

Town of Southern Shores

"A Town of Volunteers"

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Council Meeting

January 2, 2001

7:30 pm.-Pitts Center

1. Mayor Sutherland called the meeting to order at 7:30 p.m.
2. Mike Hejduk led the Pledge of Allegiance
3. Mayor Sutherland called for a moment of silence for the family of Robert Garris.
4. Consent Agenda-Mayor Sutherland announced that at the close of this meeting Council would recess to go into closed session to discuss a personnel matter. Councilman Campbell made a motion to adopt the Consent Agenda as presented. Councilman Denny seconded. Approved unanimously.
5. Planning Board Report-No report
6. Public Hearings

Mayor Sutherland announced that anyone wishing to speak at the public hearings needs to sign in and state their name and give brief remarks and that Council would not enter into any dialog at this time.

a. Proposed Cable Services Regulatory Ordinance.

Mayor Sutherland opened the public hearing at 7:35 p.m. No one signed up to speak. Mayor Sutherland closed the public hearing at 7:37 p.m.

Councilman Denny asked Tom White, Town Attorney, if he was satisfied with the document. T. White stated that the document has had some minor changes to the original and appears to be fine.

Councilman Campbell stated that Council has reviewed the document and he made a motion that Council adopt the ordinance as presented. Mayor Sutherland seconded. Approved unanimously.

b. Proposed Amendment to Town Code-Chapter 7, Planning & Development, Article VII, Flood Damage Prevention

Mayor opened public hearing at 7:38 p.m. No one signed up to speak. Mayor Sutherland closed the public hearing at 7:39 p.m. Mayor Sutherland read the proposed ordinance. Councilman Denny made a motion to adopt the ordinance as presented to become full force and effective this 2nd day January 2001. Mayor Sutherland seconded. Approved unanimously.

Public Hearings cont'd

c. Proposed Large Rental Structures Moratorium

Mayor Sutherland opened the public hearing at 7:41 p.m. He called upon the first speaker who signed up.

Charles Rocknak, Realtor for Greg Hartle. He stated that his client, Mr. Hartle has submitted a site plan (for 14 bedrooms) and that he request Council to exclude these plans from the proposed moratorium since the plans were submitted before the moratorium has been presented.

Mike McCarron, 13 1st Ave. He urged Council to do whatever is necessary to prevent this type of structure in Southern Shores. A moratorium is desperately needed and to include the 14-bedroom structure that is being proposed. He urged Council to look at all legal aspects, develop a new zone if necessary. He would be happy to follow new zoning regulations and that seven-(7) bedrooms is plenty for a structure. He urges Council to stand firm.

Jennifer Frost, 43 Fairway Drive, stated that she is increasingly saddened by Southern Shores. Property owners are destroying one lot at a time, as property is being cleared. She urges Council, with the help of Glen Harvich and others, to look at the difference between the size and use of a house. These structures do not fit into the character of the Town. There are many ways to look at this and she stated that the moratorium is a negative way.

Mark Martin, 191 Wax Myrtle, general contractor, and President of the Outer Banks Home Builders Association. He stated that the Home Builders Association has been meeting and discussing these issues especially larger homes in rental vs. residential. He stated that the Home Builders have no opposition to a moratorium limiting a house to 7 bedrooms. He stated his concern is that the Town's first moratorium expired and now Council is presenting a new one-year moratorium and the impact that some of the statements in the current moratorium may become a legal problem.

Mayor Sutherland stated that at the end of the public hearing and the moratorium is not voted on Council has thirty (30) days to act.

Councilman Smith asked T. White if the Town would have a stronger position if the moratorium were for a shorter time, is a year too long? T. White stated that upon adoption of the moratorium if there are impacts listed that become invalid then the moratorium could be amended. He stated that the court would look at the length of the moratorium to see if it is reasonable in coming to terms with the issues. He stated that courts favor a shorter term.

Councilman Campbell stated that after the issues of the new moratorium are revisited then the time could be shortened, if feasible.

T. White stated that the moratorium can not be used to prolong something.

Councilman Kennedy stated that he hoped it would not take a year to take action. He stated that from the original moratorium changes were made to the zoning and Council was to sit back and see what would happen and now there is a proposal for a one-year moratorium. He recommends

Public Hearings cont'd

amending the moratorium to expire on August 2001. Mayor Sutherland stated that the Council could truncate it. Councilman Kennedy stated that the moratorium could be terminated if needed.

Mayor Sutherland stated that the moratorium is to give Council time to consider what can be done legally. He also said he would like to dispel a rumor that Council has written a large home ordinance, this is not true.

Mayor Sutherland made a motion to adopt the moratorium as presented to become in full force and effective this 2nd day of January 2001. Councilman Campbell seconded. Approved unanimously.

7. Old Business

a. Traffic Update

Mayor Sutherland announced that there is a meeting to be held in Raleigh (date to be announced) and the thrust of the meeting is to move the building of the Mid-Currituck Bridge as soon as possible.

b. Transportation Improvement Program (TIP) meeting

Mayor Sutherland reported that NCDOT held a meeting here (Pitts Center) on October 18 to discuss various scenarios for the intersection of HWY 158/NC12. He stated that Tom Gjestson, Councilman Campbell, Mayor Perry of Kitty Hawk, himself and others attended a follow-up meeting with NCDOT on December 13 in Edenton to discuss the traffic issues at US Hwy 158/NC12 and request that a program to accomplish requested improvement be incorporated into the TIP.

Mayor Sutherland stated that a memo has been written to NCDOT asking for a design study of a fly-over at this intersection.

Councilman Campbell reported that 15 people made presentations to the NCDOT representatives and that everyone was in favor of the Mid-Currituck Bridge and the alleviation of the traffic issues at the Hwy 158/NC12 intersection. He will be attending the traffic committee meetings and he would like constructive ideas from the public to share with the committee.

Tony Sylvester, resident and reporter for the Coastland Times, asked if he could go back to the moratorium issues and ask if by Council passing the moratorium does that preclude the Building Inspector from accepting the 14 bedroom site plan that has been submitted? T. White stated that Mike (Building Inspector) will meet with the Town Manager and himself regarding this.

Mike McCarron asked where is the fly-over proposed? Mayor Sutherland stated on US Hwy 158. Mr. McCarron also asked when would the 14-bedroom site plan be approved or denied? T. White stated that Council adopts legislation and the Building Inspector will review and approve or deny.

Old Business con'd

c. Dare County Underground Utility District

Mayor Sutherland stated that T. White attended a meeting regarding the Dare County Underground Utilities Program and sent forth a letter with recommendations. He explained the Dare County Underground Utility Program. The program would allow a \$1 user fee to be attached to each residential customer's bill. Mayor Sutherland stated Council was willing to approve if monies collected from the residents of the Town could come back to the Town but that they could not so Council voted no. He read a portion of the letter from T. White.

8. New Business

a. Code Enforcement Certification

Tom Gjestson, Town Manager, announced that Mike Hejduk, Code Enforcement Administrator, attended classes and is now certified as a Level 3 Building Inspector in Building, Plumbing, Mechanical, and Fire codes. He still needs his Level 3 electrical certification. T. Gjestson congratulated Mike on a job well done.

b. Parking Regulations-Draft amendment to Chapter 5 of Town Code

T. Gjestson reported that Councilman Denny and Police Chief Brazell have been reviewing Chapter 5 of the Town Code. They are now presenting a proposed amendment to that chapter by dropping the five (\$5) license permit fee and amending the parking areas. He stated the vehicle permit (sticker) would now be issued free on a voluntary basis.

Randall Wrenn asked if this is only for improved resident properties? T. Gjestson stated that absentee property owners could get stickers too.

Councilman Denny made a motion to adopt the amendment as presented. Councilman Smith seconded. Approved unanimously.

c.
b. Draft amendment to Chapter 1 of Town Code-General Penalty regarding Cable Services

Mayor Sutherland presented the amendment for the General Penalty on cable services. T. White stated that this raise on the Town's civil penalties to \$500.00. Mayor Sutherland made a motion to adopt the amendment as presented to become in full force and effective this the 2nd day of January. Councilman Denny seconded. Approved unanimously.

d. Appointment to Kern Pitts Endowment Fund

Councilman Campbell recommended Elsa Edwards as the Council appointee to the Kern P. Pitts Endowment Fund Board. He stated that the fund is now up to \$8,000. Councilman Denny moved to appoint Elsa Edwards as recommended. Mayor Sutherland seconded. Approved unanimously.

New Business cont'd

e. Purchase of boat, motor & trailer for Police Dept.

Chief Brazell made a recommendation to Council to purchase a boat, motor, trailer and accessories as need to be used in patrolling the waters for jet-ski violators. He stated that it is possible to receive a law enforcement grant that would allow for 50% of the cost. He stated that the jet-ski will be surplus and sold. He stated that the jet ski was time consuming to the officers and a boat would be more suitable and stable. Mayor Sutherland stated that the Town Manager has the authority to make the purchase. Councilman Smith asked Chief Brazell if he has received any word about the grant approval? Chief Brazell said not at this time.

f. Accept donation of three weapons from Jack Bradley for the Police Dept.

Chief Brazell stated Jack Bradley, long-time resident of the Town, recently moved and he has donated three (3) weapons to the Town. Chief Brazell asked that Council accept the weapons into inventory so that they may be used later for trade-in. Mayor Sutherland stated a letter would be written to Jack thanking him. Councilman Denny moved to accept the donated weapons into the Police Department inventory to be used later for trade-in. Mayor Sutherland seconded. Approved unanimously.

g. Dare County Tourism Board of Directors appointment

Mayor Sutherland announced that every two years each town must submit names to be on the board. He stated that he has been re-appointed for another two-year term.

h. Police Dept. Regional Grant for mobile data dispatch software

Chief Brazell presented documentation regarding a grant to be used for software that is needed for the mobile data dispatch computer. Chief Brazell stated that the funds would come from the budget beginning July 2001. Mayor Sutherland moved to approve the grant amount \$3,093.44. Councilman Kennedy seconded. Approved unanimously.

Chief Brazell gave the monthly and year-end police report. He stated that there has been an unusual amount of break-ins (28) for December. He stated that the homes were empty. He urged everyone to call the Police Dept. if they see anything out of the ordinary.

i. Draft amendment to Town Code, Chapter 4, Fire Prevention and Protection

Fire Chief Bakken presented Council with an amendment to Chapter 4 of the Town Code regarding burn permits. He explained that the department has residents to fill out a form before they are issued a burn permit and the form has been revised. Mayor Sutherland made a motion to adopt the amendment as presented and to become in full force and effective this 2nd day of January. Councilman Kennedy seconded. Approved unanimously.

j. Work Force Housing Resolution

Mayor Sutherland read the resolution and made a motion to adopt it as presented. Councilman Kennedy seconded. Approved unanimously.

New Business cont'd

Mark Martin stated that he is a member of the task force sponsored by the O. B. Chamber of Commerce and a symposium would be held in March on this issue and he thanked Council for their support.

k. Attendance at Annual Clerk School

T. Gjestson announced that Carrie Gordin would be attending a two day annual Clerk School in February.

9. Public Comment

Nancy Klahre thanked the Council and the O.B. Visitors Bureau for the "Millennium" fireworks.

Bruce Bortz stated that two years ago his daughter's car was broken into and that he had to press the Police Dept. for a crime report. He stated that he feels there is a problem and that the Town needs to replace the trained detective position. He stated that eight-five (85) break-ins are unacceptable.

David Stick, the first Mayor of Southern Shores, stated that this is the first Town meeting he has attended in twenty years. He has become concerned over the "large home" issues. He stated that he and his father (Frank Stick) spent hundreds of hours developing the Town and envisioned the Town being what it is today. He stated that the development of the Town was to be as residential community. It did not mean there would be no rentals but the houses would be second homes until the property owner would retire and move here. He stated that 13 and 14 bedroom homes are not residential.

Mr. Stick stated that he is proud that more changes have not happened. The Town Councils have supported the single-family residential vision. He stated that there has always been a necessity for the Mid-Currituck Bridge. He stated that the Town was developed to keep separate the commercial zone from the residential zone. He and his father always wanted to maintain this Town as a single-family residential area. He stated that he could talk forever on this subject and would be happy to return at a later time.

Jim Conners, SSCA President, stated that the SSCA have invited Mr. Stick to speak, in the near future, at one of their general meetings.

10. Council's Agenda

Councilman Denny-none

Councilman Kennedy reminded everyone that Council's Retreat will be held on January 16-17, 2001 and everyone is invited to attend. It will be held in the Pitts Center.

Councilman Campbell-none

Councilman Smith welcomed residents, Russ and Judy McCarthy back to Town.

11. Mayor's Agenda

Mayor Sutherland congratulated Joan Freemantle and Lillian Oswald for developing the Southern Shores Music Association. It is just another example of why Southern Shores is such a great place to live.

Mayor Sutherland announced that Dare County Commissioner's have a resolution regarding anti-annexation of Martin's Point. He stated that Southern Shores has opposed and has received support from three of the other four towns.

12. Town Manager's Agenda-none

13. Town Attorney's Agenda-none

Mayor Sutherland made a motion to go into closed session to discuss personnel matters at 9:05 p.m. and that the minutes would be sealed. Councilman Kennedy seconded. Approved unanimously.


Mayor Sutherland made a motion to return to open session at 9:40 p.m. and to adjourn. Councilman Campbell seconded. Approved unanimously.

ATTEST:



Mayor Sutherland

Respectfully submitted:



Town Clerk