



# 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)

Meeting/Annual Retreat

February 19, 2013

9:00 a.m.-Pitts Center

Mayor Denny called the meeting to order at 9:00 a.m. in the Pitts Center with the following Council Members present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members George Kowalski, David Sanders and Larry Lawhon. Also present: Town Manager Peter Rascoe, Town Clerk Carrie Gordin.

Mayor Denny led the Pledge of Allegiance and held a Moment of Silence for our armed forces serving around the world.

## APPROVAL OF AGENDA

Mayor pro tem Hess moved to approve the agenda as presented. Council Member Lawhon seconded. The motion passed unanimously.

## CONSENT AGENDA

Approval of Minutes-February 5, 2013

Dare County Tax Pickups and Releases

Council Member Sanders moved to approve the Consent Agenda as presented. Council Member Lawhon seconded. The motion passed unanimously.

[Clerk's Note: A copy of the Dare County Tax Pickups and Releases is hereby attached as Exhibit A].

## GENERAL PUBLIC COMMENT

Joan Liston with the League of Women Voters presented Council with a copy of the annual 2013 Citizens Guide and acknowledged those who sponsored the publication.

## OLD BUSINESS

Correction to Previous Budget Amendment -Tall Pine Bridge Project

The Town Manager stated proposed Budget Amendment #6 is to supersede previously approved Budget Amendment #5 as a correction for anticipated funding for the Tall Pine Bridge Replacement Project.

Mayor pro tem Hess moved to approve Budget Amendment #6 as presented. Council Member Lawhon seconded. The motion passed unanimously.

[Clerk's Note: A copy of Budget Amendment #6 is hereby attached as Exhibit B].

## Construction and Demolition Debris Transfer Initiative

Regarding Council's previous discussion on the Town providing a construction debris (C&D) disposal site, the Town Manager stated the service could be paid by the Town or the cost could be placed on the resident user. It is proposed that a \$50 fee be set for a half pick-up load which requires a one-time disposal permit from the Town. He stated the service could begin as early as March.

Mayor Denny and Mayor pro tem Hess stated they would not support the town paying for the service.

Council Member Sanders stated he would like to propose a trial period for the remaining of the fiscal year to see if such a service is needed.

Council Member Sanders moved to provide a C&D service on a trial basis through the current fiscal year with pre-payment from the property owner to obtain a permit. Council Member Kowalski seconded. The motion passed unanimously.

The Town Manager stated the service and permit information will be placed on the Town's website and in the broadcast email beginning March 1.

## NEW BUSINESS

### Draft Ordinance Amendment-2013-02-01-Chapter 10-Cemeteries

The Town Planner proposed a text change to allow the return of the purchase price for unused purchased cemetery lots back to the Town without Council approval.

Council Member Kowalski moved to adopt Ordinance 2013-02-01 as presented. Council Member Lawhon seconded. The motion passed unanimously.

[Clerk's Note: A copy of Ordinance 2013-02-01 is hereby attached as Exhibit C].

### Discussion on the FY2013-2014 General Operating Budget

The Town Manager provided a proposed list of budget items for Council's consideration before the upcoming budget workshop. Those items included: (1) Cost of Phase 2 of the canal maintenance dredging project; (2) Cost of the Trinitie Trail Bridge replacement project; (3) Cost of the Tall Pine Bridge Replacement Project; (4) Proposal and Cost of a new Director/Special Projects Officer position for the Public Works Department; (5) proposal and Cost of employee merit raise; (6) Proposal and Cost of Police Department rank promotions. Other items which may require cost increases in the upcoming budget were also discussed.

## OTHER ITEMS

### Town Manager

The Town Manager addressed several issues:

- The SSCA is conducting an annual meeting in March with the Town Manager, Town Planner, and rental company representatives to discuss the upcoming tourist season available amenities and regulatory requirements for rental guests (such as dogs on the beach, tents, parking, noise, etc.)

- Upcoming meeting with the current contractor on the Gravey Pond/Deer Path/ Spindrift (portion of) street improvement project to discuss final payment for completion of the project.
- Presented some quotes for Council to consider on street areas previously mentioned to staff:
  - a. Wax Myrtle/East Dogwood repairs and enhancements (including corner patch and pave problem, corner curb and gutter) \$3400
  - b. East Dogwood removal of 1700 lf/line and layout and stripe w/glass beading \$1955
  - c. Install DOT arrows, stop bars w/glass beading at NC12 and E. Dogwood \$360
  - d. Fern Drive entrance rebuild-Estimated \$25,700
  - e. Trinitie Trail Bridge re-paving-to be determined

Following Council discussion Mayor pro tem Hess moved to authorize the Town Manager to proceed with developing a combined price to include Fern Lane and Trinitie Trail Bridge and present the budget amendment at the next Council meeting. Council Member Sanders seconded.

Council Member Sanders moved to amend the main motion to include the East Dogwood removal of 1700 lf/line and layout and stripe w/glass beading and to install DOT arrows, stop bars w/glass beading at NC12 and E. Dogwood. Council Member Kowalski seconded.

The vote on Council Member Sanders' amendment was approved 4 to 1. Mayor pro tem Hess voted no.

The vote on the main amended motion was then approved 4 to 1. Mayor pro tem Hess voted no.

Mayor-None

Council-None

Hearing no other business Mayor Denny moved to go into recess until 12:30 p.m. at which time Council will reconvene to discuss topics for the annual retreat.

Mayor Denny reconvened the meeting at 12:30 p.m. All Council and staff were present.

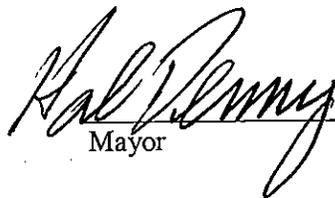
#### Retreat Agenda Items

1. Creation/ Funding of Town utility for maintenance dredging and navigation
  - a. Maintenance dredging of Town-owned canals
  - b. Acquisition of Town-owned sites for canal access
  - c. Maintenance dredging of incoming channel (including cost contributions)
  - d. Maintenance of aids to navigation at incoming channel
  - e. Bulkheading of private shorelines
2. Planning for future land use, acquisition, and development
  - a. Town-owned sites for beach access
  - b. Town-owned sites for other Town services (i.e., recreation)
  - c. Town acquisition of necessary street right-of-way for multi-use paths
  - d. Policy Statement for Land Acquisition?
  - e. Vision Statement to go forward? [i.e., Exclusivity v. Open to Public?]
3. Protocol for replies to citizen inquires directly to Council Members
  - a. Responses to same mailing to every Council Member (individually)
  - b. Style of Responses?
  - c. When appropriate to forward to Town Manager?

The Town Manager discussed the items with Council. Council provided him with direction on their visions for the Town's future. It was Council's consensus to move toward a more "public friendly" town and directed the Town Manager to draft a vision and policy statement accordingly to be presented for Council consideration.

Hearing no other business Mayor Denny moved to adjourn at 2:20 p.m. Mayor pro tem Hess seconded which passed unanimously



  
\_\_\_\_\_  
Mayor

**TOWN OF SOUTHERN SHORES  
TAX DEPARTMENT**

**2/19/2013**

**PICKUPS**

**RELEASES**

October Vehicle	\$33.75
November Real	\$1,661.76
November Vehicle	\$45.51
December Vehicle	\$88.51
January Vehicle	\$93.92
January Real	\$148.86

**TOTAL**

**\$0.00**

**\$2,038.56**

**Town of Southern Shores  
Budget Amendment Number # 6**

<b>Streets Increases</b>			<b>Streets Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909 40-39928	<b>Revenues</b> Undesignated Fund Balance NCDOT Grant Rev	\$48,982 \$199,750	40-39909	Undesignated Fund Balance	199,750
57-50939	<b>Expenditures</b> Tall Pine Bridge	\$48,982			
					\$199,750

Explanation: To show total expense for Tall Pine Bridge plus the grant revenues from NCDOT

Recommended By:

\_\_\_\_\_  
J. Peter Rascoe, III, Town Manager

Approved By:

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

Date \_\_\_\_\_

AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to North Carolina General Statute § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

**WHEREAS**, the Town finds that the Town of Southern Shores has authority to establish, operate, and maintain cemeteries pursuant to North Carolina General Statute 160A-341; and

**WHEREAS**, the Town further finds that Town of Southern Shores has authority to adopt by ordinance rules and regulations concerning all matters of the use, operation, and maintenance of town cemeteries, and may impose a schedule of prices for lots; and

**WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Cemeteries Ordinance and Town Code of Ordinances as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of Cemeteries Ordinance.**

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

**PART I.** That Chapter 10. [Cemeteries] be amended as follows:

**Sec. 10-1. Municipal cemetery established; cemetery fund; monitoring of operations.**

- (a) The town shall establish, operate and maintain a municipal cemetery on that parcel of land, the gift of the Southern Shores Civic Association, bounded on the north by Kitty Hawk Land Company Lot No. 8, Block 202, on the west by Dogwood Trail and on the south and east by the property of the Outer Banks Recreation Association.
- (b) The cemetery shall be known as the Southern Shores Cemetery.
- (b) The cemetery development, operation and maintenance costs shall be paid for from revenues derived from the sale of lots in the cemetery. A cemetery fund shall be established in the town budget to account for revenues and expenditures.
- (d) The mayor, with the approval of the town council, may appoint a councilmember to monitor cemetery operations and policies established by the town council and make recommendations to the Council as appropriate.

(e) The council may establish further regulations regarding the management or maintenance of the cemetery.

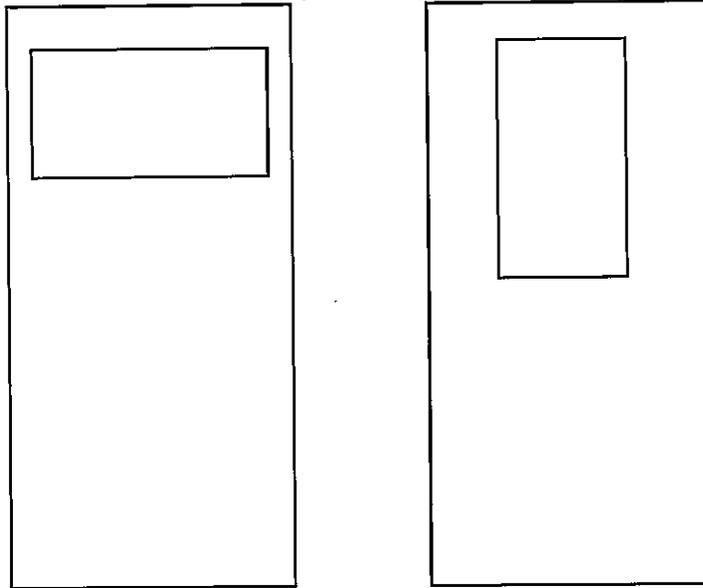
(Code 1988, § 3-1; Ord. No. 81-0021, § 1, 1-6-1981)

1. A Certificate of Burial Rights shall be issued for the right to use, for burial purposes and in exchange for payment, lot or lots in Southern Shores Cemetery and is issued subject to the rules, regulations and ordinances governing the cemetery adopted by the Town Council. The right conveyed by a certificate is for a period of 20 years from the date of execution of the certificate by the Town and thereupon shall expire. Once a lot is used for a family member, however, the entitlement to use one other lot owned by that family vests in perpetuity to the family without renewal requirements. Any remaining lots may be retained by the family as long as renewal requirements are met. The right to use the above described cemetery lot as burial place is vested to the grantee and any member of his/her immediate family which is defined as spouse, brother, sister, parent, child or grandchild or the spouse of any of those and shall not be assigned to any other person.
2. Should no immediate family burial occur within 20 years from the date of the certificate expiration, then, upon tender of a renewal fee of \$10.00 within five (5) years following the expiration date of the original certificate, the certificate may be renewed for a period of 10 years from the expiration date of the original certificate. It is the responsibility of the grantee or his family, to advise the town of any change of address and renew the certificate. Automatic cancellation of burial rights will occur if the certificate is not duly renewed within five (5) years following the expiration date of the original certificate. No more than four (4) lots may be owned by any one family, unless Town Council determines otherwise, based on number of children, grandparents, spouses. Upon request of the certificate holder, ~~and upon approval of the Town Council,~~ the Town may purchase lots back at the original purchase price. Current purchase price is \$500.00 for Town property owners, \$2,000 for non-property owners.
3. Lots containing trees shall only be used for burial of cremains.
4. The Town Clerk shall be notified, in writing, by a deceased's representative of any interment or dis-interment in or from a cemetery lot prior to such action.
5. The Town reserves the right to determine, establish, modify, alter or change the grade of any vacant lot, road, driveway, pathway or part thereof, and it shall not be liable to anyone for any such action.
6. No lot owner shall make any changes or alterations in or on any lot, including the removal or change in position of any memorial or marker, removal of trees or shrubs without the written consent of the Town Manager.
  - a) No coping, curbing, fencing, hedging, borders, perennial plantings, shrubs, corner posts, or enclosure of any kind will be allowed around a gravesite. No walks of brick, cinders, tile, stone, sand, cement, gravel or wood or other materials will be allowed on any cemetery lot.
  - b) No trinkets, toys, shells, glass jars, tin cans, sand, flagpoles, lights or any article determined to be unsightly by the Town Manager shall be allowed on a grave. Any such articles may be removed without notice and the Town will not be responsible for the loss or destruction of the same.

7. Besides being subject to these rules and regulations, all interments, dis-interments and removals are made subject to the orders and laws of the properly constituted authorities of the County and State.
8. Grave markers shall not be in excess of 12 by 24 inches in size and shall be made of permanent material.
9. Adjoining family graves may share a common marker whose size shall not exceed 12 by 48-inches and shall be made of permanent material.
10. Markers shall be located at the head of the grave, center measured one-foot from each side, readable west to east with long dimension of the marker to be on a North/South axis only. Additional 12 by 24-inch markers, shall be placed parallel to the 24-inch dimension of the head marker; (See diagram)

**PERMITTED MARKER PLACEMENT:**

(see description)



Right

Wrong

11. The top of a marker shall be flush and flat with the ground.
12. Grave markers with porcelain or photographs are not permitted.
13. No loitering shall be allowed in the cemetery.

**ARTICLE IV. Severability.**

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

**ARTICLE V. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the 19<sup>th</sup> day of February, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Date adopted: 2/19/20103

Motion to adopt by Council member: Kowalski

Motion seconded by Councilmember: Lawhon

Vote: 5 AYES 0 NAYS