



Town of Southern Shores

"A Town of Volunteers"

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Council Meeting

June 3, 2003

7:00 p.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 7:00 p.m.
2. Mayor Sutherland led the Pledge of Allegiance
3. Moment of Silence

Mayor Sutherland asked that a moment of silence be held for the family of A.W. Fletcher, town resident who contributed in many ways to the town and the county and also to all those in uniform.

4. Public Comment

Sally Meagher, 30 N. Dune Loop asked Council to see that the town's leash law is enforced. She stated that the lifeguards are providing the wrong information to beach goers.

5. Consent Agenda-Council minutes-May 6, 2003, monthly Building Inspections and Tax Reports.

Mayor Sutherland made a motion to approve the consent agenda as presented. Councilman Kennedy seconded. Approved unanimously.

Mayor Sutherland announced that the painted white arrows on the roadways are for an aerial mapping survey.

6. Elect and swear in-Council Member

Mayor Sutherland stated that in filling the Council vacancy left by Joe Campbell's resignation there is five nominations to consider for appointment. He stated the list of names: Dan Shields, Jeff Shields, Guy Hellwege, Brian McDonald, and Gary McDonald.

Mayor Sutherland explained that Council will discuss the merits of each candidate and then the vote would be on a written ballot and then the vote would be made public. If there is a tie a re-vote would be taken.

Page 2
Council Meeting
June 3, 2003

Election of Council Member cont'd

He opened the discussion and stated that each candidate has agreed to run in the upcoming general election. He reviewed each one's background.

Councilman Denny stated that he is glad to see the interest on the part of the candidates. He stated that he knows 4 of the 5 and he nominates Dan Shields for the vacancy.

Councilman Kennedy stated that he too feels the same as Councilman Denny and he is also casting his vote for Dan Shields now and in November.

Councilman Smith asked for clarification that the selected candidate have a choice to run for either the 2-year or the 4-year term or not run? Mayor Sutherland stated that each was asked and that they agreed to run.

Mayor Sutherland stated that he knows all the candidates and that it speaks well for the Town to have this number of candidates. He also favors Dan Shields.

Councilman Smith stated that there are five great candidates and in the past this Council has talked about the need to bring on younger folks to council and his nominee is Brian McDonald.

Mayor Sutherland stated that he hopes that all of those not selected tonight would run for election.

Council submitted the written ballots and the town clerk read the votes (and by using a points system) a tie was had. It was read that there is a four-way tie. Mayor Sutherland stated that the lowest points scored would be the candidate.

Mayor Sutherland directed that the ballots be submitted for a revote. When it was found that not all the Council members filled out the ballots completely Mayor Sutherland made a motion to scrap the system and to vote openly. Councilman Denny seconded. Approved 3 to 1. Councilman Smith voting no.

Councilman Smith stated that he doesn't understand how the process can be changed just like that. Mayor Sutherland stated by a Council vote.

Mayor Sutherland asked Council to vote on each candidate as he read the nominees: Brian McDonald (1) Councilman Smith; Gary McDonald (0); Jeff Shields (0); Guy Hellwege (0); Dan Shields (3) Councilmen Sutherland, Denny and Kennedy. Dan Shields is voted as the new Council member 3 to 1.

The Town clerk swore in D. Shields who then took his seat at the dais and received a round of applause.

7. Elect Mayor pro tem

Councilman Denny nominated Councilman Kennedy for mayor pro tem to complete his term. Councilman Smith seconded. Mayor Sutherland closed the nominations. Councilman Kennedy was elected unanimously.

The Town Clerk swore in Gene Kennedy as Mayor pro tem.

8. Planning Board Recap-May 19, 2003

Mimi Iacone, vice chair presented the May recap. She stated that after review and discussion the Board recommends approval of the submitted site plan for Shoreline Professional Building in Martin's Point commercial district. She stated that Kathy Halloran, ETJ representative was present at the meeting.

She stated that the board does not recommend approval of changing the zoning ordinance regarding non-commercial signs (campaign).

Mayor Sutherland moved to approve the site plan for the Shoreline Professional Building. Councilman Denny seconded. Approved unanimously.

Council agreed to set a public hearing in July to consider the draft amendment for campaign signs.

Mayor Sutherland announced that there is a need to deviate from the agenda and recognize two of our police officers. He asked Police Chief Pledger to come forward.

Chief Pledger announced that Sgt. Paul Terry is being promoted to Lieutenant and that Officer Dwayne Drummond has completed his intermediate law enforcement certification from the Criminal Justice and Standards Commission.

9. Public Hearings

- a. Conditional Use-SSCA tennis courts (Hillcrest) amended site plan to construct a gazebo and drinking fountain

Mayor Sutherland called the public hearing to order at 7:20 p.m. and asked if anyone would like to speak.

Tim Rardin stated that this request is in memory of his deceased wife Kay Chesson and her request. He stated that he has been involved with the construction of the tennis courts from the beginning. He stated that the tennis courts have designated handicap parking and that M. Hejduk, Town Code Enforcement Administrator has stated that the NC Building Code states a handicap ramp needs to be provided to the gazebo.

Public Hearings cont'd

T. Rardin stated that to meet that requirement would be at a considerable cost and he doesn't see any sense to provide it.

Councilman Denny asked M. Hejduk are handicap accesses needed for everything? M. Hejduk stated that the NC Building Code states that if a structure is a common use facility then a handicap ramp is needed. He stated that the Planning Board and Council approve site plans and he issues building permits.

Councilman Kennedy stated that the site is private property and handicap parking is provided on the site.

M. Hejduk stated that precedence has been set at the Duck Woods Country Club.

Mayor Sutherland closed the public hearing at 7:30 p.m.

Councilman Denny made a motion to approve the site plan as submitted (no handicap ramp). Councilman Smith seconded. Approved unanimously.

b. Draft amendment- Municipals signs

Mayor Sutherland opened the public hearing at 7:30 p.m. and asked if there is anyone to speak? Hearing from no one he closed the public hearing. He moved to adopt the municipal signs amendment as proposed. Councilman Shields seconded. Approved unanimously.

c. Draft Amendment-Dwelling, large homes-(parking requirements)

Mayor Sutherland opened the public hearing at 7:32 p.m. and asked if anyone would like to speak?

Ursula Zdziarski submitted recommended changes for Council's consideration. Mayor Sutherland closed the public hearing at 7:35 p.m.

Mayor Sutherland moved to adopt the amendment with the proposed language to be added as submitted by U. Zdziarski. Councilman Denny seconded. Approved unanimously.

d. Town's Solid Waste Plan Update

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

Public Hearings cont'd

Councilman Kennedy gave a brief history of the Town's solid waste plan as required by the state to develop a plan to reduce the amount of solid waste going to landfills by 40%.

He stated that once the Town started the curbside recycling program it exceeded that goal. He stated that the town's chipping program also is helpful in maintaining that goal.

10. Resolution-Solid Waste Plan Update

Mayor Sutherland read the resolution and moved that it be adopted. Councilman Kennedy seconded. Approved unanimously.

11. Old Business

a. Review and consider zoning amendment-required copies of site plans submitted Planning Board for review.

Councilman Denny moved to adopt the required number of copies of site plans in the zoning ordinance (Section 10.04 B.2.). Approved unanimously.

b. Review and consider zoning amendment to Section 3.02 definitions, Dwelling, Multiple to Dwelling, Multi-Family.

Mayor Sutherland moved to adopt ordinance change to clarify words. Councilman Denny seconded. Approved unanimously.

c. Town Code draft amendment-noise

Mayor Sutherland stated that the presented noise ordinance amendment addresses a time schedule for commercial deliveries.

Councilman Denny made a motion to adopt the ordinance as presented. Councilman Kennedy seconded. Approved unanimously.

d. Vegetation Committee Report

Jack Sheehan, president presented report. He acknowledged the committee members. He stated that the Town received a \$10,000 matching grant from the NC Forest Service. He stated that a comprehensive vegetation map of the town would be compiled by Elizabeth City State University graduate students as a joint project and a model for many others to use. He stated that educational information would be provided to the Town's residents as progress is made.

12. New Business

a. Budget Presentation FY 03-04

Mayor Sutherland stated that the budget public hearing would be held on June 24, 2003.

Tom Gjestson, Town manager presented a slide presentation and talking points regarding the FY 03-04 budget. He stated that he recommends that the tax rate remain at eighteen cents. The proposed budget is up 11% over last year's budget. The proposed balance budget is in the amount of \$3,163,000.00. He stated that medical expenses are increased by 12%, major expenses are the purchase of 3 vehicles and an additional employee, which has been included.

Councilman Smith stated that the Town's undesignated fund balance (UFB) by Council support was to remain at between 75-100% to be used exclusively for an emergency (major storm damage). He stated that he did not vote for it and now the proposed budget is \$500,000 over projected revenues and at some point it will catch up to us. He stated that taxes should be reduced.

Mayor Sutherland stated that there are unknown numbers (UFB) at this time but when the audit is completed the UFB would be the same.

Councilman Kennedy recommends any further discussion be deferred until the budget public hearing.

Councilman Smith asked if Council would be receiving a breakdown on the proposed increased percentages shown?

T. Gjestson stated that the numbers are available. He explained that the tax rate is balanced with the UFB and he doesn't recommend jumping the tax rate annually.

Mayor Sutherland stated that Council didn't specifically designate what the UFB would be spent for. He stated all of Council has responsibility to the taxpayers and he feels the finances have been managed very well over the years.

Councilman Denny stated that the Operating Fund Balance is for emergencies, i.e., for recovery from events that seriously impeded our revenue stream or create the need for an immediate increase in expenditures, for example, a hurricane. He believes that when we overshoot our target of a fund balance equal to 75-100% of a current annual budget, the excess should be returned to the taxpayers, either in the way of infrastructure improvements or through a tax cut. He stated that the proposed budget does that...we are dipping into our large fund balance by some \$500,000.00... our budget for street improvements is about the same amount. He supports the proposed budget.

New Business cont'd

b. Appoint-Police Commissioner

Mayor Sutherland stated that upon Joe Campbell's resignation the police commissioner position is vacant.

Councilman Kennedy questioned the need to appoint a replacement. He stated that Council adopted a change that gives the Town manager authority to supervise the police dept.

Councilman Denny stated that if a replacement is needed it should be the mayor.

It was agreed that a replacement is not needed.

c. Appoint-Representative to Government Access Channel Committee

Mayor Sutherland stated that Joe Campbell was the Town's representative on this committee and that he nominates Councilman Kennedy to replace J. Campbell as the Town's representative. Councilman Denny seconded. Approved unanimously.

d. Appoint Town Manager Search Committee

Mayor Sutherland made a motion that all of Council (except for Councilman Smith) and the Town manager be appointed to the committee to review, interview, and select a town manager. He explained that Councilman Smith's wife is an employee and it could be considered a conflict of interest.

e. Selection of Town Auditor

T. Gjestson stated that two firms submitted proposals: Johnson, Burgess, Mizelle, and Straub and Pickrell & McGinnis. He stated that their qualifications were equal. He recommended continuing with Johnson and Burgess to finish out his tenure and to seek a new auditor for the future.

Council agreed to continue with Johnson and Burgess for the current fiscal year.

f. Budget Ordinance Amendment- (FY02-03)

T. Gjestson presented budget amendment in the amount of \$30,000.00 for the streets department.

Mayor Sutherland moved to adopt the amendment as presented. Councilman Denny seconded. Approved unanimously.

New Business cont'd

f. Support ICARUS Monument-First Flight Centennial

Mayor Sutherland stated that it is Council's policy to not donate funds unless it is to be used for a public purpose of our citizens.

Councilman Kennedy encouraged everyone to support the issue on an individual basis.

g. Real Estate Signs

Mayor Sutherland stated that he had a request from a real estate agent (John Leatherwood) that real estate signs that are posted and are in violation be handled in the Building Inspections department differently.

Council agreed that this issue is not a Council issue and should be handled administratively and handled as currently addressed by the Code Enforcement Officer.

Mayor Sutherland stated that he would communicate the information to the realtor.

h. Privilege License-Rental Properties

Mayor Sutherland asked that Council review materials and that the issue would be discussed further at a future workshop.

i. Parking Permits-Right-of-Way

Mayor Sutherland suggested that this issue also be tabled.

Councilman Denny stated that he does not feel that rental property owners should be burdened administratively by this issue.

j. Nomination for Coastal Resources Advisory Council

Mayor Sutherland asked that this also be tabled. All agreed.

13. Council's Agenda

Councilman Kennedy-none

Councilman Denny reported that Barnhill Contracting has completed its contract for work on Waxmyrtle and S. Dogwood. He stated that RPC Contracting is working diligently on the Juniper Trail and Gersen multi-use paths but it is touch and go as to whether they will finish by June 30.

Council's Agenda cont'd

He stated that he would attend a recreational water quality meeting sponsored by the state Department of Environment, Health and Natural Resources. Sally Meagher and Ed Lawler would also be attending the meeting.

Councilman Denny stated that some of the former members of the Dare County 1st Flight Centennial Committee are concerned about the emerging plans for parking during the Centennial week in December. He stated that there would be no parking at the Memorial. Large capacity parking is planned in satellite areas; South Nags Head and lower Currituck County with buses being used to move people to-from the Memorial. He stated that it appears grossly unfair to our town and to Duck to require our citizens, who suffer most in coping with the pressures attendant to the mobs of visitors, to have to drive to Currituck County in order to get to the Memorial. He stated that discussions are in the works to provide for the northern Dare County residents to benefit from remote parking and bus service, say, from a location in Duck and at, say, Hillcrest Beach in Southern Shores.

He asked everyone to look at the winged horses; especially the one at Kelly's restaurant, a local artist designed it.

Councilman Denny stated that he is pleased to have the nominees for Council and he hopes that all of them file for the November election.

Councilman Smith called upon Deputy Fire Chief Dave Sanders to give the monthly fire department report in Fire Chief Bakken's absence due to his attending Fire Inspection school.

Councilman Shields thanked everyone for their support of his nomination on Council.

14. Mayor's Agenda

Mayor Sutherland invited everyone who has not received a town pin to do so tonight. He encouraged anyone interested being on Council to file with the election board in July.

15. Town Manager's Agenda

T. Gjestson thanked Ursula Zdzairski for her time in posting the water quality testing results and he reported that new signs have been received which will make it easier to post the results.

T. Gjestson stated that the Building Inspections Dept. received a request to allow the sell of fireworks in the Market Place. He stated that he would review the request.

Town Manager's Agenda cont'd

Police Chief Pledger reported that the department participated in a Click or Ticket campaign and was a successful campaign.

Councilman Denny asked if the Town's boat is operational? Police Chief Pledger said yes.

16. Town Attorney's Agenda-none

17. Announcements

- ◆ June 17-9:00 a.m. MAPS
- ◆ June 24-7:00 p.m.-Budget Public Hearing-/Council Workshop to follow

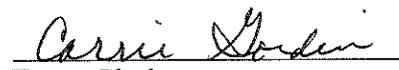
Mayor Sutherland moved to adjourn at 9:05 p.m. All agreed.

ATTEST:

Respectfully submitted:



Mayor



Town Clerk