



Town of Southern Shores

“A Town of Volunteers”

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: info@southernshores.org

Council Meeting
May 2, 2000
7:30 p.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 7:30 p.m.
2. Mayor Sutherland led the Pledge of Allegiance.
3. Mayor Sutherland asked that a moment of silence be held for Russ McCarthy, Marge Charlton, and Jack Cox, due to their illnesses and to Janet Smith for her back injury.

Mayor Sutherland commented that many residents were not here tonight because it is election night and that Council should consider changing the November Council meeting since that also will be an Election Day.

4. Consent Agenda

Mayor Sutherland presented the Council minutes of the April 4 2000 meeting and the Building Inspection Department report. Councilman Kennedy made a motion to adopt the consent agenda. Councilman Denny seconded. Approved unanimously.

5. Planning Board Report

Chairman Morrison presented and read the recap of the Planning Board meeting dated (4/18/00).

Chairman Morrison recommended that Council not change the zoning ordinance regarding non-commercial signs, in particular the elections, by changing the allocated time for posting from 8 weeks to 4 weeks. Mayor Sutherland stated that Council would abide by the Planning Board's recommendation and not change the ordinance.

Chairman Morrison recommended that Council extend the moratorium on the Telecommunications Towers for six months to allow the Planning Board more time to develop an ordinance and to locate an appropriate site.

Mayor Sutherland with Council's approval set a date of June 6 at 9:00 a.m. in the Pitts Center for a public hearing to extend the Telecommunications Tower moratorium for another six months.

Planning Board Report cont'd

6. Old Business

a. Resolution of Intent-Mayor by Popular Vote

Mayor Sutherland presented and read a draft Resolution of Intent regarding the election of the Town Mayor by the voters. Council may plan to adopt the resolution at the July meeting and a public hearing will be held at the August Council meeting.

Tom White explained that NC General Statutes sets the time frame for such a change in the Town's charter.

Mayor Sutherland presented a simple question that would be put on the ballot, which is "Do the residents of the Town want to vote for the Mayor"?

Tony Sylvester asked what would be the voting power of the Mayor if this were put into place? He explained that in some Town's the Mayor only votes as a tiebreaker. Mayor Sutherland stated that is one of the issues Council will be deciding.

Councilman Smith commented that the term of the Mayor should remain a 4-year term not a 2-year term. Council should remain a 5-member board and leave things as they are except to allow the citizens to vote for the mayor.

Councilman Kennedy stated that a draft ordinance would be presented prior to the public hearing for citizen review and considerations will be addressed.

Councilman Denny solicited the audience by asking them to call him with questions or comments regarding this issue.

b. RFP-Street Maintenance

Councilman Denny stated that a request for bids has been submitted to local contractors regarding a bid on the street maintenance program. He listed the streets designated for repair are: Yaupon, Circle Drive, Point Comfort Lane, Holly Trail, Trout Run and Ocean Blvd north of the phone booth. He stated that Tall Pine originally was on the list but has been dropped from the list because it needs extensive repair and will be scheduled for FY00-01 budget.

Councilman Denny stated that a pre-bid conference was held and the bids will be opened on May 16 at 11:00 a.m. Councilman Kennedy made a motion to approve the bidding process for the street maintenance program. Councilman Smith seconded. Approved unanimously.

c. Multi-Use Path Update

Councilman Denny stated the multi-use path is staying on schedule. He commented that 16 feet of additional bulkhead was needed but the cost of the path is within the budget. Mayor Sutherland commented that it appears the majority of the citizens are pleased.

Old Business cont'd

d. Floodplain Management Plan Committee Update.

Councilman Kennedy stated that a survey has been sent to all property owners of the Town in regards to the Town's flood management program. He stated that the FPMP committee is holding a citizen participation meeting on May 16 at 7:00 p.m. in the Pitts Center to go over the results of the survey. Tom Gjestson stated that the Town property owners who are in the flood zone receive a 20% discount on their flood insurance rates because the Town has a plan and follows it. Southern Shores has the best rating on the coast along with Wrightsville Beach.

Councilman Kennedy commented that Martin's Point residents were a party to this survey also.

7. New Business

a. Interlocal Agreement with Nags Head/Ocean Rescue

Tom Gjestson stated that Southern Shores has requested that Nags Head Ocean Rescue delete the paragraph regarding the personal watercraft patrol on Ginguite Bay and Currituck Sound from the current Ocean Rescue agreement.

He recommends that Council approve the amended agreement. Councilman Denny made a motion to approve the amended Interlocal agreement with the Town of Nags Head as presented. Councilman Kennedy seconded. Approved unanimously.

Tony Sylvester asked if this means the Town's Police Department would be patrolling the waters? Tom Gjestson said yes in accordance with the personal watercraft ordinance.

Tom Gjestson presented budget ordinance amendment number four to the FY99/00 budget for the Interlocal agreement with the Ocean Rescue Service. He explained the amendment is to allow for an increase of \$5,000 to cover training expenses that was not included in the budget. Additional revenue to come from the undesignated fund balance. Councilman Kennedy made a motion to approve the budget ordinance amendment as presented. Councilman Denny seconded. Approved unanimously.

Mayor Sutherland stated that the Nags Head Ocean Rescue Service has been uniformly outstanding. He stated that Tom Gjestson and he met with the new director, Don Hutson and that service began on May 1.

b. Appointment to the Dare County Parks and Recreation Committee

Mayor Sutherland stated that the service director of the DC Parks and Recreation Department has asked the Town to appoint a nominee for a steering committee. Mayor Sutherland announced that Karen Sykes has been selected and her name will be submitted as requested.

New Business cont'd

c. Announce Martin's Point Joint Meeting

Mayor Sutherland announced that a meeting would be held on May 17 time to be determined and announced, probably 1:00 p.m. in the Pitts Center with the Martin's Point Property Owner's Association Board of Directors, Council, and two County Commissioners, Cheryl Byrd and Geneva Perry. He stated there would be a facilitator, Dr. John Stephens, from the Institute of Government. He stated that he hopes this meeting will lend mutual understanding of the two parties involved. He identified Cheryl Byrd, County Commissioner, as the one who initiated this meeting. Mayor Sutherland announced that there is a chronology of all events related to ETJ of Martin's Point since 1979 in Town Hall for anyone who is interested.

d. Proclamation for National Safe Boating Week

Mayor Sutherland presented and read the proclamation for National Safe Boating the week of May 20-26, 2000. Councilman Kennedy made a motion to adopt the proclamation as presented. Mayor Sutherland seconded. Approved unanimously.

e. Code Enforcement Committee

Mayor Sutherland explained that the Code Enforcement Administrator's job is to enforce the code and that he is the one to interpret it also. The NC Home Builders Association attended a meeting to explain to Council how difficult it is sometimes to apply the code to a situation.

Tom Gjestson explained that there is some controversy in town over various portions or interpretations of the zoning ordinance and that appointing a Code Enforcement Advisory Committee would be a way to handle situations before they become problems. He stated that this in no way changes the duties of the building inspector or his responsibilities and all decisions regarding the zoning interpretations would continue to be made by him.

Mayor Sutherland made the motion that the Town establishes a Code Enforcement Advisory Committee (CEA) consisting of two members from the Council, the Code Enforcement Administrator, and the Town Manager, to be called into session by the CEA when he faces unique and controversial issues to review and suggest ideas for his consideration. Councilman Kennedy seconded. Approved unanimously. Tom Gjestson suggest that Hal Denny and Gene Kennedy be appointed as Council's initial appointees to the committee. Agreed.

Dan Shields asked if this committee would have any impact on the Planning Board or the Board of Adjustment? Tom Gjestson said that it would not.

New Business cont'd

f. Set date for public hearing for Solid Waste Management Plan

Councilman Kennedy reported that in 1997 the State required each municipality to compile and submit a Solid Waste Management Plan for the period of 1997-2006 and then submit an update every three years. He stated that a draft revision would be available for Council to review by next Monday and for anyone else who is interested. He stated that Southern Shores does very well because of the chipping and curbside recycling programs. Council agreed to set the public hearing to adopt the plan at the Council's June 6 meeting.

Mayor Sutherland recognized past Council Member Diane Henderson for her hard work on the original plan.

g. Set date for Budget Workshop meeting

Mayor Sutherland announced the budget workshop for the FY00/01 would be held on May 16 at 1:30 p.m.

8. Public Comment

Pete Macfarlane gave a fire hydrant testing report. He reported that there are 326 hydrants and it is a requirement of the State that they be tested to keep the fire insurance rating a 5, which has been done for the last seven years. He stated that his committee started with 27 and now is at 14 members. He recommended that Council consider adopting an ordinance that would prohibit the placing of brush and debris within 15' of a fire hydrant and that the charge be a misdemeanor. He asked that the chipper be told not to dump chips beside the fire hydrants. He stated that the property owners conscientiously hide the hydrants. He also reported that there are houses that are missing "house numbers" and that should be taken care of, unlicensed vehicles are on properties, and cable lines have been laying on the ground in the same place for six years.

He commented on another issue that no Council Member was represented at the annual Senior Games held at the Baum Center and that Southern Shores was the only town not represented. Mayor Sutherland explained that he had the flu and could not attend.

9. Mayor's Agenda

Mayor Sutherland asked to present his agenda at the end of the meeting.

10. Council's Agenda

Councilman Denny-none

Councilman Kennedy recommended that Council task the Planning Board to draft a right-of-way ordinance.

Council Agenda cont'd

Tony Sylvester asked why is there a need for such an ordinance when the Town already has authority over right-of-ways?

Chief Brazell stated that there are no sanctions allowing the Town to remove items in the right-of-way.

Tom White explained the Town does have the right to regulate items in the right-of-way such as parking, signs, bikes or whatever the ordinance covers but the ordinance needs to be specific.

Jim Morrison, Planning Board Chairman, stated that this ordinance would be a town code not a zoning issue and is subject to police powers.

Councilman Campbell suggested looking more closely at this issue at the next Council workshop before any ordinance is written. He explained that there are items in some right-of-ways that have been there for years and he would like to take some time to consider the uprooting of everything in a right-of-way.

Mayor Sutherland stated that this issue would be tabled to the May workshop.

Councilman Kennedy stated that he submitted a list to the Town Manager regarding brush and tree trimming along the roads that needs to be done. He stated that the overgrowth is affecting the emergency vehicles. Councilman Kennedy commented that he would like to see the \$10,000 that is in the budget for this purpose to be used before the money is lost.

Councilman Denny explained that some trees in the right-of-way have been marked with a red or orange X for the tree removal program. Councilman Denny stated he has been selective in the trees marked. He has selected only those trees that are hazardous, i.e. too close to the roads and dead or dying.

Councilman Campbell-none

Councilman Smith reported that he is working with Ben Cahoon on the design changes that are going to be done to the Pitts Center. He stated that he should have some details by the end of the week and they should be put out for bid by the end of next week.

Councilman Smith thanked Rescue 12 and the Police Department for their help with his Mom and her back problem.

Mayor Sutherland continued his agenda.

Mayor Sutherland reported he received a letter from Jerry Jennings, NCDOT, regarding the NC 12 access that Council denied to the Kitty Hawk Hotel. The letter confirmed that if Council denies the access then NCDOT abides by that decision.

Mayor's Agenda cont'd

Mayor Sutherland proposed that the Planning Board look at the draft ordinance regarding lot coverage and easements on private property written by Tom White. Jim Morrison stated that the Planning Board would discuss the amended ordinance and make a recommendation at the Council's May workshop.

11. Town Manager's Agenda

Tom Gjestson reported that he received the Powell Bill package which when filled out and submitted gets the Town around \$110,000.00 for yearly road repair.

Tom Gjestson submitted a list of pertinent holiday and calendar dates for Council's consideration.

Council July meeting falls on July 4-holiday. Council agreed to hold the meeting on July 6 at 7:30 p.m.

Council November 7 meeting falls on Election Day at 7:30 p.m. Council agreed to hold the meeting at 9:00 a.m.

Council December Workshop falls on December 25. Council agreed to hold the workshop on December 19 at 9:00 a.m.

Council agreed to hold the Volunteer Luncheon on December 8 at noon and the annual Employee Recognition Dinner on Saturday January 6, 2001.

Tom Gjestson asked Greg Solesbee, Fire Chief, if he had a report. Chief Solesbee stated that he would like to propose to Council that they consider the use of fire breaks. He suggested that a committee be set up and that they work with the State Forestry and Wildlife Service in determining the fire breaks. He stated that now the canals and Ginguite Creek and Bay are the firebreaks. He commented that it would be a heavy expense to the Town and it may take until the FY budget of 2001/2002 to come up with what is needed. Councilman Kennedy recommended that Chief Solesbee come up with a charter and committee suggestions to be discussed at the next council workshop.

Tom Gjestson asked Chief Brazell to give the monthly police report. Chief Brazell gave the report and then reported that the Department of Corrections inmates have cleaned up the beach and sides of roads. He reported that no permits have been issued for personal watercraft.

Tom Gjestson asked Mike Hejduk to report on the Food Lion expansion in the Market Place. Mike Hejduk stated that the Food Lion is proposing to expand and to make the store look like the one in Kill Devil Hills with 52,000 sq. ft. He also stated that they have asked for extended working hours.

Town Managers' Agenda cont'd

Councilman Kennedy asked the Mayor if there has been any word from NCDOT regarding a representative coming to speak on the NCDOT Transportation Improvement Program (TIP)? Mayor Sutherland said he has not been contacted but that Rolf Blizzard, from Senator Marc Basnight's office, is attending the SSCA meeting and may be talking about the TIP and the Mid-Currituck Bridge.

12. Town Attorney's Agenda-none

Mayor Sutherland stated that volunteers play such an important part in the Town and that recently Mike Hejduk's department needed volunteers for a large mailing. He stated that Maureen Ducker was called and she had 25 people come to volunteer to do a mailing for the Floodplain Management Plan committee. Mayor Sutherland thanked them all.

Mayor Sutherland presented a proclamation proclaiming the week of April 30-May 6, 2000 as Municipal Clerk week. He read the proclamation and presented it to the Town Clerk, Carrie Gordin. Ms. Gordin thanked them for their support and her new office.

13. Announcements-none

Councilman Kennedy made a motion to adjourn the meeting at 10:05 p.m.

ATTEST:



Mayor

Respectfully submitted:



Town Clerk



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April 28, 2000

MONTHLY PERMIT SUMMARY

TYPE CONSTRUCTION	NO.	COST	FEES
SOUTHERN SHORES			
New	10	2,218,500.00	15,490.82
Add/Alt	7	386,227.00	2,123.63
Other	19	130,148.15	1,676.72
TOTAL SS	36	2,734,875.15	19,291.17
CUMULATIVE FY2000	297	19,645,249.70	138,681.38
TOTAL HOMES SS (TOTAL LAST YEAR)	1900 1824	*(4 Certificate(s) of Occupancy issued this month)	
MARTIN'S POINT			
New	3	1,206,871.00	7,003.72
Add/Alt	0	-	-
Other	0	-	-
TOTAL MP	3	1,206,871.00	7,003.72
CUMULATIVE FY2000	30	4,012,587.00	25,441.94
TOTAL HOMES MP (TOTAL LAST YEAR)	172 154	(1 Certificate(s) of Occupancy issued this month)	
CAMA PERMITS	1		50.00
PLAN REVIEW FEE	25		2,035.00
ADD TO PERMITS	0		-
RE-INSPECTIONS	2		100.00
OUTSTANDING			
TOTAL MONTH		3,941,746.15	28,479.89
TOTAL YEAR		23,653,936.70	181,080.46

Respectfully submitted

Michael Hejduk
Building Inspector

* Plus 1 that replaced a demolished house

*NOTE: REPORT SUBJECT TO REVISION TO INCLUDE ALL PERMITS & APPLICATIONS COMPLETED UNDER ORDINANCE EFFECTIVE PRIOR TO MAY 1ST, 2000.

PLANNING BOARD MEETING RECAP

4/18/00

Prepared by Jim Morrison for Council Workshop 4/25/00

1. Consideration of Proposed Amendment to Article VI, Section 6.03, Non-Commercial Signs (amendment attached)—Election Signs

The Planning Board does not recommend this amendment to the ordinance.

Members saw no reason to limit these signs any differently than other non-commercial signs (8 weeks); did not see a particular problem in past election years; did not want to diminish candidates' access; saw this as a sign of positive candidate and public enthusiasm for the campaign process; and felt the Inspections office time was better spent enforcing other regulations.

The vote was unanimous.

2. Telecommunications Towers

Council should anticipate another extension of the moratorium so that the Planning Board can better assess other towns' treatment of this issue, as opposed to Dare County's where open space and segregation of commercial and residential areas are more distinct. The draft ordinance may have been too restrictive, effectively prohibiting the placement of an effective tower. Counsel's feeling was that we need to identify areas where we could tolerate a tower, and the Board is currently assessing how we could encourage towers co-located on the water tower, or near to the South Dogwood fire station tower, without permitting those towers in other residential districts. The water tower and fire station are in R-1 districts. Tower heights approaching 200' pose problems in set-backs and fall-zones given our typical 100' wide lots, and there is also concern about interference caused by towers when located close to residential districts. We will consult the Town Engineer to determine what expertise we need in this area of electromagnetic interference so it can be addressed in an ordinance. And, we will seek Lee Padrick's assistance in obtaining ordinances from other small towns. The current moratorium expires in June.

Please set a public hearing in May for the June 6 meeting.

3. Land Use Plan

The Planning Board is reviewing specific policies and responses from the 1997/1998 Land Use Plan Update in preparation for the 2002 Update. A key component of the 2002 Update is progress toward prior goals. Unresolved issues raised by the questionnaire responses include: tree cutting ordinances, required bulkheading on canals, application of CAMA-type regulations to bulkheading in the canals and Ginguite Bay, and possible regulation of mooring fields. None of these have been endorsed or studied by the Planning Board at this time, but in the future we will bring each to Council with a recommendation so that we can note resolution of each of these 1997 Update issues prior to the 2002 Update.

Attachment: Election Signs amendment

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE II,
OF THE CODE OF ORDINANCES OF THE
TOWN OF SOUTHERN SHORES**

Be it ordained by the Town Council of the Town of Southern Shores as follows:

PART 1. Section 7-17 (a), COMPOSITION, TERMS OF OFFICE, of Article II, PLANNING BOARD, of the Code of Ordinances is deleted in its entirety and replaced with the following revised Section 7-17 (a):

- (a) The planning board shall be composed of five (5) members who shall be residents of the town and shall be appointed by the town council. The members shall be appointed for staggered terms of three (3) years. *Two (2) alternate members who shall be residents of the town shall also be appointed by the town council for terms of three (3) years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term by the council. Initially, for the first year of the planning board, its chairman shall be appointed by council. Thereafter,* The planning board shall elect its chairman and vice-chairman subject to the approval of council. The term of the chairman and vice chairman shall be for one (1) year, with eligibility for reelection.
- (b) *(Unchanged)*

PART 2. New Section 7-17 (c) is added:

- (c) *In the absence of any member of the planning board, as recorded in the roll call at the beginning of any meeting, an alternate member, if available, shall be selected by the chairman to participate and vote in the member(s) absence. Such alternate member(s) shall not represent any area of extraterritorial jurisdiction when the planning board is enlarged to consider matters affecting such areas.*

PART 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART 4. This ordinance shall be in full force and effect from and after the ___ day of _____, 2000.

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PART 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART 4. This ordinance shall be in full force and effect from and after the ___ day of _____, 2000.



PROCLAMATION
MUNICIPAL CLERKS WEEK
APRIL 30 THROUGH MAY 6, 2000

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Municipal clerk is the oldest among public servants, and

WHEREAS, The Office of the Municipal clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations, and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk:

NOW, THEREFORE, We, The Town Council of Southern Shores, do recognize the week of April 30 through May 6, 2000 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, **Carrie Gordin**, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Adopted this 2nd day of May 2000.

Paul Sutherland, Mayor

Hal Denny, Council Member

Joe Campbell, Council Member

Don Smith, Council Member

ATTEST:

Thomas Gjestson, Town Manager

Gene Kennedy, Council Member



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BO 99/00-4

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR FISCAL YEAR 1999/2000

BE IT ORDAINED, by the Council of the Town of Southern Shores that the Budget Ordinance for the fiscal year ending June 30, 2000 is hereby amended as follows:

SECTION I. Appropriations:

The amount appropriated for the Ocean Rescue Department is hereby increased by \$5,000.00 to \$103,000.00.

SECTION II. Estimated Revenues:

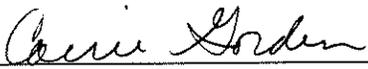
An amount totaling \$5,000.00 is hereby appropriated from the Undesignated Fund Balance.

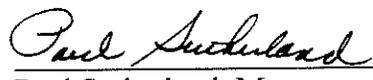
Total appropriations and total estimated revenue for fiscal year 99/00 now each equal \$2,403,894.00.

Adopted this 2nd day of May 2000.

SEAL

ATTEST:


Town Clerk


Paul Sutherland, Mayor



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PROCLAMATION NATIONAL SAFE BOATING WEEK

WHEREAS, approximately 800 people die each year in boating-related accidents in the U.S.; nearly 80% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public.

NOW, THEREFORE, The Town Council of Southern Shores do hereby support the goals of the North American Safe Boating Campaign and proclaim May 20-26, 2000, as **National Safe Boating Week** and the start of the year-round effort to promote safe boating, and in observance thereof urges all of those who boat to "Boat Smart from the Start" by wearing a life jacket and to practice safe boating habits.

This is the 2nd day of May 2000.

Town Council of Southern Shores

By: Paul Scarborough

Mayor

ATTEST:

Carrie Gordon
Clerk