



Town of Southern Shores

"A Town of Volunteers"

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Council Meeting
September 3, 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 all of those who lost their lives from the terrorist attack on September 11, 2001 and also for the family of Lorraine Perillo, local resident.

4. Public Comment

Mike McCarron, 13 1st Ave. complimented Council for the writing of the right-of-way and the outdoor lighting ordinances. He urged Council to approve the presented ordinances. He asked that Council consider prohibiting parking in Seacrest Village at the T's on the avenues. He stated that it is a problem with out of state visitors and signs posted stating "No Parking" would be helpful, especially on the east side for safety and character of the neighborhood. He stated that the outdoor lighting ordinance is a first step and commends Council on tackling this issue. He stated that the character of the Town is changing. As it grows and permanent residents come here it is very important to maintain character. Lighting is essential to the character because the night sky is as precious as the Grand Canyon. He suggests that it is an easy thing to do by putting hoods on the commercial lights and would like to see the ordinance extended to the residential area, especially the rental properties.

5. Consent Agenda-Minutes recessed Council meeting July 29, Council meeting August 6, special meeting August 20, 2002, and the monthly building inspections report. No monthly tax report.

Councilman Campbell made a motion to adopt the consent agenda as presented. Councilman Denny seconded. Approved unanimously.

6. Special Guest-David Stick

Mayor Sutherland introduced David Stick as renowned author and community leader on the Outer Banks.

Councilman Campbell extended an invitation to Mr. Stick to attend the annual volunteers luncheon to be held in December for a special recognition. He stated that David was the first mayor of Southern Shores, civic leader, chairman of the Dare County Board of Commissioners, a journalist, author, and instrumental in the reconstruction of the Outer Banks after the Ash Wednesday storm, and the organizer of ADCA, which set the guidelines for the development and growth of the Outer Banks.

Councilman Kennedy thanked David personally on his and his wife's behalf for the vision that he had on the founding of Southern Shores and all that he has done for Dare County. He stated that the vision necessary to accommodate greenspace, residential and commercial areas in a town comes from a special person and Southern Shores is the envy of many municipalities on the east coast.

Councilman Smith presented his copy of the *Graveyard of the Atlantic* written by David Stick and asked for his autograph. He stated that he is a Dive Master and has dived many of the wrecks on the Outer Banks. He stated that he co-authored an article in *Ship Wreck* magazine after diving on the Curlew wreck and mentioned David's name in the article.

Mayor Sutherland stated that this is a prelude to the recognition at the December luncheon and he asked that David keep his calendar open until the date is set. He presented him with a Town mug. He thanked him personally for the advice he has given him through the years.

D. Stick stated that he very pleased with Council and thanked them.

7. Public Hearing

- a. Consideration of draft amendment of Town Code Chapter 6, Article VI. Streets and Rights-of-Way

Mayor Sutherland opened the public hearing at 7:10 p.m.

Paul Kapinos asked Council to explain the purpose of this ordinance?

Public Hearing cont'd

Geri Sullivan, 31 10th Ave. also asked Council to explain the ordinance? She suggested that in the tree section that it would be a good way to instruct property owners about not clear cutting the lots and to maintain vegetation. She asked what criteria would be used to determine what obstructions would need to be removed? She asked how the right-of-ways would be maintained if cars are allowed to park them? She stated that the utility companies have disturbed the vegetation and not replaced it and has caused erosion problems.

Mike McCarron., 13 1st Ave. stated that he is concerned about the clearing of the rights-of way as proposed to encourage parking and feels it is a bad idea. He would urge the Town to be judicious in the plans for clearing. He understands the Town has the right to keep the right-of-ways clear is a good thing but a bad thing to clear them across the board to encourage parking. He feels it is an unnecessary expenditure of money.

Al Smith, 279 Sea Oats stated that it is illegal to park on the Town streets even if you have a Town sticker, that the only places you can park is where it is posted parking with Town sticker.

Mayor Sutherland asked for further comments, hearing none he closed the public hearing at 7:20 p.m.

Councilman Kennedy stated that the reason the ordinance was written is because people don't understand that the Town does have a right-of-way connection with the road. The right-of-way is used for utilities and the use of emergency vehicles and for other safety reasons. He stated that some people have abused the use of the right-of-way by placing obstructions in the right-of-way up to the pavement. He stated the Town needed something in the Code of Ordinances that would give them the authority stating that property belongs to the Town and obstructions need to be removed. He stated it is not drafted to facilitate extra parking areas. He stated that it is drafted to maintain safety and is not an unreasonable ordinance. He moved to adopt the ordinance with some minor changes. He listed them: page 2 section 6-201 (d) to read designated *on street* parking areas; section 6-202 Trees delete Building Inspections Dept. to read *Code Enforcement Department* and delete lot ~~clearing~~ permit insert clearing to *distrubance* and delete ~~six~~ inches in diameter and insert *four* inches, Part III. (4) Chapter 6: Sections delete ~~6-4~~ through ~~6-31~~ inclusive and ~~6-66~~ through 6-203 inclusive and insert *6-26 through 6-30 and 6-201-6-203 inclusive*. Councilman Denny seconded.

Bob Siegel, 115 S. Dogwood Trail asked what is the definition of the right-of-way? Mayor Sutherland stated that the right-of-way varies throughout the Town.

Councilman Denny stated that generally the right-of-way is 60 feet. He stated that generally the pavement is in the center of the right-of-way thus 30 feet each way from the center describes a 60 foot right-of-way. He stated that some rights-of-way are only 30 feet, such as the north dune area and the T's on the avenues in Seacrest Village.

Mayor Sutherland stated that the right-of-way ordinance is to clarify what the Town's right-of-way is. He stated that an inventory was taken a year ago of items in the Right-of-way and it is twelve pages long. He stated that if an obstruction needs to be removed, it will be removed.

Councilman Campell stated that in the inventory list that people decorated and hid the fire hydrants. He stated that by obstructing them it prevents the safety of the streets. He also stated that the designated parking areas have not changed.

Councilman Smith announced that the Police Dept. has a brochure stating the parking rules and regulations in the Town.

Randall Wrenn stated that it is the Town's responsibility to maintain the right-of-ways.

Mayor Sutherland stated that the Town has a regular mowing schedule for right-of-way mowing.

Councilman Denny stated that an issue of parking in Sea Crest Village has arisen but that there is no plan to change regulations, it remains the same. He stated there is consideration being given to parking at the "T" but not on the "T" to provide a hardened surface of some kind for 3-4 spaces on possibly all of the avenues to allow parking so the vehicles will not mire down.

Councilman Denny explained that standardized signs would be posted on the avenues stating No Parking Except With Town Permit Only and No Parking signs will be posted on the "T"s.

Ike McRee, attorney, suggested that a definition of right-of-way be added to the ordinance, which he provided.

Councilman Kennedy agreed to amend his motion to include the definition proposed.

Mayor Sutherland stated that the Town has received many letters regarding the parking issues at Seacrest Village. He stated that before any action is taken a public hearing would be held even though one is not needed.

Public Hearing cont'd

Mayor Sutherland stated that the motion has been made and seconded with changes and amended by the Town attorney and called for a vote. Approved unanimously.

b. Consideration of Buffers and Landscaping zoning amendment

Mayor Sutherland opened the public hearing at 7:40 p.m. No one signed up to speak. He closed the public hearing at 7:41 p.m.

Councilman Campbell moved to adopt the amendment as presented. Councilman Denny seconded. Approved unanimously.

Councilman Denny commended the Planning Board for their effort on the ordinance.

8. Resolution

a. Support of a Mid-Currituck Bridge and opposition to widening NC 12.

Mayor Sutherland moved to approve the Mid-Currituck Bridge resolution. Councilman Kennedy seconded. Approved unanimously.

b. Fireworks

Mayor Sutherland stated that Duck presented an ordinance to ban fireworks. He stated that the Town has taken a different approach in the presented resolution. The resolution covers the NC General Statute Article 54, Chapter 4. He read the resolution and stated that the Town intends to enforce it and a copy of the resolution will be forwarded to all the realtors. Councilman Campbell moved to adopt the resolution as presented. Councilman Denny seconded. Approved unanimously.

c. Proclamation supporting those who lost loved ones from the terrorist attack of Sept. 11, 2001.

Mayor Sutherland presented the proclamation which he read and moved for adoption. Councilman Smith seconded. Approved unanimously.

9. Planning Board Recap August 19, 2002

Dan Shields, chairman recommended Council approve the final site plan for the Goodwill Community Foundation to be constructed adjacent to Town Hall. He stated that there is concern regarding the ingress/egress extension to the property.

Planning Board Recap-August 19, 2002

D. Shields stated that there was much discussion on the submitted final site plan for the Ginguite Woods subdivision. He stated that there are five items that need to be provided before it can be approved. He stated that M. Hejduk has written a letter and sent to the developer with those five items addressed as well as some other issues.

He stated that Council held a public hearing on the draft exterior lighting amendment and sent it back to the Planning Board. The Planning Board feels the amendment covers the items that they wanted to cover. He stated that the primary reason for developing this amendment was to give guidance for commercial development applications and conditional use applications. He stated that the Planning Board stands by the amendment as presented and recommends Council's approval.

He stated that Dale Finocchi of SunCom presented a proposal for adding telecommunication capabilities in Town. He stated that the current ordinance allows telecommunication towers only in the commercial district. He stated that the proposal is to place an antenna on the Dare County water tower behind Kitty Hawk Elementary School, which is in the R-1 district. He stated that the Board would review the ordinance and discuss amended language to allow an antenna at that location and present at next Council workshop. The Board still feels telecommunication towers should remain in the commercial zone.

Councilman Campbell moved to approve the final site plan for the construction of the Goodwill Community Foundation as presented. Councilman Kennedy seconded.
Approved unanimously.

Councilman Kennedy stated that the extension of the roadway is a concern and the Town will work with DOT closely.

Councilman Denny asked when is the request for the access submitted to DOT? D. Shields stated that the request has been made and a letter has been received and that the request is acceptable.

Mike Robinson, Bissell Professional Group stated that the Town would need to sign off on the driveway permit and the encroachment permit.

M. Hejduk stated that he did not place a date of compliance for those items to be submitted in his letter to the developer of Ginguite Woods. He stated that the first five units would be phase one and the remainder of the development will be other phases.

Planning Board recap cont'd

M. Hejduk stated that the wastewater plant has items to be addressed and that the development has changed its name from Ginguite Woods to Swan Creek but will now be named The Landings of Southern Shores.

10. Old Business

- a. Consideration of zoning amendment-Article VI. General Provisions-Section 6.04 Outdoor Lighting for the commercial zone and conditional uses.

Mayor Sutherland stated that a public hearing was held as stated in the planning board recap and the planning board stands by the presented amendment.

Councilman Campbell stated that the concern was the amount of wattage stated but that the ordinance addresses that no infringement would be on any neighboring property. He moved to adopt the ordinance as presented. Councilman Kennedy seconded. Approved unanimously.

Councilman Denny commented that he supports the addition of a telecommunications antenna on the water tower. He hopes the Planning Board can find a way to move forward on this because it is needed not only by the residents but the police and fire departments.

Mayor Sutherland stated that there are antenna on the water tower already.

D. Shield stated that it is unknown how much improvement will be gained.

- b. Mid-Currituck Bridge Campaign-Supporting the construction of the bridge and opposing the widening of NC 12.

Mayor Sutherland introduced Sarah Schwartz and Geri Sullivan and he showed a picture of the new Virginia Dare Bridge between Roanoke Island and Manns Harbor. He stated that this is a dress rehearsal for the Mid-Currituck Bridge.

S. Schwartz presented campaign goals divided into categories, a petition drive and letter writing. She asked for volunteers to aid in this campaign. She explained that this is a 2-3 year long campaign with a goal to have over 10,000 signatures on a petition to be presented to the legislators. The petitioners will come from the locals and the tourists from all surrounding areas. Those who sign the petition locally will receive a blue ribbon and be asked to put it on their mailboxes to show their support and have a visual impact.

Mid-Currituck Bridge campaign cont'd

Geri Sullivan reported that Mayor Sutherland has attended all the other municipalities' town meetings asking them to show support and he has been going door-to-door with the petition. She stated that when DOT comes to town we want them to see a field of blue ribbons. She stated that other communities are participating and businesses are posting the petitions. She stated that the Duck Business Alliance is on board and the Duck Civic Association and Southern Shores will be doing a mailing to all property owners. She stated that Gwen Cruickshanks in Currituck would be heading the petition drive there. She reported that there are around 500 signatures at this time but more is yet to come.

Mayor Sutherland thanked them.

c. Juniper Trail multiuse path update

Councilman Denny stated when Juniper Trail was rebuilt typographical information also was collected to include a path. A grant was applied to the Outer Banks Tourism Board and the Town has received approval for \$35,000 as a matching grant for the construction. He stated that the Town held a special meeting on August 20, 2002 and there was no opposition to the path. He stated the preliminary plans are available for viewing at Town Hall. He stated that it is a 7 feet wide asphalt path and will generally be on the east side but may be on the west side south of Palmetto Lane. He stated that the entrance to the Market Place would have a protected crosswalk to aid the people. He stated that it is possible the path could be finished in the fall.

He answered a question regarding the existing Trinitie Trail path being widened by saying that it is Chicahauk property. Appointment of Hazard Mitigation and Floodplain Management Committee members

Mayor Sutherland reported that several members need to be replaced. He presented the list Police Chief Pledger, Fire Chief Bakken, Mimi Iacone, Planning Board and Charles Coates, SSCA and moved for their appointment. Councilman Kennedy seconded. Approved unanimously.

11. New Business

a. Police Dept. video equipment presentation

Sgt. Paul Terry explained the use of the in-car video cameras, showed a video play back of a traffic stop by Officer Sasnett. He stated currently two cars are equipped with cameras.

New Business cont'd

Councilman Campbell asked how long it would take to complete the study? T. Gjestson said about four months, beginning in November.

12. Council's Agenda

Councilman Campbell-none

Councilman Kennedy-none

Councilman Denny-none

Councilman Smith asked Fire Chief Bakken to give the monthly fire report.

Councilman Smith announced that an all day workshop will be held on September 26 in the Pitts Center sponsored by the NC Cooperative Extension Service and the Nature Conservancy at Nags Head Woods entitled Preserving and Creating Green Space in the Outer Banks Environment contact Merrie Smith at Town Hall or sign up tonight.

13. Mayor's Agenda

Mayor Sutherland stated that he attended the Town of Kill Devil Hills Council meeting asking for support of the construction of the Mid-Currituck Bridge and they will support it but chose to amend the language. He will be attending the Nags Head Council meeting and will meet with Gene Gregory, Currituck County Commissioner Chairman to also rally their support.

Mayor Sutherland stated that the Town received a letter from Paul Brengle, resident regarding an article written in the local newspaper that incorrectly stated who the first Southern Shores volunteer fire chief was. He stated that in the letter it is correctly stated that James Welch was the first fire chief. He stated that the letter is full of historical facts that should be reviewed by the Town Historical Preservation Committee.

Mayor Sutherland stated that the Town has voted down liquor by the drink in town two times in a row. He stated that he has learned that the new restaurant *Meridan 42* has applied to the ABC Board for a brown bagging permit. He stated that he wrote a letter to the owners stating the position that the Town has voted down liquor by the drink but he learned that anyone can get a brown bag permit.

Mayor Sutherland reported that Council approved a 7.2% pay increase for the Town Manager. He stated that T. Gjestson has produced two tax cuts for the Town and his salary compared to the other town managers generally they are paid more. He congratulated T. Gjestson.

New Business cont'd

T. Gjestson announced that the car would be outside after the meeting for those who would like to see the equipment.

Councilman Campbell stated that from this demonstration Council can see the need for additional video equipment for all the police cars within the year. The cost of the equipment is around \$4,000 each.

b. Annual Audit

T. Gjestson stated that the annual audit for FY 2001-2002 has been completed and the report would be made at the October Council meeting. He presented information regarding the budget ups (increased revenues) and downs. He reviewed the ups such as occupancy tax, land transfer tax and building permits. The revenue downs such as local option sales tax, interest income, ad valorem, and utility franchise tax. Expenditures were up due to the construction of a public works building, equipment and personnel, Town Hall remodeling, fully staffed police department, and major street repairs. The undesignated fund balance dropped by \$300,000. He stated that the Town is in good shape.

c. Janitorial Contract-Town Hall complex

C. Gordin presented the janitorial contract for the Town Hall complex. Councilman Campbell moved to approve the contract as presented. Mayor Sutherland seconded. Approved unanimously.

d. Salary Program

T. Gjestson reported that in the approval of the FY 2002-2003 budget there was a provision for a cost of living (COLA) raise in the amount of 2.8% for all employees and it will begin the first pay period in September, there also is a merit increase of 0 to 2.2% increase on an individual basis. He submitted the new salary structure, which includes the COLA increase. Mayor Sutherland moved to adopt the new salary structure. Councilman Denny seconded. Approved unanimously.

T. Gjestson added that there is another part of the salary program, which involves job descriptions and job evaluations. He stated the NCLM provides a service group (MAPS) to do a payand classification study. He stated this type of study was done five years ago and he recommends that Council approve the signing of the contract as presented in the amount of \$5,251.00. Mayor Sutherland moved to give the Town Manager authority to sign the contract. Councilman Denny seconded. Approved unanimously.

14. Town Manager's Agenda

T. Gjestson announced that the amount of the local option sales tax for the first quarter is down by \$12,000 from last year. The occupancy tax collected is down by \$7,000. He explained that the reduction is caused by the Town's reduced tax rate, recession and the state's budget problems. He also stated that the Governor has announced he will be taking additional money from reimbursables that will mean about \$20,000 less revenue to the Town.

T. Gjestson reported that Councilman Denny and himself have attended several meetings with Dare County Emergency Management regarding hurricane debris removal. The County has procured proposals from companies who provide this type of service. The County is asking the municipalities to participate in a contract with a successful bidder. He explained this would be for a level 3-5 hurricane.

He stated that he electronically polled the Council if they would support this proposal and they did and he asked that Council vote on it tonight.

Councilman Denny moved that the Town of Southern Shores seek participation in the Dare County RFP in contract for hurricane disaster reduction and disposal and that this vote confirms the electronic poll made on August 15, 2002. Councilman Kennedy seconded. Approved unanimously.

15. Attorney's Agenda

Ike McRee called for a closed session to discuss an attorney/client privilege regarding the pending lawsuit between the Town vs. Bowlin.

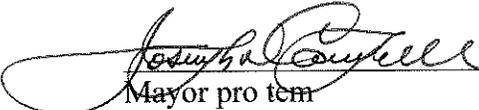
Councilman Kennedy moved to go into closed session to discuss the legal matter of the Town vs. Bowlin and that the minutes of the closed session are closed until no longer an issue. Mayor Sutherland seconded. Approved unanimously.

Mayor Sutherland moved to go out of closed session into open session. Councilman Denny seconded. Approved unanimously.

Mayor Sutherland moved to adjourn the meeting at 9:20 p.m. Approved unanimously.

ATTEST:

Respectfully submitted:



Mayor pro tem



Town Clerk