



Town of Southern Shores

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Town of Southern Shores
Council Meeting
May 7, 2008
7:00 PM.-Pitts Center

Minutes

The Southern Shores Town Council met on May 7, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Also present were: Charles Read, town manager, Carrie Gordin, town clerk and Ben Gallop, acting town attorney.

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for our troops serving around the world. Mayor Smith announced May 15 is being recognized as Peace Officers Memorial Day and the American flag will be flown half-staff on that day.

APPROVAL OF AGENDA

Council Member Stroud requested an item be added to the agenda for council discussion regarding a public safety issue.

Mayor Smith recommended the item be placed as item E. before Public Comment on the agenda.

Council Member Hess moved to approve the agenda as amended. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud, and Pfizenmayer voting aye; no council member voting no and no council member absent.

Council Member Stroud stated he was concerned that council did not learn about a possible pick up of a child by a stranger until Monday when the event was reported on Friday. He feels that information should have been provided to council immediately. Mayor Smith stated he was also concerned that council and the citizens were not informed on Friday.

The town manager stated there are two separate issues. Chief Kole will address the circumstances during his report and the delay in the notification has been dealt with.

PUBLIC COMMENT

Mayor Smith opened the public comment section.

Hearing no comments he closed the public comment section.

APPROVAL of MINUTES – April 1, 2008.

Mayor Smith moved to approve the April 1, 2008 minutes as presented. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

CONSENT AGENDA-None

REPORTS

Planning Board

Nancy Wendt, vice chair, stated there was no meeting in April and there will be no meeting in May. She stated the Roads Committee has completed their study of the town's roads and a report will be forth coming. She also reported Rob Walter has resigned from the Wireless Committee and Larry Lawhon has agreed to be chairman and the committee is working on the preparation of a report to council in June.

Southern Shores Volunteer Fire Department-None

Police Department

Chief Kole presented the monthly report. He stated that the incident discussed earlier is under investigation. He stated there was a communication breakdown and he apologized for not contacting the town manager but he was working on the incident. He stated he and his officers considered it to be a very serious incident. He stated emails were being sent through out town which compounded the investigation.

Chief Kole stated Kitty Hawk Elementary did notify the parents and the police department sent out a broadcast email with information for parents encouraging them to discuss with their children the dangers of strangers.

Southern Shores Civic Association (SSCA)

Leo Holland announced water quality monitoring of the wading beach would begin on May 14 and end on September 19. The SSCA annual picnic will be held on September 24. The SSCA is making improvements at the triangle parking lot.

Chicahauk Property Owner's Association-None

CONDITIONAL USE HEARING

Southern Shores Civic Association-SSCA (LDA-2008-03-01)

Ben Gallop, attorney, provided information on the procedure for a conditional use hearing.

He stated anyone wishing to speak during this hearing should come forward to be sworn in. The town clerk swore in Alvin Rountree and Jim Conners.

Mr. Gallop opened the hearing.

Alvin Rountree, Code Enforcement Administrator, reviewed the SSCA Conditional Use request for improvements to the Hillcrest parking lot crossover. The Planning Board approved the SSCA site plan on March 17, 2008 with special and standard conditions submitted.

Council Member Hess asked if the conditions have been met. Mr. Rountree stated everything is in order and he recommends approval.

Jim Conners, agent for the applicant, stated the CAMA permit is completed and ready to be submitted once the application is approved by council. He stated the proposed viewing platform begins where the existing gazebo is located and will allow people to view the ocean. He stated CAMA officials have reviewed the design process.

Hearing no other comments Mr. Gallop closed the hearing.

Council Member Hess moved to approve the Conditional Use Permit (LDA-2008-03-01) for the SSCA beach crossover improvements at Hillcrest with the standard and special conditions as listed in the Executive Summary submitted and dated March 25, 2008. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: A copy of the Executive Summary with the Special and Standard conditions is hereby attached as Exhibit A].

OLD BUSINESS

Classification and Pay Study

The town manager stated that Becky Veazey with The MAPS GROUP presented an updated 2008 Classification and Pay Study for council's review and consideration on April 22, 2008. He provided council with some recommended changes as well as a draft resolution for council consideration.

Council Member McDonald questioned the reasoning for reducing the code enforcement officer's pay grade to match that of the police sergeant since that was not the recommendation made by the MAPS Study. The town manager stated that is explained in his recommendation.

Council Member McDonald stated that with the positions being in two different departments it shouldn't matter.

The town manager stated that the Police Chief agrees with his recommendation that the Police Administration Assistant should remain at pay grade level 11 not at grade 13 as recommended by the MAPS Study.

The town manager stated the MAPS Study recommendation for the Code Enforcement Administrator grade level was recommended to be decreased from a 21 to a 19 but there was another area in the study that applied a grade level of 20 for that position. He stated since the position currently is a part-time position he is recommending the grade level be at 19.

Council Member Hess stated there seems to be some confusion on the pay grade levels of the Code Enforcement Administrator position and Ms. Veazey should be contacted to clarify this.

The town manager stated he will contact her but his recommendation for this position stands at pay grade level 19.

Council Member McDonald stated he too would like to know the correct pay grade level for the position and not just change it arbitrarily with no basis and potentially not be able to hire a good person full time because the pay grade was incorrect.

He stated Gary Ferguson was contracted, in the past, to review and recommend needed changes to the Town's Zoning Ordinance and he asked if that had been completed.

Bonnie Swain, finance officer, stated that Mr. Ferguson did not complete the project because he had moved away and the funding was not re-appropriated.

Council Member Hess asked how the new position classification (administrative specialist) is to be determined since it has come up after the study has been compiled. She noted this job position is a combination of several positions.

The town manager stated this position has been determined and streamlined by him to ensure the position responsibilities would require a forty-hour work week. He stated that all administrative staff participated in this position's specifications.

Council Member McDonald asked if Ms. Veazey should review this position and develop a pay grade to be included in the study.

The town manager stated that he is confident that this position is appropriate. This position has administrative and accounting duties.

Council Members Hess and McDonald stated they feel the position should be included in the study.

The town manager stated that staff has the capabilities to make needed changes and will do so and then request the consultant provide the town with an adequate number of corrected copies of the study.

Council Member Hess stated that she is concerned about the proposed future position as recommended by the town manager in that we should only be looking at the current study. She stated she agrees with the study recommendation that the town doesn't currently have the work load to have an assistant town manager.

Council Member Pfizenmayer asked if it wouldn't be better to have an assistant town manager position since the town has been in a situation where we didn't have a town manager and certain programs were neglected.

Council Member Hess stated that was a unique situation and to appoint someone to a position with no current work responsibilities doesn't make sense.

Council Member Stroud asked what would be the advantage of changing the title from executive assistant to assistant town manager.

The town manager stated the advantage would be when the town manager is absent there would be someone there and in emergency management situations you would have someone with a level of authority of being the person to make decisions. He stated his recommendation is that at some point the executive assistant position may change to assistant town manager.

Council Member Hess stated it should be looked at if there is work for a position not just naming someone to a position.

Council Member McDonald stated for the future the MAPS Study should include a job description and pay grade as another position for assistant town manager.

The town manager stated to have someone designated to take on the responsibilities in an emergency management role as well as when the town manager is away.

Council Member Hess asked if the assistant town manager position would be an exempt employee position which receives no over time. Bonnie Swain, finance officer, stated that the duties and responsibility of an assistant town manager are usually those of an exempt employee.

Council Member McDonald asked if the police department recommendations for the career development program and the college education incentives are to be adopted as part of the study. The town manager said yes.

Council Member Hess asked if this should be included as part of the resolution.

Council Member McDonald recommends that the changes be re-submitted to council for approval.

The town manager asked what changes are to be addressed.

Council Member McDonald would want the police department recommendations for the career development program and the college education incentives to be included in the resolution, add the job description of the administrative specialist as part of the study and the requirements of the position adopted as part of the study and to correct spelling error "assitant" on the Grade List page. He would like to see all the changes made and adopt the study at one time.

Council Member McDonald moved to table this item until a later date when the town manager re-submits as amended. Council Member Hess seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

Clerk's Note: A copy of the town manager's recommended changes to the MAPS Study are hereby attached as Exhibit B].

NEW BUSINESS-None

OTHER ITEMS

Town Manager

The town manager provided council with a copy of a Memorandum of Agreement (MOA) with North Carolina Department of Transportation regarding vegetative debris pickup and removal in the event of federally declared event. He requested council approve as presented.

Council Member McDonald requested that the town attorney review the agreement before council approves it. This item will be placed on the May 27 council agenda.

Town Attorney

Ben Gallop read a memo from John Leidy, attorney, regarding recent developments on the appeal process for the canal dredging project.

Council Member Hess asked what outcome, if any, came from the meeting with George Woods, the town attorney and the town manager to discuss plans to go to Raleigh to discuss strategic planning with the legislators on the canal dredging variance request. She asked, as suggested, should all of council go to Raleigh to talk to the legislators.

The town manager reported that in discussions held at that meeting it was asked if council is solid on fighting this battle and he assured them that council is. He was encouraged to go to Raleigh and ask the legislators for their support. He would like to have as many as can attend.

Council Member McDonald recommended that a resolution be drafted and hand delivered to the legislators on June 4.

[Clerk's Note: A copy of memo dated May 7, 2008 from John Leidy is attached as Exhibit C].

Mayor

Mayor Smith read two proclamations: (1) May Seat Belt Awareness Month Proclamation and (2) National Public Works Week. Mayor Smith moved to adopt May Seat Belt Awareness Month Proclamation there was noted a "typo" which will be corrected before it is executed. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

Council Member Hess moved to adopt National Public Works Week as presented. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: Proclamations 2008-05-02 and 2008-05-03 are attached as exhibits D and E].

Council

Council Member Stroud requested staff provide council with how much money has been spent from the grant funds for the canal dredging and to find out if past town expenses related to the canal could be reimbursed back to the town from the grant funds.

Council Member Hess stated she is concerned that the town has not been assured the \$800,000 can be shown on the FY 2008-09 budget.

Council Member Pfizenmayer requested the information regarding the placement of the new directional NC12 signs be put in the broadcast email explaining to the residents why it is necessary to have the signs.

Council Member McDonald stated as the town's representative on the Wireless Committee he thanked Rob Walters for the time he spent on the committee since he has resigned as chairman from the committee. He thanked Nancy Wendt for the time she spent on the development of information showing a zoning ordinance overview. He recommended that she provide this information to council.

He thinks it would be beneficial information for council and the planning board. He requested staff contact the town engineer to have an updated zoning map printed and that copies be made available to planning board members. He asked the town manager if he can check if the Land Use Plan planner has provided comments in the Town's draft Land Use Plan addressing cell towers and infrastructure for wireless communication.

PUBLIC COMMENT

Mayor Smith opened the public comment section.

Hearing none Mayor Smith closed the public comment section.

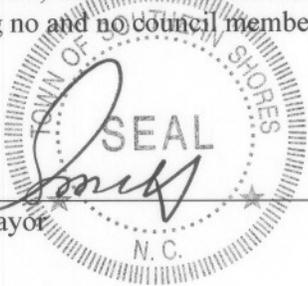
COUNCIL COMMENTS -None

Mayor Smith called for a five minute recess before going into closed session. Upon returning and hearing no other regular business, Mayor Smith moved to into closed session in accordance to NCGS 143.318-11 (a) 3 and (a) 6 to discuss an issue with attorney/client privileges and to discuss a personnel issue respectively. Council Member Hess seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

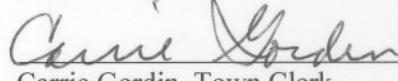
Returning from closed session to open session and hearing no other business Council Member Hess moved to adjourn the meeting at 10:30 p.m. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

ATTEST:


Don Smith, Mayor



Respectfully submitted:


Carrie Gordin, Town Clerk

Town Council Executive Summary

Project No. LDA 2008-03-01
Project Name: SSCA Hillcrest Beach Site Improvement
Project Location: SSCA Hillcrest Beach
Application: Conditional Use – Community Recreation Facility

Description of Project:

Construct a 224 SF, 4' side wood ramp from the existing ramp north to a 10' X 12' Wood Deck. Ramp will elevate to 30" higher from the existing deck to the new deck.

Staff Recommendation:

Recommend approval with the following Special and Standard Conditions.

Special Conditions:

- 1. Notify all adjacent property owners as required by CAMA regulations and Zoning Ordinance for Conditional Uses Applications subject to Public Hearing.*
- 2. CAMA Minor Permit Application & Permit required for construction.*
- 3. Structure to meet NC Building Code requirements for Open Buildings*

Standard Conditions:

- 1. The application is consistent with the adopted CAMA Comprehensive Land Use Plan and all other officially adopted plans.*
- 2. That the applicant must strictly abide by all requirements of the Zoning Ordinance of Southern Shores, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development; and,*
- 3. No building permit shall be issued until written evidence satisfactory to the Code Enforcement Department is submitted to the Town in accordance with Section 10.04 B.6, Southern Shores Zoning Ordinance; and,*
- 4. Per the provisions of Section 10.02 B, C and D, Southern Shores Zoning Ordinance, approval of this application shall be null and void if:*
 - a. No building permit for the structure is issued within one hundred and eighty (180) days from the date of final approval of the site plan by Town Council; and,*
 - b. The start of construction has not commenced within 180 days from the date of issuance of the building permit or if after commencement work is discontinued for a period of 12 months; or,*
 - c. The work authorized by the building permit issued is not prosecuted to completion within 18 months of the date of issuance of the building permit.*

Exhibit B

TM COMMENTS ON MAPS GROUP STUDY OF TOSS

TM believes the title Finance & Personnel Officer more accurately represents the job responsibilities and duties performed. Title change OK with employee.

TM believes it would be a "problem" to have Code Enforcement position "out rank" a Police Sergeant, therefore TM recommends grade be increased to 17 not 18.

The "new" position is a combination of the "eliminated" Admin Assist. position in Code Enforcement plus Receptionist, additional admin support for other departments, and the FINANCIAL duties recommended by MAPS. Employee was appointed as Administrative Specialist versus Accounting Technician @ same grade 12 as suggested by MAPS group.

PROPOSED FUTURE ADJUSTMENT: Executive Assistant re-designated as Assistant Town Manager as that position continues to grow and assumes more significant role(s) and greater responsibilities. Position has a leadership role in the EOC consistent with NIMS and the TOSS Emergency Management Plan. This would be a one-step grade increase.

Code Enforcement Administrator to remain as a Part-Time position - building is slow and there is virtually no additional commercial development - a full time position is not justified at this time. However if/when TOSS needs a Full-Time person TM, believes that the grade should be reduced to 19 as suggested by MAPS group.

Police Chief suggested + TM agrees, Investigator position eliminated from MAPS recommendation because it is a potential "problem" when a Police Officer makes significantly more than his sergeant + it is not a Full-Time assignment. (See Chiefs detailed recommendation attached)

Police Chief also suggested and TM agrees the Police Admin Assistant position should NOT change as per MAPS suggested increase in title, grade, or pay.

Police Chief submitted his suggested Career Development programs for Police Officers (see attached) TM agrees with Chief's suggestions. Phase One (Senior & Master Patrol Officer) will NOT affect this budget – this is a long-term program and is likely to be amended over time. Phase Two (College Education Incentives) is recommended for Council approval at a cost of \$15,000.00. Educational incentives have been recommended in previous MAPS studies and TM will place in the new budget for Council's consideration and anticipated support.

Although the MAPS report contains numerous grammatical, spelling, and at least one factual error, the TM agrees with the overall report and supports adoption with the requested changes in-place.

MEMORANDUM

TO: Charles B. Read, Jr., Town Manager
FROM: John D. Leidy
DATE: May 7, 2008
RE: May Status Report – Canal Dredging Project

Please share this information with the council at their next meeting.

Recent Developments

1. DWQ filed their Pre-Hearing Statement after my last report to council. DWQ also indicated that the case would not be ready for hearing during the week of July 21.
2. DWQ also indicated that some discovery would be required.
3. DWQ identified a very short list of potential witnesses. Their list was far less comprehensive than CAMA's list of witnesses.
4. There was a strategy meeting between George Wood, Town staff and myself on May 6. We discussed the status of the case, strategic considerations and discovery that needed to be conducted.
5. The Office of Administrative Hearings assigned Roy Baroff as the mediator in this case. Mr. Baroff is a professional mediator whose law practice has been limited to mediation for at least 15 or more years. I believe he will be a good mediator for this case. Mediation has not yet been scheduled nor will the case be ripe for mediation until we have conducted discovery.

Actions Scheduled for the Next 30 Days

1. We will be serving discovery on both agencies. We have not yet received, but expect to receive, discovery requests from both agencies.
2. We will be discussing the scheduling of a mediated settlement conference, which probably will be held in June.

It is important to remember that the procedural requirements of the hearing process are established by statute and controlled by court order. Although the parties have some input to scheduling considerations, we cannot make things move any more quickly than prescribed by the process. As such, we still do not expect to receive a final decision of the administrative law judge until near the end of 2008.

PROCLAMATION FOR SEAT BELT AWARENESS MONTH MAY 2008

WHEREAS, in 2006, there were 236,369 reported motor vehicle collisions on North Carolina's highways that resulted in 1,556 fatalities and 120,070 persons injured according to the North Carolina Department of Motor Vehicles; and

WHEREAS, unbelted occupants still accounted for 617 or 39.6% of all motor vehicle-related fatalities (443 drivers and 182 passengers) in 2006 according to the North Carolina Department of Motor Vehicles; and

WHEREAS, North Carolina's seat belt use rate is currently at 88.8% according to the National Highway Traffic Safety Administration; and

WHEREAS, studies indicate that a person who is unrestrained is ten times more likely to suffer a severe injury and twenty times more likely to suffer a fatal injury when compared with people who are belted; and

WHEREAS, North Carolina motorists who fail to wear their seat belts have continued to drive up the cost of the crash tax (crash cost per person) to over \$1,100 per person in North Carolina; and

WHEREAS, now all occupants of a motor vehicle including passengers in the back seat are required by law to buckle up; and

WHEREAS, the month of May marks the 15th anniversary of "Click It or Ticket" in North Carolina and a time to remind all citizens of the importance of wearing their seat belts no matter where they sit in a vehicle;

NOW, THEREFORE, I, Don Smith, Mayor of the Town of Southern Shores, in the State of North Carolina do hereby proclaim May 2008, as "**SEAT BELT AWARENESS MONTH**" in North Carolina and I urge all drivers and passengers to join in this effort to keep our highways safe.

Adopted this 7th day of May, 2008

S E A L

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk

**National Public Works Week
PROCLAMATION**

WHEREAS, Public Works services provided in our community are an integral part of our citizens' everyday lives; AND

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of Public Works systems and programs such as water, streets and highways, public buildings, and solid waste collection; AND

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; AND

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skills of Public Works officials; AND

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, the Southern Shores Town Council does hereby proclaim May 18 - 24, 2008 as "National Public Works Week" in Southern Shores and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing Public Works services and to recognize the contributions which Public Works officials make every day to our health, safety, comfort, and quality of life.

This the 7th day of May 2008.

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk