



Town of Southern Shores

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Town of Southern Shores
Council Meeting
October 23, 2007
8:00 A.M.-Pitts Center

Minutes

The Southern Shores Town Council met on October 23, 2007 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Dan Shields, Jodi Hess, David Sanders, and Brian McDonald.

Also present were: Chief David Kole, interim town manager; Carrie Gordin, town clerk and Ike McRee, town attorney.

Mayor Smith called the meeting to order at 8:00 a.m., led the Pledge of Allegiance and held a moment of silence for the family of Peggy Bakken, employee David Bakken's wife and a long time resident and volunteer, victims of the fires in California, and our armed forces serving around the world, and the family of Michael Murphy, Navy Seal, who was awarded the Medal of Honor as announced yesterday. Council Member Hess requested that the Pledger family be included as it has been one year since we lost former Chief Pledger.

APPROVAL OF AGENDA

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

RECOGNITION OF EMPLOYEES

Mayor Smith recognized Merrie Smith, administrative assistant and David Cowan, residential building inspector, for their ten years of service to the town. They were presented with a certificate of appreciation, a ten-year pin and a plaque.

GENERAL PUBLIC COMMENT

Mayor Smith opened the public comment section.

Hearing no comments Mayor Smith closed the public comment section.

APPROVAL OF MINUTES-September 25, 2007

Mayor pro tem Shields moved to approve the September 25, 2007 minutes as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

CONSENT AGENDA - None

REPORTS - None

OLD BUSINESS

Tidewater Fibre Contract

Tim Lee, Tidewater Fibre representative provided additional information at council's request for their discussion. He requested that he review the questions individually.

Mayor Smith requested that Tidewater Fibre look at the possibility of billing the town by tonnage collected or by the actual number of households collected. Currently and the way it is typically collected is per residential household in a municipality.

It was determined that the cost of collection by the tonnage is not cost effective. It was discussed that the cost could be reduced if collection was provided every other week during the winter months.

Currently businesses are provided with recycle collection using the same type of cart as residential use.

Mayor Smith asked if a property owner could purchase a recycle cart directly from Tidewater Fibre and deliver the can to the property. He stated by the town doing this it impacts the town budget and staff time.

Mr. Lee stated TFC is not in the position to offer that service.

Council Member Sanders stated TFC is in contract with Southern Shores not the individual property owner. Mr. Lee concurred and stated that the carts are property of the town.

Mike Stone, resident, stated Tidewater Fibre would need to purchase a different accounting system and hire additional staff which may not be feasible or cost effective to TFC or the town to allow property owners purchase of carts.

Council Member McDonald asked does TFC offer billing to the end user for carts in any other municipality you serve. Mr. Lee stated there is a subscription service program for commercial customers but they don't use this type of program for recycling to municipalities or billing individual properties for carts.

The town currently is using 65 gallon and 95 gallon recycle carts and all replacement carts currently is 95 gallon carts.

It was noted that commercial pickup is not included in the new contract and that will be corrected.

Mr. Lee stated it is difficult to determine an equitable price when a variable rate is being applied. He stated an electronic bar code system is available but it would cost to implement the system. He stated that system does bill by actual set out collection but as discussed before, the trucks still canvas the whole town during collection.

Mayor Smith expressed his concern that the billing shows the amount of cans collected but the town is not getting charged for only those cans collected. He stated currently we are being charged for the number of households in the town but not every household is putting out their can every time. He asked what the price per pickup would be if the billing is charged by using an average of the cans collected over a one year period.

Mr. Lee stated garbage collection is not done the way it is being suggested. He stated he has been in the business for twenty-five years and worked with four states and the billing currently being used has never been different, it is the formula that works for residential recycle collection for a town-wide program. He stated the Town of Duck and Southern Shores are both picked up on Monday which is a cost savings for both towns.

Chief Kole reviewed the changes to the contract to include going to every other week during the winter months, replacing 65 gallon carts with 95 gallon carts as needed, and adding the commercial pickup language to the contract.

Merrie Smith stated the December town newsletter would inform the residents of the change in the pick up schedule of every other week for the winter months instead of every Monday. Broadcast emails would also be used to inform them. She recommended not starting the new collection schedule until January 2008.

Canal Dredging Project Manager Update

Chief Kole provided council with a copy of a dredging project manager job description provided by Quible, the town's engineering firm. Chief Kole stated upon talking with Joe Anlauf, Quible is agreeable in hiring the canal dredging project manager.

Chicahawk Spoil Site Resolution (2007-02-01)

Mayor Smith stated he requested this be placed on the agenda. He stated it was requested from a citizen at a mayor's chat that council consider rescinding the resolution relating to the condemnation of certain Chicahawk property deemed to be used as a spoil site for the canal dredging project. He stated that council most recently agreed that the site would not be a consideration at this time.

Mayor Smith moved to rescind Resolution 2007-02-01 which allows for condemnation proceedings of certain Chicahawk property to be used as a dredge spoil site. Council Member McDonald seconded.

Council Member Hess stated council discussed this issue two meetings ago and moved that council does not intend to use this property at this time. She stated it was a very difficult decision for council to consider. She stated the dredging hasn't started and if we rescind this and then have to go through it again it would be very difficult. She suggested that council wait until we see how the dredging is going to proceed. She stated the town only has the Hillcrest spoil site properties for one year and if that site is lost the dredging may never get done.

Mayor pro tem Shields stated council decided to hold this resolution in abeyance until we started into phase two of the dredging project.

Mayor Smith stated the Chicahauk property owners have spoken and the town now has an alternative site. He stated if this makes the property owners more comfortable then we should do it.

Council Member Sanders stated he was one of the earliest proponents of condemnation in that the town needed to identify a spoil site to get the permit application underway. He stated he requested in August that council discuss the issue of dropping the condemnation but that wasn't done. He doesn't feel holding condemnation is as important now since the town has the Hillcrest sites. He stated it has been indicated from the permitting agencies of their concern about the affect the condemnation is having on the property owners. He stated if the resolution is rescinded and then condemnation needs to be re-instated council needs to look at what is the better good of the whole and do it.

Council Member McDonald stated the number one issue of the project is the cost. He stated the Chicahauk site was for a lease period at a cost of a half million dollars. The cost to haul the spoils out compared to the cost of road repair there may be no need to keep the site. He stated if it would bring the people back on board with the project then he supports rescinding it.

Council Member Hess stated she would support rescinding the resolution but if it needs to be done again she is not sure if she will agree with condemnation the next time.

Council Member McDonald stated that he doesn't feel council was made aware of the potential environmental damage that could be done to Cypress Pond and he doesn't know if he would have supported the condemnation if he knew.

Mayor Smith stated upon completion of the permitting process the town may have found the site was not suitable anyway.

Mike Hejduk stated it is important to keep the Hillcrest property owners aware of progress of the project. He stated they were in attendance of the most recent dredging meeting. He stated it was learned that the Chicahauk site and Cypress Pond may not be the best site. He stated it will not be known what the cost of the project is going to be until the bid is put out.

The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent to rescind Resolution 2007-02-01.

[Clerk's Note: A copy of Resolution 2007-02-01 is attached as Exhibit A].

NEW BUSINESS –None

OTHER ITEMS

Town Manager -None

Mayor -None

Council Member

Council Member McDonald reported he attended a three-hour meeting regarding the proposed storm water changes to the Title 15A NCAC 02h.1005, Coastal Storm water Rules. He stated Senator Basnight and several top representatives from the Department of Environment and Natural

Resources (DENR) and Division of Water Quality were present. He stated they were receptive to all the questions and seemed to understand the people's concerns.

Council Member McDonald stated the changes should be applied to counties of concern not applied to all counties. He stated DENR admitted they are not keeping up with current enforcement laws; the question is why are they adding more laws? He stated we have created our own problems by allowing commercial businesses to have large asphalt parking lots etc. which impacts storm water runoff.

He stated each town has the authority to address the storm water issues by meeting or exceeding the state requirements. He stated there may be some discussion that would allow the county to have a comprehensive plan but it would meet the needs of each town as applicable.

He suggested that Mayor Smith continue conversation with the other local mayors on what ways they are mitigating storm water in their towns.

Mayor pro tem Shields stated there a number of storm water problems in town but each has their own individual solution. He stated there is grant money available.

Council Member Sanders stated the county is looking into the storm water issues also by developing their own rules.

Mayor pro tem Shields stated he attended the mayor's lunch and he asked what other towns were doing with recyclables. He stated it doesn't appear most towns don't provide recycling. He stated a new law is to become effective in January 2008 that requires all restaurants holding an ABC license to recycle all glass (wine/beer bottles etc.). He stated the county is looking into the purchase of a glass grinder and that all the towns could use at a cost to be worked out later.

PUBLIC COMMENT

Mayor Smith opened the public comment section.

Pat Storey, 362 Sea Oats Trail addressed Mayor Smith by requesting that he discontinue the "mayor's chats". She stated she asked the mayor over a year ago to consider changing the time of the chats to a different day from the council meetings but that has not happened. She stated that most people expressing their concerns at the mayor's chats usually don't stay for the council meeting. She stated most of the individuals that speak come with a repeated agenda to cast aspersions on targeted individuals in the town's employ and they openly voice their criticisms of established town polices and practices.

Mrs. Storey stated they are never admonished for their inappropriate behavior; the reason given is they are being allowed freedom of speech." She stated "notes" are taken by Merrie Smith and are published but they don't always fully reflect the actual dialogue. She suggested the notes reflect that they are prepared by Merrie Smith. She suggested that Mayor Smith either discontinue the "chats"; since they have never served any really meaningful purpose that couldn't be handled through other means; or change the day and time to permit more attendance by the citizens to be motivated to attend the "chats" and the council meeting; or to even consider holding a town hall forum similar to the one held in Kill Devil Hills, possibly on a quarterly basis at a convenient day and time.

Joe Walter, 76 Poteskeet Trail, stated as a member of the canal dredging group he would like council to be made aware that with the proposed changes by the regulatory agencies involved in the canal dredging project forcing the issue that the depth of dredging be decreased on the permit application there may not be enough spoils to fill the Hillcrest property sites.

Hearing no other comments Mayor Smith closed the public comment section.

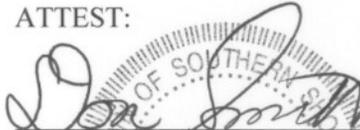
Mayor Smith responded to Pat Story's comments regarding the "mayor's chat". He stated when he was elected he stated he would hold these "chats" to allow the people to speak. He stated he treats everyone with respect and has had comment's from other people that this is a great idea. He stated he will continue the "chats" and sees no reason to change the time frame. He stated he gets great input and everyone is welcome to attend and speak. He stated if some people only come to the "chats" and if they don't want to attend the council meetings that is okay.

He encouraged everyone to go out to vote on November 6, 2007.

Hearing no other business Mayor pro tem Shields moved to go into closed session under N.C.G.S. 143.318 (a) (6) to discuss personnel issues. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

Mayor pro tem Shields moved to enter into open session and adjourn the meeting at 10:25 a.m. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent.

ATTEST:



Don Smith, Mayor



Respectfully submitted:



Carrie Gordin, Town Clerk

Exhibit A

Resolution 2007-02-01

Resolution Authorizing the Acquisition of a Property Interest in Certain Property of Chicahauk Property Owners Association, Inc.

Whereas, in the course of designing and preparing for the dredging and improvements of the canal system within the Town of Southern Shores, the Southern Shores Civic Association and the Chicahauk Property Owners Association, Inc. conveyed their respective canals to the Town of Southern Shores; and

Whereas, the Town of Southern Shores is responsible for maintaining the canal system and associated waterways for the safe and efficient use by those navigating and recreating within the canal system; to insure a healthy canal system and waterway through natural flushing and movement of otherwise stagnant waters; and the enhancement of storm water management;

Whereas, after investigating numerous options to dewater or dispose of dredge spoil material the Town of Southern Shores entered into negotiation with the Board of Directors for Chicahauk Property Owners Association, Inc. for the dewatering and temporary placement of dredge spoil material on property belonging to that entity but the town has been unable to acquire the needed property interest by negotiated conveyance; and

Whereas, the governing body for the Town of Southern Shores has determined that it is necessary and in the public interest to acquire an easement over certain property owned by Chicahauk Property Owners Association, Inc. for the purpose of establishing, improving or upgrading recreational facilities (the canal system) and improving drainage facilities.

Now, Therefore, Be it Resolved, by the Town Council for the Town of Southern Shores that:

1. The Town of Southern Shores shall acquire by the exercise of its eminent domain authority, for the purposes set forth above, an easement over property of Chicahauk Property Owners Association, Inc. more particularly identified as Dare County Parcel Identification Number 986715740376.
2. The Town Manager and Town Attorney are authorized and directed to institute the necessary proceedings under Chapter 40A of the General Statutes of North Carolina to acquire the property interest herein described.

Adopted this 6th day of February 2007.

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk