

Southern Shores Town Council  
Town of Southern Shores, North Carolina

Regular Meeting  
September 17, 2004  
9:00 a.m.-Pitts Center

**MINUTES**

The Southern Shores Town Council met on September 17, 2004, at the Pitts Center, which was previously approved change from the regular meeting scheduled for September 21, 2004.

The following members were present:

Mayor Paul Sutherland  
Council Members: Hal Denny, Dan Shields, Jodi Hess, and David Sanders  
Carl Classen, Town Manager  
Carrie Gordin, Town Clerk

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

Council Member Shields moved to approve agenda. Council Member Hess seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

**Public Comment**

Dick Furioni, SSVFD Board chairman stated that the Department had applied for a grant to purchase a new truck and has been turned down. He stated that the estimated cost of the truck is \$250,000. He stated that the Department is asking the Town to loan the funds with the condition that the loan be paid back within five years at not interest.

Ann Graham of 12 Hickory Trail stated that she submitted an email to the Town regarding the Animal Control Policy Advisory Committee recommendations and that she is following up by reporting that her husband walked the beach this morning and counted fourteen (14) dogs on the beach and that thirteen (13) were not on leashes. She reported that one woman left her dog on the beach while she went to get a leash. She asked how the Town proposes to enforce new rules when they can't enforce the current rules.

**Swearing In-Permit Officer**

Mike Hejduk, Code Enforcement Administrator introduced Pat Forrester, Permit Officer, for the Building Inspections Department. He stated that Pat is a very dedicated, efficient

staff member who will be expanding her duties. Carrie Gordin, Town Clerk swore Pat Forrester in as Permit Officer.

**Old Business**

Animal Control Policy Advisory Committee Recommendations

Council reviewed each recommendation from the Animal Control Policy Advisory Committee:

(Committee recommendations shown in italics).

*1. Amend the Town Code (Section 6-91) to provide that people with dogs must clean up feces left by their dogs everywhere in Town, not just on the beach.*

Council Action:       Approved.

Following discussion, Council Member Hess moved to approve the recommendation as presented. Council Member Shields seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

*2. Amend the Town Code (Section 6-91) to allow for dogs to be on the beach during the hours of 6:00 am and 9:00 am and between the hours of 6:00 pm and 9:00 pm during the period May 15 through September 15. Continue to require that dogs on the beach be leashed at all times.*

Council Action:       Maintain current law.

Following discussion, Council Member Sanders moved to approve the recommendation as presented. No council member seconded the motion. The motion failed for lack of a second.

Following discussion, Mayor Sutherland moved not to accept the recommendation. Council Member Denny seconded the motion. The motion passed with Council Members Denny, Hess, and Shields and Mayor Sutherland voting aye, Council Member Sanders voting no, and no council member absent or not voting.

*3. Stronger enforcement ~~by citizens and police~~ of existing law that dogs must be on a leash when on the beach at all times regardless of the season of the year or hour of the day. Citizens should be informed how to contact a police officer whenever a violation is witnessed and police need to respond quickly to animal control calls.*

Council Action:       Approve as amended.

Following discussion, Council Member Shields moved to approve the recommendation as amended. Council Member Hess seconded the motion. The motion passed with

Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

~~4. The Town should seek to have the same laws regarding dogs on beach as Kitty Hawk and Duck so that visitors can more easily comply with local laws.~~ Southern Shores should work with neighboring Towns to coordinate animal control policies insofar as possible.

Council Action: Approve as amended.

Following discussion, Council Member Shields moved to approve the recommendation as amended. Council Member Denny seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

~~5. The Town should install signs on the beach indicating the town limits at the Duck/Southern Shores and Kitty Hawk/Southern Shores boundaries.~~

Council Action: Approve as amended.

Following discussion, Mayor Sutherland moved to approve the recommendation as amended. Council Member Hess seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

~~6. Work with the civic associations to place litter bags, scoops, and disposal cans at selected beach crossovers to encourage folks to pick up after their dogs and, thereby, to reduce the negative feelings that many people have about dogs being on the beach. The intent here is to encourage removal of dog droppings from the beach, not to change the times in which dogs are permitted on the beach.~~

Council Action: Approve.

Following discussion, Council Member Shields moved to approve the recommendation as presented. Council Member Denny seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

~~7. Consider creating an animal control officer function jointly with Kitty Hawk and Duck and coordinated with Dare County animal control. The County should provide the same level of animal control services, funding or resources in Southern Shores as in the unincorporated areas of the County. Dare County should pick up from an animal control holding facility serving the northern beach communities (Kitty Hawk, Duck and Southern Shores).~~

~~Dare County should pick up from an animal control holding facility serving the northern beach communities (Kitty Hawk, Duck and Southern Shores).~~

Council Action: Approve as amended (combined B and C; no change in language).

Following discussion, Mayor Sutherland moved to approve the recommendation as amended. Council Member Denny seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

~~8. People working on homes or commercial buildings should be required to obey the same animal control laws as the property owners or tenants. Amend Town Code Section 6-90(1) to provide that the definition of "custodian" shall include any contractor, subcontractor, or agent of the owner or custodian who is on the property. Amend the Town Code to provide that no animal may be brought to a property where the owner or keeper of the animal is performing work for pay for the owner or agent of the property.~~

If adopted by the Town Council, the Town should include information about this law in the packets of information provided contractors doing work in Southern Shores.

Council Action: Approve as amended. New language is more restrictive than language recommended by Committee.

Following discussion, Council Member Denny moved to approve the recommendation as amended. Council Member Shields seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

*9. Provide in law and procedure that an animal control officer, if the position is later approved by Council, can issue a citation for violation of an animal control law (e.g., failure by animal handler to immediately pick up feces; animal on beach without leash; etc.) similar to parking citation but provide for higher penalties than for parking citation.*

Council Action: Approve as amended.

Following discussion, Mayor Sutherland moved to approve the recommendation as amended. Council Member Shields seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

*10. The SSCA and the CPOA should be approached about the issue of establishing a dog park.*

Council Action: Approve.

Following discussion, Council Member Shields moved to approve the recommendation as presented. Mayor Sutherland seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

11. *Urge property owners and real estate companies that advertise “pet friendly” homes to require that guests provide the agent with the required health certificates (rabies certificate) when the pet rental deposit is submitted. Urge rental management companies to issue temporary pet tags for animals coming with guests that show the local name and address where the pet can be returned if lost during its visit.*

Council Action: Approve.

Following discussion, Mayor Sutherland moved to approve the recommendation as presented. Council Member Denny seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

12. *The Town should develop educational materials to advise guests about Town animal control laws and provide these materials to the property management companies and to all Southern Shores property owners.*

Council Action: Approve.

Following discussion, Mayor Sutherland moved to approve the recommendation as presented. Council Member Shields seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

13. *The Town should work with the Southern Shores Civic Association to improve signs at beach entrances so as to better inform people when dogs are and are not allowed on the beach and that dog feces must always be cleaned up and removed from the beach.*

Council Action: Approve.

Following discussion, Mayor Sutherland moved to approve the recommendation as presented. Council Member Denny seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

14. *Work with veterinary clinics and rabies vaccination people to provide animal license applications and information for installing identification chips in animals.*

Council Action: Approve.

Following discussion, Mayor Sutherland moved to approve the recommendation as presented. Council Member Shields seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

15. *Support the County animal control license process. Urge the County to mail out animal license renewal notices annually.*

Council Action: Approve.

Following discussion, Mayor Sutherland moved to approve the recommendation as presented. Council Member Hess seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

16. *The Town should make available to animal control officers serving Southern Shores a device for reading electronic identification chips embedded in animals. The Town should make available to citizens and property owners information on animal electronic information chips, such as AVID or other brands.*

Council Action: Approve.

Following discussion, Council Member Shields moved to approve the recommendation as presented. Mayor Sutherland seconded the motion. The motion passed with Council Members Denny, Hess, Sanders, and Shields and Mayor Sutherland voting aye, no council member voting no, and no council member absent or not voting.

Mayor Sutherland thanked the Committee for their work on developing the recommendations.

Sarah Tyler, chairman of the Committee presented Council with a copy of the Town of Kitty Hawk's Summer Seasonal Beach Report for their review and consideration.

Ms. Tyler asked Kitty Hawk Police Chief Ward to address Council. Chief Ward reported that the Town of Kitty Hawk implemented an educational program regarding dogs on the beach. He stated that two criminal justice students were hired part-time with no benefits to patrol the beach alerting people of the rules. He stated that they had no enforcement powers and that a patrol officer was called if needed. He stated that the estimated program cost was \$26,000 which included the cost of equipment (ATV's) and salaries. He stated that no citations were written.

Sarah Tyler stated that there is a grass roots organization in Southern Shores supporting all the recommendations made by the committee and many residents have signed a petition supporting those recommendations.

### Stormwater Management Plan

Joe Anlauf of Quible Engineering made a dynamic presentation to Council on stormwater issues in Southern Shores and he made recommendations for a plan along with cost estimates.

1. Immediate Issue: 13<sup>th</sup>/Sea Oats to NC12 and 11<sup>th</sup> Avenue to Sea Oats  
Near-Term: If approved by NCDOT to contract with Southern Shores and Duck, a

drainage corridor study of NC12 through both Towns from the Currituck border to US158.

2. Stormwater Trouble Spots: Study the flooding trouble spots that arose from the Summer 2004 rains and storms; conduct educational sessions on stormwater issue for Southern Shores property owners; make recommendations for any drainage improvements (if any).
3. Stormwater Management Plan: Develop a stormwater management plan for the Town; work with the Planning Board and Council on development of policies and projects to implement the plan.

After discussion and hearing no objection, Mayor Sutherland directed staff to review options and present a proposal at the October 5 Council meeting. Also, hearing no objection, he ordered that a letter be sent to NCDOT requesting they work jointly with the Towns of Duck and Southern Shores on a drainage/stormwater plan for NC.

Mayor Sutherland commended Joe Anlauf for the detailed presentation.

Ordinance #2004-09-02 relating to trash/recycle

Mr. Classen presented a revised copy of the draft Ordinance #2004-09-02 relating to trash/recycle that contains two proposed changes from the original version introduced on September 7, 2004 to Council:

- 1) Article IV, the penalty section was re-written by the town attorney to make it better accomplish the goals of writing a ticket, rolling back the trashcan out of the right-of-way, and then sending the ticket to a collection agency if it is not paid in a timely manner and that cans not be put out prior to 24 hours before pickup.
- 2) Article V was added to the Ordinance cleaning up existing Town Code language regarding recycling cans and reflecting the current program offering year-round weekly recycling pick-up.

After discussion, hearing no objection Mayor Sutherland ordered staff to submit a revised ordinance with a graduated scale fee schedule per incident and to define the language that an incident is per property not per receptacle and to set a public hearing for the October Council meeting.

Retiree Health Insurance Proposal

Mr. Classen presented a proposal that would allow a retired employee's health insurance premium to be paid by the Town if the employee has met the Local Government Retirement System (LGRS) eligibility requirements and has been employed with the Town for ten (10) years and that the Town would also pay the retiree's Medicare.

The Town of Southern Shores presently offers retiree health coverage by making the current employee plan available to Town employees after five years of service to the Town at the employee's expense.

Mr. Classen provided a survey of what other Dare County local governments offer as retiree health coverage.

Mayor Sutherland moved to approve as presented. Council Member Shields seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Resolution 2004-09-03 relating to legislation regarding email lists

Mr. Classen presented the resolution requesting the Legislature to allow the Town to withhold the identity and email addresses of people who have voluntarily signed up for the Town's Broadcast Email service.

Council Member Denny moved to adopt the resolution as presented. Council Member Hess seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Resolution No. 2004-09-03, as approved, reads as follows:

**A RESOLUTION OF THE SOUTHERN SHORES TOWN COUNCIL REQUESTING LEGISLATION REGARDING EMAIL LISTS**

**WHEREAS**, the Town of Southern Shores offers a Broadcast Email service available to citizens, property owners and the general public; and

**WHEREAS**, people voluntarily sign up for the Broadcast Email service to receive updates and information on Town events, emergency matters (including evacuations and post-storm information), new laws, upcoming meetings, and other items of interest to the community; and

**WHEREAS**, the Broadcast Email service is helpful to all residents, but is especially helpful to out-of-town property owners who might not otherwise receive timely local information; and

**WHEREAS**, the Town Attorney and the Institute of Local Government have both given the opinion that the Broadcast Email list is a public record and must be made available to persons requesting the list in the same manner as are other public records;; and,

**WHEREAS**, the Town has already had one person request the Broadcast Email list, such list was furnished to the requestor, and then the requestor sent out unsolicited email ("spam") to all of the people on the Broadcast Email service; and,

**WHEREAS**, such unsolicited email ("spam") is a nuisance to the receiver and an expense to the community by degrading Internet service through wasted use of broadband capacity;

**NOW, THEREFORE, BE IT RESOLVED** that the Southern Shores Town Council requests that the North Carolina General Assembly enact legislation authorizing the Town of Southern Shores not to make available the email address of any person who subscribes to the Southern Shores municipal Broadcast Email service and who makes a request that the corresponding email address not be a matter of public record.

The Clerk is hereby directed to transmit a copy of this resolution to Dare County's legislative delegation for appropriate action.

Adopted this the 17th day of September 2004.

Town of Southern Shores

By: \_\_\_\_\_  
Paul Sutherland, Mayor

ATTEST:

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

**New Business**

**Public Works Building**

Mr. Classen submitted a proposal to Council regarding improvements to the Public Works facility, which would include a temporary construction trailer with a small lunch break/bathroom/secured storage area (with HVAC) plus some heating in the main storage building on the site for the Public Works employees and the inmates. The heating system for the main building which would allow employees and inmates to work indoors during winter months. Two separate proposals were submitted for heating systems in the amounts of \$4,326.50 and \$6,457.37. The construction trailer 8' x 28' estimated costs would include a monthly rental fee for a 3-Year Lease - \$98.00 per month, a one time set up cost of \$3,000, and the installation of a septic system at an estimated cost of \$4,000. Currently the Town is paying 66.00 per month for a temporary outdoor toilet at the site.

Following discussion, hearing no objection Mayor Sutherland ordered staff to proceed with acquiring the lower cost heating system and to direct all site plans and County health department permits be submitted to the Planning Board for their review and recommendation to Council.

**Council Member Items**

Council Member Shields presented a draft tasking letter (Sept. 9, 2004) to the Planning Board requesting they review the Town Zoning Ordinance as it relates to stormwater management and develop recommendations as applicable in lot development and required height above mean level, roof rain water run-off, fill above grade, and increase use of previous surfaces for driveways. Council Member Shields moved to approve the

letter and submit to the Planning Board as requested. Council Member Denny seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

No additional comments from Council.

### **Mayor Items**

Mayor Sutherland addressed a letter from Senator Basnight asking the Town (s) to appoint a person to a countywide stormwater management policy committee. He stated that the requested appointee is to be the town manager, planner or engineer but he made a motion to appoint Council Member Shields as the Towns committee representative. Council Member Denny seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

### **Town Manager Items**

Mr. Classen had several items under his agenda but due to a scheduled 'health walk' at noon for staff and the public those items will be presented at next meeting as applicable.

Mr. Classen did request that Council authorize the manager to secure a preliminary engineering report (REP) for the S. Dogwood multi-use path project that can be used for planning and grant application. After discussion, hearing no objection, Mayor Sutherland so approved.

### **Public Comment**

Sarah Tyler thanked the Animal Control Policy Advisory Committee for all their help in submitting the recommendations to Council. She asked Council to re-consider the hours allowed for dogs on the beach during the summer. She stated that many renters are leaving the Town because it is not a dog friendly beach. She thanked Martha Elliott with the Humane Society and Paul Cagiano president of the SPCA. She also thanked Council for their considerations.

Jane Tyne of 8-13<sup>th</sup> Ave. stated that she didn't feel Council addressed the committee's recommendations in a fair manner. She didn't feel that Council addressed Mrs. Graham's comments or give her any solutions. She stated that she feels the Town should be more dog friendly.

Hearing no other business Mayor Sutherland moved to adjourn the meeting at 11:55 a.m. Council Member Denny seconded. The motion passed with Mayor Sutherland, Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Mayor

Carrie Gordin, Town Clerk