



# Town of Southern Shores

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

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Council Meeting

April 6, 2010

7:00 p.m.-Pitts Center

The Southern Shores Town Council met on April 6, 2010 at the Pitts Center.

The following Council Members were present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members Kevin Stroud, Jim Pfizenmayer and George Kowalski.

Also present were: Police Chief Kole, Interim Town Manager, Ben Gallop, Town Attorney and Carrie Gordin, Town Clerk.

Mayor Denny called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. He held a moment of silence for the men and women in uniform serving around the world preserving our freedom.

## **APPROVAL OF AGENDA**

Council Member Hess moved to approve the agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

## **GENERAL PUBLIC COMMENT**

Robert Palombo, 159 Duck Road, representing the Build the Bridge-Preserve Our Roads Committee (BBPR) provided information on the scheduled public hearing dates on the current draft Environmental Impact Study for the Mid-Currituck Bridge construction. The schedule for these meetings will be placed on the Town's website. He encouraged everyone to attend a hearing and to write to Jennifer Harris and voice your support in the construction of the Mid-Currituck Bridge to move ahead now. Dates of hearing: May 18, 2010, 3:30-6:30 pm pre-hearing/public hearing 7:00 pm-Ramada Inn, Kill Devil Hills.

Mayor Denny asked that a BBPR report be given at the next Council meeting April 20.

Don Bierwerth, 249 Sea Oats Trail, submitted a letter dated April 6, 2010. He requested the letter be read for the record. Copies of the letter were received by all Council, the Town Manager, the Code Enforcement Administrator, the Town Planner and the Town Attorney.

Mr. Bierwerth stated he has come before Council several times regarding these issues and he is still waiting for an answer. He has learned the Town is installing lighting in the parking and it is his contention that the Town is in violation of its own zoning ordinance and has never received new Dare County Health Department permit (s) for the Pitts Center since the Pitts Center permit was granted. He sent his concerns to the District Attorney over seven months ago and has had no response. He is asking Council to follow up on this to see who is right and who is wrong.

The Town Attorney read the letter. [Note: A copy of the letter is hereby attached as Exhibit A].

## APPROVAL OF MINUTES-February 16, 2010 and March 2, 2010

Mayor Denny moved to approve the February 16, 2010 minutes as presented. Council Member Hess seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Mayor Denny moved to approve the March 2, 2010 minutes as presented. Council Member Hess seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

## CONSENT AGENDA

FY 2009-2010 Budget Amendment #16 and Dare County Tax Pickups and Releases

Mayor Denny moved to approve the Consent Agenda as presented. Council Member Hess seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Council Member Pfizenmayer asked how long will the bridge repair extend the life of the bridge. Mayor Denny responded by saying we will know following the next bridge inspection. He stated we have a duty to our residents to get the bridge repaired. He stated this is not a band-aid fix but a routine repair.

[Clerk's Note: A copy of Budget Amendment #16 and the Dare County Tax Pickups and Releases is hereby attached as Exhibit B and C respectfully].

## REPORTS

Planning Board - Planning Board Recap March 15, 2010, and Planning Advisory Group Recaps February 16, 2010 and March 1, 2010 and March 15, 2010

Nancy Wendt, Chairman, stated Council will be holding a public hearing tonight on the zoning amendment for height calculations which has been approved by the Planning Board.

[Clerk's Note: Copies of Planning Board Recap March 15, 2010 and Planning Advisory Group Recaps February 16, 2010 and March 1, 2010 and March 15, 2010 are hereby attached as Exhibit D, E, F and G].

### Southern Shores Volunteer Fire Department (SSVFD)

Chief Harvey presented quarterly report.

### Police Department

Chief Kole presented monthly report (March).

### Southern Shores Civic Association (SSCA)

Karen Kranda, President, reported the North Marina is open and the restoration looks good. She stated some of the vehicle accesses have some issues and they will be working on some policy changes to be discussed with the Town for consideration. They are working on a walking path at Sea Oats and 12<sup>th</sup> Avenue. They have given approval for the life guard service to use the shed at Hillcrest to house the ATV. They are getting bids for the repair of the crossovers and

hope to have them done no later than June 1. They will be getting quotes on installing bulk heading at the N. Marina. She stated the SSCA is always willing to accept help and donations.

#### Chicahawk Property Owners Association (CPOA)

Jim Kranda reported the new CPOA President is Cory Taylor.

#### Canal Maintenance Dredging Project

Tom Bennett, Project Manager, reported the North Marina restoration is on-going and the marina is open. The Green's mailbox has been re-installed several times and some minor landscaping needs to be done to that area. He stated there is some money available for repaving the site but the site may be needed again so the paving may wait. The channel markers have been re-positioned to Coast Guard requirements. He provided Council with an email from Byrd Brothers showing their efforts now and in the future to reconcile the Sampson contract default. He stated Byrd Brothers is preparing a proposal for completing the project and should have the proposal completed by May 1. The Project Manager reported Webb Fuller and he met with Tom Reeder and Darrin England of DENER regarding supplemental grant money on Phase I. They submitted a grant request in the amount of \$450,000 for the Town. He stated the Town will be notified in three to four months.

Council Member Pfizenmayer stated some of the channel markers need lights and he suggested "NO WAKE" signs be posted. The Project Manager stated he would talk to the Boat Club commodore regarding this.

Council Member Pfizenmayer suggested Byrd Brothers brief Council on their projections. The Project Manager stated he provides Council with updates as they come in.

#### PUBLIC HEARING -Zoning Ordinance Amendment-Height Calculations (ZTA10-01)

Mayor Denny stated the proposed ordinance is to change the method in calculating the height of a single family residential structure. The current 35' height requirement remains the same. He asked if any Council Members have a conflict of interest regarding this issue, there were none.

Alvin Rountree, Code Enforcement Administrator, stated this issue has been addressed over several years. He stated this amendment is similar to the Town ordinance in 1995. He stated amending this ordinance would increase the tax base by allowing structures to be put on lots that may not be so desirable and it would help builders as well as control stormwater. He stated increasing the tax base would provide revenue that could be used for road improvements. He stated this is an attempt to help reduce clear cutting and preserving the roads by not removing fill from a lot to meet the current ordinance. He stated the storm water committee is working on a storm water ordinance. He stated this amendment is similar to how the other local jurisdictions calculate height and that we are the only town that currently uses this method. He stated staff met with the architectural review boards earlier today where several concerns were discussed. He read a section of the State Building Code regarding surface drainage.

Mayor Denny opened the public hearing.

Tony DiBernardo, 32-9th Avenue, stated he has issues with this proposal. He stated this issue should have been addressed when the ordinance was amended to change the side yard setback. He believes if this ordinance is approved views will be obstructed and people build their houses for those views. He stated the property will lose value. He stated he doesn't see how this will help storm water management. He stated this ordinance does not help people who have already built. He stated fill may be needed brought in. He stated a current house built now has a pond in the back of the property due to fill being brought in.

Mark Martin, 191 Wax Myrtle Trail, thanked Council, staff and Planning Board for looking at this issue again. He stated as a builder he has dealt with this issue many times and have spoken at Council meetings. He stated building a house to the current requirement causes the house to be at the lowest point on the lot which causes storm water problems. He stated the proposed ordinance will work.

George Courter, 212 Sea Oats Lane, Chairman of the Southern Shores Civic Association Architectural Review Board (SSCA ARB), stated they only recently found out about this ordinance. He stated the ARB does have some problems with the draft. The ARB would request Council wait until more discussion is held before making a decision. He stated Town staff met with the ARB and the ARB is agreeable with the storm water issues as addressed but there is concern that making this change by using the average could result in at least a five-foot height increase in houses, which would block property views. He stated the definition of "fill" is not clear and needs to be more specific.

Hearing no other comments Mayor Denny closed the public hearing.

Council Member Stroud stated he supports the new ordinance. He stated this proposed ordinance is similar to the other town's ordinance. He stated he doesn't agree that a house should be built in a hole or that a storey be cut from the house to meet an ordinance.

Council Member Kowalski stated it is the property owner's choice on what lot to buy and then to meet zoning requirements to build a house. He stated other people built their homes in accordance to the zoning requirements and they had to make certain sacrifices. He stated he was a member of the Planning Board when this was brought up before and it was turned down. He doesn't support this ordinance.

Council Member Pfizenmayer stated he thinks the ordinance is fine. He feels if the ARB has questions then further review may be productive then do so before a vote is taken.

Council Member Stroud stated he doesn't have a problem with delaying the vote.

Council Member Hess stated she would vote no if the vote is taken tonight. She reads there is companion legislation to this proposed ordinance then they should be included before a vote is taken. She asked does this ordinance solve the problem, has the problem been identified. She also stated the ordinance tonight has been changed from the original draft ordinance and she doesn't understand the use of the work "ridge" and a definition of ridge should be included.

The Code Enforcement Administrator explained the definition of a "ridge". He agreed a definition is needed.

Mayor Denny stated he also is not ready to vote on this at this time. He doesn't feel the ordinance meets the criteria as recommended by the Planning Board.

Council Member Kowalski stated he would like to see data on the number of lots built, lots that are unbuildable and lots available.

Council consensus is to return the draft ordinance to the Planning Board.

## **OLD BUSINESS**

### **Nags Head Beach Nourishment Request**

Mayor Denny stated the Town of Nags Head has requested that the local municipalities support their request for an increase in the occupancy tax to help fund beach nourishment in their town. He stated Council has prepared a position paper.

Council Member Hess read the position paper.

Council Member Pfizenmayer stated there should be a way that everyone can benefit not just one town.

Mayor Denny stated Council Member Hess has been consistent on this view and is a member of the Shoreline Management Commission. She attended a meeting earlier today.

Council Member Hess stated she listened and she feels a County project would be more beneficial. She stated the County determines how the beach nourishment money is distributed. She stated the County is hesitant to ask the legislators to increase the occupancy tax unless all the towns agree. She stated she has additional information to share with Council and will provide after the meeting.

By consensus Council agreed Council Member Hess present the position paper to the Shoreline Management Commission.

[Clerk's Note: A copy of the position paper is hereby attached as Exhibit H].

#### Southern Shores Volunteer Fire Department Budget (SSVFD)

Mayor Denny stated Webb Fuller, Consultant, has been in negotiations with the fire department on the Town's behalf for the FY 2010-2011 budget. He stated the Town desires the fire department to be the best trained and best led in the County and he believes they are. He wants the fire department to have appropriate equipment that ensures the residents with the continuation of a favorable fire rating. He stated the town stands in awe of the services provided by the members of the fire department and the rehab unit. He stated under the terms of the SSVFD contract they receive two cents on the Town's tax rate this year and the forthcoming year. He stated the fire department is requesting an increase in their FY2010-2011 budget in the amount of 3 cents to help cover their cost of the purchase of the required 800 communication system which is priced at \$304,000 at this time. He stated the Town has agreed to offer an increase of 2.75 cents and to maintain the current level of service. He stated this does not please the fire department they want to build up their reserve funds. He stated the fire department always has the option to come to the Town to request additional funds if needed. He stated the fire department has agreed to finance the costs of the radios over a five-year period but the town is offering \$207,000 not \$304,000 as requested. He stated the fire department is requesting a 5000 model radio at a higher cost than the 2500 model which seems that all the other local fire departments will be using the 2500 model. He stated this is still being negotiated and the Town Manager will need to know the cost as he prepares his budget. He stated he was prepared to make a motion for a 2.75 cent increase to the fire department contract tonight but the Town Attorney informed him that the Town budget can not be approved in a piece meal way. The Town budget needs to be acted on as a total town budget.

Mayor Denny stated Council can instruct the Town Manager what to include in his budget and the Mayor proposes to Council to instruct the Town Manager to build his Town budget to contain support to the fire department in the amount of 2.75 cents which is approximately \$473,000.

Council Member Pfizenmayer stated he doesn't think the Town should commit to anything. He stated Mayor Denny submitted a letter to Council but they haven't heard from the Town Manager or the consultant. He would like this to be discussed at the next meeting before a decision is made.

Council Member Stroud agrees with Council Member Pfizenmayer. He doesn't know where the money is going to come from and discussion is needed.

Council Member Kowalski stated he is pro fire department. He stated the Town gets an exceptional fire department for the money. He stated the fire department is the only contractor that seems to go through this process. He stated fire volunteerism is a fragile system and needs to be maintained if we don't then 2.75 cents will be 12.75 cents to have a paid fire department including the takeover of the buildings.

Council Member Kowalski stated Mayor Denny instructed Webb Fuller to review the fire department budget and contract and with his thirty years of experience make recommendations of the way it should be. He believes the Town should cease in micromanaging another organization when you know nothing about that organization's functions. He stated the Town should be thanking the fire department that they exist and that they come to our aid and they sacrifice their time, energy, money and their lives to protect us for 2.75 cents, which is dirt cheap. He would like to see the fire department get more than 2.75 cents but this is not the right time with all the other expenses the Town has.

Council Member Hess stated she is not pro fire department but she is pro Southern Shores and the Town is lucky to have the fire department and she supports the 2.75 cent offer. She knows Webb in trying to be fair and unbiased came up with the 2.75 cents. She has read the rationale and this should be put in the budget.

Mayor Denny stated he supports the recommendation also. He stated the last four or five years the relationship between the fire department and the Town has suffered. He stated during the six years he previously was on Council they walked in step with each other and he is looking forward to the day when the Town can return to that environment. He would like to give three cents but the budget is going to be tight and the Town will have to have a tax increase. He stated he is in favor of the 2.75 cents and as far as he is concerned there are three Council Members in favor.

Council Member Stroud asked why does a vote need to be taken tonight. He stated he would like to hear from Webb Fuller who is not present at this time.

Mayor Denny explained the fire department provides service to Martin's Point which is paid by the County. The fire department needs to know what their budget is going to be by April 15 to submit to the County. He stated that is why an answer is needed now. He stated there will be time to debate during the budget process.

## **NEW BUSINESS**

### **Annual Dare County Hurricane/Disaster Debris Removal Interlocal Agreement**

The Town Manager stated this is an annual agreement and is the same as last year.

Mayor Denny moved to approve the annual interlocal agreement. Council Member Hess seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

## **OTHER ITEMS**

### **Town Manager**

The Town Manager requested Council authorize him to enter into a contract with NC Department of Transportation for the repair of the Tall Pine Bridge in accordance to the last bridge inspection report. Mayor Denny moved to authorize the Town Manager to enter into a contract with NC Department of Transportation for the repair of the Tall Pine Bridge in accordance to the last bridge inspection report. Council Member Hess seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

The Town Manager provided updates on several issues:

- Received a safety grant was received in the amount of \$450 and the money is to be used for a new cemetery sign.
- The Town received a public records request from the Coastland Times and staff is working on it, a request for some clarification has been made to the Coastland Times
- Public Works Department is landscaping the Town parking lot
- Working on expanding some of the parking areas at the avenues

- A complete inventory is in progress at the Public Works Department for equipment with a value of over \$100 being permanently marked
- Sand fencing project is complete
- Two vehicles will be placed on GovDeals
- During a spring cleaning a list of unwanted items in the attic has been completed and some items having no value have been disposed (List has been submitted to town clerk)

Town Attorney

The Town Attorney stated he will assist the Planning Board and staff on re-drafting the height ordinance if requested.

Mayor

Mayor Denny stated that as part of the canal dredging project Southern Shores Realty (SSR) and the Town entered into an agreement to allow the Town to use a certain piece of land for a spoil site. Since the site was not needed he is pleased to announce that SSR has agreed to return \$69,000 of the \$76,000 paid by the Town and they have forgiven, under the terms of the agreement, the amounts due for November and December. He thanked SSR and asked that everyone thank them. He also thanked Mayor pro tem Hess for all that she has done on working with SSR on this.

Mayor Denny stated last fall the previous Council voted to request a change in the Town's Charter on the way they fill a Council vacancy by using a special election. He stated this requires a local legislation approval. He stated he was contracted by someone from Representative Tim Spear's office saying they had a letter from Mayor Smith (2009) requesting this change but a resolution was needed. Mayor Denny stated that upon talking with the Town Clerk it was found no resolution had been approved. It would appear the matter is moot.

The Town Attorney stated a resolution doesn't necessarily need to be in writing, it could be any documentation that council approved something by a vote.

Mayor Denny recommends this issue be placed on the agenda at the next meeting.

Council Member Pfizenmayer stated last year Council unanimously recommended that a special election be used to fill a vacancy. He stated Rep. Spear's office was to be contacted in March (2010). He stated this Council has never had discussion on this. He stated he has in hand an email from Rep. Spear saying Mayor Denny has contacted his office requesting to rescind the special election request. Council Member Pfizenmayer stated he doesn't feel the Mayor has the authority to do this.

Mayor Denny stated he has never received an email from Rep. Spear. Mayor Denny stated that is not true.

Council Member Stroud stated he saw an email from Don Smith who contacted Rep. Spear's office in March, this year, and Don was told that the current Council was not in favor. He stated Don asked for an email stating this.

Mayor Denny stated the only person he talked to from Rep. Spear's office was someone who called him asking for the resolution.

Following discussion Council agreed to place this on the next agenda.

Mayor Denny stated he is concerned that these emails were not forwarded to him before tonight.

Council Member Stroud questioned why this did not move ahead in March as Council approved in the fall.

## Council

Council Member Kowalski stated upon receiving the public records request from the Coastland Times shows that the Town needs to set up a protocol for such a request. He requests Council direct the Town Manager to research what forms and information is needed, to see what the other towns do and produce the documents.

He stated the Town Manager is working on changing the IT process and to have operational by July but he would like to see this moved on now.

The Town Manager stated he has proposals and is working on this.

Council Member Pfizenmayer asked where we are in the process for hiring a town manager.

Mayor Denny stated 151 applications were received. The consultant is working on recommendations on how to proceed. Council can review the applications. The consultant will narrow the applications down to a few for Council consideration.

Mayor Denny stated the consultant will give a report at the April 20 meeting.

## PUBLIC COMMENT

David Sanders, 158 Beech Tree Trail, addressed Council by saying Council should heed recommendations made by Webb Fuller, consultant, who previously was the Town Manager of Nags Head and interim Town Manager for Southern Shores. D. Sanders stated during his term as Council Member, in the beginning, he didn't know much about town budget and government functions but during that time he worked with W. Fuller. He stated a comment made by W. Fuller was that "Southern Shores is a ten cent town operating at eight cent budget", meaning the town is working in a deficit. He stated currently the town is at nine and three quarters tax rate which means the Town still is working on a deficit basis. He knows there are projects that need to be done and it is difficult to decide to raise taxes. He stated discussion over the last four years was how the Town should operate like a business but if the collections are not what they should be to provide the services required then you don't exist. He stated you can't keep the status quo. He asked Council when considering the budget as a whole don't economize to the point that the level of service is dropped like the last five years. He stated the fire department has worked with the town on their budget up until the last two years in trying to keep their cost to a certain level. He stated six years ago the Fire Chief asked Council to set back funds for fire department capital expenses, which Council did it for two years and then dropped it and then tried to not give continued funds but finally did which he appreciated it. He stated there have been two situations in the past two years that could have seriously affected the insurance rates, it may have saved a penny in taxes per hundred but could have costs a dollar per hundred in other costs, don't save us a penny and cost us a dollar.

Ed Cowell, 135 Beech Tree Trail, stated on the same subject regarding insurance costs and the fire rating if he has a one cent tax increase would cost him one hundred dollars but if the fire rating was changed it would cost him two thousand dollars in his insurance premium. He supports the fire department. He stated in building his home many years ago and in meeting the height requirement he did have to lower the roof six inches.

Fire Chief Harvey addressed several issues discussed at this meeting. He stated the fire department's budget has not gone up by a third or a by a half the budget over last year has gone up less than five thousand dollars on a half million dollar budget. The budget over the last three years has gone up less than ten percent and over the last six years has been flat. He stated what the fire department is requesting is the Town's obligation to fund the fire department at one hundred percent not seventy per cent. He stated the Town has not funded the fire department at full cost for five years. He stated the thirty-three percent increase as eluded is not on the fire department, it reflects no increase in services, same level of service. He stated they are asking the Town to pay its full share. He stated Council dodged the bullet tonight on two and three quarter cents for the fire department budget. He stated he doesn't understand how Council can negotiate with the tree trimming people, the trash people, the recycle people and the ocean rescue people but not negotiate with the fire

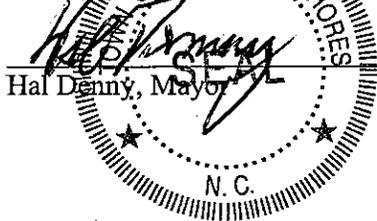
department. He would like an email explaining why they know what their reimbursement will be for the next fiscal year and the fire department doesn't and can't know until the Town budget is approved. He thinks this will be an interesting discussion. He stated he would like to address the 800 MHz radios. He stated you might read Saturday is that the fire department wants chrome plated hubcaps on them nothing could be further from the truth. He stated he doesn't care what radios they use. He stated the radios requested is the series of radios recommended by the US Fire Administration, NAOSH, International Association (s) of Fire Chiefs and Firefighters. He stated the radios have been identified as best practice. He stated case in point two firefighters were killed and a fire captain was badly and one of the contributing factors was the radios. He stated they are asking for radios to alleviate this problem. He stated it is not true that they are the only department in Dare County he doesn't know what the other departments are doing but no one has agreed to anything yet. He stated his problem is putting his members in a situation to carry a piece of equipment into a hazardous environment that has been identified as a danger to use. He strongly encouraged Council to put the safety of the citizens and the firefighters ahead of the dollars. He stated the cost of the radios requested over what Council is considering over five years is peanuts. He stated the average cost per radio is less than four hundred dollars. He urged Council if you don't know what you're voting on ask questions. He stated this is not a matter of the fire department wanting the latest fanciest gadget it's the life safety and the ability to communicate with the firefighters when they are in trouble. He stated whatever the Town chooses they will work with but it is a risk management, personal safety and he knows cost is a factor but this is not what is driving this request. He stated Council knew this five years ago and he has pleaded every year to fund the radios and now six to eight months away from the implementing the system and there are no radios, no commitment to buy the radios, no closer to the solution than five years ago. He stated the fire department has expressed willingness to use their ability to borrow money to help the Town. He stated this problem could have been solved. He begged Council to make a decision.

Council Member Stroud commented at one time the agenda was set up to allow Council to respond following the final public comment. He stated he would like some clarification on the proposed changes on the height requirement ordinance.

Nancy Wendt, Planning Board Chairman, stated the Planning Board will come back to Council with a clearer understanding.

Hearing no other business Mayor Denny moved to adjourn the meeting at 9:30 p.m. Council Member Hess seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

ATTEST



Hal Denny, Mayor

Respectfully submitted:

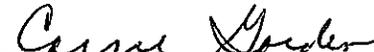
  
Carrie Gordin, Town Clerk

Exhibit A

249 Sea Oats Trail  
Southern Shores, NC 27949

April 6, 2010

Town of Southern Shores  
5575 N. Virginia Dare Trail  
Southern Shores Nc 27949

Subj: Pitts Center, Outdoor Lighting.

Gentlemen:

By a newspaper article, it is apparent the town is considering new outdoor lights at the Pitts Center. In a letter, "Parking at Municipal Complex" that I presented at the Town Council meeting on March 5, 2002, I noted the lack of lighting at the site and that, since August 11, 2001, the Town was in violation of it's Zoning Ordinance. I never received a reply to the March 5 letter.

Let's take a look at the Outdoor Lighting situation. Section 6.04 of the Zoning Ordinance provides exact data on the subject. However, I direct your attention to Section 6.04.D, Site Plan Requirements. The text reads, "The town shall require an outdoor lighting plan for review as part of the site plan review process for all uses other than One and Two Family Dwelling Units". The only complete site plan was prepared for the original Blue Sky Building. When an existing building is to be changed, Section 307.5 of NC Administration & Enforcement Code prevails. The Town never prepared new site plans for the 200 or the 100 person occupancies. To further support a new site plan concept, the Town never obtained new Dare County Health Permits since the Blue Sky Permit was granted.

To understand the requirements for a new site plan, one needs to read Sections 307.1, 307.2 and 307.5 in the NC Administration & Enforcement Code. By law, this is the place where existing buildings are analyzed for compliance with technical codes and other applicable laws and ordinances as defined by Statutes 153A-363 and 160AA-423.

From the beginning, the Town nor Mr. Hejduk never understood Town and State requirements concerning Occupancy Permits and Assembly Occupancy. From the start, over nine years ago, I told Mayor Southerland the building codes would not let an occupancy of 40 people be changed to 200 persons without providing additional off street parking.

As you are aware, I have written many letters and appeared before Council many times on this situation. As you are also aware, I finally sent a letter, dated August 18, 2000, of complaint to District Attorney Frank Parrish. Copies of letters with new information were sent to all parties involved. Recently I called Dare County Manager, Robert Outten, about the Pitts Building. I asked about the lack of Dare County Health Permits and his response was surprising. He replied almost as if the county problem did not exist. The same response came back on the place for the major elections this fall. I know he has had legal advice and the message to me was let the District Attorney settle the matter.

The Town wants Outdoor Lighting. The Town of Southern Shores maintains it has acted within the Law. Without Health Permits, like it or not, the County does have a problem. This whole situation requires a solution. It has been over seven months since I wrote to the District Attorney. I know he is a busy person but it would seem that this matter of health, welfare and safety needs not to drag on forever.

Yours truly,  
  
D. B. Brainerd

CC: District Attorney Mr. Frank Parrish  
: Mr. Robert Cutton, Dare County Manager  
Mr. Wang Goodman, Commissioner of Insurance, O.S.P.M.  
The Virginia-Pilot  
The Coastal Times.

Exhibit B

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

**Roads/Projects  
Increases**

**Roads/projects  
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
10-50939	S. Dogwood/Tall Pine Bridge	\$11,250.00	10-50929	Powell Bill	\$11,250.00

Recommended By:

Approved By:

\_\_\_\_\_  
David Kole, Interim Town Manager

\_\_\_\_\_  
Hal Denny, Mayor

\_\_\_\_\_  
Date

Exhibit C

**TOWN OF  
SOUTHERN  
SHORES  
TAX  
DEPARTMENT**

**4/6/2010**

<b><u>PICKUPS</u></b>		<b><u>RELEASES</u></b>	
December Vehicles	\$15.31	Dec. Vehicles	\$2.14
January Vehicles	\$33.14	January Vehicles	\$37.10
		February Vehicles	\$48.55
		February Real	\$216.43
<b><u>TOTAL</u></b>	<b>\$48.45</b>		<b>\$304.22</b>

Exhibit D

FINAL

**To:** Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)  
Town Attorney (Ben Gallop)

**Copies:** Interim Town Manager (Chief David Kole)  
Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)  
Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)

**From:** Wes Haskett, Town Planner

**Date:** March 31, 2010

**Re:** Recap, Planning Board Meeting March 15, 2010

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**PLANNING BOARD RECOMMENDATIONS FOR THE TOWN COUNCIL:**

**APPROVE ZTA-10-01 – Zoning Text Amendment for Height Calculation Formula**

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**MEETING RECAP**

- I. **CALL TO ORDER:** Vice Chairman Jay Russell called the meeting to order at 7:00pm. Planning Board Members Bob Palombo, Mike Florez, Sam Williams, ETJ Representative Ed Overton and alternate

members Bill Gleason and Larry Lawhon were present. Chairperson Nancy Wendt was absent with excuse. Also in attendance were Planning Board Administrative Assistant Merrie Smith, Code Enforcement Officer Alvin Rountree and Town Planner Wes Haskett.

II. **APPROVAL OF AGENDA:** Larry Lawhon 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 the December 7, 2009 Planning Board meeting. Bob Palombo seconded the motion. The motion passed unanimously.

IV. **PUBLIC COMMENT:**

None

V. **PERMIT APPLICATIONS:**

ZTA-10-01: A request from the Code Enforcement Department to amend the Zoning Ordinance to change the existing height calculation formula.

Alvin Rountree, Code Enforcement Officer, reported that the Code Enforcement Department started working on this request over a year ago which has been a concern with staff and local builders. The current building height restriction is 35 feet which is measured from the lowest corner of the ground elevation to the top of the tallest part of the structure and the 26 feet from the average ground elevation to the top of the highest top plate. The proposed Zoning Text Amendment (ZTA) is a request to change the formula for measuring building height from using the lowest corner of the structure to the average of the four corners of the structure. The justification for the proposed Zoning Text Amendment is as follows:

- Document and clarify the code requirements for building on a lot with a hole;
- Discourage property owners with lots that are uneven, hilly or have holes from clear cutting, or extensively filling and/or radically reshaping the land in order to accommodate the house design they want to build;
- Reduce high impact development practices (i.e., clear cutting, extensive fill, soil removal) that exacerbate stormwater problems;
- Minimize wear and tear on local roads caused by movement of heavy equipment and hauling of fill or soil being removed; and
- Encourage practices that are consistent with the Town's desire to save trees and vegetation in order to preserve the character of Southern Shores and to encourage environmentally sound or "Green" development.

The potential consequences of not approving the proposed ZTA are:

- Legal issues/risk of lawsuits related to stormwater and mold; and
- Property owners with uneven lots who wish to take full advantage of the maximum size primary structure permitted under the current ordinance will have no option but to clear cut, fill, and remove soil ("dig down to get level") to prepare their lots for development.

These high impact development methods could create more stormwater run off issues and increase wear and tear on local roads caused by the movement of heavy equipment and hauling of soil and vegetation. A companion ZTA needs to be developed to limit the amount of fill permitted on any lot to the amount required to bring the base elevation out of the flood plain or to provide for the building pad as required in the N.C. Building Code. A companion ZTA would also need to require the depth of pilings on any lot to be calculated

based on the original grade of the property not the finished grade after filling. The potential consequence of approving the proposed ZTA is that the actual height of new structures could increase which results in the perception that increased finished heights would block views for neighboring property owners.

The criteria for Planning Board approval and recommendation are:

- Is the proposed ZTA consistent with the community's vision and priorities for Southern Shores? Yes
- Is the proposed ZTA consistent with the current Comprehensive Land Use Plan for Southern Shores? Yes
- Is the proposed ZTA the best option for the current opportunity or problem? Yes
- Is the proposed ZTA enforceable with existing Code Enforcement resources? Yes
- Is the justification for approving the proposed ZTA compelling? Yes

Following Alvin's presentation and diagram explanations, Sam Williams questioned the perception that the ZTA will result in higher finished heights and the Planning Board concluded that any increase in height would be minimal. Mike Florez noted that the proposed ZTA will allow for better preservation of the natural topography of Southern Shores as well as provide builders/site planners with the opportunity to be more creative when considering the development of a vacant parcel.

Sam Williams moved to recommend approval of the proposed ZTA to the Town Council. Larry Lawhon seconded the motion. The motion carried unanimously (6-0).

Staff Recommendation: Staff recommends approval.

**VI. OTHER BUSINESS – NEW:**

None

**VII. ANNOUNCEMENTS:**

None

**VIII. REGULAR MEETINGS:**

Regularly scheduled meetings for the next month are:

1. Planning Advisory Group April 5, 2010
2. Planning Board April 19, 2010 Pitts Center 7pm
3. Planning Advisory Group April 19, 2010 following Planning Board regular meeting.

**IX. ADJOURNMENT:**

Larry Lawhon made a motion and Ed Overton seconded the motion to adjourn. The Planning Board meeting adjourned at 7:50 pm.

Exhibit E

**FINAL**

**To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)**

**Copies: Interim Town Manager (Chief David Kole)**

**Town Attorney (Ben Gallop)**

**Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)**

**Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)**

**From: Wes Haskett, Town Planner**

**Date: March 29, 2010**

**Re: Recap, PAG Working Session February 16, 2010**

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**PB / PAG RECOMMENDED ACTIONS FOR THE TOWN COUNCIL - None**

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### **PAG MEETING RECAP FEBRUARY 16, 2010**

The Planning Advisory Group working session convened at 6:55 pm. Planning Board Members Nancy Wendt, Bob Palombo, Sam Williams, Mike Florez, Jay Russell, alternate member Larry Lawhon, alternate member Bill Gleason, Code Enforcement Director Alvin Rountree, and Town Planner Wes Haskett were present.

Planned Agenda items for the meeting included:

1. Emerald Isle Stormwater Ordinance
2. Code Enforcement's recommended Height Calculation text amendment
3. Town Council's request for a text amendment which addresses tents and holes on the beach, and
4. Status reporting for long range planning projects.

Nancy Wendt asked for any additions or changes to the agenda. There were none.

### **EMERALD ISLE STORMWATER ORDINANCE**

Nancy Wendt noted that Planning Board's Stormwater Management Report included a copy of the Emerald Isle, N.C. Stormwater Ordinance and confirmed that everyone had read it in preparation for the discussion. The group agreed that the Emerald Isle Ordinance would be a good base model for the Town of Southern Shores and discussed some of the pros and cons of the Ordinance as well as modifications that would be needed to adapt it to Southern Shores.. Once established, a Stormwater Ordinance for Southern Shores will:

1. Define what needs to be addressed.
2. Stipulate applicable standards.
3. Reference best management practices for new development, existing development, and any other projects such as road projects which impact stormwater management.

Emerald Isle's concept of thresholds for requiring an engineered stormwater plan when a development application is submitted could be applied to each of the four proposed stormwater districts within Southern Shores. Each district would be subject to different impervious limits, fill limits, and sculpting requirements. There are still some issues that need to be researched and addressed with respect to implementation of the Stormwater Ordinance. These include:

1. Defining the amount of remodeling work on existing development needed to trigger compliance with the Stormwater Ordinance.
2. Whether or not to include regulations to preserve water quality.
3. How to regulate stormwater retention ponds on private properties.

Wes Haskett will be meeting with the Town Engineer to review and discuss the Emerald Isle Stormwater Ordinance and he will discuss their findings with the Planning Advisory Group.

### **HEIGHT CALCULATION TEXT AMENDMENT**

Nancy Wendt noted that the Code Enforcement Department brought this recommendation to the Planning Advisory Group over a year ago. Code Enforcement identified three problems with the current lowest of four corners method of height calculation.

1. The existing height calculation method is confusing.
2. It is not consistent with other Ordinances in the region.
3. It encourages fill or excavation practices that can create stormwater issues.

Code Enforcement recommends that maximum height be measured from the average of the four corners of the building and that the amount of fill be limited. The Planning Advisory Group agrees with the proposed text with one modification to the definition of fill. The modified text will be presented to the Planning Board at their March meeting.

### **BEACH TENTS AND HOLES TEXT AMENDMENT**

Wes Haskett noted that the Town Council has asked the Code Enforcement Department to research the Town of Duck's Ordinance that regulates tents and holes on the beach. The Town of Duck's Town Code includes language that restricts the erection of a tent, cabana, or sunshade which prevents or disrupts the passage of emergency or ocean rescue vehicles and hampers ocean rescue service. It also restricts leaving unattended personal articles on the beach between sunrise and sunset which includes tents, poles, chairs, cabanas, umbrellas, and volleyball nets.

Finally, the language regulates excessive digging or mounding of sand which substantially alters the contour or shape of the beach area. The Planning Advisory Group agreed that a safety issue exists and noted that enforcement could become an issue. The main concerns of the group include not infringing on the rights of citizens and how to address rental beach equipment which is available from local realty companies. Wes Haskett will research these concerns and work on a draft that takes these concerns into consideration.

### **STATUS REPORTING FOR LONG RANGE PROJECTS**

Nancy Wendt noted that in December, the project leads agreed to send Wes Haskett updated project sheets, statements of work, and narrative summaries of recent activity and progress for each of the long range planning projects. Keeping updated statements of work and progress reports for long range planning projects is an obligation of the Planning Advisory Group and Town Staff in order to be able to provide current information to the citizens of the Town of Southern Shores. The Planning Advisory Group agreed to submit updates to Wes Haskett by the close of business on the third Monday of each month.

### **UPCOMING MEETINGS & PROPOSED AGENDA ITEMS**

1. PAG working session March 1, 2010.

- Transportation recommendation for Town Council.
  - Project progress reviews.
2. Planning Board meeting March 15, 2010.
  3. PAG working session March 15, 2010.
    - Project progress reviews.

## **ADJOURNMENT**

The PAG meeting adjourned at 9:25 pm.

### **Exhibit F**

**To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)**

**Copies: Interim Town Manager (Chief David Kole)**

**Town Attorney (Ben Gallop)**

**Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)**

**Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)**

**From: Wes Haskett, Town Planner**

**Date: March 29, 2010**

**Re: Recap, PAG Working Session March 1, 2010**

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**PB / PAG RECOMMENDED ACTIONS FOR THE TOWN COUNCIL - None**

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### **PAG MEETING RECAP MATCH 1, 2010**

The Planning Advisory Group working session convened at 6:55 pm. Planning Board Members Nancy Wendt, Bob Palombo, Sam Williams, Mike Florez, Jay Russell, alternate member Larry Lawhon, alternate member Bill Gleason, Project Lead Ross Mitchell, Code Enforcement Administrator Alvin Rountree, and Town Planner Wes Haskett were present.

Planned Agenda items for the meeting included:

1. Discuss Transportation Infrastructure Plan presentation to be made to Town Council
2. March 15<sup>th</sup> Planning Board meeting
3. Stormwater Management Plan
4. Parks and Recreation Plan
5. Project progress reviews

Nancy Wendt asked for any additions or changes to the agenda. There were none.

### **TRANSPORTATION INFRASTRUCTURE PLAN PRESENTATION**

Bob Palombo reported that he will be giving a presentation to the Town Council in April which will address the PAG's recommendation to adopt a Transportation Infrastructure Resolution. The presentation will outline the objective and goals to be addressed whenever changes are proposed to the Town's transportation infrastructure as well as why the resolution is needed and the elements that need to be considered. The requested resolution also includes the following components as required elements in transportation infrastructure change considerations:

1. Construction, design, and performance standards for all Town owned roads shall be defined and evaluated according to the previously adopted three-tier road classification system.
2. The comprehensive draft map which identifies all Town roads and bridges, State roads, and community owned pathways shall be the official map for transportation infrastructure modifications. Each road is identified according to its specific class based on the function it serves within the transportation system and the defined design standards.
3. A review process for all proposed transportation infrastructure changes.
4. Performance measures and tools/action items to be applied to transportation system goals.

Bill Gleason questioned how the required elements would apply to currently identified road projects and who would be responsible for making sure that they are followed. It was noted that the requirements may not apply to a road project if a decision has already been made to move forward (the choice is up to the Town Council) and that the enforcement of the requirements would be a collaborative effort which includes the Public Works Department, the Code Enforcement Department, engineers, and the Town Manager.

### **MARCH 15<sup>TH</sup> PLANNING BOARD MEETING**

Nancy Wendt noted that a Conditional Use Permit request and Zoning Text Amendment request are on the March 15<sup>th</sup> Planning Board agenda and reviewed the procedures to follow and the criteria to be considered. She also noted that she will not be attending the upcoming meeting and that there is a possibility that at least one other board member will be absent for the March application review meeting. Alternate members are assigned to fill in for absent members on a rotational basis. Alternate Larry Lawhon will be assigned to the first open seat and Bill Gleason to the second open seat if another member is unable to make the meeting. Jay Russell will chair the meeting if he is present. Otherwise, Bob Palombo the next most senior board member will chair the meeting.

### **STORMWATER MANAGEMENT PLAN**

Nancy Wendt noted that at the last meeting, the PAG asked Wes Haskett to meet with Town Engineer, Joe Anlauf to research the Emerald Isle Stormwater Ordinance to see if it could be used as a model for the Town of Southern Shores and discuss their findings with the group. She also noted that it would be advantageous for Wes and Joe to have some guidance in researching and preparing recommendations. The PAG discussed possible policies and action items based on the current draft CAMA Land Use Plan and various completed studies and agreed on the items addressed in the attached document.

### **PARKS AND RECREATION PLAN**

Nancy Wendt noted that she invited Mr. Ross Mitchell, Vice President of the Southern Shores Civic Association to the meeting in order for him to see how the PAG works and the processes it follows with respect

to long range planning projects. Mr. Ross has volunteered to lead the LR Parks and Recreation Plan. The next step is to draft a statement of work for this project.

### **WIND GENERATION PLAN (Mike Florez)**

Mike Florez reported that the Wind Committee is currently developing a draft Wind Ordinance which was drafted by Wes Haskett. At the last meeting, the Committee reviewed and commented on the draft which will be revised and reviewed again at the next Committee meeting on March 11, 2010.

### **LAND USE PLAN UPDATE (Sam Williams)**

Sam Williams reported that Wes Haskett has revised the maps as much as possible and that a few revisions are still needed with respect to the text in the document which should be completed within two weeks.

### **CITIZEN COMMUNICATION PLAN (Larry Lawhon)**

Larry Lawhon reported that the Statement of Work for the project has not changed and that the project is still a work in progress.

### **UPCOMING MEETINGS & PROPOSED AGENDA ITEMS**

1. Planning Board Application Review meeting March 15, 2010.
2. Planning Board PAG working session March 15, 2010.
  - a. Project progress reviews.
3. Planning Board PAG working session April 5, 2010
  - a. Project progress reviews.

### **ADJOURNMENT**

The PAG meeting adjourned at 9:05 pm.

Exhibit G

FINAL

**To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)**

**Copies: Interim Town Manager (Chief David Kole)**

**Town Attorney (Ben Gallop)**

**Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)**

**Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)**

**From: Wes Haskett, Town Planner**

**Date: March 29, 2010**

Re: **Recap, PAG Working Session March 15, 2010**

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**PB / PAG RECOMMENDED ACTIONS FOR THE TOWN COUNCIL - None**

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**PAG MEETING RECAP MARCH 15, 2010**

The Planning Advisory Group working session convened at 7:55 pm. Planning Board Members Bob Palombo, Sam Williams, Mike Florez, Jay Russell, ETJ member Ed Overton, alternate member Larry Lawhon, alternate member Bill Gleason, Project Lead Ross Mitchell, Code Enforcement Administrator Alvin Rountree, Executive Assistant Merrie Smith, and Town Planner Wes Haskett were present.

Planned Agenda items for the meeting included:

1. Discuss Transportation Infrastructure Plan presentation to be made to Town Council.
2. LR Parks, Recreation & Open Space Plan.
3. General project folders and priorities.

Wes Haskett asked for any additions or changes to the agenda. There were none.

**TRANSPORTATION INFRASTRUCTURE PLAN PRESENTATION (Bob Palombo)**

Bob Palombo presented the information he will be presenting to the Town Council on April 20th which will address the PAG's recommendation to adopt a Transportation Infrastructure Resolution. The presentation outlines the objective and goals to be addressed whenever changes are proposed to the Town's transportation infrastructure as well as why the resolution is needed and the elements that need to be considered. Sam Williams offered a few minor revisions which will be incorporated into the presentation for the April 20<sup>th</sup> Town Council meeting.

**LR PARKS, RECREATION & OPEN SPACE PLAN (Ross Mitchell)**

Wes Haskett noted that Ross Mitchell has volunteered to be the project lead for the LR Parks, Recreation & Open Space Plan and that the PAG needed to discuss the long range elements and possible questions related to the project. The Plan would be one part of the Town's Comprehensive Plan and it is also a CAMA requirement that recreation and open space be addressed in the CAMA Land Use Plan. The Town currently does not own any facilities related to parks and recreation but the Civic Associations do own and maintain such facilities.

One of the main concerns that needs to be addressed is initiating and maintaining a dialog with the civic associations and property owners associations being that they own and maintain the recreational facilities and open space. An inventory of facilities and open space has been established which will be very helpful in determining how many facilities and how much open space exist. Ross Mitchell will try to obtain a copy of the inventory and draft a Statement of Work for the PAG to consider.

**GENERAL PROJECT FOLDERS AND PRIORITIES (Wes Haskett and Merrie Smith)**

Merrie Smith reported that a new tracking system for long range projects has been suggested and distributed a spreadsheet to each project lead. Each project leader will be responsible for tracking the progress of their project and submitting to staff for filing purposes. The spreadsheet contains a prioritized description of tasks,

target dates, and current statuses. The PAG will review and consider the new tracking system and provide feedback at the next meeting.

#### **WIND GENERATION PLAN (Wes Haskett)**

Wes Haskett reported that the Wind Committee met on March 11<sup>th</sup> and reviewed the draft ordinance for the second time which will be revised once more. The Committee will be meeting again on March 25<sup>th</sup> to discuss the final report and review the draft ordinance.

#### **LAND USE PLAN UPDATE (Sam Williams)**

Sam Williams reported that the revised draft of the Land Use Plan update has been completed and that the Town Planner will be managing it through the review/approval process.

#### **CITIZEN COMMUNICATION PLAN (Larry Lawhon)**

Larry Lawhon reported that the Statement of Work has changed from draft to working.

#### **STORMWATER MANAGEMENT PLAN (Jay Russell)**

Wes Haskett and Joe Anlauf, Town Engineer will be meeting to read and discuss the Emerald Isle Stormwater Ordinance with consideration given to the guidance provided by the PAG. Wes Haskett will provide their findings and recommendations to the PAG once they have been determined.

#### **UPCOMING MEETINGS & PROPOSED AGENDA ITEMS**

1. Planning Board PAG working session April 5, 2010.
  - Project progress reviews.
2. Planning Board Application Review meeting April 19, 2010.
3. Planning Board PAG working session April 19, 2010
  - Project progress reviews.

#### **ADJOURNMENT**

The PAG meeting adjourned at 8:45 pm.

## Exhibit H

### RESPONSE OF THE TOWN OF SOUTHERN SHORES TO THE TOWN OF NAGS HEAD BEACH NOURISHMENT PROPOSAL

The Southern Shores Town Council (SSTC) has given careful consideration to the request of the Town of Nags Head to:

- use \$20M of the current County Beach Nourishment Fund to partially finance its proposed project to nourish its beaches, and
- impose an additional 1% Occupancy Tax to offset Nags Head's debt service for the financing of that portion of the project not covered by the Fund.

SSTC respectfully declines to support either of the above.

SSTC believes the County Government needs to energize the Shoreline Management Commission, which it formed in 2005, and require the Commission to move forward in its assigned task. The Commission was established to "Oversee and advocate the preservation of and restoration of the shorelines of Dare County". One of the four priorities assigned to the Commission was to "Look at methods, strategies, and other alternatives of shoreline protection for all...of Dare County...". There is a dearth of documentation that such work has been done. The Commission should be a proactive force, producing a shoreline management plan that includes all of Dare County. All alternatives should be fully explored and strategies developed for achieving changes in regulations that now leave "pumping sand" as the only alternative, short of retreat. Dare County should be looking at the coastline as a whole rather than merely refereeing a division of the spoils among competing jurisdictions.

With respect to "pumping sand", SSTC remains skeptical that it is a viable strategy for Dare County beaches. The economic models seem to be reasonable with respect to initial nourishment but, for the most part, are far less rigorous about continuing maintenance costs. It is recognized that quantifying maintenance costs is difficult, but there surely is a body of knowledge from other nourishment projects that could be extrapolated and disclosed by, say, the Shoreline Management Commission. SSTC, without the benefit of detailed analysis, grasps that there is a great disparity between the economics of continuing maintenance at Virginia Beach and Ocean City on the one hand, and South Nags Head on the other. The beachfront tax base and revenue stream from beachfront properties in South Nags Head are quite modest compared to those resort towns to our north; yet the cost of pumping replenishment sand cannot be so markedly different, by however measured. SSTC notes that little attention, emphasis, or disclosure, has been given to the maintenance costs of Nags Head's proposed project.

SSTC asks that the fund created through the repealed sales tax be continued and that the earnings continue to be shared with the jurisdictions within the County so that each can pursue its own efforts to stabilize its shore line. Until such time as a County wide plan is developed that addresses our shorelines on a County wide basis, SSTC asks that the beach nourishment fund, created from the existing occupancy tax, be disbursed to jurisdictions in proportion to their contribution to the fund.