



Town of Southern Shores

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Council Minutes
February 1, 2011
7:00 p.m.-Pitts Center

The Southern Shores Town Council met on February 1, 2011 at the Pitts Center.

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

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 long time resident Ann Parlette and for all our men and women in uniform serving around the world.

APPROVAL OF AGENDA

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

PRESENTATION

"Soaring 100" Oct. 21-24, 2011, Lola Hilton, Executive Director, First Flight Foundation

Mayor Denny introduced Lola Hilton who provided a Power Point presentation on the upcoming "Soaring 100" event to be held on Oct. 21-24, 2011 at the Wright Brothers National Memorial and Jockey's Ridge State Park. This event is to celebrate Orville Wright's 1911 World Record Glider Flight sponsored by organizations such as the First Flight Foundation and the Soaring Society of America.

APPROVAL OF MINUTES-January 4, 2011

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

CONSENT AGENDA

Tax Pick-Ups and Releases

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

[Clerk's Note: A copy of the Tax Pick-Ups and Releases are hereby attached as Exhibit A].

STAFF REPORTS

Financial Reporting for July 1 through December 31, 2010

Bonnie Swain, Finance Officer, reviewed the financial report.

[Clerk's Note: A copy of the presented financial report is hereby attached as Exhibit B].

Town Planner

Wes Haskett presented the monthly report.

[Clerk's Note: A copy of the Planner's monthly report is hereby attached as Exhibit C].

Police Department

Chief Kole presented the monthly report.

Southern Shores Volunteer Fire Department-No report

REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS

Planning Board

Sam Williams, Chairman, stated an educational public workshop will be held on February 7 in the Pitts Center at 7:00 p.m. addressing the draft Wind Generation Facilities Ordinance. A copy of the draft ordinance will be placed on the Town's website and the final draft will be submitted to Council for consideration at its March 1 meeting.

[Clerk's Note: Copies of the Planning Board Recaps for January 5 and January 18, 2011 are hereby attached as Exhibit D].

Southern Shores Civic Association (SSCA)

Larry Lawhon reported the SSCA's membership drive is on-going. A foot wash is being installed by the SSCA at its Hillcrest parking lot for the upcoming season. Nancy Warren is the new SSCA office assistant, and the AT&T telecommunications tower project planned for SSCA property is on-going.

Chicahauk Property Owner's Association (CPOA)-None

PROJECT REPORTS-Canal Dredging

Tom Bennett, Canal Dredging Project Manager, reported that Stages One and Two of Phase One of the canal dredging project is complete except for three spurs between Loblolly Drive and Live Oak Lane, which will be done later. He stated dredging in Stage Three within the main channel of Ginguite Creek has begun. The contractor is dredging 24/7. He stated the contractor is requesting a permit extension to allow dredging past the February 14 deadline.

GENERAL PUBLIC COMMENT

Don Bierwerth, 249 Sea Oats Trail, stated his family was recently involved with Hospice and he commended the Southern Shores Volunteer Fire Department and the Town for their help. He stated in June of 2010 he presented Council with a letter and he has appeared many times requesting a copy of a contract between the Town and grant agencies on the Pitts Center (Blue Sky) and he is still waiting for a copy.

The Town Attorney stated the previous Building Inspector fully complied with Mr. Bierwerth's public records request. Mr. Bierwerth stated Mr. Rountree's responses have nothing to do with his request from June 2010.

Mayor Denny asked that the Town Manager and the Town Attorney examine this and respond to Mr. Bierwerth directly.

OLD BUSINESS-None

NEW BUSINESS

Capital Improvement Plan Committee (FY11-12) Report

The Town Manager gave a brief report on the CIP committee's final meeting and the committee's actions. He stated details will be provided at the February 15 Budget workshop. He stated the committee reached consensus on three items: (1) recommendation that Council consider budget replacement of the Trinitie Trail Bridge Project using Powell Bill funds, (2) recommendation that Council consider installing one (1) generator for Town Hall and the Police Department (3) recommendation that Council consider budgeting to seek a permit for Phase 2 of the Canal Dredging Project. He stated the CIP committee did not reach consensus on (4) a proposal to recommend budgeting the rebuild of Chicahawk Trail with stormwater management enhancements, or (5) a proposal to recommend reserving capital funds appropriated in FY 2011-2012 to go towards completing the canal dredging project in FY 2012-2013. This report will be placed on the agenda for the February 15 workshop.

OTHER ITEMS

Town Manager

The Town Manager reported Sheila Kane and Carrie Gordin recently attended the School of Government's 2011 Annual City and County Clerks Academies and Institute. He stated as previously discussed, once Mrs. Kane attended the course she would be sworn in as the Deputy Clerk. This will be an agenda item for the March meeting.

He announced and congratulated Ben Gallop, Town Attorney, for being named a partner in the law firm of Hornthal, Riley, Ellis and Maland.

He stated budget planning for FY2011-2012 has begun and the first budget workshop will be held on February 15 beginning at 8:00 a.m. in the Pitts Center.

He stated he has been in discussion with Jim Kranda and others on the Town hosting a 5k Run in Southern Shores for next spring.

Town Attorney-None

Mayor-None

Council Members

Council Member Pfizenmayer reported the Albemarle Commission's "Meals on Wheels" program for this area is up and running. A meeting will be held Tuesday, February 8 at 11:00 a.m. in the Pitts Center for anyone interested in volunteering to deliver meals to clients in the area.

Council Member Stroud requested, as a March meeting agenda item, discussion and possible action on the Town's ordinance regulating Personal Watercraft (jet-ski).

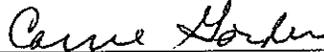
Council Member Stroud also requested, as a March meeting agenda item, discussion and possible action on the matter of the current method for filling vacancies on the Town Council as currently required by applicable state statute.

Hearing no other business Council Member Hess moved to adjourn the meeting at 8:05 p.m. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud, and Kowalski voting aye.

Attest:



Respectfully submitted:


Carrie Gordin, Town Clerk

**TOWN OF
SOUTHERN
SHORES
TAX
DEPARTMENT**

2/1/2011

PICKUPS
Sept. Vehicles
November Real

\$67.46
\$11,105.72

RELEASES
Sept. Real \$3.48
Oct. Real \$50.61
Sept. Vehicle \$67.81
Oct. Vehicle \$41.28
Dec. Vehicle \$124.20

TOTAL

\$11,173.18

\$287.38

GENERAL FUND

	Revenues	Expenses
FY 10-11		
July	16,892	889,784
August	218,059	336,350
September	856,781	324,997
October	542,556	544,122
November	359,159	789,185
December	1,166,617	419,651
January		
February		
March		
April		
May		
June		
Total YTD	3,160,064	3,304,089

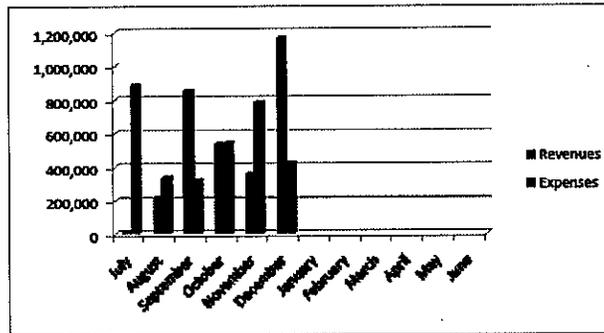


Exhibit C

1. Wireless Facilities

-He has not been contacted by AT&T regarding the proposed wireless tower at Triangle Park. He also has not received any inspection reports from the contractors working on the Verizon Wireless co-location on the Dare County water tower adjacent to Kitty Hawk Elementary School.

2. Draft Wind Generation Facilities Ordinance

-The Town Planning Board will hold a public educational workshop regarding the draft Wind Generation Facilities Ordinance on Monday, February 7th at 7:00 p.m. in the Pitts Center. A power point presentation which addresses background information, issues, and the proposed permitting of Wind Generation Facilities in Southern Shores will be presented. The purpose of the meeting is to obtain feedback from the public on the proposed Wind Generation Facilities Ordinance. He encouraged anyone interested in this project to attend.

3. Dogs on Southern Shores Ocean Beaches

- Last summer he received a petition requesting the Town amend its current Animal Ordinance to allow dogs on the ocean beaches of Southern Shores before 10:00 a.m. and after 6:00 p.m. from May 15th to September 15th provided that the dogs are under supervision. The proposal was discussed by Council and Town Staff was instructed to draft a proposed amendment for Council to consider prior to May 15, 2011. He and the Town Manager have discussed possible amendments and are considering recommending an amendment that would allow dogs on the ocean beaches of Southern Shores before 10:00 a.m. and after 6:00 p.m. from May 15th to September 15th provided they are on a leash not exceeding ten feet in length. The proposed amendment, if approved, would be one of the more stringent ordinances of the other local jurisdictions but it would allow for dogs on the ocean beaches of Southern Shores during certain hours of the summer season.

4. Mailed 2 Code Enforcement Violation Letters in January

- One violation letter was sent for a tree extending over and into a canal off of Birch Lane and the other was sent for obstruction of the Town's right-of-way.

5. Permitting and Inspections for January

- 10 Zoning Permits were issued.

-21 building permits were issued: 1 addition, 3 remodels, and 17 others.

-54 Dare County building inspections were conducted.

-2 Dare County fire inspections were conducted.

-Total amount of fees collected in January: \$3,507.10.

Exhibit D

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 (David Kole, Bonnie Swain, Carrie Gordin, Pat Forrester)

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: January 25, 2011

Re: January 5, 2011 Planning Board Workshop Meeting Recap

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL – None

PLANNING BOARD WORKSHOP MEETING JANUARY 5, 2011

Vice Chairperson Mike Florez called the meeting to order at 7:00 pm. Planning Board Members Mike Florez, Bill Gleason, Jay Russell, alternate member Larry Lawhon, ETJ Representative Ed Overton and Town Planner Wes Haskett were present. Chairperson Sam Williams, Bob Palombo, and alternate member Elizabeth Morey were absent with excuse. Vice Chairperson Florez served as Chairperson due to Chairperson Sam Williams' absence and alternate member Larry Lawhon served as a voting member due to Bob Palombo's absence.

APPROVAL OF AGENDA

Bill Gleason motioned to approve the agenda. Ed Overton seconded the motion. The motion passed unanimously (5-0).

Agenda items for the meeting included:

1. Wind Generation Facilities Draft Ordinance and White Paper

APPROVAL OF MINUTES

Jay Russell motioned to approve the minutes of the December 20, 2010 Application Review Meeting. Larry Lawhon seconded the motion. The motion passed unanimously.

Ed Overton motioned to approve the minutes of the December 20, 2010 Workshop Meeting. Bill Gleason seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None

WIND GENERATION FACILITIES DRAFT ORDINANCE AND WHITE PAPER

Vice Chairperson Florez reported that the Planning Board had previously reviewed and commented on the draft Wind Generation Facilities (WGF) ordinance during the November 15, 2010 Planning Board Workshop Meeting. The comments provided at the November 15th meeting were documented and considered by the WGF Committee which provided Wes Haskett with suggested revisions to the draft ordinance. The Planning Board then reviewed and discussed the revised ordinance and suggested further revision. Wes Haskett agreed to revise the draft ordinance accordingly which will be reviewed and discussed at the January 18, 2011 Planning Board Workshop Meeting.

Chairperson Florez also reported that the draft WGF white paper was near completion and that it would be distributed electronically to the Board as soon as possible for review and discussion during the January 18, 2011 Workshop Meeting. The Planning Board anticipates completion of the WGF draft ordinance and white paper at the January 18, 2011 Workshop Meeting and will hold a public educational workshop on February 7, 2011.

PUBLIC COMMENT

None

PLANNING BOARD MEMBER COMMENTS

Bill Gleason noted that at previous meetings, there had been discussion of designating an earlier meeting time for Workshop Meetings and proposed that all future Workshop Meetings be held at 3:00 p.m. or 5:00 p.m. The Board discussed this proposal and decided that it was a matter that should be discussed with Chairperson Williams prior to making any official revision to the designated meeting time of future Workshop Meetings.

Vice Chairperson Florez reported that he had recently met with the property owners and/or property managers of The Marketplace shopping center and noted that he would recuse himself from any future discussions regarding the shopping center if/when an application is submitted for Planning Board review.

ANNOUNCEMENTS

Wes Haskett noted that no applications were submitted for the January 18, 2011 Application Review Meeting and that a Workshop Meeting will be held on that date.

ADJOURNMENT

Bill Gleason motioned to adjourn. Larry Lawhon seconded the motion. The motion passed unanimously and the meeting adjourned at 8:45 p.m.

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 (David Kole, Bonnie Swain, Carrie Gordin, Pat Forrester)

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: January 27, 2011

Re: January 18, 2011 Planning Board Workshop Meeting Recap

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL – None

PLANNING BOARD WORKSHOP MEETING JANUARY 18, 2011

Chairperson Sam Williams called the meeting to order at 7:00 pm. Planning Board Members Mike Florez, Bill Gleason, alternate member Larry Lawhon, ETJ Representative Ed Overton and Town Planner Wes Haskett were present. Planning Board members Bob Palombo, Jay Russell,

and alternate member Elizabeth Morey were absent with excuse. Alternate member Larry Lawhon served as a voting member due to the absence of Bob Palombo and Jay Russell.

APPROVAL OF AGENDA

Bill Gleason motioned to approve the agenda. Ed Overton seconded the motion. The motion passed unanimously (5-0).

Agenda items for the meeting included:

1. Wind Generation Facilities Draft Ordinance and White Paper

APPROVAL OF MINUTES

Mike Florez motioned to approve the minutes of the January 5, 2011 Workshop Meeting. Bill Gleason seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None

WIND GENERATION FACILITIES DRAFT ORDINANCE AND WHITE PAPER

Chairperson Williams reported that the draft Wind Generation Facilities (WGF) ordinance had been revised to reflect the comments provided at the January 5, 2011 Workshop Meeting and that the Board had a few other comments to consider. The Board reviewed and discussed comments from Chairperson Williams, Bob Palombo, and Elizabeth Morey. Following the discussion, Larry Lawhon motioned to accept the draft WGF ordinance as amended. Bill Gleason seconded the motion. The motion passed unanimously.

Chairperson Williams noted that the draft WGF white paper had been distributed to the Board prior to the meeting and asked that all editorial comments (e.g., capitalization, punctuation, wordsmithing, etc.) be submitted to him and Wes Haskett electronically in order to conserve time. The Board reviewed and discussed all substantive comments raised on the draft white paper. The draft white paper will be revised to reflect the Board's decisions on these substantive comments. Additional substantive comments that may be raised by absent Board members, editorial comments, and substantive public comments will be addressed by the Board at the February 7, 2011 Workshop Meeting following the public discussion portion of the educational workshop.

Chairperson Williams also noted that he had put together a draft power point presentation for use at the February 7, 2011 public educational workshop addressing the draft WGF ordinance and asked for comments on the presentation. The Board provided comments on the presentation which will be revised for use during the upcoming public workshop.

PUBLIC COMMENT

None

PLANNING BOARD MEMBER COMMENTS

Bill Gleason stated that at the previous Workshop Meeting, there had been an initial discussion of designating an earlier meeting time for Workshop Meetings. The Board discussed this proposal and Chairperson Williams noted that it would be beneficial to receive input from the entire Board prior to any decision on amending the current designated meeting time. A decision on amending the current designated Workshop meeting time will be made after all absent Board members had a chance to provide input.

ANNOUNCEMENTS

None

ADJOURNMENT

Ed Overton motioned to adjourn. Larry Lawhon seconded the motion. The motion passed unanimously and the meeting adjourned at 8:30 p.m.