Club, Dick Auer, acting Manager and Phil Vandermyde, Architect.

Public Comment: None.

Committee Reports:

The **Stormwater Management Advisory Committee** met with Robert McCleden on June 21st to discuss the topics to be covered in writing the Stormwater Report. It was agreed that the committee would meet with Mr. McCleden on at least three more occasions to review the progress of this report and make any changes as necessary.

The **Hazard Mitigation Plan Committee** is currently awaiting the results of a public hearing and the passing of the Flood Damage Prevention Ordinance by the Town Council.

Site Plan Applications:

1. None

Old Business:

1. None

New Business:

1. **Ordinance No. 2006-07-PB11:** This ordinance amends language in section 10.04- Application for Building Permits and Site Plan Requirements. It specifically adds the requirement to Single Family Detached and Duplex Residences for the submission of drawn plans that show the sides and rooflines of proposed structure(s) plus a rendering showing anticipated front appearance of the structure relative to the finished grade. For all uses other than one and two family dwelling units, it asks the same as above but also requires a proposed method of treating wastewater, location of all wastewater collection and treatment facilities, name of any regulatory agency that must approve the wastewater system, and the name of any written approval for connection from any organization that will collect or dispose wastewater. Further this ordinance requires, within this category, that no proposed site plan shall be accepted by the Town as part of an application for approval or conditional approval by the Planning Board, without written, tentative approval of the proposed water distribution facilities by the Dare County Water Department or the North Carolina State Department having jurisdiction.

Subsequent to discussion, the Board, by motion, unanimously approved Town Council adopt proposed Ordinances No. 2006-07-PB11 with the following corrections: Page 2 of 4 line 12, the word "landscaping" be changed to **finish grade**. Page 2 of 4, line 23, the removal of the word "of".

2. **Ordinance No. 2006-06-PB12 – Regulation Governing Signs:** This ordinance is now a compilation of all sign requirements in Southern Shores and it is also sympathetic to the requirements of the ACLU. Although not read by the Town Attorney, his input has been included within the section on temporary signs, which is a model ordinance used by other jurisdictions. However, some of the changes have created inconsistencies with other sections of the Zoning Ordinance and some sections of this ordinance need to have their language tweaked. This ordinance is an attempt to revise Section 3.02 of the Zoning Ordinance but is also affects changes in sections 6.03 A.1 and 12.04B. The Planning Board agreed with the staff's recommendation to return the ordinance to the staff so that it can be further reviewed, have certain language changed, and have sections amended. The ordinance will return to the August Planning Board Agenda.

a. Present for the sign discussion were two representatives from Duck Woods Country Club, Dick Auer, acting Manager and Phil Vandermyde – Architect who designed the new Duck Woods Country Club sign. They requested that the club be allowed a 40 square foot sign. They were told that the Planning Board already had this discussion with the past club manager, Joe Boldiga and that he had agreed to the 32 square foot sign limit set for their R-1 zone. It had been increased from the current 12 square feet. They were unaware of this discussion and quickly agreed to 32 square feet. Since the ordinance has not yet been approved, they are still limited to 12 square feet. They asked if anything could be done. We said that until the ordinance is passed they need to stay within the current code limits of 12 square feet. Mike Hejduk asked if their 'old duck sign' still existed. They said yes and he suggested that they place that sign back on their property and use it temporarily until their new sign is built and erected.

Other Items:

1. No concerns were raised by any members of the Planning Board
2. Mike Hejduk made a presentation to the Board with regards to a lot division case on Holly Trail and the reasoning for his ruling. The Planning Board may be involved in these types of decisions, in the future, if they become more popular and problematic.
3. Mike also addressed the status of the Cove and the Marketplace.
4. The Planning Board officially met Gary Ferguson, who in his capacity as the reviewer will be updating the Town Zoning and Sub-division Ordinances, explained his role and the steps he was going to take in updating the Town's Zoning Ordinance.
5. The future ETJ member Ed Overton was also at the meeting but since he has not been officially appointed, could not participate in the meeting, as a member of the Planning Board. His appointment approval should be in effect 7/18/2006 since Dare County Board was meeting 7/17/06 and his appointment was on the agenda.

Announcements:

1. Next regular meeting: Monday, August 21, 2006; 7:00PM Pitts Center
2. There will be a Council/Planning Board Joint Meeting: Wednesday, July 26, 2006; 9:00 AM; Pitts Center.

Adjournment: Upon motion, the Planning Board meeting adjourned.

Exhibit B

Ordinance No. 2006-07-03

AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE TOWN CODE
CHAPTER 7-PLANNING AND DEVELOPMENT

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 the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Article IV. Buildings.

Section 7-73 Temporary Toilet Facilities of the Southern Shores Town Code is hereby amended to read as follows:

Sec. 7-73. Temporary toilet facilities.

The applicant for any building permit requiring a county department of environmental health septic tank sewage disposal improvement permit shall provide and maintain one or more temporary suitable toilet facilities on the construction site. The temporary toilet facilities shall be in accordance with Section 311 of the North Carolina Plumbing Code. ~~2002 edition, as amended.~~ The temporary toilet facilities shall meet county department of environmental health rules and regulations, shall be placed on-site prior to the start of construction and shall remain on-site until a certificate of occupancy is issued. Construction sites with adjoining property lines may share toilet facilities, provided that the distance separating the facility and the nearest part of the structure under construction shall not exceed two hundred (200) feet. ~~In cases of shared facilities, no setback shall be required from the common property line.~~

Article IV. 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 V: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 25th day of June 2006.

S E A L

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: 7/25/2006