



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

April 1, 2003

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 Herbert Drylie, Mary Meekins, Wayne Lee, and for our President, Commander-in-Chief, the armed forces in uniform and those not but are in harms way preserving your liberty.

4. Public Comment

Charles Coates, 233 Sea Oats Trail addressed Council by saying that at the last Council meeting he had asked Council to support an anti-war resolution due to the misappropriation of the Country's resources but he was not allowed to finish his comments. He read copy from a speech made by Dwight D. Eisenhower at the close of the Korean War.

He stated that he felt he was not treated respectfully by Council. He stated that Councilman Smith spoke his view as a citizen and was brought down by Council. He stated that the results of that were unflattering headlines in the local newspapers. He stated that Senator Basnight is a man who can hold his own and would not be swayed by Councilman Smith's comments.

He stated that it is said that one of the reasons we are at war is in the name of democracy to the people of Iraq and it should be practiced in this community and by the people who sit on this council. He stated that he hopes Council will do a better job in the future.

Mayor Sutherland stated that normally Council does not respond during the public comment session but that he did not feel nor was he aware that Mr. Coates was cut off at the March meeting. He thanked him for his comments.

5. Introduction of new Police Officer

Police Chief Pledger introduced Patrick Homer. Officer Homer has been with the Currituck Sheriff's Department and has ten years of experience. Officer Homer stated that he is glad to be with the Town and wants to do a great job.

6. Consent Agenda-Council Minutes- March 4, 2003 and monthly Building Inspections report. Councilman Campbell moved to adopt the presented agenda. Councilman Kennedy seconded. Approved unanimously.

7. Planning Board Recap- March 17, 2003 (see recap)

Chairman Shields presented the recap to Council. He reported that the board elected Mimi Iacone as vice chair and himself as chair for a one-year term.

He reported that the board worked on the draft amendment for dwelling, large home as permitted in the commercial district and Council has copy of latest draft. He asked Mark Martin and Frank Stone to attend the planning board meeting for their input on this issue.

He stated that the Board recommends Council approve the site plans submitted for the construction of two ten-bedroom homes in the commercial district, the installation of a SunCom telecommunications antenna atop the Dare County water tank, and set public hearings for two draft amendments to the zoning ordinance: Section 3.02 Definitions and Section 10.04 Site Plan Requirements.

He stated that an amended site plan for Southern Shores Crossing was withdrawn and will be resubmitted. He stated that Neal Blinken submitted an amendment to the site to allow a kiosk and a set of stairs. The recap stated that the kiosk did not meet the required minimum square footage but there is nothing in the zoning ordinance to deny the stairs.

Mayor Sutherland asked if the preliminary site plan for the two ten-bedroom houses in the commercial district are in accordance to the zoning ordinance? Chairman Shields said yes.

Councilman Smith asked why the number of parking spaces is being proposed to change to one parking space per bedroom for the large homes? He stated that the current ten-bedroom house under construction was approved with six parking spaces.

Mike Hejduk explained that he used the current zoning ordinance regarding parking spaces to calculate the number needed for the current ten-bedroom house by looking at the range available for the zoning as applied to all the residential districts.

Planning Board Recap cont'd

He then submitted to Planning Board to consider one parking space per bedroom for the large homes in the commercial district.

Chairman Shields stated that there was no consistency to the zoning ordinance when it was approved to allow the large homes in the commercial district. He stated that upon talking to Mark Martin and Frank Stone their concern was lot coverage. He stated that they offered suggestions to be considered.

Mayor Sutherland stated that the developer of the ten bedroom homes has agreed to put in as many parking spaces as he can on the site.

Mayor Sutherland recommended that two public hearings be held at the May Council meeting for the presented zoning ordinance amendments. (Sections 3.02 and 10.04)

He recommended that the draft amendment for large homes be reviewed further by the Planning Board.

Mayor Sutherland made a motion to approve the preliminary site plan as presented for the two ten-bedroom homes to be constructed in the commercial zone. Councilman Campbell seconded. Approved unanimously.

6. Public Hearings

a. Draft Zoning Amendment-Telecommunication Towers (Section 7.04 R-1, C.6.)

Mayor Sutherland opened the public hearing at 7:22 p.m. to discuss the zoning amendment to correct a typographical error in the text and he read the proposed amendment.

Mayor Sutherland asked if anyone would like to speak.

Dale Finocchi, SunCom representative stated that he concurred with the proposed changes.

No one else signed up to speak. Mayor Sutherland closed the public hearing. He moved to adopt the amendment as presented. Councilman Campbell seconded. Approved unanimously.

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Conditional Use Hearing-SunCom cont'd

b. Conditional Use Application-Installation of Telecommunications Antenna-SunCom

Mayor Sutherland opened the conditional use hearing at 7:25 p.m. to consider the application to install a telecommunications antenna atop the Dare County water tank located behind Kitty Hawk Elementary School on S. Dogwood Trail.

Being a conditional use hearing speakers will be sworn in. D. Finocchi was sworn in by the town clerk.

Dale Finocchi, SunCom representative presented an enlarged site plan for Council to review. He explained that all permits are in order and they are ready to go and should be up and running by Memorial Day. He stated that the new equipment would provide better service in and around the town. He stated that if there are areas that need attention there are ways to address them and for someone from the town to call and report if there are problem areas.

Councilman Campbell asked if SunCom is required to share their antenna service? D. Finocchi said no but there is a mutual roaming service through other networks by an agreement with other carriers and roaming rates are applied.

Councilman Denny asked what other companies? D. Finocchi said that he did not know in this area but that Alltel, U.S. Cellular, and ATT do have such contracts.

Councilman Kennedy asked if there are health and safety issues regarding the placement of the antenna? D. Finocchi stated that phone usage is the issue now. He stated that the FCC has regulations regarding distances, emission percentages and tests are required at certain times and reports are submitted.

Councilman Kennedy stated that the SSVFD would need to be notified of any special issues due to the installation. D. Finocchi stated that the equipment works on 110 volts and has an automatic shut down.

Mayor Sutherland asked if anyone else would like to speak, hearing from no one he closed the public hearing at 7:40 p.m.

Public Hearing cont'd

Mayor Sutherland made a motion to approve the conditional use request as presented. Councilman Kennedy asked that the motion include that the applicant has met the conditional use requirements in accordance to the zoning ordinance Section 10.05-5.a-d. Councilman Kennedy seconded. Approved unanimously.

9. Old Business

- a. Municipal Signs
- b. Campaign Signs

Mayor Sutherland tasked the Planning Board to review the zoning requirements and make appropriate changes to these two issues.

Councilman Smith commented that Council received an opinion from the Town attorney regarding the constitutional issues in the draft amendment that should be considered. The Planning Board has a copy of that opinion.

Ike McRee, Town Attorney stated that the state of North Carolina has not had case law brought before the courts but that municipalities could be sued for an unacceptable ordinance. He advises that the ordinance be conservative or the ordinance might be challenged favorably.

Councilman Kennedy stated that all of the ordinances may be challenged and not with stand a court decision. He stated that he looks forward to the Planning Board's recommendations on this issue.

Councilman Denny asked what the other towns are doing? Mayor Sutherland stated that Kitty Hawk, Kill Devil Hills, and Duck are in agreement with the proposal. He stated that Nags Head has not made a decision and that Manteo follows the Roanoke Island Commission policy and the county is waiting to see.

c. Fire Inspector Update

T. Gjestson reported that Fire Chief Bakken has filled the temporary employee position of Fire Inspector. He is attending school for this now, will take the exam in July and upon certification he will hold a Level 1 rating. He will be working under M. Hejduk's certificate until he is certified.

Old Business cont'd

d. Review Action Points of Retreat

Mayor Sutherland stated that Council addressed approximately fifty (50) items at the retreat and that Council has completed about twenty-five percent of those items.

10. New Business

- a. Government Access Channel-Consideration of changes to Interlocal Agreement and consider budget

Councilman Campbell presented and noted the changes as applicable.

Mayor Sutherland made a motion to adopt the agreement with the changes as presented and to authorize the mayor and town clerk to sign it. Councilman Campbell seconded. Approved unanimously.

Councilman Campbell presented the Government Access Channel budget and moved for approval. Mayor Sutherland seconded. Approved unanimously.

- b. Appoint member to the Outer Banks Community Development Corporation

Councilman Campbell moved to appoint Mayor Sutherland. Councilman Kennedy seconded. Approved unanimously.

- c. NCDOT Municipal Ordinance declaring speed limit modification

Mayor Sutherland stated that the amendment to the ordinance would truncate the speed limit to 35 mph from Ocean View Loop to U.S. Hwy 158.

Councilman Denny moved to adopt the ordinance as presented. Councilman Smith seconded. Approved unanimously.

- d. NCDOT Meeting Report

Mayor Sutherland reported the meeting was held on March 27. Those in attendance were Councilman Denny, Town Manager Gjestson, Police Chief Pledger, Mayors of Kitty Hawk and Duck, Dare County Commissioner Byrd, DOT representatives, Jerry Jennings and Don Connor and himself.

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New Business cont'd

Mayor Sutherland emailed a summary report to Council and the Town Manager.

Councilman Smith asked if the proposed stacking lane to turn left at the Chicahawk light was discussed. Mayor Sutherland stated that would not happen this year.

Mayor Sutherland stated that the traffic light at Town Hall and the Crown Station was discussed. The Town of Kitty Hawk agreed to turn the light off. DOT recommends a non-permanent quick curb to be placed there.

Councilman Smith stated that the traffic light is helpful for turning left and he doesn't want the light to be removed. He suggested that during weekend rental check-in times when traffic is heavy, that the light be put on a blinking mode.

Mayor Sutherland stated that the original plan was to maintain a blinking light there but DOT is not going to follow through with that plan.

Councilman Kennedy suggested that an entrance from Skyline Road be considered.

Councilman Denny stated that would require a rebuild on Skyline.

Mayor Sutherland stated that DOT was against putting the traffic light there and recommends restrictive turns. He stated that Kitty Hawk has the jurisdiction over the traffic light at that intersection.

Planning Board Chairman Shields stated that the Board always addresses the access on NC 12 when a site plan is submitted in this area regarding the traffic problems that would be generated.

Mayor Sutherland reported that DOT has agreed to install a protective signal at Juniper Trail at the request of a Town citizen.

e. Town Hall Landscaping Maintenance Contract

T. Gjestson stated that the contract would be the same as last year and would be available for Council at the next meeting.

Councilman Kennedy asked when the E. Dogwood Trail median is going to be cleaned up? T. Gjestson stated in about 2-3 weeks.

New Business cont'd

f. Annual Town Clean Up Day-April 12/Large Item Pick Up-April 15

Mayor Sutherland stated that Jody and Charlie Hess are the chairpersons for the Annual Town Clean Up Day. A meeting with the block captains will be held on Thursday April 3. Mayor Sutherland thanked everyone for volunteering.

He reported that the SSCA will clean up the crossovers on April 15 and that the Tyrrell County inmates would be cleaning up the beach and NC 12 as in the past.

He stated that the County Large Item Pickup would be held April 15.

He stated that the Town newsletter is in the mail.

11. Council's Agenda

Councilman Kennedy reported that the property owner of 120 Tall Pine is replacing bulkhead and that the Town has sixty foot of right-of-way bulkhead there also and it would be recommended for the Town to do the same.

Councilman Denny agreed and stated that a recommendation would be made.

T. Gjestson estimated that the cost to the Town would be about \$4,000.00 and that the Town could negotiate a piggyback onto the contract with the property owner to have all the bulkheading done at the same time.

Councilman Campbell recommends that the Town Manager handle this issue. Council agreed.

Councilman Smith reported that the SSVFD completed a successful control burn on 12th Ave.

Bob Harvey, assistant fire chief gave the monthly fire department report in Chief Bakken's absence.

Councilman Campbell-none

Councilman Denny-none

12. Mayor's Agenda

Mayor Sutherland presented and made a motion to adopt a resolution in support of President Bush and our troops in Iraq. Councilman Campbell seconded. Approved unanimously.

Mayor Sutherland called upon Al Smith, chairman of the Veteran's Monument committee to discuss a proposal. Councilman Campbell and Mayor Sutherland are also on the committee.

Al Smith stated that the committee is looking at a way to honor all veterans. A diagram was presented of a proposed monument. He stated that the monument would be a lighted structure placed in front of Town Hall. He stated that a bid package will go out in a couple weeks. He stated that over thirty veteran's are buried in the Town's cemetery, which two are POW's. He stated that updates would be forthcoming.

Mayor Sutherland presented a proclamation for Child Abuse Prevention Month.

He stated that he would be attending a Dare County Emergency Management meeting on April 4 to discuss Homeland Security operations on the local level.

He reported that Mickey Hayes was appointed as one of the board members to the non-profit organization Build the Bridge-Preserve Our Roads but that Mickey has had to resign. He stated that Council would need to appoint a replacement in the near future.

Geri Sullivan reported that the Duck Civic Association mailed a petition for the Mid-Currituck Bridge campaign and are awaiting a final count on the signatures collected.

She stated that the board in doing an economic study involves the measurement of the right-of-way on NC 12 that would be lost if the road was widened. She stated that the first team has completed this project and will report the findings at their next meeting.

Mayor Sutherland stated that Ziff Properties of the Market Place has agreed to support the Build the Bridge campaign and will call their annual sidewalk sale "Blue Ribbon Day".

He stated that he received a letter from a resident on Palmetto Lane regarding the noise coming from the Market Place and requested Council look into it. He stated that Ziff Properties would talk to the shop owners. He asked the Planning Board to review ordinance.

13. Town Manager's Agenda

T. Gjestson stated that it has been five years since an RFP has been submitted for Town auditor. He asked Council to authorize him to send an RFP to four qualified auditors.

Mayor Sutherland made a motion to authorize the Town Manager to solicit proposals from auditors. Councilman Campbell seconded. Approved unanimously.

Councilman Denny asked if RFP's would be solicited for Town engineer or attorney? T. Gjestson said no.

He stated that if it is Council's consensus to do so it could be done.

Councilman Campbell stated that Police Chief Pledger's son has a serious illness and that our prayers are with him.

Mayor Sutherland moved to go into closed session to discuss legal and personnel issues at 8:45 p.m. Councilman Campbell seconded. Approved unanimously.

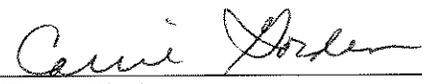
Mayor Sutherland moved to go into open session and adjourned the meeting at 9:15 p.m. Councilman Campbell seconded. Approved unanimously.

ATTEST:



Mayor

Respectfully submitted:



Town Clerk