



# Town of Southern Shores

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Council Meeting  
February 16, 2010  
8:00 a.m.-Pitts Center

The Southern Shores Town Council met on February 16, 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: Police Chief Kole, Interim Town Manager; Ben Gallop, Town Attorney and Carrie Gordin, Town Clerk.

Mayor Denny called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance. He held a moment of silence for all of our service men and women around the world.

## **APPROVAL OF AGENDA**

Mayor moved to amend the agenda to include a canal dredge report before Item V. Budget Presentation and to go into closed session following Item XI. General Public Comment. Council Member Hess 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-None**

## **APPROVAL OF MINUTES-None**

## **CONSENT AGENDA**

### **FY 2009-2010 Budget Amendments #6 and #7**

Mayor Denny moved to approve the presented budget amendments. Council Member Hess 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: Copies of Budget Amendment #6 and #7 are hereby attached as Exhibit A and B].

## **REPORTS**

### **Canal Maintenance Dredging Project**

Tom Bennett, Project Manager, stated that he and Joe Anluaf, Town Engineer, are here to answer any questions in order to move the project along. He thanked the Council for their efforts in making time for the extra meetings.

Joe Anlauf stated that Sampson Contracting was notified by letter on February 8 that they were found in default of the contract. They were given seven days to provide a remedy.

Byrd Brothers Emergency Services helped Sampson Contracting to secure their bond for the dredging project. Byrd Brothers met with the Town Project Management Team to tell them they are willing to do the project for the same dollar amount. To make sure the work gets done, they requested an extension to the 7 day period to develop a recommended remedy.

Byrd Brothers has provided a teaming agreement which appoints Byrd Brothers as the primary contractor and Sampson Contracting in a lesser role. Mr. Anlauf stated a letter providing a 30 day extension has been issued to the contractor to allow time to prepare a proposal describing their plan for dredging next fall. The proposal will be reviewed by the Town Project Management Team before being presented to the Council. The current permit provides the use of the hydrocyclonic method. It is the Town's preferred method, but all options will be considered.

Council Member Pfizenmayer asked when we will be able to use the canals again. Joe Anlauf stated hopefully within 30 days. They are looking for a location to store the pipes within the Town limits and clean up will be done as quickly as possible.

### **FY 2010-2011 BUDGET PRESENTATION**

Mayor Denny stated that at the Retreat the Council asked staff to present a "wish list" budget for discussion at this meeting. In no way should this budget be construed as the Town Manager's budget.

Bonnie Swain, Finance Officer provided handouts and a power point presentation based on this "wish list" proposal. After reviewing the potential revenues for the coming year, she answered questions regarding the various proposed departmental expenses. She said the salaries shown include a 2.5% COLA and a \$15,000 merit plan. There is also an increase from 4.87% to 6.35% in the Town's portion of the employee state retirement payment.

Mayor Denny asked the Town Manager, Police Chief, Fire Chief and Mirek Dabrowski to meet to discuss the issues related to the new 800 MHz radio system in preparation of the Town Manager's budget.

The Finance Officer stated that using the current tax rate (9.75) there would be a \$280,000 deficiency in this budget. To balance this proposed budget the tax rate would need to be 11 cents. (Currently the value of one cent is equivalent to \$171,000.)

Bill Gleason, Capital Improvement Plan (CIP) Chairman, provided a CIP Power Point presentation. He discussed various funding strategies for FY 2010-11. He recommended that the lease purchase for the three requested police vehicles be lease purchased as part of the operating budget rather than the capital budget. This is a preliminary proposed set of projects subject to the wishes of the Council.

Council Member Stroud asked if Bobby Outten, County Manager, could attend a Council meeting to discuss the 800MHz radios issue and to hear how the other towns are addressing the problem.

Mayor Denny stated he attended a recent Mayor's meeting and the 800 radios are under the direction of the Sheriff's Department. He stated the radios were discussed and everyone is having the same issues in trying to understand the system and how it will be funded. He stated Sheriff Midgett was at the meeting. Mayor Denny doesn't think the County Manager would have much to provide by coming to a meeting.

Following a discussion on this "wish list" budget, Mayor Denny requested that the Council Members send their questions/concerns to the Town Manager. The Manager can compile these concerns to be addressed at a later meeting.

Mayor Denny thanked Mrs. Swain and Mr. Gleason for their effort and time on the budget presentations.

**OLD BUSINESS** -None

**NEW BUSINESS**

Consideration of Application Fees for Wireless Towers

Wes Haskett, Planner, addressed Council with information regarding applicable fees for wireless tower applications. This issue will be placed on the March 2 agenda and presented as an amendment to the Town's fee schedule.

**OTHER ITEMS**

Town Manager-None

Town Attorney-None

Mayor-None

Council

Council Member Hess stated she is the Town's representative on the Shoreline Management Commission and will be attending a meeting later today. She stated Dare County Commissioners appointed members of the County Commissioners, Warren Judge, Allen Burrus and Jack Shea as a three member liaison committee to the Nags Head proposal. Nags Head and Kill Devil Hills will be presenting beach nourishment plans. She stated she has a real problem with the Town of Nags Head's request for twenty million dollars to be used for beach nourishment. She would like to hear a plan that will not allow the sand to be washed away. She stated it will be her intent at this meeting to say she does not support Nags Head's request. She would like to have input from Council on this. She will provide a report following the meeting. Council unanimously agrees with Council Member Hess.

**PUBLIC COMMENT**

Fire Chief Harvey stated that the SSVFD contract required that a discussion be held in February on the subject of a fire district. Mayor Denny asked the Town Manager to meet with Chief Harvey and stated if a Council Member is needed, Jodi Hess will attend.

Sam Williams, 109 Pudding Pan Lane, asked are storm water projects being considered in the development of the Capital Improvement Plan and are the budget presentations today going to be put on the Town's website.

Mayor Denny stated the presentations made today are very preliminary and were for discussion only and once the Town Manager presents his budget it will be placed on the website.

Mayor Denny stated by putting the budget presentations on the website without the people hearing the comments made by the presenters and Council would only provide unneeded confusion.

Mr. Gleason stated storm water issues have been discussed but it is premature to include costs at this time but over a three to five year period it will be included. He stated the Chichahauk Trail Improvement Project does include storm water and it is a complex project.

Hearing no other regular business Mayor Denny moved to go into closed session pursuant to NCGS 143.318.11 (a) 3, 5 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. Upon returning to open session Council Member Hess moved to approve the presented Resignation Agreement and General Release between Charles B. Read, Jr. and the Town of Southern Shores signed February 8, 2010 by Mr. Read. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; and Council Member Stroud unexcused absence.

Council Member Hess moved to extend Tom Bennett, Project Manager, for the Canal Maintenance Dredging project for an additional six (6) months (August 14, 2010) per the terms of the existing contract. Council Member Kowalski seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; and Council Member Stroud unexcused absence.

[Note: The Town Attorney is to prepare an addendum to the contract and to be signed by the Mayor.

Mayor Denny moved to engage Webb Fuller as an advisory consultant to assist the Town in the recruitment, identification of and the selection of a new town manager and to assist and advise Chief David Kole, Interim Town Manager, on Town operations for a period of ninety days (90) at a rate of two thousand dollars (\$2000) a week. Council Member Hess seconded. The motion passed with Mayor Denny, Hess, Stroud, and Kowalski voting aye; Council Member Pfizenmayer voting no and Council Member Stroud unexcused absence.

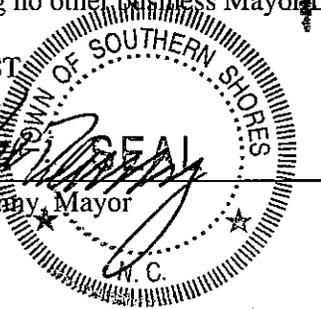
Council Member Hess moved to authorize the Interim Town Manager to transfer appropriate funds from the salary's budget line item to the contract services (Project Manager) budget line item until a budget amendment can be considered by Council and if necessary funds can be taken from the general fund for a short term. Mayor Denny seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; and Council Member Stroud unexcused absence.

Council Member Hess moved to authorize the Interim Town Manager to transfer appropriate funds from the fund balance to the salary budget line item (Interim Town Manager) until a budget amendment can be considered by Council and if necessary funds can be taken from the general fund for a short term. Mayor Denny seconded. The motion passed with Mayor Denny, Hess, Stroud, Pfizenmayer and Kowalski voting aye; and Council Member Stroud unexcused absence.

Hearing no other business Mayor Denny moved to adjourn the meeting at 12:00 p.m.

ATTEST

Hal Denny, Mayor



Respectfully submitted:

Carrie Gordin  
Carrie Gordin, Town Clerk



**Town of Southern Shores  
Budget Amendment Number # 7**

**Code Enforcement  
Increases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
63-50125	Vehicle Maintenance	\$1,500.00

**Code Enforcement  
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
63-50121	Contingency	\$1,500.00

Explanation: To cover cost of having Crown Vic painted

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Recommended By:

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David Kole, Interim Town Manager

Approved By:

\_\_\_\_\_  
Hal Denny, Mayor

Date \_\_\_\_\_