



Town of Southern Shores

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Southern Shores Town Council
Town of Southern Shores, North Carolina
Regular Meeting
March 15, 2005
9:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on March 15, 2005, at the Pitts Center.

The following members were present: Mayor Hal Denny, Council Members: Jodi Hess, Dan Shields, David Sanders, and Brian McDonald

Others present included: Carl Classen, Town Manager; and Carrie Gordin, Town Clerk.

OPENING

Mayor Denny called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

Mayor Denny held a moment of silence for the family and friends of Scott Streater. He stated that Scott was a dedicated member of the Southern Shores Volunteer Fire Department for many years.

APPROVAL OF AGENDA

Mayor Denny moved that the agenda be amended to include a closed session to consult with the Town attorney and to add an item under New Business D. Shoreline Management Commission. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

PUBLIC COMMENT

Mayor Denny called for comments from the public. No comments were received.

OLD BUSINESS

Mixed Beverage Election Update

Mayor Denny announced that the Dare County Board of Elections met on Tuesday March 8, 2005 and approved a special election for mixed beverage use in Southern Shores on May 10, 2005.

NEW BUSINESS**Law Enforcement Radio System Upgrade Joint Grant Application**

Detective Matt Anderson reported that North Carolina has received funds for an 800 mhz radio system that allows police, ems, fire, Coast Guard, and other public safety personnel to speak with one another at times of an emergency. He stated that public safety agencies in Dare County have been working for several years to have this region be one of the first rural regions in the State to be connected to the system – sometimes known as the VIPER system.

Detective Anderson further reported that the Governor has proposed additional funding for the VIPER system in addition to what is funded by Homeland Security grants. He stated that Dare County has been working towards obtaining grant funding to build radio towers and to install other infrastructure and that until Dare County is notified of receiving the grant, the project is on hold. The infrastructure would need to be in place before radios are purchased.

Mr. Classen stated that the cost to Southern Shores is significant and that all police and fire radios would need to be replaced. He reported that radios presently cost between \$1,200 and \$6,000.

Mr. Classen stated that Council will be updated on the system as it progresses.

HB 328 - Law Enforcement Use of ATVs on Roads

Council received a copy of HB328 (Culpepper), which allows the Town of Nags Head to operate ATV's on public roads under specific restrictions. Mr. Classen stated that given Southern Shores' use of ATV's and the need to cross State roads to get to the Town's beach; he suggests that the Town Council request that Southern Shores also be added to HB328.

Council Member Shields moved that Representative Culpepper be asked to include Southern Shores on HB328. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Ordinance #2005-03-01 Amending the FY2004-05 Budget

Mr. Classen presented Ordinance No. 2005-03-01 Amending Ordinance No. 2004-05-01 which established the FY2004-05 budget. He stated that the proposed amendments reflect projects approved by Council, various exceptional storm-related costs, and other financial matters since adoption of the Town's FY2004-05 Budget last spring. He reviewed the items with Council and recommended that Council adopt the budget amendment.

Council Member Hess suggested for next years' budget that a quarterly financial report be provided to Council. Mr. Classen stated that he would provide a monthly financial report at the mid-month meeting beginning in April.

Council Member Hess asked that Ordinance No. 2005-03-01 be amended to reflect the separation of the property taxes as Operations and Capital Improvements as shown on the previous budget.

Mayor Denny moved to approve Ordinance No. 2005-03-01 Amending the FY2004-2005 budget, with the amendment suggested by Council Member Hess regarding property tax revenues. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council

Member absent. As approved, a copy of Ordinance No. 2005-03-01 amending the FY2004-05 Budget is a part of these minutes as Exhibit A.

Shoreline Management Commission

Mr. Classen provided information from County Commission Chairman Stan White inviting the Town to appoint a council member to serve on the newly-formed Shoreline Management Commission.

Mayor Denny volunteered himself to be the Town's representative. Council Member Hess moved to appoint Mayor Denny to the Shoreline Management Commission. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

OTHER ITEMS

Council Items

Council Member McDonald stated that the Outer Banks Community Development Corporation is requesting that a Council representative be appointed to serve on the Governmental Affairs/Public Relations Committee. He stated that the committee would consist of other community members and elected officials. Hearing no objection, Mayor Denny appointed Council Member McDonald to the Committee.

Council Member Sanders reported that the Dare County Sheriff's Department moved a fire and rescue communications repeater from a tower located in Kitty Hawk to Dare County's Colington Water Tower. He stated that this change has caused serious radio dispatch problems for Southern Shores and Duck. He further stated that the removal of the repeater was to be a temporary move but it has been several months now and complaints are now coming in about the lack of service. After discussion, Mayor Denny stated that he would contact Sheriff Midgett to find out what is proposed to restore previous service quality.

Council Member Shields stated the first Paint Ball Committee meeting will be held March 31, 2005 at 4 p.m. in the Pitts Center and that the committee would be meeting every Thursday.

Mayor's Items

Mayor Denny reported that he signed a letter, along with all the other mayors, to the Dare County Commissioners stating their concerns that the Dare County Emergency Management Ordinance approved in 2004 usurped municipal authority and was contrary to State law and good practice. He will report to Council on the outcome.

He announced the dates for the Town Clean Up (April 2) and the Large Item Pickup (April 6).

Town Manager's Items

Mr. Classen stated that a large crowd was present for the March 7 Transportation Task Force public input meeting.

He thanked Chief Pledger for the participation of Sgt. Anderson and Officer Thompson in the annual St. Patrick's Day parade.

He announced that George Wacker employee of the Public Works Department is leaving.

He stated that purchase orders for stormwater and road repairs at 370 Sea Oats Trail and at 41 Eleventh Avenue have been issued.

Mayor Denny thanked Bob Harvey, a SSVFD member, for attending a National Fire Academy training seminar.

PUBLIC COMMENT

Mayor Denny called for additional comments from the public. No comments were received.

CLOSED SESSION

Mayor Denny moved to go into closed session for consultation with legal counsel as per NCGS 143-318.11(a)(3) and for discussion of personnel issue as per NCGS 143-318.11(a)(6). Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Upon conclusion of the closed session, Mayor Denny moved to re-enter open session and to adjourn the meeting. Council Member Shields seconded. The motion passed with Mayor Denny and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent.

The meeting adjourned at 11:25 AM.

ATTEST:

Respectfully submitted:

Mayor Denny

Carrie Gordin, Town Clerk

Exhibit A

Ordinance No. 2005-03-01

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL
AMENDING THE FY2004-05 BUDGET**

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 Ordinance No. 2004-05-01 Amending the Budget and Tax Rate for FY2004-05 for Southern Shores, which was originally adopted by the Southern Shores Town Council on June 8, 2004.

Article II. Construction

For purposes of this Ordinance, underlined words and numbers (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 Ordinance shall be shown in italics (*italics*).

Article III. Amend Section I – General Fund

Section I. of Ordinance No. 2004-05-01 Amending the Budget and Tax Rate for FY2004-05 is hereby amended to read as follows:

Section I. General Fund

A. *Appropriations: The following amounts are appropriated for the operation of the Town government and its activities for the fiscal year beginning July 1, 2004 and ending June 30, 2005:*

	<u>General Fund</u>	
<i>Administration Department</i>	<i>\$601,067</i>	\$ 641,276
<i>Police Department</i>	<i>829,500</i>	\$ 907,109
<i>Sanitation Department</i>	<i>\$465,781</i>	\$ 464,500
<i>Ocean Rescue</i>	<i>\$145,200</i>	\$ 130,000
<i>Fire Department</i>	<i>\$234,410</i>	\$ 234,410
<i>Public Works Department</i>	<i>\$575,936</i>	\$ 562,037
<i>Inspections Department</i>	<i>\$277,945</i>	\$ 328,710
<i>Pitts Center</i>	<i>\$21,200</i>	\$ 21,200
<i>Non-Departmental</i>	<i>\$251,000</i>	\$ 524,750
<i>Total Appropriations:</i>	<i>\$3,402,129</i>	\$ 3,813,992

B. *Estimated Revenues: It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2004 and ending June 30, 2005 to meet the foregoing appropriations:*

	<u>General Fund</u>	
Property Taxes – Current Year	1,100,907	1,100,000,
[Property Taxes – Operations]		[990,000]
[Property Taxes – Cap. Improvements]		[110,000]
Property Taxes - Prior Years	2,500	4,500
Vehicle Taxes – Current Year	45,168	45,150
Vehicle Taxes – Prior Years	3,630	2,750
Penalties and Interest	2,202	901
• Total Ad Valorem Taxes	<u>1,154,407</u>	1,153,301
Occupancy Tax	365,465	379,000
Local Option Sales Tax	461,151	460,000
Land Transfer Tax	251,239	268,000
Utilities Franchise Tax	90,000	62,479
• Total Other Taxes and Licenses	<u>1,167,855</u>	1,169,479
• Fund Balance Appropriation	436,265	634,768
• Unrestricted Intergovernmental	67,377	41,822
• Restricted Intergovernmental	221,000	227,117
• Permits and Fees	310,675	224,175
• Investment Earnings	30,000	48,000
• Other Revenues	14,550	315,330
Total Revenues:	<u>3,402,129</u>	<u>3,813,992</u>

Article IV. Amend Section I – Capital Improvement Fund

Section III. of Ordinance No. 2004-05-01 Amending the Budget and Tax Rate for FY2004-05 is hereby amended to read as follows

Section III. Capital Improvement Fund

The following amounts are appropriated within the Town of Southern Shores Capital Improvements Fund for its activities for the fiscal year beginning July 1, 2004 and ending June 30, 2005. It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2004 and ending June 30, 2005 to meet the appropriations described:

<i>Appropriations:</i>		
Capital Improvement Plan Projects	\$468,750	<u>\$758,750</u>
Vehicle Replacement Plan	\$ 95,000	
TOTAL	\$290,000	<u>\$758,750</u>
<i>Revenues</i>		
Transfer - General Fund	\$195,000	<u>\$468,750</u>
Use of Fund Balance	<u>\$ 95,000</u>	<u>\$290,000</u>
TOTAL	\$290,000	<u>\$758,750</u>

Article V. Amend Section I – Vehicle Replacement Fund

Section IV. of Ordinance No. 2004-05-01 Amending the Budget and Tax Rate for FY2004-05 is hereby created to read as follows and subsequent sections of Ordinance No. 2004-05-01 are re-numbered accordingly.

Section IV. Vehicle Replacement Fund

The following amounts are appropriated within the Town of Southern Shores Vehicle Replacement Fund for its activities for the fiscal year beginning July 1, 2004 and ending June 30, 2005. It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2004 and ending June 30, 2005 to meet the appropriations described:

<u>Appropriations:</u>	
Vehicle Acquisitions	\$322,000
Future Fire Truck Reserve	\$ 50,000
TOTAL	\$372,000
<u>Revenues</u>	
Transfer - General Fund	\$175,000
Use of Fund Balance	\$250,000
TOTAL	\$372,000

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 upon adoption.

Adopted this the 15th day of March 2005.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Date Introduced: March 15, 2005