

# 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](http://southernshores.org)

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Council Meeting  
December 5, 2000  
9:00 a.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 9:00 a.m.
2. Mayor Sutherland led the Pledge of Allegiance
3. Mayor Sutherland asked that a moment of silence be held for the families of Dan Wise, Lawrence Dawson, and Marge Gersen, wife of former Councilman, Wayne Gersen.
4. Consent Agenda

Mayor Sutherland presented the Council minutes of November 7, 2000, the monthly building inspection report and the monthly tax reports. Councilman Campbell made a motion to accept the Consent agenda as presented. Councilman Smith seconded. Approved unanimously.

### 5. Planning Board Report

Chairman Morrison presented recap for the November 20, 2000 meeting.

Chairman made the recommendation to Council that they approve an amendment to the Kitty Hawk Elementary School site plan (submitted October 10, 2000) to allow the installation of a 24'x36' modular unit, as shown on the site plan, with condition that the unit be removed within three years.

Gerald Norwood stated that he has been teaching for 35 years and he is a substitute teacher and he supports the need for the unit but they should expect three to five more would be needed within the next three years. He stated that Kitty Hawk Elementary School has had eleven additional students enrolled since Thanksgiving and more should be expected after Christmas. He suggested that Council contact the school board and the County Commissioners and ask that they do something to alleviate this problem and not use the children as pawns.

Councilman Kennedy asked Jim Winebarger, Dare County Director of School Maintenance and Construction, if there is a projection for more modular units? J. Winebarger stated that the school board has a ten-year plan which shows that a new elementary school should be completed by 2003-2004 and it is hoped that the modular units will be gone. He stated that the campus at Kitty Hawk Elementary is a tight site on lot coverage and there could be a need for more units in the future.

Planning Board Report cont'd

Councilman Kennedy asked is that three-year period a calendar year or school year? Chairman Morrison stated it is a three-year period from the time Council approves the site plan request.

Randall Wrenn asked what happens if there is a need for the unit after the three year period. What would be done? Mayor Sutherland stated the time frame could be extended.

Mayor Sutherland repeated that the recommendation from the Planning Board to allow the amendment of the site plan for Kitty Hawk Elementary School for the installation of a 24'x36' modular unit to be placed as shown on site plan and that the modular unit needs to be removed within three years be approved. Councilman Kennedy made the motion to approved the above recommendation as presented. Councilman Campbell seconded. Approved unanimously.

Mimi Iacone gave the background on the draft Telecommunications Tower ordinance presented. She stated that the Planning Board has worked long and hard on this ordinance.

Bob Siegel asked why is there a need for more than one tower? M. Iacone stated that whomever applies they must show a reason why he can't co-locate on another tower.

Chairman Morrison stated that the ordinance does not prohibit these towers but allows them to be placed within the Town's commercial zone.

Randall Wrenn asked if guy wires are allowed? Chairman Morrison said that they are not.

6. Public Hearing-Telecommunications Tower ordinance (draft)

Mayor Sutherland opened the public hearing for the proposed Telecommunications Tower ordinance at 9:18 a.m. No one signed up to speak. He closed the public hearing at 9:19 a.m.

Councilman Campbell made a motion to adopt the Telecommunications Tower ordinance as presented. Councilman Smith seconded. Approved unanimously.

Councilman Denny stated that he supports the ordinance and will vote for adoption but he is uneasy about the criteria being used for review of applications. Two of the five criteria are completely subjective and could be used to reject any application, anywhere, even though it complies with the other three criteria in the ordinance. He commended the Planning Board and Mimi Iacone for all their hard work in writing this document. Mayor Sutherland also thanked them for doing a good job.

9. Old Business

a. Traffic Committee update

Councilman Campbell stated that getting everyone involved in addressing the traffic issue and asking for this relief is one instrument that will facilitate and improve the problem with the traffic.

Councilman Kennedy asked if Currituck County has contacted anyone regarding the meeting in Raleigh? Mayor Sutherland said not at this time. Currituck has the lead in setting up the meeting.

Councilman Smith stated that there has always been discussion regarding the widening of NC 12 and if improvements are done to control the traffic in that area then they might drop the discussion of widening NC 12.

b. Art Committee

Councilman Kennedy reported that the art committee consisting of Merrie Smith, Claire Cashau, and himself met on November 16. The purpose of the committee is to review works of art loaned or donated to the Town to be displayed in the Pitts Center. He said information would be in the newsletter.

10. New Business

a. Purchase of additional cemetery lots

Mayor Sutherland stated that Council has a request from the Horne family to purchase two additional cemetery lots.

Mayor Sutherland stated that in accordance to the cemetery regulations a family may purchase up to four lots but may request from Council additional lots if needed. Councilman Denny made a motion to approve the purchase of two additional cemetery lots for Horne. Mayor Sutherland seconded. Approved unanimously.

b. Board of Adjustment appointments (Chair and member)

Mayor Sutherland reported that Jack Bradley, chairman, has resigned and is moving to Asheville. Mayor Sutherland stated that Council needs to appoint a new member (for a three-year term) and chair (for a one-year term). Mayor Sutherland moved to appoint Bob Siegel for both appointments. Councilman Denny seconded. Approved unanimously.

Public Hearing cont'd

7. Set Public Hearing dates
  - a. Cable Services Regulatory ordinance
  - b. Flood Damage Prevention ordinance

Mayor Sutherland announced that a date needs to be set for public hearings for the consideration of the Cable Services Regulatory ordinance and the amendment to the Flood Damage Prevention ordinance. He stated that due to an error in the public notice for the public hearing on the large home moratorium it had to be pulled. He moved that January 2, 2001 at 7:30 p.m.(regular monthly Council meeting) be set for the three public hearings. Councilman Kennedy seconded. Approved unanimously.

8. Resolutions

Mayor Sutherland stated that there are three proposed resolutions. He asked Councilman Denny to review the resolution regarding the opposition to expanding military airspace in eastern North Carolina.

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

Councilman Campbell stated that the family of Kern Pitts has set up an endowment fund through the NC Community Foundation. He stated that Peggy Birkemeier attended the Council workshop and explained the fund. It is the hope that the fund will reach \$5,000 and be used for the community betterment of the Town. Councilman Campbell made a motion to adopt the resolution as presented. Mayor Sutherland seconded. Approved unanimously. Mayor Sutherland stated that a board would be appointed to control the funds.

Pat Storey asked why the funds weren't connected with the Outer Banks Community Fund? Mayor Sutherland stated that the family chose the fund they wanted.

Councilman Campbell reported that the traffic committee consisting of Councilman Smith, Police Chief Brazell, Bruce Green, and himself along with representatives from the Town of Kitty Hawk, Clifford Perry, Mayor, Councilman Bill Fruit, Police Chief Bill Morrison, and Richard Reid, Planner held an organizational meeting on December 14 to set the parameters for their mission. He stated from that meeting this resolution is being presented. He read the resolution.

Mayor Sutherland made a motion to adopt the resolution as presented. Councilman Kennedy seconded. Approved unanimously. Mayor Sutherland stated that the Town of Kitty Hawk and the Dare County Commissioners passed similar resolutions. He stated Council would be asking the other towns to adopt similar resolutions.

New Business cont'd

c. Parking regulations

Tom Gjestson, Town Manager, reported that a committee was appointed consisting of Councilman Denny, Police Chief Brazell and himself to review Chapter 5, Article 5, Parking of the Town Code. After meeting and reviewing it is their suggestion to do a partial recommendation by abandoning the mandatory fee of the annual five dollars (per vehicle) for the vehicle license tax. He explained it would simplify the process by not charging the license tax and allow residents and non-resident property owners to apply voluntarily for a sticker at no cost. He explained that there are areas posted in Town that say "parking by town permit only" and this would apply to the new ordinance. This means that anyone that parks there without a sticker would be ticketed. Mr. Gjestson stated that ten to eleven thousand dollars is collected from this parking permit annually. He stated that this is like a second tax cut for the property owners. He explained that information would be in the newsletter and this would become effective January 2001 when Council adopts the proposed ordinance.

Pat Storey asked what would prevent someone from buying multiple stickers for outsiders? Mayor Sutherland stated that the permit application would have property owner license plates on it so the Police Department can verify property owners.

Councilman Smith asked for clarification that the only difference from now would be the five-dollar fee is being dropped and it is no longer mandatory to have the permit? Mayor Sutherland said that is correct.

Mayor Sutherland asked Fire Chief Bakken to give the monthly report.

d. Litigation

Mayor Sutherland reported that a resident of Martin's Point has filed an action against the Town regarding the Personal Watercraft ordinance.

e. Large Home update

Mayor Sutherland reported that this issue of the construction of large homes has been studied for over a year by the Planning Board, State Planner, Town Attorney, and the Institute of Government. He stated that there were changes made to the zoning ordinance but have not found a way to do more regarding this. He assured the citizens that Council would keep trying and would be holding a public hearing in January to seek a way to control large homes (over 7 bedrooms) in Town.

Councilman Denny reported that Tom Gjestson, Mayor Sutherland, and himself met with members of the SSCA and the ARB, including Jim Conners, president. He stated that he hopes they understand that Council is committed to controlling the large home issue but it needs to be done within legal means. He stated that he encourages the SSCA and the ARB to continue their turn down of the proposed "rental machine" at 76 Ocean Blvd.

New Business cont'd

Mayor Sutherland stated that the Town is in receipt of a house site plan with 14 bedrooms. Tom White, Town Attorney, stated that if the site plan meets the NC Building Code and the Town's zoning ordinance then it can't be turned down.

Councilman Campbell asked on this particular building permit can Council question it and deem it necessary for a need for a conditional use permit prior to the approval? Councilman Campbell stated that the fact that it has 14 bedrooms is a commercial endeavor. Tom White said there is no basis for that in your zoning at this time to classify it as a conditional use.

Tom White continued by saying you can't treat one structure differently from another. If you were to draft a classification and identify the impacts these homes would have on the Town and adopt it into your zoning then you could have control.

He stated that Biltmore Estates is considered a single-family residence. He stated that some impacts that could be identified and studied are ground water impact, parking, noise, and solid waste removal. He stated that these homes are occupied by several families not your true single family. This process will take some time and the impacts need to be justified.

He stated that the SSCA is not a government body and has different laws to abide by. A civic association is created by covenants. A municipality needs to abide by equal protection of the law.

Mayor Sutherland stated that is the genesis of a building moratorium to be discussed in January.

Councilman Kennedy asked that even if a separate zoning area and a different criteria for short term rental use (bedrooms, number of occupants etc.) that does not necessarily mean we would be able to limit the size or number of bedrooms for a particular structure provided they met all the other conditions? Tom White said that is correct. You have the same argument as the sexually oriented business ordinance that the Town adopted. The Town took unusual steps to prohibit them within the Town. He said you might need to allow the large homes so that you may restrict them over prohibiting them all together.

J. Morrison, Planning Board chairman, stated that the Planning Board reviewed thoroughly but if something could be done how would it be enforced?

Mayor Sutherland stated that the citizens have asked Council to do something and they will continue to see what if anything can be done.

Councilman Denny stated that the SSCA is considering litigation regarding the 14 bedroom house. He then asked could the Town be a "friend of the court" on their behalf? Tom White said no. The Town is a party.

New Business cont'd

f. Gift policy

Tom Gjestson explained that during the holiday season folks are very kindly and want to present gifts to Town staff. He stated that the Town has a Code of Ethics policy and does not allow the taking of gifts. He said token items such as a plate of cookies for the staff is fine.

g. Set date for Council Retreat

Mayor Sutherland announced that Council needs to set the date for its annual retreat. Councilman Campbell made a motion that the retreat would be held on January 16-18, 2001 in the Pitts Center. All agreed. Mayor Sutherland stated the agenda would be forthcoming and the public is invited.

11. Public Comment

Jack Elliott, 143 Yaupon Trail, member of the SSCA ARB, stated that a property owner submitted house plans to them for a fourteen bedroom (14) structure on Ocean Blvd. which they turned down. He stated that at a meeting of the ARB, the builder, Olin Finch, said it is an injustice to the purchaser that the Town is disallowing this house. Mr. Elliott pleaded to Council to write a simple ordinance that would state that the Town does not want any homes larger than seven bedrooms. He asked what do we have to do to make it happen?

He read and presented text that states "as Southern Shores is a community of small and medium size houses, and due to the expressed desire of the residents thereof, buildings with more than seven (7) bedrooms shall not be erected nor shall existing buildings be modified to exceed this number of bedrooms." He stated that he doesn't think the residents would get upset if the Town gets sued.

Tobey Milne, 155 Yaupon Trail, recording secretary for the ARB. She stated that the lapse of the large home moratorium allowed this site plan to come forward. She stated that if a designated class is what is needed then move forward.

Jennifer Frost, 41 Fairway Drive, addressed the Council and suggested that they look to the Town of Nags Head for help and support. She stated that they have been through this. These large homes are mini hotels. She suggested that instead of adopting a moratorium to stop the large homes get proactive and involve people (realtors and builders) and make plans to move ahead. She suggested that Glen Harvich be contacted. She said he was a pioneer in the development of Nags Head. She would like to see the Town move ahead to keep this a family beach location.

Rob Milne, 155 Yaupon Trail, stated the some SSCA covenants impede the procedure to proceed with the lot disturbance ordinance.

Public Comment cont'd

Tom White stated Council can not consider covenants when making decisions. Being a governmental body it is controlled by a whole separate section of statutes and whole separate section of laws that deals with public bodies. Whereas the covenants are contracts enforced by homeowner associations.

Mr. Milne asked if the SSCA and the Town could join in a lawsuit, share the cost and enjoy the outcome? Tom White said that proposal would defeat your purpose.

Bruce Green, 121 Crooked Back Loop, President of the Chicahawk Property Owners Association. He stated that this issue is a broader in that a moratorium includes not just the SSCA but Chicahawk. A facility that is commercial impacts the whole town. Rental property is commercial.

12. Council's Agenda

Councilman Denny reported the paving of Loblolly Trail and Tall Pine Lane is finished. The next project is to rebuild Juniper Trail.

Councilman Kennedy reminded everyone to read the newsletter for changes in, due to the holidays, the garbage and recycle pickup schedule.

Councilman Smith-none

Councilman Campbell stated as being the Police Commissioner he would like to take this time to make a presentation to Sergeant Thad Pledger. He asked that Sergeant Pledger and Police Chief Brazell come forward.

Councilman Campbell read a framed certificate from Lieutenant Governor, Mike Easley, in recognition of Officer Pledger completing the Advanced Certification course from NC Training and Standards Commission, which he then presented. Councilman Campbell stated that Officer Pledger is the third officer of Southern Shores to receive this certification, Officer Buchanan and Police Chief Brazell being the first two.

Mayor Sutherland also thanked Officer Pledger's wife for her patience in allowing him to spend the time needed to complete this course.

13. Mayor's Agenda

Mayor Sutherland stated that he made a statement at a past Council meeting that Southern Shores has the lowest tax rate in Dare County and that he received an anonymous message saying that Southern Shores does not have the lowest tax rate in Dare County.

Mayor reaffirmed that the Town does have the lowest tax rate of any municipality in Dare County.

Mayor Sutherland announced that the organizational meeting of the Long Range



Mayor's Agenda cont'd

Mayor Sutherland thanked the Town staff (ladies) for the Christmas decorations in the Pitts Center.

14. Town Manager's Agenda

Tom Gjestson announced important dates:

Volunteer Luncheon: December 8, noon  
Council Workshop: December 19, 9:00 a.m.  
Council meeting: January 2, 7:30 p.m.

15. Town Attorney's Agenda

Tom White addressed Council regarding the Cable Services Regulatory ordinance. He stated that he thinks it needs some work. He stated that Council needs to read it, especially the provision regarding Article 15 on page 30 regarding miscellaneous provisions. He explained this section reserves the right for Council to have a franchise fee but upon so doing it would mean that the town would have a mini utilities company subject to FCC rules, in which the Town would need to hire more staff.

He continued that according to Article 4. Franchise fee: the Town would need to audit the company's financial records. He asked if that is what Council wants to do? It needs to be considered. It would require the Town to audit the cable company's finances. He explained this is an ordinance that the Town adopts and then the Town accepts a franchise agreement from a cable company that conforms to the ordinance.

Councilman Denny stated he thinks that Council agrees they do not want to charge a franchise fee and he didn't read it as a commitment.

Councilman Campbell stated that the Town attorney's comments were forwarded (along with comments from the other towns) to the contractor and he is to respond later in the week. He stated that in a conversation with the contractor he explained the franchise fee gives the Town the right to do it but not the instrument to invoke it. He stated Council has no intention of charging a franchise fee because you are passing it on to the customer.

Tom White stated that Council has set the public hearing date for January. He stated that this document needs to be thoroughly reviewed and written for the Town of Southern Shores. He read a sentence in Article 9 of the document that says you *shall* charge a franchise fee. He suggest that the ordinance be right before it is approved so that there will not be a need to amend it.

Councilman Denny stated that it says you shall charge a franchise fee up to the maximum amount by applicable law and Council wants to charge zero.

Councilman Campbell stated that the public hearing can be held in January and if the document needs to be amended then there is time before the April deadline when it needs

Town Attorney's Agenda cont'd

Councilman Campbell asked if Tom White's comments were forwarded to Dave Masters? Tom White said that they were. He stated that he is not saying to Council to or not to charge a franchise fee. He is only pointing out the importance of the section.

Mayor Sutherland stated that changing the word *shall* to *may* regarding the franchise fee should cover the issue.

Councilman Denny asked if Council could require in the ordinance or the franchise agreement that the utility company must notify the Town when work is being done? Tom White stated that should be covered in the franchise agreement not the ordinance. He stated that cable TV is not regulated by the state utility commission. It is not under North Carolina law a utility.

Police Chief Brazell gave the monthly report.

He asked, that due to numerous break-ins, the citizens report to the police department anything they see unusual.

16. Announcements


Tom Gjestson reported that the recycle trucks did not come on Monday due to snow in Virginia, which caused two of the recycle trucks to have an accident. He stated that they would come on Saturday. He will put out a broadcast email regarding this.

Mayor Sutherland made a motion to adjourn the meeting at 11:50 a.m. Approved unanimously.

ATTEST:

  
\_\_\_\_\_  
Mayor

Respectfully submitted:

  
\_\_\_\_\_  
Town Clerk

## PLANNING BOARD MEETING RECAP

11/21/00

Prepared by Jim Morrison for Council Workshop 11/28/00

1. RS-10 Amendment (Mallard Cove): Mike had contacted the homeowners' association president (Mike Hayes) and he had indicated he planned to attend our meeting to give us feedback on the proposed amendment. He did not attend, and one of our members who is a property owner indicated there has been no homeowner information generated by the owners' board as yet. We will contact them again and see whether they have begun their discussion process.
2. Zoning Ordinance document rewrite: Mike expects to have a draft to us in December.
3. Crown/Wendy's Site Plan: Kitty Hawk has not as yet approved the use. It was withdrawn from last month's meeting at the developer's request.
4. Kitty Hawk School, Request for Conditional Use Site Plan Amendment. The School Board would like to place a modular classroom (24' x 36') on the east side of the present gymnasium, in order to accommodate unexpected student enrollment which has forced the music room to move to a vestibule and the art "room" to be a teacher's moveable cart. The plan is to use the modular classroom until a new school can be built in 2003 to address north beach enrollment. The site plan is a mark-up of the existing site plan, several years old, however a new, as built site plan is in process. The School Board representative asked that we accept this plan, which does not show all the items currently required by the ordinance, until the revised site plan is available near the end of the year. Since this is only an amendment of an existing site plan for a temporary use, we felt this plan was adequate to present to Council. The Planning Board recommends that Council amend the existing conditional use to permit the installation of a 24' x 36' modular classroom at the Kitty Hawk Elementary School, as shown on the site plan dated September 29, 2000, with the condition that the modular classroom be removed within a three year period.

We can discuss this further at the Workshop, or send me your questions.



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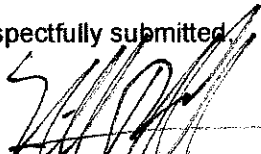
E-mail: info@southernshores.org

November 30, 2000

## MONTHLY PERMIT SUMMARY

TYPE CONSTRUCTION	NO.	COST	FEES
<b>SOUTHERN SHORES</b>			
New	9	2,640,000.00	16,678.83
Add/Alt	2	102,185.00	534.67
Other	14	145,012.62	1,451.56
<b>TOTAL SS</b>	<b>25</b>	<b>2,887,197.62</b>	<b>18,665.06</b>
<b>CUMULATIVE FY2001</b>	<b>106</b>	<b>9,315,342.16</b>	<b>61,279.14</b>
<b>TOTAL HOMES SS</b>	<b>1948</b>	9 Certificate(s) of Occupancy issued this month)	
<b>(TOTAL LAST YEAR)</b>	<b>1870</b>		
<b>MARTIN'S POINT</b>			
New	0	-	-
* Add/Alt	0	-	-
Other	0	-	-
<b>TOTAL MP</b>	<b>0</b>	<b>-</b>	<b>-</b>
<b>CUMULATIVE FY2001</b>	<b>16</b>	<b>1,705,476.00</b>	<b>10,768.11</b>
<b>TOTAL HOMES MP</b>	<b>179</b>	0 Certificate(s) of Occupancy issued this month)	
<b>(TOTAL LAST YEAR)</b>	<b>163</b>		
CAMA PERMITS	1		100.00
PLAN REVIEW FEE	13		1,210.00
ADD TO PERMITS	5		779.81
RE-INSPECTIONS	0		-
ZONING BOOK	1		7.00
<b>TOTAL MONTH</b>		<b>2,887,197.62</b>	<b>20,761.87</b>
<b>TOTAL YEAR</b>		<b>11,020,838.16</b>	<b>79,251.56</b>

Respectfully submitted,

  
 Michael Hejduk  
 Building Inspector

\* We will reporting certificates of occupancy issued and possible additions to open permits for Martin's Point.

**TOWN OF SOUTHERN SHORES**

**TAX DEPARTMENT MONTHLY REPORT**

**MONTH:** November, 2000

**DATE:** November 30, 2000

COLLECTIONS

Month To Date

Current Year – 2000	\$ 54,330.56
Prior Years – 1979-1999	\$ 2,473.35
Interest	\$ 490.78

YEAR TO DATE

Current Year – 2000	\$ 338,920.09
Prior Years – 1979-1998	\$ 11,928.92
Interest	\$ 991.89

TOWN OF SOUTHERN SHORES  
TAX DEPARTMENT

DATE: DECEMBER 5, 2000

PICKUPS

Oct Levy	\$ 3,973.74
Nov Levy	\$ 3,173.08
D. Garrett	\$ 8.69
P. Arnone	\$ 11.70
S. Mulligan	\$ 4.85
W. Smith	\$ 90.02

RELEASES

D. Cottrell	\$ 1.27
R. Middlebrooks	\$ 15.25
W. Elwang	\$ 2.91
R. Florez	\$ 8.39
E. Leonard	\$ 3.25
North Duck Wtrsp	\$ 38.79
J. Benedetto	\$ 4.08
W. Kott	\$ 3.27

TOTAL \$ 7,262.08

\$ 77.21

## JOINT TRAFFIC COMMITTEE RECAP

11/14/00

Committee members: Joe Campbell, Don Smith, Chief Brazell, Bruce Green, Bill Fruit, Clifton Perry, Chief Morris, Richard Reid

The joint Southern Shores and Kitty Hawk traffic committee met at 1PM on the 14<sup>th</sup> of November in the Pitts Center. The purpose of the committee was to review the concerns of our town communities as to the acute traffic problems that has manifested itself at the intersection of NC12/US158.

1. The committee was in full agreement that first and foremost a full, "no hold bared effort be made to ensure the building of the Mid-Currituck Sound Bridge as soon as possible.
2. A fly over/overpass is needed at intersection of NC12/US158. The committee felt that a "fly over" that would carry the north bound on NC12 over this intersection, leaving the major portion of the intersection on "ground level" having all travel lanes entering or leaving the intersection unimpeded negating the current traffic lights.

The committee suggests that the following action be taken immediately:

1. DOT install a traffic light at the intersection of NC12 and SR1493 with the proper unimpeded turn lane where possible.
2. Place the necessary traffic signage to make intersection effective as possible.
3. Place a center turn land (not a travel lane) on NC12.
  - a. Eliminate the stoppage of traffic each time a turn is made off of NC.
  - b. Allow emergency vehicle a passage.
  - c. Create a safe traffic flow.

The eight-person committee was in complete agreement with these proposals. The committee members are to take these proposal to their council for their consideration.

The committee was also in complete agreement that it is vital that there's be a unified effort by both Towns in this direction and equal importance to enlist the cooperation of neighboring governmental bodies to support our efforts.

12/2/00

SOUTHERN SHORES FIRE DEPARTMENT  
15 S. Dogwood Trail  
Southern Shores, NC 27949

Dave Bakken, Chief

Barry Shannon, Chairman

MONTHLY REPORT TO TOWN -FIRE CALLS FOR 2000

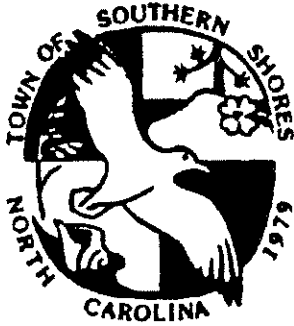
CALLS ANSWERED	NOVEMBER	FY 00-01
STRUCTURE 111	1	18
PROP O/S STRUCTURE 112	0	1
VEHICLE FIRE 131	0	2
BRUSH FIRE 142	0	5
EMS 311	13	73
RESCUE 300	2	2
VEHICLE ACCIDENT 322	0	13
SERVICE CALL 500	2	4
GOOD INTENT 600	1	2
FALSE MALFUNTION 735	0	20
FALSE UNINTENTIONAL 740	7	33
HAZARDOUS CONDITION 400	1	4
OTHER 900	0	0
<b>TOTAL CALLS</b>	<b>24</b>	<b>177</b>
MUTUAL AID GIVEN	2	36
MUTUAL AID RECEIVED	0	54
CASUALTIES	0	0
PROPERTY LOSS \$	0	0
VOLUNTEER HOURS	1112	5429



SSCA - Jack Elhatt  
12/5/00

**As Southern Shores is a community of small and medium size houses, and due to the expressed desire of the residents thereof, buildings with more than seven (7) bedrooms shall not be erected nor shall existing buildings be modified to exceed this number of bedrooms.**





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### AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF SOUTHERN SHORES

**BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina, that the Zoning Ordinance of the Town of Southern Shores be amended as follows:

**PART I.** Article III. Interpretation and Definition of Terms, Section 3.02 Definition of Specific Terms and Words is amended by adding the following definitions:

**TELECOMMUNICATIONS ACCESSORY EQUIPMENT STRUCTURE:** A building or cabinet-like structure located adjacent to, or in the immediate vicinity of a wireless telecommunications tower or antenna to house equipment incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

**CO-LOCATION OF TELECOMMUNICATION ANTENNAS:** The siting of two or more providers' wireless Communication antennas on the same telecommunication tower.

**GEOGRAPHIC ANTENNA COVERAGE AREA:** The general vicinity within which an antenna serves the transmission requirements of a cellular or other broadcasting network.

**TELECOMMUNICATION ANTENNA:** A structure intended to radiate and/or receive a source of non-ionizing electromagnetic radiation (NIER) and accessory equipment related to broadcast services, private radio services, pagers, beepers, data and common carriers (as regulated by the FCC) including AM, FM, two-way radio, fixed point microwave, commercial satellite, cellular and PCS communication systems.

**TELECOMMUNICATION TOWER:** A freestanding structure intended to support one or more telecommunication antennas.

## Telecommunications Tower Ordinance

**TOWER, MONOPOLE:** A slender self-supporting tower used to support telecommunications equipment.

**PART II. ARTICLE VII.** Schedule of District Regulations, Section 7.10, C-General Commercial District, C. Conditional Uses is amended by adding the following section:

6. Telecommunication Towers, subject to other requirements of the Southern Shores Zoning Ordinance and provided the following conditions are met:
  - a. Use Guidelines and Dimensional Requirements
    1. Location
      - a). Co-location of telecommunication antennas shall be required, whenever possible. For towers up to one hundred fifty (150) feet in height, the structure and fenced compound shall be designed to accommodate at least two providers; higher towers, up to two hundred (200) feet, at least three providers.
      - b). An existing use or structure on the same lot shall not preclude the siting of an antenna or tower on that lot. To establish compliance with setback and other zoning requirements, the dimensions of the entire lot shall determine if an antenna or tower may be located there.
      - c). The minimum distance between wireless communication facilities shall be at least one half-mile radius from any other wireless communication facility in the geographic antenna coverage area.
    2. Height
      - a). Maximum tower height, including antenna and other attachments, shall not exceed two hundred (200) feet, measured vertically from the pre-disturbance ground level at the center of the tower.
      - b). In no case shall a wireless communication facility, tower or antenna exceed the minimum height necessary to accomplish the purpose it is proposed to serve.
    3. Permitted Structures

Monopoles shall be the only type of telecommunication towers permitted in Southern Shores. Neither guyed towers nor lattice type towers shall be permitted.

## Telecommunications Tower

### 4. Setbacks

- a). Telecommunication towers shall be set back from each bordering property line or right of way a minimum distance equal to one-third (1/3) the height of the tower and tower mounted equipment measured vertically from ground level at the center of the tower.
- b). Accessory or component buildings shall be set back a minimum of fifty (50) feet from all property lines and rights of way.

### 5. General Aesthetics

- a). Towers and/or antennas shall be constructed and maintained to minimize visual obtrusiveness in color or finish.
- b). Support buildings and related structures at tower sites shall be of such design, materials and colors to blend with surrounding structures.
- c). Outdoor storage of equipment or related items shall be prohibited on tower sites.
- d). Electrical and telephone lines extended to serve a wireless communication facility shall be installed underground.
- e). Sound emissions, such as alarm bells, buzzers and the like, shall not be permitted.

### 6. Fencing

All towers and their accessory equipment structures for any wireless communication facility shall be enclosed by chain link fencing, not less than six (6) feet or more than ten (10) feet in height. Such fences may be equipped with anti-climbing devices. The gate into the fenced area shall be located so that it is not easily visible from a street or adjacent property.

### 7. Screening/Landscaping (Buffer)

- a). The base of a telecommunications tower, to a minimum height of ten feet above average grade at the tower base, shall not be visible from any thoroughfare.

## Telecommunications Tower

b). Screening is required along all exterior sides of the fence described above excluding the gate. Screening shall be a minimum width of twenty (20) feet with two (2) rows of planting material placed ten (10) feet on center, that are a minimum of five (5) feet in height when planted, and that are expected to reach a height of eight (8) feet within three (3) years. Suitable plant types shall be those recommended by the U.S. Department of Agriculture to achieve a mature growth height of eight (8) to ten (10) feet in the coastal area.

### 8. Lighting

a). Telecommunication towers shall be lighted only if specifically required by the FAA, in which case, FAA minimum lighting requirements shall be applied.

b). When lighting is required by FAA, strobe lights shall be avoided unless specified by FAA. When strobe lights are required on telecommunication towers, a dual lighting system of white strobes for daytime lighting and a red flashing light atop the tower for nighttime lighting shall be used.

c). Except for lighting described in (b) above, all lighting at a wireless telecommunications facility shall be shielded.

### 9. Signage

Wireless communication facilities shall not display signage, logos symbols or any messages of a commercial or non-commercial nature on towers, support structures or the fence securing the tower. A sign, not visible from a public right-of-way or adjacent residences, shall be posted on the fence gate identifying the current owner of the tower, emergency contact person or agency, and applicable contact numbers.

### b. Application Requirements

The following shall be submitted at the time of application.

a). Documentation prepared and sealed by a professional engineer registered in North Carolina stating that it is technically or practically impossible to provide a reasonable level of service by co-locating the tower or antenna on an existing structure.

## Telecommunications Tower Ordinance

Technical documentation shall include a map of the search area, all potential co-location sites stating why each is unsuitable, and the total number of towers the service provider currently owns and plans to construct within the geographic antenna coverage area of the Town within the next two years.

The applicant must submit, in writing, a declaration from owners of all technically feasible co-location sites that they are unwilling to negotiate space or evidence that the applicant has tried, in good faith to negotiate reasonable terms for co-location and failed.

- b). A scaled site plan, scaled elevation view, and supporting drawings, calculations and other documentation, prepared and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements including topography, tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses and any other information necessary to assess compliance with this ordinance and compatibility with surrounding uses.
- c). Documentation that FCC's minimum lighting standards have been applied.
- d). Documentation that the proposed tower, antennas and equipment comply with all applicable FCC regulations. To protect the public from unnecessary exposure to electromagnetic radiation, documentation shall be provided that power density levels do not exceed those permitted by FCC.
- e). Documentation, prepared and sealed by a professional engineer registered in North Carolina, that the proposed tower and attached antennas do not exceed the minimum height necessary to accomplish the purpose for which they are constructed.
- f). A notarized statement by the owner or CEO of the owner specifying the number of co-location sites the owner will make available on the proposed tower and a declaration that such sites will be negotiated in good faith at reasonable terms to other service providers.
- g). Documentation, prepared and sealed by a professional engineer registered in North Carolina, to demonstrate that the telecommunication tower has sufficient structural integrity for its intended uses. All towers and attached antennas shall be capable of withstanding winds of at least 150 miles per hour.

## Telecommunications Tower Ordinance

- h). If the proposed tower or antenna is to be located on lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner.
- i). Documentation consisting of a certificate of insurance verifying a general liability coverage of at least \$1,000,000.00 at no cost to the Town of Southern Shores. The certificate shall contain a requirement that the insurance company shall notify the Town thirty (30) days prior to the cancellation, modification, or failure to renew the insurance coverage required.
- j). A copy of the approved National Environmental Policy Act of 1969 (NEPA) compliance report for all towers, antennas, accessory structures or equipment proposed for the site.
- k). A memo of understanding regarding removal of abandoned antennas and towers. Any tower or antenna that is not operated for 180 continuous days in a 12-month period shall be considered abandoned. The owner of such antenna (s) or tower shall be responsible for its removal within ninety (90) days of receipt of such notification by the Town. Failure to remove abandoned equipment will result in its removal by the Town at the owner's expense.

### c. Review Process

The Planning Board will use the following criteria in its review of an application for any wireless telecommunication antenna, tower or accessory structure.

- a). The use is a public necessity.
- b). The facility will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted.
- c). The required conditions, specifications, and actions described in this ordinance have been met.
- d). The value of adjoining property will not be reduced.
- e). The location and character of the facility will be in harmony with the area in which it is to be located.



Telecommunications Tower Ordinance

**PART III.** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. Should a court of competent jurisdiction declare this Ordinance or any part thereof to be invalid, such decision shall not affect the remaining provisions of this Ordinance nor the Zoning Ordinance of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

**PART IV.** This ordinance shall be in full force and effect from and after the 5<sup>th</sup> day of December, 2000.

Paul Sutherland  
Mayor

ATTEST:

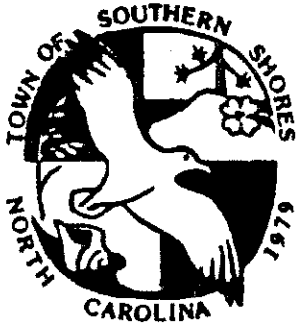
Cami Gordon  
Town Clerk

Date: 12/5/00

Vote: 5 Ayes 0 Nays

Approved as to form:

Thomas W. White  
Town Attorney



# 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

## RESOLUTION OPPOSING EXPANSION OF MILITARY AIRSPACE IN EASTERN NORTH CAROLINA

WHEREAS, the United Marine Corps proposes to further expand airspace designated for military training in Eastern North Carolina; and

WHEREAS, if approved by the Federal Aviation Administration, military aircraft could operate at speeds in excess of 250 knots over thousands of additional square miles, from the Atlantic Ocean off the Outer Banks into Beaufort, Hyde and Dare Counties; and

WHEREAS, aircraft from the Marine Corps Air Station at Havelock as well as aircraft from numerous other military bases would use the proposed airspace in transiting to and from bombing ranges in Dare County; and

WHEREAS, the Town of Southern Shores believes there is adequate special use airspace in Eastern North Carolina; and

WHEREAS, further expansion of military airspace will exacerbate already existing noise pollution; and

WHEREAS, further expansion of military airspace will lead to air congestion posing a safety hazard; and

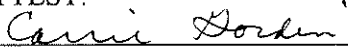
WHEREAS, further expansion of military airspace would increase the economic burden already imposed on the general and business aviation users of airspace.

**NOW, THEREFORE BE IT RESOLVED** that the Council of the Town of Southern Shores strongly opposes any expansion of military airspace in Eastern North Carolina.

This the 5<sup>th</sup> day of December 2000.

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

ATTEST:

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



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### RESOLUTION

#### TOWN OF SOUTHERN SHORES ESTABLISHMENT OF A DESIGNATED ENDOWMENT FUND

**BE IT RESOLVED** that the Town of Southern Shores, a North Carolina local government entity, does hereby accept the establishment of a Designated Endowment Fund in its name, on its behalf and for its benefit by the North Carolina Community Foundation, Inc. ("NCCF"), pursuant to the Agreement signed by Donor and NCCF. The Designated endowment is to be owned and managed by the NCCF as provided by said Agreement and held by the NCCF as a component fund thereof; and,

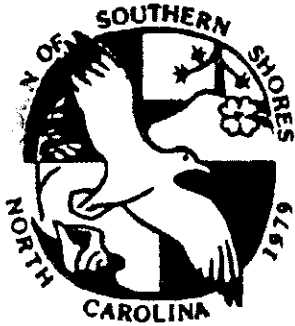
**BE IT RESOLVED** that the Town of Southern Shores hereby authorizes NCCF and its officers and agents to accept contributions to the Designated endowment fund on its behalf, and further authorizes its own officers and directors to execute and deliver to NCCF any instruments or documents necessary or useful to effect the authorization, establishment, use and continued maintenance of such Designated Endowment Fund.

**ADOPTED** this 5th day of December 2000, by such organization's governing body at a meeting duly called and held, at which a quorum was present and acting throughout.

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

ATTEST:

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



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## RESOLUTION

**TOWN OF SOUTHERN SHORES  
REQUESTING THAT THE NORTH CAROLINA STATE  
DEPARTMENT OF TRANSPORTATION MAKE IMPROVEMENTS  
TO THE US158/NC12/DUCK ROAD INTERSECTION**

**WHEREAS**, the Dare County and Currituck County Outer Banks are a destination for millions of tourists a year; and,

**WHEREAS**, for the safety of the residents and tourists, access to and from the Outer Banks in emergencies such as hurricanes is critical; and,

**WHEREAS**, traffic volumes and congestion continues to grow; and,

**WHEREAS**, the Currituck Mid-County Sound Bridge is essential for the safe evacuation of residents and tourists during a hurricane; and,

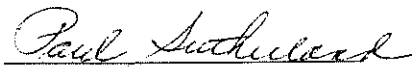
**WHEREAS**, the current intersection of US158/NC12/Duck Road continues to cause congestion, which is a significant safety problem for emergency vehicles and for evacuation in emergency situations; and

**WHEREAS**, the majority of rental turnover takes place on Saturday and Sunday thus increasing traffic density,

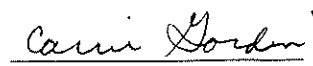
**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Southern Shores Town Council that the Town of Southern Shores supports the following transportation improvements:

1. Construction of the Currituck Mid-County Sound Bridge as soon as possible
2. Proceed with the design for a "fly-over" for the intersection of US158/NC12/Duck Road, working with the Towns of Kitty Hawk and Southern Shores on the details and alternatives for the ultimate design.
3. Make the following short-term improvements:
  - a. Install a traffic signal at the intersection of NC12/Duck Road that is synchronized with existing traffic signals so that it will improve the safety of the intersection but not impede the flow of traffic.
  - b. Improve the signage at the intersection to make it more efficient.
4. Investigate the feasibility of adding a center/left turn lane on NC12 north of the US 158 intersection.
5. All rental agencies should consider staggering rental periods to include commencement on days other than just Saturday and Sunday.

Adopted this 5th day of December 2000.

  
Paul Sutherland, Mayor

ATTEST:

  
Carrie Gordin, Town Clerk