

Southern Shores Town Council
Town of Southern Shores, North Carolina

Regular Meeting
October 5, 2004
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on October 5, 2004, at the Pitts Center.

The following members were present:

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

Mayor Sutherland called the meeting to order at 7:00 p.m. and Council Member Denny led the Pledge of Allegiance.

Mayor Sutherland asked that a moment of silence be held for all those in uniform, and not, defending our freedom all over the world.

Approval of Agenda

Mayor Sutherland deleted Item 11 from Old Business. Council Member Hess moved to approve the agenda as modified. 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.

Approval of Minutes

Council Member Denny moved to approve the minutes for the September 7, 2004 Council meeting 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.

Council Member Shields moved to approve the minutes for the September 17, 2004 meeting as presented. Council Member Sanders 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 Sutherland recognized County Commissioner Chairman Warren Judge, Mayor Gene Schwartz, Town of Duck, and Doug Seay, Mayor pro tem, Town of Kitty Hawk.

Presentation

Doug Seay, president of the Sandpiper Cay Homeowner's Association, presented a check in the amount of five hundred dollars (\$500) to the Southern Shores Volunteer Fire Department Rehab for their help following the tornado that damaged some the homes at Sandpiper Cay.

He also expressed his best wishes to Mayor Sutherland upon his leaving and thanked him for the great working relationship he developed with Mayor Sutherland on boards and with the Town of Kitty Hawk.

Public Comment

Leo Holland, SSCA president, requested that Council clarify the comments written in the letter to the editor regarding a zoning amendment relating to the reversing of the land use plan in relation to the commercial zone.

Neal Blinken, 1348 Duck Road, stated that he wrote the letter to the editor upon reviewing the notices for the Planning Board amendments regarding Planned Unit Developments (PUD) and the proposed enforcement of commercial development only in the commercial district, when currently residential use is allowed in the commercial district.

Norm Shearin of 187 Wild Swan Lane and representing Frank Stone, owner of Southern Shores Realty, was asked by Mr. Stone to attend the meeting to express Mr. Stone's concern that the proposed change to the PUD section of the zoning ordinance would deny Mr. Stone's use of an eight acre parcel that he owns. Mr. Shearin stated at this time Mr. Stone has no plans to develop that property but that approval of the proposal would deny flexibility of the property.

Mr. Shearin stated that usually a reaction to a bad experience lends to a change but that there are other zoning tools that could be used to achieve the same results without losing the flexibilities. He stated that floating zones or conditional uses could be considerations. He asked that Council consider a meeting with Mr. Stone and himself before Council takes action on the proposed zoning changes.

Ed Cowell, 134 Beech Tree Trail, requested that Council consider limiting the size of residential structures in the commercial zone.

Necla Rader, resident of Southern Shores Landing stated that she would prefer to see the commercial property adjacent to Southern Shores Landing be built as a residential area. She stated that a commercial use would be noisy to the adjacent residential area.

Reports

Chairman Jim Groff reviewed the items from the Planning Board meeting held on Monday, September 20, 2004.

- A. Review of Site Plan Application from the Dare County Board of Education for the Renovation of the Kitty Hawk Elementary School. The Planning Board recommends approval of the site plan with conditions as outlined by staff. A copy of the application and site plan is available for Council review at the Council desk in Town Hall.
- B. In response to Council action on September 17, the Planning Board created a Stormwater Policy Committee, which held its first meeting on September 29.

Planning Board Member Jay Russell is chairing that Committee and Member George Kowalski is assisting him.

- C. The Planning Board feels it is time to begin looking at a Long Range Plan for the Town since the CAMA Land Use Plan will need to be done as soon as State funds are again made available and since the last Long Range Plan was completed in 2001. Planning Board Member Joe Walters is chairing a subcommittee to look at revising, updating or re-creating the Long Range Plan.

The Planning Board recommends that the Town Council consider and approve the following ordinances:

Ordinance No. 2004-10-b - Relating to Site Plan Requirements

This Ordinance would require residential and commercial applicants to provide at least a preliminary design of what the proposed structure would look like so that the Planning Board can get a sense of the size and bulk of the proposed structures. The Planning Board is not recommending developing architectural review guidelines, but to leave that to the SSCA and CPOA. Rather, the goal is to at least get a better sense of what is being proposed than can be found on a two-dimensional site plan.

For commercial site plan applications, the Ordinance clarifies the wastewater information required with the application. It further requires some landscaping information with commercial site plan applications.

Law requires that a public hearing be held prior to adoption of this Ordinance and after minimum advertising of the public hearing.

Ordinance No. 2004-10-c – Relating to Computation of Required Space

This Ordinance would clarify that wetlands and submerged lands are not included in lot acreage for the purpose of meeting minimum square footage requirements. It would also clarify that new lots must have 33% non-wetlands area and that portions of lots cannot be divided by water, easements, or roads. (The idea is that buildable lots must be altogether and not split apart by water, roads, etc. just to make up minimum square footage.)

The Ordinance also clarifies that the Town can accept manufactured certified porosity on such materials as “Turf Stone” so that credit is given that surface water can infiltrate through at least some of that material.

Ordinance No. 2004-10-dd – Relating to Commercial Recycling

This Ordinance provides that the Town shall make a recycling receptacle available to commercial establishments. The goal is to encourage recycling by commercial establishments and to lower overall solid waste disposal costs.

Ordinance No. 2004-10-ee – Relating to Planned Unit Developments

This Ordinance would increase the minimum size for creating a planned unit development (PUD) to ten acres from five acres.

Ordinance No. 2004-10-ff – Relating to School Facilities

This Ordinance, which was applied for by the Board of Education, would allow for 40% lot coverage for school facilities and would allow for a maximum top plate of 45 feet and an overall maximum height of 55 feet for school facilities. The purpose of the Ordinance is to accommodate the proposed two-story addition/renovation to Kitty Hawk Elementary School.

Mr. Classen stated that law requires that a public hearing be held prior to adoption of all zoning ordinances; however, amendments to Town Code do not necessarily require a public hearing.

Mayor Sutherland moved to introduce and set public hearings for all the ordinances for the November 3, 2004 Council meeting. 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 Sutherland stated that he wants to clarify that the Town's current law allows residential in the commercial zone and that the proposed ordinance would stop subdivisions like Southern Shores Landing and Mallard Cove. He stated that the writer of the editorial built Ginguite Woods and that he owes the Town over \$14,000 and that the letter has no credibility.

Mid-Currituck Sound Bridge Update

Mayor Sutherland stated that the campaign is moving ahead. He also stated that NCDOT painted the crosswalk markings on NC 12.

Canal Dredging Project

George Wood of Environmental Professions reported that the Town is awaiting the vote from the SSCA regarding the transfer of ownership of the canals to the Town. He stated that the General Permit process is underway and progress updates will be given.

Council Member Hess stated that the SSCA would count the votes at the October 19, 2004 meeting regarding turning over the canal to the Town.

SSVFD

Fire Chief Bakken echoed the sentiments from Doug Seay regarding how great the SSVFD "rehab" group is. A monthly incident report was displayed by using GIS capabilities for all to see. He stated that the annual hydrant testing would be done as well as the annual mandatory hose testing. The hose testing will be held on October 26, 28, and 29 on Pintail Trail from 8 a.m.-noon and that a broadcast email would be sent from the Town. He advised that the Dare County Water Dept. will be constructing the water line loop at Scuppernong this winter and that October is Fire Prevention Month.

Public Hearing-Ordinance No. 2004-09-02-Relating to Trash

Mayor Sutherland called the public hearing to order.

Mike Stone, 8 Sandfiddler Court, asked that Council re-examine the proposed graduated scale for fines as proposed.

Hearing no further comments from the public Mayor Sutherland closed the public hearing.

Council Member Denny stated that he feels the penalty is too harsh. He stated that more education to the residents, non-residents, real estate agencies, and property management companies of the requirements is needed. He stated that when the Town removed the dumpsters it caused problems but now trash and recycle cans have been placed at the dumpster site but it has not been properly advertised. He feels more debate is needed before action is taken.

Council Member Sanders stated that he is confused on the fee scale, that he feels the original fee of \$50 per day may be better.

Council Member Hess asked if the sliding scale is the problem or the amounts.

Council Member Sanders stated that the intent of the Ordinance was to provide for safety and to aid in the beautification of the Town. He stated that with the winter pick up schedule the only day a citation would be issued is Wednesday. He stated that when a can is left out the only way you would know if it should be cited would be to look into the can.

Council Member Shields stated that Council has been working on this for some time and if there is a way to solve then do so, if not leave the cans out.

Council Member Hess stated that she supports the ordinance, but recommended changing the fine amounts to \$25, \$35, and \$50.

Council Member Shields moved to approve the Ordinance 2004-09-02 with the modifications to amend the fine amounts to \$25, \$35, and \$50 and to amend the days between violations from 180 days to 90 days. Mayor Sutherland 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.

Ordinance No. 2004-09-02

An Ordinance of the Southern Shores Town Council Relating to Trashcans

Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 8-5(b), Southern Shores Town Code - Placement and maintenance of receptacles

Section 8-5(b) of the Southern Shores Town Code is hereby amended as follows:

- (a) No receptacle shall be placed out on the street right of way earlier than twenty four (24) hours before scheduled pickup. A Receptacle shall be moved out of the street right of way within twenty four (24) hours following each collection. Violations will subject the offender to a civil penalty upon the issuance of a citation as provided in Section 1-6 (d-1-b) of the Code of Ordinances of the Town of Southern Shores, hereinafter referred to as the Code.
- (b) Upon finding a receptacle in violation of this section, the Town shall remove the trashcan from the street right of way, notify the owner of the violation, and assess a civil penalty in accordance with Section 1-6(d-1-a) of this Code.

Article IV. Create Section 1-6(d-1-b), Southern Shores Town Code - General penalty; enforcement of ordinances; continuing violations.

Section 1-6 (d-1-b) of the Southern Shores Town Code is hereby created to read as follows:

(d-1-a) Violations of Section 8-5(b) of this Code shall subject the offender to a civil penalty upon the issuance of a notice or ticket to the owner of the property as listed by the Dare County Tax Assessor requiring the owner of the property to report to the town offices within seventy-two (72) hours after such notice has been mailed by first class mail and answer to same or to return such ticket or notice by mail with civil penalty. The amount of civil penalty shall be in the sum of twenty-five dollars (\$25.00) for this first violation where one or more receptacles are in violation of law. If a second violation shall occur within ninety (90) days of the first violation, the amount of civil penalty shall be in the sum of thirty-five dollars (\$35.00) for this second violation where one or more trashcans is in violation of law. If a third or more violation shall occur within ninety (90) days of the first violation, the amount of civil penalty shall be in the sum of fifty dollars (\$50.00) for a third or more violation where one or more trashcans is in violation of law. If the civil penalty is not paid within fifteen (15) days of the issuance of the notice or ticket, the sum shall be recovered by the town in a civil action in the nature of a debt.

Article V. Amend Section 8-9, Southern Shores Town Code - Source separation and recycling

Section 8- 9 (c) (2) of the Southern Shores Town Code is hereby amended as follows:

~~(2) Curbside recycling pickup will be provided once per week from Memorial Day to September 30 and twice each month during the remainder of the year.~~

Article VI. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VII. Effective Date

This Ordinance is effective immediately.

Approved this 5th day October 2004.

Mayor Paul Sutherland

ATTEST:

Carrie Gordin, Town Clerk

Vote: Aye 5 Nay 0

Date Introduced: 09/07/2004

Date(s) Published: 09/23/2004

Publication: Coastland Times

Approved as to Form:

Ike McRee, Town Attorney

Animal Control Recommendations and Implementation

Mayor Sutherland stated that on September 17, the Town Council reviewed for approval 16 of the 17 recommendations submitted by the Animal Control Policy Advisory Committee. He stated that Town staff has provided implementation suggestions for each of the Council’s approved Committee recommendations including draft Ordinance No. 2004-10-gg) tonight that implements the two recommendations that require changes in the Town Code for Council consideration.

Mayor Sutherland commended the committee for a great job.

Animal Control Program
Council Policy Changes and Implementation

On September 17, 2004, the Town Council approved the following changes to the Town animal control policies and programs. Listed after each item is a staff suggestion for implementation.

Beach Issues

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.

Recommended Implementation: See draft Ordinance No. 2004-10-gg - Relating to Animal Control.

Stronger enforcement 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.

Recommended Implementation: Direct the town manager to conduct public information campaign about animal control rules and provide police with information how they can encourage people to comply before a citation is issued.

Southern Shores should work with neighboring Towns to coordinate animal control policies insofar as possible.

Recommended Implementation: Direct the Mayor and town manager to hold a meeting with their counterparts in Duck and Kitty Hawk to investigate coordination of animal control policies.

The Town should install signs on the beach indicating the town limits at the Southern Shores boundaries.

Recommended Implementation: Direct the town manager to have signs installed at the Town boundaries along the beach.

Enforcement

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.

Recommended Implementation: Appoint a council member and the town manager to work with the SCCA and CPOA 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.

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.)

Recommended Implementation: Direct the Mayor and town manager to hold a meeting with their counterparts in Duck and Kitty Hawk to investigate coordination of animal control officer functions. Also, include representatives of Dare County and discuss Dare County providing the same level of animal control services, funding or resources in Southern Shores as in the unincorporated areas of the County.

Direct the Mayor to write a letter to the Dare County Board of Commissioners asking them to pick up animals from a holding facility serving the northern beach communities.

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.

Recommended Implementation: See draft Ordinance No. 2004-10-gg - Relating to Animal Control. If the applicable language in Ordinance No. 2004-10-gg is adopted, direct staff to provide information about the law to the homebuilders association and to provide similar information to persons applying for Southern Shores land use and building permits.

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.

Recommended Implementation: No changes needed.

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

Recommended Implementation: Direct the Mayor to send a letter to the presidents of the SSCA and CPOA about the issue of establishing a dog park.

Guest Issues

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.

Recommended Implementation: Include information in the Broadcast Email and in the next Town newsletter urging property owners and real estate companies who 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. Direct the Mayor to send a letter to rental management companies asking them 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.

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.

Recommended Implementation: Direct the town manager to have educational materials developed and distributed that advise guests about Town animal control laws and to provide these materials to the property management companies and to all Southern Shores property owners.

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.

Recommended Implementation: Appoint a council member and the town manager to find ways to 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.

Licensing Issues

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

Recommended Implementation: Direct the town manager to work with veterinary clinics and rabies vaccination people to provide animal license applications and information for installing identification chips in animals.

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

Recommended Implementation: Direct the town manager to provide educational materials and to use the Broadcast Email, Town newsletter, and other media channels to encourage people to license their animals through the Dare County animal licensing process.

Direct the Mayor to write a letter to the Dare County Board of Commissioners asking them to have the County mail out animal license renewal notices annually.

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.

Recommended Implementation: Direct the town manager to investigate the costs to make available to animal control officers serving Southern Shores a device for reading electronic identification chips embedded in animals.

Direct the town manager to provide educational materials and to use the Broadcast Email, Town newsletter, and other media channels to provide citizens and property owners information on animal electronic information chips, such as AVID or other brands.

Mayor Sutherland moved to approve the implementation plan with minor changes as discussed including introduction of Ordinance 2004-10-02 relating to Animal Control with a public hearing to be held in conjunction with the November 3, 2004 Regular Council Meeting. 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.

Ordinance No. 2004-10-02

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
ANIMAL CONTROL**

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 6-91, Southern Shores Town Code – Mandatory Removal of Feces.

Section 6-91 of the Southern Shores Town Code is hereby amended to read as follows:

Each and every person, owner, keeper or custodian of any dog shall immediately remove all feces deposited by the dog they are accompanying ~~on the ocean beaches~~. The removal of feces shall be accomplished by depositing such feces in a sanitary container. Burying feces in the sand or depositing in any body of water is prohibited and constitutes a violation of this chapter.

Article IV. Amend Section 6-90, Southern Shores Town Code – Animals running at large.

Section 6-90(a) of the Southern Shores Town Code is hereby amended to read as follows by adding subsection (5):

(a) It shall be unlawful for the owner or custodian of any dog or other animal, other than an ordinary domesticated house cat, to fail to keep the same from running at large within the town. For the purposes of this chapter, an animal, other than an ordinary domesticated house cat, shall be deemed "running at large" when it is not restrained as specified below:

(1) When the animal is located upon the premises of the owner or custodian, it must not be able to enter upon public property or the premises of another person. Any animal off the premises of the owner or custodian shall be restrained by a leash, cord, or chain not exceeding ten (10) feet in length, held by a person who is physically able to control the animal.

(2) For the purposes of this chapter, "premises of the owner or custodian" shall be defined as the residence of the owner or custodian, including the attached property surrounding the residence that is owned or leased by such owner or custodian but not including any common area, park, or recreational property jointly owned or leased by the members of a property owners' or tenants' association unless such association desires to include it's property by resolution of it's governing board.

(3) No animal shall be deemed to be "running at large" when the animal is upon the premises of the owner or custodian and when the animal is contained on or restricted to such premises by any means, including verbal commands.

(4) Any animal enclosed within the automobile or other vehicle of its owner or custodian shall be deemed to be upon the owner's or custodian's premises.

(5) To bring any animal to a property not owned by the custodian of the animal and where the custodian of the animal is performing work for pay or under contract on the property.

Article V. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VI: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the __ day of _____ 2004.

Mayor Paul Sutherland

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: 10/05/2004 F:\carrie\Ordinances - 2004\2004-10-gg - Animal Control.doc

New Business

Special Events Permit

Mr. Classen stated as part of the recently-enacted Right-of-Way Ordinance (No. 2004-07-02), for the first time people were allowed to park along the rights-of-way beyond designated Town parking areas. One permit created was a Special Events Permit that can be used when someone is holding a planned event like a wedding, reception, party, garage sale or other gathering in excess of outside parking. A \$25 application fee was established.

He stated that since publicizing the Special Event Permit fee, a number of people have complained about the Permit saying they should not have to get Town approval prior to simply allowing friends to park in front of their house. Other people have complained that it used to be easy to obtain approval; they would just call the Police Department and their friends would not get tickets

He stated that in response to this, the Department Heads met and suggested that the Town continue to authorize special event parking by permit but to remove the fee. Further, staff will take steps to allow people to call in or email their permit requests and processes will be put in place to get the permit information to the Police officers as quickly as possible.

He stated that parking in the right-of-way without Town authorization remains prohibited since many Town roads are very narrow and parking along the right-of-way forces the Town to strongly consider the expense of widened roads. Widening the roads will not only cost more tax dollars, but also will alter the charm and ambience of many neighborhoods.

He recommends that Council approve deletion of \$25 fee for a Special Events Permit.

Council Member Shields moved to delete the required \$25 Special Events permit fee. Mayor Sutherland 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.

Cemetery Policy Advisory Committee Recommendations

Mr. Classen stated that over the past six months, the Cemetery Policy Advisory Committee has awaited surveys and staff has slowed their progress due to the need to focus on storm damage this summer but has managed to compile the submitted recommendations. He stated that some Committee suggestions have been incorporated into recent maintenance activities at the Cemetery. However, much work remains to improve both the appearance and functionality of the Cemetery.

He stated that the Committee divided the Cemetery into three Sections for purposes of discussion:

- Original Cemetery Section: This is the area with older monuments that pre-date development of Southern Shores. No burial plots are available in this section.
- Section One: This section surrounds the Original Cemetery Section and has 555 plots platted and marked; however, 10% are estimated to be unusable due to conflicts with trees, and another 66 are unusable because they are located underneath the existing road. This leaves 434 burial plots useable in Section One.

As of September 30, 329 plots have been sold, with 117 having someone buried in them, leaving approximately 105 plots available for other decedents to use.

- Section Two: This Section is south of Section One and has 559 plots platted, plus 150 more plots that are platted on the side of the hill east of the existing road. None of these plots are available at this time because no plot markers have been installed.

Therefore, although there are a total of 1,264 burial plots platted but only 105 are currently available for future decedents.

The Committee discussed the possibility of offering a columbarium (area for the interment of cremains) but has not made any recommendation pending Council decisions regarding the road.

He stated that at a meeting held on September 22, 2004 the Cemetery Policy Advisory Committee agreed to make the following recommendations for Council's consideration.

1) *Road*

- a) *Construct a new asphalt or other hard-surfaced road as shown on the submitted site plan, with the following changes:*
 - i) *The Cemetery entrance should be on the north side with a one-way lane to an exit on the south side.*
- b) *Use a gravel, chip or other surface treatment on the road so as to discourage skateboarding, rollerblading, and similar activities.*
- c) *Consider stormwater management in the development of the road and the removal of trees.*

Note: By changing the layout of the road as indicated in the site plan, the 66 plots in Section One currently located underneath the existing road will become immediately available.

2) *Sign*

- a) *Amend the Town Code/Zoning Ordinance so that the deteriorated Cemetery sign can be replicated and placed near the Cemetery entrance off the right-of-way. (The present sign is dilapidated and located in the right-of-way.*
 - b) *Use the Broadcast Email to request volunteers who would construct:*
 - i) *the new Cemetery sign; and,*
 - ii) *additional coordinating signs of a similar style to the new Cemetery sign that the ingress/egress locations of the Cemetery. i.e. "Entrance" and "Exit"*
- 3) Grounds Maintenance**
- a) *Increase grounds maintenance to a higher, improved level. Maintain the natural appearance. The work done by the existing contractor (Grass Roots) is very good and the contractor is appropriately respectful of the decedents' families, however, a quarterly cleaning is not adequate to maintain the Cemetery's natural look in a fitting manner. While best handled by the Town Manager, the Committee suggests at least monthly maintenance, perhaps weekly during the growing season.*
- 4) Committee Work**
- a) *Request extension of Committee's work including layout of Section Two, tree removal and surface of grounds for finished appearance.*

Council Member Denny recommends that the new road surface be an exposed aggregate asphalt surface to aid in prohibiting the use of skateboards and in-line skating. He asked that staff provide a cost estimate for such a surface for Council's review at the October 19, Council meeting.

Council Member Shields moved to approve the Committee recommendations, except for the road surface still to be determined. 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 Sutherland thanked the Committee.

Council Member's Report

Council Member Denny gave an update on the Holly Trail project by saying that there would be no more utility disruptions. He stated that Dare County Water Dept. acted immediately and professionally when the water main was broken.

Mayor Sutherland praised Council Member Denny on his overseeing of the project with all the opposition he has encountered.

Council Member Shields stated that he attended the Outer Banks Hydrology Management Committee meeting to discuss stormwater management. He stated that the committee is made up a large group including the director of Coastal Studies Institute, representatives from all the Towns in Dare County, Currituck County, Dept. of Water Quality, Dept. of Coastal Management, Dept. of Natural Resources, NCDOT, as well many others. The committee is preparing a GIS project map showing all stormwater management problem areas in Dare and Currituck Counties.

Council Member Hess asked that Council place on the October 19 meeting agenda for discussion the placement of the crosswalks on NC12.

Mayor's Report

Mayor Sutherland stated that he received information regarding the Icarus International-First Flight Rotary Club request that Council consider submitting something to the Monument to a Century of Flight-Time Capsule.

He stated that Mr. Classen suggested asking the two civic groups SSCA and Chicahauk Property Owners Associations if they would like to submit something. A copy of the letter would be given to the presidents of each association. Hearing no objection, so ordered.

Town Manager's Report

The Monthly Tax and Building Inspection Reports were presented. 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.

Mike Hejduk presented an overhead GIS map of the Town showing building permit status and stated that the other Town departments will be able to scan information into the data system. He stated that he has a large map (aerial view) of the Town that will be used at many meetings.

Mr. Classen acknowledged Dare County representatives Tommy Gray and Greg Ball for all their help with the GIS program.

Glenn Alexander reported that the Public Works Department received the new pick-up truck that will be used to transport the inmates. He stated that over 30 trash cans and 20 recycle cans were replaced for the residents due to damage. Pruning of the Town has begun and they are mulching areas of the Town.

Mr. Classen presented a Tidewater Fiber Contract Extension for recycling collection and disposal for the Town, which includes a weekly pick-up during the winter. Council Member Shields moved to approve the contract extension as presented. Council Member David Sanders 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.

Mr. Classen announced that a fall beach clean-up is scheduled for Thursday, October 14. Orange trash bags will be provided to volunteers at Town Hall. Set bags along the base of the dune line or bring the bag(s) to Hillcrest Parking lot. Refreshments will be provided around 1 p.m. at Hillcrest Parking Lot.

Mr. Classen stated that staff is awaiting bid documents from the Town Engineer for the Spindrift Trail Multi-Use Path. When they are available and approved by the Town Manager, the project will be put out for bid. Construction is now anticipated for the winter, 2004-05.

Town Attorney

Ike McRee stated that the Franchi case has been set for October 11, 2004.

Public Comment

Neal Blinken stated that Mayor Sutherland cast dispersions on his character and that the main problem regarding the Ginguite Woods Wastewater Reclamation Association was when the permitting process was delayed. He stated that the fines to the Town would be paid soon. He

stated that the September 20 Planning Board minutes should be reviewed and that more discussion is needed regarding the zoning amendment preventing residential in the commercial zone.

Announcements

Mayor Sutherland read his resignation letter to Council to become effective at the close of this meeting.

5 October 2004

From: Paul E. Sutherland, Mayor, Town of Southern Shores
To: The Citizens of Southern Shores
Southern Shores Mayor Pro Tem Hal Denny
Southern Shores Town Council Members

Subject: Resignation

I hereby submit my resignation as Mayor of Southern Shores effective at the end of the 5th of October Town Council meeting.

It is my sincere regret that I have to leave before my term of office is completed in 2005 but I must do what is right for my wife and me. We have sold our home in Southern Shores and will be moving to the western part of the state in mid November. The move is necessitated as we plan for our future.

I have served on Town Council for almost seven years and five of them as mayor. It has been a great honor and a privilege for me to serve and represent the citizens of this wonderful town. I have relished every minute of it and leave with the knowledge that I have been a part of making our town better. Southern Shores has a bright future indeed and my council mates are extremely well qualified and focused upon keeping our town the great place that it is. We are indeed fortunate to have such dedicated elected officials. We are also fortunate to have our current town manager, Carl Classen, and our other wonderful, capable and dedicated town employees. God bless them all and all of the volunteers that have contributed so much to our town.

Thank you all for your confidence in me and your support during the past seven years. I know that the best is yet to come for the Town Of Southern Shores.

Sincerely,
/s/ Paul Sutherland

Hearing no other business Mayor Sutherland moved at 8:40 p.m. to recess the meeting until October 6, 2004 at 10:30 a.m. in the Pitts Center. Council Member Sanders 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 pro tem Denny called the recessed meeting to order at 10:35 a.m. on October 6, 2004. Mayor Sutherland, who submitted his resignation the previous evening, was not present.

The following members were present:

Council Members: Hal Denny, Dan Shields, Jodi Hess, and David Sanders

Carl Classen, Town Manager
Carrie Gordin, Town Clerk

Approval of Agenda

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

Council Member Hess moved to accept Mayor Sutherland's resignation effective October 5, 2004. Council Member Shields seconded. The motion passed with Council Members Denny, Hess, Shields and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Council Member Shields moved to appoint Council Member Denny as Mayor until the November 5, 2005 election. Council Member Hess seconded. The motion passed with Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; Council Member Denny not voting; and no Council Members absent.

At this time, Mayor Denny resigned his positions as Council Member and as Mayor pro tem effective immediately. Council Member Sanders moved to accept the resignations. Council Member Hess seconded. The motion passed with Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; Council Member Denny not voting; and no Council Members absent.

The Town clerk swore in Mayor Denny.

Council Member Shields moved to task the Town manager to send Broadcast Email, as well as placing a notice in the local newspapers, requesting viable candidates interested in being on Council to submit a written statement of interest no later than October 15, 2004 at 5:00 p.m. to the Town Clerk at Town Hall and that a press release be submitted regarding the appointment of Mayor Denny. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Mayor Denny recommends that the position of Mayor pro tem be considered at the November 3, 2004 Council meeting, upon a full Council being in place.

Other Issues

Mr. Classen stated that upon Council's decision to delete the \$25 Special Event Permit fee from the recently approved right-of-way ordinance, he recommends that Council consider refunding the fees of the five (5) applicants that paid initially. Council Member Sanders moved to refund the fees as requested. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Mr. Classen recommended to Council that a single ordinance and a single public hearing notice be submitted relating to the zoning ordinance amendments as one Ordinance 2004-10-01 set for public hearing for the November 3, 2004 Council meeting. Council Member Hess moved to consolidate the planning board recommendations of draft zoning ordinances and set as one public

hearing as requested. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Mr. Classen recommended Council to clarify existing policy to authorize that past retirees remain on the Town's health insurance plan at their expense until Medicare is applicable to the retiree. Council Member Shields moved as presented. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

Mayor Denny moved to adjourn the meeting at 11:00 a.m. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, and Sanders voting aye; no Council Member voting no; and no Council Members absent.

ATTEST:

Respectfully submitted:

Mayor Hal Denny

Carrie Gordin, Town Clerk