

Southern Shores Town Council
Town of Southern Shores, North Carolina

Regular Meeting
April 6, 2004

MINUTES

The Southern Shores Town Council met on April 6, 2004, in the Pitts Center, Southern Shores Town Hall Complex, Southern Shores, North Carolina. The following members were present:

Mayor Paul Sutherland
Council Members: Hal Denny, Dan Shields, David Sanders, and Jodi Hess
Carl Classen, Town Manager
Ike McRee, Town Attorney
Carrie Gordin, Town Clerk

Mayor Sutherland called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Mayor Sutherland asked that moment of silence be held for the families of Archie Spears, Mrs. Daniel Harrington, Dr. Andrew Horne and Lou Hoppe, Sr. and for all those in the armed forces in uniform and for those not in uniform who are fighting for our freedom.

Approval of Agenda

Mr. Classen asked that Council amend the agenda to include under New Business 1) consider amendment #2004-04-aa to the Town Code, Chapter 9, Wastewater Section 9-77-Certificate of Compliance, 2) to hear a report on Ginguite Woods Wastewater Reclamation Association, and to delete item 18-Canal and Channel Maintenance contract with SSBC. Mayor Sutherland made a motion to approve amended agenda. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Approval of Minutes for March 2, and March 16, 2004 minutes.

Council Member Hess submitted two corrections to the minutes of March 2, 2004. A duplication of a word *the* on page 10 line 30 and to add on page 15 under the Council's Agenda that she stated she supports the additional hiring of the public works employees. She also stated that Council would continue to keep the tax rate low.

Mayor Sutherland made a motion to approve the March 2 minutes as corrected and the March 16, 2004 minutes as presented. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Special Recognition-Southern Shores Realty

Mayor Sutherland recognized Frank Stone, owner of Southern Shores Realty, for the great civic-minded things that they do for the Town. To list a few: a donation of \$10,000

was given to the SSCA to help override the cost of rebuilding the crossovers, underwrote beach pushes, granted the Town an easement on NC12 so the multi-use path could be constructed, provided Frisbees with the SSPD logo/Southern Shores Realty on them for the Town's 25th Anniversary celebration.

Reports

Planning Board Recap-March 15, 2004

Bruce Green presented the March 15 recap and stated that the Planning Board unanimously agreed to leave the monthly Planning Board meeting on the third Monday of each month.

The Board removed the item regarding minimum lot size and recombination requirements from the agenda.

The Board recommends the draft amendment for Council approval regarding the timeframe of application submittals being changed from 14 days to 30 days prior to the monthly Planning Board meeting and requires a public hearing.

DRAFT 3/11/2004-Revised 3/16/2004

Ordinance #2004-03-aa

Article I. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of an adopted ordinance shall be shown in italics (*italics*).

Article II. Application Deadlines Amended

Section One. Section 10.04 (Application for Building Permits and Site Plan Requirements) is hereby amended to read as follows:

Section 10.04 Application for Building Permits and Site Plan Requirements

B. All Uses other than One and Two Family Dwelling Units.

2. Site Plan Requirements.

Twelve (12) copies of the site plan shall be submitted no later than ~~fourteen (14) days~~ thirty (30) days prior to the Planning Board meeting at which the plan is to be reviewed. All plans shall be prepared, stamped and endorsed by a North Carolina registered engineer, surveyor or architect, or other person duly

authorized by the State to prepare such plans. All plans shall contain at least the following information.

Section Two. Section 10.05 (Application for Permit for Conditional Uses) is hereby amended to read as follows:

Section 10.05 Application for Permit for Conditional Uses

- A. *Written application for a conditional use permit shall be submitted to the Planning Board no later than ~~fourteen (14) days~~ thirty (30) days prior to the Planning Board meeting at which the plan is to be reviewed. Such written application shall indicate the section of this Ordinance under which a permit is being sought and shall contain the information required by the appropriate section and such other information as may be required to insure compliance with this Ordinance.*

Section Three. Section 12.04B.1. (Powers and Duties of the Board of Adjustment) is hereby amended to read as follows:

Section 12.04 Powers and Duties of the Board of Adjustment

- B. *Variances: Conditions Governing Applications, Procedures, Fees*

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment may, in passing upon appeals, vary or modify any regulation or provisions of the ordinance relating to the height, area, and size of structure, or size of yards and open spaces, or required parking spaces so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice is done. A fee in accordance with a regularly adopted fee schedule of the town shall be paid to the town for each application for variance to cover the administrative expenses involved. A variance from the terms of this ordinance will not be granted by the Board of Adjustment unless and until:

1. *A written application for a variance is submitted thirty (30) days prior to the meeting at which it is ~~first heard~~ to be reviewed and demonstrating:*

Section Four. Section 12.04 (Planning Board Action) is hereby amended to read as follows:

Section 14.03 Planning Board Action

Every proposed amendment, supplement, change, modification, or repeal to this Ordinance shall be referred to the Planning Board for its recommendation and report at least ~~fourteen (14) days~~ thirty (30) days prior to its monthly meeting. The Planning Board shall have forty-five (45) days within which to submit its recommendation to the Council.

All petitions for a change in the zoning map shall include a legal description for the property involved, the names and addresses of current abutting property owners, and a copy of all or a portion of the applicable tax or zoning map with the applicable property outlined.

Article III. Effective Date

This Ordinance is effective immediately.

Approved this ___ day _____, 2004.

The Board reviewed a sketch plan for a proposed residential subdivision-"The Cove at Southern Shores" to be located at 6195 Croatan Hwy. Upon review the Board moved to deny the sketch plan and recommend Council deny the proposed development. He stated that there were multiple factors such as, but not limited to, as reasons to deny the application. Those factors are: houses too close to the overhead power lines, berms and vegetation, service road width not in compliance for fire fighting equipment, relationship with adjacent Home Owner's Association, suggested covenants, sale of lots only, restrictive lot sizes 1/3 in marshland, lack of control on buildings to be on lots, stormwater run off, flooding and sewage disposal.

Mr. Classen reported that the sketch plan for The Cove subdivision has been withdrawn.

Mayor Sutherland set the date of the public hearing for the amended ordinance to the May 4, 2004 Council meeting.

Build the Bridge-Preserve Our Roads Committee

Mayor Sutherland reported that a meeting held on March 31 with NCDOT representatives and Parsons Brinkerhoff, subcontractor for DOT, with around 200 in attendance, was very frustrating. The NCDOT representatives were not the proper people for the meeting. He stated that there has been an on-going study for over 20 years regarding this bridge and were told that more study is needed. He stated that everybody needs to get energized and move ahead by letting the real decisions makers know how you feel.

25th Anniversary

Jim Pfizenmayer, chair, reported that everything is moving ahead. There will be 24 different groups and 9 floats in the parade, 30 different booths, and 5 entertainment groups scheduled.

Gene Garrison, Postmaster of Powells Point announced that George Taylor started the commemorative cachet and special cancelled stamp has been designed for the occasion and is a great fund raiser and a great collectible item in future years. Ellie Grumiaux, noted artist and resident of Southern Shores created the cachet.

Council Member Hess recognized the silver commemorative trophies given to the Town from Peter Ferguson, past commodore of the Southern Shores Boat Club.

SSVFD

Jim Morrison, Lt. Training Officer gave monthly report in the absence of Fire Chief Bakken. Mr. Morrison also thanked Frank Stone for all that he has done for the fire dept. He stated that the SSVFD budget FY2004-2005 has been submitted to Town Council for review and consideration.

Monthly Tax and Building Inspections Reports submitted.

Mayor Sutherland moved to approve all reports as presented. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Mayor Sutherland made a motion to draft a certificate accepting the trophies as a gift to the Town from Peter Ferguson and that the certificate be presented to him at the Town's 25th Anniversary celebration and that a thank-you letter would be sent. Council Member Denny seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Consideration of Ordinance #2004-02-01 Amending the Town Charter's form of government from Mayor/Council to Council/Manager.

Mayor Sutherland stated that on February 3, the Town Council passed a Resolution [Res 2004-02-01] of Intent to Change to consider Ordinance No. 2004-02-01 Relating to Amending the Town Charter Regarding the Council – Manager Form of Government. Pursuant to State law and a public hearing was held on March 2, 2004 and now that all legal requirements have been met Council will now vote on the ordinance change.

Council Member Denny made a motion to adopt Ordinance #2004-02-01 changing the Town's form of government to Council/Manager. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Engineering Contract-Quible

Mr. Classen stated as submitted this is a one-year engineering service agreement that is based upon the previous agreement with Quible.

Council Member Shields made a motion to accept the contract from Quible Engineering as presented. Council Member Denny seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Government Access Channel proposed budget

Mr. Classen stated as proposed the budget for the Government Access Channel is for per member community and the amount requested is \$1,147.50, which is a 14.75% increase over the current appropriation of \$1,000.

He stated that if Duck becomes a member, the total amount requested would drop to \$983.57. Duck is presently negotiating a franchise agreement with Charter Communications.

Council Member Hess serves as the Town representative on the Government Access Channel Operations Committee.

Council Member Hess made a motion to approve the proposed budget as presented. Mayor Sutherland seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Holly Trail Reconstruction Project

Mr. Classen stated that on March 11, 2004 the Town hosted a public input forum on the proposed Holly Trail Road Reconstruction Project. He stated that the project is estimated to cost approximately \$325,000, which includes a 20% contingency.

He recommends that Council approves an ordinance in the amount of \$325,000 for the Holly Trail Road Reconstruction Project and that the ordinance provides for \$162,000 of the existing General Fund balance be restricted for this project and that the FY2004-05 budget include a \$162,500 expenditure on this project.

Discussion was held regarding the needed width of right-of-way clearing for the project and Councilman Denny recommended a 4' width in most cases and that the removal of trees would need to be reviewed carefully.

Mayor Sutherland made a motion to accept the project expenditures as presented. Council Member Denny seconded.

The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Cemetery Landscaping Contract

Mr. Classen submitted for Council's review and consideration a current contract copy of Grass Roots Lawn and Garden Care, which expires on April 30, 2004. He stated that it provides basic clean-up services at the Cemetery – two major clean-ups and monthly canvassing for additional clean up.

He recommends renewing the contract for one additional year while the Cemetery Policy Advisory Committee completes its work. He stated that the contractor proposes no changes to the contract and that he recommends Council authorize him to sign and execute a one-year contract generally under the same terms and conditions, following review by the town attorney.

Council Member Denny made a motion to authorize the manager to execute the proposed contract as presented. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Contract – Canal and Channel Maintenance - Southern Shores Boat Club

Mayor Sutherland stated that this item is deleted from agenda.

Southern Shores Landing Subdivision

Mr. Classen stated that Southern Shores Landing is unable to proceed with development under the terms of our ordinances due to Ginguite Woods Wastewater Reclamation Association, Inc. (GWWRA) being held in violation of Town ordinances. The GWWRA provides the wastewater system for Southern Shores Landing.

The developer of Southern Shores Landing has agreed to a bond agreement (cash or performance) if Council would agree, which would then allow the developer to proceed with construction.

A report provided by Hobbs-Upchurch Engineering shows the estimated current cost for the completion of the GWWRA infrastructure items. The cost includes the completion of the irrigation system and for the expansion of the lagoon in the amount of \$84,000.

Ike McRee stated that approval of this ordinance change and agreeing to a bond agreement would allow Southern Shores Landing to continue to build and receive Certificate of Occupancy for those completed units.

The bond agreement would protect the Town if they would need to complete the installation of the wastewater treatment plant.

Mr. Classen presented an ordinance change to the Town's Code Chapter 9 Wastewater Section 9-77, Certificate of Compliance for Council's consideration.

Ordinance No. 2004-04-01

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL
RELATING TO WASTEWATER SYSTEMS PERMIT ENFORCEMENT**

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 9-77, Southern Shores Town Code – Certificate of Compliance

Section 9-77 of the Southern Shores Town Code is hereby amended as follows:

No new building, or an addition to a building, shall be occupied, no change in use of a building or part of a building shall be made and no wastewater system shall start operation until the design sanitarian/engineer certifies in writing that the wastewater management system has been installed in accordance with the approved plans and specifications, and the installation is approved by the county health department or state division of environmental management, whichever is applicable, and all other conditions of the wastewater permit have been met. Notwithstanding the foregoing, a new building, or an addition to a building, may be occupied if: that portion of the wastewater management system installed in accordance with the approved plans and specifications is sufficient to treat and dispose of wastewater from the new building or addition to a new

building for which a certificate of occupancy is sought; and the applicant for a certificate of occupancy for a new building or an addition to a building that is served by a wastewater system that is only partially installed posts a cash or cash equivalent performance bond in an amount equal to the cost to complete construction and installation of the wastewater system in accordance with approved plans, specifications and conditions of the wastewater permit for the wastewater system plus twenty-five

percent (25%) of that amount, which bond shall ensure completion of the wastewater system.

Article IV. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article V: Effective Date

This Ordinance is effective upon adoption.

Adopted this the 6th day of April 2004.

Mayor Paul Sutherland

ATTEST:

Town Clerk

S E A L

Approved as to form:

Town Attorney

Date Introduced: April 6, 2004

Voting Aye: Council Members Denny, Hess, Sanders, Shields, and Mayor Sutherland.

Voting Naye: None.

Not Voting: None.

Excused: None.

Conflict: None.

Council Member Denny asked that the current operator of the WWTP would be held accountable for all actions current and in the future of penalties?

Ike McRee, Town attorney stated that a lawsuit has been filed against GWWRA, Inc. to collect civil penalties.

He stated that the bond agreement would protect the Town and allows the developer to proceed and that the Ginguite Woods Wastewater Treatment Plant has the capacity to handle the new development.

Council Member Denny made a motion to adopt the amendment to the Town Code as presented. Council Member Shields seconded. The motion passed with Council

Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Mr. Classen gave a review of GWWRA, Inc. procedures of violations and stated that the procedures began last summer and was brought before Council in December 2003. A public hearing was held at the request of the operator/applicant and from that hearing an order was issued. The order required that after 30 days a review would be held to see that all violations had been corrected. He stated that the GWWRA has not met all the defects in the Town's Code violations from that assessment.

He reviewed a memo dated 4/4/2004 from Mike Hejduk, Town Code Enforcement Administrator and a final order and notice of civil penalty assessment dated 2/16/2004.

Mr. Classen stated that Council needs to decide if they want to start the process over again and allow, by issuing a Notice of Contemplated Action, for a hearing to permit the operator/applicant to address the remaining outstanding violations.

Mayor Sutherland stated that the current penalties from legal action are around \$7,700 and have not been paid to date. He stated that GWWRA has various degrees of compliance but are not in total compliance. He stated that Council could require up to \$5,000 for each violation per day if so ordered.

Mayor Sutherland made a motion to issue a Notice of Contemplated Action toward GWWRA, Inc. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Council Member Hess asked do we just keep doing this?

Ike McRee stated that the Town could ask the court to issue an injunction and property could be seized of the corporation including real property.

Council Member Denny asked if the semi-annual inspection on 3/25/2004 as stated in Mr. Hejduk's memo was performed? Mr. Hejduk stated that he just recently finished that inspection and has not completed the report but that he recommends having the State come to inspect the plant. He stated that the engineer has not provided the irrigation plan to the operator.

Council Member Sanders stated that he would like to hear the court's rendering before starting the process again and asked how long it might take to hear from the judge? Ike McRee stated that it could take as long as six months.

Hearing no object a letter would be sent to the State requesting that they inspect the GWWRA, Inc. plant.

Council's Agenda

Council Member Denny-none

Council Member Sanders-none

Council Member Shields asked that staff work on developing a 10-year roads maintenance plan upon review of the ITRE Study and develop a Capital Improvement Plan to implement that study.

Council Member Hess stated that she had a request that Council consider a "Citizen of the Year" Award. Hearing no objection this item will be discussed at the next workshop.

Mayor's Agenda

Mayor Sutherland presented and made a motion supporting resolution for the Town of Nags Head regarding the attendance dividing line for the new beach high school. Council Member Hess seconded. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Mayor Sutherland issued two proclamations supporting Municipal Clerk's Week and Child Abuse Prevention Month.

Mayor Sutherland reported that he has asked Toby Gasgon, legislative representative for Mega Protein, parent company for the Menhaden boats, to attend the June Council meeting.

The Dare County Realtors are meeting with the Dare County Control Group on April 8 to discuss lessons learned from Hurricane Isabel.

Mayor Sutherland stated that the Town's EOC has been investigating the acquisition of a satellite phone and Dare County EOC is working on this.

Town Manager's Agenda

Mr. Classen reported that the vandalism on Trinitie and Juniper Trails was handled promptly in the removal of the graffiti and upon Police Dept. investigation suspects have been arrested.

Police Chief Pledger reported that upon investigation by Officer Slegel it was found that balogna was thrown on vehicles and could ruin the paint. He reviewed the videotapes at the Food Lion and found on the tape a juvenile purchasing balogna. He was identified and ultimately confessed. There were two juveniles involved.

Mr. Classen stated staff has prepared the structure of the FY2004-05 proposed budget, which includes the typical general fund expenditures but also includes a Cemetery Care Fund, Vehicle/Equipment Replacement Fund, and a Capital Improvements Fund (along with a corresponding Capital Improvements Plan). Staff requests a special Council meeting/budget workshop during the week of April 19 or 26. Council agreed to hold the budget workshop on April 29, 2004.

Mr. Classen stated that the town managers in Dare County met and have agreed to move forward on a proposal to form a health insurance buying group through an interlocal agreement. By combining the purchasing power of up to six local governments, significant savings and/or benefit improvements can be realized. A draft interlocal agreement is being developed by Ike McRee (who is town attorney for Duck, Nags Head and Southern Shores). A draft agreement and rates should be available in time for the April 20 Council meeting though the final proposal will not be available until later in April. Each local government would need to adopt the interlocal agreement before July 1 for the multi-town health insurance program to take effect for the new fiscal year. If this cannot be achieved for FY2004-05, Southern Shores should switch to a Blue Cross Blue Shield plan that would offer significant savings and benefit improvements over the existing state municipal league program.

Council Member Denny expressed concern that a local group of towns could get an insurance plan that is better achieved than a state municipal league program.

Mr. Classen stated that the municipal league program has networks systems based out of Raleigh and the providers here do not participate in the state system. Also being a small municipality we are lumped together with all other small municipalities across the state but being networked with the larger municipalities locally we would benefit.

Mr. Classen stated that the Cooperative Tax Collection Agreement has been approved by the Town Council and the County Commissioners has been executed by both entities.

Mr. Classen stated that he met with Joe Wallach, who represents MIP – the Town's bookkeeping software, and Linda Dough on April 1 to make changes accordingly.

Mr. Classen stated that the Cemetery Policy Advisory Committee held its first meeting and a subsequent meeting regarding the overall look of the Cemetery. In addition, a comprehensive survey of the property is being done by Katy Marchello of Quible. The Committee meets again on April 28 and will continue developing its recommendations.

Mr. Classen stated that the Town has made offers for each of the two maintenance positions and continues advertising for two police officers.

Mr. Classen reported that faculty and students from Johns Hopkins University installed extensive monitoring equipment at the Pitts Center.

Mr. Classen stated that an updated computer has been installed that now allows for DVD and VHS presentations to be played on the big screen in the Pitts Center.

Mr. Classen stated that the Animal Control Policy Advisory Committee, chaired by Sarah Tyler, has met once and formed three subcommittees. These subcommittees will report back preliminary results at the Committee's April 22 meeting.

Mr. Classen announced that the Large Item Pick-Up is scheduled for April 14. Spring Clean-Up is delayed.

Mr. Classen reported that various road projects (ongoing and in-development) are 2004 Powell Bill Projects moving ahead with cleanup and seeding on Cypress and Sweet Gum and addressing the drainage issue at E. Dogwood. 11th Ave. has major erosion problems and temporary work will continue until a drainage plan has been approved with DOT. Spindrift Multi-Use Path plan with the need to choose, which side of the street to place the path. Chicahawk parking lot at Spindrift plans will be available by April 20 and an easement would be needed from Chicahawk.

Mr. Classen reported that the Town has received a \$48,000 grant from the Water Recourses Division of DENR for the Canal Dredging Project and a contract with Environmental Professionals for completion of the work under this grant has been executed.

Mr. Classen stated that the Town managers met on March 31 and heard a presentation by the Geographic Technologies and by Charter Communications. Charter stated that their monthly connection fiber fee could be reduced to \$475 per Town and the County if \$100,000 in upfront costs could be secured. The town managers have asked for a proposal from Geographic Technologies for a plan of action to implement a joint GIS program and discussed which town might make application to e-NC for the \$100,000 grant.

Mr. Classen reported that in coordination with the other local governments in Dare and Currituck Counties State emergency management folks conducted a FEMA Public Assistance Training seminar on April 2 in the Pitts Center to help local governments in their public assistance (disaster reimbursement) processes.

Mr. Classen presented a hold harmless letter addressed to Ziff Properties, property management company of the Marketplace related to the Town's 25th Anniversary celebration for Council's approval. Hearing no objection Mayor Sutherland will sign the letter.

Town Attorney's Agenda

Ike McRee reported that a motion for summary judgement was argued to the court on February 23 and no decision has been made on the Franchi case.

Public Comment

Al Stein, 103 Chichauak Trail commented that he has lived on the Outer Banks for 32 years and submitted a letter to Council regarding the Mid-Currituck Bridge and he stated that he reviewed a design map in 1993 that showed the bridge and he does not know how we have slipped from that design in 1993 to where we are now still studying the issue and drowning this project in red tape. The DOT representatives who attended the recent meeting were project people not decision makers. They reported that data may need to be collected for as long as 2025. He stated that there is enough data and DOT spent too much money on the study, which could have been used to build the bridge. He has written to legislators to no avail.

Ed Cowell, 134 Beech Tree Trail stated that he left the beach during Hurricane Isabel and upon his return he was without electrical power for 5 days. He stated that there are some underground utility lines on Beech Tree and Holly Trails but then the rest of the service to another section of Beech Tree is above ground. He stated that there are about 2-3 spans above ground lines and he asked that Council consider contacting the power company to request that those spans be placed underground and until then coordinate the lines so power is not lost.

Hearing no other business Mayor Sutherland moved to adjourn the meeting at 8:50 p.m. The motion passed with Council Members Denny, Hess, Sanders, Shields and Mayor Sutherland voting aye; no Council Member voting no; and no Council Members absent or not voting.

Attest:

Respectfully submitted:

Mayor Sutherland

Carrie Gordin, Town Clerk