



Town of Southern Shores

"A Town of Volunteers"

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: info@southernshores.org

Council Meeting

October 3, 2000

9:00 a.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 9:04 a.m.
2. Bob Middlebrook led the Pledge of Allegiance
3. Moment of Silence

Mayor Sutherland asked that a moment of silence be held for the families of Consetta Krasnicki, Marty Bellantine and John Gaw II, in the loss of his son.

4. Consent Agenda

Mayor Sutherland moved to accept the minutes of the September 5, 2000 Council meeting and the monthly Building Inspections report. Councilman Campbell seconded. Approved unanimously.

5. Presentation by Dr. Sue Burgess, Superintendent of Dare County Schools.

Mayor Sutherland introduced Dr. Burgess and Susan Nordmann, Principal of Kitty Hawk Elementary School.

Dr. Burgess began by saying that she is glad and proud to be in Dare County. She gave a brief presentation and stated that Kitty Hawk Elementary School has been rated as one the best schools in the district for the past four years for a school of distinction award and has received other worthy awards.

She explained some of the issues facing the school system overall are to alleviate the overcrowding of the classrooms. She reported that the predicted number of students for this year at Kitty Hawk was 680 but it has 743 enrolled. She commented that the school board would be coming before Council to ask for a modular classroom in the near future and she hopes it will be approved.

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School Presentation cont'd

Other issues of concern are the hiring and retaining of good teachers, improving the alternative school program, to work towards the implementation of the 10-year facility plan to eliminate the need for modular classrooms, reach out to the retirement community as a valuable resource to be used in the schools, and to implement a published annual report card to the public to name a few.

She reviewed some of the options presented for an additional high school needed in Dare County and then introduced Ms. Susan Nordmann, principal of Kitty Hawk Elementary School.

Ms. Nordmann invited everyone to come to school to see all the exciting learning activities that go on there. She reported that the teachers at Kitty Hawk are some of the best in the state and in the nation.

She acknowledged Kathy Evanoff, technology teacher, who is responsible for the schools web page, the parenting news stand publication, and a multi-media project involving the students that was viewed by all.

Councilman Campbell asked Mrs. Nordmann what needs to be done regarding the traffic pattern issue and what happened to the proposal the Town submitted some months ago. Mrs. Nordmann explained that the left turn signal light has helped but traffic is still an issue, especially the ten minutes or so for the curbside drop off/pick up times of the children. She stated that safety is an issue. She stated that she is willing to meet with anyone to work on the traffic issue.

Councilman Denny stated that he has seen the enthusiasm the students and teachers have and he is proud of Kitty Hawk School. He stated that he has always felt that the role of the superintendent is not only to educate kids but also to educate the general public about the resources that are needed to educate the kids and he welcomed Dr. Burgess to Dare County and wished her success.

Mayor Sutherland thanked all for coming and especially to Dr. Burgess for coming to Dare County.

6. Planning Board Report

Mayor Sutherland stated that he talked to David Jones, President of the Martin's Point Homeowner's Association, and he said that the association has selected John Albree as the ETJ representative.

Chairman Morrison presented a recap of the September 18, 2000 meeting.

Chairman Morrison gave the background on the telecommunications tower ordinance, which recommends that towers, with specific requirements applied, be allowed in the commercial zone only. He also presented two site plans for Council's approval and stated that the Board will be reviewing a revision regarding the RS-10 zone (Mallard's Cove)

Planning Board report cont'd

Chairman Morrison recommended for Council's approval a request from the All Saint's Episcopal Church to place an 8x10 shed on the site for their lawn and landscaping equipment.

Chairman Morrison recommended for Council's approval a request from Central Garden and Nursery to amend the site plan to move two employee parking spaces to save a tree.

Chairman Morrison reported that the Board would be reviewing the preliminary site plan of the Southern Shores Crossing at their next meeting.

He stated that the Planning Board, town engineer, building inspector, and fire chief have made preliminary comments to the developer. Chairman Morrison would like to suggest that a traffic flow study be considered for the site.

Mayor Sutherland commented that there is severe concern regarding the placement of the driveway and the worsened traffic problems that will arise.

7. Public Hearing-Personal Watercraft Ordinance (PWC)

Mayor Sutherland explained that a public hearing is not required but that Council felt with the draft changes the public should have the opportunity to be heard. He opened the public hearing at 9:40 a.m. regarding the amendments to the personal watercraft ordinance. He asked that Councilman Smith and Councilman Campbell review the changes. Councilman Smith reviewed the changes to the PWC and stated that Police Chief Brazell aided in the suggested changes.

Mayor Sutherland called upon those who signed up to speak on the subject

Joe Lamb III, stated that he is an attorney with the firm of Vanderveter and Black. He is speaking for his client, Tom Franchi, who is a resident of Martin's Point and his property is located on Ginguite Creek. Mr. Lamb explained that Mr. Franchi objects to the ordinance.

His client feels that the proposed amendments do little to eliminate his concerns regarding the ordinance. He feels that the laws of the state regarding (PWC) specifically G.S. 75-A are sufficient and adequate in addressing personal watercraft. He feels it is unfair to him to restrict his use of PWC in Ginguite Creek, which the proposed ordinance does. He feels that it is unfair that PWC will be required to be permitted unlike other watercraft that will be allowed to operate in Ginguite Creek. He feels it is unfair that PWC will have limitations on speed outside of the restrictions imposed by the state law unlike other watercraft that can operate on Ginguite Creek. He also feels that the law or ordinance that is proposed discriminates against non-residents and non-property homes of the Town of Southern Shores and the Martin's Point community because he has friends and family members who are neither residents nor property owners who will be prohibited from using Ginguite Creek in conjunction with him to the extent that he can use it. He would like to interject on his client's behalf his opposition to the amendment and the ordinance as it now exists. Mr. Lamb thanked Council for allowing him the time to speak.

Public Hearing cont'd

Richard Morauer of 245 N. Dogwood Trail. He stated that he also opposes the PWC ordinance and he doesn't feel the changes are adequate to satisfy the needs of the public. He stated that he is here today to discuss the Town's ordinance regulating PWC's more importantly we are to discuss a personal rights issue. He stated that he feels the ordinance strips U.S. citizens of their basic right afforded by the U.S. Constitution to access all navigable waterways. The Town relies on it's own interpretation of G.S. 160A-176.2. He stated that it defies logic in the general principles of law that the state can grant authority to a town greater than its own authority to legally regulate activities in navigable waterways in the U. S. and N.C. He stated that even if the authorities are proper, prohibiting access to these public right-of- ways is an abuse of power in that the ordinance is unreasonable and arbitrary and the regulations far exceed that necessary to arrive at public safety and welfare and singles out and holds PWC's to a much higher degree of regulation than other watercraft of same or similar class. The definition of a PWC differentiates it from other small vessel primarily because the operator sits on the vessel instead of in it. This in fact is a primarily distinction between automobiles and motorcycles which are acknowledged to be smaller, generally quicker, noisier, and more dangerous than automobiles. Motorcycles have full access to all public highways and except for some minor safety equipment and licensing regulations are governed by the same 'rules of the road' as automobiles. He referred to two NC statutes (State vs. Baum) which states that all water courses are regarded as navigable in law that are navigable in fact. He stated that this meant that the public has the right to the unobstructed navigation as a public highway. For all purposes of pleasure or profit of all watercourses whether tidal or inland that are in natural condition capable of such use. He quoted from (State vs. Twiford) "navigable waters are free".

They cannot be sold or monopolized, they belong to no one but the public and are reserved for free and unrestricted use to the public at all times. Whatever monopoly may obtain on land the waters are unbridled yet. In conclusion he asked Council to consider how the state can give you authority that they do not have themselves and asked Council to consider personal rights to be more important than the apparent dislike for PWC's.

Bob Middlebrooks, 293 S. Dogwood Trail, stated that personally he does not object to the PWC ordinance but he can personally attest that there are PWC operators who harass bird nests. He stated that he believes the problems don't come from the Town or Martin's Point but come from the Duck area and rental activity. He thinks the Police Department's purchase of a PWC is a move in a direction to enforce of what are the most reckless violators. He stated that he thinks the amendment to the ordinance would bring the regulations back to a balance. He asked that the definition of a non-permanent resident be explained. He stated that he has houseguests. His son in particular, who comes down about four times a year on weekends and he asked if he is covered? It was stated that he is covered. Mr. Middlebrooks stated that he doesn't have any personal objections to the other items that are required by the ordinance. He thanked Council for allowing him the time to speak.

Mayor Sutherland called for anyone else wishing to speak. Hearing no one he closed the public hearing at 9:52 a.m.

Public Hearing cont'd

Councilman Denny stated that when the PWC issue came up, 2-3 years ago, he felt it was ok to treat them like any other watercraft. He said since then he has observed PWC operators on the water and while working at the marina and he has changed his mind. He is not against PWC but he is against the use that some few operators make of them. He will vote in support of the ordinance amendments.

Mayor Sutherland stated that he has received many calls from residents saying how pleasurable it has been on Ginguite Creek since PWC have been regulated. He stated that unrestricted use does not mean unregulated use.

Councilman Campbell made a motion to adopt the PWC ordinance as presented. Councilman Smith seconded. Approved unanimously.

Mayor Sutherland asked that the two site plans presented by Chairman Morrison be voted on at this time.

Councilman Denny made a motion to approve the revised site plan submitted by the All Saint's Episcopal Church for placement of a shed as presented. Councilman Campbell seconded. Approved unanimously.

Councilman Denny made a motion to approve the amended site plan submitted by Central Garden and Nursery to relocate two (2) employee parking spaces as presented. Mayor Sutherland seconded. Approved unanimously.

8. Old Business

a. Financial Results

Tom Gjestson gave a brief financial presentation comparing FY98-99 and FY99-00. He stated that the Town's share of the occupancy tax, local option tax, and the land transfer tax is affected by the Town lowering the Town's property tax levied for this year. The undesignated fund balance is currently at \$2.7 million

b. Traffic Committee/NCDOT Meeting October 18, 2000

Mayor Sutherland reported that Council had proposed a traffic committee but have held back on the selection of that committee until NCDOT has held a public meeting to discuss their options for the traffic issues at NC 12/US Hwy 158. He announced that NCDOT would be holding a public meeting on October 18 at 2:00 p.m. in the Pitts Center. He stated that Council might select a committee following the outcome of the public meeting.

Old Business cont'd

c. Long Range Plan Committee

Mayor Sutherland stated that Council requested names of volunteers who would be willing to serve on the committee. He stated that the plan needs to be reviewed every five (5) years. He commented that the list of volunteers is testimony to the Town when you need volunteers they come out of the woodwork. He stated that Council would be going into closed session following this meeting to discuss some personnel matters and at that time they would also discuss the Long Range Plan committee at that time.

Councilman Campbell asked if the committee could be appointed in the closed session? Mayor Sutherland stated that Council would need to be in an open meeting to do that.

Tom White, Town Attorney, stated that when Council is making appointments to a public board it needs to be done in an open session. Mayor Sutherland stated that the appointments would be deferred to the next Council meeting.

d. Lot Disturbance

Tom Gjestson reported that Council approved a lot disturbance ordinance but did not address what penalty would be applied for violators. He said that Tom White pointed out that Council should review the Town's "fee schedule" that some may be fees and some may be penalties and once that is decided a new fee schedule should be adopted.

e. Chipping

Tom Gjestson reported that after reviewing the chipping contractor he would not continue with current contract. He stated that he placed an ad for a new chipping contractor and received seven (7) companies that responded. He stated that he would talk to Councilman Kennedy and Councilman Denny regarding the seven bidders and the bids that were proposed before any decisions are made.

f. Via Recognition Bench

Mayor Sutherland announced that a proposal has been made to purchase and place a bench somewhere in town in memory of Harold Via. Mayor Sutherland recommended that the Town Manager select a site for the bench.

g. Road Program

Councilman Denny reported that the paving program of last year has been completed. He reported that bids would be opened on October 10 for the rebuild of the Tall Pine Lane "T" and rebuild of Loblolly Lane.

Old Business cont'd

Councilman Denny stated that there are two other areas of concern regarding drain problems 1) the SSCA wading beach and 2) Wax Myrtle Trail.

He stated that projects for the spring are a total rebuild of Juniper Trail and Fern Lane and possibly to include a bike path and portions of Duck Woods Drive need to be rebuilt in the next fiscal year.

He stated that there has been a neglect of the streets and the right-of-ways and he will submit to Council a long-range plan of maintenance in the near future. He stated that the mowing and the chipping programs need to work together and roadside trimming needs to be done on a regular basis. He continued by saying that the overhead trimming needs to be done to accommodate the new fire truck.

He stated that the dead trees in the right-of-way have been completed but that there are drainage problems and the removal of objects in the town right-of-way still need to be addressed.

Pete Macfarlane asked when the white lines at the stop signs were going to be repainted?

Mayor Sutherland said they were being done today. Mayor Sutherland said that the lines by the fire hydrant at the fire dept. also need to be painted.

Al Smith asked if Council could do something about removing the sticks/stakes that people have put in the street right-of-ways? He said it keeps the landscapers from being able to mow properly. Councilman Denny said that Council is aware of the problem and is working on it.

h. Cable Franchise Committee (not on the agenda)

Mayor Sutherland asked that Council discuss an item not listed on the agenda, the Cable Franchise committee. He explained that Council approved Councilman Campbell to be on the County Selection Committee.

Councilman Campbell explained that the County held two meetings but he was unable to attend them. Tom Gjestson did attend one of them. He stated that the Cable Consultant Selection Committee was to select a consulting firm that would negotiate a contract between Charter Communications, Dare County, and the municipalities. A proposed contract was fashioned by Dave Harris, of Custom Communications, but has since been altered and corrected by the Town Attorney and now a new contract has been proposed. The County has submitted a cost share in the amount of \$37,000 to the municipalities.

Councilman Campbell reminded everyone that several months ago Council agreed to not participate in the cost, that Council would negotiate for themselves. Council did agree to attend the meetings and be a part of the committee but no funds would be allocated.

Old Business cont'd

Councilman Campbell stated that the County Manager acknowledged Council's role in this project. Councilman Campbell announced that three public hearings would be given by the County within the next two weeks regarding this issue.

Councilman Campbell suggested that Council pass a resolution stating only contingent on the fact that no funds be spent from the treasury of Southern Shores and the resolution only be supportive of the County and the other municipalities actions.

Mayor Sutherland stated that at this time we have no resolution to consider and would need to wait until the November meeting. Tom White, Town Attorney, stated that no resolution is needed that Council can adopt a motion to approve the proposed communications contract subject to the condition that the County will pay any portion of cost allocated to the Town, if that is agreeable.

Councilman Campbell stated that the wording would reflect that the Town supports the contract that is being entered into between the County and the municipalities and is contingent upon the fact that the funding will be done by the County. He asked Tom White if the wording is okay?

Tom White stated that Council would be approving and executing the contract supporting it upon the condition that the County will pay that portion of the cost allocated to the town. Councilman Campbell made a motion to adopt the resolution as stated. Councilman Kennedy seconded. Approved unanimously.

9. New Business

a. Consideration of Hazard Mitigation/Flood Plain Management Plan Ordinance (FPMP)

Mayor Sutherland explained that the Hazard Mitigation/Flood Plain Management Plan Ordinance (FPMP) needs to be updated every 5 years. He stated with the volunteer committee, Mike Hejduk and Lee Padrick, state planner, have come up with an outstanding plan. He stated this plan maintains and retains the category 6 rating for the Town and allows for flood insurance customers in flood hazard zones in the Town to receive a 20% discount on their flood insurance. Mayor Sutherland announced that copies of the plan are available in Town Hall. Mayor Sutherland stated that the plan was presented and reviewed at a special meeting held on September 26 and now he is making a motion to adopt the plan as presented. Councilman Smith seconded. Approved unanimously.

Councilman Denny asked if the FPMP ordinance could be reviewed by an editor before it is submitted to the State and the public as final. He stated that he found some editorial errors that should be corrected. Councilman Campbell suggested that M. Hejduk contact Lee Padrick, State Planner, whom worked on the plan, to see what would need to be done to clean up the document. M. Hejduk stated that timing is important since this plan was to be in the hands of the State by October 1.

New Business cont'd

b. Salary Structure

Councilman Smith excused himself from this part of the meeting since his wife is a Town employee and he should not vote on salary related issues for employees that include his wife. Mayor Sutherland made a motion that Councilman Smith is excused from this portion of the meeting. Councilman Campbell seconded. Approved unanimously.

Tom Gjestson, Town Manager, presented a 3% salary structure adjustments across all job grades consistent with the 3% COLA increase, which was approved by Council for employees in September.

He explained that this is to allow the Town to have competitive salaries in the market place that modifies the steps and grades to meet the increase annually by the Consumer Price Index. Councilman Campbell moved to adopt the amendment to the salary structure as presented. Councilman Kennedy seconded. Approved unanimously.
4 Ayes, 0 Noes.

Tom Gjestson asked that Council confirm their vote of the 3% COLA increase for all salaried employees in September. They said that they did and Councilman Smith returned to the meeting.

c. Anniversary of Flight Celebration

Councilman Denny gave an update on the duties of the Dare County steering committee for the upcoming 1st Flight Celebration that will be held in 2003. He stated that the steering committee began planning this event in 1993 and that Dare County is well represented on the committee. He stated that the purpose of the committee is to promote amongst our citizens in the County participation in the celebration and to help the infrastructure to cope with the influx of visitors that this will generate.

Councilman Smith recognized Dan Diehl long-time resident of Manteo, who is currently being trained to fly B1 Bombers, and suggested that it would be great if he would be able to fly in the 1st Flight Celebration.

Councilman Smith asked if the steering committee could request that this young man be considered the one to fly the plane. Councilman Denny stated that Mr. Diehl has just begun flight school and didn't think that he would be ready to command the bomber. He suggested that he could be part of the crew.

New Business cont'd

d. Art Committee

Mayor Sutherland announced that Council has agreed upon the formation of an Art Committee. It would be beneficial to the town and allow for the exhibit of local artists and brighten up the Pitts Center. It was recommended that Merrie Smith, town employee, chair this committee with Councilman Kennedy on the committee. Mayor Sutherland suggested that Claire Cashau be on the committee. Councilman Campbell suggested that Pat Troiani and William Grumiaux also be contacted to be on the committee.

Mayor Sutherland suggested Glenn Eure as someone to be on the committee. He asked if the artwork should be donated or loaned for display?

Councilman Smith suggested that the art work be donated to the Town and be on display indefinitely, changing artwork on a frequent basis would require the patching of holes from different size pictures along with fading of paint etc. Councilman Campbell stated that the committee can set up the guidelines.

10. Public Comment

Jim Morrison 12th Ave. stated that the budget results are the same as last year and the Undesignated Fund Balance has grown by \$900,000 from last year but the roads, mowing and chipping contractors have failed in keeping the Town looking nice. He stated that the Town needs to get out of accepting the lowest bid for jobs. He encouraged Council to select bidders who can do quality work, not select them by price.

He continued by saying he has been watching for the right-of-way mowing to be completed. He stated that he was told the contract is to have the right-of-way mowed four (4) times a year. He reported that they have not done 12 th Ave. for quite some time. He placed a twig in the right-of-way last September and it has not been mowed.

He encourages Council to consider spending more of the surplus budget and get good service.

Randall Wrenn, 4 1st Ave., stated that he would like to see the recycling and garbage cans removed from the road as soon as possible after pickup.

Pat Storey, 362 Sea Oats Trail, announced that Election Day is November 7. The last day to register to vote is October 13. Candidate's night will be held in the Town of Kitty Hawk Town Hall on October 26 at 7:00 p.m. She encourages everyone to get out to vote

Tom Gjestson asked if a date had been set for a public hearing for the cable franchise?

Councilman Campbell stated that three (3) public hearings would be held Oct. 10 in Manteo, October 11 in Kitty Hawk, and October 12 in Nags Head, locations to be announced. Mr. Gjestson asked if the Town would be responsible for public notices. Councilman Campbell said that he did not think so.

Public Comment cont'd

Dave Peckens, 115 Poteskeet Trail, stated that he knows several people who have complained about Charter Communications maintenance and Charter does not respond in a timely manner or they only fix the problem temporarily.

Mayor Sutherland commented that he has met with the General Manager of Charter and they have agreed to address the problems and work in a more timely manner. He said more information would be in the Town newsletter regarding this.

Al Smith, 279 Sea Oats Trail, thanked Councilman Denny for using his microphone today and he asked that the Town Manager move closer to the microphone. He also asked that Council ask the audience to use the portable microphone so everyone can hear what is being said.

Al Smith also asked that Council think about a way to remove the sticks that residents have placed in the right-of-way on Sea Oats Trail.

11. Council's Agenda

Councilman Smith stated that he fully supports Jim Morrison's comments about the budget and the hiring of good contractors. He recommended using a performance evaluation and if they are not doing their job then let them go, if we have to pay more to get quality work then let's do it. He continued by saying that the bidding process is fine, however; going with the lowest bid can end up costing the Town more in the long run. The Town looked much nicer when Bobby Walters did the mowing, etc. We must remember you get what you pay for, going with the lowest bid has shown time and again to end up being penny wise and dollar foolish.

Councilman Campbell announced that NCDOT will hold a public meeting on October 18 at 2:00 p.m. in the Pitts Center to discuss the traffic flow at NC12/Hwy 158. He urged the public to attend.

He also announced that the Town is holding a surplus auction on Saturday October 7 at 10:00 a.m. in the Pitts Center.

Councilman Kennedy-none

Councilman Denny-none

12. Mayor's Agenda

Mayor Sutherland explained that two (2) resolutions were submitted late yesterday for Council to review. Both resolutions have to deal with a bond issue for community colleges. Councilman Campbell made a motion to adopt both resolutions as presented. Councilman Smith seconded. Approved unanimously.

Mayor's Agenda cont'd

Mayor Sutherland reported that the Building Inspector has filed a judgement on a property located in Martin's Point for violating the Town's zoning ordinance. The violation involves a retaining wall height issue and fees so far have accumulated to \$2,200 against the property owner.

Councilman Campbell asked if a lien could be placed on the property?

Mayor Sutherland stated that Tom White advised that a lien could not be placed on the property.

Tom White explained that a judgement would need to be filed first. He stated that if there has been no compliance through the administrative process then the next step is to file a civil litigation. There is no law or regulation regarding the amount of days before litigation can be filed.

Mayor Sutherland asked M. Hejduk if the property owner has done anything to reduce the height of the wall? M. Hejduk stated that he modified the permit about three weeks ago due to the property owner saying he would make changes but he has not done that.

Councilman Campbell suggested that M. Hejduk make a recommendation to Council at the next workshop on how he wants to proceed.

Councilman Denny asked if the building permit could be revoked? Tom White said that is not an appropriate action. The remedy is to have the property owner comply with the zoning ordinance. M. Hejduk stated that the permit allows the structure but the overage of 5" in height is the issue.

Councilman Smith asked that in the future, no resolutions or submittals be considered if they are not submitted before the workshop to give Council time to review. All agreed.

Councilman Kennedy asked if Mayor Sutherland knew of the status of the Interlocal Agreement with the County regarding Martin's Point? Mayor Sutherland stated that the County met yesterday and he has not heard.

Councilman Denny stated that John Albree needs to be appointed by the County as the ETJ representative for Martin's Point for the commercial zone. Mayor Sutherland said he would ask if the County would appoint a person selected by the Martin's Point Homeowner's Association.

13. Town Manager's Agenda

Tom Gjestson reported that the O. B. Tourist Bureau has acknowledged that the Town will receive \$12,000 to be used for the millennium fireworks display.

He reported that the Town has received the annual Powell Bill funds of \$115,000.

He reiterated that the Town's Surplus Auction would be held on October 7, at 10:00 a.m. in the Pitts Center.

Town Manager's Agenda cont'd

He announced that the winter schedule is in place for the garbage and recycle pickup and the large item pick up is scheduled for October 11 for Southern Shores.

Chief Brazell gave monthly police report.

Deputy Fire Chief David Sanders gave the monthly report. He announced that the new 65' ladder "Telesquirt" fire truck has been delivered. He stated that a news article misprinted the class rating for them, that it should have been a 5.

14. Town Attorney's Agenda-none

Mayor Sutherland moved to go into closed session (recess) at 11:20 a.m. This would allow time for people to leave the room so that Council could go into closed session to discuss a personnel matter.

15. Closed Session

Councilman Campbell moved to go into closed session at 11:27 a.m. Mayor Sutherland seconded.

The purpose of the closed session is for a performance evaluation of Tom Gjestson, Town Manager.

It was discussed that Mr. Gjestson has been with the Town for 21/2 years and in that time he has done a great job with the budget and has proven that he plans well and is dedicated. He has received the 3% COLA for this fiscal year and Council after reviewing the salary schedule agrees that a \$2,400 increase is in order. Councilman Campbell made a motion to increase Mr. Gjestson yearly salary to \$51,054 and that it would go into effect as of the next pay period. Councilman Kennedy seconded. Approved unanimously.

Council reviewed possible names for the Long Range Plan committee.

Councilman Kennedy recommended Warren Davis, who served on the last LRP committee and Dan Shields from the Planning Board. Councilman Campbell recommended Dave Peckens and Jodi Hess. Larry Welker, Bob Hannan and Rob Milne were others named.

Councilman Campbell stated that the names should be discussed at the October workshop.

Returned to Open Session

Mayor Sutherland made a motion to go into open session at 11:55 a.m. Councilman Campbell seconded.

Open Session cont'd

Mayor Sutherland stated that Council needs to draft a resolution to be sent to the County regarding the selection of the ETJ representative for the commercial zone in Martin's Point and then send a letter to them.

Mayor Sutherland made a motion that the following resolution be passed that the Dare County Commissioner's are requested to appoint a new representative to the Town's Planning Board for the ETJ for the commercial zone in Martin's Point because the past ETJ representative had a spotty attendance at the meetings and Mr. John Albee of Martin's Point is interested in becoming the representative.

Councilman Campbell asked if the resolution needs to be written as a formal resolution? Mayor Sutherland stated that he doesn't believe it needs to be as long as it is part of the minutes.

Councilman Kennedy recommended to include in the resolution that the ETJ term has expired, the ETJ representative has elected not to attend Planning Board meetings regarding Martin's Point and that the Martin's Point Homeowner's Association has endorsed John Albee.

Mayor Sutherland stated that any further discussion of the retaining wall issue should be held in closed session.

Councilman Campbell stated that the results from the closed session should be presented in open session.

Mayor Sutherland stated Council does not need to but since it was agreed not to seal the minutes he sees no reason not to.

Mayor Sutherland announced that Council unanimously approved in closed session to increase the Town Manager's annual salary to \$51,054.00 to become effective beginning next pay period.

Councilman Campbell spoke for Council in saying that they appreciate Tom Gjestson's past performance.

Council discussed the performance of contractors, the maintenance of the roads, the future need for green space for the Town, further consideration of another tax cut, a full time public works employee

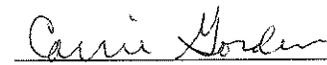
Councilman Campbell stated the Town still wants to maintain the volunteer force.

Mayor Sutherland made a motion to adjourn at 12:10 p.m. Approved unanimously.

ATTEST:

Respectfully submitted:


Mayor Sutherland


Town Clerk



Town of Southern Shores

"A Town of Volunteers"

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: info@southernshores.org

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE II, OF THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES

Be it ordained by the Town Council of the Town of Southern Shores as follows:

PART 1. Preamble. It is the intent of the Town Council of the Town of Southern Shores to revise the Town ordinance governing personal watercraft as a result of the adoption by the North Carolina General Assembly of G.S. 75A-13.3 effective December 1, 1999, and in order to provide certain more restrictive regulations than contained in G.S. 75A-13.3 and to exercise the powers granted to the Town by G.S. 160A-176.2.

PART 2. Section 10-14, of Article II, BEACH AND WATERWAY USAGE, of the Code of Ordinances is hereby deleted in its entirety and replaced with the following revised Section 10-14:

Sec. 10-14. Personal Watercraft Operation. Personal watercraft operations within the Town of Southern Shores and the areas of its extraterritorial jurisdiction shall be governed by the provisions of North Carolina General Statute 75A-13.3 which is incorporated herein as if fully set out and those more restrictive regulations as provided herein which shall control and govern over conflicting provisions of G.S. 75A-13.3 as provided by G.S. 75A-13.3 (h) and 160A-176.2. The more restrictive regulations are as follows:

- (a) No person under the age of 16 shall operate a personal watercraft, nor shall any person knowingly allow a person under the age of 16 to operate a personal watercraft, on and upon the waters of the Town of Southern Shores and the waters within the area of extraterritorial jurisdiction of the Town.
- (b) No person may launch or operate a personal watercraft before obtaining a permit from the Southern Shores Police Department. The permit so obtained shall be carried by the personal watercraft operator whenever operating the watercraft and be exhibited to any police officer upon request. In order to obtain a permit the operator must:
 - (1) Appear in person at the Southern Shores Police Department during normal office hours 8:00 A.M. to 5:00 P.M. weekdays, excepting holidays, and

- (2) Sign a statement that the provisions of G.S.75A-13.3, The Rules of The Road, and this ordinance are understood, and
 - (3) Present proof of current registration of the personal watercraft with the State of North Carolina or with another state and exhibit the identifying number displayed on each side of the bow, and
 - (4) Provide proof of insurance covering the operation of the personal watercraft showing a minimum coverage of \$100,000.00 for each person, \$100,000.00 each occurrence, and \$50,000.00 property damage, and
 - (5) Show proof of having attended (in person or via the Internet) a U.S. Coast Guard approved course on safe boating and navigational rules of the road or a boater safety education course approved by the National Association of State Boating Law Administrators (NASBLA).
- (c) Upon compliance with the above subsection (b), the Police Department shall issue a permit to a permanent or non-permanent resident or real property owner of the Town of Southern Shores or Martin's Point which expires on December 31st of the calendar year in which it is issued.

(d) The following operating regulations shall apply to all personal watercraft operations:

(1) No person shall operate a personal watercraft at any time between sunset and sunrise.

(2) Except for purposes of ingress and egress to and from the point of launch and waters where personal watercraft operations are conducted, and then at no wake speed sufficient to maintain steerageway but not more than five (5) miles per hour, no personal watercraft shall be operated:

[a] In the Atlantic Ocean within 200 yards of the shoreline or within 100 yards of a fishing pier;

[b] On any waters within the Town canal and lagoon system;

[c] In Ginguite (a/k/a/ Jean Guite) Bay and Creek which is defined as all waters southward of a straight line drawn from the northern tip of Martin's Point Northeastward to the Southern edge of the Southern Shores Civic Association Bathing Beach located on the west shoreline of Southern Shores;

[d] In Currituck Sound within 400 yards of the shoreline of Southern Shores and within 400 yards of the shoreline of Martin's Point where such waters fall within the Extraterritorial Jurisdiction of Southern Shores.

- (3) Personal watercraft transiting the marked navigation channels leading from the Southern Shores Civic Association's north marina to Currituck Sound and from Martin's Point marina to the above channel, may proceed through those channels at speeds up to those of any other motorized vessel (excluding other personal watercraft) also transiting the channels.
- (4) **The harassment of wildlife by any activities such as repeated circling or other repetitive maneuvers in close proximity to nesting areas is prohibited.**

PART 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART 4. This ordinance shall be in full force and effect from and after October 3, 2000 and upon the installation of notice signs at each highway entrance to the Town except along U.S. Highway 158 where signs shall be posted at each Town street entrance. Further a sign shall be posted on a Town Street in close proximity to any boat launch area which is provided for us by the public or SSCA Members and guests. The signs required shall give notice that (1) the Town has personal watercraft regulations more strict than state law, and (2) all personal watercraft operators must obtain a permit from the Town Police Department.

Adopted this the 3rd day of October, 2000.

Paul Sutherland
Mayor

ATTEST:

Carrie Gordon
Town Clerk

Approved as to form:

Shirley [Signature]
Town Attorney

PLANNING BOARD MEETING RECAP

9/18/00

Prepared by Jim Morrison for Council Workshop 9/26/00

1. Members are reviewing a draft Telecommunications Towers Ordinance, and we will have a Special Meeting September 25, 7 p.m., to proceed with further clarification of issues and approve a draft for review by Tom White. We have made very good progress thanks to Mimi Iacone's hard work.
2. The new Zoning Ordinance document in an electronic media format has been prepared by Jody Hess and Mike Hejduk, and is being reviewed by members. Once completed, this will need to be re-adopted by Council following a public hearing. The only change in the ordinance language contemplated is a deletion of the ET-1 zone. Other changes are corrections of omissions and formatting or presentation.
3. RS-10 District (Mallard Cove) issues were reviewed with owners representing 4 of the 20 properties. The president of the homeowners association and a board member attended. The proposed solution offered by the Planning Board would reduce side, front, and rear yard setbacks to zero, with 100% lot coverage, and townhomes will be a permitted use. The representatives understand that the homeowners association, without assistance from the town must enforce any restrictions on development or expansion of individual homes within those bounds. They also agreed to generate wide discussion and dissemination of the solution prior to Council action. Encroachment issues between properties must be resolved by landowners, and the homeowners association must resolve encroachment on common property. We hope to have a draft ordinance prepared by Mike Hejduk at our October 16 meeting. Mallard Cove is the only RS-10 district.
4. We have not received any approvals for the septic system at the Crown/Wendy's site; therefore we are not forwarding any recommendation.
5. Site Plan Amendment: All Saints Episcopal Church is proposing an 8' x 10' wooden storage shed on the west side of their site, pre-built. *The Planning Board recommends approval.*
6. Site Plan Amendment: Central Garden & Nursery is proposing that 2 employee parking spaces be relocated to the rear of the building to save existing trees. *The Planning Board recommends approval.*
7. Site Plan Presentation: Southern Shores Crossing presented a site plan, however several ordinance-required items were not included with the submission, therefore the Planning Board makes no recommendation at this time. Those issues included proof of ownership, water connection payment, and tentative septic approval. The developer did have the opportunity to receive comments on ordinance issues including loading, separation from residential zones, internal circulation, stormwater runoff, and lighting. Other comments were received from the Fire Chief regarding hydrant placement, turning radii, and access issues. Members questioned whether the design would be reviewed by the SSCA ARB, to receive neighbor input much like the new hospital; pedestrian access from the multi-use path; elevations and appearance issues; and land disturbance. We should have a proposed site plan for review at the October meeting.

We can discuss this further at the Workshop, or send me your questions.



Town of Southern Shores

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E-mail: info@southernshores.org

October 2, 2000

MONTHLY PERMIT SUMMARY

TYPE CONSTRUCTION	NO.	COST	FEES
SOUTHERN SHORES			
New	4	1,316,325.00	8,255.75
Add/Alt	1	36,000.00	469.64
Other	7	45,286.00	450.00
TOTAL SS	<u>12</u>	<u>1,397,611.00</u>	<u>9,175.39</u>
CUMULATIVE FY2001	<u>56</u>	<u>3,809,646.54</u>	<u>24,983.17</u>
TOTAL HOMES SS (TOTAL LAST YEAR)	1934 1858	6 Certificate(s) of Occupancy issued this month)	
MARTIN'S POINT			
New	2	650,000.00	3,759.55
Add/Alt	2	66,300.00	921.36
Other	0	-	-
TOTAL MP	<u>4</u>	<u>716,300.00</u>	<u>4,680.91</u>
CUMULATIVE FY2001	<u>15</u>	<u>1,701,544.00</u>	<u>10,718.11</u>
TOTAL HOMES MP (TOTAL LAST YEAR)	178 160	0 Certificate(s) of Occupancy issued this month)	
CAMA PERMITS	1		100.00
PLAN REVIEW FEE	11		935.00
ADD TO PERMITS	1		32.50
RE-INSPECTIONS	0		-
MAPS	0		-
TOTAL MONTH		<u>2,113,911.00</u>	<u>14,923.80</u>
TOTAL YEAR		<u>5,511,190.54</u>	<u>39,363.78</u>

Respectfully submitted,


 Michael Hejduk
 Building Inspector



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RESOLUTION IN SUPPORT OF COMMUNITY COLLEGE AND UNIVERSITY BONDS

WHEREAS, The North Carolina General Assembly has approved Senate Bill 912, signed by the Governor and enacted as Session Law 2000-2, placing on the ballot a proposal to issue \$3.1 billion in general obligation bonds, proceeds from which are to be used to improve facilities within the state’s university system (\$2.5 billion) and community college system (\$600 million); and

WHEREAS, North Carolina’s community colleges and universities provide our citizens with the opportunities to learn the skills and educational experience that improve the quality of our cultural and economic life; and

WHEREAS, the facilities within these universities and community colleges including laboratories, classrooms and other training facilities – must be improved and modernized if our institutions are to retain the capacity to provide the training and education our students deserve; and

WHEREAS, chapter 115 D of the North Carolina General Statutes place on Boards of County Commissioner responsibility for appointing community college trustees and providing funds to create and maintain community college facilities, and

WHEREAS, proceeds from the bond issue will provide great assistance to North Carolina counties in improving these community college facilities and in assuring quality facilities for our citizens attending the state’s universities.

NOW THEREFORE BE IT RESOLVED that the Town Council of Southern Shores strongly supports the passage of the community college and university bonds on the ballot November 7, 2000.

Adopted this 3rd day of October 2000.



Mayor

ATTEST:



Town Clerk



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RESOLUTION IN SUPPORT OF HIGHER EDUCATION BONDS TO ASSIST NORTH CAROLINA'S COMMUNITY COLLEGES AND UNIVERSITIES IN MEETING THEIR FACILITY NEEDS AND ACCOMMODATING THEIR STUDENTS

WHEREAS, higher education has historically played a tremendous role in building the State of North Carolina into the thriving economic, cultural, and social leader that it is today, and

WHEREAS, North Carolina's community colleges and universities allow citizens of this State to learn the skills necessary to compete in today's and tomorrow's competitive economy, and

WHEREAS, North Carolina's systems of higher education are acclaimed as being among the best in the country, and

WHEREAS, in the next decade, our community colleges expect more than 57,000 new students to enroll and our universities enrollment is projected to grow by more than 48,000 and

WHEREAS, our higher education campuses must upgrade and construct academic, residential, and administrative facilities, including critical laboratory and classroom space, to accommodate the growing numbers of students, and

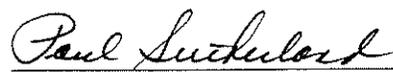
WHEREAS, the \$3.1 billion bond package approved by the General Assembly will assist our community colleges and universities in meeting their significant facility needs, and

WHEREAS, the bonds are subject to voter approval on the November 2000 ballot and deserve rightful consideration by the citizens of this State.

NOW, THEREFORE BE IT RESOLVED that the Town Council of Southern Shores strongly supports the higher education bond proposal because it will enable our systems of higher education to better educate tomorrow's students and maintain North Carolina's place as the national leader in higher education learning and training.

BE IT FURTHER RESOLVED that the Town Council of Southern Shores pledges to work to educate and inform the citizens of our State about the importance of the bonds in improving our community colleges and universities, and pledges to encourage voters to approve the bonds this November.

This the 3rd day of October 2000.



Mayor Paul Sutherland

ATTEST: 

Carrie Gordin, Town Clerk



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RESOLUTION REQUESTING THE DARE COUNTY COMMISSIONERS TO APPOINT AN EXTRATERRITORIAL JURISDICTION REPRESENTATIVE TO THE SOUTHERN SHORES PLANNING BOARD

WHEREAS, The Town of Southern Shores has recently amended its area of Extra Territorial Jurisdiction to eliminate the Martin's Point residential area but retain the commercial area of Martin's Point; and

WHEREAS, The designated Extra Territorial Jurisdiction representative from Martin's Point appointed term has expired and he has chosen not to attend Southern Shores Planning Board meetings, for some time, and left Martins' Point interests not represented; and

WHEREAS, Matters of interest to the residents of Martin's Point will be considered in the future for Martin's Point commercial area; and

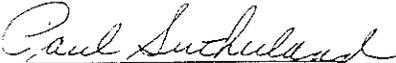
WHEREAS, An Extra Territorial Representative for Martin's Point should be appointed by Dare County; and

WHEREAS, Mr. John Albree, a resident of Martin's Point has expressed interest in serving as the Extra Territorial Representative; and

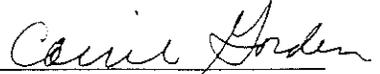
WHEREAS, Mr. John Albree has been endorsed to serve in that capacity by the President of the Martin's Point Homeowner's Association.

NOW THEREFORE BE IT RESOLVED that the Town of Southern Shores strongly supports appointment of Mr. John Albree and requests that the Board of Commissioners of Dare County formally appoint him to serve as the Martin's Point Extra Territorial Representative at their next regularly scheduled meeting.

Adopted this 3rd day of October 2000.


Mayor Sutherland

ATTEST:


Town Clerk