



# Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Town of Southern Shores

Council Meeting

August 5, 2008

7:00 PM.-Pitts Center

## Minutes

The Southern Shores Town Council met on August 5, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, and Kevin Stroud. Jim Pfizenmayer absent.

Also present were: Charles Read, Town Manager, Carrie Gordin, Town Clerk and Ben Gallop, Town Attorney.

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for the family of Council Member Pfizenmayer who lost his mother, for our troops serving around the world and for the family of Edward Etheridge who recently passed away who was a Town of Manteo Commissioner.

### **APPROVAL OF AGENDA**

Council Member Hess moved to approve the agenda as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud, voting aye; no council member voting no and Council Member Pfizenmayer absent.

### **PUBLIC COMMENT**

Mayor Smith opened the public comment section.

These comments from Mr. and Mrs. Harris were provided previously by email.

Jim Harris, 92 S. Dogwood Trail, addressed Council by reading a prepared statement. He stated a few weeks ago, I was very glad to see you (all) start to address the problems with the horrendous traffic problems, we the citizens of Southern Shores face each and every day. My wife has been counting vehicles each day on a 30-minute walk from our house (92 S. Dogwood) up past Fairway and back. She walks in the mid-morning and counts an average of 70 vehicles on most all weekdays with 180 vehicles on Saturdays plus on Sundays 160 vehicles in just 30 minutes. Last Saturday around 8:45AM, she counted 65 vehicles in 6 minutes going only one-way, southbound. That is 650 vehicles an hour. As all of you know, these small roads were not designed or built for this amount of traffic. Somehow this "cut-thru" traffic has to be diverted off of our roads and back onto the roads built to handle them (Rt 158 & Rt12). All of you heard some of the worries of us, the residents of the Southern Shores who face this volume of traffic each and every day.

As all of you know the majority of the volume is headed to areas North of Southern Shores, Duck, Corolla and Carova. We did not move here to reside on the outflow pipe of overdevelopment north of us. I doubt you did either.

There was discussion of ways to trim this huge volume of traffic that use the Dogwoods as a way to get ahead of those who stick to the main roads (158 & 12). Putting up a mobile message board eliminating left turns from East Rt158 on weekends was discussed. There were questions of what would the residents (Southern Shores) do. A simple answer is turn right on Woods Rd and make a "U-turn" at Dominions entrance and then come straight thru from Kitty Hawk. Send each house a letter telling them of this plan. Those who don't get it (the reason and solution) to get in here will just have to do something else like going to the shopping center and make a "U-turn" there. There was discussion about declaring the roads for locals and guests. There was worry about how some "locals" who don't live in Southern Shores would get to work in the northern end of Southern Shores or farther north. They should use the main roads as those roads were designed for. Anybody going to work can easily prove where they work, if they can't they receive a ticket. The ticket could be voided with proof within a few days of receipt, at the police station. We could even pay for the advantage of being a resident of Southern Shores, with a yearly or longer window sticker, with the proceeds going to enforcement. Those who don't want to pay for a sticker have to abide by the rules our guests would, by providing a destination, or getting a citation. This would be "play or pay" situation, those who don't get it, would do so soon.

There was much more talk about the speed of the vehicles on the Dogwoods. Enforce the speed limit on everybody; I understand it is the residents who receive the majority of the tickets. Too bad, go the speed limit and obey traffic laws. The Chief said that it is hard to get a Judge to enforce and fine somebody going just over the speed limit, say 28 in the 25 zone. He said they had to allow about 5% variance for calibration errors. That is just fine with me. 10% of 25mph is 2.5mph or a speed of 28mph. Ticket everyone going over 30mph, that is way over 10% and very close to 20% over the 25mph limit in/on all the inside roads of Southern Shores.

Get the police a hand-held radar/laser speed detector. Get them something that can be used outside of the patrol car.

We and many others moved here for the tranquility of this neighborhood, not to be on the sideline of a major traffic route. Every house built above us, Duck and above, brings more and more traffic to our little streets. They did not pay to use our streets nor do they obey our laws or rules. Why does this go on? The main reason cited is we cannot afford to do anything. We don't have money for additional officers; we can't afford a sign program, or anything.

Why did you (all) move here? Was it because like us, you liked the neighborhood? If so, preserve it.

Why did you run for public office and be elected? Did you do this to make excuses about what you can't do? Or did you do it in wishing to preserve the good things we have here, and maybe, make it better than you found it.

Did you bring any values with you? I did. I don't like seeing these reasons to value the laws and rules of a civil society being undermined by a lack of money to enforce these same rules & laws.

Please do something about the traffic on our streets. Raise my taxes if you need to, to pay for enforcement. Or build our streets to handle the volume of traffic. Get your feet firmly planted somewhere besides mid-air.

Cindy Harris, 92 S. Dogwood Trail, addressed Council by reading a prepared statement. She stated she was out doing my morning walk this morning (8:45 – 9:15 AM) and was nearly hit by a car. It missed me by a few inches, it happened so fast, and rattled me so much, that I did not get their tag #. I believe the

offending car was speeding and it did not even slow up as it passed me and another car coming from the opposite direction at the same time.

Most cars slow down and give a wide berth to walkers, joggers and bikers, but this one did not give an inch (or reduce its speed). I was at a place on the road where there was no place to step off the road (due to hill). I think I am going to start carrying a stick and wack any car that gets too close while I am walking (Police Chief: would I be fined for this self-protection)? I believe I have the right to walk (for my health) in my neighborhood and I resent that someone is in such a hurry that they risk injuring someone maybe for the rest of their life; I don't want to be that person who is injured or killed. I walk as close to the edge of the road as I can, I even walk in driveways (off of the road when I can) so as to give cars as much room as possible.

The town has got to make a sincere effort to get some of these cars off of our roads and to enforce the posted speed limits before someone gets seriously hurt or killed. I believe that the town could be considered partially responsible if it did not do anything to protect its citizens.

Last Saturday (7/13), an unmanned police car was parked across the street from my house and this did deter most of the speeding (but not all) in front of our house (I doubt if it had much impact on speeding once out of the view of the police car). I know that at least one ticket was issued to a Southern Shores lady resident by the roving policeman on Saturday because it happened in front of our house (I believe she was doing 40-41 mph). HURRAY, I hope he issued more speeding tickets. This same policeman told my husband that they do not issue tickets for less than 5-6 miles over the posted limit because the judges don't like it. The Police and Judge's jobs are to enforce the speed limit laws on the books. All speeding, is speeding if it is over the posted limit.

FYI – my statistics for cars passing our house on South Dogwood):

On Saturday 7/13, between 1 – 1:15 PM (only 15 minutes) 92 vehicles.

On Sunday 7/14, between 9:45 – 10:15 AM (30 minutes) 101 vehicles

On Monday 7/15, between 9:30 – 10 AM, (30 minutes) 67 vehicles

On Wed. 7/17, between 8:45 – 9:15 AM (30 minutes), 78 vehicles

If I had known before I purchased my house that the traffic would be this high, I certainly would not have bought on South Dogwood Trail. It appeared to be a quiet side street (off of the main highway), I didn't even know that it was a thru street (or shortcut between highways).

I am very disappointed that the Ordinance to curtail thru traffic did not pass on Tuesday, it would have been a first step, along with enforcement of the speed limit. Without the Ordinance, you don't have any teeth to get the GPS/Mapquest companies to change their directions out of our neighborhood. What does our Town Government plan to do to protect it's citizens???????

Hearing no other comments Mayor Smith closed the public comment section.

**APPROVAL of MINUTES** –Recessed May 30, 2008; June 3, 2008; Recessed June 10, 2008; July 1, 2008; Recessed July 7, 2008 and Recessed July 15, 2008.

Council Member Stroud stated on the July 15 minutes, page 5, line 31 needs to be corrected to read: Chief Kole stated the average speed is 28 mph not 43 mph. Hearing no other corrections Council Member Hess moved to approve all the minutes as presented and July 15 as corrected. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Stroud voting aye; no council member voting no and Council Member Pfizenmayer absent.

**CONSENT AGENDA** -None

## **REPORTS**

### Planning Board

George Kowalski, chairman, presented the July 21, 2008 report.

[Clerk's Note: A copy of July 21, 2008 Planning Board Report is attached hereto as Exhibit A].

### Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report.

### Southern Shores Police Department

Chief Kole presented the monthly report. He also presented a traffic report giving recorded numbers of vehicles from Friday, July 18 through Monday, July 21 from NC 12, E. Dogwood Tr. and Sea Oats Tr. going north and south bound.

[Clerk's Note: A copy of the traffic report can be found on the Town's website].

### Southern Shores Civic Association

Dan Shields, Chairman, reported the crossover at Hillcrest is complete. There are some repairs being made at the wading beach. The Board is meeting tomorrow to discuss the annual volunteer picnic held in September.

### Chicahauk Property Owner's Association-None

### Canal Dredging Project

The Town Attorney read a memo from John Leidy, Attorney, dated August 4, 2008.

[Clerk's Note: A copy of the memo is attached hereto as Exhibit B].

## **OLD BUSINESS**

### Town Code-Chapter 8-Solid Waste

Merrie Smith, Executive Assistant, stated staff provided recommended changes to Chapter 8 for Council's review. She stated staff is asking Council to consider requiring additional cans for rental properties. She stated Council Member Hess provided some recommended changes and addressed some concerns to the document. She stated she answered most of the comments and emailed them to Council to be reviewed tonight.

The Town Manager supports requiring additional cans for rental properties in hopes this will eliminate garbage being placed outside of the cans.

Council Member Stroud asked how the service is paid. Merrie Smith explained the Town pays by the tonnage for trash removal and recycling is paid by per household. He stated he doesn't support this because one house could have one recycle can and another house could have three cans and the charge is the same.

Council Member Hess stated rentals pay occupancy taxes which the Town gets back.

Mayor Smith stated he supports the rentals having more cans and find a way to address the number of people that are staying in these houses.

Council Member Hess stated the ordinance was modified in 2005 but the original language included that the Town Manager may require a property owner to purchase more than the minimum number of receptacles if the Town Manager determines more are required and this language should be in there.

Council Member McDonald asked if staff could take pictures of houses with problems and send a letter to the property owner stating they need to purchase more cans. He stated he realizes this may cause a problem if there is not enough lot frontage to allow proper placement of the cans. He read from the section regarding the property owner purchases a can but the can is the property of the town.

Merrie Smith stated they are paying for the use of the can. She stated the Town buys the cans from the recycle company and then the cost is carried over to the property owner. She stated there is language that states once the trash is put in the can it belongs to the Town.

Council Member Hess asked what are we doing with the language that states roll back cans within 24-hours. She stated we had this language before and it was enforceable and fines were attached. But Council discussed this issue over and over and it was removed. It appears now the roll back cans within 24 hours is back in but with no enforcement. Merrie Smith recommended leaving it in and stated when writing a letter it helps to say the ordinance says to roll cans back.

Council Member Stroud supports leaving in the language.

Council Member Hess stated the fines are still in the General Penalty section. She asked are we taking Chapter 8 totally out of the General Penalty section. She stated she did not vote to have this removed from before.

The Town Clerk stated in the re-codification process will be addressing this also.

The Town Manager stated staff is working on a Quality of Life Initiative report and will be presented to Council in the future addressing nuisance ordinances and this item will be a part of it.

Council Member McDonald stated Council may want to wait on this if something different is going to be presented to Council.

The Town Attorney included some understanding of several sections and will work on this with staff. Council Member Hess stated she would like to see an appeal process remain to address such language as is on Page 7, line 9-b.

Council Member McDonald stated he would consider leaving in the pull the can back in 24-hour language but he doesn't support a penalty.

The Town Manager stated staff will work on this further and bring back.

#### No Through Traffic-Heavy Trucks and Buses

The Town Manager reported he is working in conjunction with the Town Attorney and staff in preparing language for an ordinance to prohibit Through Traffic of a heavy nature, e.g. trucks, trailers and buses and it should be available for the September meeting.

## NEW BUSINESS

### Resolution 2008-08-01- Going Green Plan

Mayor Smith presented and read Resolution 2008-08-01. He moved to adopt Resolution 2008-08-01 as presented. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Stroud voting aye; no council member voting no and Council Member Pfizenmayer absent.

Council Member Hess stated she has heard comments from people asking if the chipping and recycling is going to be put back year round which is helpful to the environment.

[Clerk's Note: A copy of Resolution 2008-08-01 is attached hereto as Exhibit C].

### Resolution 2008-08-02-Opposition to Proposed CAMA Oceanfront Setback Regulations for Ocean Hazard Areas

Council Member Hess read Resolution 2008-08-02.

Alvin Rountree, Code Enforcement Administrator, stated he feels that it is important for all of us in local government here on the Outer Banks to unite and stand together on all issues similar to this one regarding the introduction of stricter oceanfront setbacks. It is important that governmental bureaucracies are not given carte blanche without appropriate checks and balances. Before major impacting rule changes are arbitrarily made, there needs to be a showing of proof and cause as to why the changes are being made and how those changes are in the best interest of the citizens we all serve and to whom we are accountable.

Council Member Hess moved to adopt Resolution 2008-08-02 as presented. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Stroud voting aye; no council member voting no and Council Member Pfizenmayer absent.

[Clerk's Note: A copy of Resolution 2008-08-02 is attached hereto as Exhibit D].

### Resolution 2008-08-03-Veteran's Administration Community Based Outpatient Clinics

The Town Manager read Resolution 2008-08-03. Mayor Smith moved to adopt the resolution as presented. Council Member Stroud seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Stroud voting aye; no council member voting no and Council Member Pfizenmayer absent.

[Clerk's Note: A copy of Resolution 2008-08-03 is attached hereto as Exhibit E].

### Resolution 2008-08-04-Supporting Legislation to Reinstate Interim Plan to Open Cape Hatteras National Seashore

Council Member McDonald stated Council received a letter from Dare County Commissioner Warren Judge requesting Council consider supporting this resolution. He read Resolution 2008-08-04 and moved the resolution be adopted as presented. Council Member Hess seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Stroud voting aye; no council member voting no and Council Member Pfizenmayer absent.

[Clerk's Note: A copy of Resolution 2008-08-04 is attached hereto as Exhibit F].

## Wireless Committee Report

Larry Lawhon, Chairman, reviewed the interim Wireless Committee report.

He stated the committee has proposed seven questions to Council regarding the continuation of the committee. He stated on behalf of the committee it is asking Council consider items #1, 5 and 7 in particular. He stated item #1 asks Council if they are willing to consider creating a new ordinance permitting wireless infrastructure in residential districts, item # 5 asks Council if they are willing to pay for a professional signal analysis by an independent engineer to identify the best alternatives for improving services and item # 7 asks how will the Town inform property owners and residents of the engineering findings and engage them in reviewing alternatives and shaping final recommendations.

Mayor Smith thanked the committee for their efforts.

He stated he remembers a request from a service provider wanting to place a temporary tower to help with dropped calls.

Mr. Lawhon stated this request was not for the benefit of the Town but from a particular carrier who wanted to provide better service to the tourists, their customers.

Nancy Wendt, Committee member and Vice Chair of the Planning Board, stated it is the consensus of the committee that an analysis is needed. She stated without the data the Town has no basis to allow or deny a carrier's request for a tower. She asked Council are you ready to propose a "new" ordinance to allow the placement of towers.

Mayor Smith asked if it is known what this type of study would cost. George Kowalski, committee member, stated the Town of Kill Devil Hills paid \$20,000 and a copy of their study is available at our Town Hall.

Council Member Stroud stated he supports amending the ordinance and hiring a consultant.

Council Member McDonald stated he is concerned that allowing too locate a tower may be considered to be spot zoning and he would want legal advice before approving something.

The Town Attorney stated he has helped other local governments in drafting this type of ordinance and there shouldn't be a problem in drafting one.

Council consensus is the committee should continue and to investigate the cost for an engineering analysis and to find out how long it will take for the study.

[Clerk's Note: A copy of the Wireless Committee Report is provided on the Town's website].

## Roads Committee Report

Dave Peckens, Chairman, reviewed the final Roads Committee Report. He stated the committee devised a work list of 170 roads or segments and they were divided into six work lists. A scale of 1 (worst) to 10 (new) was used for the evaluation criteria based on the Pavement Surface Evaluation and Rating (PASER) Manual published by the Transportation Information Center at the University of Wisconsin. He stated the report provides evaluation of the town roads with eighteen streets identified and evaluated in need of extensive repair. He stated Appendix C provides a list of streets needing repairs that possibly could be done by the Public Works Department over a course of time. He stated there were no roads rated in the number 1 category. He stated the committee recommends, from the findings, three issues be addressed: (1) the sole roadway segment placed in the Very Poor category, Chicahawk Trail from Trinitie to the cul-de-sac, be reconstructed as a mater of highest priority, (2) further prioritization of the List of 18,

or the Opportunity List be left to those who are more expert in such matters, (3) the findings of the Storm Water Management Committee be given due regard in any road repair, reconstruction projects undertaken. He stated the Committee would ask Council to adopt the report and to fund the necessary money to complete the projects.

The Town Manager thanked the committee (team) for doing a great job. He stated the report has been given to The CIP Task Force. He stated an initial report will be given by the CIP Task Force at the September Council meeting.

Council Member McDonald asked how the roads report will be applied to the storm water issues. Mr. Peckens stated one area of concern is at Chicahawk Trail and the town engineer priced the road repair at \$900,000 with half of that cost being applied to storm water mitigation.

Mayor Smith stated the report shows that 90% of the Town's roads are in good shape contrary to rumors. Council thanked the committee for all their hard work.

Council Member Hess moved to adopt report as presented and the report has been submitted to the Capital Improvement Plan Task Force. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Stroud voting aye; no council member voting no and Council Member Pfizenmayer absent.

Council Member McDonald asked if Public Works is going to work on the Opportunity List in ways that they can. The Town Manager said yes.

[Clerk's Note: A copy of the Roads Committee Report is provided on the Town's website].

## **OTHER ITEMS**

### Town Manager

The Town Manager presented a Traffic Control Directive that he authorizes traffic signs be erected reading No Through Traffic and Local Traffic Only on several streets with the exception of NC12.

He provided several additional items to Council:

1. CIP Task Force is making excellent progress. Their first briefing at a Council meeting will be in September.
2. Boat Club reports excellent progress in the application of herbicide – TM maintaining contact with Environmental Consultant.
3. FSAB held their introductory meeting on July 29<sup>th</sup> and established their organizational structure – their second meeting was held on August 4<sup>th</sup> where they visited the Fire House(s) to receive a tour and an informational presentation from the SSVFD – the FSAB will hold their regularly scheduled weekly meetings on Wednesdays @ 9 a.m. in the Pitts Center.
4. Community volunteer Tom Bennett has agreed to assist the TM and TOSS by offering his services to conduct an introductory in-service training program for the employees of our PW department in the areas of horticulture and landscape design.
5. Progress is continuing for College of the Albemarle (COA) to offer Professional Development and Personal Enrichment courses @ TOSS. TM was recently certified by the North Carolina Office of Emergency Management to offer the following NIMS classes: 100, 200, 300, 400, 700, and 800. NIMS training for area police is being scheduled for September and October pending arrival of instructional materials from COA.

[Clerk's Note: A copy of the Traffic Control Directive is attached hereto as Exhibit G.]

Town Attorney-None

Mayor Smith announced that Ben Gallop and his wife are expecting their first child this week and wished them the best.

Mayor

Mayor Smith stated there will be no August 26 Council Meeting. He stated the Mayor's Chat will resume in September.

Council-None

**PUBLIC COMMENT-None**

**COUNCIL COMMENT-None**

Hearing no other business Mayor Smith moved at 9:25 p.m. to go into closed session pursuant to NCGS 143. 318.11(a) (3) and (6) to discuss a personnel issue and to discuss with the attorney a legal issue. Council Member Hess seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Stroud voting aye; no council member voting no and Council Member Pfizenmayer absent.

Mayor Smith moved to go out of closed session, return to open session and hearing no other business moved to adjourn at 10:10 p.m. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Stroud voting aye; no council member voting no and Council Member and Pfizenmayer absent.

ATTEST

  
Don Smith, Mayor

Respectfully submitted:

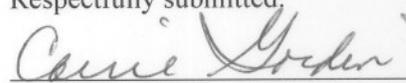
  
Carrie Gordin, Town Clerk

Exhibit A

**To:** Southern Shores Town Council  
**CC:** Town Manager  
**From:** George Kowalski, Chairman, Planning Board  
**Date:** 7/27/08  
**Re:** Recap, Planning Board Meeting of July 21, 2008

**Planning Board recommended actions for the Town Council:**

1. **Accept the reports given by to the Planning Board from the Wireless Committee and the Roads and Streets Committee.**

**Organization:** Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members George Kowalski, Nancy Wendt, Dave Peckens, Mike Florez, Alternate Bob Palombo, and ETJ Representative Ed Overton were present. Jay Russell and Alternate Sam Williams were absent with excuse. Also in attendance were Executive Assistant Merrie Smith and Code Enforcement Administrator Alvin Rountree.

**Approval of Agenda:** Agenda was approved.

**Approval of Minutes:** The June meeting minutes were approved.

**Public Comment:** There was no public comment.

**Committee Reports:**

- The **Hazard Mitigation Plan Committee:** The next meeting will be held on July 23, 2008.
- The **Land Use Plan/Steering Committee:** The plan is currently being worked on.
- The **Wireless Committee:** The interim report was presented to the Planning Board by committee chairman Larry Lawhon. The Planning Board voted unanimously to accept the report and pass it on to the Council for review. The chairman of the committee will present the committee's findings to the Council.
- The **Roads/Streets Committee:** The final report of this committee was presented by chairman Dave Peckens. The Planning Board voted unanimously to accept the report and pass it on to the Council for review. The chairman of the committee will present the committee's findings to the Council.

**Applications:**

**None**

## Other Business

### Old Business:

None

### New Business:

None

### Other Items:

1. Planning Board Member Concerns: None
2. Chairman Concerns: none
3. Code Enforcement Administrator:
  - a. Asked the Board if a formal application would be necessary for the erection of several permanent structures on the Kitty Hawk Elementary School grounds. These structures would be constructed of lumber, would have walls and rafters but no roofs and would function as shade for the spectators. The Board agreed unanimously that a formal application would be required and it would need approval.
  - b. The status of the Cove was questioned and Mr. Rountree reported that they were still awaiting permits and the land transfer had, as of yet, not been accomplished. When asked whether or not the rumors were true that the Cove site may be used as a canal dredging spoils site, he said that this had been under discussion with the future owners.

### Announcements:

Next regular meeting: Monday, August 18, 2008, 7:00 PM, in the Pitts Center

**Adjournment:** Upon motion, the Planning Board meeting adjourned.

### Exhibit B

### MEMORANDUM

TO: Charles B. Read, Jr., Town Manager

FROM: John D. Leidy

DATE: September 3, 2008

RE: August Status Report – Canal Dredging Project

- The Office of Administrative Hearings has scheduled both the CAMA and the

DWQ cases to be heard during the week of September 15, 2008.

- The scheduling of a multi party settlement conference has been discussed with Senator Basnight's office. To date, no agreement has been reached with regard to dates or format.
- The Department of Environment and Natural Resources advised us that they will not honor their agreement to allow litigation and other appeal expenses to be paid from the grant funds. We are in negotiations with them to rectify this change in their position.

**To Be Done In August**

- We will receive the respondents' responses to our discovery.
- A mediated settlement conference will probably be conducted by the end of the month. It remains to be seen whether the settlement conference will take the form of multi party talks with various agencies or a standard mediated settlement conference where the Town will negotiate directly with each of the two respondent agencies.

**Exhibit C**

Resolution #2008-08-01

**RESOLUTION OF THE SOUTHERN SHORES TOWN COUNCIL IN SUPPORT OF  
NCLM GREEN CHALLENGE**

WHEREAS, the Town of Southern Shores wants to emphasize the benefits of energy conservation and conservation of other natural resources such as water; and

WHEREAS, the Town of Southern Shores wants to demonstrate that conservation practices can be applied to the daily operations of municipal government and to infrastructure projects; and

WHEREAS, the Town of Southern Shores seeks to find methods of service delivery and operations that conserve energy and resources, thus saving taxpayer dollars and protecting and preserving the environment; and

WHEREAS, sound conservation practices can reduce government costs over the long-term; and

WHEREAS, this government would lead by example to show the practicality and effectiveness of conservation practices; and

WHEREAS, the Town of Southern Shores seeks to encourage its citizens and its businesses to be stewards of the environment.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Southern Shores accepts the NCLM Green Challenge and pledges to work toward achieving the various levels of the challenge, indicating measures accomplished to save energy and other natural resources over the next three years.

Approved this 5<sup>th</sup> day of August 2008.

\_\_\_\_\_  
Don Smith, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Resolution in Opposition to the  
Proposed CAMA Oceanfront Setback Regulations  
15A NCAC 07H. 0306 General Use Standards for Ocean Hazard Areas

WHEREAS, the Town of Southern Shores is a coastal community in Dare County, one of the twenty coastal counties in the State of North Carolina; and

WHEREAS, the Coastal Resources Commission (CRC) was created by the North Carolina General Assembly in 1974 when the Coastal Area Management Act (CAMA) was adopted; and

WHEREAS, the purposes of the CRC include establishing policies for the North Carolina Coastal Management Program, adopting and implementing rules for CAMA which balance economic growth and development in areas of environmental concern and adopting rules and polices for coastal development within those areas; and

WHEREAS, the CRC is presently considering rule changes to CAMA Oceanfront Setback Regulations 15A NCAC 07H. 0306 General Use Standards for Ocean Hazard Areas; and

WHEREAS, as proposed these rule changes will have the effect of increasing oceanfront setbacks on a sliding scale based on building size and annual erosion rates that will require increased setback requirements for larger single-family dwellings and multi-family projects currently allowed in Southern Shores and thus render such projects unbuildable; and

WHEREAS, application of the proposed rule requirements would have a tremendously negative impact on the Town's ad valorem property tax base by causing such structures to be non-compliant with CAMA rules and regulations; and

WHEREAS, the proposed new rules limit options for redevelopment and may reduce the size and value of new structures; and

WHEREAS, construction methods and standards in place today are more stringent and result in stronger, more resistant structures that are better able to endure and withstand oceanfront conditions; and

WHEREAS, there is a lack of scientific evidence to show effectiveness of increased setbacks based on a structure's floor area, as proposed in these rule changes; and

WHEREAS, wind and snow load requirements are based on 30-50 year events while flood plain management requirements are based on 100 year events and therefore the proposed setbacks constitute regulating to a higher standard than other codes;

NOW, THEREFORE, BE IT RESOLVED that the Southern Shores Town Council hereby opposes the proposed CAMA Oceanfront Setback Regulations 15A NCAC 07H. 0306 General Use Standards for Ocean Hazard Areas and requests the CRC not approve the rule changes as proposed; and

BE IT FURTHER RESOLVED that the Southern Shores Town Council requests the CRC discontinue further consideration of the subject rule revisions.

This the 5<sup>th</sup> day of August 2008.

SEAL

\_\_\_\_\_  
Don Smith, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Exhibit E

Resolution 2008-08-03

**Resolution Supporting a Veteran's Administration Community Based Outpatient Clinic**

**WHEREAS**, this Country honors our service men and women for their courage and dedication to keeping us safe and free; and

**WHEREAS**, our service members put their lives on the line during their tour of duty and are entitled to medical care following that duty; and

**WHEREAS**, statistics say there are approximately 23.8 million living veterans, 60% of the nation's veterans live in urban areas; and

**WHEREAS**, in 2007 the median age of all living veterans was 60 years old; and

**WHEREAS**, many veterans reside in Southern Shores, Dare County, and eastern North Carolina; and  
**WHEREAS**, many veterans depend on the Veteran's Administration to provide medical facilities to meet their needs; and

**WHEREAS**, it is found that the closest veteran's hospitals found in this area are in Hampton, Virginia and Durham, North Carolina; and

**WHEREAS**, it is found there are six Community Based Outpatient Clinics in North Carolina with the closest clinic found in Greenville; and

**WHEREAS**, the Veteran's Administration has announced plans to open 38 new clinics with none of the proposed sites located in North Carolina; and

**WHEREAS**, there is a serious need for improvement in medical services for veterans who reside in Dare County and the surrounding area; and

**WHEREAS**, with the uncertainty of today's economy and the impact it is having on all of us; and

**WHEREAS**, it is unacceptable that our veterans should travel more than two hours in most cases to receive medical treatment.

**THEREFORE BE IT RESOLVED** that the Town of Southern Shores Town Council urges the Secretary of Veteran's Affairs to review the number of outpatient clinics in the state and support funding for the establishment of a Veteran's Community Based Outpatient Clinic in Dare County to efficiently serve the needs of veterans residing in eastern North Carolina.

Adopted this 5<sup>th</sup> day August 2008.

S E A L

\_\_\_\_\_  
Don Smith, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Exhibit F

Resolution #2008-08-04

RESOLUTION SUPPORTING S 3113 AND HR 6233  
TO REINSTATE THE INTERIM MANAGEMENT STRATEGY  
GOVERNING ORV USE IN THE CAPE HATTERAS NATIONAL SEASHORE

**WHEREAS**, The Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937; and

**WHEREAS**, at the time of its creation and thereafter, residents and visitors to the CHNSRA were assured that there would always be access to the beaches by residents and visitors alike and residents and visitors have enjoyed that access until enjoined from significant areas of the beaches by court order in April of 2008; and

**WHEREAS**, in December of 2007 in an effort to develop a plan to balance the public use of the CHNSRA with the need to protect the natural resources of the CHNSRA, the Secretary of the Interior implemented a negotiated rulemaking committee consisting of thirty different stake holders in the CHNSRA, with members representing various interests including, among others, property owners, environmental groups, fishermen, homeowners associations, business people, local governments, and tourist officials; and

**WHEREAS**, in July of 2007, the National Park Service (NPS), with the approval of the US Fish and Wildlife Service, adopted an Interim Protected Species Management Plan (Interim Plan) to protect the natural resources of the CHNSRA while still providing for public access to the popular and traditionally used beaches of the CHNSRA; and

**WHEREAS**, in July of 2007 a Finding Of No Significant Impact (FONSI) for the Interim Plan was issued determining that the Interim Plan would have no significant environmental impact on the bird, turtle and plant species of the CHNSRA; and

**WHEREAS**, the Interim Plan was intended to serve until the negotiated rulemaking was complete and a final management plan could be implemented by the NPS; and

**WHEREAS**, in October 2007, environmental groups, who are active participants in the negotiated rule making process, filed suit in US Federal Court seeking to enjoin off road vehicle access to large areas of the CHNSRA, which included the most popular and most traditionally used areas of the CHNSRA, until the negotiated rulemaking was complete; and

**WHEREAS**, in April of 2008, a Consent Order was issued by the US Federal District Court, modifying the Interim Plan and resulting in the closure to the public of large areas of the CHNSRA, including the most popular and traditionally used beaches in the CHNSRA; and

**WHEREAS**, as set forth in the FONSI, the Interim Plan allowed public use of these traditional and popular beaches while providing adequate protection to the bird, turtle and plant species of the CHNSRA and was generally accepted by the local citizens and visitors to the CHNSRA; and

**WHEREAS**, the April 2008 Court Order has resulted in unprecedented closures of the beaches of the CHNSRA, has created significant economic harm to the businesses of Nags Head, Hatteras Island and to the Dare County economy, resulting in significant levels of discontent among the local population, visitors to CHNSRA, and others who have previously enjoyed access to the beaches of CHNSRA; and

**WHEREAS**, the Southern Shores Town Council, on behalf of the people of Dare County and the visitors to the CHNSRA, request that in order to restore the public's right of access to the beaches of CHNSRA, Congress intervene immediately.

**NOW THEREFORE BE IT RESOLVED** that the Southern Shores Town Council, at its August 5, 2008 regular meeting, unanimously approved this resolution supporting the adoption of S 3113 and HR 6233 to reinstate the interim management strategy at the Cape Hatteras National Seashore until the National Park Service issues a special regulation and long term off-road management plan for use of the Cape Hatteras National Seashore by the public.

Approved this 5<sup>th</sup> day of August 2008

\_\_\_\_\_  
Don Smith, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Exhibit G

TRAFFIC CONTROL DIRECTIVE

JULY 18, 2008

WHEREAS, traffic-control devices of a limited regulatory nature may be approved by the Town Manager pursuant to Article III, Section 5-58(a) of the Southern Shores Town Code; and

WHEREAS, the residential streets of the Town of Southern Shores were designed and constructed to handle a limited volume of light gross weight vehicles and local traffic only; and

WHEREAS, the residential streets of Southern Shores were not designed or constructed to handle the increasing volume of traffic and that such traffic will cause early deterioration of the roadway, increased maintenance costs to the Town, and inconvenience to Town citizens.

NOW, THEREFORE, pursuant to Article III, Section 5-58(a) of the Southern Shores Town Code, the Town Manager hereby approves and directs the erection of NO THROUGH TRAFFIC signs on and about the several streets of Southern Shores with the exception of NC Route 12, known locally as Duck Road.

This the \_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Charles B. Read, Jr., Town Manager