



Town of Southern Shores

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Southern Shores Town Council
Town of Southern Shores, North Carolina

April 24, 2007

8:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on April 24, 2007 at the Pitts Center.

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

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

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 all disasters and those in trouble and need.

APPROVAL OF AGENDA

Council Member Sanders moved to approve the agenda as presented. Council Member Hess seconded. The motion passed with Mayor pro tem Shields, Council Members Hess, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Smith absent.

INTRODUCTION - NEW POLICE OFFICER

Chief Kole introduced Police Officer Jeremy Hemilright. He stated that Officer Hemilright has been an officer for five years with the Town of Manteo and that he will be an excellent compliment to the department.

PUBLIC COMMENT

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

Lori Williams, 109 Pudding Pan, addressed council regarding an error that she discovered on a local map provided by the Outer Banks Visitor's Bureau listing Chicahawk with two public beaches. She requested that the OB Visitor's Bureau be contacted to correct this information.

Steve Uperti, 157 Wax Myrtle Trail, addressed council on a local news article that he read regarding the town's consideration to allow a cell phone tower. He stated that constructing such a tower with blinking on Sand Fiddler Court as proposed would impede any Kodak moments and would be visible to residents north of the site. He asked council to not consider this.

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

MINUTES

A. Minutes-March 27, 2007

Mayor pro tem Shields moved to approve March 27, 2007 minutes as presented. Council Member Hess seconded. The motion passed with Mayor pro tem Shields, Council Members Hess, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Smith absent.

CONSENT AGENDA

B. Budget Amendments- Red Bay Lane Road Improvement Project (FY 2006-07 #16)

Council Member Hess moved to approve FY 2006-07 Budget Amendment #16 as presented. Council Member Sanders seconded. The motion passed with Mayor pro tem Shields, Council Members Hess, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Smith absent.

[Clerk's Note: A copy of the Budget Amendment #16 is attached hereto as Exhibit A and made part of these minutes].

REPORTS

Storm Water Management Report-Robert McClendon-UNC Coastal Studies Institute

Robert McClendon provided his educational background and presented a power point presentation that compiled three different storm water studies that the town requested over a two year period. He stated that the studies are a tool in developing a plan specifically for the 26 catchment sub-basins noted in the report. He stated that each of the 26 would require individual designs to mitigate the storm water issues. He stated that the charge of the Storm Water Management Committee was to produce a report which is now completed. He stated there are a number of resources available for grant funding. He recommended that some re-writing of the town's ordinances are needed to allow enforcement for some storm water mitigation as well as financing mechanisms would be needed to be put in place. He recommended council move forward by creating another committee or re-instate the current committee to provide a plan by prioritizing the 26 areas with costs associated and a time frame for implementation.

Council Member McDonald asked if there are private grants available to homeowners. Mr. McClendon stated that Sidney Fleming with Dare County should be contacted. He stated that the State Clean Water Management Trust Fund has pilot programs for the use of rain gardens and cisterns and funds may be available.

George Kowalski, planning board chairman, stated that the cost will be extensive to mitigate storm water and does not just impact a single residence it will impact the whole town. The town needs to decide to take back the rights-of-way and install swales and require property owners to cut back their driveways.

Mayor pro tem Shields stated that some of the modifications will need to be engineered which will incur costs associated with the type of modifications.

Council Member Sanders stated that now that Phase I is complete we need to determine how Phase II would be implemented.

The town manager stated that CSI did a great job as well as the committee with Jay Russell as chairman. They put in a lot of effort on this issue. He stated a roadside maintenance plan needs to be developed with some engineering needed to implement, develop ordinances that provides specific requirements for driveways and the 26 areas addressed in the report could be prioritized with a cost associated to each area.

Mayor pro tem Shields recommends that council, at the next meeting, decide to retain the storm water advisory committee or to release them and re-institute something at a later time.

Mayor pro tem recognized Nancy White, director of UNC Coastal Studies Institute.

Mayor pro tem Shields moved to accept the Storm Water Management Report as presented. Council Member Hess seconded. The motion passed with Mayor pro tem Shields, Council Members Hess, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Smith absent.

OLD BUSINESS

Proposed Changes-Hazard Mitigation Plan Report

Mike Hejduk, Code Enforcement Administrator, provided additional information to council per their request on the technical aspects of the proposed changes recommended by the Hazard Mitigation committee. He stated that the plan needs to be updated every five years.

The committee has requested that council approve the proposed changes, whole or in part, as provided in the annual report and direct amendment of the plan as required on the following issues:

- Responsibility of Dare County, Dept. of Social Services in the identification and evacuation of residents requiring assistance in an emergency.
- Undertake a Study whether to ban Open Burning and the issuance of permits for such activity.
- Develop a plan to construct & implement Stormwater Infrastructure to mitigate flood hazards.
- Prohibit "Beach Pushes" as a method to mitigate erosion of oceanfront dunes.
- Consider increasing oceanfront setback requirements for new homes and redevelopment.
- Develop / Draft a plan to provide services for 2 damage scenarios. "Partial Devastation & Total Devastation." Partial Devastation would result from a "Design Storm [1%]" while Total Devastation would result from a storm exceeding "design" such as a Category 5 Hurricane. (i.e. Katrina Cottages)
- Undergrounding of existing overhead powerlines to begin with lines servicing homes in the wooded areas along canals as shown in the attached image.
- Encourage the use of portable scanners by citizens to monitor flooding conditions.
- Consider sending personnel (individuals or teams) to Emergency Management training, State or National Hurricane conferences.
- Delete the Public Information item regarding installation of base flood elevation markers.

- Proceed with an update of the Hazard Mitigation Plan to keep it current including a detailed review of the ISO Community Rating System (CRS) program activities and points.

Council Member McDonald asked if the town would no longer allow a “beach push” could a property owner still put sand on the beach. Mike stated that getting the equipment on the beach is a difficult process depending on the specific site. He stated that CAMA would evaluate the site and permit accordingly.

The town manager commented that if the process is not harming the system then there is no reason to not allow it.

Council Member Sanders stated that upon seeing the impact of a large “beach push” in the late 80’s from 13th Ave. to 180 Ocean Blvd. it took two seasons for the beach to recover and required extensive grass plantings. He does not support this type of action.

Mike Hejduk stated that another issue to consider is to increase the oceanfront setback or set a local standard that would eliminate the placement of pools in the 60’ oceanfront setback.

He stated that State building code for flood/wind insurance ratings have not been established and this will cause the Community Ratings System points to be reduced in the near future.

Mayor pro tem Shields asked if council is ready to adopt any of these recommendations. Council Member Sanders suggested that council discuss further at the next workshop. He suggested that a checklist be provided to council.

Council Member McDonald stated that if a public hearing is required he would like to wait until he receives comments from the residents.

Mike Hejduk stated that at the beginning and the end of hurricane season the plan should be reviewed.

Mayor pro tem Shields stated these issues would be addressed at the May council workshop and a public hearing date would be set at that time.

10k Run-February 16, 2008

Mayor pro tem Shields stated that Nancy Caviness came before council requesting support of a 10k Run which would be held in 2008 starting at the Market Place through the Town of Southern Shores and ending at the Municipal Duck. The town manager provided council with information on issues to be considered.

Mayor pro tem Shields asked why the run is not being held totally in the Town of Duck but if approved the Town of Southern Shores should be reimbursed for all costs. He stated this event would close down Chicahawk Trail totally for over two hours as well as other areas in town.

The town manager stated that the CPOA should be included in the discussion.

Council Member Hess stated that she is concerned not knowing what charity the proceeds would go to.

The consensus of the council is not to support this event due to the many issues.

The town manager stated that he would meet with Nancy and address council's concerns but that the town would be the entity to decide the town's public safety not someone else. He stated that he is not comfortable with not knowing who the proceeds are going to.

NEW BUSINESS

Juniper Trail Multi-Use Path

The town manager stated that it appears Phase II of the Juniper Trail Multi-Use Path project, the section between the Market Place entrance of Juniper Trail and Hwy. 158 was forgotten and there is no money in the current budget for completion of the project.

Mayor pro tem Shields stated that he would like to see the project completed.

Council Member McDonald stated with the budget outlook he doesn't see this being completed for several years.

Council Member Sanders stated that it appears items that are unfinished need to be identified and prioritize them so they aren't forgotten and can be completed.

Consensus of council is to place this project as a line item in the budget to be addressed at a latter time.

Council Rules of Procedure Amendment

Mayor pro tem Shields stated that Council Member Sanders requested that council consider amending the order of business on the agenda by allowing the council members to report or announce issues following the mayor and manager reports under Other Items.

Council Member Hess requested that as proposed she would make the motion to amend the order to read town manager, town attorney, mayor, and then council under the Council's Rules of Procedures. Council Member Sanders seconded.

Council Member McDonald stated that since the mayor is out of town he would like the mayor to review the changes before a vote is taken.

Council Member Hess withdrew her motion and the second was withdrawn. The item will be placed on the May 1 Council agenda as a consent item.

OTHER ITEMS

Council

Council Member McDonald reported there is a legislative bill introduced at the state level to remove Jim Long's, State Insurance Commissioner, abilities to control insurance rates. He stated that if this is true everyone should be concerned and he encouraged them to write to Senator Basnight and the other legislators requesting them not to support this bill.

Mayor-none

Manager

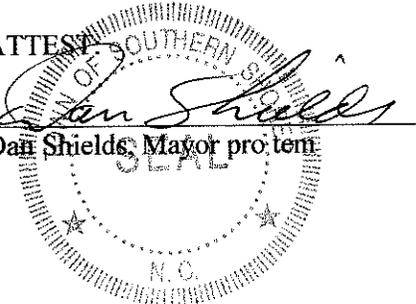
The town manager stated that a capital budget workshop is scheduled for 10:00 a.m. today. He requested that council go into closed session to discuss the possibility of acquisition of interest in a particular piece of property.

Mayor pro tem Shields moved to go into closed session in accordance to N.C.G.S. 143-318.11.(a)(5). Council Member McDonald seconded. The motion passed with Mayor pro tem Shields, Council Members Hess, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Smith absent.

Mayor pro tem Shields moved to go out of closed session. Council Member Hess seconded. The motion passed with Mayor pro tem Shields, Council Members Hess, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Smith absent.

Hearing no other business Mayor pro tem Shields moved to adjourn at 10:02 a.m. Council Member Hess seconded. The motion passed with Mayor pro tem Shields, Council Members Hess, Sanders, and McDonald voting aye; no Council Member voting no; and Mayor Smith absent.

ATTEST


Dan Shields, Mayor pro tem

Respectfully submitted:


Carrie Gordin, Town Clerk

Exhibit A

**Town of Southern Shores
Budget Amendment Number # 16**

Expenditures Increases			Revenues Increases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
59-50925	Public Works Red Bay Lane	\$8,250.00	40-39997	Revenues Trans. From Capital Reserve	\$8,250.00
	-				
	-				
	TOTAL	\$ 8,250		TOTAL	\$ 8,250

Explanation: Change Order to add 78.3 LF of Retaining Wall along Lot 14

Recommended By:

Webb Fuller Town Manager

Approved By:

Dan Shields, Mayor Pro Tem

Date