

2001 RETREAT ITEMS
JANUARY 16, 2001

01/08/01

1. Large Homes Issue- Course of Action
2. Moratorium- Assign Tasks
3. Green Space Overture
4. Home Builders meet with Building Inspections Group/Council?
5. Zoning changes to allow specific approval (Lot clearing Permit)
Tighten up ordinance on construction roads
6. Businesses being run from a house- Policy etc.
7. Roads Plan for 2001 and beyond
8. More multi use paths (Chicahauk bridge to 158?)
9. Right-of-way ordinance
10. Mid Currituck Bridge meeting in Raleigh-Attendance
11. Life Guard Service after current contract with Nags Head expires
This is the last year
12. Replacement of Jet Ski by PD
13. "Public Works" Department?
14. Review of all contacts
15. New storage building plans/status
16. Capital purchase plan
17. New phone system plan/status
18. Fee Schedule
19. Renovation of Town Hall
20. Plan to obtain maximum grants possible for town
21. Day/Night/ Election Day meetings

22. Town attorney...Change within firm?
23. Future plans for tax rate...more cuts?
24. Soundside Wading Beach- Road drainage
25. Hillcrest crossover
26. Cemetery
27. Use of Pitts Center office
28. Schedule of updates from all Town committees periodically
29. Invite Walter Jones for Council meeting and lunch with the council
30. Should we have an afternoon social for the other elected officials?
31. Sharing of information among Council members- OK or changes needed?
32. Dogs...what should we do to enforce present ordinance?
(Instruct police to pick up any stray dog observed?)
33. SS clean up- Pickup Day
34. Salary structure
35. Attracting right calibre
36. Police Chief dress at meetings
37. Bar code
38. Taxes by credit card
39. Citizen Patrol
40. Quarterly meetings with Dare Commissioners?
41. Truck speed endorsement
42. Auditor
43. Town issues (Jody Hess audit)
44. Revisit any action of council that was not unanimous

DRAFT

Council Retreat
January 16, 2001
9:00 a.m.—Pitts Center

Mayor Sutherland called the meeting to order at 9:00 a.m.

All Council members were present.

Mayor Sutherland announced that there are 44 items on the retreat list but there may be additions.

Tom Gjestson asked Mike Hejduk, Code Enforcement Administrator, to review the first six (6) items with Council.

Council discussed the legalities of prohibiting the construction of large homes (more than 7 bedrooms) to be used as short-term rentals. The moratorium allows time for issues to be addressed. Some suggestions to regulate rental were to control the occupancy, square footage, or licensing of rentals. Council agreed that each of them would investigate an issue or two from the moratorium and report back on findings. Jim Connors, President of SSCA, said that the SSCA would be willing to aid the Town regarding the large home issue.

Council's consensus is to write an ordinance and if the Town is taken to court have the documentation to support the ordinance. The Town has written documentation from residents supporting the prohibition and the report that will be made from the moratorium will also support Council's action.

Council agreed to have representatives from the Outer Banks Home Builders, Mark Martin, Richard Perkins from the Floodplain Management Committee, and Frank Stone, Realtor, is included in the moratorium discussion, if they are willing. Also that a volunteer advisory member could sit on the Planning Board.

Council agreed, at this time, the "green space" in Town is sufficient through the SSCA and Chicahawk Civic groups

Council charged Mike Hejduk, Code Enforcement Administrator, to draft an amendment to the lot-clearing permit that would prohibit any work to be done until ALL permits are approved for commercial property. Council may consider this being applied to the residential zone. It was noted that this ordinance, if adopted, would not apply to Martin's Point commercial zone.

Jim Morrison stated that in investigating other towns he found that a "tree" ordinance could only be applied to Town-owned property and that residents should be encouraged to keep trees and replace them when it is needed to remove any.

Page 2
Council Retreat
January 16, 2001

Council asked M. Hejduk to address the zoning ordinance Section 3.02 "home occupation" regarding a home based business at 30 Juniper Trail.

M. Hejduk spoke to Council regarding the Town Code, Chapter 9, Wastewater Treatment plants and permits. He requested that the chapter be reviewed in lieu of the construction of the Ginguite Woods and Southern Shores Crossing projects. Councilman Kennedy agreed to review and submit any recommendations to Council.

Councilman Denny urged Council to set a higher priority to the roads. He stated that the Town roads have a 75 rating from a scale of 0-100. He stated that he supports the hiring of a "public works" employee and the buying of equipment as needed to help maintain the roads and Town right-of-ways.

Councilman Campbell recommends that the road maintenance needs to be a complete job and not piece meal areas as has been done in the past.

Councilman Kennedy recommended that before roadwork is done on Juniper Trail that the clearing work for the bike path be done first to allow for parking of work trucks and to aid in the traffic flow.

Bob Siegel suggested that Council needs to look to purchasing some property to be used for a public works area.

Councilman Kennedy has agreed to work on a right-of-way ordinance and that the Town needs to educate the residents regarding the right-of-ways. Council will review the draft at the January workshop.

Mayor Sutherland announced that there will be a meeting in Raleigh, date to be announced, regarding the traffic issues at NC 12/Hwy 158 and the Mid-Currituck Bridge. Mayor Sutherland stated that if it were held in February he could not go. Councilman Denny and Smith said they would go.

Councilman Campbell stated that there is a transition of leadership with the state DOT and that Council should keep on with the new leadership and not let it slip by.

Councilman Kennedy asked if DOT should be notified of the proposed plan for the church adjacent to Town Hall? It was recommended that M. Hejduk send a site plan to them. M. Hejduk stated that he has had conversation with the Town of Kitty Hawk regarding the proposed church.

Mayor Sutherland addressed the DOT letter dated Jan. 9, 2001 regarding the ingress/egress of Southern Shores Crossing.

Council agreed that they would like to talk to the Town of Kitty Hawk regarding lifeguard services. The County arranged for Duck's life guard services.

The Police Department jet ski would become surplus and replaced with a boat. Chief Brazell will give a presentation at the next Council meeting regarding the purchase of a boat, motor, trailer and accessories as needed. Chief Brazell stated that an army surplus boat was looked at but it was not in good shape.

T. Gjestson presented a draft for the public works department. He stated that there are three elements of expense to be considered: Janitorial \$12,000, mowing of right-of-way \$12,000 and mowing of the multi-use path \$8,000. It was agreed to scratch the janitorial services from this list. It was discussed the type of equipment that would be needed such as bush hog, tractor w/mowing blade, trailer, etc. Mayor Sutherland commented that a job description would be needed. T. Gjestson and Councilman Denny will submit a detailed budget in the near future.

T. Gjestson stated that there are a number of service contracts that will be expiring such as the life guard services and the recycling and garbage collection that will need to be discussed for renewal. He stated that the banking services with Centura are good.

Fire Chief Bakken gave the annual update in which it was reported that the department lost five members but since has picked up seven members, giving the department a total of forty-eight members including rehab. He stated that the proposed budget FY 2001-2002 (which he presented) will be increased by 1.9% due to the increase of workman's compensation, the new fire truck's insurance and testing and the rising fuel costs.

Fire Chief Bakken stated that Martin's Point would have to go the legislators to propose a change to the fire district. He stated that their homeowner's insurance would increase due to the distance the fire department would be from Martin's Point.

T. Gjestson recommended that a storage building for the public works equipment is needed. It was discussed that the proposed building 40'x60' would be placed at the old "recycle center" behind the south fire station. It is estimated that the cost of the building would be around \$35,000. T. Gjestson will get a couple of architects to submit a design and cost and that the town engineer would be contacted regarding this.

T. Gjestson stated that he has contacted several contractors regarding digging the trench to install new phone lines. He stated that he received one bid for \$3,500 and one for \$16,000 but that no one has followed up.

Councilman Campbell stated that Ryder Haggard suggested going with network wireless and that he would check into this further.

Page 4
Council Retreat
January 16, 2001

The Town Clerk was asked to contact the other towns regarding their fee schedules. It was discussed that the Planning Board and Board of Adjustment fees might need to be increased. Also that the cost to the property owner of garbage and recycle cans be increased. Building inspection fees could be charged as so much for square footage plus a flat fee.

T. Gjestson and Councilman Campbell are looking into what is needed for renovations to the Town Hall. It was found that the windows need to be replaced and the interior needs painting, new carpet and the possibility of increasing office space by closing in the breezeway. D. Shields asked if the Town has a maintenance schedule? T. Gjestson said no.

Councilman Campbell stated that the County has knowledge and applies for grants and it would be beneficial if the information could be forwarded to the Towns. Mayor Sutherland stated that he would review this.

Councilman Smith suggested that when the Council meeting falls on Election Day the meeting should be held the day before or the day after. It was discussed to change the meetings from day/odd months to night/even months.

Mayor Sutherland suggested that Ike McRee, attorney, who is building in Southern Shores, could be the Town's attorney. Mr. McRee is in partnership with the same firm as Tom White. Discussion addressed that the firm is the Town's attorney and that the Town could call upon anyone of them for legal advice. Councilman Denny suggested staying with Tom White on routine issues and use the other members of the firm as needed.

Councilman Campbell suggested holding off on setting a tax rate until it is determined if Duck will be incorporated. Other areas to be considered are road repairs and the "public works department" which have unknown costs at this time.

Mayor Sutherland stated that the emergency ramp at the Hillcrest crossover is in bad shape and needs repaired. The town has maintained the ramps in the past and the SSCA is asking that they continue.

Councilman Kennedy asked if the SSCA has given permission to anyone, possibly fishermen, to use the crossovers? They are for emergency vehicles only. He stated that better crossovers need to be built.

Councilman Denny stated that the landscaping maintenance of the cemetery needs to be reviewed. He will review the cemetery ordinance, booklet, and record keeping for any needed updates.

It was discussed that the front Town Hall windows and office in the Pitts Center need blinds. The Town Clerk will look into it.

Councilman Campbell recommended that appointed committee such as the Long Range Planning, Art, Water Quality, Sign, Land Use Plan etc. should come before Council and give periodical updates.

Mayor Sutherland stated that he would like to contact Senator Walter Jones to a Council meeting and possibly have lunch with Council. He will extend the invitation.

Mayor Sutherland stated that Dare County Commissioner Richard Johnson is interested in holding a quarterly meeting with the municipalities.

Mayor Sutherland asked if Council is satisfied with the flow of information and are they adequately informed? They agreed that they are informed adequately.

Mayor Sutherland addressed the Town's handling of unleashed dogs. Chief Brazell stated that the department only gets involved if they receive a complaint. The Department has a storage cage but have no place to hold a dog or an adequate way to pick them up. They have a small cage that goes in the back of the patrol car but it is not an appropriate way to handle them. At one time it was discussed to purchase a trailer but it was decided that it would not be used enough to warrant the expense. Chief Brazell stated that after a dog is captured and Dare County Animal Control is notified they would pick it up. It was discussed that the fine for dogs running loose may need to be increased.

Councilman Denny asked what type of training do the officers have in picking up dogs? Chief Brazell stated that they have limited training but that DC Animal Control has a training program. Chief Brazell stated that each officer has a lease in the patrol car and there is a catch pole but there is a need for more than one catch pole.

The consensus is to have the Police Department enforce the ordinance and Council supports the idea of increasing the fine.

Council agreed that a second annual Spring Clean Up Day should be done and that the date should be set before Easter weekend.

Councilman Kennedy suggested that the utility companies be asked to remove the flags that are used for the "no cut" program when the work is completed. T. Gjestson stated that the sub-contractors should be the ones to ask to remove the flags and that he would talk to the Building Inspector regarding this.

Page 6
Council Retreat
January 16, 2001

Councilman Smith asked if the salary range for the police officers are within range of the other towns since some of the officers are holding 2-3 other jobs? It was stated that the average starting range is around \$24,000-35,000.

Mayor Sutherland stated that when the Town's Personnel study was done it found that town employees were paid high. Southern Shores is competitive if not higher.

Mayor Sutherland suggested that Council finish the remaining retreat items tomorrow morning. Mayor Sutherland made a motion to go into closed session at 3:35 p.m. to discuss a personnel matter and that the minutes of the closed session be sealed until no longer an issue. Councilman Kennedy seconded. Approved unanimously.

Council Retreat
January 17, 2001

Mayor Sutherland called the meeting to order at 9:00 a.m.

T. Gjestson stated that an ad for the vacancy in the Police Department has been placed. Chief Brazell stated that the interviewing process is good with the panel consisting of a Council member, Town Manager and the police Chief. He stated that the applicants as a whole would come in for testing and then the interviewing process would begin. He stated that the salary structure is good with the incorporation of merit raises and the benefits package.

Councilman Denny asked if the ad is asking for an experience officer? Chief Brazell said yes.

Council agreed that the police uniform dress code should be enforced that any officer (s) attending meetings (Council, SSCA, Planning Board, etc.) should be in uniform.

Councilman Campbell stated that a resident of the Town and retired Postal Service executive has submitted a package regarding the use of a software package using a bar code for mailing of bulk mailings. It is proposed to be a savings from how the Town has been doing it. He stated that it might be a possibility that the SSCA would share in the cost to have access to the software for their mailings. Chief Brazell stated that the Town computers have the capability of using bar code through WORD and WORD PERFECT.

T. Gjestson stated that the Tax Department has received information that would allow taxpayers to pay their taxes by credit card. He stated that due to the fee that is charged he isn't sure how many citizens would use the service. He suggests waiting to see how Dare County is going to this before the Town would decide to do anything. He stated that it would be at no cost to the Town for this service.

Chief Brazell stated that a Citizen Patrol program is available if the citizens would want to participate in such a program. He explained that this is not like a Community Watch program where neighbors watch their street and there is a block captain and report things out of the ordinary. The Citizen Patrol is strictly manned by the citizen volunteers, they appoint a patrol captain and they patrol the whole town. The Police Department offers a 13-week course. The program allows for two people to be on call at all times and are provided with cell phones.

Mayor Sutherland stated that he sees the use for a program but that it seems complicated. He stated that he sees a lot of volunteers for the program but to have them sit and watch on a shift, he doesn't know if that would work. The Community Watch was tried but it failed.

Councilman Campbell stated that it was at least worth investigating.

Page 2
Council Retreat
January 17, 2001

Councilman Smith asked if Chief Brazell is planning to go to the civic associations and the boat club to see what kind of response there would be for such a program?

Chief Brazell stated that could be done. He explained that this is not a police club that it is a citizens controlled program. The Police Department would establish the program but would not be responsible for the program.

Councilman Kennedy asked since there has been a rash of break-ins in Town does the vacant position of detective need to be filled? Chief Brazell said at this time no. He has 3 officers that have not completed courses but once they are the vacancy could be filled as an investigative officer.

Councilman Campbell asked Frank Stone, owner of Southern Shores Realty, if there is a way to ask property owners to keep serial numbers of appliances and electronic equipment in case they are stolen? F. Stone stated that it has been requested but products change due to power outages etc.

Chief Brazell stated that the police department offers a program where a video can be taken of the property if the owner will provide videotape and there is also an engraver for their use. He stated that is recommended to use your driver's license number and not your social security number when identifying equipment.

Mayor Sutherland stated that he received a letter from a city requesting that Council endorse a lower speed limit for semi trucks on the highway. It was agreed that he would write a letter of support.

T. Gjestson stated that it is time to contract with an auditor for the current fiscal year. Usually the same auditor is used for 3-5 years and he recommends that the Town stay with the current auditor. It was agreed that a resolution would be presented at the February Council meeting.

T. Gjestson stated that in reviewing the audit by Jodi Hess of the Town's records it was found that some ordinances might need to be reviewed and possibly updated.

Councilman Denny volunteered to review the Dock ordinance and Councilman Kennedy volunteered to review the Wastewater ordinance and the chapter on Sanitation.

Councilman Campbell stated that Jodi took on a huge task and should be recognized formally by Council. It was suggested that she receive a framed copy of the Town Seal at the next meeting.

The Town Clerk will prepare corrections as needed from the audit for the January Council meeting.

Page 3
Council Retreat
January 17, 2001

Councilman Campbell stated that for the most part Council has a single mind when voting on issues. One vote that was not unanimous dealt with the proposed Kitty Hawk Hotel and the use of Town property adjacent to the hotel site. But since then conditions have changed for the proposed hotel and the question is should Council review and possibly amend the zoning ordinance?

Mayor Sutherland suggested re-visiting the amendment and look at the legality of rescinding it.

Councilman Kennedy that other issues that did not have a unanimous vote was the lowering of the speed limit on NC12 and the skateboard ordinance. He stated that now NC12 has a multi-use path it should be looked at it again. Mayor Sutherland agreed since DOT has been discussing the possibility of putting in a turn lane on NC 12.

Council agreed to look at ordinances that were not unanimous and decide if they need to be amended and voted on again.

T. Gjestson announced the date for the Governor's Hurricane Conference. Councilman Campbell suggested that venue would be a good place to rally support of the Mid-Currituck Bridge. It was agreed that a resolution would be drafted prior to the conference. Councilman Denny and Councilman Smith agreed to go.

In summary:

Mayor Sutherland recommended that a broadcast email be sent for citizen input on the large home issue and list Council and others that have been designated individual areas of concern for them to contact.

Councilman Campbell recommends that the Planning Board investigate the "pros and cons" concerning the licensing of rental homes.

There was discussion regarding the occupancy of a rental house and how it might be controlled. The moratorium states no more than seven bedrooms sleeping 14 people. The NFPA states that occupancy over 16 is considered a hotel but that language applies to commercial zones.

Councilman Kennedy stated those trees in the right-of-way, especially Fairway Drive needs to be cut. He stated that last year he submitted a list of trees that needed to be trimmed. T. Gjestson asked that the list be submitted again.

Mayor Sutherland moved to adjourn the meeting at 10:40 a.m. Approved unanimously.