



Town of Southern Shores

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Council Meeting

February 2, 2010

7:00 p.m.-Pitts Center

The Southern Shores Town Council met on February 2, 2010 at the Pitts Center.

The following Council Members were present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members Kevin Stroud, Jim Pfizenmayer and George Kowalski.

Also present were: Charlie Read, Town Manager, Ben Gallop, Town Attorney and Carrie Gordin, Town Clerk.

Mayor Denny called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. He held a moment of silence for the family of Jennifer Couture, Police Department Administrative Assistant in the loss of her Father.

APPROVAL OF AGENDA

Council Member Hess moved to approve the agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

GENERAL PUBLIC COMMENT

Lori Williams, 109 Pudding Pan Lane, presented copies of the 2010 Dare County Citizen's Guide sponsored by the League of Women Voters. She thanked the Town for contributing to the cost of publishing the guide. She requested the Town consider a contribution to the guide in their discussion in the upcoming budget process.

APPROVAL OF MINUTES-November 4, 2009 and January 5, 2010

Council Member Hess moved to approve the November 4, 2009 minutes as corrected. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Council Member Hess moved to approve the January 5, 2010 minutes as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

CONSENT AGENDA

2010 Dare County Tax Pickups and Releases

Council Member Hess moved to approve the 2010 Dare County Tax Pickups and Releases as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

[Clerk's Note: A copy of the 2010 Dare County Tax Pickups and Releases is hereby attached as Exhibit A].

REPORTS

Planning Board-None

Southern Shores Volunteer Fire Department (SSVFD)-None

Police Department

Chief Kole provided comparison charts on service calls for the month of January for 2009/2010.

Southern Shores Civic Association (SSCA)

Karen Kranda, President, stated the SSCA is working with the project manager on the dredging project and the SSCA approved removal of trees as requested. She stated Dominion Power also requested the removal of crepe myrtles which the SSCA approved. She stated the SSCA Board meeting would be held Friday, February 5. She thanked Council for allowing them to participate in the Council Retreat.

Chicahawk Property Owners Association (CPOA)

Karl Daniels, President, also thanked Council for allowing CPOA time to be part of the Retreat. He requested Council to follow up on the issue brought up at the Retreat regarding Town parking passes for the various parking lots. He recommended a committee be formed including representatives from the Town, police department, the civic associations (SSCA and CPOA), and the rental companies to work on one pass and to have a decision by the summer. He asked Council not to forget to include improvements to Chicahawk Trail in their budget discussion. He stated CPOA are in the process of revising their covenants. He stated CPOA Board meets the first Tuesday of each month and their annual meeting will be held on March 20 at 11:00 a.m. in the Pitts Center.

Canal Maintenance Dredging Project

Tom Bennett, Project Manager, reported an emergency canal dredge meeting was held January 30 in which Council approved to work with the contractor to move ahead with a minor permit modification. The Town is waiting for the contractor to submit a detailed plan to allow the use of geo-tubes instead of the deltanks and sediment basin. The Town can't submit the request for a change order until it has the detailed plan. The contractor provided a plan but it was felt it was incomplete. The contractor was asked to take the plan to another engineer to have it prepared and the Project Manager hopes to have the completed documents tomorrow. The Project Manager stated the CAMA liaison has been notified and documentation of this change is required before dredging can resume. He stated if approval is given and it is shown the use of the geo-tubes meets the requirements it is a good chance the Town can get an extension past the moratorium date of February 14.

Council Member Kowalski stated he has some issues with using the geo-tubes with the micron emissions and the statement made in a report dated January 31 by Jeremy Sampson that the sub-contractor removed the dredge pack software key.

The Project Manager stated dredging can be done without the dredge pack. He provided additional technical information on the process. The Project Manager stated the placing of additional pipes will be a separate invoice submitted by the engineers.

Council Member Stroud asked what percentage of the dredging will we have completed. The Project Manager stated the projected dredge time for the main channel is about 3,000 feet (5,000 cu.yds. of material) over 5-7 days. The geo-bags could be filled quickly but the de-watering is a concern and would take time. Trucks may be needed to remove bags that have not drained completely.

Council Member Stroud addressed a comment made in a memo by the sub-contractor that the deltank was not designed to handle material found. He questions contractor liability. The Project Manager stated the deltanks were not equipped to handle material below 44 microns, the machine is equipped to separate sand from water but not the spoil found.

Council Member Stroud asked how many permit extensions can the Town get. The Project Manager stated extensions are given in two week intervals and possibly we can go up to mid April. He stated if it can be shown the dredging is working we can get the extensions.

OLD BUSINESS -None

NEW BUSINESS

Resolution 2010-02-01- Appointments for Town Review Officers

Mayor Denny stated this resolution is required and staff is requesting Council approval. The resolution designates Alvin Rountree, Wes Haskett, and Pat Forrester to sign approved subdivision plats and maps.

Council Member Hess moved to approve Resolution 2010-02-01 as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

[Clerk's Note: A copy of Resolution 2010-02-01 is hereby attached as Exhibit B].

Resolution 2010-02-02-FEMA- National Flood Insurance Program (NFIP)

Mayor Denny stated this resolution requests FEMA's National Flood Insurance Program to support flood insurance claims for damages to structures suffering gradual coastal erosion.

Council Member Hess stated she has concerns in that this allows a property owner to wait for erosion to destroy their structure and then the government will step in to help them.

Council Member Kowalski stated this is allowing the property owner to wait until a storm knocks their house down, which then FEMA will pay them, instead of them taking the responsibility of removing the house and taking a loss.

Alvin Rountree, Code Enforcement Administrator, stated this provides monetary assistance to a property owner to remove or move a house on the ocean front.

Pat Forrester, Permit Officer, stated the resolution is to allow property owners who have an uninhabitable house that can not be repaired and the property owner has no money to remove or move the house they can file a claim under their flood insurance to get some assistance.

Mayor Denny moved to approve Resolution 2010-02-02 as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

[Clerk's Note: A copy of Resolution 2010-02-02 is hereby attached as Exhibit C].

Board of Adjustment Re-Appointment (BOA)

Ed Cowell, Board of Adjustment member's term expired December 31, 2009. Mr. Cowell has agreed to remain on the BOA.

Council Member Hess moved to re-appoint Ed Cowell to the BOA for another three year term. Mayor Denny seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

OTHER ITEMS

Town Manager

The Town Manager asked Council to direct staff if they are interested in developing ordinances, similar to the Town of Duck, for prohibiting overnight tents on beach and prohibiting digging "deep" holes, sand castles, etc. on beach. Council agreed to have the Town Planner look into the ordinances.

Town Attorney- None

Mayor-None

Council-None

PUBLIC COMMENT-None

Hearing no other business Mayor Denny moved to go into closed session pursuant to NCGS 143-318.11 (a) 1, 3, and 6. Council Member Hess seconded. The motion passed with Mayor Denny, Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Mayor Denny requested the Town Manager and the Executive Assistant to remain for closed session.

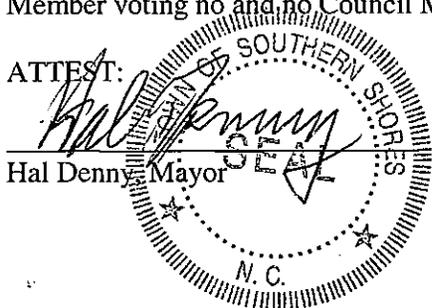
Upon returning to open session Mayor Pro Tem Hess moved to accept the resignation of the Town Manager, Charles B. Read, Jr. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny, Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Mayor Pro Tem Hess moved to appoint Chief David Kole as Interim Town Manager with an additional five hundred dollars (\$500) per week compensation. Mayor Denny seconded. The motion passed with Mayor Denny, Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Mayor Denny moved to adjourn at 10:47 p.m. Council Member Kowalski seconded. The motion passed with Mayor Denny, Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

ATTEST:

Hal Denny, Mayor



Respectfully submitted:

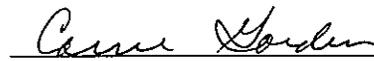

Carrie Gordin, Town Clerk

Exhibit A

**TOWN OF SOUTHERN
SHORES
TAX DEPARTMENT**

2/2/2010

<u>PICKUPS</u>		<u>RELEASES</u>	
Aug. Vehicles	\$18.53	July Vehicles	\$54.46
Sept. Real (Utilites)	\$7,279.57	Aug. Vehicles	\$58.75
		Sept. Vehicles	\$55.56
		Oct. Vehicles	\$63.20
		Aug. Real	\$235.79
		Sept. Real	\$54.00
		Oct. Real	\$1,293.62
		Nov. Real	\$16.27
<u>TOTAL</u>	\$7,298.10		\$1,831.65

Exhibit B

Resolution 2010-02-01

**A RESOLUTION OF THE
SOUTHERN SHORES TOWN COUNCIL
TO APPOINT ALVIN T. ROUNTREE, WESLEY T. HASKETT AND PATRICIA A.
FORRESTER PLAT REVIEW OFFICERS
FOR THE TOWN OF SOUTHERN SHORES,
DARE COUNTY, NORTH CAROLINA**

WHEREAS, an Act to improve the procedures for recording maps and plats, to revise the law governing the disposition of certain birth and death certificates, and to establish a study of land title registration procedures was ratified the 8th day of July, 1997 by the North Carolina General Assembly;

WHEREAS, G.S.47-30.2 of this General Statute requires the Board of Commissioners of each county designate by name one or more persons experienced in mapping or land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording;

WHEREAS, each person designated a Review Officer shall, if reasonably feasible, be certified as a property mapper pursuant to G. S. 147-54.4;

WHEREAS, a Resolution designating a Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer;

THEREFORE, BE IT RESOLVED that the Town Council of Southern Shores hereby appoints Alvin T. Rountree, Wesley T. Haskett and Patricia A. Forrester as Plat Review Officers.

BE IT FURTHER RESOLVED that a copy of this Resolution designating the local Review Officers be recorded in the Dare County Register of Deeds and indexed in the name of the Review Officers.

Adopted this 2nd day February, 2010

Hal Denny, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Exhibit C

Resolution 2010-02-02

RESOLUTION REQUESTING NORTH CAROLINA COASTAL TOWNS AND COUNTIES JOIN WITH THE TOWN OF SOUTHERN SHORES IN ASKING THAT FEMA'S NATIONAL FLOOD INSURANCE PROGRAM (NFIP) SUPPORT FLOOD INSURANCE CLAIMS FOR DAMAGES TO STRUCTURES SUFFERING GRADUAL COASTAL EROSION

Whereas, the Federal Emergency Management Agency (FEMA) is responsible for administering the National Flood Insurance Program (NFIP); and

Whereas, the NFIP does not currently cover damages as a result of gradual coastal erosion; and

Whereas, many of the nation's coastlines are being developed with homes and vacation resorts with the result being an increasing number of structures built on erosion-prone shores; and

Whereas, many of the oceanfront structures are facing collapse or damage as a result of this erosion; and

Whereas, property owners favor leaving their oceanfront structures on the beach and not removing them, even if there is no chance of the structure becoming habitable, as monetary support is not provided until the structure's foundation is submerged in the ocean; and

Whereas, the Town of Southern Shores supports removal of structures from the oceanfront beach if conditions exist that adversely affect the health, safety, and welfare of its residents and visitors; and

Whereas, there would be strong incentive for property owners to remove their endangered oceanfront structures in a much more expeditious and safe manner if the NFIP supported flood insurance claims as soon as a structure became uninhabitable.

Now, Therefore, Be It Resolved, the Town Council of Southern Shores does hereby request that FEMA's National Flood Insurance Program respond favorably to flood insurance claims filed by property owners with structures damaged as a result of gradual coastal erosion.

And, Be It Further Resolved, the Town Council of Southern Shores does hereby call upon the coastal counties and towns of North Carolina to join with them in the request that FEMA's National Flood Insurance Program support flood insurance claims for damages as a result of gradual coastal erosion.

Adopted this 2nd day of February, 2010

Hal Denny, Mayor

Attest:

Carrie Gordin, Town Clerk