



# Town of Southern Shores

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Town of Southern Shores  
Council Meeting  
September 2, 2008  
7:00 PM.-Pitts Center

## Minutes

The Southern Shores Town Council met on September 2, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Jim Pfizenmayer and Kevin Stroud. Also present were: Charles Read, Town Manager, Carrie Gordin, Town Clerk and Ben Gallop, 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 and for the families affected by Hurricane Gustav.

### APPROVAL OF AGENDA

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

### PRESENTATION

Mayor Smith read Certificates of Appreciation for members of the Storm Water Management Advisory Committee: Jay Russell, Dan Shields and George Kowalski; the Roads Evaluation Committee: David Peckens, Hal Denny, Frank Klahre, David Curtis, Ronald Barbaro, Bob Edwards and Elsa Edwards; the Board of Adjustment chairman, Peter McOrmond and the Planning Board chairman, George Kowalski. In attendance to receive their certificates were Jay Russell, Chairman of the Storm Water Management Advisory Committee and Dan Shields also a member of the same committee.

Mayor Smith read an email sent by Peter McOrmond stating he did not need to be recognized that his reward was serving the citizens of Southern Shores as a representative on the Board of Adjustment.

### PUBLIC COMMENT

Mayor Smith opened the public comment section.

Chandler Spawr, 275 Hillcrest Drive, stated he supports the use of low speed vehicles in Town and he is glad to see Council is looking into it. He stated he owns one but due to the restriction on speed limits he is land-locked in getting from one side of town to the other. He asked Council to consider a way to allow these vehicles to be used through-out town possibly by allowing them to be on parts of the multi-use paths.

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

**APPROVAL of MINUTES** –August 5, 2008

Council Member Hess moved to approve August 5, 2008 minutes as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Stroud voting aye; no council member voting no and no council member absent.

**CONSENT AGENDA**

Tax Pickups and Releases

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

[Clerk's Note: A copy of the Tax Pickups and Releases is attached hereto as Exhibit A].

**REPORTS**

Planning Board

Nancy Wendt, Vice Chairman, reported there was no meeting held in August. She stated Bob Palombo, alternate, has agreed to move to a full member. She stated Council will need to appoint an alternate. She stated Planning Board will hold a meeting on September 15.

Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report.

Southern Shores Police Department

Chief Kole presented the monthly report.

Southern Shores Civic Association

Dan Shields, Chairman, stated the SSCA is making improvements at the wading beach as well as at the Doug Apple overlook. He stated the annual picnic would be held on September 27. He stated there is a vacancy on the SSCA board and at the meeting on September 8 an election will be held. He stated before the end of this year the SSCA hopes to have a web site.

Chicahauk Property Owner's Association-None

Canal Dredging Project

The Town Attorney read a memo from John Leidy, Attorney, dated August 29, 2008 giving an update on the canal dredging permit process.

[Clerk's Note: A copy of the memo is attached hereto as Exhibit B].

**OLD BUSINESS**-None

## **NEW BUSINESS**

### Board of Adjustment Appointments (BOA)

Mayor Smith stated with the resignation of Peter McOrmond as chairman from the Board of Adjustment it is necessary to make several appointments. He stated staff has contacted members of the BOA and prepared a list of the members who are willing to move up. He stated Frans Koeleveld, vice chairman, has agreed to become chairman to fulfill Peter's chairmanship which expires December 31, 2008. He stated Morgan Mason has agreed to move from alternate to a full time member to fill the vacancy left by Peter for his term which expires in 2010. He stated Al Smith has agreed to fill the vice chairmanship which expires December 31, 2008. He stated Council has received three resumes for review to fill the alternate position for a three-year term. The resumes are from Leo Holland, Bill Gleason and Ken Greenwood.

Mayor Smith moved to appoint Leo Holland as the alternate for a three-year term. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and no council member absent. Council Member McDonald moved to appoint Frans Koeleveld as chairman until this term expires December 31, 2008, appoint Al Smith as vice chairmanship until this term expires December 31, 2008 and to appoint Morgan Mason to fill the vacancy left by Peter for his term which expires in 2010. Council Member Hess seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and no council member absent.

### Low Speed Vehicles

Mayor Smith stated this issue came to Council and he requested it be placed on the agenda. He stated Police Chief Kole provided Council with information regarding the use of low speed vehicles.

Council Member Stroud stated he supports the use of these vehicles. He stated they are different than golf carts which are not allowed on Town streets. He feels Southern Shores is an ideal sitting for the use of low speed vehicles. He stated the law states these vehicles can only be on streets with a speed limit posted at 35 mph or lower. He stated with a 45 mph speed limit posted on NC 12 it prohibits these types of vehicles from getting completely around Town. He stated Council may want to look into this.

Council Member Pfizenmayer stated people will be looking at using all types of cost effective vehicles. He stated there are many of the low speed scooters being used here.

Council agreed that staff should continue looking into this.

## **OTHER ITEMS**

### Town Manager

The Town Manager stated Alvin Rountree, Code Enforcement Administrator, requested he be allowed to provide Council with some updated information regarding the use of elevation certificates.

Alvin Rountree stated the Code Enforcement Department has been notified by the NFIP/CRS that FEMA Elevation Certificates are not needed for all flood zones. He stated the Code Enforcement Department is changing their policy of requiring X zone properties to submit an Elevation Certificate for final inspection on all new and substantial improvements. This policy change will prevent the "overuse" which may have placed the Town of Southern Shores residents in an unattainable position in view of the extra expense and

possible loss of credit points which would have involved the insurance discount received. He stated if the policy continued the town would be placed in a position of enforcing something for the Town which is in conflict with two other agency requirements.

The Town Manager stated the Auditor, in reviewing Atlantic Tree chipping contract, recommends a change to the contract since no chipping service was provided in the month of June. This requires a change in the payment schedule. He stated the Auditor will address this issue in the audit report.

Council Member McDonald moved to approve amending the Atlantic Tree chipping contract (second amendment) as recommended by the Auditor. Council Member Hess seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and no council member absent.

Town Attorney -None

Mayor -None

Council -None

**PUBLIC COMMENT**-None

**COUNCIL COMMENT**-None

Hearing no other business Mayor Smith moved to adjourn the meeting at 7:50 p.m. Council Member McDonald seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Pfizenmayer and Stroud voting aye; no council member voting no and council member absent.

ATTEST:

  
Don Smith, Mayor

Respectfully submitted:

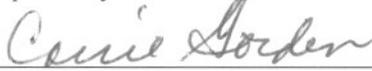
  
Carrie Gordin, Town Clerk

Exhibit A

**TOWN OF SOUTHERN  
SHORES  
TAX DEPARTMENT**

**9/2/2008**

**PICKUPS**

June Vehicles \$20.13

**RELEASES**

April Vehicles \$23.77  
May Vehicles \$16.86  
June Vehicles \$68.41

**TOTAL**

**\$20.13**

**\$109.04**

Exhibit B

**MEMORANDUM**

TO: Charles B. Read, Jr., Town Manager  
FROM: John D. Leidy  
DATE: August 29, 2008  
RE: September Status Report – Canal Dredging Project

- We have received the responses to our discovery request from CAMA. The responses were comprehensive and we are still digesting those. Preliminarily, however, they appear to be very helpful.
- We are awaiting further information from DWQ about a revised final agency action letter.
- We are continuing to examine and explore spoil disposal alternatives.
- We are still trying to schedule the mediation/settlement conference.
- I anticipate providing the Board a more detailed briefing by or before the next Board of Commissioners meeting. I will coordinate that with the Town Manager.