



# Town of Southern Shores

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Town of Southern Shores  
Special Council Meeting  
February 17, 2009  
4:00 P.M.-Pitts Center

## Minutes

The Southern Shores Town Council met on February 17, 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 Ben Gallop, Town Attorney and John Leidy, Town Attorney.

Mayor Smith called the meeting to order at 4:00 p.m.

The purpose of the meeting is to continue the discussion on the process to negotiate a renewal contract with the Southern Shores Volunteer Fire Department (SSVFD).

Mayor Smith moved to go into closed session in accordance to NCGS 143.318.11 (a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. Council Member McDonald 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 agreed to move upstairs to hold the closed session to allow the public to remain in the meeting room upon Council's return to open session.

Mayor Smith moved to return to open session. Council Member McDonald 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.

Ben Gallop addressed the members of the SSVFD in attendance by re-iterating Council's invitation to meet with a quorum of the SSVFD Board voting members tomorrow, February 18, 2009 at 4:00 p.m. in the Pitts Center.

George Kowalski, chairman of the SSVFD Board stated he is prepared to answer now and he read from a prepared statement:

Dear Mr. Read,

We are happy to learn that the Town is willing to resume negotiations regarding a Fire Service contract with the Southern Shores Volunteer Fire Department. I have spoken with our attorney and Board members and we agree to meet on Wednesday, February 18th at 4:00 PM at the Pitt Center. Three of our five Board members will attend as will our attorney. The attendance of three Board members shall not be

interpreted as establishing a meeting of the Board or a quorum for the purposes of conducting business of the corporation. The attending Board members will not be able to make final commitments for the corporation until after a proper meeting of the Board is conducted according to the bylaws and rules of the corporation.

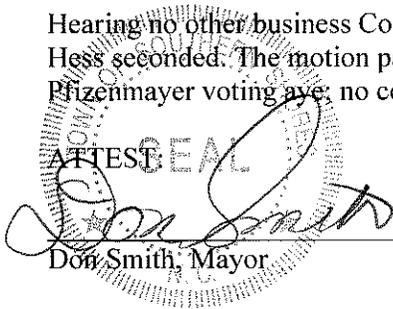
While we reluctantly agree to your demand to have a majority of our Board in attendance, we cannot allow the Town, as the other party to the negotiation to name our negotiating team or to exclude representatives chosen by our Board. Since our Board has unanimously appointed Chief Harvey and Deputy Chief Shrader as our negotiating team, they will attend and lead the discussions from our side of the table. I'm sure that you will agree that since the first several negotiating sessions came so close to success before they were cancelled by the Town, continuity in the spirit and content of the negotiations will be helpful in bringing this matter to a close.

Sincerely

George Kowalski  
Chairman of the Board  
Southern Shores Volunteer Fire Department, Inc.

Hearing no other business Council Member McDonald moved to adjourn at 5:10 p.m. Council Member Hess 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.

ATTEST



*Don Smith*  
Don Smith, Mayor

Respectfully submitted:

*Carrie Gordin*  
Carrie Gordin, Town Clerk