



Town of Southern Shores

"A Town of Volunteers"

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Council Meeting

August 6, 2002

7:00 p.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 7:00 p.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 families of David Mizelle (long time resident) and Grace Martin.

4. Public Comment- No one signed up to speak.

5. Consent Agenda-Minutes-June 25 recessed meeting and July 2, 2002; monthly building inspections report, and monthly tax reports.

Mayor Sutherland made a motion to adopt the consent agenda. Councilman Campbell seconded. Approved unanimously.

6. Presentation-Bob Muller, Mayor of the Town of Nags Head-Septic Health Initiative and Bruce Bortz, Deputy Planning Director.

B. Muller presented a very informative program. He stated that the Town of Nags Head began the program about four years ago in an effort to educate the public on the need for clean water and a natural environment. He stated that the approach the Town took was a non-regulatory method. The program reveals the need for good wastewater processing and the impact on all by the lack of good practices.

He stated that four programs are in use: 1) pumping program for septic tanks, 2) water quality monitoring, 3) education, and 4) decentralized wastewater management.

Mayor Sutherland stated that the Town published information "Septic Systems in Coastal NC", provided by CAMA, in a Town newsletter.

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Presentation cont'd

Mayor Sutherland thanked him for coming.

7. Public Hearing-Consideration of draft zoning amendment for exterior lighting in the commercial zone and conditional uses.

Mayor Sutherland called the public hearing to order at 7:30 p.m. and asked if anyone wished to speak.

Ursula Zdziarski, 267 N. Dogwood Trail thanked Council for their initiative to regulate lighting. She asked if the proposed ordinance applies only to the commercial areas and if so she would like it to be applied to the residential zone also? She suggested that definitions for the words "glare" and "shielding" be given. She also expressed concern that the recommended 500 watts as a maximum wattage for outdoor lighting fixtures is too much and should be reconsidered. She asked if there would be annual inspections of all lighting fixtures by the building inspector and how does the ordinance address pre-existing lighting, is it grandfathered?

Sarah Schwartz, 300 N. Dogwood Trail asked if overwash onto roads from lights is addressed in the proposal?

Ed Cowell 51 Skyline Road stated that he has many years of lighting experience and it is difficult to define the spread of light onto neighbors property. He stated that it depends on the type of lighting being used such as low sodium, incandescent or halogen and the amount of wattage.

Mayor Sutherland asked if there was any other public comment? Hearing none he closed the public hearing at 7:35 p.m.

Mayor Sutherland stated that the proposed ordinance is written for the commercial zone and conditional uses.

Planning Chairman Shields stated that the glare and type of shielding does depend on the type of lighting.

Councilman Denny stated that the proposed ordinance does address light on site.

Mayor Sutherland stated a clarification of wattage and lumens is needed and he proposed the draft be returned to the Planning Board for further clarification.

Public Hearing cont'd

M. Hejduk stated that the current zoning definition of lighting is very broad and that there is no guidance for the commercial zone.

Mayor Sutherland stated that the right applicability needs to be considered.

Councilman Campbell moved to table the vote on the proposed amendment and to send it back to the Planning Board for further review. Mayor Sutherland seconded. Approved unanimously.

Ike McRee, attorney stated that another public hearing would be needed if there were substantial changes made to the draft.

8. Planning Board-Recap July 15, 2002

Chairman Shields presented several items for Council's consideration:

Set public hearing date for consideration of draft buffer/landscaping ordinance-Council agreed to hold the public hearing on September 3, 2002, 7:00 p.m. in the Pitts Center.

6225 N. Croatan Hwy. Lot 1, Martin's Point-Hillcreek Office complex amended site plan regarding lighting. Planning Board recommends approval as presented.

Mayor Sutherland made a motion to approve amended lighting plan as submitted. Councilman Kennedy seconded. Approved unanimously.

6445 N. Croatan Hwy. Lot 9, Martin's Point office complex amended site plan regarding landscaping. The Planning Board did not recommend the replacement of Leland Cypress on the site with Palm trees but that certain cypress could be replaced with Oleander and that Palm trees could be planted but not as part of the landscaping plan.

Mayor Sutherland moved to approve the Planning Board's recommendation. Councilman Kennedy seconded. Approved unanimously.

Goodwill Community Foundation preliminary site plan-Block A, Section 1, Lots 20-23 adjacent to Town Hall.

Chairman Shields stated that upon initial review of the proposed plan, Goodwill Community Foundation has submitted three alternative plans for Council to select one (A, B, or C).

Planning Board recap cont'd

Mayor Sutherland moved to select the proposed site plan "C" that proposes no curb cut to the Town Hall parking lot. Councilman Campbell seconded. Approved unanimously.

Mike Robinson, engineer for the project asked if Council could approve the site plan tonight. Mayor Sutherland stated that proposed plan "C" needs to go before Planning Board for review.

Sam Sciabbla, general manager of Charter Communications (Cable) presented a request to install 26 power supply boxes in conjunction with the upgrading of the fiber optic project to better serve their customers. The Planning Board recommends approval.

Mayor Sutherland made a motion to approve the request as submitted. Councilman Kennedy seconded. Approved unanimously.

Southern Shores Crossing, 1 Ocean Blvd. final site plan.

Mayor Sutherland stated that a conditional (temporary) certificate of compliance was issued for thirty days. He asked M. Hejduk if all items have been accomplished?

M. Hejduk stated that all items (6) have been addressed satisfactorily per the July 11, 2002 correspondence.

Councilman Kennedy made a motion to approve the amended final site plan as submitted. Councilman Denny seconded. Approved unanimously.

9. Old Business

a. Draft Town Code amendment-Town Right-of-way-Set public hearing

Councilman Campbell asked that the tree size of six inches be reduced to four inches as specified in section 6-202 of the proposed text? Councilman Kennedy stated that would be acceptable. Mayor Sutherland stated that the public hearing would be held at the September 3 Council meeting.

b. Juniper Trail multi-use path grant

Councilman Denny stated that the Outer Banks Tourist Bureau has awarded a matching grant in the amount of \$35,000 to the Town to construct a multi-use path on Juniper Trail. He moved that the grant be executed by the Town Manager. Councilman Campbell seconded. Approved unanimously.

Old Business cont'd

Councilman Denny announced that a special meeting would be held on August 20, 2002 at 7:00 p.m. in the Pitts Center for citizens to review the plans and make comment.

Mayor Sutherland stated that if something should happen and the path did not get constructed the grant money would be returned to the O. B. Tourist Bureau.

c. Pitts Fund

Mayor Sutherland reported that a memorial fund was set up for Kern Pitts to be used for worthy projects for the Town. He stated that the fund has \$11,000.00. He stated that the committee was appointed consisting of Sally Meagher, Elsa Edwards, David Bakken, Bruce Green and himself.

d. DOT meeting-July 18, 2002 update

Mayor Sutherland reported that some 200 people attended the meeting held by DOT in the Pitts Center. He stated that he attended the Town of Kitty Hawk's Council meeting and asked for their support on the building of the Mid-Currituck Bridge and not to support the proposal to four lane NC 12. He stated that the Kitty Hawk Board did agree to support the construction of the bridge but not the four laning of the NC 12.

Mayor Sutherland stated that Geri Sullivan and Sarah Schwartz are heading a campaign by asking everyone to sign a petition asking DOT to build the bridge and not to four lane NC 12. They will be canvassing the Town. He also asked that everyone write letters to Senator Marc Basnight and Representative Culpepper expressing the need for the bridge.

Councilman Kennedy stated that he is concerned about the amount of traffic on Dogwood and Trinitie Trail and would like something to be done.

Councilman Campbell stated that the Police Department would be holding traffic stops on Saturday and Sunday at those locations.

Ed Cowell suggested posting no through traffic signs and enforcement. Councilman Campbell stated that the Town receives state funding for roads (Powell Bill) and is prohibited from doing that.

D. Shields stated that on the Internet directions are being given to cut through the Town to go to Duck and Corolla.

D. Shields asked about the Internet mapping services that are directing traffic through Southern Shores to Duck and Corolla?

Mayor Sutherland stated that the Town's attorney is drafting a letter to those Internet sites regarding this.

Sarah Schwartz stated that rental companies give directions to the renters and are using the Town as a cut through area.

Pete Macfarlane commented that by putting up such signs as no cut through traffic provides people of the knowledge of a road that didn't know about.

Councilman Denny proposed a 15-mph speed limit through out town to discourage travelers.

Councilman Smith asked if there is a way to use the Powell Bill funds for certain streets in Town and then the streets not funded by the money could be restricted?

Mayor Sutherland stated that he would look into that and the proposed 15-MPH speed limit.

10. New Business

a. Annual consideration of CAMA contract

Tom Gjestson, Town Manager presented the annual contract to Council for approval and execution. The contract sets the rate for reimbursement for CAMA activities.

Mayor Sutherland moved to approve the contract and authorized the Mayor's signature. Councilman Kennedy seconded. Approved unanimously.

b. Pedestrian crosswalk/signs

Mayor Sutherland stated this issue was discussed at the DOT meeting held on July 18. DOT stated that it couldn't put up crosswalks on NC 12. He stated that DOT was asked again if pedestrian crossing signs could be installed.

11. Council's Agenda

Councilman Campbell-none

Councilman Kennedy-none

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Council's Agenda cont'd

Councilman Denny stated that he would be away from the 7th to the 18th of August.

Councilman Smith asked Fire Chief Bakken to give his monthly report.

Councilman Smith asked Council to support a letter regarding Governor Easley's withholding of municipality's local funds. He explained that HB 1595 is to constitutionally prohibit the Governor from holding local funds. Mayor Sutherland asked Councilman Smith to draft the letter for Council's signatures and it would be sent to the legislators.

B. Muller stated that he met recently with Senator Basnight and Representative Culpepper and requested limiting the Governor's ability to withhold funds this year. He encouraged everyone to fight for the funds.

12. Mayor's Agenda

- ◆ He stated that recently an organization came to town to solicit funds for a non-profit group. The Town Code prohibits solicitation except for non-profit organizations but are to get a permit before doing so, they did not. He suggested the code needs to be reviewed and additional stringent language should be used. He has drafted a letter to be sent to the Secretary of the State regarding this groups motives.
- ◆ He stated that the Town's Floodplain Management committee will be working on the Town's Hazard Mitigation Plan update and that the deadline for adopting the new language has been extended until next year.
- ◆ He announced that the Virginia Dare Bridge would hold a dedication on August 16 and that Council has been invited to attend the ceremonies.

13. Town Manager's Agenda

T. Gjestson thanked Mayor Muller for the lifeguards provided this year and for the service that is provided.

Mayor Muller reported that the women from the service did quite well in the annual lifeguard competition held in New Jersey and will be competing in South Carolina also.

T. Gjestson asked Police Chief Pledger to give update on the current issue of child napping.

Town Manager's Agenda cont'd

Chief Pledger stated that the Police Dept. has a child locator computer, which allows the department to stay on top of missing children, and wanted criminals. He stated that the "Amber" alert system is a very valuable tool.

T. Gjestson reported he met with Dick Wood, chairman of the vegetation committee and he announced that a Green Space seminar would be held on September 26, beginning at 8:30 a.m. until 5:00 p.m. in the Pitts Center. Susan Ruiz-Evans the NC Cooperative Extension Service agent will present the program. There is a cost of \$20 for each participant and a minimum of 15 people need to be signed up with a maximum of 30 people in the class. The Town will send a broadcast email regarding this information.

Mayor Sutherland proposed that the vegetation committee member's fees for attendance to the seminar be paid by the Town. All agreed.

T. Gjestson stated that Dare County weekly garbage collection schedule is falling behind but that Dare County is hiring additional staff and collection should get back on schedule.

Mayor Sutherland moved to go into closed session to discuss a personnel matter and an attorney/client privilege matter. Councilman Campbell seconded. Approved unanimously.

Mayor Sutherland made a motion to return to open session. Councilman Campbell seconded. Approved unanimously.

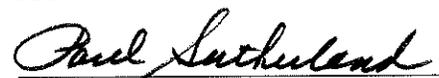
Councilman Campbell made a motion to approve a 7.2% salary increase of the Town Manager's current base pay effective the next pay period. Mayor Sutherland seconded. Approved 4 to 1. Councilman Smith voting no.

Mayor Sutherland moved to go into closed session to discuss the attorney/client privilege matter and that the minutes are sealed until no longer an issue. Councilman Campbell seconded. Approved unanimously.

Councilman Kennedy moved to go into open session. Mayor Sutherland seconded. Approved unanimously.

Mayor Sutherland adjourned the meeting at 9:00 p.m. Approved unanimously.

ATTEST:


Mayor

Respectfully submitted:


Town Clerk