



Town of Southern Shores

"A Town of Volunteers"

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Council Minutes

March 4, 2003

7:00 p.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance led by Mayor Sutherland.
3. Moment of Silence

Mayor Sutherland asked that a moment of silence be held for the family of Joe Perillo, resident, who passed away and who lost his wife about six months ago; and, for all the armed forces that are in a situation that threatens their lives.

4. Public Comment

Charles Coates addressed Council with a request that they support an anti-war resolution against Iraq. He stated that he is a taxpayer, ex-army veteran, he recites the Pledge of Allegiance and has voted in every election since Eisenhower. He stated that over 1,000 towns across the country have adopted such a resolution and he named a few. He questioned the morality and practicality; can the U.S. financially afford this war? He suggested that there might be other ways to achieve the goal instead of war.

Al Smith responded by saying this is no time to not support our president and no time in this country's history to encourage Saddam Hussein and his endeavors. He stated that he is a five-year WWII veteran and he supports the President.

5. Introduction of new Police Officer

Mayor Sutherland stated that Patrick Homer has been hired but could not be here tonight. He stated that Officer Homer is currently working with the Currituck County Sheriff's Department and has for the last 10 years. His starting date is March 10.

6. Consent Agenda-Council minutes-February 4, 2003, monthly Building Inspection report and monthly Tax reports. Councilman Campbell made a motion to adopt the consent agenda as presented. Councilman Kennedy seconded. Approved unanimously.

7. Planning Board Recap-February 17, 2003

Dan Shields; Planning Board Chairman presented a draft amendment regarding large homes. He explained that the zoning ordinance was amended to allow single-family structures in the commercial zone but additional clarification was needed regarding dimensional requirements.

Council had questions regarding parking and lot coverage and asked the Planning Board to revisit the draft.

D. Shields stated that a builder, developer, and a realtor would be invited to attend the next Planning Board to further discuss the large home draft. A public hearing needs to be set when the draft is completed.

He reported that SunCom has submitted an application to construct a communications antenna on top of the Dare County water tank at Kitty Hawk Elementary School and a public hearing would need to be set for that also.

He reported a minor typo error was found in the text of the Telecommunications Tower ordinance and stated that a public hearing would need to be held to correct that error.

Mayor Sutherland stated that public hearings would be held at the April Council meeting on these issues: draft language for large home dwellings, conditional use permit for the communication antenna to be placed on the Dare County water tower by SunCom, and the text error in the telecommunications tower ordinance.

Councilman Smith asked can a public hearing be set before Council has the documents? Mayor Sutherland said yes and the public hearing could be cancelled if documents aren't ready.

Mayor Sutherland stated that the number of parking places for the proposed large homes in the commercial zone is in question. The draft amendment presented by the Planning Board recommends one parking space per bedroom. He stated that a site plan was approved by Council for a ten-bedroom house in the commercial zone with only six parking spaces. Two additional proposed ten-bedroom houses are coming before the Planning Board and perhaps they can be encouraged to provide for the additional parking spaces as good will pending Council amending the ordinance.

Mayor Sutherland reported that a meeting was held with Mike Hejduk, Tom Gjestson, Dan Shields, himself and Bill Jernigan, developer of the proposed ten-bedroom houses and he has agreed to additional parking spaces.

8. Resolution-Support the Town of Kitty Hawk to protect Va. Dare Trail

Mayor Sutherland read the resolution.

Councilman Smith stated that he would not support this resolution. He stated that there are possible lawsuits against Kitty Hawk by citizens and that he feels the town has "no dog in this fight".

Councilman Campbell made a motion to adopt the resolution as presented. Councilman Kennedy seconded. Approved 4 to 1. Councilman Smith voting no.

9. Proclamation-Support American Red Cross Month-By Mayor

10. Proclamation-Municipal Clerks Week-By Mayor

Mayor Sutherland stated that he would sign the proclamations as presented.

11. Old Business

a. Draft Town Fee Schedule

Mayor Sutherland stated that staff has been working on this for some time. Mike Hejduk reviewed the proposed changes to the fee schedule, which mainly applied to the building and code enforcement department. (Note: Board of Adjustment review fee was increased from \$25.00 to \$200.00 and Lot Disturbance Permit was increased from \$0 to \$75.00).

Mayor Sutherland asked if these changes are in line with the other towns? M. Hejduk said yes that the fees recoup cost for services provided by the department and that this town's dept. is one of the lower cost ones on the beach.

Councilman Denny moved to adopt the fee schedule as presented to become effective July 1, 2003. Councilman Campbell seconded. Approved unanimously.

b. Action Points of Retreat (February 10-11, 2003)

Mayor Sutherland stated that several of the issues discussed at retreat have already been acted upon. The retreat actions would be printed on the Town website.

12. New Business

a. Appoint Board members to Non-Profit Organization-Mid Currituck Bridge and Save Our Roads campaign

Mayor Sutherland stated that the charter for the non-profit organization stipulates that three people from each entity (Duck, Southern Shores, and Currituck) need to be appointed to the board of directors. Southern Shores nominations are Geri Sullivan, SSCA, James Groff, Chickahauk and either Mickey Hayes or Robert Palombo.

Councilman Kennedy explained that this is a two-part vote. One to appoint Hayes or Palombo and then one to appoint the three members. He explained that each civic association appointed their member (Sullivan and Groff). Councilman Campbell made a motion to nominate Mickey Hayes. Councilman Kennedy seconded. He stated that Mickey is a long time resident and recognized civic leader. Approved unanimously. Councilman Kennedy made a motion to appoint the three named as members. Councilman Campbell seconded. Approved unanimously.

b. Appointments to the Planning Board

Dan Shields, Ruth Smith and Carlos Gomez, alternate's terms are expiring. All have agreed to remain on the board. Councilman Campbell moved to re-appoint each of them to a three-year term. Dan Shields stated that the position of chair and vice chair terms for one-year has expired. He stated that the Planning Board appoints those positions and will be voted on at the next Planning Board meeting.

Mayor Sutherland thanked them all for their efforts.

c. Appoint committee-Veteran's Memorial

Mayor Sutherland stated that Councilman Campbell and himself have agreed to work with Al Smith to determine an appropriate place and structure to honor the many veterans in the Town, past and present. Mayor Sutherland moved to approve the three as a committee, with Al Smith as chairman to further discuss this issue. Councilman Smith seconded. Approved unanimously.

d. Fire Inspector

Tom Gjestson reported that there are 120 businesses in town that need to be inspected on a regular schedule prescribed by the state. He stated that a town employee as a temporary position is needed. It would be necessary to have someone with fire background and knowledge.

Fire inspector cont'd

The temporary employee position with the title of Fire Inspector would report to the Code Enforcement Administrator. The employee would work less than 20 hours a week at an hourly rate of \$20.00 with no benefits and the town would withhold federal, state and FICA taxes. He stated that when Fire Chief Bakken was asked to consider the position he said that he would. T. Gjestson explained that Chief Bakken has taken some courses but more would be needed. He would work under M. Hejduk with a probationary certificate until the course requirements and an exam were completed. He stated that he is seeking Council's approval to establish this new position so certification procedures could begin. Councilman Denny stated that the Town Manager has the authority to hire employees but he moved to approve the fire inspector position. Councilman Smith seconded. Approved unanimously.

e. Review and consider matching grant (\$10,000) to Vegetation Committee

T. Gjestson reported that the town has received notice that the grant has been approved. He asked that Council approve the execution of the grant. Councilman Campbell made a motion to authorize the Mayor and Manager to implement the contract. Councilman Smith seconded. Approved unanimously.

f. Eagle Scout Project

Councilman Denny stated that an Eagle Scout has contacted him and asked for a project. Councilman Denny stated that a beautification program on the landscaping at N. Dogwood Trail would be a good project. Council agreed.

g. 15 MPH speed limit on N. Dogwood

Mayor Sutherland reported that the speed limit on N. Dogwood was reduced to 15 mph but that doesn't appear to be working. He asked Police Chief Pledger to comment. Chief Pledger stated that the speed limit should be raised to 20 mph. Discussion was held that the road is not as wide in some areas and is dangerous.

Councilman Kennedy moved to retain the speed limit on N. Dogwood Trail of 25 mph from the entrance of E Dogwood to the wading beach and then 20 mph north of that. Councilman Denny seconded. Approved unanimously.

h. Annual NCDOT Litter Sweep (April 21-May 5)/Annual Town Clean Up

Mayor Sutherland announced that Charlie and Jody Hess have agreed to chair the town's annual cleanup sometime before Memorial Day.

Town Clean Up cont'd

Councilman Campbell stated that he would help. He has chaired the event for the past three years. He stated that there is an extensive file at Town Hall for their review.

i. Osprey Nest replacement

Mayor Sutherland stated that Ursula Zdzariski addressed Council at the workshop regarding the Town providing poles for osprey nests. He stated that he has contacted NC Power regarding their leaving the poles in the water but has not received an answer at this time. If Council considered this it would cost approximately \$500.00.

Carl Berntsen SS Boat Club member stated that there are less than 12 poles but if NC Power would leave the poles that would be additional nesting poles. He stated that the boat club has no money for this but they would help with manpower. He suggested that the SSCA could help in funding the project.

j. Navigational aides and buoys

Carl Berntsen presented a request that Council fund the cost of five navigational poles and three lights for channel markers and five new "no wake" buoys. He stated that the boat club would maintain the numbered marker boards and reflectors on the poles. He stated that a proposed cost would be \$2,700.00.

Councilman Campbell moved to allow the expenditure of \$3,200.00 for the poles, navigational aides, buoys and reflector replacements. Mayor Sutherland seconded. Approved unanimously.

k. Newcomer Packets Watch List

Mayor Sutherland stated that he has been presenting town information packets to new property owners and upon discussion at the retreat he asked if the other Council members were willing to spend some time doing so. All agreed. Councilman Denny visited new property owners in February and Councilman Kennedy is volunteering in March.

Sally Meagher, SSCA president stated that the SSCA is talking about doing a "welcome" program also.

13. Council's Agenda

Mayor Sutherland stated that at the Council's workshop the writing of letters to the editor was discussed and it was the general feeling of the people at the workshop that letters to the editor by Council Members, even though it is their right to do it, do not serve the town well. There is an association with Council whether you sign it as citizen or not. It was determined at the workshop that four of the Council Members would send a letter to the editor commenting about that. It was not necessary to bring this up at Council meeting but Councilman Smith insisted that it be addressed in a public meeting.

Councilman Smith stated that near the conclusion of the Council workshop Mayor Sutherland presented a copy of a letter from Mayor Muller of the Town of Nags Head where he urged Council to repudiate a letter to the editor that he (Councilman Smith) had written and submitted in January as a private citizen. He stated that Mayor Sutherland did not present letter before workshop and he did not have time to review the accusations and properly respond. He read from a prepared statement. (Portions of the statement appear, see complete document attached).

He stated that Council immediately decided to follow Mayor Muller's demands and decided that Councilman Kennedy draft a letter and they were not interested in the facts of his letter. Councilman Kennedy emailed the draft letter and stated that it did not need to be presented at the Council meeting. Regarding Council's letter to the editor it states that any further letters to the editor that I (Smith) write include a disclaimer that my comments expressed are mine as a private citizen and do not reflect on Council. He stated that he is very disappointed that a Mayor from another Town would ask a Council to take a position to repudiate a letter from a citizen but to threaten that if the Council fails to do so it will harm the spirit of cooperation between the towns. He stated that he believes it is inappropriate for this council to be involved and to single him out as the only member of Council that will never be authorized to speak for the Council.

He stated that he has a right to speak out and did not sign the letter to the editor as Councilman Smith but as a private citizen and he would continue to write letters. He stated that he announced at last Council meeting that he would be running for re-election and wondered if his announcement has any bearing on this action. He stated that he has had people thank him for writing the letters on subjects like beach nourishment, county hiring lobbyist, hiring a politically connected friend at a much higher salary for county attorney, purchase of the Nags Head Pier that all NC taxpayers will be paying for. He challenged those present to ask why does this Council refuse to get involved in these issues?

Councilman Smith stated that he believes that our towns, county, state etc. need elected officials that will work for the taxpayers and remember whose money they are spending.

Council's Agenda cont'd

Councilman Smith stated that the Town needs council members that will take direction from the people that voted for them and do what is right for the citizens and respect ones freedom of speech.

Councilman Kennedy stated that Councilman Smith is missing the point of the Council in that they agree he has the right to speak but as a leader in the community your letters do reflect on the Town. He stated that you don't stick a stick in the person's eye that you are seeking support or services from (garbage pickup, building of a bridge) and then ask for their support on an issue. You won't get the support!

He stated that he voted for Senator Basnight and feels he has done an outstanding job for Dare County, northeast North Carolina and the State. He stated that Councilman Smith is not working in the best interest of the town and that the remaining four council members work hard to foster support with the other government agencies.

He stated that he has been asked many times if Councilman Smith's comments reflect the feelings of Council and the residents and it is time that Councilman Smith add a disclaimer to his letters to the editor.

He stated that he would not support Councilman Smith for his re-election and he hopes that there are three new council members after the election.

Councilman Denny stated that he too agrees that Councilman Smith has the right to freedom of speech but that he has found the letters to the editor to be unnecessarily inflammatory and demagogic. He stated that the general public may not know you (Smith) but every elected official in the County and the Towns know you. He too has been asked if Don's letters reflect Council's opinion. He stated that he is happy to sign the letter to the editor and forward it to the press tomorrow.

Councilman Campbell stated that his feelings regarding this have been expressed by the other two Council members. He stated that he too has been approached by leaders of Dare County asking if Council has the same feelings as Councilman Smith expresses in his letters.

Councilman Campbell stated that Council has objected to all of Councilman Smith's letters and it shows poor judgement on Councilman Smith's part. He stated that he supports the First Amendment and that he will also be happy to sign the letter to the editor.

Council's Agenda cont'd

Mayor Sutherland stated that he too agrees that everyone has a right to write letters to the editor. He stated that he has received many calls asking if Councilman Smith's comments are how the Council feels. He stated that taking on the mantle of an elected official you have a responsibility beyond what your personal feelings might be and should think about what it does to the people you represent and how your town could be hurt. He stated that these letters are hurting the town. He is going to sign the letter to the editor because he wants the better good for the citizens of our town, not for him personally.

Councilman Smith responded by reading the first paragraph of his latest letter regarding the purchase of the Nags Head Pier and he stated that everything he has written is fact. He stated that if Council signs the letter to the editor individually that is fine but to sign as Council members that is a different matter. He stated that every letter that he has written he has signed it Don Smith, not Councilman. He stated that Council is making it a Council issue by submitting their letter to the editor.

Mayor Sutherland stated that he wants to take issue with one of Councilman Smith's comments in that he or any of the Council members has ever wasted the taxpayer's money and that the Town's Undesignated Fund Balance shows that, which you don't agree with.

Councilman Kennedy reported that as a member of the DC Tourist Board, Geri Sullivan would be attending the next meeting to speak on the Mid-Currituck Bridge and Preserve Our Roads topic.

He stated that forty-five trees have been identified for removal and an informal bid has been received from Robert Starcher in the amount of \$10,500.00 and Advance Tree Service submitted a bid of \$12,220.00. He stated that the list of trees were inspected by a certified arborist and are his recommendations. He stated that the trees need to be removed as a safety issue. He stated that the Town Manager has a budget for this project.

Councilman Denny reported that the multi-use path on Juniper Trail is ongoing.

Councilman Campbell reported that Mike Hejduk and himself are meeting with the Duck Woods Country Club to discuss the lighted tennis courts.

Councilman Campbell reported he would be attending a Government Access Channel budget meeting but it will be asked if the attorney could come up with language that would allow the League of Women Voters to use air time from each municipality.

Council's Agenda cont'd

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

Chief Bakken reported:

- ◆ Yellow bus, used for training, is gone
- ◆ The marsh burn has been cancelled for this year
- ◆ A meeting held with Dare County Water Dept. to discuss connecting water lines on several streets off Bayberry Trail (loops) proved successful. The D.C. Water Dept. agreed to connect the lines at their expense. The public will be notified of the pending project which will boost water pressure and water quality.
- ◆ The Fire Dept. agreed to allow the Coast Guard Auxiliary to use the fire dept. for a 48-hour training exercise
- ◆ Control house burn would be held April 22 at 8 12th Ave.

Councilman Smith stated that an email was received from Councilman Kennedy after his attendance at the Tourist Board meeting where it was stated that the County has been appropriated \$500,000.00 to begin the design work on the beach nourishment project, soon after the designs starts the County may start on getting the necessary easements. He asked who would be paying for this? Councilman Kennedy said the County would be paying. He stated the Tourist Board has also set aside a million dollars for the beach nourishment project.

Mayor Sutherland stated that it would not impact the citizens of Southern Shores. He stated that the occupancy tax was raised by one cent to support the beach nourishment project.

Councilman Smith stated that the County is in the process of reappraising all the homes and when the county raises our taxes will any of that money be going to the beach nourishment project? Mayor Sutherland said he didn't think so.

Councilman Smith asked if someone from the County could attend a Council meeting to address this? Mayor Sutherland said no. He suggested that Councilman Smith attend the County Commissioner's meeting and address them at their public comment section.

Councilman Kennedy commented that if Councilman Smith is worried about all other entities of government then he should considered running for those elected seats.

14. Mayor's Agenda

Mayor Sutherland acknowledged that the town clerk has attended annual training and it is a matter of time and service before she is a certified municipal clerk.

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Mayor's Agenda cont'd

Geri Sullivan gave an update on Build the Bridge and Preserve Our Roads campaign. She stated that the O.B. Realtors have adopted a resolution of support, a petition is at the Christmas Shop in Manteo, Dairy Queen has agreed to support the campaign and will place blue ribbons there, speaking at the Dare County Commissioner's meeting this month, numbers are still coming in from the petitions, a portable sign is being purchased, John Wander is leading the economic study and what impact the widening of NC 12 would be, the committee is going to physically measure the widening of the right-of-way on NC and determine the cost impact, a 503(C) non-profit organization is being established with Duck and Southern Shores appointing board members and Currituck County will work on a grass roots campaign, next meeting will be held on March 19 at 7:00 p.m.

Councilman Campbell asked how many people has signed the petition? G. Sullivan stated that about 38% in Southern Shores and 64-65% total. She stated that a big push would begin at the opening of tourist season.

Mayor Sutherland thanked her for her hard work and all that the committee is doing.

15. Town Manager's Agenda

T. Gjestson submitted the budget calendar and the Council meeting schedule resolution for 2003. Mayor Sutherland moved to sign the meeting resolution. Councilman Denny seconded. Approved unanimously.

He stated that health insurance cost is increasing 12%.

T. Gjestson submitted a list of ten major items that need to be addressed by the Public Works Dept. He stated that an additional employee and additional help from the Tyrell County Corrections Dept. would allow more projects to be completed.

Councilman Kennedy motioned to approve an additional full time salaried public works employee. Mayor Sutherland seconded. Approved unanimously.

Councilman Denny requested that the part-time sanitation coordinator position be deleted and those duties would become part of the Public Works Dept.

Councilman Campbell confirmed that hiring the additional employee would not require an increase in this year's budget. T. Gjestson said that is correct.

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Councilman Kennedy suggested that if needed the town could get a volunteer to push and pull garbage/recycle cans.

16. Town Attorney's Agenda-none

Mayor Sutherland moved to adjourn at 8:40 p.m. Approved unanimously.

ATTEST:

Respectfully submitted:

Paul Sutherland

Corrie Gordon