



Town of Southern Shores

"A Town of Volunteers"

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Council Meeting
February 1, 2000
9:00 a.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 9:00 a.m.
2. Jack Bradley led the Pledge of Allegiance
3. Mayor Sutherland asked that a moment of silence be held for the family and friends of Police Officer Frankie Hemilright who passed away while on duty in January.
4. Mayor Sutherland presented the consent agenda that included Council minutes of January and the monthly Building Inspections report, which he read. Councilman Campbell made a motion to approve the Consent Agenda as presented. Councilman Denny seconded. Approved unanimously.
5. Planning Board Report

Chairman Morgan presented the Planning Board report for the January 17 meeting. (See Attached)

Mayor Sutherland introduced Hood Ellis, attorney, who is filling in for Tom White today.

6. Public Hearing
 - a. Sexually Oriented Business

Mayor Sutherland called the Sexually Oriented Business public hearing to order at 9:10 a.m.

Chairman Morgan reported the Planning Board began in 1998 to work on the draft document submitted today. The Board has read a multitude of materials and worked long and hard on this draft ordinance. The Planning Board is proud to submit this document today. All the members have contributed and spent a lot of volunteer hours and she would like to thank them today.

Public Hearing cont'd

Mayor Sutherland asked if there is anyone else to sign up to speak on the Sexually Oriented Business please do so now and when speaking come to the microphone.

Dick Wood, 76 Gravey Pond Lane, Southern Shores, began by saying he and his wife are in strong support of the SOB ordinance that has been drafted. This is a subject that is on the minds of people in Dare County for at least 5 years or longer. He can remember when he was fairly new on the Council that it began to be discussed and Council wanted to take their time with and do a good, careful, thorough job that would stand up to a legal challenge. It seems to him that has been done and done well. He can remember as a Councilman and as Mayor, he and Councilman Sutherland, going through painstakingly a compilation of materials discussing the secondary effects on other communities of sexually oriented businesses. The great difficulty that people had in trying to successfully and legally curb those businesses. It struck him at that time if large communities like El Paso, Texas and Tucson, Arizona and communities in California and St. Paul, Minnesota had problems in coming to grips with this type of sleazy business then what could the Town of Southern Shores, with a small population base hope to do to successfully combat this kind of a problem. Therefore, he understood better, after reading the material, why it is so important to take a long careful look at this subject and do it right. It seems to him after reviewing the draft ordinance that what the Planning Board has done, what Council is doing, and what the Town Attorney has done is just right. He has no problems in endorsing it 100%. He thinks it would be wrong given the homogeneous population and small commercial area that we have here to do anything other than to find that there is no place in Southern Shores for a business of a sexual nature. He therefore speaks in complete support for this particular ordinance and he hopes the Council will see fit to pass it.

Ursula Zdziarski, 267 N. Dogwood Trail, Southern Shores, stated that she is the recording secretary for the SSCA and is speaking on behalf of the association which is in support of the proposed Sexually Oriented Business ordinance. (See complete comments attached).

Jim Morrison, 38 12th Ave, Southern Shores, stated that he is a member of the Planning Board and they worked long and hard on this proposed document. He thanked Mr. Stepanovich and Mr. Ash, of the American Center for Law and Justice and Tom White for all their time and help. (See complete comments attached).

Pat Storey, 362 Sea Oats Trail, Southern Shores, stated she has been a resident for 12 years and spoke at the other public hearing on this same subject and she is in full support of the proposed ordinance. (See attached for complete comments).

Public Hearing cont'd

Bruce Green, 121 Crooked Back Loop, Southern Shores is in full support. (See attached for complete comments).

Mayor Sutherland commented that anyone might submit in writing any comments regarding the Sexually Oriented Business ordinance to Council. He asked for any other speakers, hearing none he opened the discussion amongst the Council.

Councilman Campbell commented that the speakers outlined the issues of the Sexually Oriented Business and the secondary effects on our citizens and on our police and the speakers did very well and he applauds them. He agrees that SOB's are not needed.

Mayor Sutherland reported that there are 399 children in the Town. He feels the Town is unique. He stated he has traveled a lot and as an example of the family quality here he talked about Halloween where there is no vandalism and trick or treating is over by 8:00 p.m. This proves that the citizens care about their community and that sexually oriented businesses are not wanted.

Councilman Kennedy stated that the family-oriented issue of the town is further evidenced by this town in that there are no hotels, motels or short term, one-night occupancies. He stated that the Town has a lot of rental properties but they are single family residences. He thinks, just about without exception, the advertising for all those properties for rental is for family units only. They do not take or encourage other than family groups in most rentals. He has looked very carefully at the available land in Town for use by sexually oriented business or not and Jim Morrison has outlined the uses concerning the location of businesses of a sexual nature close to other commercial businesses and residential areas, schools and churches. In this regard, there are a number of communities in North Carolina that have zones of specific areas for sexually oriented businesses and virtually all of those are in a large safety area, if you will, between those businesses and residential zoning districts, historic districts, residents, schools, churches, libraries, day cares, etc. The situation in Southern Shores is unique in that we have such a small commercial area available to us. In regard to other businesses, he thinks it is interesting to note, that in a meeting with Council the rental agent for the one and only shopping center in Town stated the fact if a sexually oriented business would open in the Market Place we would lose our only grocery store in Town, Food Lion. Apparently it is part of their lease they will not stay in a shopping area where an adult business is located. He thinks it is important to note that Council does not want to abridge the first amendment rights on one hand but on the other hand there are no appropriate places in Town that he could find. That these businesses could be supported without severe secondary impacts on property values and commercial values, it is just not there.

Public Hearing cont'd

Certainly when the Town was founded there was no intent that our small amount of real estate would provide all the services necessary for our residents. As evident by the fact that we have to go out of Town for many of our services; automobile services, he has to travel over 5 miles to get a hair cut but there are a number of businesses that the Town doesn't have and never will because there is no room for them. As a result of that he doesn't see how we can provide any area within the Town for sexually oriented businesses. If there are people that want to frequent those types of business there are places closer than where he has to go to get a haircut. It is improper and virtually impossible for this Town to allow any sexually oriented business in our district.

Councilman Denny stated the Planning Board has assembled several thousand of pages of material. He said that he has not read them all but he has studied in depth those that seem most pertinent to our Town. He found no where that it stated secondary impacts on property values in a community were not degraded by the presence of a sexually oriented business. He echoes Gene Kennedy's point that we are not self sufficient in this Town and he is in full support of the proposed SOB ordinance. He doesn't see any reason for the Council to provide for a sufficiency of a SOB when we don't need it in the first place, especially in view of the secondary impact that it will have on the Town. He stated that Bruce Green spoke very well about what is going to happen to property values and everything he has read leads him to believe that is exactly what would happen. He is in full support of this proposed amendment that the Planning Board has carefully put together for Council.

Councilman Smith thanked the Planning Board and the speakers for covering the issues thoroughly. He would like to add a couple of things. Since the Town is such a unique community a lot of our children have to leave Town to go to school in Kill Devil Hills and Manteo, we have to go out of Town to use medical facilities, car repair and post office. We do have a very small commercial area. Although one of the things we have to deal with is first amendment rights and actually and interesting enough there is an area across the bridge if someone is interested in that kind of facility only 3 miles from Town. The high school is 25 miles from Town. He doesn't believe that is taking someone's first amendment rights away. Secondly, there are areas in Kill Devil Hills and Nags Head designated for these types of establishments. He thinks the Town is on solid ground in this area.

Mayor Sutherland stated he would like to add one thing to further underscore the family nature of the Town and very much underscore it. As many people here may know the Town has had a referendum 2 times for liquor-by-the-drink and liquor-by-the-drink has been voted down 2 times. This says a lot on what the people view this Town as a family oriented single family community.

Public Hearing cont'd

He wanted to amplify a little bit upon some of the undesirable effects that the presence of sexually oriented businesses would have on our Town because they have the effects in other towns, larger towns. Unfortunately as the case may be the effects that they have followed in larger towns are greatly magnified in smaller towns like Southern Shores. The first thing he would like to make sure everybody understands that a lot of research has been done about what happens when you do have these types of businesses in your town they do bring sex related crimes. There are studies done by Garden Grove, California and Indianapolis, Indiana they have two of the strongest studies. Ten years of statistics to back up the Garden Grove study. Another undesirable effect is the perceived decreases and actual decreases in property values at the location of these businesses bring to the locale where they are located. All kinds of research to back that up also. Indianapolis conducted the most extensive and detailed work. They reported 1-20% decrease predicted by 59% of the appraisers for private property. Commercial property of the 62% of appraisers predicted a loss of 1-20% and 10% of the appraisers predicted a loss in excess of 20% in commercial property value. Similar results in Austin, Texas. There are all kinds of statistics to back up the statements and research that the Planning Board has done. Mayor Sutherland asked for any other discussion from Council? There was none. He would like to reiterate anybody that desires to submit a written statement they would be pleased to accept them. Mayor Sutherland suggested because of the very seriousness of this deliberation that Council is undertaking that no vote be taken today Council should consider everything that has been said at this public hearing and place as an agenda item for the next regular council meeting.

Councilman Denny made a motion to call for the vote on the proposed Sexually Oriented Business ordinance at the Council's March meeting on March 7 at 7:30 p.m. Councilman Smith seconded. Approved unanimously.

Mayor Sutherland closed the public hearing at 9:45 a.m. He announced that copies of the SOB ordinance are available here today and at Town Hall.

b. Non-conformities-grandfathering

Mayor Sutherland explained the proposed amendment for non-conformance. This ordinance amendment for the zoning permits/grandfathers any existing residence that is damaged beyond 50% it grandfathers them to replicate that residence on the same footprint that existed before the destruction took place. Without this ordinance any residence that was destroyed more than 50% would have to comply with the new zoning requirements, which for instance would require a 15' side yard setback.

Public Hearing cont'd

He opened the public hearing at 9:47 a.m. He asked if anyone wished to speak. Hearing from no one he closed the public hearing at 9:49 a.m. Councilman Smith made a motion to adopt the ordinance as presented. (see attached). Councilman Kennedy seconded. Approved unanimously.

c. Parking lot, drain field, lot size, and buffer-Kitty Hawk Hotel

Mayor Sutherland read the proposed zoning amendment to the zoning ordinance and called the public hearing to order at 9:53 a.m. and asked if anyone wished to speak.

Gerald George, Independent Property Operators of America, stated that he would like to reference the SOB public hearing and he wanted to assure the Town that the two properties owned by them in Southern Shores would not have any sexually oriented businesses. He stated Joey Lamb III, attorney, John Delucia, engineer, are here and can answer any questions Council may have. He stated the high standards of Southern Shores also covers adjacent properties and the IPOA is proposing to build a Hilton Hotel and change Route 12 to a really nice commercial area something that Southern Shores, Kitty Hawk, Outer Banks and he would be proud of. They will be glad to answer any questions regarding the hotel, itself, the capacity, what it will provide for the area. He stated that Ms. Morgan and the Planning Board have worked hard with them these last 3 months. This is the last big chunk of property in Southern Shores that you will be able to see from Southern Shores and they are committed to putting something that is visually pleasing and they hope the Town will use it.

Joey Lamb stated he is prepared to discuss concerns from anyone in the audience or from Council. He commented that the owners of this property are trying to be conciliatory and cooperative and build an establishment that both Kitty Hawk and Southern Shores will be proud of. He explained he has worked with Tom White, Town Attorney, and the Planning Board on the proposed amendment was originated from their perspective but it has been worked upon so that it has Town wide view. He commented that Jim Morrison has some input in that regard. He would be happy to address any concerns but no questions were directed to him.

Sterling Webster stated he made the first presentation to the Town and that he is affiliated with the property through a sister company (Ramada and the IPOA). He stated that from the very beginning they have tried very hard to be good neighbors, and solicit from the Town what their concerns might be. He stated they realized traffic was going to be a major issue in this location. He commented that it doesn't matter who does something here the traffic will be a problem.

Public Hearing cont'd

The only difference from this ordinance and what was approved before is the parking element, the septic area was approved before and the buffer issue was addressed before and those concerns at that point of time were alleviated or understood/accepted. He explained if you owned this piece of property on NC 12. and you did not use it as a parking lot or could not use it as a parking lot then you would have to build a restaurant on it that would have a septic tank, a parking lot ingress/egress from Hwy 12. The current plan is a direct result of influence by the Town of Southern Shores. It is because of people like Robin Morgan and Paul Sutherland and everyone who addressed the issue of traffic. The plan evolved because we were trying to have less traffic and if they had to see the site for someone to build a restaurant and they would live within the other site (Kitty Hawk) it probably would exclude the pier. He stated this is not a threat, if the owner can't use the site the way it is presented then hard choices have to be made. He hopes the Town realizes how much hard work went into this proposal to make it as compatible for everybody as possible. He commented that these are not greedy developers it is not developed to its highest potential use by any stretch of the imagination. It is developed to be the classiest commercial piece of property on the outer banks and he hopes that what it will be.

Mayor Sutherland asked for comments from Council.

Councilman Smith commented he has a number of things to say. He began by saying he has about 7 concerns. He commented that the Long Range Plan complied on November 15, 1995 the citizens' spoke on the division of the Town in the years to come. He stated, speaking as a resident, first in talking about a hotel at this point, there is absolutely no benefit, in his opinion, to Southern Shores. What we would be doing is changing the ordinance and adding a drain field and a parking lot. He asked if we would not be opening a can of worms to allow additional drain fields and parking lots to service Kitty Hawk? He stated Council received a letter yesterday from Bruce Bortz who was a past Planning Board Chairman. (see attached). He read a portion of the letter and commented he wished he had received it earlier. Councilman Smith referred to a piece of property that a few years ago that the Town was concerned about. It was the use of the Burlage tract a 5 acre piece of property adjacent to Southern Shores Realty and extending to Kitty Hawk. The owners wanted to use it as a sewage treatment plant and drain field to support a hotel development in Kitty Hawk. He stated it took several years to resolve and involved potential litigation. He offered copies of the letter from Mr. Bortz to be made available for those who were interested. He read another portion of the letter and he stated there would be little if any tax benefit to the Town unless the property boundaries have changed.

Public Hearing cont'd

If this ordinance is passed it is quite possible that we could have several acres of drain fields in the Town. Several years ago the Town funded a study that addressed these types of issues a copy of the study titled *Policies Available to Local Government for Sewage Treatment and Disposal Systems on Coastal Barrier Islands*, Southern Shores, North Carolina 1989. David J. Brower, Anna K. Schwab and Ann B. Weeks are available at Town Hall. Mr. Bortz recommended Council review this publication. Councilman Smith would like Council to delay in voting on this issue until this publication is reviewed. Councilman Smith stated he is concerned about the traffic issue on NC 12. One of the things that have been talked about for years is that of NCDOT possibly widening NC 12.

The traffic problem in the summer is horrendous and putting a 150-room hotel on NC 12 makes him concerned that NCDOT will see a need to widen it. Councilman Smith stated another concern he has is the cost of policing the parking lot, what is it going to cost if this is passed? He believes the added traffic to the Town from the hotel will invite NCDOT to widen NC 12 and he hopes Council will look at this very seriously before making a decision.

Councilman Campbell read Article VII, Section 7.10 C-General Commercial District of the Town zoning ordinance on permitted uses. He commented there has been no major change in the conditional use section of the zoning ordinance in 20 years. The Land Use Plan through a questionnaire to the citizens addressed the drain field issue and the response was NO to drain fields. He continued by saying the traffic impact on NC 12 and the policing of the proposed parking lot will become issues to consider. He feels Council needs to take some time to review the proposal before making a decision. He commented the Council is not against other municipalities developing.

Councilman Kennedy stated that he has an opposite view. He feels the proposal made by the hotel is not going to be a detriment, it might be an asset. He spoke earlier about the lack of hotel/motels in town and this adjacent hotel would facilitate the temporary visitors that many of us have. In some cases people don't want to stay with the homeowner or rent for a week and there is no place close-by for them to go for a night or two. He is also concerned about what else might go on the piece of property. The proposal now as it stands a parking lot, a drain field, and a grassy area is a better option than a fast food restaurant or some other business that we might not like as well. He would rather go with the known than the unknown. He commented on the issue of traffic. We are going to have the traffic from the hotel, the rest of the beach, through NC 12 and in Southern Shores no matter what. If this is a parking lot or whether it is a restaurant or a small strip mall the traffic is going to be there.

Public Hearing cont'd

The fact that Council may not approve this, particularly the zoning change, will not make any difference whatsoever whether or not NC12 is widened or whether or not there will be more or less traffic on NC 12.

Councilman Denny stated he has conflicts recognizing the value of all the arguments, pro and con. He has problems with the site plan regarding the lighting, plans for the Kitty Hawk pier, and the memo from Bruce Bortz, which raises more questions in his mind. He moves to defer the vote until a later Council meeting.

Mayor Sutherland agreed this would be a good idea. It is planned to recess this meeting until the 16th and that would be better than to wait for another month.

Mayor Sutherland wanted to add some comments by saying he respects all the comments against the zoning change. He stated he has a different view. He believes the development is high class personified. As far as traffic is concerned there is always going to be traffic on NC 12 and Council is not going to change that. He stated the drain field is a repair drain area to be used if something goes wrong with the drain field so there may be use of it or no use of it. He stated as far as the known and the unknown use he prefers the known. It is a very well done project and he doesn't know what will be there if the amendment is not approved. He agrees to postpone the decision until the recessed Council meeting on February 16. Councilman Kennedy seconded. Approved unanimously.

Mayor Sutherland asked that any written comments regarding this subject should be submitted before the 16th.

Sterling Webster made a final comment by saying that the hotel will be built no matter what and that Council already adopted the ordinance approving the drain field.

Mayor Sutherland closed the public hearing at 10:10 a.m.

7. Old Business

a. Outer Banks Hotel-Kitty Hawk Site Plan

John Delucia stated that he is aware of the previous mentioned drain field a few years ago. The amendment to the zoning ordinance regarding drain fields originated from a request from the Crown gas station (formerly Exxon) in Kitty Hawk which Council adopted.

Old Business cont'd

Now the hotel is asking that the same be applied. He continued by saying that the drain field now proposed is smaller than initially proposed and does not include using the property across the street. The sewage plant is a first rate sewage plant.

Councilman Campbell stated that last year when the presentation for the hotel was made there was no mention of a parking lot. The change in the drain field would not have gotten his vote. He continued by saying that once we allow an expanded commercial area there would be no stopping it.

Mr. Delucia explained that there always was a separate use for that piece of property but the designs were not flowing properly. The developers knew the adjacent property owners (Pelican's Watch) did not want to look at the back of a building and garbage cans it was decided what use would be best for the property adjoined by two municipalities.

Councilman Smith commented that the site plan shows a driveway going onto NC 12. Mr. Delucia responded by saying, a lot of changes have been made to the site plan including the separate piece of property showing the parking, access onto NC 12, and the drain field. He commented that NCDOT shares the same concern regarding the traffic impact onto NC 12. He submitted a letter from NCDOT recommending that a right hand turn only onto NC12 would be a consideration.

Mayor Sutherland stated Council would continue to discuss this at the recessed February 16 meeting.

8. New Business

a. Resolution for school on the beach

Mayor Sutherland read the resolution address to Dare County regarding the placement of 2 high schools on the beach and explained the number of signed petitioners (104) would have been greater if the corrected resolution had been presented.

Councilman Campbell made a motion to adopt the resolution as presented. Councilman Smith seconded. Approved unanimously. Mayor Sutherland stated the signed petition would be mailed to the Board of Education and the County Commissioners and to the other towns.

New Business cont'd

b. Council Retreat

Mayor Sutherland announced today's meeting would be recessed until February 16 at 9:00 a.m. to discuss the retreat items.

c. Resolution to change monthly Council meetings

Mayor Sutherland asked Tom Gjestson to review the proposed changes in Council's meeting schedule as outlined in presented resolution. The schedule is as follows: the Council workshop remains the same, the last Tuesday of each month at 9:00 a.m., the Council's monthly meetings will be held on the first Tuesday of even months at 9:00 a.m., and on the first Tuesday of odd months the Council meetings will be held at 7:30 p.m. Councilman Denny made a motion to adopt the resolution presented. Councilman Campbell seconded. Approved unanimously.

Ursula Zdzariski made a recommendation that Council switch the day and night meetings opposite of what is presented due to the fact that the SSCA holds their membership meetings on the second Monday every other month at night. The resolution stands as adopted.

d. Modify Salary Structure

Councilman Smith requested to be excused from voting on this agenda item due to his wife being an employee of the Town and this is a salary item. Councilman Denny made a motion to excuse Councilman Smith from voting on agenda item 8d. Mayor Sutherland seconded. Approved unanimously.

Tom Gjestson presented the proposed change in the salary structure and explained the current salary structure was developed in 1997 which had market level salaries at mid point and 80% of midpoint for beginning salaries and 120% of midpoint for maximum end of salary structure. He is not proposing to change any of the percentages. He stated that for the past 2+ years a 2 1/2% cost of living increase has been given and is recommending that the cost of living increase be built into the structure to stay competitive. He further stated the current structure is by grade with a step increase of 2 1/2%. This step increase gives a 2 1/2% mentality and does not easily allow changes in the salary structure. He recommends that Council approve ~~the resolution~~ to dispense the use of the steps and use the salary structure as presented. Councilman Campbell moved to adopt ~~the resolution~~ as presented. Mayor Sutherland seconded. Approved unanimously. *(See attached). No resolution presented. (cg)*

New Business cont'd

e. Council Assignments

Tom Gjestson announced the Council assignments of duties from the retreat are Councilman Denny is assigned to public works to include roads, maintenance, and waterways, Councilman Campbell is assigned to public safety including the police and a liaison to the fire department. Councilman Kennedy is assigned to solid waste/recycling and chipping. Councilman Smith is assigned to public relations of the Town. Mayor Sutherland will be the Town spokesman and liaison with other governments.

f. Appointment to Planning Board-Dan Shields

Mayor Sutherland announced that Tom Hartman has resigned from the Planning Board effective immediately. The Planning Board recommends Dan Shields, Alternate, to fill the vacancy. Councilman Kennedy made the motion to approve Dan Shields to fill the vacancy for a three year term. Councilman Campbell seconded. Approved unanimously.

g. Annual renewal of the Town Code of Ethics/Job Protection Plan

Mayor Sutherland stated this is an annual requirement that each employee signs the Job Protection form and that the Council, Board members and committee, and employees are requested to sign the Ethics Code form. It is the same forms from last year but Council and the board members (planning and board of adjustment) are being asked to sign the Ethics Code.

9. Public Comment

Randall Wrenn asked when the meetings are recessed how do we know when it will be held? Mayor Sutherland stated the date, time, and place are announced at the meeting that is taking place.

10. Council Agenda

Councilman Campbell commented that Falcon Cable is still having problems with reception and other areas like Suffolk, Va. are having problems with Falcon Cable also.

Councilman Campbell announced that \$971.00 was left in the 20th Anniversary Committee fund and it is being donated to the Town's General Fund to be used for the building of the Council's dais.

Council Agenda cont'd

Councilman Campbell thanked Mike Hejduk for submitting information on a Public Safety meeting and Councilman Campbell will attend.

Councilman Denny reported that RPC Contractors was awarded a contract to sweep the Town streets soon.

Councilman Denny commented that ITRE did a street survey and it has been a valuable tool in issuing work orders by priority.

Councilman Denny reported Mike Hejduk has done a great job in putting together a letter explaining the zoning ordinance changes that will be mailed to property owners in the near future.

Councilman Kennedy announced that he and Tom Gjestson will be meeting with the Director of Dare County Solid Waste on Thursday February 4. They will be discussing a possible change to the garbage pickup schedule, requesting the days for pickup be changed to Mondays and Fridays throughout the Town and eliminating the Thursday and Saturday pickup.

Councilman Kennedy reported the chipping contract with Dave's Tree Service expires in April and he recommends renewing the contract for an additional year as the contract provides. He recommends the contract be renewed for one year and same conditions, with an added condition that Dave's Tree Service acquire and maintain a working pager, and authorizes the Mayor to sign the contract. Mayor Sutherland seconded. Approved unanimously.

10. Mayor's Agenda

Mayor Sutherland reported that Dare County has requested a nominee from each municipality to fill a seat on the Pasquotank River Regional Council. Mayor Sutherland made a motion to nominate Councilman Smith and to submit his name to the Dare County Board of Commissioners. Councilman Kennedy seconded. Approved unanimously.

Mayor Sutherland announced that Council received a letter from Mr. Sawyer of the N. C. Department of Insurance responding to questions submitted by Mike Hejduk regarding the "large home" issues.

Mayor's Agenda cont'd

Mayor Sutherland commented that a letter would be written asking them to be more explicit in their explanations that the letter was not satisfactory in its responses to the questions asked by the Code Enforcement Administrator.

Mayor Sutherland presented and read a resolution to allow the Town Manger to transfer monies in the budget within a department and to extend funds up to budget within a department. Councilman Denny made a motion to adopt the resolution as presented. Councilman Campbell seconded. Approved unanimously.

11. Town Manager's Agenda

Tom Gjestson reported that Jodi Hess has volunteered to review the Town minutes and ordinance books to compile a numbering and correlation and update Town Code as needed from this research.

Tom Gjestson announced it is time to renew the audit contract. He reported Johnson, Burgess, Mizelle & Straub, CPA's have submitted a contract in the amount of \$7,350.00. Councilman Kennedy made a motion to approve the contract amount and authorize the Mayor to sign the contract. Councilman Campbell seconded. Approved unanimously.

Tom Gjestson reported a request has been made from the family of Officer Frankie Hemilright to have his service weapon. He stated that there is a state statute (which he read) that allows the family to have his badge at no cost also the service weapon can be given to the family at a cost determined by the governing body upon securing a permit if no permit is secured then the weapon is rendered inoperable before letting it go. He stated the replacement cost of the newly issued Glock is around \$500-600. He continued by saying before the new weapons were issued the old weapons were traded in and at that time officers could purchase their old weapons, which Officer Hemilright did not do. The question to Council is do they want to allow the family to have the weapon with or without a cost and if the weapon should be disarmed or not?

Chief Brazell stated that in his past experience weapons have been given to the family of the deceased.

Councilman Denny asked if the weapons given to the families were made inoperable? Chief Brazell stated he knew of one that was made inoperable.

Mayor Sutherland stated he is not in favor of releasing the weapon unless the family purchases it.

Town Manager's Agenda cont'd

Councilman Smith expressed his concerns on giving the gun as requested. He is against it under any circumstances. As a taxpayer and a Councilman the replacement cost of \$500-600 is not acceptable. He also expressed concern regarding the liability of releasing a gun to anyone with all the daily news concerning school shootings and other public shootings. He stated Officer Hemilright had a chance to purchase his previous weapon and chose not to. The weapon in question is relatively new and he doesn't feel there was an emotional attachment to it. He stated he would not vote to approve the release of the weapon.

Councilman Denny stated he would be willing to give the weapon to the family if it was rendered inoperable.

Councilman Kennedy asked if a gun permit would be issued?

Chief Brazell commented Officer Hemilright's oldest son has made the request and he would need to apply for a gun permit like anyone else.

Councilman Campbell recommended to table this issue until the recessed meeting so Council can review the options. Agreed.

Tom Gjestson presented the Town's property numbering map for Council to adopt. He stated that the map has not been updated since 1984.

Councilman Kennedy asked if there was anything unusual about the map? Mike Hejduk commented the street numbers are assigned per the Town Code.

Randall Wrenn asked if private roads in the Town are on the map? Mike Hejduk said yes.

Bill Storey asked if this map show the flood zones? Mike Hejduk said it does not that the unofficial flood map is available from the Building Inspections Department for \$16.00.

Councilman Denny remarked that Tall Pine Lane is shown to extend further than he remembered. Mike Hejduk stated there have been some re-combinations.

Pat Storey asked how she could get a copy and at what cost? Mike Hejduk said he is not sure at this time but the map will be available on the Town's web site.

Town Manager's Agenda cont'd

Mayor Sutherland made a motion to adopt the numbering map as presented. Councilman Kennedy seconded. Approved unanimously. ^{property}

Tom Gjestson announced that Council previously approved a \$45,000 check to be issued to the fire department and it will be released when they request it.

Tom Gjestson announced training needed for the Personal Watercraft permit, as required by ordinance by the Town, has been set up by the Coast Guard Auxiliary. It is an 8-hour course and will be held on March 25, 8:00 a.m.-5:00 p.m., April 8, 8:00 a.m.-5 p.m., April 25, 6:00 p.m.-10 p.m., and April 27, 6:00 p.m.-10 p.m. at the Pitts Center. Mr. Gjestson stated anyone can attend and it will be advertised in the newspaper, which will include the PWC ordinance and the training schedules. Also the Town will do a broadcast email.

Chief Brazell gave the January (monthly) crime report.

Ursula Zdzariski asked that the Town decal parking permit be defined. Chief Brazell explained the decal is to be used for the designated streets at the beach locations where the cutouts are and a sign is posted is where they can park, only there. Generally, there is no parking on our streets. He urged residents to call the department when they feel something is not right.

Mayor Sutherland asked if the information signs showing the Town decal and telling where people can park are ready? Chief Brazell commented they are trying to locate where the signs were ordered before new ones could be ordered.

Councilman Campbell asked Chief Brazell what is meant by "zone checks"? Chief Brazell explained the officer on duty is required to maintain a daily log on each shift and he is to do a concentrated check on a zone area of the Town and log it in.

Councilman Kennedy asked the status of the traffic flow in the parking lot at Kitty Hawk Elementary School? Lt. Merriman responded by saying she has had no comment from the school since Christmas but bad weather may have been a hold up on the progress. Councilman Kennedy volunteered to speak to the PTA president again regarding any progress. Councilman Campbell suggested this issue be reviewed at the recessed meeting.

Chief Brazell commented the left turn light signal at the school is not operating and that causes the biggest backup problem.

Town Manager's Agenda cont'd

Councilman Denny remarked he is concerned about the removing of the street signs and the bridge signs. Chief Brazell commented that unless someone sees them or someone tells on them there is nothing we can do. Councilman Denny recommends that a reward be put in place. Councilman Campbell suggested that instead of wood post, steel post should be used.

12. Town Attorney Agenda-none

Mayor Sutherland personally thanked the Planning Board for their hard work and he also thanked Dick Wood for the nice solid foundation he left for Council.

Sgt. Buchanan announced the DARE graduation for the 5th graders will be held on February 11, 2000, at 1:15 p.m. at Kitty Hawk Elementary School. He invited everyone to attend to show support for the DARE program. Mayor Sutherland asked who is the DARE officer now? Chief Brazell explained that the County is handling it now and Bill Morris is the DARE Officer. Mayor Sutherland suggested that Officer Morris be invited to a Council meeting to speak on the program.

Mayor Sutherland made a motion to recess at 11:30 a.m. and to continue the meeting on February 16, 2000 at 9:00 a.m. Approved unanimously.

ATTEST:



Mayor Sutherland

Respectfully Submitted:



Town Clerk