



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

March 5, 2002

9:00 a.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 9:00 a.m.
2. Pledge of Allegiance was led by Tom Charlton.
3. Moment of Silence. Mayor Sutherland asked that a moment of silence be held for the families of Dave Emory and Don Steinstra.
4. Introduction of new Police Officers

Tom Gjestson announced that the Police Department now has a full staff with 10 employees.

Lt. Matt Anderson introduced Dwayne Drummond and Michael Sudduth. Everyone welcomed them.

5. Consent Agenda- Council minutes, February 5, and recessed meeting February 21, 2002, the monthly Building Inspection report and the monthly Tax report.

Councilman Campbell made a motion to accept the consent agenda as presented. Councilman Kennedy seconded. Approved unanimously.

- a. Resolutions-Council meetings schedule, sick leave transfer for eligible employees, health insurance for retired employees, undesignated fund balance and travel allowance.

Mayor Sutherland read and moved to adopt the resolution regarding the Council's meeting schedule in that all regular Council meetings (first Tuesday of each month) would be held at night beginning at 7:00 p.m. as well as all public hearings. The Council workshops (fourth Tuesday of each month) would remain at 9:00 a.m. All meetings to be held in the Pitts Center. Councilman Smith seconded. Approved unanimously.

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Resolutions cont'd

Councilman Smith asked to be excused from the voting on the next two resolutions since they were employee related and his wife is an employee of the Town.

Council agreed unanimously to excuse Councilman Smith and he left the room.

Mayor Sutherland read the Sick Leave Transfer resolution. Councilman Campbell made a motion to adopt the presented resolution. Mayor Sutherland seconded. Approved 4 to 0.

Mayor Sutherland read the Health Insurance for Retired Employees resolution. Councilman Denny made a correction that it should read Medicare not Medicaid with correction noted Councilman Denny moved to adopt the resolution. Councilman Campbell seconded. Approved 4 to 0.

Councilman Smith was called back into the meeting after the two employee resolutions were voted on.

Mayor Sutherland read the Undesignated Fund Balance (UFB) resolution that states that. As a goal, the UFB should remain between 75-100% of that year's fiscal year budgeted expenditures.

Councilman Denny moved to adopt the UFB resolution as presented. Councilman Campbell seconded.

Councilman Smith stated that he feels the proposed UFB is excessive and asked that Council not adopt this resolution.

Councilman Kennedy stated that he feels 100% is high and that 75% would be adequate.

Mayor Sutherland called for the vote. 4 to 1. Approved. Councilman Smith voting no.

Mayor Sutherland explained that Council Members are entitled to submit a voucher for mileage in the course of their duties. Mayor read a proposed travel allowance which would allow a twenty dollar monthly allowance to Council members.

Councilman Smith made a motion to adopt the travel allowance for Council members Councilman Kennedy seconded. Approved Unanimously.

Mayor Sutherland stated that he would not submit a voucher and Councilman Denny stated that he never has.

6. Old Business

a. Lifeguard Service Contract

T. Gjestson presented the annual Lifeguard Service Contract with the Town of Nags Head. He stated that this is the same language as the last three years and would continue the service for the next three years.

Councilman Kennedy moved to accept the contract and to authorize the Mayor and other signatures as needed to execute the contract. Councilman Campbell seconded. Approved unanimously.

T. Gjestson stated that the estimated price of the contract is \$105,000.00 but that the actual cost would be forth coming in the 2002/2003 budget.

b. Spring Roads Project

Mayor Sutherland stated that the Town received a petition with 57 resident signatures opposing the removal of trees on Trinitie Trail for the rebuild of that road. He stated that the Town did not effectively notify the residents on the road proposal. He stated that he personally called twenty-nine of the petitioners and explained why the trees need to be removed. It appeared they did not have all of the pertinent information. Twenty-seven of the petitioners said one of three things-1) remove my name from the petition, 2) I understand why trees must come down or 3) I don't want to see any trees come down but I understand why some must come down. Mayor Sutherland stated that Council doesn't want trees taken down either but the roads need to be repaired and preserved as part of the rebuild process.

Councilman Denny reported that the roads bid package was advertised and that the state statute requires three bids and upon the first advertisement only two (2) bids were received (which were not opened) and a second bid advertisement was made. After the deadline for the second bid advertisement the same two bidders bid and the bids were opened on March 4, 2002. The bid amounts received were from RPC, Contracting in the amount of \$ 412,960.00 and Barnhill Contractors in the amount of \$526,301.00. The independent estimate was for \$ 400,088.00. He stated that additional funds would be needed from the undesignated fund balance by a budget amendment.

Councilman Denny addressed the Mayor's comments regarding the petition. He stated that he contacted the Town engineer to review Trinitie Trail again and upon that review the distance from the edge of the road wherein trees would be cut for Trinitie Trail was amended from 6' to 4' and that reduced the number of trees to be removed from 40+ to 20+ trees. He stated that he doesn't like to cut down trees either.

Old Business cont'd

Councilman Denny made a motion to award the Spring Roads Project to RPC, Contracting in the amount of \$ 412,960.00. Councilman Kennedy seconded.

Councilman Smith stated that the petition had some 50+ signatures and he has spoken to some of them, he has driven up and down Trinitie Trail and he read the most recent state ITRE study, which is an evaluation of the Town's roads. He explained a grade level is from 0 to 100 with 0 the worst and Trinitie Trail received an 88, which means it is in good shape. He stated that there are other streets in Town much worse that needs road repairs. He stated that he talked to some of the residents on Trinitie Trail and they were not aware of the road proposal. He thinks citizen's input should be considered before anything is done. He stated that the cost of repair to Trinitie Trail is \$170,000.00 and \$135,000.00 would need to be used from the undesignated fund balance. He stated that the residents do not want any trees to be cut down or to have the road repaired in any way, and he personally has driven Trinitie Trail and sees no need to have it in the road project. Councilman Smith continued by saying that the Town appointed a tree committee to find ways to preserve trees but we are proposing to remove trees. He stated that the only way he would approve the contract is if Trinitie Trail were removed.

Mayor Sutherland stated that he too read the ITRE study and it is a tool. He stated that Juniper Trail was rebuilt last year with a rating of 88-100 from the ITRE study and no one complained.

Councilman Denny stated that the ITRE study is an independent consulting program not a state program and it doesn't say that roads need to be fixed or not. He stated that he made a presentation of the roads to be repaired at the retreat and that there were no objections at that time.

Councilman Kennedy stated that the ITRE study primarily addresses the surface of the road for cracks with little consideration for rideability and amount of repair needed due to the rotting vegetation under the road. He stated that he thought Council already agreed unanimously to the proposed project last year. He further stated that if the roads continue to be ignored they would go away. He fully supports the proposal.

Chip Vincent asked if the tree committee made Council aware of their objections? Mayor Sutherland said that Dick Wood, chairman of the tree committee, was told that 47 trees would be taken down on Trinitie Trail and then was later told that the number of trees for removal had been reduced to 23. He stated that Chairman Wood said that is reasonable. Chairman Wood present at the meeting confirmed his response.

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Old Business cont'd

Councilman Kennedy stated that Council understands and appreciates the feelings of the tree committee but trees need to be removed to rebuild roads.

Councilman Denny stated that engineers determine which trees need to be removed in accordance with the road design. The contract is to begin soon and the completion date in the contract is to be June 15, 2002.

Councilman Denny explained that the ITRE study is performed by the Institute of Transportation Research and Engineering and is a joint effort of the university system and is used as a training ground for graduate engineering students and civil engineers and the research is used for advisory purposes only.

Chip Vincent questioned the decision of Council to remove the trees for the road project. Mayor Sutherland responded by saying Council took another look and did make an~~x~~ adjustment on how many trees would be taken down.

Caecilia Koeleveld asked Mayor Sutherland if Trinitie Trail is going to be completely rebuilt? Mayor Sutherland said yes.

Frans Koeleveld stated that he is the one who submitted the petition requesting the protection of the removal of the trees on Trinitie Trail. He stated that not a single person on the petition wanted any trees to be cut down or to have the rebuilding of Trinitie Trail. He asked if Council is ignoring the petition? He asked that Council table the issue and study it more before making a decision.

Councilman Kennedy stated that it is not proper to get into a debate with the public. He stated that Council deliberated and a compromise was made. He stated that there is a public comment on the agenda for comments. He supports the road proposal and he called for a vote.

Councilman Smith asked to make further comments. He read a section from the ITRE study regarding rough ride quality and that it was a part of the study done for the Town. Also he read that ITRE has worked with NCDOT since 1983 developing and implementing a pavement management system of 70,000 miles of state highways. He stated that if the state considers them pretty good then Council should pay more attention to the study.

Mayor Sutherland called for a vote to adopt the Spring Roads Project and award the contract to RPC. Approved 4 to 1. Councilman Smith voting no.

Old Business cont'd

Mayor Sutherland presented and made a motion to adopt a Budget Ordinance Amendment for a \$135,000.00 increase in the streets budget for FY 01/02. Councilman Denny seconded. Approved 4 to 1. Councilman Smith voting no.

Councilman Campbell stated that he supports the road project. He stated that a lot of quality time has gone into the project and he hopes the Town's citizens will appreciate it in the end.

c. Town Buildings Update

T. Gjestson reported that the Town storage building will be completed next week and that everything is on schedule for the work being done at Town Hall.

d. Tree Vegetation Committee update

Dick Wood, Chairman, stated that the committee is working towards a final draft study report to be submitted to Council at the May meeting. He stated that the committee is looking at the clear cutting issue and has some policy alternatives to be considered which he addressed. He announced that the next meeting would be held March 28.

Mayor Sutherland stated that the tasking letter to the committee was broad and that the committee should also look at the right-of-way issues regarding tree removal.

e. Retreat Follow-up

T. Gjestson stated that Council would review the retreat items and begin checking off the ones that have been addressed at the Council's next workshop.

f. Acknowledgement of Employee policies

T. Gjestson stated that there are four key polices that the employees sign off on annually.

Mayor Sutherland stated that Council also signs the code of ethics policy.

7. New Business

a. SSCA agreement

Mayor Sutherland presented a proposed memorandum of agreement that addresses the beach access ramps. He stated that the agreement reads in part that the Council agrees to take care of the ramps. Councilman Kennedy moved to approve the proposed agreement and forward it to the SSCA Board. Councilman Denny seconded. Approved Unanimously.

b. Proposed Campaign Sign amendment

Mayor Sutherland stated that one of the retreat items was to review and modify the zoning ordinance regarding campaign signs being placed in the right-of-way. He stated that Planning Board would review the presented ordinance. He moved to set a public hearing for the April 2 Council meeting. Councilman Denny seconded. Approved Unanimously.

Councilman Denny commented that section 3 regarding the right-of-way (10') but there are places in town that that would not apply.

Councilman Kennedy stated if signs are to be allowed in the right-of-way, the residents should be asked if they would allow the sign to be placed in the right-of-way in front of their house and that this should be addressed in the ordinance.

Pete Macfarlane asked if Kitty Hawk candidate signs would be allowed in Southern Shores? Mayor Sutherland yes.

Ike McRee, Town Attorney, stated that all candidates are protected in the placement of campaign signs under the first amendment.

c. Dare County Emergency Operations Command.

Mayor Sutherland announced that the EOC Hurricane Exercise would be held May 8, 2002 and Deputy Fire Chief David Sanders will be participating in the exercise with Dare EOC.

d. Council Assignments

Mayor Sutherland read Council's assignments for the 2002-year and suggested that the list be put in the Town's newsletter and on the website.

New Business cont'd

e. Annual Town Litter Sweep/f. Civic groups

Councilman Campbell will chair the annual Town Litter Sweep (Southern Shores Cares) to be held on April 13, 2002. He stated that the day would include a chance for everyone to see the new storage facility and to meet the Police Department. He stated that it would begin a weeklong effort beginning with the highways and beaches being cleaned up by inmates. He asked that everyone come out and participate.

Mayor Sutherland added that the Rotary and Kawanis Clubs have been asked to participate in the clean up also.

8. Public Comment (3 minutes)

Don Bierwerth, 249 Sea Oats Trail, stated that he previously asked to be put on the Council agenda but was notified that he could speak under the public comment section.

He presented Council, the Town Manager and the Town Attorney with written materials.

He stated he has two issues he is concerned about.

He stated that he is disturbed about the parking requirements at the Town Hall complex. He stated that he has raised this issue before with the Town Building Inspector and the Mayor. He stated that he received a letter from the Building Inspector explaining the parking requirements. He stated that he has reviewed the Town's zoning ordinance and the allowable parking spaces and that there is inadequate parking for the complex. He stated that the Council meetings once were held in the Town Hall building and now are held in the Pitts Center. He stated that an aerial photo was taken of the volunteers' (150) at the annual luncheon and that 31 cars were parked on the state highway in the Town of Kitty Hawk. He stated that this could be a liability issue. He summarized that changes need to be made to the Town's parking requirements. He stated that the adjacent property to Town Hall is for sale and should be considered. He stated that he is giving Council public notice today regarding the parking issue.

He addressed Council regarding the Blue Sky Project, in that the Town is required to do certain things since the building is no longer used for Blue Sky. He gave a list of options the Town is supposed to address, which he read. He stated that the Town has to follow certain procedures, which he has provided Council with materials.

Mayor Sutherland thanked Mr. Bierwerth and said that he was over his allocated time.

Public Comment cont'd

Elsa Edwards, 28 Periwinkle Place, requested Council to consider placing pictures with biographies of all the police officers, since they are all new, in the Town newsletter.

Caecilia Koeleveld, 72 Gravey Pond, asked Mr. Campbell to revisit the Trinitie Trail rebuild issue. She understands it is a done deal but she wants to state that she is deeply disappointed that during the time Frans was talking others were talking. She stated that they are very passionate about this issue.

Mrs. Koeleveld stated that it would change the character of Chicahauk. She invited them to drive carefully down Trinitie Trail and look and to see the picture in your mind what is going to be done to the street. A thoroughfare will be created, people will be speeding and it will not be safe. The residents are looking for a nice quiet place to live.

9. Council's Agenda

Councilman Campbell stated that in answer to Mrs. Koeleveld that Council did revisit the Trinitie Trail issue and the decision that was made was a prudent one. He supports those that made the decision.

Councilman Denny-none

Councilman Kennedy stated that he has drafted a Right-of-Way ordinance He would like it to be placed on the agenda for the next Council meeting and that a public hearing should be held.

He stated that he has reviewed the Solid Waste ordinance and made pertinent changes. The biggest change is that rental homes with five bedrooms or more would need to have three garbage cans. He doesn't feel a public hearing is necessary and it is not required and that it be put on the agenda for the next Council meeting also.

Councilman Smith-none

10. Mayor's Agenda

Mayor Sutherland stated that for the record Mr. Bierwerth has been answered officially by several people on the issues that he addressed during the public comment section of the meeting. Mr. Bierwerth has formally received letters dated July 23, 2001, August 15, 2001; a letter from the District Attorney, (1st District) and a letter from the Town Manager dated September 24, 2001.

11. Town Manager's Agenda

- He reported that he has been working with Chief Pledger and others regarding the issues of traffic cut throughs and speeding in the Town. They have compiled a proposed plan and presented it to Council. The proposed plan has the town divided into 5 main corridors and to post special signs alerting drivers that the traffic rules are in effect and will be enforced. The plan includes use of radar and radar trailer and traffic checks and would be initiated in the spring if approved.

Councilman Campbell moved to accept the traffic plan as presented. Mayor Sutherland seconded. Everyone supports.

- The Police Dept. will be featured in the Town's newsletter and they will be available at the Town's Litter Sweep on April 13.
- Read the results of the number of hits the Town website has held on average-375 hits a day.

Ursula Zdziarski suggested that it be put on the Town website that the Police Dept. is strictly enforcing the speed limits in Town.

12. Town Attorney Agenda-none

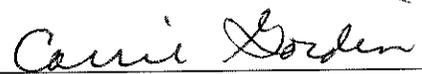
Mayor Sutherland moved to adjourn the meeting at 10:20 a.m. Approved Unanimously.

ATTEST:

Respectfully submitted:



Mayor



Town Clerk