

Southern Shores Town Council  
Town of Southern Shores, North Carolina

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

**MINUTES**

The Southern Shores Town Council met on September 7, 2004, at the Pitts Center.

The following members were present:

Mayor Paul Sutherland  
Council Members: Hal Denny, Dan Shields, 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 all those unfortunate folks in Florida attempting to rebuild their lives from the hurricanes there and for all those in uniform and not, fighting for our freedom.

**Approval of Agenda**

Council Member Shields moved to amend the agenda under New Business that item 16 (Kitty Hawk Elementary School) be moved to item 14 and the other items follow accordingly. Council Member Sanders 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 Shields moved to approve the minutes for the August 3, 2004 Council meeting 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.

**Public Comment**

Philip Whitfield of 150 Poteskeet Loop addressed Council on two issues. The first issue is to thank the Public Works Department, Glenn Alexander and his staff for their stormwater management efforts after the storms.

He also requested that Council consider extending the canal at the end of Poteskeet Loop through the CPOA common area.

Mike McCarron of 13 1<sup>st</sup> Ave. thanked Council and the Animal Control Policy Advisory Committee for taking on such a contentious issue. He stated that he supports many issues on the recommendation such as the requirements to pick up dog feces and the joint hiring between the Towns of Duck, Kitty Hawk, and Southern Shores for an animal control person. He does not support extending time line for dogs on the beach. He likes to see the beaches being people friendly not dog friendly. He stated that it is difficult now to enforce the laws and feels this would cause a bigger problem. He stated that he has adopted a crossover and he willingly cleans it but if the suggested idea of poop bags and disposal cans being placed at the crossovers were approved, he would no longer be a willing crossover caretaker. He stated that he is a dog lover who owns two dogs. He cited that there were a number of dogs on the beach this week that were in violation of the current ordinance.

#### **Presentation-Mallard Cove Homeowner's Association (MCHA)**

Ken Scott, president of the association addressed Council regarding the flooding of Mallard's Cove and of the Duck Woods Pond. He stated that he knows other areas had flooding but that this is an annual occurrence. He stated that the most recent flooding was inches from impacting the wastewater system. Pictures were presented of the flooded area. He stated that he appreciates all that the Town has done in pumping the water but that is only a temporary measure. He stated that on behalf of the MCHA he is asking that Council and the Kitty Hawk Land Company (who owns Duck Woods Pond) aid them in the installation of an overflow remedy.

Mickey Hayes, president of Kitty Hawk Land Company stated that upon investigation of the placement of an outfall at the pond site it was found that permitting was very costly and that previously the Town was not willing to get involved since it is private property. He stated that he is currently on getting designs for the outfall and then plans to proceed with the permitting process. He stated that he no longer wants to own the pond and that possibly Mallard Cove would take over ownership. He stated that if no one wants it then the pond might become a conservation area.

#### **Reports**

Chairman Groff presented the August 16, 2004 Planning Board recap stating that no site plans were presented to the Board for approval.

The Planning Board discussed retention of member's agenda materials.

As requested by the Planning Board the Town manager presented draft language relating to the following ordinances:

1. A10-acre minimum requirement, (versus the current 5) for Planned Unit Developments in the Town.
2. Recycling containers for commercial establishments.
3. The inclusion of conceptual drawings in site plans submitted for approval.
4. Exclusion of submerged or inundated land, CAMA or USCOE wetlands and buffer setback areas from the 20,000 square foot minimum lot requirement.
5. Allowed uses in commercially zoned areas.

The Planning Board discussion of issues 1 - 4 of the above yielded various recommendations for the Town Manager to incorporate into the proposed amendments. The revised proposed amendments will be presented for further discussion and recommendation at the next meeting of the Planning Board.

The Planning Board agreed that it should make recommendations regarding “Allowed uses in commercially zoned areas” but felt that legal guidance was required and tabled the issue for discussion at a future date.

Looking ten to fifteen years into the future, the Planning Board initiated discussion of community services, (e.g. Beach clean up, mowing, parking area maintenance and similar), many of which are now accomplished by the two civic associations, as to whether current methods should be kept, enhanced or transferred as the Town matures. The Town Manager was requested to investigate the pros and cons of involving a professional planner and focus group.

The Planning Board received a briefing on storm water management problems in the town and preliminary plans to provide relief.

Geri Sullivan reported that Build the Bridge, Preserve Our Roads Board members and concerned citizens are going to Raleigh to meet with Governor Easley and Lyndo Tippet, secretary of NCDOT on November. They will be taking the petition of over 18,000 signatures to be presented to them. She stated that the economical study addressing the impact of widening NC12 would be released soon.

Mayor Sutherland announced that the Dare County Commissioner’s passed (6-0) a resolution rallying against any proposal to widen NC12. He stated that Commissioner White excused himself from the vote since he is a board member of the NCDOT.

Mayor Sutherland announced that Jim Groff, a member of the bridge committee has resigned due to his appointment to the Planning Board. Mayor Sutherland moved to appoint Grayson Via as Mr. Groff’s replacement and that his appointment begins on October 1, 2004. 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.

George Wood, Environmental Professionals, reviewed various aspects to the Town canal dredging project, and he will be making on-going progress reports to Council.

Fire Chief Bakken presented the monthly SSVFD report. He presented a GIS map of the Town displaying an incident report covering a time period over a year and half.

He reported that the SSVFD co-operated with the Town during the flooding with the use of pumps and manpower. He also reported as the Town's fire inspector that 27 commercial businesses passed inspection.

Mayor Sutherland noted under the Tax report that Linda Dough, Tax collector is retiring after 21 years on October 15, 2004.

Mayor Sutherland read the Building Inspection's report.

Mayor Sutherland moved to approve reports 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.

### **Old Business**

Animal Control Advisory Policy Committee recommendations

Mayor Sutherland thanked Sarah Tyler, Chairperson and her committee. Council Member Shields moved to have Council review recommendations in detail at the September 21, 2004 Council meeting. Mayor Sutherland 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 requested that the committee members be available at that meeting.

### **Stormwater Management Plan**

Mr. Classen thanked the SSVFD, Town Public Works Department, the Police Department, and the Building Inspections Department for all their help during the flooding from the hurricanes.

He stated that the month of August was filled with storms (Alex, Bonnie, and Charley) following the month of July that was filled with rains.

He reported that the Town rented three large pumps to attack 9 of the 12 locations where street flooding occurred. The remaining three locations could not be pumped because Town staff could not find appropriate locations where to pump the excess water.

He stated that the Town has never developed a stormwater management plan as flooding of anywhere near this magnitude has not happened since the Town incorporated in 1979. Regretfully, it appears that the level of development now combined with the higher groundwater tables makes a stormwater management plan very important.

He stated that he has requested that the Town Engineer make a presentation of a proposal for a stormwater management plan that could be written in the next 6-9 months and that would give guidance on the trouble spots throughout town. He stated that a longer term study will also be needed covering the issue comprehensively, but the short-term study will allow the Town to address the worst problems. The proposal would be a multi-phased management plan with a cost best estimate.

Discussion was held regarding different ways that the stormwater issues could be mitigated through zoning regulations.

Council Member Shields moved to task (by letter) the Planning Board to research possible changes in the zoning ordinance to reduce the impact of stormwater runoff. Mayor Sutherland 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 Shields recommended initiating action to suggest the cleaning and maintaining of the ponds owned by SSCA.

### **New Business**

#### Dare County Board of Education Fee Waiver Request (DCBE)

Mr. Classen stated that the DCBE has presented a request to waive all land use development and building inspection fees relating to the planned renovations of Kitty Hawk Elementary School. He stated that the DCBE has paid a \$23,592.80 fee to get the process underway, but would like a fee waiver (and reimbursement) so that the funds can be put towards the project.

He submitted fee policies as applied from the other Towns.

He stated that the Town would be incurring some direct expenses (e.g. engineer review) in relation to the site plan reviews and additionally, the Town is seeking to have the State do inspections on the school construction project so that our limited staff can stay focused on other projects anticipated to be underway at the same time (e.g., Duck Woods Country Club re-construction).

Council Member Denny moved to return the fees associated with planning and building for the Kitty Hawk Elementary School project but that the DCBE agrees to reimburse the Town for all direct expenses incurred from the project. Mayor Sutherland 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.

Dave Oaksmith, chairman of the DCBE stated that the Board would agree to reimburse the Town for all direct expenses incurred from the project and he thanked the Town for the way they have helped on this project.

### Emergency Management Plan

Mr. Classen presented several documents for Council review that reflect updates to the current Town Emergency Management Plan.

He introduced draft Ordinance No. 2004-09-ff. He stated that there is no urgency to adopt the ordinance that the changes are essentially technical in nature. He stated that no public hearing is required for adoption. He stated that the Town Council may adopt an ordinance at the same meeting during which an ordinance is introduced if four of the five council members vote in support of the ordinance.

Mayor Sutherland moved to adopt Ordinance 2004-09-01 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.

#### Ordinance No. 2004-09-01

### AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO EMERGENCY MANAGEMENT PLANNING

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 12-9, Southern Shores Town Code - State of Emergency

Section 12-9 of the Southern Shores Town Code is hereby amended as follows:

1. *A State of Emergency shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.*
2. *If an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town or any part thereof, or threatening damage to or destruction of property, the mayor is hereby authorized and empowered under section 14-288.12 of the General Statutes to issue a public proclamation declaring to all persons the existence of such a state of emergency, and in order to more effectively protect the lives and property of people within the town, to place in effect any or all of the restrictions hereinafter authorized. Nothing herein shall limit the authority of the Town when such authority has been otherwise granted or inferred by law.*
3. *The mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the town and to specify hours of the day or night, and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities, on-duty military personnel whether state or federal, on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit, and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the town.*

Article IV. Amend Section 12-14, Southern Shores Town Code – Restriction on Access to Areas

Section 12-14 of the Southern Shores Town Code is hereby amended as follows:

1. *The proclamation pursuant to this chapter may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this Section, in violation of any order, clearly posted notice or barricade indicating that access is denied or restricted.*
2. *Areas to which access is denied or restricted shall be designated by the ~~chief of police and his subordinates when directed in the proclamation to do so by the mayor.~~ Town manager. When acting under this authority, the ~~chief of police and his subordinates~~ town may restrict or deny access to any area, street, highway or location within the town if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.*

Article V. Amend Section 12-15, Southern Shores Town Code – Evacuation of Areas

Section 12-14 of the Southern Shores Town Code is hereby amended as follows:

*The proclamation pursuant to this chapter or any amendment thereto may require the emergency evacuation of any area. The proclamation shall state the geographic boundaries of the area to be evacuated and upon issuance of the proclamation ~~the chief of police and his subordinates~~ the town manager shall take all necessary action to remove all persons from the area and to deny access to the area as set out in Section 7-6.*

Article VI. Amend Section 12-20, Southern Shores Town Code – Absence or Disability of Mayor

Section 12-20 of the Southern Shores Town Code is hereby amended as follows:

*In case of the absence or disability of the mayor, the mayor pro tempore ~~or such other person as may be designated by the Town Council~~ shall have and exercise all of the powers given the mayor in this chapter. In case of the absence or disability of the mayor pro tempore, such other person as may be designated by the Town Council shall have and exercise all of the powers given the mayor in this chapter.*

Article IV: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 7 day of September, 2004.

ATTEST:

\_\_\_\_\_  
Mayor Paul Sutherland  
VOTE: 5 Ayes 0 Nays

\_\_\_\_\_  
Carrie Gordin, Town Clerk

S E A L

Approved as to form:

\_\_\_\_\_  
Ike McRee, Town Attorney

Date Introduced: 9/7/04

### Retiree Health Insurance

Mr. Classen submitted information to Council regarding Town retiree health coverage. He stated that presently the Town offers the current employee plan available to Town employees after five years of service to the Town at the employee's expense. He stated that the proposal submitted covers the town paying the employee's health benefits if they meet certain criteria.

Mayor Sutherland asked to defer this issue to be discussed at the September 21, 2004 meeting. Hearing no objection, he so ordered.

## **Council Agenda**

Council Member Denny stated that he attended the Dare Commissioner's beach nourishment workshop, in which, Bill Pitt gave a presentation on the costs and benefits of the program.

Council Member Sanders submitted information to Council regarding the number of serious accidents on NC12 and he stated that he supports the installation of a center lane on NC12 to mitigate some of these accidents.

No additional comments from Council Members

## **Mayor's Agenda**

Mayor Sutherland reported that the Nags Head Life Guard Service contract expires December 2004. After being told by Nags Head Mayor Muller that the existing contract would not be extended he asked the Town manager to look at alternative lifeguard services for the Town. Hearing no objection, he so ordered.

Mayor Sutherland stated that Doug Seay, president of Sandpiper Cay Homeowner's Association has requested to attend the October Council meeting to present a donation and to express thanks to the SSVFD for the help they gave to Sandpiper Cay subdivision following a tornado.

Mayor Sutherland presented two proclamations that he signed.

1. Governor Easley's "Litter Sweep" Month
2. Governor Easley's Healthy North Carolina Month

Mayor Sutherland stated that a resolution has been drafted to request the legislators to amend the email "spam" laws regarding broadcast emails in that the addresses used by the Town in its broadcast email program are not public information. Council will address at the September 21, 2004 meeting.

Council Member Denny stated that he would be unable to attend the September 21, 2004 meeting. Upon discussion and hearing no objection the meeting of September 21 was changed to September 17, 2004 at 9:00 a.m. in the Pitts Center.

## **Town Manager**

Mr. Classen stated that he is withdrawing code amendment language regarding Public Assemblies as the person who requested the change has made other arrangements.

Mr. Classen stated that he is looking into the collection of delinquent accounts and use of a collection agency for delinquent parking tickets and other amounts due the Town.

Mr. Classen stated that he has authorized the hiring of part time helpers (up to 30 hours per week) in the Code Enforcement and Inspections Department to help input GIS and other data. He stated that presently, no additional funding beyond the current budget is necessary but that will ultimately depend upon the level of work demanded upon existing staff time by the Kitty Hawk Elementary School and Duck Woods Country Club major renovations, code enforcement efforts, home construction inspections, etc. He stated that Pat Forrester was reclassified to Permit Officer on July 1, 2004 and will be sworn in at the September 17, 2004 meeting.

Mr. Classen reported that the town attorney has been authorized to move ahead on tax foreclosure proceedings.

Police Chief Pledger showed an example of a GIS map as it can relate to the department's incident report. One of the new cars were parked at the Pitts Center prior to the meeting for public viewing. He also described the meaning of the new color scheme on the new police cars.

Mr. Classen stated that staff recommends reverting back to an annual parking permit given that Town parking permits will be used to identify qualified non-commercial users of the new Town C&D service (anticipated start in fall of 2004). He stated that Council should discuss the possibility of reinstating the fee for the parking permit or not. Following discussion to the one-year parking permit at no cost.

Mr. Classen reported that the Town of Edenton has made an offer of \$12,000 for the purchase of surplus police cars, which have a trade-in (wholesale) value of \$12,140 and an estimated retail value of \$27,850. He stated that the Town would have to pay approximately \$250 - \$300 per vehicle to remove all law enforcement radio equipment and markings prior to any auction. This would not be required if the vehicles were sold to the Town of Edenton.

Council Member Denny moved to approve the sale of the three police vehicles to the Town of Edenton for \$12,000. Mayor Sutherland 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.

Glenn Alexander, Public Works supervisor reported that 100 each of trash and recycle cans were received today. He stated that can repair and replacement is an on-going project. He stated that the chipping program is on schedule and that the Town mowing is trying to catch up due to all the rain.

Mr. Classen reported that the Town filed a damage assessment report for Hurricane Charley of approximately \$10,691.13, all direct expenses to the Town. He stated that staff has received no indication from the County, State or federal government that any of these expenses will be reimbursed.

Mr. Classen stated that the Town rented a total of three pumps from Godwin Pumps, in Chesapeake and were used following Hurricanes Alex, Bonnie and Charley for the stormwater/groundwater that inundated roads throughout Southern Shores. He stated that due to the high groundwater and likelihood of immediately needing to pump following any future major storms, staff plans to keep these pumps on hand through the hurricane season (approximately October 15) and possibly rent them again during nor'easter season (December 31 through April 15).

Upon discussion by Council, Mayor Sutherland moved to have the pumps returned to Godwin Pumps by the end of the week. 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.

Mr. Classen reported that the inmate program consisting of three inmates from the Tyrrell County Work Farm have been assigned to the Town as per the program begun last spring. He stated that after delays, the truck ordered last spring is also now available for pick-up and which will be used in the pickup/return of the inmates. He stated that Chad Forrester is supervising the inmate crew, which will be doing landscaping work throughout town, plus working on other projects as needed. He also reported that he intends to coordinate a spring beach clean-up in the spring of 2005 using the inmate crew as has been done in the past.

Mr. Classen reported that staff would like to submit a 50% grant application for a Tourism Bureau Restricted Funds Grant based upon an estimated \$100,000 eligible costs (approximately \$120,000 total costs) for the first phase of South Dogwood Multi-Use Path. The path is proposed to begin at Kitty Hawk Elementary School and proceed approximately 3,000 feet – likely near Duck Woods Country Club. Hearing no objection Mayor Sutherland moved to authorize the Town manager to apply for the grant.

Mr. Classen stated at the August 17, 2004 Special Meeting, Council directed staff to propose amendments to the fines applied when a person does not roll back his trashcans within 24 hours following collection. He presented draft Ordinance No. 2004-09-gg (V.09-02-2004) provides that a code enforcement officer seeing a trashcan not rolled back from the street would document the violation, roll back the can off the right-of-way, and send a \$25 per can ticket to the property owner. He stated that this is the same fine as for a parking ticket.

Ordinance No. 2004-09-02  
Version 09-02-2004

An Ordinance of the Southern Shores Town Council  
Relating to Trashcans

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 8-5(b), Southern Shores Town Code - Placement and maintenance of receptacles

Section 8-5(b) of the Southern Shores Town Code is hereby amended as follows:

- (a) No receptacle shall be placed out on the street right of way earlier than twenty four (24) hours before scheduled pickup. A Receptacle shall be moved out of the street right of way within twenty four (24) hours following each collection. Violations will subject the offender to a civil penalty upon the issuance of a citation as provided in Section 1-6 (d-1) of the Code of Ordinances of the Town of Southern Shores, hereinafter referred to as the Code.
- (b) Upon finding a trashcan in violation of this section, the Town shall remove the trashcan from the street right of way, notify the owner of the violation, and assess a civil penalty in accordance with Section 1-6(d-1) of this Code.

Article IV. Amend Section 1-6(d-1), Southern Shores Town Code - General penalty; enforcement of ordinances; continuing violations.

Section 1-6 (d-1) of the Southern Shores Town Code is hereby amended as follows:

*(d-1) Violations of Chapter 5 and Section 8-5(b) of this Code shall subject the offender to a civil penalty upon the issuance of a notice or ticket of violation of Chapter 5 and Section 8-5 (b) in accordance with the provisions of Article VI (Enforcement) of Chapter 5. The amount of civil penalty shall be in the sum of twenty-five dollars (\$25.00) for each violation and each day any single violation continues shall be a separate violation. The civil penalties shall be paid and collected in accordance with Article VI of Chapter 5 and Section 8-5 (b) and if such penalty is not paid within fifteen (15) days of the issuance of the notice or ticket, the sum shall be recovered by the town in a civil action in the nature of debt.*

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.

Approved this \_\_ day \_\_\_\_\_, 2004.

\_\_\_\_\_  
Mayor Paul Sutherland

ATTEST:

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Carrie Gordin, Town Clerk  
Approved as to Form:

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Ike McRee, Town Attorney

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Mayor Sutherland moved to introduce proposed ordinance and further discuss it at the September 17, 2004, meeting. 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.

Mr. Classen stated that the auditor recommends the Tax and Finance Technician position remain as a full time position with the position described as an accountant rather than a bookkeeper and that the salary level of Grade 18 remain. He stated that the position will also have the duties/title of tax collector in the job description.

Mayor Sutherland moved to approve the recommendations for the finance position 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.

Mr. Classen stated the Town of Duck is receiving bids from qualified contractors to provide services related to the planting of beach grass along the dune line. He stated that Southern Shores will take similar action prior to November working with the Town of Duck.

### **Town Attorney**

Ike McRee reported that the Bowlin litigation has been resolved and that Mr. Bowlin was ordered by the court to pay the Town \$5,000.00 and stated that Mr. Bowlin was in violation of the town's zoning regulations.

Mr. McRee stated that the Franchi case is to go to court next week and that the Ginguite Woods Water Reclamation Association still has not paid the \$7,000 in fee violations to the Town.

### **Public Comment**

Irma Leake of Mallard Cove asked that Council consider constructing a multi-use path on S. Dogwood from the traffic light to the Duck Woods Country Club. She stated that this would be helpful. She also asked if Council would know why she has bad cell phone reception. It was suggested that she should contact her phone carrier.

Ray Sharpe representing Duck Woods Country Club stated he has met with the utilities people on the construction project for the new country club and if a path is being

proposed on S. Dogwood they should be advised to coordinate with that plan and the consideration of a stormwater management plan.

Pat Kallaher of 111 High Dune Loop stated that the new construction of Kitty Hawk Elementary School also should be included in project planning of the proposed path on S. Dogwood as well as a stormwater management plan.

Hearing no other business Mayor Sutherland moved to go into closed session to discuss a personnel matter. 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.

Upon returning to open session Mayor Sutherland moved to adjourn the meeting at 10:10 p.m. 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.

ATTEST:

Respectfully submitted:

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Mayor

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Carrie Gordin, Town Clerk

