



Town of Southern Shores

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Town of Southern Shores

Council Meeting

March 3, 2009

7:00 p.m.-Pitts Center

The Southern Shores Town Council met on March 3, 2009 at the Pitts Center.

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

Mayor Smith announced the Town Manager is away at the School of Government.

Also present were: 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 Tom Kingsley, long time resident and for our troops serving around the world.

APPROVAL OF AGENDA

Mayor Smith moved to amend the agenda to place Item VIII. C. Hickory Trail Road Improvement Project Contract to follow the Consent Agenda. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

CERTIFICATE OF APPRECIATION

Mayor Smith presented Dave Peckens a Certificate of Appreciation for his volunteer service on the Planning Board and as chairman of the Roads Committee.

PUBLIC COMMENT

Mayor Smith opened Public Comment.

Geri Sullivan, 31-10th Avenue, addressed Council by requesting they approve sending a letter to Senator Basnight asking him to not back track on transferring millions of dollars from the Highway Trust Fund and putting it into the General Fund and that he prevent any further funding or construction delays. She stated this could cause a delay in the start-up plans for new turnpike projects such as the Mid-Currituck Sound Bridge (MCSB). She stated the Director of the Turnpike Authority has indicated that withholding the transfer of \$39 million dollars will prevent the state from starting the \$1.4 billion toll road projects, which includes the MCSB. She presented a draft letter for Council's review.

Hearing no other comments Mayor Smith closed public comment.

APPROVAL OF MINUTES- February 3, 2009

Council Member Hess moved to approve the February 3, 2009 minutes as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

CONSENT AGENDA-None

Hickory Trail Road Improvement Project Contract

Mayor Smith called upon Joe Anlauf, Town Engineer, to give update on the Hickory Trail Road Improvement Project Contract.

J. Anlauf reported the town used an informal bidding process and two bids were received. He explained if a formal bidding process was used we would have needed three bids. He stated RPC Contracting, Inc. bid \$148,100 and Barnhill Contracting bid \$176,677. He stated that a bid package was sent to Arrow Asphalt, a Division of W.F. Christie, Inc. but they did not submit a bid. He stated the CIP and engineering estimates for this project were higher due to the cost of liquid asphalt at the time the CIP was put together. He stated the bids are under what was estimated and this would allow the possibility for other projects to be done. He requested Council award the contract bid to the lowest bidder.

The Town Attorney stated the Town Manager has asked Council that he be allowed to award the contract after he has done due diligence on the bids.

J. Anlauf stated the contractor has a 10-day period to submit certain required documents before the contract can be awarded and the project is expected to be completed by the end of this fiscal year. He stated once ground breaking has started they have 60 days to complete the project.

Council Member McDonald moved to authorize the Town Manager to award the contract upon his completion of due diligence. Council Member Stroud seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Council Member Hess stated in the past Council has awarded the bid and asked why we are not awarding the bid now.

The Town Attorney stated the Town Manager wanted to look at certain aspects before the bid is awarded.

Mayor Smith called for the vote. The motion passed with Mayor Smith, Council Members McDonald, Stroud and Pfizenmayer voting aye; Council Member Hess voting no and no Council Member absent.

J. Anlauf reported on other current projects. He stated easements are needed at Chicahawk to mitigate storm water issues, easements are needed but they have not been signed off by the property owners for E. Holly Trail cul-de-sac improvements, Juniper Trail Multi-Use Path has not started yet, GET Solutions are testing the asphalt rejuvenation project and all projects have come under budget.

REPORTS

Planning Board

Jay Russell, Vice Chairman, presented the February 17, 2009 recap.

Council addressed Planning Board requests at their February 24 meeting.

[Clerk's Note: A copy of the February 17, 2009 recap is hereby attached as Exhibit A].

Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report.

Police Department

Chief Kole presented the monthly report. He also provided pictures of some unconventional looking guns and stated how difficult it is for officers to protect themselves and others. One gun looked like a cell phone and the other was a water-soaker (large water gun) that was modified to hold a 12ga. shot gun.

Mayor Smith thanked Chief Kole and officers for participating in the reading program at Kitty Hawk Elementary School, which he too participated in.

Southern Shores Civic Association (SSCA)

Leo Holland, Vice Chairman, reported the SSCA web site is up and running, ssaobx.org. He stated the trash cans at the Hillcrest Beach parking lot has been removed until the season starts. He stated since the town removed the cans at Public Works people were abusing the use of their cans. He stated the membership dues letters have been mailed. Also a Kill Devil Hills Police Officer will be the guest speaker at their General Meeting on Monday.

Chicahauk Property Owners Association (CPOA)

Marianna Landrum, representative, stated their General Membership meeting will be held on March 21 at 10:00 a.m. in the Pitts Center. She asked Council if they have a time frame for starting the road work on Chicahauk Trail. Council Member McDonalds stated not until next year.

Canal Dredging Project Update

The Town Attorney gave a brief update submitted in writing by John Leidy, attorney, stating the review and permitting process at the State level is nearly completed but once this is completed review and approval by the Federal agencies will be needed. The counsel for DCM has informed Mr. Leidy they are working on the draft permit but before it can be issued certain conditions have to be met, including the dismissal of the pending appeal. The appeal cannot be dismissed until we know that a satisfactory permit will be issued. The immediate concern is to start the review process with the Army Corps of Engineering and CAMA is to call the Corps to let them know that a permit will be issued so they can begin their review process. Mr. Leidy has asked CAMA to communicate with the Corps by letter so there will be something for the record but he hasn't received an answer. George Wood has also talked with the Corps and ahs been assured they can begin the review process and will limit to that to National Marine Fisheries (NMF) to see if the reductions from the modified plan satisfy NMF. If they are satisfied they can issue quickly if not further review will be necessary.

Council Member McDonald asked if CAMA will give a written approval that the hearing will be dismissed. The Town Attorney stated there is an oral agreement.

OLD BUSINESS

Board of Adjustment Appointment (BOA)

Mayor Smith stated with the resignation of Pat Storey from the BOA vacancies need to be filled. Claire Sutton, alternate has agreed to move up as a regular member from an alternate. Staff provided three

resumes (Joseph Buckley, Charles Toney and David Peckens) for Council's consideration for an alternate member appointment and requests Council appoint C. Sutton as a regular member.

Upon Council's review of the resumes they agreed there isn't a good way to make a selection. Council Member McDonald stated that Nancy Wendt, Planning Board chairman, has submitted to Council for consideration a process in dealing with this issue.

Council Member Hess stated it is the responsibility of Council to make the appointments.

Council Member Stroud asked if the BOA members should look at the resumes and make a recommendation to Council on the appointment.

Council Member Hess moved to appoint Claire Sutton as a regular member to the BOA. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Council Member Hess moved to appoint David Peckens as an alternate to the BOA. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

NEW BUSINESS

Resolution 2009-03-01-Retiree Insurance Coverage

Bonnie Swain, Finance Officer, submitted Resolution 2009-03-01-Retiree Insurance Coverage to Council stating the Town's health insurance company requires a resolution along with our Retiree Insurance Policy to cover retirees on our health plan.

Due to Mayor Smith's wife being an employee with the Town he was excused from the discussion and vote on this issue.

Council Member Hess moved to excuse Mayor Smith from the discussion and vote on consideration of Resolution 2009-03-01. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Council Member Hess moved to adopt Resolution 2009-03-01 as presented. Council Member Pfizenmayer seconded. The motion passed with Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; Mayor Smith excused from the vote, no council member voting no and no Council Member absent.

The town clerk is to verify the effective date with the finance officer since it reads differently than the date approved.

[Clerk's Note: A copy of Resolution 2009-03-01-Retiree Insurance Coverage is hereby attached as Exhibit B].

Resolution 2009-03-02-Supporting the Creation of an Insurance Commission

Mayor Smith stated the County forwarded a resolution addressing the recent insurance rate increases for wind and hail to property owners and in particular the coastal region.

Mayor Smith read the resolution and moved to approve Resolution 2009-03-02 as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald,

Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

[Clerk's Note: A copy of Resolution 2009-03-02-Supporting the Creation of an Insurance Commission Coverage is hereby attached as Exhibit C].

OTHER

Town Manager-None

Town Attorney

The Town Attorney requested Council go into closed session under NCGS 143.318.11 (a) (3) to discuss litigation between Elwang and the Town.

Council

Council Member Hess stated the Government Access Channel Committee approved their budget and the Town's expenses for their participation for the use of Channel 20 will need to be approved at the March workshop.

Council Member McDonald asked the Town Attorney if all the paper work regarding the contract with SSVFD and Town is complete. The Town Attorney stated yes.

PUBLIC COMMENT

Mayor Smith opened the public comment.

Hal Denny, 85 Poteskeet Trail, congratulated Council on coming to an agreement with the fire department. He thanked Council Member McDonald for taking the leadership role on the negotiation process. He stated it shows his dedication to the town that he took his time away from work. He stated Council Member Hess volunteered to give her Council compensation to the 30th Anniversary and if the other Council Members would do the same it would return the town to true volunteers. He stated the Town Manager is not present tonight because he is away at school learning to be a town manager. He asked why the tax payers are paying a \$100,000 for someone to go school to learn how to do his job.

Mike Zona, 31-10th Avenue, suggested Council allow the Board of Adjustment (BOA) members to talk to applicants before Council makes a selection.

Council Member Stroud responded by saying he supports this and for the future it is important. He stated who better than the BOA to make a recommendation to Council for an appointment.

Mayor Smith agreed and stated Nancy Wendt's recommendations seem to be a good idea.

Council Member Hess stated Council and the Planning Board should discuss this issue at the joint meeting to be held on June 1.

Mayor Smith stated the School of Government course that the Town Manager is currently attending is for all positions in local government to attend and the subject matter covers the whole local government process not just to be a town manager.

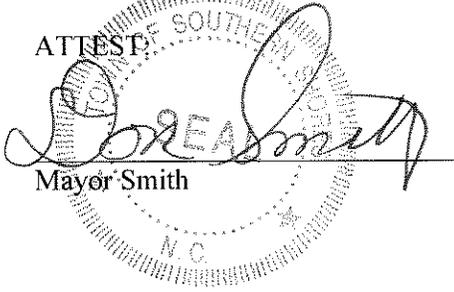
Hearing no other comments Mayor Smith closed the public comment.

Hearing no other regular business Mayor Smith moved to go into closed session pursuant to NCGS 143.318.11 (a) (3) to consult with the attorney regarding the litigation between Elwang and the Town and (6) a personnel matter. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Council Member McDonald moved to go into open session with no action taken. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

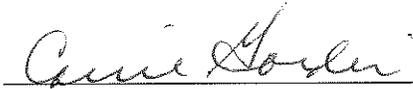
Hearing no other business Council Member McDonald moved to adjourn at 8:32 p.m. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

ATTEST:



Mayor Smith

Respectfully submitted:



Carrie Gordin, Town Clerk

Exhibit A

To: Southern Shores Town Council

Copies: Town Manager (Charlie Read)
Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith)
Planning Board (Mike Florez, Bob Palombo, Jay Russell, Nancy Wendt,
Sam Williams and ETJ Rep, Ed Overton)

From: Nancy Wendt, Planning Board Chair

Date: February 18, 2009

Re: Recap, Planning Board Meeting of February 17, 2009

Attach: LDA 090120 Davco Electric
Transportation Project SOW
Milestone Tracker

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL:

1. **APPROVE LDA 090120** – This is an application to reconfigure one unit in the Sandy Ridge Shopping Center from retail space to a 12 seat pizza restaurant. The adjacent properties are a large undeveloped parcel to the rear and west of the shopping center and Goodwill to the east.

The proposed use is consistent with the Town Ordinance, land use and LR Plans for Southern Shores. The Planning Board and Code Enforcement both recommend approval of this application.

2. **SCHEDULE ANNUAL JOINT TOWN COUNCIL / PLANNING BOARD MEETING** – The Planning Board and Planning Advisory Group propose this meeting for June 1, 2009 from 7pm to 9pm at the Pitts Center. The purpose of this meeting would be 1) to review the state of planning, land use and permit application activity, 2) provide an interim checkpoint on Planning Advisory Committee (PAG) projects and deliverables, and 3) discuss issues, opportunities and priorities to be addressed during the second half of 2009.

MEETING RECAP

- I. **CALL TO ORDER:** Chairperson Wendt called the meeting to order at 7:00pm. Planning Board Members Nancy Wendt, Jay Russell, Mike Florez, Bob Palombo and Sam Williams, alternate member Bill Gleason and ETJ Representative Ed Overton were present. Dave Peckens has resigned from the Board for health reasons and 1st alternate Sam Williams has moved up to a seated position on the Board. Also in attendance were Executive Assistant Merrie Smith and Code Enforcement staff members Alvin Rountree and Pat Forrester.
- II. **APPROVAL OF AGENDA:** Bob Palombo motioned to approve the agenda. Mike Florez seconded the motion. The motion passed unanimously.

III. APPROVAL OF MINUTES:

Sam Williams motioned to approve the Minutes from January 20, 2009. Jay Russell seconded the motion. The motion passed unanimously.

IV. PUBLIC COMMENT:

None

V. PERMIT APPLICATIONS

1. LDA #090115 Pledger Palace

Patricia Pledger, applicant, and Mike Robinson, engineer of record, presented the proposed change of use for this property from a retail store (formerly OBX Appliance) to a day care center for 100 children operated by a full time staff of 12.

The applicant plans to manage the drop off and pick up of children in shifts. For example, parents will be given specific drop off times in the morning between 6:30am and 10:00am. Pick ups at the end of the day will also be spread out so that they do not all occur at the same time. The applicant expects this will result in 5 to 10 cars coming or going per half hour on average.

Alvin Rountree presented the summary of facts for Code Enforcement. He observed that the application is incomplete at this time and the applicant has been advised regarding the outstanding items.

The following checklist reflects the current status of the application elements that need to be completed before the proposed site plan shall be acted on by the Planning Board.

- Ownership – The applicant needs to acquire the property in order to proceed with the permit application. The applicant currently has a contract to purchase the property.
- Dept of Human Services (Day Care License) – the applicant has obtained a preliminary license approval.
- Dept of Health – the applicant has obtained a preliminary approval contingent on recommended changes and upgrades to the waste water / septic system.
- Dept of Transportation – the applicant needs to review the proposed use and potential traffic impacts with DOT.
- Fire Inspector and SSVFD – the Fire Inspector has reviewed the application for fire code compliance. The applicant needs to review the plan with the SSVFD.
- Security Lighting – the applicant needs to provide a lighting plan
- Landscaping – the applicant needs to provide a landscaping plan that reflects changes and improvements to the vegetative buffers.

Chairperson Wendt reminded the Planning Board members that their objective in reviewing this application is to understand the potential impact the proposed conditional use will have on adjacent property owners and on Southern Shores and to ensure that the applicant provides evidence that appropriate actions will be taken to fully comply with all mitigating conditions that apply to this use.

Mitigating Conditions – current status is as follows:

- Transportation and Transportation Systems – the applicant needs to review the proposed plan with NC DOT. The proposed day care center could have a significant impact on adjacent property owners and the town in terms of the added traffic volume on the service road and at the intersection of the service road and R 158. Several Planning Board members raised concerns about this increased traffic

volume. The applicant's plan to manage drop offs and pick ups in shifts will help to mitigate this impact. When the application is completed the Planning Board will revisit this condition with the applicant.

- Stormwater – the original use on this lot addressed stormwater management issues. The changes proposed by the applicant do not appear to create the need for any additional mitigating conditions.
- Landscaping – the applicant is planning to improve the vegetative buffers. These improvements need to be presented in a landscaping plan.
- Noise – Use of the outdoor play areas will be managed in shifts so that no more than half of the children (up to 50 children) will be in the outdoor play area at any given time. Outdoor play shifts will run from 10am to noon and from 3:15pm to 5:30pm in the winter and 7:30pm in the summer.
- Hours of Operation – the center will operate Monday through Saturday from 6:30am to midnight.
- Other – no other mitigating conditions have been requested at this time.

The next steps for this application are for the applicant to address the incomplete items listed above before returning to the Planning Board. Chairperson Wendt suggested that the applicant prepare a short letter to describe how the center will operate and what steps the applicant will take to ensure that potential impacts on adjacent property owners will be mitigated.

2. LDA #090120 Davco Electric, Inc.

Daniel Peck, owner of the proposed restaurant, and Mike Davenport, applicant and owner of the building, presented the proposed change of use from retail space to a 12 seat pizza restaurant to the Planning Board.

Alvin Rountree reported that the application is complete and meets all the requirements for the proposed conditional use. Pat Forrester clarified that the proposed restaurant had been reviewed by the building inspector and meets the square foot requirement for building permit. The percentages for a restaurant 20% for food preparation, 75% of all customer seats designated for full-service, full-menu, dining and no more than 15% for accessory uses such as entertainment, which is not applicable to this application. Code Enforcement recommends approval.

The applicant provided the Planning Board with the required engineer sealed copy of the plan. After a brief discussion of the standard conditions which are required for this use, a motion to recommend approval was made by Mike Florez. The motion was seconded by Sam Williams. The motion passed unanimously.

The proposed use and therefore this recommendation for the Town Council to approve LDA #090120 with standard conditions is fully consistent with the town's existing land use and LR comprehensive plans for conditional uses in the Conservation I district.

VI. OTHER BUSINESS – OLD

- 1. Proposed Ordinance No. 2008-10-01pb Non-Conforming Side Yard Setbacks –**
A public hearing on this proposed ordinance was held on February 3, 2009. Following the hearing the Town Council voted unanimously to approve this ordinance.
- 2. Proposed Text Amendment Change Height Calculation Formula –** Pat Forrester reported that Code Enforcement has put this ordinance on hold until April or later.

VII. OTHER BUSINESS – NEW

1. **Transportation Team Statement-of-Work (SOW)** – Bob Palombo, team leader, presented the SOW. The Planning Advisory Committee accepted the SOW and it will be transmitted to the Town Council. (See Attached.)
2. **Planning Advisory Group (PAG) Meeting Schedule** – Nancy Wendt reported that the PAG has established the 1st Monday of the month from 7pm to 9pm as their regular meeting time. These monthly meetings will be used for either public workshops on planning topics or for PAG working sessions. These meetings will begin in April. Planned topics are as follows:
 - **April 6, 2009 – LR Transportation Plan Public Workshop.** The objectives of this workshop are to:
 - ~ Present the Transportation project team’s preliminary findings regarding traffic measurement data and traffic issues
 - ~ Discuss the project team’s preliminary recommendations regarding road classifications and a transportation system approach
 - ~ Answer questions and to listen to public comments and concerns.
 - **May 4, 2009 – LR Wireless Communications Plan Public Workshop.** The objectives of this workshop are to:
 - ~ Present the Wireless Committee’s preliminary findings regarding cellular signal coverage within Southern Shores.
 - ~ Discuss the project team’s preliminary recommendations regarding proposed ordinance changes that would encourage tower companies and carriers to consider investing in new wireless facilities that would improve the quality and range of signal coverage throughout Southern Shores.
 - ~ Answer questions and to listen to stakeholder and public comments and concerns.
 - **June 1, 2009 – Annual Joint Town Council and Planning Board meeting.** The objectives of this workshop are to:
 - ~ Review the state of planning, land use and permit application activity in Southern Shores
 - ~ Complete an interim checkpoint on Planning Advisory Committee (PAG) projects and deliverables
 - ~ Discuss issues, opportunities and priorities to be addressed during the second half of 2009.
3. **Open Meetings Compliance** – Nancy Wendt distributed Ben Gallop’s email response regarding the adequacy of PAG’s current practices for complying with NC open meetings law and Southern Shores open meetings policy. Ben Gallop believes that the Planning Board and the PAG are “doing pretty well” with the following guidelines and does not see the need for any changes.
 - Regularly scheduled meetings (1st Monday of the month for PAG Meetings / Workshops and 3rd Monday of the month for Planning Board meetings) are published in advance.
 - A minimum of 48 hours notice is provided for all “special meetings” (this requirement applies to all project team and Committee “working sessions”)

- All meetings are open to the public with the opportunity for Public Comment permitted as follows:
 - ~ No public comment at project team “working sessions”
 - ~ Open dialog and discussion at all public outreach workshops
 - ~ Public comments limited to 3 minutes per person at regularly scheduled monthly meetings of the Planning Board and the Planning Advisory Meeting.
 - ~ Written minutes summarizing discussions, decisions and supporting logic are published, kept on file in the Town Offices and made available to anyone who requests them.
- Copies of Statements-of-Work and other key documents for each project and each Committee are kept on file in the Town Offices and made available to anyone who requests them.

VIII. PAG COMMITTEES AND PROJECTS

1. **ACTIVE CAMA Land Use Plan** (S. Williams) – For discussion purposes, the required update of the CAMA Land Use Plan (LUP) can be divided into two phases. Phase I consists of data gathering, writing the first draft of the plan and submitting the draft LUP to the State for its review. Phase I has been completed.

2.

Phase II of the CAMA Land Use Plan (LUP) update started with the receipt of the State’s comments on the August 2008 draft of Southern Shores’ LUP. Several Phase II efforts have been completed. Among these are:

- Meeting with a State representative to clarify some of the State’s comments on the LUP
- Close-out of the CAMA LUP grant
- Approval of the proposed approach for the Phase II updating of the Southern Shores’ CAMA LUP by both the Planning Board and Town Council.

The approach for completing the LUP update includes: responding to the State’s comments on the August 2008 draft plan, limiting the update to CAMA required information, including only Southern Shores’ related information, reviewing/revising selected sections (e.g., the vision, goals, policies and actions) of the plan, providing additional opportunities for community input, and working with the State as we proceed to minimize any problems that might occur down the line.

Current CAMA LUP update efforts focus on:

- Preparation and review of responses to the State’s comments on the August 2008 draft LUP
- Preparation for review/revision of the vision statement, and the policies and actions. The Steering Committee and public will be involved in these efforts.

The next draft of the LUP is expected to be completed in mid-April. The LUP Steering Committee, Planning Board, Town Council and the public will have about a month to review and approve this LUP draft before it is sent to the State for its next review. A workshop to give an overview of the revised draft LUP and an opportunity to provide initial comments on the draft LUP has been scheduled near the beginning of the review process. The workshop has been scheduled for April 21, 2009, from 1:00 until 4:00.

3. **ACTIVE LR Comprehensive Planning** (M. Florez) - The task list for this project has been added to the milestone tracker with dates assigned to each task for start and completion (see attached).

Regarding the first deliverable, a summary of land use vision statements from existing LR Plans, the 2005 Long Range Plan has been reviewed for land use elements and a draft summary is in progress. Other plans will be added to the summary as they are reviewed.

Creation of a "Criteria for Consistency" tool for reviewing Planning Board recommendations and Town Council decisions that affect land use and zoning has begun. A first cut will be available for Planning Board review at the March 16th meeting.

Work on the other key deliverable, a "Model" LR Plan template and guidelines will begin in March.

4. **ACTIVE LR Transportation Plan** (B. Palombo) - Two meetings of the P.A.G. Transportation Project have been held at this point. The focus of the project is to propose a comprehensive LR Transportation Plan for Southern Shores. This plan will include strategies to address transportation issues including, but not limited to: the safety of pedestrian and vehicle movement throughout TOSS, road maintenance and improvement, traffic calming devices, storm water retention solutions, and multi-use paths and sidewalks.

In an effort to reflect the wishes of all Southern Shores residents and property owners, this project will conduct information sessions as part of the overall Planning Advisory Group. The first information session will be held April 6, 2009 from 7pm to 9pm to review cut-through traffic management.

The Transportation Project will present its findings to the Council no later than June 2009. Based upon Council's acceptance/rejection of the approaches recommended, additional projects will move forward on specific transportation issues. The original Transportation Project will conclude its work once the Council has been presented with the June report.

5. **INACTIVE Roads/Streets Evaluation Committee:** (D. Peckens)
Bill Gleason reported that the Kingfisher / Soundview Trail project is done, the bid on Juniper Trail came in lower than estimated in the CIP and the Hickory Trail bids will be submitted in March.
6. **INACTIVE Stormwater Management Committee** (J. Russell) – no activity.
7. **ACTIVE Wireless Committee:** (L. Lawhon) – Larry Lawhon reported that industry players are responding enthusiastically to invitations to meet with the Wireless Committee to present their technical requirements for wireless facilities. The status of these meetings is as follows:
- a. **Sprint / Nextel** – This meeting was held on February 17, 2009.
 - b. **US Cellular** – Invitation has been accepted and the meeting date is to be determined.

c. **ATT** – This meeting was held on February 11, 2009.

d. **Verizon / Alltel** – An initial meeting was held with Verizon and their tower partner on December 16, 2008. A follow up tour with their RF engineers will be scheduled in February.

The next Wireless Committee meeting is scheduled for February 25, 2009 7pm Pitts Center.

8. **INACTIVE Hazard Mitigation Committee** (M. Florez & B. Palombo) No activity.

9. **CIP Project for 2009** (B. Gleason) – Bill Gleason reported that the task force is inactive at the moment. All effort is being directed to supporting town staff in the preparation and presentation of the operating budget for fiscal 2009-2010.

IX. Other Items:

1. **Administrative Items**

Merrie Smith is the control point for the Milestone Tracker now. Please send all updates to her.

2. **Code Enforcement Items:**

None

3. **Chairperson Items:**

Nancy Wendt asked the Planning Board members to consider alternatives to separate the PAG status reporting (committee and project reports) from the official business of the Planning Board which is permit applications and zoning ordinance changes. One option is to hold a brief PAG “business meeting” for the purpose of status reporting prior to the regularly scheduled PAG meetings on the 1st Monday of the month.

4. **Planning Board Member Items:**

None

X. ANNOUNCEMENTS:

The next regular meeting of the Planning Board is scheduled for Monday, March 16, 2009 at 7pm at the Pitts Center.

XI. ADJOURNMENT:

Upon motion, the Planning Board meeting adjourned at 9:10pm.

**RESOLUTION REGARDING RETIREE INSURANCE COVERAGE
FOR EMPLOYEES HIRED ON OR BEFORE NOVEMBER 1, 2007**

WHEREAS, the North Carolina League of Municipalities allows retirees to retain medical insurance coverage if authorized by the units governing board and;

WHEREAS, based on Board policy previously adopted, this option will constitute a benefit to employees who have served the Town for at least 10 years if employed before November 1, 2007;

WHEREAS, the Town of Southern Shores is committed to honoring and rewarding the employees who have given dedicated services to the Town for a minimum of 10 years;

WHEREAS, the Town will pay for continued medical insurance coverage for its present retirees not to exceed the current cost of an active employee as stated in the Town of Southern Shores Retiree Insurance Benefits Policy.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Southern Shores, North Carolina that the Town will assist retiring employees to maintain medical insurance coverage if the following conditions are met:

1. Retiree must have begun employment before November 1, 2007; and
2. Retiree must have completed 10 years of service with the Town; and
3. Employee retires with unreduced benefits from the NC Local Government Employee's Retirement System; and
4. Retiree must select retiree coverage within 60 days of retirement; and
5. If retiree elects dependent coverage, full payment must be made by the last business day of the month prior to coverage.

Be it further resolved that when the retiree meets Medicare eligibility, the Town will reimburse the qualified retiree only for premiums paid by the employee for supplemental health coverage; but not to exceed the amount that the Town is then currently paying for individual employee only coverage for an active employee.

NOW, THEREFORE, BE IT RESOLVED that March 3, 2009 is the effective date of this resolution.

ADOPTED this the 3rd day of March, 2009.

Carrie Gordin, Town Clerk

Don Smith, Mayor

Exhibit C

**A RESOLUTION SUPPORTING CREATION
OF AN INSURANCE COMMISSION**

WHEREAS, increasing homeowners, wind and hail and other property related insurance rates and deductibles are a major concern to all property owners within North Carolina and of particular concern to those who own property in coastal region of North Carolina; **AND**

WHEREAS, currently decisions regarding increases or decreases in the rates and deductibles of insurance in North Carolina rest solely with the Insurance Commissioner and the Department of Insurance; AND

WHEREAS, the processes, procedures and methods used by the Insurance Commissioner and the Department of Insurance in making such decisions currently provide the public with little to no transparency and very limited means of providing input or recourse for unfair and unjust decisions of the Insurance Commissioner and the Department of Insurance; AND

WHEREAS, this lack of transparency, input and recourse often places an unjust and unfair burden upon North Carolina property owners through the increase in those property owners' insurance rates based on incorrect and/or misconstrued data and the arbitrary and capricious processing of that data to make decisions contrary to the public welfare; AND

WHEREAS, the legislative creation of an Insurance Commission in a form similar to that of the Utilities Commission created pursuant to Chapter 62 of the North Carolina General Statutes and in a manner that is open to the public, that provides for the fair and just regulation of insurance rates for all North Carolina residents and that provides aggrieved persons sufficient means of recourse for unfair or unjust insurance rates would be a benefit to all citizens and residents of North Carolina.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Southern Shores supports the legislative creation of an Insurance Commission tasked with providing fair and just insurance rates to all North Carolina residents in a manner that is open to the public and provides aggrieved persons sufficient means of recourse for unfair or unjust insurance rates and encourages all Dare County and North Carolina residents, property owners, and visitors to contact their representatives in the North Carolina General Assembly to indicate support for such legislation.

This the 3rd day of March 2009.

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

