



# Town of Southern Shores

6 Skyline Road  
Southern Shores, NC 27949-3600  
252-261-2394  
252-261-0778  
Fax 252-261-0452

Council Meeting  
March 2, 1999  
7:30 P.M. -Pitts Center

1. Mayor Wood called meeting to order at 7:30 p.m.
2. Ursula Zdarzski led the pledge of allegiance.
3. Mayor Wood asked that a moment of silence be held for the Merrill F. Aukland family.
4. Mayor Wood explained that the Council, at retreat, discussed changing the monthly Council meeting agenda to include a public comment section and to use a consent agenda. Mayor Wood asked for a motion to accept the published consent agenda. Councilman Kennedy made a motion to accept the published consent agenda. Councilman Sutherland seconded. Approved unanimously.
5. Mayor Wood announced the names of the volunteers to receive hats. (see list) Councilman Sutherland presented them. Mayor Wood remarked the volunteers richly deserve the token recognition and thanked them all.
6. Public Hearing

Mayor Wood called the public hearing to order at 7:40 p.m. for the Ginguite Woods Development (PUD). Mayor Wood asked Robin Morgan, Chairperson of the Planning Board, to give a summary on the development. A site plan was available for the public to review. She explained the Planning Board approved the preliminary site plan with six (6) conditions (see list).

Councilman Pitts asked the developer, Neal Blinken, to discuss the 6 conditions. Mr. Blinken stated the conditions are fairly standard for this type of development.

Councilman Campbell asked if Mr. Blinken had a completion date in mind? Mr. Blinken stated hopefully in a year. Mr. Blinken explained the steps needed to be taken for this project. The road system, the footprints for the houses, approval of the wastewater treatment plant and then the utilities would be done.



Public Hearing cont'd

Councilman Sutherland wanted to clarify whether the intent of the Planning Board regarding this project is that all conditions are met before any construction is begun. Robin Morgan stated that is the intent of the Planning Board.

Mr. Blinken expressed the desire to begin a construction road on the property. Councilman Pitts asked Mike Hejduk, the Town's Code Enforcement Officer, if he had any objections to a construction road being put in? Mr. Hejduk's response was the state places restrictions on roads and he does not approve anything until the building permit is issued and construction has begun. He said however, the footprint of the land is small and the developer is leaving as many trees as he can so a construction road would be helpful to the developer.

Neal Blinken stated the condos would be 1750 sq. ft. of living space with a 220 sq. ft. attached garage.

Mayor Wood asked Mr. Blinken if he had done other projects like this? Mr. Blinken gave a brief update on past experience.

Pete Macfarlane asked what the elevation of the wastewater treatment plant is? Mr. Blinken stated it is 4-6' above ground and this is a cutting edge wastewater treatment plant. The water can be reused to water grass and wash cars and would not be hazardous to the canals. The site will be landscaped to be as unobtrusive as possible.

Councilman Kennedy asked would a storm surge cause a problem? It was explained the state sets the elevation in accordance with the 100-year flood ordinance.

Al Smith asked how many more stop signs would this project require? It is unknown at this time. It was stated NCDOT will survey and make recommendations.

Dan Shields expressed concern that the land is low and would need fill dirt. Mr. Blinken explained the self-contained water plant could be put in the low-lying area and that some fill would be needed. Al Smith asked if fill needs to set before construction. Mr. Blinken was not sure but stated some fill already had been placed several months ago.

Dan Shields asked if there is access to Hwy. 158? Mr. Blinken stated yes, there is a proposed turnstile gate on the Hwy. 158 side.

Public Hearing cont'd

Pete Macfarlane asked if the houses would be built on stilts? Mr. Blinken stated the houses would be built on a slab foundation. Mr. Macfarlane stated there may be "peat" pockets and this is not a good foundation for structures. Mike Hejduk commented the core samples drilled 20' deep, in several spots, and found no "peat" pockets but there could be some.

Bill Albrecht stated if the sewage plant were self contained it would need to be pumped. Mr. Blinken said this is true. The solids are ground and treated and it will depend on the efficiency of the plant and how much it will be used to determine how often it will need pumping.

Al Smith asked who would be maintaining the plant and what capacity is it designed for? Mr. Blinken stated the plant is designed for the PUD (36 units) and the nearby commercial area and is able to handle 32,500 gallons per day. There may be a professional office building later that would be added to the system.

Councilman Kennedy asked if the streets are going to be public or private? Mr. Blinken stated that is undecided at this time. Councilman Pitts remarked if a turnstile gate was used then the streets would be private.

Dan Shields commented if the PUD wanted services such as police, fire, and garbage it would have to have public roads.

Mr. Blinken commented Greg Solesbee, Fire Chief, looked over the plans and suggested the cul-de-sacs be wider to accommodate fire trucks; this will be done. Also sprinkler systems are not required in single family dwellings.

Randall Wrenn remarked if the PUD has private roads then the Town is not responsible to provide services. Mr. Blinken stated the tax base collected from the PUD should be enough to maintain the roads. The roads will be built to state standards.

Mr. Albrecht inquired about the upkeep on the wastewater plant and whether there would be any odor. Mr. Blinken replied there would be no odor and the company that is installing the plant will be maintaining it. Mickey Hayes of the Kitty Hawk Land Company explained the sewage plant has applied for a utility license and will be a public utility. This is a very complicated procedure and is governed by very strict rules.

Public Hearing cont'd

Ursula Zdarzdski asked if a completion date for the PUD has been set? She also is concerned about construction trucks and the noise that will be involved since the location is so close to the school. Mr. Blinken stated a one-year completion date is what they hope for.

Bob Clarke stated his concern for any water pollution that may arise from the wastewater treatment plant. Mr. Blinken remarked the PUD is not waterfront and the state mandates the conditions for operation of the wastewater plant and they will be followed to the letter.

Robin Morgan confirmed the conditions attached to the PUD were drawn up with the advice of the Town Engineer and the wastewater plant is covered along with the elevations of the treatment plant and vegetation, the water supply, and stormwater management.

Councilman Campbell asked if there were any problems allowing a construction access to the property? Robin Morgan asked for input from the attending planning board members and it was stated there would be no problem.

Tom White, Town Attorney, stated that Council understand tonight they are approving the preliminary site plan.

Mayor Wood closed the public hearing at 8:25 p.m. Councilman Pitts made a motion to approve the preliminary site plan for the Ginguite Woods Development (PUD) with the conditions as presented. Councilman Campbell seconded. Approved unanimously.

7. Old Business

a. Mayor Wood read the Town's Job Protection Policy and the Code of Ethics. Councilman Campbell made a motion to reaffirm and accept these policies as read and that at the beginning of each year these policies be accepted by Council. Councilman Pitts seconded. Approved unanimously.

b. Tom Gjestson reported Council did a good job in completing the goals set at their retreat in 1998. He summarized the list of action areas the Council agreed to at the retreat of February 15-16, 1999 and announced copies are available.

Old Business cont'd

c. Tom Gjestson reminded Council they had approved an expenditure of up to \$40,000.00 to use for replacing the Town computers and the purchase of a financial software package. A budget amendment needs to be approved. This expenditure will not come from the undesignated fund balance but from higher revenues from the occupancy tax. Bids have been submitted and are being reviewed. A decision on the successful vendor will be made shortly. Councilman Pitts made a motion to approve up to \$40,000.00 to be used for the purchase of new computers and to purchase financial software. Councilman Campbell seconded. Approved unanimously.

d. Mayor Wood gave a brief recap of the recessed February 23 meeting regarding the Council's consideration of changing its form of government from Council/Mayor to Council/Manager. Professor Kurt Jenne of the North Carolina Institute of Government gave a presentation at the February 23 recessed Council meeting.

Mayor Wood commented Council has discussed this and realizes as the Town continues to grow so does the workload and complexity. The change to Council/Manager form of government authorizes the Manager by general statute to handle all Town administrative duties and Council to set policy and direct the Town Manager.

Mayor Wood explained there are 3 ways a form of government can be changed: (1) The citizens can petition for a referendum, (2) Referendum initiated by Council, or (3) Council may amend charter by ordinance with a resolution of intent. All of these are subject to NC General Statutes.

Council is still in the talking stages of this topic and will be holding more meetings to receive input from the citizens. Also, a future Town newsletter will address this issue to the citizens.

Rose Deacon asked how long the Town would have to stay with this form of government if changed? Mayor Wood stated 2 years.

Randall Wrenn commented that Town Managers seem to have a high turnover rate. Mayor Wood stated in Dare County Town Manager employment has proven to be stable.

e. Mayor Wood reported at the retreat, discussion was held regarding the continued water sampling program. Two areas of concern are the wading beach with the periodic ecoli contamination and portions of the canal system with stagnate water and growth of algae. A committee was formed to include Mayor Wood, Ed Lawler, Guy Hellwege, Jack Shea, and Hal Denny. The committee is to develop a long range plan for our waterways.

8. New Business

a. Mayor Wood announced Jack Cox has asked Council to adopt a resolution to the Dare County Board of Education urging the Board to complete the information gathering process before making a decision on the building of new schools. Mayor Wood read the resolution. Mayor Wood asked for any comments. Council had none. Councilman Campbell made a motion to approve resolution as presented. Councilman Sutherland seconded. Approved unanimously.

The citizens present voiced their approval of the resolution. There was no opposition spoken on the subject. Jack Cox asked if someone from Council or an appointee would attend the Board of Education meeting on March 9, 1999 to submit the resolution.

9. Public Comment

Mayor Wood announced that from now on a public comment period would be provided on the agenda. This will allow citizens wishing to speak on issues that are not on the agenda. No immediate action would be taken by the Council on any issue thus raised. With that in mind the floor was opened for public comment.

Pete Macfarlane asked why owners are allowed to clear their property of all trees? Owners living in the woods cut down trees on the lots and even the All Saints Episcopal Church cut down all the trees. He asked if there is an ordinance addressing this issue? Mayor Wood answered no.

Al Smith reported his recycling was not picked up and this wasn't the first time.

Delores Clark expressed her concern regarding the size of houses that are being built in Southern Shores. The 5, 6, and 7 bedroom houses with the capacity to sleep 20 people is not the type of single family dwellings Southern Shores had in mind. She would like Council to write a resolution that would curtail this type of dwelling.

Rose Deacon asked if Council changed the form of government to Council/Manager would meetings still be held? Mayor Wood responded yes.

10. Mayor's Agenda

Mayor Wood read a letter submitting the nomination of Wade Horn of Holden Beach as the representative to the (CRAC) committee, a subsidiary to the Coastal Resource Commission. Bob Trost is on the committee and had offered to advise Council on filling the vacancy.

Mayor's Agenda cont'd

Councilman Pitts made a motion to approve Wade Horn as the Town's nominee to the CRAC committee. Councilman Campbell seconded. Approved unanimously.

11. Council's Agenda

Councilman Kennedy announced he has resigned as a sanitation coordinator and Jack McNeal would be replacing him. Jack will be working with Tom Charlton.

Councilman Kennedy reported additional garbage and recycle cans and parts need to be ordered. Councilman Kennedy made a motion that no more than \$13,600.00 be spent on the purchase of 100 garbage cans and 100 recycle cans and spare parts. Councilman Pitts seconded. Approved unanimously.

Councilman Campbell announced only 51 days to go to the Town's 20th Anniversary Celebration. The next committee meeting will be held Wednesday March 10 at 7:00 p.m. Falcon TV is doing a promo video that night. Councilman Campbell thanked everyone for all their hard work.

Councilman Pitts reported the south end of Spindrift Trail has been repaired and RPC Contracting, Inc. will do the paving. He is waiting for the draft contract from NCDOT regarding the multi-use path.

Councilman Sutherland announced Helen Hiltabidle has resigned as the EOC's ham radio operator. Council will be looking for a replacement.

Councilman Sutherland has presented a request to the Dare County Tourism Board to consider giving a grant in the amount of \$5,700 to help defray the cost of the Town's 20th Anniversary celebration.

Councilman Sutherland reported 13 applications have been submitted for the vacant police officer position.

Police Chief Brazell reported the generator has been painted, the garage has been cleaned, and the gravel has been swept along NC 12. with the help of the community worker and Officer Buchanan.

Police Chief Brazell asked Council to approve \$725.00 for lighting to be installed in the garage. Councilman Kennedy made a motion to approve no more than \$725.00 to be spent on the installation of lighting in the police garage. Councilman Pitts seconded. Approved unanimously.

Council Agenda cont'd

A sign for the police department, naming it the Gerald J. Beshens Law Enforcement Center, is being done by Sam's Signs and will be unveiled at the 20<sup>th</sup> Anniversary Celebration.

Greg Solesbee, Fire Chief, reported that a recent, very serious, house fire on Poteskeet Trail proved the Town's volunteer fire personnel to be true professionals and the Town should be proud of them.

12. Town Administrator's Agenda

Tom Gjestson announced the Town is advertising for proposals for mowing and chipping contracts. The deadline is March 5 for receiving bids.

Tom Gjestson presented the contract, for Council's approval, with the CPA firm of Johnson, Burgess, Mizelle and Straub, as the Town's auditor for FY99/00. Councilman Sutherland made a motion to approve and authorize the mayor to sign the contract. Councilman Kennedy seconded. Approved unanimously.

Tom Gjestson presented and read a resolution for Council's approval regarding the Town's meeting schedule and approving the changes to the agenda incorporating the consent agenda and the public comment period. Councilman Pitts made a motion to accept the resolution as read. Councilman Sutherland seconded. Approved unanimously.

13. Town Attorney's Agenda

Tom White stated Council wanted to know if there would be any legal violation for Council to correspond by e-mail? He finds no reason e-mail could not be used by Council as long as it was used for informational, not decision-reaching, purposes.

14. Announcements

Mayor Wood announced a representative from CAMA would be a guest speaker at the SSCA meeting on Monday March 8<sup>th</sup> at 7:30 p.m.

The Town of Nags Head will host a Q&A meeting March 10<sup>th</sup> at 1:00 p.m. regarding the NAS Oceana naval flight patterns in Dare County. There has been concern from citizens in the area regarding the frequent flight exercises.

Carolina Blue restaurant in the Market Place will donate all proceeds on March 22 to the Town's 20<sup>th</sup> Anniversary celebration. Reservations are required.

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Council Meeting  
March 2, 1999

Announcements cont'd

Pictures of the past mayors of the Town will be displayed at Town Hall.

Councilman Pitts made a motion to adjourn the meeting at 9:30 p.m. Councilman Sutherland seconded. Approved unanimously.

ATTEST:

Respectfully Submitted:

Dick B. Wood  
Mayor

Carrie Gordon  
Town Clerk

January 29, 1999

To: Council  
From: Planning Board  
Re: Ginguite Woods Development

The Planning Board recommends to Council approving the proposed site plan (Ginguite Woods) with the following conditions and that all conditions be met before any building permits are issued.

- 1) **Water Supply:** Public, Dare County Water Distribution System with potable water and fire protection. Subject to review and approval of both the North Carolina Department of environment and Natural Resources (NCDENR) Public Water Supply Section and Dare County.
- 2) **Wastewater:** Private, on-site wastewater collection and treatment plant. Subject to review and approval by NCDENR Division of Water Quality, Wastewater Permit.
- 3) **Stormwater Management:** On-site retention pond. Subject to review and approval by NCDENR Division of Water Quality, Stormwater Permit.
- 4) **Erosion and Sedimentation Control Plan:** Subject to review and approval by NCDENR Division of Land Resources, Land Quality Section.
- 5) **Elevations of the Wastewater Treatment Area and the Landscaping Plan** must be submitted to the Planning Board at the final review.
- 6) **The declaration of covenants, as presented including the maintenance, amenities and common areas** not be changed from the way they were presented to the Planning Board. If changes do occur, they must be submitted in writing to the Town and are subject to review and approval from Tom White, Town Attorney.

Robin S. Morgan  
Chairman

Volunteer to receive caps: 3/2/99

√ Doug Apple  
156 Beech Tree Tr.  
Southern Shores, NC 27949

Dick Buchanan  
37 Juniper Tr.  
Southern Shores, NC 27949

Gary Clark  
211 Sea Oats Tr.  
Southern Shores, NC 27949

Tom Davidson  
38 Fairway Dr.  
Southern Shores, NC 27949

√ Jack Elliot  
143 Yaupon Tr.  
Southern Shores, NC 27949

√ Bill Fargo  
PO Box 2055  
Kitty Hawk, NC 27949

Bob Garrett  
283 Sea Oats Tr.  
Southern Shores, NC 27949

Tom Hartman  
140 Beach Tree Tr.  
Southern Shores, NC 27949

Jim Pfizenmayer  
4 Loblolly Dr.  
Southern Shores, NC 27949

Jim Roberts  
139 S. Dogwood Tr.  
Southern Shores, NC 27949

√ Greg Solesbee  
110 Poteskeet Tr  
Southern Shores, NC 27949

# Code of Ethics For Town of Southern Shores Council Members

## Declaration Of Policy

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use public office for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby adopted.

## Standards of Conduct

As an elected official in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities.
2. I will always uphold the integrity and independence of my office.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my elected position to harass or adversely influence any of the Town's employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any constituent.
9. I will accept no gift or other gratuity, including meals, from any one that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence a council member in the performance of official duties.

## Exemptions

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between officials and their friends and relatives are also exempted. Legitimate political contributions shall also not be considered as gifts.

Adopted this 2rd day of March 1999

Attest:

  
Carrie Gordin, Town Clerk

  
Dick Wood, Mayor

## Town of Southern Shores Policy With Respect to Job Protection

This policy pertains to those individuals within an organization who may come forward and report activity known to be illegal, action contrary to policy, harassment by any employee or elected official, and/or any impropriety or appearance of impropriety by Town employees or officials.

It is the policy of the Town of Southern Shores to encourage employees who have knowledge of any situation as outlined above, to disclose it by reporting the circumstances to their immediate supervisor. If there is no satisfaction at that level then any of the elected Town Council members or the Town Administrator should be contacted. Current North Carolina law protects individuals making such disclosures.

In addition to current law, this written policy is promulgated to reassure Town of Southern Shores employees that:

- a. Reporting of anything as outlined above will not bring a threat to the reporting individual's job.
- b. Taking or threatening to take an unfavorable personnel action solely because an employee came forward as noted above is prohibited and will not be tolerated.
- c. Any allegation of reprisal against any Town employee for making a legitimate disclosure will be fully investigated and resolved.

Investigations undertaken under this policy will be performed by a member of the Town Council duly appointed to do so by the Council at large. If the allegation is against a member of the Town Council, then the Town's attorney shall be appointed to carry out the investigation. Results of any investigation shall be presented to the council in closed session and be acted upon as appropriate.

A copy of this policy shall be provided to each Town employee and council member. In addition there will be an annual briefing on this policy which all Town employees and council members must attend.

Adopted this 2nd day of March 1999

Attest:

  
Carrie Gordin, Town Clerk

  
Dick Wood, Mayor



# Town of Southern Shores

6 Skyline Road  
Southern Shores, NC 27949-3600  
252-261-2394  
252-261-0778  
Fax 252-261-0452

BO 98/99-2

## AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR FISCAL YEAR 1998-1999

**BE IT ORDAINED**, by Council of the Town of Southern Shores:

That the Budget Ordinance for the Fiscal Year ending June 30, 1999 is hereby amended as follows:

Section I. Appropriations:

The amount appropriated for the Administration Department of \$333,144.00 is hereby increased by \$40,000.00 to \$373,144.00.

Section II. Estimated Revenues:

The revenue item entitled "Occupancy Tax" is hereby increased by \$40,000.00 to a new total of \$320,000.00.

Total appropriations and total estimated revenues for Fiscal Year 98/99 now each equal \$2,163,447.00

Adopted this 2<sup>nd</sup> day of March, 1999.

*Dick Wood*  
Mayor

ATTEST:

*Carmi Gordon*  
Town Clerk





# Town of Southern Shores

6 Skyline Road  
Southern Shores, NC 27949-3600  
252-261-2394  
252-261-0778  
Fax 252-261-0452

## RESOLUTION

### DARE COUNTY BOARD OF EDUCATION

**WHEREAS**, the Dare County Board of Education has voted 4-3 to limit discussion of its options for secondary education north of Oregon Inlet, **AND**

**WHEREAS**, this decision was reached before any public comment was heard;

**NOW THEREFORE BE IT RESOLVED** that the Town Council of The Town of Southern Shores hereby requests the Dare County Board of Education complete the information gathering process on this issue and then present all the information they have gathered to the public and allow substantial opportunity for public comment and debate before reaching a final solution.

This the 2<sup>nd</sup> day of March 1999.

  
\_\_\_\_\_  
Dick Wood, Mayor

Attest:

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





# Town of Southern Shores

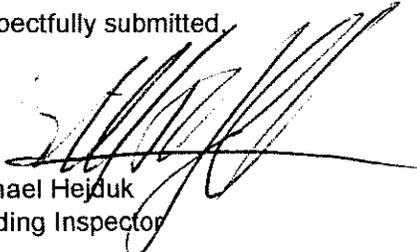
6 Skyline Road  
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 252-261-2394  
 252-261-0778  
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February 26, 1999

## MONTHLY PERMIT SUMMARY

TYPE CONSTRUCTION	NO.	COST	FEES
<b>SOUTHERN SHORES</b>			
New	4	577,600.00	5,007.14
Add/Alt	7	84,873.00	652.45
Other	15	140,585.00	1,285.00
<b>TOTAL SS</b>	<u>26</u>	<u>803,058.00</u>	<u>6,944.59</u>
<b>CUMULATIVE FY99</b>	<u>181</u>	<u>12,188,443.05</u>	<u>85,939.09</u>
<b>TOTAL HOMES SS</b>	1809	(3 Certificates of Occupancy issued this month)	
<b>MARTIN'S POINT</b>			
New	1	140,000.00	1,467.18
Add/Alt	0	-	-
Other	2	12,000.00	100.00
<b>TOTAL MP</b>	<u>3</u>	<u>152,000.00</u>	<u>1,567.18</u>
<b>CUMULATIVE FY99</b>	<u>21</u>	<u>2,423,221.00</u>	<u>15,606.36</u>
<b>TOTAL HOMES MP</b>	150	(0 Certificates of Occupancy issued this month)	
CAMA PERMITS	0		-
PLAN REVIEW FEE	14		1,045.00
<b>TOTAL MONTH</b>		<u>955,058.00</u>	<u>9,556.77</u>
<b>TOTAL YEAR</b>		<u>14,611,664.05</u>	<u>111,529.09</u>

Respectfully submitted,

  
 Michael Hejduk  
 Building Inspector



**TOWN OF SOUTHERN SHORES**

**TAX DEPARTMENT MONTHLY REPORT**

**MONTH:** February, 1999

**DATE:** March 2, 1999

COLLECTIONS

Month To Date

Current Year - 1998	\$	26,161.19
Prior Years - 1979-1997	\$	916.84
Interest	\$	864.94

YEAR TO DATE

Current Year - 1998	\$	956,462.79
Prior Years - 1979-1997	\$	16,230.87
Interest	\$	3,155.79

*no pick ups or releases*