Town of Southern Shores

"A Town of Volunteers"

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Council Meeting
September 4, 2001
9:00 a.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 9:00 a.m.

2. Mayor Sutherland led the Pledge of Allegiance

3. Moment of Silence

Mayor Sutherland asked that a moment of silence be held for the victims of the shark attack in Avon.

4. Consent Agenda

Mayor Sutherland stated that the Consent Agenda is incomplete in that the monthly tax report is not available due to Linda Dough, tax collector, being in the hospital. He read the monthly Building Inspections report. Councilmen Campbell made a motion to adopt the corrected consent agenda. Councilman Smith seconded. Approved unanimously.

5. Introduction of Officer Slegel

Sgt. Thad Pledger introduced Officer Jonathan Slegel. He stated that Officer Slegel has been with the Edenton Police force for five (5) years and that his parents are Town residents. Councilmen welcomed him.

Mayor Sutherland announced that Chief Brazell is attending a meeting with Dare County Commissioners and other Town law enforcement members to discuss radio communications needed improvements.

6. Public Hearing-Draft of Large Home ordinance

Mayor Sutherland called the public hearing to order at 9:08 a.m. Planning Board Chairman Shields stated that the draft ordinance needs to be amended by changing number 9 in Part III. Section 7.03, RS-10 Multifamily Residential District, B. Permitted Uses to number 1.

This in no way changes the context of the draft ordinance per the attorney.

Mayor Sutherland gave background regarding the large home moratorium and the draft ordinance. This issue has been worked on for over a year with a current moratorium in effect until January of 2002 that prohibits the building of structures having more than seven bedrooms.

Mayor Sutherland asked for those wishing to speak at the public hearing to come forward.

Mike McCarron, 13 1st Avenue spoke in support of Council approving the draft ordinance as presented. He stated that seven (7) bedrooms are enough. See attached for further comments.

Paul Kapinos, 40 10th Avenue, resident and member of the SSCA and the ARB stated that he supports the proposed ordinance and thanked Council for their efforts. See attached for further comments.

Mayor Sutherland asked if there were anyone else wishing to speak at the public hearing. Hearing no one, he closed the public hearing at 9:12 a.m.

Mayor Sutherland stated that there has been a lot of background material compiled regarding this.

Councilman Kennedy stated that for 10 years (3 of which he has been on Council) he has been following the sexually oriented business (SOB) and the large home issues. Council has been pro-active. The SOB ordinance was drafted and adopted and now Council is doing something about the large homes. The health and safety of the residents regarding the large home issue is important and have been addressed. He urges Council to adopt the ordinance.

Mayor Sutherland stated that Council is concerned about the impact of large homes on septic systems and an exhaustive septic system study was done.

Public Hearing cont'd

Mayor Sutherland proposed to defer voting on the ordinance until the October Council meeting to allow people to review and submit comments to Council. Council agreed.

Tom White stated that all comments should be put in writing and Council could address them at the October meeting.

Mike McCarron who spoke during the public hearing asked why Council would wait for further comments when the public hearing is being held today? He stated that he feels there has been enough time for comments on this subject, it has been going on for some time. He would like to see Council vote today.

Tom White commented that all comments are important and the ordinance is a legislative issue and Council needs to consider everything. If from comments received they feel the ordinance needs changed then another public hearing would be needed. Once the ordinance is adopted the moratorium will be repealed.

7. Planning Board Recap-8/20/01

Dan Shields presented the recap in which the Planning Board recommends that an amended site plan for the Hill Creek office complex located at Lot 1, 6225 Croatan Hwy. Martin's Point be approved. He explained that the Board recommended conditional approval of this site and those conditions have been met.

He reported the Board is working on a draft ordinance for multiple buildings on commercial lots, reviewing ordinances regarding landscaping and lighting, and discussion regarding tree/vegetation.

Councilman Kennedy moved to approve the site plan for the Hill Creek office complex in Martin's Point since recommended conditions have been met. Councilman Campbell seconded. Approved unanimously.

8. Old Business

a. Town Projects Update

Tom Gjestson gave an update on several on-going projects: Bids for the storage building are coming in, the maintenance technician has been selected, and Councilman Denny and T. Gjestson have been shopping for a set of public works equipment.

Old Business cont'd

T. Gjestson stated that the architectural drawings for the remodeling of Town Hall will be available soon, the new phone system should be installed in the next two weeks and the grant for the multi-use path for Juniper Trail has been submitted.

b. Town History preservation

Councilman Campbell stated that the upcoming Town newsletter will be asking for volunteers to be on a committee to preserve the Town's history.

D. Shields asked what the charter for this committee will be? Mayor Sutherland stated that it would build upon the written history as it now stands and collect artifacts that residents may have.

c. Appoint Chairman-Tree Preservation

Mayor Sutherland stated that Council is in receipt of a petition from residents requesting that Council appoint a study group made up of citizens at large, the Town's Building Inspector's Office, and representatives of the various property owners associations within the town to research the issue and adopt appropriate rules, permits and/or ordinances to discourage and control clear cutting of trees and vegetation on private properties within Town. He stated that the upcoming newsletter would be asking for volunteers to be on a committee with representatives from the civic associations, builders, planning board etc. He stated that he has discussed the appointment of a chairman with Dick Wood who has agreed to be the chair. Mayor Sutherland made a motion to appoint D. Wood to the committee. Councilman Kennedy seconded. Approved unanimously. Mayor Sutherland stated that D. Wood has presented a draft scope of work to him for Council's review.

d. Ginguite Woods Update

Mayor Sutherland reported that Ginguite Woods Development has not completed construction of the five initial units within the time required by the Town's Zoning Ordinance and a Stop Work Order has been issued by the Building Inspections Dept. Mike Hejduk, Code Enforcement Administrator, stated that this order does not prevent the continued installation of the wastewater treatment plant for the development.

M. Hejduk stated that the developer would need to come before the Planning Board with a new site plan for the units and apply for a building permit. He reported that, in conversation with the developer, the developer stated that he plans on completing the wastewater treatment plant before he submits a revised plan to the Planning Board.

Old Business cont'd

e. NCDOT Update

Mayor Sutherland reported that DOT gave a written progress response to Council's request on several traffic issues regarding NC 12/Hwy 158. Further discussions will be tabled until DOT can complete the study. DOT responded by saying they expect the study would be completed in December or January. (Mayor Sutherland stated that Currituck County Commissioners is holding a meeting on September 20 at 7:00 p.m. to discuss the Mid-Currituck Bridge).

9. New Business

a. Town Council Representative-Franchi Case

Mayor Sutherland stated that the plaintiff's attorney recommended that the Franchi (jet-ski suit against the Town) suit go before a mediator for non-binding arbitration. Accordingly, a representative from the Town will be needed. Mayor Sutherland moved that Councilman Kennedy be the representative. Councilman Campbell seconded. Approved unanimously. Ike McRee, attorney, will be representing the Town, a date has not been set.

b. Request from Chicahauk Property Owners Association

Mayor Sutherland stated that a request has come from Chicahauk Property Owners Association (CPOA) asking that the Town mow CPOA property at the crossovers as part of its mowing contract.

Bruce Green, President of the CPOA but speaking as a private citizen, stated that he does not feel it is appropriate to spend taxpayer's money on private property.

Councilmen Denny and Kennedy agree with B. Green. Councilman Campbell moved to deny the request. Mayor Sutherland seconded. Approved unanimously.

c. Bill Kealy-113 Ocean Blvd.-Flat Top

Mayor Sutherland stated that there has been discussion regarding the historical value of the "flat top" cottages. He has talked directly to Bill Kealy of 113 Ocean Blvd regarding his cottage being designated as "historical" and Mr. Kealy has agreed. He has agreed not to change the character of his flattop.

New Business cont'd

Public Comment

Mike McCarron, 13 1st Avenue, addressed Council regarding the growth of the Town and how the exterior lighting of houses has affected the night sky. He forwarded materials regarding appropriate exterior lighting. He urges Council to address this issue before things go any further. He stated that Bald Head Island has adopted such ordinances.

He suggested that this problem is not only a good neighbor issue but also an environmental issue in the effect that the lighting has on turtle nests. Due to impact of lighting on structures turtles go towards the light instead of going toward the water

Pete Macfarlane acknowledged and thanked Council for updating the sound system.

10. Council's Agenda

Councilman Denny thanked all the people for their cooperation during the road repairs.

Councilman Kennedy-none

Councilman Campbell-none

Councilman Smith reported that after three months of meetings with the life guard committee, in his opinion, it has failed. He recommends Council review this at "retreat". See comments.

11. Mayor's Agenda

Mayor Sutherland reported that there is a turtle nest at Mockingbird Lane and if anyone wants to turtle sit contact Lynn Shields.

Mayor Sutherland stated that he received an email asking if Council is considering a multi-use path on Dogwood Trail. He stated that Council has not discussed this and there is nothing in the budget for this. He recommends this issue be discussed later.

12. Town Manager's Agenda

Fire Chief Bakken gave monthly report. He announced that Fire Prevention Week is Oct. 6-15 and that the SSVFD will hold an open house on October 6. He also reported that the Mayor left the golf course with a golf cart to aid in a rescue call.

Town Manger's Agenda cont'd

Due to Police Chief Brazell being in class no report was given.

T. Gjestson gave a brief update on the State budget.

T. Gjestson announced that political signs can not be placed before eight weeks before an election and must be removed within three days after election. No signs are to be posted in the Town right-of-ways.

13. Town Attorney's Agenda

Tom White announced that he is retiring and that this is the last Council meeting he will be attending for Southern Shores. He stated that he has been with the Town since 1979 when David Stick asked him to be the Town's attorney and he was greatly honored to have had the privilege for 22 years.

He stated that about three years ago it became apparent that municipalities needed a multitude of services and he was approached by Hornthal, Riley, Ellis & Maland legal firm which offered legal services in all areas.

T. White stated that Ike McRee came in as a partner in the firm and he has extensive municipal government experience and he stated that Ike would take his place as Town Attorney. He will soon be living in Southern Shores and his office will be located in Nags Head.

He stated that he has enjoyed working with the Town and watched the government issues become more complicated due to the growth of the area. It has been a pleasant experience and he has enjoyed working with each and every Council and Board.

Mayor Sutherland presented T. White with a Certificate of Appreciation (which he read), a framed Town seal, and a Town mug. Mayor Sutherland stated that on behalf of Council he wished Tom a happy retirement and said he is welcome back any time. Tom White thanked Council. Mayor Sutherland welcomed Ike McRee.

Mayor Sutherland moved to adjourn at 10:12 a.m. Approved unanimously.

ATTEST:

Paul Sutherland
Mayor

Respectfully submitted:

Carrie Gordon
Town Clerk

Council Workshop Planning Board Recap

PLANNING BOARD MEETING RECAP 8/20/01
Prepared by Dan Shields for Council Workshop 8/28/01

The August meeting of the Southern Shores Planning Board was called to order at 7:30 P.M. Mon 20 August 2001. A quorum of the Board was in attendance.

1. The Planning Board continued the discussion of multiple buildings on commercial lots. At the September Planning Board meeting we will have a draft ordinance to discuss and vote on for recommendation.
2. *Site Plan Approval:* Mr. Robert Stewart, the engineer for the developer of the Hillcreek, LLC Office Complex located at lot 1, 6225 Croatan highway, Martin's Point presented the proposed site plan for this complex. After discussion a motion was made to recommend conditional approval for this development. Three conditions were to be met on or before 27 August:
    a. Provide a detailed lighting plan
    b. Provide details for vehicle stops for parking places 1-25
    c. Delete the line showing a two building project

    This motion was approved, including a "yes" vote from the Martin's Point representative.
3. The tree/vegetation issue was discussed. Mr. Jim Conner spoke to us and gave us some of his thoughts for consideration. I have received some documentation from Lee Padrick. I will make this information available to the Tree/Vegetation committee.
4. We will be making a review of some of the existing ordinances in hopes to clarify and make them more user friendly. Recommendations will be forthcoming.

Dan G. Shields

Chairman, Planning Board
Southern Shores, NC

Robert W. Muller
Mayor

George Farah, III
Mayor Pro Tem

J. Webb Fuller
Town Manager

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Douglas A. Remaley
Commissioner

R. Brantley Murray
Commissioner

Paula E. Flynn
Commissioner

MEMO

To: Nags Head Board of Commissioners
From: Mayor Bob Muller
CC: Joint Ocean Rescue Committee

Re:Joint Ocean Rescue Issues

I have reviewed Bill Pitt's e-mail about the joint ocean rescue service. In my opinion, the primary goal of the committee should **not** be "reducing the collective costs of the [town's] services". I think the other two goals listed are the paramount goals. The greatest benefits will accrue from reducing the competition for guards, developing joint recruiting programs to hire guards, standardizing the level of training and performance for guards and providing a standard measure of when the ocean is too dangerous to allow swimming. In short the goal should be to provide a consistently high level of public safety on our beaches.

I do not believe reducing cost is a fair goal because I think we can all reduce costs simply by not providing the service. We all provide the service efficiently now and any reductions will be marginal. The more important question is can we do it better and can we continue to recruit top-notch employees.

The Town has several interests we need to consider as we enter these discussions. Our first interest must be the safety of everyone using our beaches. Our ability to maintain our current level of service year-round must be our paramount concern. As previously stated we have an interest in providing this service in a cost-effective manner and we have an interest in reducing our liability exposure.

The e-mail asked for deal-breakers. Listed below are some questions I think the Towns should consider and take a position on either as an initial position subject to change or as an absolute. I am sure there are other issues I have not enumerated. I look forward to hearing from you on this important issue.

I hope this memo, along with a similar staff memo, will provide a basis for our discussions at our (Nags Head's) June 6th meeting. .

1 **Who makes decisions about closing the ocean to swimming? On what basis is the decision made? Can the Town impact/control the decision**

I would prefer to see this decision left to the individual towns because I believe an Ocean Rescue only service may be too conservative in its decisions about beach safety. Swimming in the ocean is risky at any time. We cannot eliminate all the risk and should try to protect against specific hazardous conditions. One man's rough surf is another's body surfing paradise.

2 **How are costs allocated to different types of service?**

Fixed stands and roving guards. Also how many guards to a supervisor etc.

3 **How are decisions about service levels made? Will there be a minimum required level of service?**

The Town will want to review the need for service before each season and possibly make changes during the season, can this be done? Will each town be required to provide a minimum service as a condition of joining the program.

4 **What are the administrative arrangements?**

A **Whose employees are the guards?**

B **Who does the accounting?**

If one of the towns provides these services then will that town be fairly compensated? Does that town accept an additional level of liability?

5 **How will decisions be made about reducing service if there are not sufficient guards to meet the standard service level? What about service levels in the fall and winter?**

6 **What is Nags Head's liability if the is a suit over an incident in Nags Head?**

Is the organization a separate entity? Does it have governmental immunity?

7 **What is Nags Heads liability if there is a suit over an incident in KDH?**

8 **Who owns and maintains equipment, builds stands etc.?**

Nags Head has a good system for this. We do not want to increase our cost or reduce our level of performance. Think about Thurman working on the ATVs after 6:00 at night and on weekends so we could stay running. Can we get that kind of performance from this program.

9 **Will all towns have the same core ordinances about swimming?**

I feel all the Town's should adopt an ordinance that allows enforcement of a no swimming order, Will the rules be the same for surfing, PWCs etc. as well?

10 **Will employees of the joint service help enforce Town ordinances (dogs etc). Will all towns provide Police support on the beach for problems?**

11 **What authority will the guards have to protect swimmers etc.? Who gives them that authority?**

A few months ago the mayors of our respected towns had decided to appoint a committee to look at the feasibility of a unified life guard service. Currently Nags Head runs its own ocean rescue and Southern Shores contracts with them for our service, KDH and Kitty Hawk run their own services and Duck relays on the County. In, Duck the county contracts with Surf Rescue Inc. and provides lifeguard service for them. Life Guard Consolidation Committee held its first meeting on May 17, 2001 and at that time it was decided that our primary objective was the reduction of the collective costs of the service. The committee agreed that our initial approach would entail defining several alternative models for service. We would also inquire with each town their concerns/deal breakers. Deal breakers would be as an example some towns have ordinances against dogs on the beach during the summer months, another concern was liability if someone drown in KDH, Southern Shores did not want to be held liable, etc. We established as our goals, first overall cost reduction, second single set of professional standards with regard to professional qualifications, third equal remuneration and forth a single set of swimming safety rules throughout the five towns. Finally discussing the possibility of county and or visitor bureau participation.

After 3 months of meetings it is my view that our committee has failed to work towards our primary objective which was to save taxpayers money with consolidation. I have continued to discuss ways that I felt we could reduce costs however any idea that has a potential to save money seems to fall on deft ears. The Town of Nags Head is not interested in any of these suggestions and their mayor went as far as saying and I quote "In my opinion, the primary goal of the committee should not be reducing the collective costs of the towns services" end of quote. It seems to me that since this memo a continuation of our participation I believe will be fruitless, this committee does not seem committed to working towards a reduction in costs but to do just the opposite. The Town of Kitty Hawk seems very satisfied with their own service and is planning on continuing on their own. I would also like to recommend that our council at our next retreat review our options pertaining to lifeguard service.

9/2/01

SOUTHERN SHORES FIRE DEPARTMENT
15 S. Dogwood Trail
Southern Shores, NC 27949

Dave Bakken, Chief

Jim Morrison, Chairman

MONTHLY REPORT TO TOWN -FIRE CALLS FOR 2001-02

CALLS ANSWERED		AUGUST	last yr	FY2001-02	
STRUCTURE	111	11	7	22	12
PROP O/S STRUCTURE	112	0		0	
VEHICLE FIRE	131	0		0	
BRUSH FIRE	142	3		9	
EMS	311	25	18	50	33
RESCUE	300	5		10	
VEHICLE ACCIDENT	322	6		15	
SERVICE CALL	500	4		4	
GOOD INTENT	600	0		0	
FALSE MALFUNTION	735	0		0	
FALSE UNINTENTIONAL	740	10		15	
HAZARDOUS CONDITION	400	1		1	
OTHER	900	3		3	
TOTAL CALLS		68	53	129	74
MUTUAL AID GIVEN		11		25	
MUTUAL AID RECEIVED		20		34	
CASUALTIES		0		0	
PROPERTY LOSS $		0		0	
VOLUNTEER HOURS		1586		2861	

Carrie Gordin

From: <Paulkappy@aol.com>
To: <clerk@southernshores.org>
Sent: Wednesday, September 05, 2001 10:02 AM
Subject: Statement to Town Council

Carrie: Here is a copy of the statement I made yesterday.

Statement to Town Council on September 4, 2001

My name is Paul Kapinos and I am the Chairman of the Architectural Review Board (ARB) for the Southern Shores Civic Association (SSCA) and a member of the Board of Directors of the SSCA. On behalf of the members of the ARB and the Civic Association, I wish to voice our support for the Town Council's action in proposing this Zoning Ordinance Amendment to limit the construction of large dwellings in our beautiful residential community. The SSCA-ARB has been delegated the authority to approve all elevation plans for buildings to be erected on the majority of properties in Southern Shores. It is our intent to enforce the Protective Covenants and Deed Restrictions that restrict the uses of the non-commercial lots for "residential purposes only" and are " not intended to include hotels". We believe that a seven-bedroom limit will allow for adequate single-family usage and not turn the structures into mini-hotels. Thank you for your efforts in making our task easier and keeping our Town beautiful.

Taken from tape recording of meeting per town clerk - Carrie Gordon

Mike McCarron-Public Hearing 9/4/01

He has been a property owner since 1977. He urges Council to adopt the proposed ordinance and to go further if possible. This ordinance provides a workable compromise to keep the character of the town a residential community, to keep our property values high, and to make sure that the Town begins to deal with the growth rate. One of the real issues facing the Town is that when we were a smaller community with a slower growth rate we could afford to do things one way but as we grow the ordinances that will be required to control that growth and make it smart growth, as opposed to fast growth, is going to appear again and again before this Council.

He urges Council to adopt this ordinance because it demonstrates that this Council as many of the members in the last election have promised shows that the Council wants to prepare for the future by preserving the character of this Town. Seven bedrooms in a home is enough. As one who lives in Seacrest Village or has a house in Seacrest Village, he knows that.

Moreover, as one who makes it possible to have a house in Seacrest by renting it in the summer season as a renter, he thinks it is an essential thing to keep the character of our beach and our beach zone intact. He stated that he can see that if we had the proliferation of the "mini motels" that we saw as really possible of last year the property values all around including his own house that was built in 1987 would rapidly gone down. His ability to rent would decrease.

This ordinance as he stated before maintains the character of the Town and keeps the property values of the Town a place people want to come to. It is a different community from Pine Island and Corolla and Kitty Hawk and the difference is good.

He urges Council to pass the ordinance and to continue looking at similar ordinances regarding lighting and other impact issues on the character of our town. He commended Council on the work that they have done and he appreciates the time and effort that they have spent.