



Town of Southern Shores

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Council Meeting

May 5, 2010

7:00 p.m.-Pitts Center

The Southern Shores Town Council met on May 5, 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 7:00 p.m. and led the Pledge of Allegiance. He held a moment of silence for the men and women in uniform serving around the world preserving our freedom.

APPROVAL OF AGENDA

Mayor Denny requested to amend the agenda to hold a closed session following Item XI. Council Member Hess moved to approve the agenda as amended. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

GENERAL PUBLIC COMMENT

Norm St. Laurent, 63 Hickory Trail, stated upon recently walking along E. Dogwood Trail, on the painted side, he fell where the stones are located at NC12 and hurt his shoulder. He requested Council consider placing asphalt there; it is a serious safety issue. He provided pictures of the area.

Mayor Denny asked the Town Manager to address this issue. The Town Manager stated Public Works has done some clean-up. Once paving can be done the area will be fixed.

Yvonne Sternberg, 57 Hickory Trail, stated she wrote a letter six years ago to then Mayor Denny regarding the problem of the speeders on Hickory Trail and the three-way stop signs. She came before Council last year and now she is here again. Each time she has been told options are being considered but nothing has been done. She stated this is a residential neighborhood and people are still speeding and running the stop signs. She is asking Council to decide on an option and do something.

APPROVAL OF MINUTES-None

CONSENT AGENDA-None

REPORTS

Planning Board - Planning Advisory Group Recaps for April 5 and April 19, 2010.

Nancy Wendt, Planning Board Chairman, stated no Planning Board meeting was held and Council has recaps from the Planning Advisory Group. She reported the Citizen Communications Committee and the Parks and Recreation Committee each are working on their Statements of Work. She stated Council will be discussing the Town's Land Use Plan at the workshop on May 18.

[Clerk's Note: Copies of Planning Advisory Group Recaps for April 5 and April 19, 2010 are hereby attached as Exhibit A and B respectively].

Southern Shores Volunteer Fire Department (SSVFD)

Chief Harvey presented monthly report.

Police Department

Chief Kole presented monthly report.

Southern Shores Civic Association (SSCA)

Ross Mitchell reported the crossovers are being repaired to be ready for the season. He reported the Sea Oats Park was vandalized in April and Paul Kapinos and others have repaired and cleaned up. The General Membership meeting will be held Monday May 10 at 7 p.m. in the Pitts Center.

Chicahawk Property Owners Association (CPOA)

Marianna Landrum stated they would like to see the speed trailer used in their area especially on Pudding Pan Lane and more patrol cars.

Canal Maintenance Dredging Project

Tom Bennett, Project Manager, reported over the past weeks the contractor has been trying to resolve agreements between two Town property owners for spoil sites. He stated once the agreements are reached the location and methodology for the dredging will require a permit modification. A scoping meeting will be held in Washington, NC late next week. There are two backup plans if the agreements are not signed. The North Marina may be used again but there is limited land. The contractor would like to see the restoration work at the marina completed with Council and SSCA approval. The Project Manager stated he would like to see the Town move ahead aggressively on Phase II by applying for the permit and acquiring some property. The contractor is to provide a proposal in mid- May on how they are going to resolve the contract default issue.

OLD BUSINESS

Build the Bridge-Preserve Our Roads Committee-Resolution --NC Turnpike Authority-Mid Currituck Bridge

Mayor Denny stated at the last meeting Council requested a resolution be drafted supporting a specific alternative on the Mid-Currituck Bridge Environmental Impact Study.

Council Member Stroud read draft resolution 2010-05-01.

Mayor Denny moved to approve the resolution as presented. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

Council Member Hess requested the resolution be sent to the other towns and a letter be sent requesting their support.

Mayor Denny announced on May 18 at the Ramada Inn from 3:30 p.m. to 6:30 p.m. a presentation is being made. At 7:00 p.m. a public hearing will be held on the Mid-Currituck Bridge study. He asked that as many as can attend this meeting. He stated at 1:00 p.m. elected officials have been invited to a special presentation in the Pitts Center on the same subject.

Council Member Hess stated two meetings are being held for Currituck residents on May 19 and May 20.

[Clerk's Note: A copy of Resolution 2010-05-01 is hereby attached as Exhibit C].

Town Safety Plan (Revised)

David Bakken, Town Fire Inspector and Safety Coordinator, presented the revised safety plan with the changes requested by Council at the last meeting. He requests Council approve the plan. He stated a fire extinguisher training class has been set for May 19 and 20 at the fire department for the employees and Council if they would like to attend.

Council Member Hess moved to approve the Town's Safety Plan. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

[Clerk's Note: A copy of the Safety Plan is hereby attached as Exhibit D].

NEW BUSINESS-None

OTHER ITEMS

Town Manager-None

Town Attorney

The Town Attorney stated that he learned today from attending the Nags Head town meeting that this is Town Clerk Appreciation week and he wanted to say he appreciates working with the town clerk.

Mayor Denny stated everyone appreciates our town clerk.

The Town Clerk thanked everyone.

Mayor

Mayor Denny stated Council has been in special session for the last two days interviewing candidates for the Town Manager position and that is the reason for tonight's light agenda.

Mayor Denny stated the Town Manager will present his proposed FY2010-2011 budget on May 18 and the Land Use Plan will also be presented.

Nancy Wendt asked Council to allow a short presentation at the May 18 meeting on the Land Use Plan. Council agreed.

Sam Williams will be presenting the Land Use Plan.

Council-None

PUBLIC COMMENT

Sam Williams, 109 Pudding Pan Lane, stated he also appreciates the Town Clerk. He stated on behalf of Bob Palombo regarding the Mid-Currituck Bridge public hearing he requests written comments can be forwarded as noted in the Town's Broadcast Email and on the Town's website.

Mayor Denny moved to go into closed session pursuant to NCGS 143-318.11(a) (6) and (3) for a personnel issue and to consult with the town attorney in order to preserve the attorney/client privilege. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye; no Council Member voting no and no Council Member absent.

Hearing no other business Mayor Denny moved to adjourn the meeting at 11 p.m. 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.

ATTEST

Hal Denny, Mayor

Respectfully submitted:

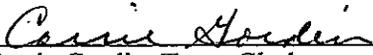

Carrie Gordin, Town Clerk

Exhibit A

To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)

Copies: Interim Town Manager (Chief David Kole)

Town Attorney (Ben Gallop)

Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)

Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)

From: Wes Haskett, Town Planner

Date: April 15, 2010

Re: Recap, PAG Working Session April 5, 2010

PB / PAG RECOMMENDED ACTIONS FOR THE TOWN COUNCIL - None

PAG MEETING RECAP APRIL 5, 2010

The Planning Advisory Group working session convened at 7:00 pm. Planning Board Members Bob Palombo, Sam Williams, Mike Florez, Jay Russell, alternate member Larry Lawhon, Nancy Wendt, alternate member Bill Gleason, Code Enforcement Administrator Alvin Rountree and Town Planner Wes Haskett were present.

Planned agenda items for the meeting included:

1. Land Use Plan Update.
2. General project status.

Nancy Wendt asked for any additions or changes to the agenda. There were none.

LAND USE PLAN UPDATE

Wes Haskett reported that the Land Use Plan revisions have been completed and that the revised copies would be distributed to the group for review and comment. The group will address the revised document at the next PAG meeting.

CITIZEN COMMUNICATION PLAN (Larry Lawhon)

Larry Lawhon reported that there are two citizens who have shown interest in assisting in the development of the Plan which may commit in the next couple of weeks.

WIRELESS PLAN (Larry Lawhon)

Larry Lawhon reported that the final report for the wireless plan is still being finalized. It was noted that AT&T has met with the SSCA and they are moving forward with a new flag pole

stealth tower to be located at Triangle Park. AT&T will be presenting the project to the SSCA Board meeting on May 7th at 9:00 am and on May 10th at 7:00 pm. We Haskett reported that Verizon Wireless is in the process of modifying their existing collocation on the Dare County water tower adjacent to Kitty Hawk Elementary School. An application has not been submitted and based on discussions with Verizon, it appears that the application will meet the criteria which entitles the applicant to a streamlined review process that does not require Planning Board and Town Council review.

WIND GENERATION PLAN (Mike Florez)

Mike Florez reported that the work on the draft ordinance has concluded and that the Committee will review and discuss the final report at its next meeting on April 8th. It is expected that the final report will be completed within the next two Committee meetings.

STORMWATER MANAGEMENT PLAN (Jay Russell)

Wes Haskett reported that he and Joe Anlauf, Town Engineer, will be meeting to review and discuss the Emerald Isle Stormwater Ordinance with consideration given to the guidance provided by the PAG. Wes Haskett will provide their findings and recommendations to the PAG once they have been determined.

UPCOMING MEETINGS & PROPOSED AGENDA ITEMS

1. Planning Board Application Review meeting April 19, 2010.
 - cancelled
2. Planning Board PAG working session April 19, 2010
 - Land Use Plan Update
 - Parks, Recreation & Open Space Plan
 - General project status

ADJOURNMENT

The PAG meeting adjourned at 7:50 pm.

Exhibit B

To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)

Copies: Interim Town Manager (Chief David Kole)

Town Attorney (Ben Gallop)

Town Staff (Pat Forrester, Carrie Gordin, Alvin Rountree, Merrie Smith, Bonnie Swain)

Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)

From: Wes Haskett, Town Planner

Date: April 28, 2010

Re: **Recap, PAG Working Session April 19, 2010**

PB / PAG RECOMMENDED ACTIONS FOR THE TOWN COUNCIL - None

PAG MEETING RECAP APRIL 19, 2010

The Planning Advisory Group working session convened at 7:00 pm. Planning Board Members Bob Palombo, Sam Williams, Nancy Wendt, Jay Russell, alternate member Larry Lawhon, alternate member Bill Gleason, Town Planner Wes Haskett, and Executive Assistant Merrie Smith were present.

Planned agenda items for the meeting included:

1. Next PAG Meeting Date and Location
2. Land Use Plan Update.
3. Height Calculation ZTA.
4. General Project Status

Nancy Wendt asked for any additions or changes to the agenda. There were none.

NEXT PAG MEETING DATE AND LOCATION

Nancy Wendt noted that the PAG began meeting twice a month about a year ago due to the number of workshops and long range planning projects they were working on and asked the group if they felt it was still necessary to meet twice a month. The group agreed to meet once a month on the first Monday of each month. Merrie Smith noted that the Pitts Center will not be available on the first Monday of May due to elections. The group discussed where to meet and decided to hold the next PAG meeting at Town Hall on May 3rd.

LAND USE PLAN UPDATE

At a previous meeting, Sam Williams reported that the Land Use Plan has been revised and asked PAG members for comments or revisions. The group provided comments and suggested revisions to be made to the Land Use Plan. Once the revisions are complete, the Plan will be presented to the Town Council prior to being sent to the State and adjoining municipalities for review and comment.

HEIGHT CALCULATION ZTA

Nancy Wendt reported that at the last Town Council meeting, the Council voted to send the proposed ZTA back to the Code Enforcement Department and Planning Board for revisions. The group discussed the Council's comments and how the proposed ZTA might be revised to address the Council's concerns. Among the items discussed was the need to address fill (e.g., establishing a fill limit) and that it would be beneficial to show how lot disturbance and height calculation tie together. Another factor that needs to be addressed is determination of the number of vacant lots remaining in Southern Shores in order to show how many new homes could be built according to the new calculation if the ZTA is adopted (this would not include any re-builds.) In addition, it was felt that more community (e.g., civic association ARBs and builders) involvement is needed in the revision and review of the proposed ZTA. Once the proposed ZTA is revised, a community workshop will be held to present the revised ZTA proposal and to receive feedback.

CITIZEN COMMUNICATION PLAN (Larry Lawhon)

Larry Lawhon reported that a new resident in Southern Shores has volunteered to serve on the Community Outreach Committee.

WIRELESS PLAN (Larry Lawhon)

Larry Lawhon reported that the final report for the wireless plan is still being finalized and that AT&T will be presenting their proposed project to the SSCA Board on May 7th at 9:00 am and on May 10th at 7:00 pm.

TRANSPORTATION INFRASTRUCTURE PLAN

Bob Palombo reported that the Draft Environmental Impact Statement for the Mid-Currituck Bridge has been completed and that he will be presenting the findings in the report to the Town Council at Tuesday morning's Town Council meeting. He noted that the DEIS recommends Option 4 and that Southern Shores should support Option 4 which has the fewest environmental impacts and does not involve changes to NC 12 in Southern Shores.

STORMWATER MANAGEMENT PLAN

Wes Haskett reported that he and Joe Anlauf, Town Engineer, will be meeting to review and discuss the Emerald Isle Stormwater Ordinance with consideration given to the guidance provided by the PAG. Wes Haskett will provide their findings and recommendations at the next PAG meeting.

UPCOMING MEETINGS & PROPOSED AGENDA ITEMS

1. PAG Working Session May 3, 2010
2. Planning Board Application Review meeting May 17, 2010.
 - Cancelled

ADJOURNMENT

The PAG meeting adjourned at 8:30 pm.

Exhibit C

Resolution 2010-05-01

A RESOLUTION OF THE SOUTHERN SHORES TOWN COUNCIL APPROVING THE NORTH CAROLINA TURNPIKE AUTHORITY DRAFT ENVIRONMENTAL STUDY ALTERNATIVE MCB4 AS THE ONLY ALTERNATIVE FOR CONSTRUCTION OF THE MID-CURRITUCK BRIDGE ACCEPTABLE TO THE TOWN OF SOUTHERN SHORES AND REJECTING ANY FUTURE IMPLEMENTATION OF ALTERNATIVE MCB2'S FUTURE PLAN FOR ADDRESSING STORM WATER ISSUES ON NC 12 IN SOUTHERN SHORES

WHEREAS, the Town of Southern Shores is a quiet, residential community maintaining a commitment to preserve the unique natural environment, and

WHEREAS, the North Carolina Turnpike Authority (NCTA) Mid-Currituck Bridge Study Draft Environmental Impact Statement (DEIS) of March 2010 proposes as the recommended alternative for construction of the Mid-Currituck Bridge to be Alternative MCB4, and

WHEREAS, this Alternative MCB4 does not recommend any alterations to NC 12 through the Town of Southern Shores,

NOW THEREFORE, BE IT RESOLVED that the Southern Shores Town Council is in total support of Alternative MCB4 as the only acceptable bridge construction alternative; and

BE IT FURTHER RESOLVED that the Southern Shores Town Council recognizes that NC 12 storm water drainage problems need to be addressed, but the Southern Shores Town Council opposes the plan proposed in Alternative MCB2 as a future means for remediating the storm water drainage issues, and

BE IT FURTHER RESOLVED that the Southern Shores Town Council will work with the North Carolina Department of Transportation (NCDOT) to develop an acceptable means of addressing storm water drainage on NC 12.

Adopted this ____ day of _____ 2010.

Mayor

ATTEST

Town Clerk

Exhibit D

TOWN OF SOUTHERN SHORES SAFETY PLAN

The Mayor and Town Council support a wide safety program through personnel policies and budgetary considerations.

MISSION – To provide a safe work environment for employees, citizens and visitors.

I. RESPONSIBILITIES

- A. The Town Manager, through the Safety Committee, is responsible for overall management and administration of the comprehensive safety program. The Town Manager shall appoint a Safety Coordinator from the Code Enforcement Department.
- B. The Safety Coordinator heads the Safety Committee and is directly responsible for the implementation of the safety program including training, incident follow-up, and building and vehicle safety. He represents the Town Manager in all safety matters, including stopping a work operation temporarily when injury or property damage is possible.

- C. The Safety Committee functions as an advisory body to develop and recommend to the Town Manager matters of policy and procedure affecting the plan. Additionally, the Committee:
1. Plans and recommends an aggressive accident prevention program.
 2. Reviews statistical data, records and reports of safety matters to determine the effectiveness of the program.
 3. Serves as the accident review board by reviewing reports, meeting with the employee and supervisor to gather information and recommend action in accordance with Town policies.
- D. Town Department Heads are responsible for employee safety within their Department and the appointment of a member of their Department to serve on the Safety Committee as the Departmental Safety Supervisor. Specifically, Town Department Heads are also responsible for:
1. Setting a proper example in safety issues.
 2. Developing policies and procedures specific to the department.
 3. Ensuring that all employees are trained on safety procedures.
 4. Providing personal protective equipment and instructions in its use.
 5. Holding required bi-monthly safety meetings on varying topics.
 6. Promoting free and open discussions of hazards and their prevention.
 7. Requiring all accidents to be reported and investigated by the committee.
 8. Ensuring that prompt corrective action is taken for unsafe acts.
 9. Ensuring that employees are physically and mentally capable of performing their tasks.
- E. Departmental Safety Supervisors shall be responsible for instructing members of their Department in safe practices to observe in their work situations. Additionally, Departmental Safety Supervisors:
1. Provide safety instructions prior to employees starting work.
 2. Conduct regular safety checks of equipment to be used.
 3. See that equipment is properly maintained.
 4. Issue instructions for elimination of fire and safety hazards.
 5. Determine new or relocated equipment is safe before put in use.
 6. Give full support to all safety procedures and programs.

F. Employees are required, as a condition of employment, to:

1. Submit to drug testing at any time prior to or during term of employment.
2. Exercise care in the course of their work to prevent injury.
3. Use the safety equipment provided for them.
4. Wear the prescribed uniform, head gear, eye protection and safety shoes.
5. Not operate equipment they have not been trained in.
6. Report defective equipment to a supervisor immediately.
7. Warn co-workers of unsafe conditions or practices.
8. Report all injuries and accidents regardless of severity.
9. Participate in all safety and health training provided.
10. Serve on a safety committee or inspection team if appointed.
11. Report unsafe conditions throughout the Town, including as examples, broken sidewalks or curbs, hanging tree limbs, potholes, crumbled road shoulders and missing or damaged signs.

II. OPERATIONS.

A. Safety Committee Meetings.

The safety coordinator will schedule monthly meetings at a pre-designated time. An agenda will be provided and a record kept of attendance and actions taken. Other meetings may be held as required.

B. Safety Training shall be held bi-monthly by Department heads. Records shall be kept of dates and topics. Those attending shall sign the attendance sheet.

C. New Employee safety orientation shall be given to each new employee by the Supervisor or Department Head prior to going to work in their Department. Orientation shall be documented, signed by both the instructor and the employee.

D. Accident Investigation will be performed by the immediate Supervisor(s) of the employee(s) involved. Any accident involving death, permanent or temporary disability, hospitalization, medical treatment, employee loss of time from work or injury to a non-employee will be investigated and the report forwarded through the Department Head to the Safety Committee for review. The purpose of the investigation is to prevent recurrence of the accident by identifying contributing causes and determining corrective measures. Investigations should be completed as soon as possible after the mitigation of life safety or health hazards.

E. Self Inspection will be done by all Department Heads or their designee for their department's facilities and personnel in conjunction with a quarterly inspection done by the Safety Committee of the entire Town facilities. The purpose of these inspections is to identify conditions and practices that may result in an accident and recommend corrective action. The Safety Coordinator will set up the schedule after consulting with the

Department Heads. Department heads will notify the Safety Coordinator when corrective action is completed.

- F. Each Department located in a separate building will maintain a safety bulletin board visible to all employees. This may be a designated portion of another bulletin board. If different departments are located in the same building and share common facilities one such bulletin board is sufficient.

III. SAFETY RULES, POLICIES AND PROCEDURES.

Safety rules, policies and procedures applicable to all employees will be developed by the Safety Committee and each Department Head will develop rules, policies and procedures specific to the Department. A master copy of all rules, policies and procedures will be kept by the Safety Committee.

Rules, policies and procedures will be distributed to each employee, and they will be required to sign that they have received their copy. Department Heads are responsible for ensuring that new employees have their copy before starting work.

FOR SAFETY RULES TO BE EFFECTIVE, EMPLOYEES MUST KNOW THAT THEY ARE SUPPORTED BY MANAGEMENT AT ALL LEVELS AND THAT THEY WILL BE ENFORCED.

Adopted by Town Council May 5, 2010. _____ Mayor