



# Town of Southern Shores

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

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

[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

Council Minutes  
December 7, 2010  
7:00 p.m.-Pitts Center

The Southern Shores Town Council met on December 7, 2010 at the Pitts Center.

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

Also present were: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny called the meeting to order at 7:00 p.m. He led the Pledge of Allegiance and held a moment of silence for Joan Bierwerth, long time resident and wife of Don Bierwerth, a past Council Member. He also remembered Pearl Harbor Day, 69 years ago, and asked that a moment of silence include all are our men and women in uniform serving around the world.

## APPROVAL OF AGENDA

Council Member Hess moved to approve the agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, and Kowalski voting aye. Council Member Pfizenmayer absent.

## APPROVAL OF MINUTES-NOVEMBER 3, 2010

Council Member Hess moved to approve the minutes with a correction on page 2 under the Build the Bridge Report given by Bob Palombo to state the Mid-Currituck Bridge is scheduled to be completed in 2014. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud and Kowalski voting aye. Council Member Pfizenmayer absent.

## CONSENT AGENDA

- Proposed Town Council Meeting Calendar for 2011
- Request to extend the Dredging Project Manager's contract for an additional two months.
- Request to approve Interlocal Agreement with Dare County for Building/Fire Inspection Services

Council Member Hess moved to approve the Consent Agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud and Kowalski voting aye. Council Member Pfizenmayer absent.

[Clerk's Note: Copies of the presented Consent Agenda items are hereby attached as Exhibit A].

## STAFF REPORTS

### Town Planner

Wes Haskett provided updates on several issues for the month of November:

- The proposed addition to the existing Verizon Wireless collocation on the Dare County water tower adjacent to the KHES has been approved. One condition of approval requires that Special Inspections, established in the NC Building Code, be conducted by a NC registered design professional or inspector who certifies that all structural steel, special bolts, hardened bolts, welding, and all electrical work and connections for the installation meet Code requirements. The Special Inspections will be conducted by a third party inspector at the cost of the applicant and no Certificate of Completion will be issued until all reports have been certified and submitted to the Town.
- Wind Generation Facilities Ordinance and White Paper-The Planning Board's Wind Generation Facilities Committee met on December 2<sup>nd</sup> to review and discuss comments provided by the Planning Board. The Committee provided Town Staff with suggestions for revising a current draft of the ordinance. The draft ordinance and white paper should be finalized in January at which time a public workshop might be held by the Planning Board prior to considering a formal recommendation to the Town Council.
- Two Code Enforcement Violation letters sent.
- Town staff relocated or removed many signs located within the Town's right-of-way. After further research is conducted, a proposed Zoning Code Text Amendment will be submitted to the Planning Board by Staff for review and consideration on the placement of yard sale signs.
- Reviewed and approved three Development Plans.
- 26 Permits and 4 Dare County Building Inspections were conducted (November 19<sup>th</sup> - November 30<sup>th</sup>).
- Monthly total fees collected-\$6,686.60.

### Police Department

Chief Kole presented the monthly report. He reported several houses in the Chicahauk area have been broken into apparently in search of flat screen TV's.

### Southern Shores Volunteer Fire Department

The Town Manager stated Chief Harvey is not available tonight but he reported there were no significant calls for the month of November.

### Dare County Tourism Board

Mayor Denny recognized Brian McDonald and stated his term on the Dare County Tourism Board as a representative for the Town ends on December 30 and he has asked Brian to provide a report.

Brian McDonald stated it has been a pleasure to serve as the Town's representative for the past two years. He provided an update on the Board's activities and accomplishments.

Mayor Denny presented Brian with a Certificate of Appreciation for all his volunteer service as well as his past service as a Council Member and Mayor pro tem.

## Surf Rescue

Mirek Dabrowski, Director of Surf Rescue, presented an end-of-the year report. He reported an unofficial attendance count of 158,175 and 155,653 for 2009. Other related 2010 statics: 52 rescues with 6 of those after Labor Day compared to 56 rescues with 12 after Labor Day for 2009; lost patrons 6; 8 red flag days; educational advisories (no dogs allowed on beach, remove tents, fill holes etc.) 5,103. He recommended Council consider adding an additional lifeguard stand at Hickory or E. Dogwood Trails. Continued education about the use of tents is needed.

## **REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS**

### Town Planning Board- November 15, 2010 Recap

Sam Williams, Chairman, reported Planning Board is in discussion on drafting a stormwater ordinance to be presented to Council sometime in June of next year. At its December 20 meeting, the Planning Board will review proposed ordinance changes in Chapters 14 and 36 of the Town Code.

[Clerk's Note: A copy of the Planning Board Report for November 15, 2010 is hereby attached as Exhibit B].

### Southern Shores Civic Association

Karen Kranda, President, reported the SSCA is currently working on the Association's 2011 Membership Drive; negotiations are on-going for the proposed wireless tower lease agreement with AT&T; the Association's annual Boat parade will be held on December 11.

### Chicahauk Property Owner's Association-None

## **PROJECT REPORTS**

### Canal Dredging Project-Project Manager

Tom Bennett reported the canal dredging project is moving ahead with 40% of the first stage of Phase 1 complete. He stated Byrd Brothers has been doing a great job.

Council Member Stroud asked if it is feasible to include any part of Phase 2 in the current phase. Mr. Bennett stated due to a required permit change and time of dredging season, he doesn't think it would be feasible.

### Fall 2010 Street Improvement Project (Poteskeet Trail and Loop, Old Passage and Gray Squirrel Lanes)

Joe Anlauf, Town Engineer, reported the project is complete except for the utilities contractors finishing. Upon that completion, a final inspection will follow.

## **GENERAL PUBLIC COMMENT**

Bob Palombo, spokesperson for the Build the Bridge/Preserve Our Roads Committee, requested that Council submit a letter of support to the Environmental Protection Agency (EPA) for the Town's preferred alternative to be named by the EPA in its Final Environmental Impact Statement and its Record of Decision for the proposed Mid-Currituck Bridge construction.

## OLD BUSINESS

### Transportation Infrastructure Draft Resolution (2010-12-02)

Pursuant to direction from Council at its September 27 joint meeting with the Planning Board, a resolution from the Planning Board is presented for Council's consideration. The resolution proposes guiding principles for Council decisions on transportation infrastructure, public safety, and traffic control.

Council Member Hess suggested amending the resolution, by changing the word "will" to the word "should" on line 25. Hearing no objection Council Member Hess moved to approve Resolution 2010-12-02 as amended. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud and Kowalski voting aye. Council Member Pfizenmayer absent.

[Clerk's Note: A copy of Resolution 2010-12-02 is hereby attached as Exhibit C].

## NEW BUSINESS

### Council to recommend appointees to the Dare County Tourism Board

Mayor Denny stated to fill the Town's vacancy on the Dare County Tourism Board, the Council has been asked to submit three nominees. The Commissioners will then select one to be on the Board. Following discussion, Mayor Denny and Council Members Hess and Kowalski agreed to submit applications.

### Council to consider recommended appointments to Town Board of Adjustment (BOA)

Mayor Denny stated that over the years the terms for the BOA have gotten out of order and Staff has proposed new terms to correct this. He stated all the members have agreed to serve.

Mayor Denny moved to approve the slate of appointments as presented. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud and Kowalski voting aye. Council Member Pfizenmayer absent.

Mayor Denny stated in accordance to the Town Code, the Mayor designates the Chairman and Vice-Chairman of the BOA. He appointed Ed Cowell as Chairman and Morgan Mason as Vice-Chairman.

[Clerk's Note: A copy of the BOA appointments are hereby attached as Exhibit D].

### Council to consider joint funding request from Dare County in Dare County v. NCDOT and NC Rate Bureau

The Town Manager explained that Dare County wants to proceed with this lawsuit regarding the inequity of the beach plan insurance program. The Dare County Manager has advised that additional funds are needed to continue the lawsuit. At this time Dare County has raised \$10,000. The Town Attorney explained the legal process but said there is no way anyone can tell how the Court would rule.

Mayor Denny moved that Council pledge support to the cost of an appeal in the amount of \$2,000 and that the funds only be remitted if the Supreme Court agrees to hear the case. Council Member Stroud seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud and Kowalski voting aye. Council Member Pfizenmayer absent.

### Council to consider appointment to the Local Firemen's Relief Fund Board

Mayor Denny stated that two members of a five member board are to be appointed by Council according to state law. Last year Council appointed Ray Sharpe upon Al Smith's term expiring, and now Andy Cagiano's term will expire December 30, 2010. Mayor Denny moved to appoint Charlie Hess for a two-year term for the seat held by Mr. Cagiano. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud and Kowalski voting aye. Council Member Pfizenmayer absent.

### Presentation of possible legal requirements for stabilization of lot owners' canal shorelines and future canal maintenance costs

The Town Attorney explained Council would need to request special legislation in order to consider the option of funding future canal dredging and maintenance by use of special assessments or a service district for canal property. He stated some modifications to the Town Code would also be needed.

The Town Manager stated that such an option would be a tool that would be available for Council to at least consider as a means to fund the expense of dredging and maintaining canals of the proposed subsequent phases of the canal dredging project.

Following discussion, it was the consensus of the members of Council that the Town Attorney and Town Manager draft a request of the General Assembly for such a local act – but excluding any reference to seeking authority for assessment of funds for canal bulkheading. - to be presented at the January 4 Council meeting for further consideration.

### Set Public Hearing-January 4, 2011 Council meeting-draft amendments to Chapter 14 & 36 of Town Code

The Town Manager stated that with Dare County now administering the Town's building and fire inspections, there are a number of Town Code sections that need amended to clarify responsibilities and duties. The draft Code amendments will be provided to Council members upon Planning Board action prior to the public hearing being requested for the January 4, 2011 meeting.

The Town Attorney stated that a separate zoning permit will also be clarified in the amended ordinance.

Council Member Hess moved to set a public hearing in this matter for January 4, 2011. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud and Kowalski voting aye. Council Member Pfizenmayer absent.

### OTHER ITEMS

#### Town Manager's Report

The Town Manager reported the Capital Improvement Plan Committee will meet again on January 26, 2011 at 8:00 a.m. He also suggested that the initial budget workshop for Council be held at its regular Workshop meeting in February. The Town Planner and he met with NCDOT representatives to discuss issues on NC Highway 12 such as stormwater, crosswalks, and speed limits. NCDOT will be working on the 2011-2012 construction plan for the Trinitie Trail Bridge, and a request has been submitted to NCDOT that the Tall Pine Bridge be included in the NCDOT Ten-Year Improvement Plan in order to hopefully receive replacement funding. The Building and Fire Inspections program transition to Dare

County has gone smoothly. The Public Works Department personnel are working on brush trimming and on renovations and painting of Town Hall.

Town Attorney's Report

The Town Attorney wished everyone a Merry Christmas.

Mayor

Mayor Denny stated there would be no December workshop meeting. He stated he has had great satisfaction working with the Council members this year and he wishes them, the Town Attorney and staff a Happy Holiday.

Council

Council Member Kowalski reported that Mike Thompson, State Affairs NC Dominion Power representative with Dominion Power, met with him prior to the meeting and said the recent electric rate change was a 5.21% decrease, and also there are 10 poles at the N. Marina that Dominion will be removing and replacing the wiring underground.

Hearing no other business, Council Member Hess moved to adjourn at 9:20 p.m. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud and Kowalski voting aye. Council Member Pfizenmayer absent.

ATTEST

Hal Denny, Mayor



Respectfully submitted:

  
Carrie Gordin, Town Clerk

**COUNCIL MEETING SCHEDULE**

**WHEREAS**, the Town Council of Southern Shores hereby resolves to implement the following as its monthly meeting schedule for calendar year 2011 and;

**WHEREAS**, all Council meetings are scheduled to be held in the Kern P. Pitts Center and this is a Dare county voting place.

**BE IT RESOLVED** that the regular monthly meetings of the Town of Southern Shores Town Council will take place in the Kern P. Pitts Center on the first Tuesday of each month being called to order at 7:00 p.m. but more specifically as follows:

- |                           |                             |
|---------------------------|-----------------------------|
| Tuesday, January 4, 2011  | Tuesday, July 5, 2011       |
| Tuesday, February 1, 2011 | Tuesday, August 2, 2011     |
| Tuesday, March 1, 2011    | Tuesday, September 6, 2011  |
| Tuesday, April 5, 2011    | Tuesday, October 4, 2011    |
| Tuesday, May 3, 2011      | Wednesday, November 2, 2011 |
| Tuesday, June 7, 2011     | Tuesday, December 6, 2011   |

**BE IT RESOLVED** that the regular monthly Town of Southern Shores Town Council agenda workshop meetings will take place on the third Tuesday of each month being called to order at 8:00 a.m. in the Kern P. Pitts Center but more specifically as follows:

- |                            |                             |
|----------------------------|-----------------------------|
| Tuesday, January 18, 2011  | Tuesday, July 19, 2011      |
| Tuesday, February 15, 2011 | Tuesday, August 16, 2011    |
| Tuesday, March 15, 2011    | Tuesday, September 20, 2011 |
| Tuesday, April 19, 2011    | Tuesday, October 18, 2011   |
| Tuesday, May 17, 2011      | Tuesday, November 15, 2011  |
| Tuesday, June 21, 2011     |                             |

**BE IT RESOLVED** if Council finds there are no specific items for the third Tuesday meeting agenda the meeting will be cancelled.

**BE IT RESOLVED** if an election is being held on the first Tuesday of a month then the Council meeting date will be changed to the first Wednesday at 7:00 p.m.

**BE IT FURTHER RESOLVED** that to process routine actions in an expeditious manner a consent agenda will be utilized and administered by the Town Manager as part of Council's regular meeting agenda.

**BE IT FURTHER RESOLVED** to insure public comment is heard one or more Public Comment sections will be placed on the Council meeting agendas. Such comments shall be brief and to the point. The Mayor and or Council may address comments raised or refer the comments to staff for further investigation.

Adopted this 7<sup>th</sup> day of December 2010.

S E A L

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

ATTEST:

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

NORTH CAROLINA  
DARE COUNTY

RENEWAL/EXTENSION OF SERVICE CONTRACT  
Purchase Order #

THIS CONTRACT RENEWAL/EXTENSION is made and entered and entered into this the 7<sup>th</sup> day of December, 2010, by and between TOWN OF SOUTHERN SHORES, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the "TOWN") party of the first part and Thomas G. Bennett, an individual and citizen of the State of North Carolina, SS/EID# 226468763, ("Contractor"), party of the second part.

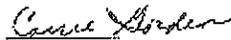
Pursuant to Section 2 of the Service Contract entered into between the parties on June 29, 2009 (the "SERVICE CONTRACT") and the previous Renewal/Extension of Service Contract entered into between the parties on August 17, 2010, the TOWN and the CONTRACTOR have agreed to extend and renew the SERVICE CONTRACT from its extended expiration on December 14, 2010 through February 14, 2011. The TOWN shall not be required to pay combined fees and expenses in excess of \$5,000.00 per month over the extended term. Except as expressly stated herein, the terms of the SERVICE CONTRACT shall remain in full force and effect.

Both the TOWN and the CONTRACTOR agree to the above contractual terms and conditions.

Witnesses or Attested By:

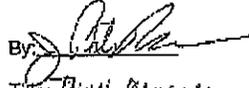
  
  
Witness, or Attested By:

Witness, or Attested By:



(SEAL)

Town of Southern Shores

By: 

Title: Town Manager

Date: 12/08/10

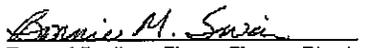
Contractor

By: 

Title: DCOS - MGR

Date: 12/08/10

This instrument has been preaudited in the manner required by  
The Local Government Budget and Fiscal Control Act,

  
Town of Southern Shores Finance Director

NORTH CAROLINA  
DARE COUNTY

INTERLOCAL GOVERNMENT AGREEMENT  
AGREEMENT

THIS AGREEMENT, made and entered into this 15<sup>th</sup> day of NOVEMBER 2010, by and between DARE COUNTY, a body politic of the State of North Carolina, (hereinafter referred to as "Dare County"), and the Town of Southern Shores, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina (hereinafter referred to as "Southern Shores");

WITNESSETH:

WHEREAS, Part 1 of Article 20 of Chapter §160A of the North Carolina General Statutes authorizes Dare County and Southern shores to enter into interlocal agreements in order to execute any undertaking on behalf of one another; and

WHEREAS, North Carolina General Statute §160A-413 authorizes Southern Shores to request that the Dare County Board of Commissioners direct one or more Dare County building inspectors to exercise their powers within part or all of the city's jurisdiction; and

WHEREAS, Southern Shores has requested that the County Board of Commissioners direct Dare County's building inspectors to provide building inspection services through the exercise of their powers within all of Southern Shores' jurisdiction, and Dare County through its Board of Commissioners has agreed to provide such building inspection services consistent with the terms of this Agreement.

NOW THEREFORE, for and in consideration of the mutual benefits, covenants, and promises contained herein, the parties hereto agree as follows:

1. Dare County agrees to direct its building inspectors and Fire Marshall to provide building inspection and fire inspection services, including all building, electrical, plumbing, mechanical and fire inspections within the jurisdiction of Southern Shores, including fire investigations
2. In providing services under this Agreement, Dare County will be administering and enforcing the requirements of (1) the North Carolina State Building Code and all volumes, appendices and amendments thereto, and (2) the North Carolina State Building Code: Fire Prevention Code and appendices. In the event that enforcement of the code requires legal proceedings, such proceedings shall be instituted by Southern Shores. All costs of such proceedings shall be paid by Southern Shores.
3. Southern Shores shall retain administration of its local zoning and code enforcement ordinances. Specifically, Southern Shores shall retain (1) administration and issuance of zoning permits and zoning approvals; (2) administration and issuance of minor CAMA permits through its Local Permitting Officer; (3) administration and issuance of Floodplain Development Permits through its Floodplain Administrator; and (4) administration and issuance of lot disturbance permits as required by its zoning ordinances. In all other cases and consistent with this Agreement, the duties and responsibilities of the position of "Building Inspector" as cited in the North Carolina General Statutes will be assumed by the Dare County Building Inspections Department.

4. Southern Shores agrees to provide Dare County any documentation, files, publications, maps, or other materials in Southern Shores' possession at Dare County's request in order to assist Dare County in providing services under this Agreement.

5. Southern Shores agrees to receive and process all applications, associated fees and other materials and documentation necessary for Dare County to provide the services under this Agreement. Following review by Southern Shores for compliance with the laws and regulations which Southern Shores retains jurisdiction under this Agreement, Southern Shores will promptly submit the applications and other necessary materials and documentation to Dare County.

6. Dare County agrees to provide the services under this Agreement at its cost per hour of service. Cost shall be the average hourly cost of salary and benefits paid by Dare County to its building inspectors or to its Fire Marshal and shall not include any indirect costs. In addition, Southern Shores shall pay Dare County for mileage at the prevailing U.S. Internal Revenue Service standard rate for mileage reimbursement. Dare County shall submit an itemized bill for services provided and mileage to be reimbursed on or before the 5<sup>th</sup> day of the subsequent month, and Southern Shores shall pay said bill for services satisfactorily rendered on or before the 15<sup>th</sup> day of the same month.

7. Dare County agrees to provide services under this Agreement at times and under a schedule which both parties mutually agree to be most convenient for permittees or other customers of building and fire inspection services.

8. This Agreement shall have a duration of one (1) year from the date of its execution. Either party may terminate this Agreement upon sixty (60) days written notice to the other party evidencing the adoption of a resolution in the manner provided by N.C.G.S. 160A-413 and N.C.G.S. 160A-360(g). Absent notice to the contrary, this Agreement shall automatically renew for up to ten (10) additional one (1) year periods. This Agreement is subject to the availability of funds to pay for the specified services and may be terminated at any time if such funds become unavailable.

9. Dare County agrees to hire, maintain and supervise a sufficient building inspection staff to timely and competently provide the services under this Agreement. Otherwise, nothing in this Agreement shall prevent Dare County from entering into mutual aid agreements with other local government entities to provide building or fire inspection services within its jurisdiction or the jurisdiction of Southern Shores.

10. If at any time for any reason, Dare County can no longer hire, maintain or supervise a sufficient building inspection staff, Dare County shall notify Southern Shores of the deficiency as soon as practical, and the parties shall cooperate and mutually discuss an action to amend or terminate this Agreement.

11. All persons employed or acting on behalf of Dare County in providing services shall be treated as employees or agents of Dare County and Southern Shores shall not be responsible or liable for any claims against said persons or the County.

12. Nothing set forth herein is intended nor shall be construed as a waiver of any immunity available to Dare County or Southern Shores, their governing boards, officers, employees, agents or anyone else having immunity due to their relationship with Dare County or Southern Shores.

13. The terms of this Agreement may only be modified by a written mutual agreement signed by the parties and attached hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, in duplicate originals, as of the day and year first above written.

DARE COUNTY

By: Alan C. Seligson (seal)  
Chairman, Board of Commissioners

Attest: [Signature] (seal)  
Clerk to the Board of Commissioners

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature]  
Dare County Finance Director

TOWN OF SOUTHERN SHORES

By: [Signature] (seal)  
Mayor

Attest: [Signature] (seal)  
Town Clerk



This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature]  
Town of Southern Shores Finance Director

Exhibit B

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

**Copies:** Town Manager (Peter Rascoe)

Town Attorney (Ben Gallop)

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

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

**From:** Wes Haskett, Town Planner

**Date:** December 1, 2010

**Re:** November 15, 2010 Planning Board Workshop Meeting Recap

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**RECOMMENDED ACTIONS FOR THE TOWN COUNCIL – None**

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**PLANNING BOARD WORKSHOP MEETING RECAP NOVEMBER 15, 2010**

The Planning Board convened at 7:00 pm. Planning Board Members Mike Florez, Bill Gleason, Sam Williams, alternate member Larry Lawhon, alternate member Elizabeth Morey, and Town Planner Wes Haskett were present. Planning Board members Bob Palombo and Jay Russell were absent with excuse and ETJ Representative Ed Overton was absent with excuse. Claiborne Yarbrough, Waldt Renewables Director and Tom Haddon, Haddon Homes were also present.

NOTE: Alternate members Elizabeth Morey and Larry Lawhon served as regular members due to the absence of Bob Palombo and Jay Russell.

**APPROVAL OF AGENDA**

Planned agenda items for the meeting included:

1. Wind Generation Facilities Project (draft ordinance, draft white paper and public workshop)

Larry Lawhon motioned to approve the agenda. Bill Gleason seconded the motion. The motion passed unanimously.

**APPROVAL OF MINUTES**

Mike Florez motioned to approve the minutes of the October 18, 2010 Workshop meeting. Larry Lawhon seconded the motion. The motion passed unanimously.

**PUBLIC COMMENT**

None

**WIND GENERATION FACILITIES PROJECT (DRAFT ORDINANCE, DRAFT WHITE PAPER AND PUBLIC WORKSHOP)**

Discussion of the current draft of the Town's wind ordinance started with Wes Haskett reporting that the current draft ordinance includes three recent revisions which address current issues being addressed in other local jurisdictions, signage requirements, and a minor editorial revision. The Board, and public attendees, reviewed and provided comments on the draft ordinance. The wind project team leader will provide these comments to the wind project team for its consideration.

The wind project team is also in the process of finalizing a draft white paper on wind generation facilities. After additional discussion, the wind project team will revise the draft wind ordinance and draft white paper for submission to the Planning Board for further consideration. Upon completion of the final drafts of the wind ordinance and the associated white paper, a public workshop will be held to obtain additional public input.

**PUBLIC COMMENT**

None

**PLANNING BOARD MEMBER COMMENTS**

None

**ANNOUNCEMENTS**

Wes Haskett reported that he, the Town Manager, and Planning Board member Jay Russell met to discuss the possibility of not pursuing the development of a proposed stormwater management ordinance. At the last Planning Board Workshop, Mr. Russell presented the possibility of not pursuing the development of a stormwater management ordinance and requested that the Planning Board discuss this issue at a future Planning Board meeting. The Board agreed to discuss this possibility at a future meeting. During the meeting with the Town Manager, Mr. Russell stated that the Town should pursue a draft stormwater management ordinance.

**UPCOMING MEETINGS & PROPOSED AGENDA ITEMS**

- 1. Planning Board Workshop meeting December 6, 2010
  - A. Stormwater Management Ordinance
- 2. Planning Board Application Review meeting December 20, 2010 – Cancelled
- 3. Planning Board Workshop meeting December 20, 2010 Pitts Center 7 pm

**ADJOURNMENT**

Larry Lawhon motioned to adjourn. Bill Gleason seconded the motion. The motion passed unanimously and the meeting adjourned at 9:05 pm.

**Resolution Establishing Guiding Principles for Making Decisions  
on Transportation Infrastructure, Public Safety, and Traffic Control**

**Whereas**, roads and pathways should always ensure the safe and efficient movement of pedestrians, vehicles and emergency equipment within, through and out of the Town of Southern Shores; and

**Whereas**, decisions on Town transportation infrastructure, public safety, and traffic control should always be made in compliance with the needs of the Town of Southern Shores and incorporate appropriate State and Federal transportation requirements; and

**Whereas**, there should be an overall framework for making decisions on transportation infrastructure, public safety, and traffic control that is consistent with the needs of the citizens of the Town of Southern Shores;

**Now Therefore** the Town Council of the Town of Southern Shores hereby resolves that whenever a road is constructed, altered, or repaired, decisions related to the construction, alteration, or repair of the road should be based on the following guiding principles during the planning process:

- Safety is the primary factor.
- Roads are for vehicles, not pedestrians.
- Vehicles and pedestrians should be separated on primary and secondary roads.
- Different road classes are appropriate for different purposes.
- Work on a road should take into account all factors that impact that road and connected roads.
- All stakeholders should be given an opportunity to provide input to the road construction, alteration, or repair process prior to any decisions being made.

Enacted by the Town Council of the Town of Southern Shores this the 7<sup>th</sup> day of December, 2010.

Attest: \_\_\_\_\_  
Carrie Gordin, Town Clerk

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

Exhibit D

<b>Proposed Board of Adjustment Terms</b>			
<b>Board Position **</b>	<b>Member Name</b>	<b>Term Appointment</b>	<b>Term Expiration</b>
<b>First Chair</b>	Ed Cowell, Jr	12/7/2010	12/7/2013
<b>Second Chair</b>	Morgan Mason	12/7/2010	12/30/2013
<b>Third Chair</b>	Claire Sutton	12/7/2010	12/7/2012
<b>Fourth Chair</b>	Ross Mitchell	12/7/2010	12/7/2012
<b>Fifth Chair</b>	Leo Holland	12/7/2010	12/7/2011
<b>ETJ*</b>	David Warner	11/15/2010	11/15/2013
<b>Alternates</b>	Dave Peckens	12/7/2010	12/7/2013
	Joseph Buckley	12/7/2010	12/7/2013
	Charles Toney	12/7/2010	12/7/2013

**\* County Appointed Term**

**\*\* Chairperson and Vice-Chairperson to be designated by the Mayor**