



Town of Southern Shores

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Town of Southern Shores

Council Meeting

January 20, 2009

8:00 A.M.-Pitts Center

Minutes

The Southern Shores Town Council met on January 20, 2009 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 Tom White, presiding Town Attorney in Ben Gallop's absence.

Mayor Smith called the meeting to order at 8:00 a.m., led the Pledge of Allegiance and held a moment of silence for Bill Christie and Father Joseph Klaus, residents, the Inauguration of our President Elect and our troops serving around the world.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Ron Barbaro, 51 Hickory Trail, addressed Council regarding the Hickory Trail Road Improvement Project. He asked Council to keep certain things in mind when developing the project. He asked they use the maximum distance between the edge of the road and private property, construct the road so that it has minimum storm water runoff, not to cut anymore trees down than necessary and not to straighten the road. He stated Public Works recently brushed the road and it looks like it has been widened. He requested the road be no more than eighteen feet wide and if a path is considered it should not just be on one side of the road. He asked if the Town is required to do an environment access study since Powell Bill funds are being used.

Mayor Smith told Mr. Barbaro that this section of the agenda is to hear from the public and that Council does not make comments.

Ellen Barbaro, 51 Hickory Trail, stated she is against widening Hickory to twenty-two feet. She stated the road does need to have some improvements but Council should listen to the residents.

Yvonne Sternberg, 57 Hickory Trail, stated she moved here because it was a quiet residential area. She opposes any widening of the road beyond eighteen feet. She doesn't want to see a white line designation for pedestrians. She has seen where it is in other places in town and drivers cross over the line, it is not

beneficial. She stated speeders are still an issue. She has written to the town before regarding speeders and it appears Council is ignoring these requests.

Norm St. Laurent, 63 Hickory Trail, stated he echoes the previous speakers. He agrees speeders are a problem and he stated he has never seen a police officer issue a ticket on Hickory. He stated pedestrian paths cause accidents. He stated his wife had an accident on another path here and still is in pain. He asked Council to not create something that is going to cause another accident and he requested the speed limit be enforced. He stated a letter was presented to Council, signed by 14 residents, requesting the speed limit be lowered.

Etta Lanuti, 54 Hickory Trail, stated she moved to a quiet area with woods on one side and the ocean on the other side but the quiet is changing. She stated she counted ninety-five cars in one hour between 8-9 a.m. She requested not too widen the road. She asked Council to consider using an adjusted traffic schedule for the weekend with no left turns, reduce speed limit to fifteen mph. She stated we are a neighborhood not a short cut through. She stated we are a democracy not a republic and she is disappointed at this time.

Barbara Walters, 60 Hickory Trail, stated she has lived here 31 years and Southern Shores is a unique and beautiful place but we are in danger of losing it. She stated Southern Shores is becoming the new outer banks. She stated if you want street lights and sidewalks go somewhere else. She stated we aren't going to stop cut-through traffic but don't widen the road, it will cause drivers to go faster.

Dee Fulgham-Lewis, 62 Hickory Trail stated safety is the most important aspect. She stated it is dangerous to go to the mailbox. She agrees with widening the road to eighteen feet with limited impact. She supports a speed limit reduction to fifteen mph. She stated Hickory is not welcome portal to the northern beaches. She stated economic aspects should be considered and to have a path will increase the cost of the project. She does not support a path. She asked Council to listen to the people, act on our behalf not against us.

APPROVAL OF MINUTES-None

CONSENT AGENDA-None

REPORTS -None

OLD BUSINESS

Southern Shores Volunteer Fire Department Draft Contract

Mayor Smith read from a prepared statement. Thanks to all for your emails and phone calls on this matter. Let me take this opportunity to correct some misunderstandings regarding the contract proposal with the Southern Shores Volunteer Fire Department.

Sparked by the failing economy, Council wished to speak directly with the Volunteer Fire Department Board to discuss how badly the economy is impacting the Town of Southern Shores and all OBX communities and why the Town of Southern Shores cannot support their huge budget increase.

SSVFD BUDGET DEMAND: Citing fixed costs including the purchase of 2 new fire trucks, The SSVFD is requesting a huge budget increase. Demanding such an increase when other contracted services and the Town's own Departments will be tightening their belts is unfair, unreasonable, and unsound.

WHY – Chief Harvey reported that the SSVFD has ordered 2 new fire trucks at a cost of ONE-MILLION DOLLARS.

DEBT – Chief Harvey reports that the SSVFD has financed the ONE-MILLION DOLLAR cost of the 2 new trucks and plans to pass this cost to the Town at a rate of about \$130K per year for ten years. This obligation was taken by the SSVFD without consulting the Town or receiving approval of the Town's Governing Body. I would ask the SSVFD Board if they have consulted the County and gained the approval of the Dare County Governing Board as this matter pertains to the fire service contract for Martin's Point.

TOSS DEBT – The Town of Southern Shores does not have any long-term debt! When Council unanimously adopted the CIP they stated clearly that TOSS was going to pay-as-we-go and NOT take on any long-term debt. At the same Council Meeting, it was reported that the economists at the UNC School of Government advise that due to the current economic crisis municipalities should NOT incur long-term debt.

HISTORY – During the last 3 years, the formerly all volunteer Southern Shores Fire Department has amassed huge debt and new expenses. In 2005 the SSVFD purchased a new engine at a cost of about a HALF-MILLION DOLLARS, in 2008 the SSVFD purchased a rehab vehicle for another ONE HUNDRED THOUSAND DOLLARS. During 2008 rumors surfaced that the SSVFD was going to begin paying their Chief a SEVENTY THOUSAND DOLLAR salary. In June 2008 after months of denial, the Town Council was advised at a meeting to adopt the budget that "a (SSVFD) contract with the Chief had been signed" and that in essence it was too late for the Town to do anything about it. Throughout 2008, the SSVFD, namely Chief Harvey, Deputy Chief Shrader, and Board President Kowalski stated that the SSVFD is a totally separate entity and that the Town had no right to question their annual budget demand, they then blocked several Council attempts to see the "full" SSVFD Budget and told Council publicly, that "it is none of your business". Well it is our business – in fact it is our sworn duty and fiduciary obligation to be the "watch dog" of the Town's finances.

ECONOMIC CONSIDERATIONS – for a year I have been alerting Council and Citizens to the economic recession warning that it will likely worsen. Throughout the Presidential campaign Americans focused on the economy. The President said this is the worst economy since the great depression and that it is going to get worse before it gets better. Press Secretary Rob Gibbs said "I think the American people understand, as the president does, that this economy is likely to get worse before it gets better and I think the American people and the president understand also that it's certainly going to get far worse unless or until we act immediately," .

REVENUE PROJECTIONS – the Town of Southern Shores is likely to receive less shared revenue this year directly attributable to the declining economy. Tourism is down! The *Virginian Pilot* reported "...Beach reservations are sagging by as much as 15 percent for this coming summer." Accordingly we will see a decline in associated revenue based on the reduced collection of Occupancy Tax and Gas Tax (Powell Bill money) and other tourism related taxes.

CONTRACT – The Town met with the SSVFD this past Saturday and Sunday in continuing good faith negotiations and desires a 5-year contract for basic fire protection services and is offering the SSVFD a modest cost of living increase. Council is aware of citizen concerns and will not take any action that will be detrimental to fire insurance rates or fire protection service.

Council Member Hess stated she agrees with the Mayor's economic response but she stated the Town Manager and the Town Attorney were to be negotiating the terms of the contract and the last she heard that was what was happening. She understands negotiations on the assets are a problem but she doesn't like the way things are going. She stated she is not on the fire department side she is not on anyone's side. She stated the current contract is \$291,000 and the requested contract was \$350,000 and there has been an increase in fuel and insurance costs. She agreed that the fire department should not buy high cost equipment without Council's knowledge. She stated she would like to see a flat fee five-year contract but negotiations are still needed. She stated giving the fire department a week to respond is unreasonable and to say we will go somewhere else, where would we go and at what costs.

She stated she is tired of the attitude, the advisory board didn't work and she asked why can't the Council and the fire department sit down and discuss this.

Council Member Stroud stated he served on the advisory board for several months and a five-year draft contract with an annual increase of 2% or a fixed amount was to be discussed. He stated he doesn't support the county collecting the taxes for the fire department. He stated he doesn't think requesting a week for a response from the fire department is unreasonable. He stated the draft contract for their review covers the same issues addressed before and they should be able to review it and return to Council with their changes.

Mayor Smith stated this has gone on too long and the Town may be forced to go in another direction. He stated with the retreat coming up where Council will be discussing the budget this needs to be acted on quickly.

Council Member Hess stated she opposes the presentation of this contract.

Council Member Pfizenmayer stated the same arguments have been on-going. He stated he supports a five-year contract and the fire department needs to review the draft contract and bring back their concerns.

Council Member Stroud stated the Town Attorney asked for direction from Council on what they would like to see in the contract and this is what we have.

Council Member McDonald stated the Town has six months to get a contract approved. He stated no one could have imagined economically what has happened over the last year. He stated a \$300,000 contract is fair. He stated there may need to be changes for compensation and capital expenses over the years in the contract.

He stated last year the town departments cut their budgets by ten percent and the fire department got what they wanted. He stated this draft contract doesn't cover everything he would like to see in it but it is a good beginning. He would like to see the fire department look at the contract today and come back today with comments.

Mayor Smith recommended presenting the draft fire department contract to the fire department board and ask them to respond within a week for Council to discuss at the February 3 Council meeting. He stated by putting it off it will never get done. He supports this draft contract.

Council Member McDonald stated there are more issues to consider than just money.

Mayor Smith moved to present the current draft contract to the Fire Department Board and to include a letter stating they should respond within one week. Council member Stroud seconded. The motion passed with Mayor Smith and Council Members McDonald, and Stroud and Pfizenmayer voting aye; Council Member Hess voting no and no Council Member absent.

Hickory Trail Road Rebuild Project (CIP)

Mayor Smith thanked the residents for their comments on the road project. He stated the Town Engineer provided six options for consideration. He stated he had asked about the feasibility of a walking path to be included in the project. He stated from the six options three options have been presented for Council consideration. He stated the roads rebuild with an eighteen foot wide road and no path with some straightening of some areas to keep the street in the middle of a sixty foot right-of-way seems most agreeable.

Council Member Stroud stated he does not support reducing the speed limit to 15 mph as requested by the residents.

Council Member McDonald stated Council has heard the citizen's comments.

The Town Manager stated there will be the need to take down some trees for the improvements.

Chief Kole stated there is a safety issue and it is not a right to be allowed to walk on the roads. You walk at your own risk. There may be a consideration at a later time for a natural path but that would need to be discussed as a budget outlay.

Council Member Hess stated making a decision is a dilemma for Council. She stated we value your comments and the total safety of those using the road. She stated some Beech Tree residents requested not to have anything done to their portion of the road and then six months later they wanted the road done. She stated the Traffic Committee has looked at all of this.

Mayor Smith moved Council approve the option stating the payment width to be no more than eighteen feet with no shared-use path. Council Member Pfizenmayer second. The motion passed with Mayor Smith and Council Members McDonald, and Stroud and Pfizenmayer voting aye; Council Member Hess voting no and no Council Member absent.

Planning Advisory Group (PAG)

The Town Manager stated in looking out for efficiency he is asking for citizen, staff and Council input on upcoming projects. He stated the CIP Task Force was a great success and with a town of volunteers he has asked the Planning Board for help. He asked Nancy Wendt to address Council on this issue.

Ms. Wendt provided a Power Point presentation identifying the group's goals. The members of the group are Nancy Wendt, Sam Williams, Mike Florez and Bill Gleason all members of the Planning Board.

She stated the Town Attorney has looked at the duties and responsibilities of the Planning Board and the Code Enforcement Administrator has looked at the proposal and they support the initiative presented.

She stated the Town's Land Use Plan (LUP) was submitted to the state by the Planner-in-Charge without final Town input and it was sent back with eighty-six items to be corrected.

Council Member Hess stated if there are problems with the LUP it should go back to the LUP Steering Committee who spent two years on the project not another group inside the Planning Board. She stated she has attended most of the Planning Board meetings and she doesn't remember this being brought up before now. She doesn't know if this group is needed and she is concerned if the Planning Board should be doing this.

Mayor Smith stated he supports the group and thanked them for volunteering. He recommends the group move ahead with town staff support.

Following the presentation the PAG asked Council to support the Planning Board appointing the Planning Advisory Group. The PAG will prepare a Statement of Work addressing the urgent planning issues. The PAG will address the approach/actions/timetables as follows: by limiting the scope of CAMA LUP and do outreach. Engage the community in a visioning process, discover and document common ground use words, pictures, maps and examples. Create "Comprehensive Planning" consistency criteria / tool. Assess Long Range Plans, complete and integrate missing elements and implement CIP / budgeting principles and processes.

Mayor Smith moved to approve the Planning Advisory Group going to the Planning Board to request their appointment. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Ms. Wendt stated they will develop a Statement of Work (SOW) and timetable to present to Council.

Council Member Pfizenmayer stated he doesn't want to see the group become a stumbling block and not be able to continue or complete the work.

Ms. Wendt stated language can be included in the SOW if the group is not working it will be dissolved. Any recommendations will be given to Council with staff data analysis.

[Clerk's Note: A copy of the Planning Advisory Group's Power Point Presentation can be found on the Town's website or a hard copy is available at Town Hall].

NEW BUSINESS-None

OTHER ITEMS

Manager

The Town Manager requested Council go into closed session following regular business for a personnel issue.

He stated he received an email from Joe Anlauf, Town Engineer, and it was reported the crack pouring and asphalt rejuvenation project on Kingfisher Trail, Loop, Court and Soundview Trail have been completed and were inspected on January 15, 2009 showing the installation has been done properly in accordance with industry standards. He stated the product has a three year warranty period and the product will be monitored over this time period to measure its value as a potential means to extend the life expectancy on other existing roads.

Police Chief Kole requested Council approve participation with the five municipalities in a grant application which will cost the town no more than seven hundred dollars to acquire funding for a software program Netmotion, Mobility XE, which will correct an unsatisfactory level of wireless broadband service within the five Dare County municipalities. Chief Kole stated there is money in the department budget for this. Council agreed.

Attorney-None

Mayor-None

Council -None

Mayor Smith called for a five-minute recess before continuing with the agenda.

GENERAL PUBLIC COMMENT

David Sanders, 158 Beech Tree Trail, thanked the PAG for an excellent presentation on an organized decision making process. He then commented on the distribution of the fire department contract stating the process has taken over a year and there still is no progress yet. He stated being on Council and now a citizen and watching from the other side a video tape would be good. It appears Council doesn't have it together. He stated the process of discussion today shows discord and misunderstandings with some demands and some negotiations. He stated the concerns are the fire department budget and what happens to the assets if the fire department is dissolved. He asked Council to look at the level of service and asked do we need to reduce the service due to meet financial needs or make service fit to the money. He stated the purchase of new fire trucks were presented to Council in 2004/05. He stated the Town purchased a fire truck for the fire department and it was a mistake and caused problems and now Mayor Smith is upset with the purchase of new fire trucks. He stated a \$300,000-500,000 outlay should be considered a long term purchase. He stated it took five years for the fire department to get an insurance rating of a class five.

He stated his taxes have almost doubled but his insurance has increased more just because where he lives. He requests Council make an educated vote when the negotiations are complete and accept the responsibility of their vote, come good or bad. He stated the operation and performance of the fire department has not been discredited. All the fire department volunteers need to feel they are trusted. Poor morale equals poor performance. He asked if a cost benefit analysis has been done on the fire department. He stated at one time it was said for every \$100 spent on the fire department saved the taxpayer \$300 on developed property.

George Kowalski, 135 Duck Woods Drive, Chairman of the Fire Department Board, stated he has had no contact with anyone from the Town since October in a meeting held with the Fire Advisory Board. He stated there have been no negotiations and he came here to receive a contract. He stated the Board has not developed a budget yet. He stated the Board is willing to sit down with Council.

Etta Lanuti, 54 Hickory Trail, addressed previous comments regarding lowering the speed limit to 15 mph on Hickory Trail. She stated she feels the residents should be allowed to set the speed limit on their street. She stated she was asking that no left turn signs be posted for weekends only. She thinks drivers should respect others on the road and look out for each other that is the way it is suppose to be.

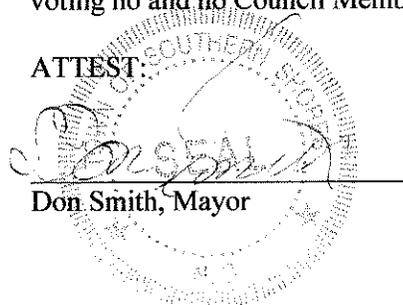
Fire Chief Harvey, 270 Sea Oats Trail, stated he agrees with George (Kowalski). He stated he met one time with the Town Manager and explained the fire department's position on issues and no suggestions or discussion came from the manager. He stated he asked the manager two questions regarding the budget and was given no answers. He stated if it was said tonight that he had met with the Town's Attorney that was not a true statement. He stated he met with the manager the first part of the year and he was asked about the fire department budget and Chief Harvey told him budget numbers were not available the budget has not been submitted. Chief Harvey suggested the manager look at last year's fire department budget and the debt service on the new trucks. He stated this process has been on-going for three years with this Council, the previous council and the Fire Advisory Board and it was explained why two trucks are needed. He stated discussion had started before the current economic downfall. He stated as a tax payer himself he is distressed. He stated the fire department looked into financing equipment and are utilizing that option. He stated the fire department held a public hearing on the purchase of equipment and no public showed up. He stated the fire department does want to sit down with Council. He attends staff meetings and most all Council meetings.

Norm St. Laurent, 63 Hickory Trail, addressed Police Chief Kole and Council by asking that the speed limit on Hickory Trail be enforced. He stated he has never seen an officer give a ticket on Hickory. He thanked Council for their efforts and asked they get things moving. He stated the PAG gave an excellent presentation. He stated the fire department does a great job. He asked that Council use some of the points form the PAG to work with the fire department to come to a resolve.

Mayor Smith moved to go into closed session in accordance to NCGS 143.318.11 (a) (3) and (6). Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

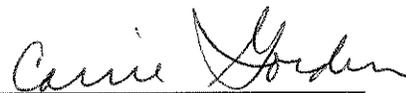
Mayor Smith moved to return to open session no action taken hearing no other business he moved to adjourn the meeting at 12:40 p.m. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

ATTEST:



Don Smith, Mayor

Respectfully submitted:


Carrie Gordin, Town Clerk