

Southern Shores Town Council
Town of Southern Shores, North Carolina

Regular Meeting
June 1, 2004
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on June 1, 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, and Jodi Hess, and David Sanders
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 a moment of silence be held for the families of Bob Poisal, Terry Oliver and Virginia (Ginks) Pitts.

Approval of Agenda

Mayor Sutherland moved to amend the agenda to include a special presentation after item 5, under Old Business; an update on Ginguite Woods Water Reclamation Association, Inc.; under New Business Ordinance for Personal Watercraft; and a Closed Session for consultation with Attorney and personnel. Council Member Shields seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Approval of minutes.

Council Member Denny moved to approve the minutes for April 29, 2004 and May 4, 2002, as presented. Council Member Shields seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Special Presentation

Mayor Sutherland presented Jim Pfizenmayer and Merrie Smith each with an engraved plaque for the excellent work they did on the Town's 25th Anniversary Celebration.

Reports

Planning Board Recap-May 17, 2004

Chairman Green reported that the Board reviewed a revised site plan submitted for the Outer Banks Appliances retail/warehouse in the Town's ETJ district-Martin's Point commercial district (6325 N. Croatan Hwy.). The Board recommends approval on the site plan (dated 4/12/2004 Project #4133) with conditions and modifications as noted by the Code Enforcement Administrator.

The Board reviewed a site plan (date received May 3, 2004) for the Martin's Point Professional Center (Project #P415.01), also in the Town's ETJ district. The Board requested that the applicant submit elevation, landscaping, and lighting plans prior to approval.

The Board reviewed a site plan (date received May 3, 2004, Project #P03178) for conditional use from the Duck Woods Country Club. Upon review, the Board recommends that Council approve the creation of a two-phase site plan. The recommended approval would be for phase one which includes the construction of the new clubhouse/demolition of the old clubhouse, construction of the parking area on the east side of S. Dogwood Trail, the construction of the parking area on the west side of S. Dogwood Trail and that the required documents (elevation drawings, the landscaping and lighting plans, and the amended circulation plan be submitted no later than 4:00 p.m. on May 21, 2004. This is to allow appropriate time for Council to review before the conditional use hearing is set. He stated that phase two is to include the construction of additional tennis courts and the area near the tennis courts.

Hearing no other business from the Planning Board, Council Member Denny made a motion to approve the Outer Banks Appliances amended site plan as presented. Council Member Shields seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Mid-Currituck Sound Bridge Update

Gerri Sullivan reported that there are 18, 335 signatures on the petition. She reported that the Board attended civic group meetings in Corolla and Carova Beach for concerned citizens. She also stated that C Alexander of the U.S. Army Corps of Engineers and Lyndo Tippett, Secretary of NCDOT are to attend a meeting in November. She stated that Operation Snowflake is on going and visitors to the web-site can find ideas for the letter writing campaign and that a new sign has been posted at the Currituck Visitors Center.

SSVFD

Chief Bakken presented the monthly fire report.

He stated that there is a burn ban due to the lack of rain. He stated that the Town had a close call when someone threw out a cigarette and that Lt. Paul Terry alerted the Fire Dept. quickly and saved a oceanfront structure from total destruction.

Mayor Sutherland reported on the monthly Tax and Building Inspections reports.

Mayor Sutherland made a motion to accept all the reports as presented. Council Member Shields seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Public Hearings

Proposed Budget FY2004-2005

Mayor Sutherland stated that traditionally the time allowed to speak under the public comment section has been set at 3 minutes. It was agreed by Council to allow up to 5 minutes to hear comments regarding the budget.

Mayor Sutherland opened the public hearing.

Ed Cowell, 134 Beech Tree Trail, stated that he supports the proposed two-cent tax increase if it is used for the purpose as reported. He stated that the County is assessing properties next year and the budget should follow the assessment value and he questions the 40% increase in the SSVFD budget. He thinks it is an oxymoron to state that taxes need to be raised to get more money from the County.

Ray Midgett, 154 Duck Woods Drive stated that upon review of the proposed budget he found several errors, which he presented in an outline to Council. He summarized by saying that the budget is erroneous and cannot be adopted as presented.

Don Smith, 189 Wax Myrtle, submitted comments and stated that he is appalled that Council is considering a two-cent tax increase.

Robin Morgan, 57 Deer Path asked Council to reconsider the two-cent tax increase until the County property reassessments are completed next year. She stated that taking money from the fund balance to fund items for the Fire Department and the Police Department but removing the dumpsters is taking services away from the citizens. She asked Council to reconsider the purchasing of five vehicles for the Police Department. She also asked that they reconsider the two-cent tax increase until after the County does the reassessment.

Ray Sharpe, 46 Fairway Drive, congratulated Council for the proposed tax increase. He stated the tax increase is to rebuild the roads, which is needed. He stated that the increase

in fire calls and the construction of new houses put more use on the roads. He supports the proposed budget.

Hearing no other comments Mayor Sutherland closed the public hearing.

Mayor Sutherland stated that the meeting tonight would be recessed until June 8, 2004 at 9:00 a.m. at which time Council would consider the FY 2004-2005 budget.

Duck Woods Country Club (DWCC) conditional use hearing (50 S. Dogwood Trail).

Mayor Sutherland opened the conditional use hearing.

Carrie Gordin, Town clerk swore in all those who wishing to speak.

Sydney Pashkow, 125 S. Dogwood Trail, stated that the DWCC is set in an easygoing laid-back town and is very nice. He doesn't recall from his experience in the security exchange mortgage business that a group came before a Council without a mortgage commitment or a state licensed builder. It is like comparing an electric car to a gasoline car. He stated that he paid \$7,000 to join the club, in a small, economical town. He stated that the building gives him the creeps. He stated that the club dues have increased over the years from \$95 to \$1,000 a month. He stated that there are over 600 members, most who are retirees and on a fixed budget. He stated that Town has an interest in DWCC. He thinks the contract has not been signed and with the price of lumber going up the cost of the construction cost will increase. He loves the DWCC people but thinks that their heads are somewhere else. He stated there needs to be professionalism and requested that Council stay a decision until all is in order.

Mac McDaniel, 245 Woodland Drive, stated that he is a past president and vice-president of DWCC and Board and he has 4-5 years vested in this program. He stated that 80% of the members were in favor of building a new clubhouse and that it is the only country club on the Outer Banks. He stated that improving properties are a good thing and he is all for it.

Ray Sharpe, 46 Fairway Drive, stated that there is a Letter of Commitment with RBC-Centura for four million dollars for the clubhouse construction project. He stated that DWCC is taking care of the finances and that it does not need to be addressed at this meeting. He stated that there are over 700 members and that 44% are over 65 years old.

He stated that the club does not have a contractor at this time. He stated that the new club will be 24,000-sq. ft. and the Planning Board and the Fire Chief have reviewed the site plans recommending approval. He stated that the Fire Chief has no problem with an interlocal agreement with neighboring Towns for fire service if needed. He asked that Council support the project and move ahead.

Mayor Sutherland asked for any additional comments.

Mr. Pashkow asked if any Council Members have seen a contract and Mayor Sutherland stated that Council only takes public comment and does not respond during public hearings.

Mayor Sutherland closed the hearing and stated that Council would consider the conditional use application for DWCC at the recessed meeting on June 8, 2004.

Ordinance No. 2004-03-01 – Relating to Application Submittals to Planning Board

Mayor Sutherland called the public hearing to order on Ordinance No. 2004-03-01 – Relating to Application Submittals to Planning Board. Hearing no public comment, he closed the hearing.

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

The Ordinance, as approved, reads as follows:

Ordinance #2004-03-01

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
APPLICATION SUBMITTALS TO PLANNING BOARD**

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.

Mayor Paul Sutherland

Public notice published in _____
newspaper on _____, 2004 and
on _____, 2004.

ATTEST:

Carrie Gordin, Town Clerk

Approved as to Form:

Ike McRee, Town Attorney

**Southern Shores Volunteer Fire Department-SSVFD (15 S. Dogwood Trail)
Conditional Use Hearing**

Mayor Sutherland stated that the SSVFD has submitted a conditional use application to modify parking and to construct an additional telecommunications tower on the site. He stated that the Planning Board has reviewed the site plan and recommended approval.

Mayor Sutherland opened the conditional use hearing. Hearing no public comments, he closed the hearing.

Mayor Sutherland made a motion to approve the application for a telecommunications tower at the South Fire Station as presented. Council Member Hess seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent or not voting.

Old Business

NC12 Road Improvements-NCDOT

Mayor Sutherland made a motion to approve the NCDOT proposal extending the two merge lanes from Town Hall/NC12 intersection to Skyline Road. Council Member Denny seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Council Member Denny made a motion to disapprove NCDOT's proposal to extend the center turn lane from Skyline Road to Chicahawk Trail. Mayor Sutherland seconded. The motion passed with Mayor Sutherland, Council Members Denny, Shields voting aye; Council Members Hess and Sanders voting no; and no Council Members absent or not voting or not voting.

Council Member Denny requested that Council discuss lowering the speed limit to 35 MPH on NC12. Hearing no objection Mayor Sutherland stated that the issue would be discussed at the June 15 workshop meeting.

Ordinance No. 2004-05-aa Relating to Right-of-Way Obstructions

Mayor Sutherland recommends Council review draft Ordinance No. 2004-05-aa Relating to Right-of-Way Obstructions at the June 15 workshop. Hearing no objection so ordered.

Ginguite Woods Water Reclamation Association, Inc. Update (GWWRA)

Ike McRee stated the GWWRA has various outstanding violations and has pending civil penalty fines in the amount of \$7,700. A Contemplated Action has been served on GWWRA and a 15-day notice for a hearing has been issued. He stated that GWWRA has not requested a hearing pursuant to law.

Hearing no objection, Mayor Sutherland ordered the Town Manager and Code Enforcement Administrator to submit a draft second Order relating to violations by GWWRA at the June 15 workshop meeting for review.

New Business**Ordinance No. 2004-06-02 Relating to Amending the Town Fire Code-Chapter 4-Fire Prevention and Protection**

Mr. Classen submitted a draft ordinance that would amend the Town Code allowing fires on Southern Shores Civic Association (SSCA) property. The Town Code amendment flows from a SSCA request to burn a vegetative debris pile located at the Hillcrest parking lot.

Council Member Shields made a motion to approve Ordinance No. 2004-06-02 Relating to Amending the Town Fire Code as presented. Council Member Hess seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent or not voting.

The Ordinance, as approved, reads as follows:

Ordinance No. 2004-06-02

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMDENING THE TOWN FIRE CODE**

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 amended.

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 4-40, Southern Shores Town Code – Combustible materials

Section 4-40 of the Southern Shores Town Code is hereby amended as follows:

It shall be unlawful for any person to build or set a fire in any location except in the areas and under the conditions specified below:

- (1) *The occupant of a permanent dwelling or business unit may burn small amounts of refuse, tree branches, brush and scrap lumber provided the burning is conducted within one hundred (100) feet of such dwelling or business unit and is confined within (a) an enclosure from which burning material may not escape or (b) cleared and protected area upon which a watch is maintained and which is provided with adequate fire protection equipment at the immediate fire site. Adequate fire protection equipment is considered to be a charged hose line, shovel, rake, and loose sand or dirt*

with which to cover the fire.

- (2) *The occupant of a permanent dwelling may build or set a fire for the purpose of outdoor cooking provided such fire is confined within a permanent barbecue pit or in a commercially manufactured grill or similar device designed for outdoor cooking.*
- (3) *Fires set for the purpose of disposal of large amounts of refuse, materials resulting from routine house and land maintenance, accumulations of brush, tree stumps and trunks or material resulting from land clearing or building activities will require a special permit that may be issued by the fire inspector only after the proposed burning site and material to be burned have been inspected by the fire ~~chief or his designee~~ inspector and it has been determined that burning operations can be safely conducted.*
- (4) *No fire of any type shall be built or set on unimproved property (any property where a permanent dwelling or business unit does not exist) until the site has been inspected and a permit issued by the fire ~~chief or his designee~~ inspector.*
- (5) *All fires of the type described in this section must be attended by a competent person fourteen (14) years of age or older who must remain in attendance at the fire until it is completely extinguished. Where appropriate, the person in charge must have in his or her possession a copy of the permit and must produce such document upon request of an official of the police department or fire company.*
- (6) *Except as approved in writing by the fire inspector, no ~~No~~ fire of any type shall be built or set in the marina area or the picnic area on Dogwood Trail nor in any other area owned by the Southern Shores Civic Association.*
- (7) *House occupants, landowners or contractors starting or setting fires as permitted by subsections (1), (3) or (4) above are responsible for assuring themselves that a prohibition against burning as stated in G.S 14-139, is not in effect.*
- (8) *Initial burning shall generally be allowed only between the hours of 9:00 a.m. and 6:00 p.m. but no combustible materials shall be added to the fire after 3:00 p.m., except that under favorable meteorological conditions, deviations may be granted by the fire ~~chief or his designee~~ inspector.*

Article IV. Definitions

Section 4-21 of the Southern Shores Town Code is hereby amended to add the following definition:

Fire Inspector. The person appointed to the position of fire inspector by the town manager. In the event no person is appointed fire inspector, the fire chief of the Town of Southern Shores or his designee shall be considered the fire inspector until such appointment is made by the town manager.

Article V. 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 VI: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the __ day of June 2004.

Date Introduced: June 1, 2004

Mayor Paul Sutherland

ATTEST:

Carrie Gordin, Town Clerk

Approved as to Form:

Ike McRee, Town Attorney

Amendment to Personal Watercraft Ordinance (jet-ski)

Mr. Classen stated that the Southern Shores Canal Dredging Project has brought to light an issue within the Town Code relating to the regulation of personal watercraft. The firm doing the hydrogeographic survey uses a personal watercraft for determining the depth and contours of the canals but the Town's ordinance does not allow jet-skis in the canal.

Mr. Classen submitted Ordinance No. 2004-06-bb Relating to Personal Watercraft that amends the Town Code to allow for the use of personal watercraft on Town waterways when the use is pre-approved by the Town Council and when the use is either for law enforcement purposes or for maintenance, improvement, or construction of Town waterways.

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

The Ordinance, as approved, reads as follows:

Ordinance No. 2004-06-01

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMDENING THE TOWN CODE RELATING TO PERSONAL WATERCRAFT
USED FOR CANAL MAINTENANCE**

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 amended.

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 10-14, Southern Shores Town Code – Personal Watercraft

Section 10-14 of the Southern Shores Town Code is hereby amended by the creation of subsection (5), which shall read as follows:

- (5) Nothing in this section shall limit the authority of the Town Council to approve the use of personal watercraft within the waters described in subsection (4)b. so long as such user has a valid permit issued pursuant to subsections (2) and (3) and such use has received prior written approval by the Town Council. The Town Council may only approve personal watercraft use under this subsection for work related to public safety functions or to the maintenance, improvement or construction of any waters or waterways described in subsection (4)b.

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 immediately upon adoption.

Adopted this the 1st day of June 2004.

Date Introduced: June 1, 2004

Mayor Paul Sutherland

ATTEST:

Carrie Gordin, Town Clerk

Approved as to Form:

Ike McRee, Town Attorney

Other Items

Council's Agenda- Mayor Sutherland asked for any additional items from Council members. No additional items were brought forth.

Mayor's Agenda

Mayor Sutherland reported that Council Member Hess and he met with Mr. and Mrs. Deitels of Spindrifft Trail regarding the construction of the multi-use path on the west side of Spindrifft. The Deitels requested that Council consider the vote again. After discussion, the Council took no action changing the placement of the Spindrifft trail Multi-Use Path.

Mayor Sutherland presented a resolution for Council's consideration. Mayor Sutherland made a motion to adopt the resolution as presented. Council Member Hess seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent or not voting.

The Resolution, as approved, reads as follows:

Resolution No. 2004-06-01

**A RESOLUTION OF THE SOUTHERN SHORES TOWN COUNCIL
REQUESTING AUTHORIZATION IN DARE COUNTY
TO LEVY AN ADDITIONAL 1% LAND TRANSFER TAX FOR**

**EMERGENCY SHORELINE PROTECTION AND STORM DAMAGE
REDUCTION MEASURES**

WHEREAS, the Dare County local governments have supported two federal studies intended to result in the construction of a storm damage reduction dune and berm system using local, state, and federal funds; and

WHEREAS, Dare County local governments, plus the Dare County Visitors Bureau and the N.C. Division of Water Resources, have spent over \$1 million dollars matching an equal amount of federal funds to finalize the study phase of this project; and

WHEREAS, the Congress of the United States authorized the construction of this project, known as the Northern Dare Beaches Storm Damage Reduction and Erosion Abatement Plan in the Water Resources Development Act of 2000; and

WHEREAS, the Congress has directed the Director of the Civil Works Division of the U.S. Army Corp of Engineers to construct the above referenced project; and,

WHEREAS, no Congressional appropriations have been forthcoming and are not expected in the near future for this project, given the current focus of United States on matters of national defense and anti-terrorism; and,

WHEREAS, Hurricane Isabel of 2003 has left the oceanfront of much of Dare County, from Duck to Hatteras village, vulnerable to severe structural and economic losses in the event of another hurricane or Prolonged Winter Storm (Nor'easter), resulting in an immediate threat to the public health, safety, welfare, and economic well-being of the people of Dare County that represents an emergency; and,

WHEREAS, the construction of the Northern Dare Beaches Storm Damage Reduction and Erosion Abatement Plan would greatly diminish the danger to public health, safety, welfare, and economic well-being to the Northern Beaches of Dare County and its residents, and similar measures would diminish shoreline damages in other portions of Dare County not already authorized for federal storm damage reduction measures,

NOW, THEREFORE, BE IT RESOLVED that the Southern Shores Town Council requests that the North Carolina General Assembly enact legislation authorizing an additional 1% excise tax in Dare County on instruments conveying certain interests on real property in Dare County (current excise tax authorized pursuant to S.L. 1985-525, Sec. 2), with such funds directed for the sole purpose of storm damage reduction activates, and that the authorization of this additional 1% excise tax shall be discontinued 25 years from the date of ratification, or upon the completion of satisfactory storm damage and shoreline erosion measures throughout the entire Dare County coastline as so

determined by the Dare County Board of Commissioners, or unless otherwise re-authorized or extended by the North Carolina General Assembly.

The Clerk is hereby directed to transmit a copy of this resolution to Dare County's legislative delegation for appropriate action.

Adopted this the 1st day of June 2004.

Town of Southern Shores

By: _____
Hal Denny, Mayor pro tem

ATTEST:

Carrie Gordin, Town Clerk

Mayor Sutherland presented resolution for Council's consideration.

Resolution No. 2004-06-bb

**RESOLUTION OF THE SOUTHERN SHORES TOWN COUNCIL
OPPOSING LEGISLATION ELIMINATING THE USE OF AMORTIZATION
FOR REGULATION OF OUTDOOR ADVERTISING
(SB 1056)**

WHEREAS, the use of amortization by units of local government has long been a legally valid and constitutionally affirmed mechanism for addressing citizen concerns about outdoor advertising within their communities; and

WHEREAS, without amortization, units of local government would be greatly impeded, even prevented entirely, from responding to the wishes of their communities and making efforts to control unattractive and distracting outdoor advertising, and to regulate such advertising in a manner that preserves the aesthetic and scenic quality of their communities; and

WHEREAS, legislation pending before the North Carolina General Assembly (SB 1056) would strip local governments of the use of this important regulatory tool and require excessive compensation to outdoor advertisers for sign removal; and

WHEREAS, as this legislation is not applicable to outdoor advertising along federal-aid highways (which are controlled by federal law), this legislation would impact

local governments' ability to address signage issues in areas most in need of local regulation – such as within community neighborhoods and along secondary roads; and

WHEREAS, the Southern Shores Town Council finds that such legislation adversely impacts the ability of local governments to respond to the wishes and concerns of their communities as is their responsibility and duty as local elected officials, and places an undue burden on local governments and taxpayers in general to the advantage of the outdoor advertising industry.

NOW, THEREFORE, BE IT RESOLVED that the Southern Shores Town Council opposes the enactment of Senate Bill 1056, or any similar legislation that prohibits or restricts the use of amortization by local governments, and further urges the General Assembly to repeal the current moratorium enacted during the 2003 Session prohibiting the adoption of local ordinances that provide for amortization of outdoor advertising until December 31, 2004.

The Clerk is hereby directed to transmit a copy of this resolution to the Dare County legislative delegation for appropriate action.

This the ___ day of June, 2004.

Hearing no objection, Mayor Sutherland recommends review of the Resolution at the June 15 workshop.

Town Manager's Agenda

Mr. Classen called upon Police Chief Pledger.

Chief Pledger reported that Officer Suddith and Officer Slegel have completed rigorous training and completed the necessary criteria to become Senior Patrol Officers within the Career Development Program.

Chief Pledger reported on the Click It or Tick It campaign.

Mr. Classen stated that Mrs. Virginia “Ginks” Pitts, wife of former mayor Kern Pitts, passed away on May 22 at her home in Dallas, TX. A graveside service will be held June 2 in the Southern Shores Cemetery. Given that Mrs. Pitts was the wife of a mayor who served over the community for more than 19 years and given that she will be buried in Southern Shores, and given that the family has asked for donations to the Pitts Endowment Fund in lieu of flowers, he recommends a \$75 donation to the Endowment Fund. Hearing no objection, Mayor Sutherland so ordered.

Mr. Classen reported that Police Dept. has begun regular beach and waterway patrols using the police boat and ATV. When outfitting of the 4WD vehicles is completed, these vehicles will be added to the regular beach patrols. For security reasons, the times of the

patrols will not be divulged. Beach patrols will occur several (or more) times during each 24-hour period.

Mr. Classen stated that upon review of the current Planning Board terms he would like to submit a draft of terms that would be consistent in their expiration dates.

Mr. Classen reported that the Town's 2004 biennial bridge inspection has been completed by the NCDOT-secured engineer. He stated that he also authorized an inspection of the Juniper Trail Bridge which is not included in the NCDOT project.

Mike Hejduk reported that the Town's Hazard Mitigation Plan has been submitted to the State for review and approval. He stated that it might be possible to hold the required public hearing at the August Council meeting.

Town Attorney's Agenda

Mr. McRee reported that the Bowlin litigation hearing has been set for August 24, 2004 and nothing has been finalized on the Franchi case.

Public Comment

Vince Puma, 4 Birch Lane, stated that he has lived in Town for ten years and this is his first Council meeting. He stated that he is concerned about the entrance into Southern Shores Crossing and that whoever approved that entrance should stand in traffic. He stated that the berm with the plantings, as you look north, blocks the vehicular traffic view and is very dangerous. He also commented that cell phone reception is bad in Town and that there are all kinds of reason why no more antennas can be placed. He suggested the use of "tree" antennas as he has seen in Florida.

He also requested that Council consider giving Dogwood Trail to the SSCA as a private road so that access could be denied and the road would not be used as a cut-through road.

Ray Midgette, 154 Duck Woods Drive stated that he would like to see the Council meetings televised. He also would like to see the public comment section of the agenda moved to the top of the agenda and asked why he can't speak on issues on the agenda.

He thanked Kitty Hawk and Currituck for not taking the issue as Southern Shores has in not widening the roads and holding off until a bridge is built. He stated that the bridge will be built and NC 12 will be widened.

He stated that Council can't levy a tax for one thing and use it for something else.

He stated that Council succumbs to pressure from other towns. He stated that Council approved a resolution regarding the Nags Head school district boundary line because of political pressure. He stated that Council censured a past Council member.

Don Smith, 189 Wax Myrtle, asked Mr. McRee since the budget numbers are inaccurate and the budget needs corrected is another public hearing required or is the budget approved as is?

Mayor Sutherland hearing no other public comments, made a motion to go into closed session for consultation with legal council and for personnel matters. Council Member Hess seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent or not voting.

Mayor Sutherland made a motion at 9:40 p.m. to recess the meeting until 9:00 a.m., June 8, 2004. Council Member Hess seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Council Member moved to exit the Closed Session. 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.

Council Member Denny moved to approve an Order of Violation against Ginguite Woods Water Reclamation Association (GGWRA). 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.

The Order, as approved, reads as follows:

Mayor Sutherland moved to recess the meeting to June 8, 2004 beginning at 9:00 AM in the Pitts Center. Council Member Hess seconded the motion. 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

