



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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Council Meeting
September 7, 2010
7:00 p.m.-Pitts Center

The Southern Shores Town Council met on September 7, 2010 at the Pitts Center.

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

Also present were: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence giving thanks that the area escaped Hurricane Earl.

APPROVAL OF AGENDA

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

GENERAL PUBLIC COMMENT

Don Smith, 189 Wax Myrtle Trail, expressed concern over Council comments made at the August 3, 2010 Council Meeting. Mr. Smith disputed the accuracy of statements involving the Life of Service Program while he and his family were members of the Southern Shores Volunteer Fire Department.

David Little, 64 Fairway Drive, commented in support of use of golf carts on Town streets and also provided related information from other jurisdictions in North Carolina.

APPROVAL OF MINUTES – Special Meeting August 17, 2010.

Council Member Hess moved to approve the August 17, 2010 minutes as presented. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

CONSENT AGENDA-Receipt of Notice of Surplus Property Disposition

Mayor Denny presented the consent agenda for approval. Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski approved unanimously.

[Clerk's Note: A copy of the Receipt of Notice of Surplus Property Disposition is hereby attached as Exhibit A].

STAFF REPORTS

Town Planner

Wes Haskett reported on several issues: (1) The Planning Board expects to present the proposed Land Use Plan update to Council at its October 5 meeting. (2) Verizon Wireless has not yet submitted a complete application package for collocation on the Dare County water tower beside Kitty Hawk Elementary School. (3) The Planning Board has received no new information from AT&T on the potential stealth wireless tower at the Triangle Park. (4) In an effort to continue educating visitors on the Beach and Waterway Usage Ordinance approved on April 20, 2010, Southern Shores Realty was provided with brochures to be included in their rental packets. (5) The upcoming joint Planning Board/Town Council meeting will be held on September 27 from 3-5 p.m. in the Pitts Center.

Police Department

Chief Kole provided the August report.

Southern Shores Volunteer Fire Department

Chief Harvey provided July, August and Year-to-Date reports.

Mayor Denny thanked the Fire Department for clearing the roads of debris following Hurricane Earl quickly and they were done by 9:00 a.m. Friday.

Surf Rescue

Mirek Dabrowski, Director, reported from June 1 through Labor Day there were 136,897 beach goers this year compared to 155,653 last year. The beach was closed two days this year due to high rip current threat. He reported people are taking their dogs onto the beach early in the day and he did not perceive there to be a dog problem on the beach this year. Town Manager Peter Rascoe commended the lifeguards for being professional and for their devotion to duty and customer service this year, and added that the lifeguards served as positive ambassadors for the Town.

REPORTS FROM BOARDS, COMMITTEES and ASSOCIATIONS

Planning Board-No Report

Southern Shores Civic Association (SSCA)

Karen Kranda, President, reported the SSCA will be working with the Town and the area realtors in the Spring to find ways to educate their rental clients on issues regarding trash and parking in the Town. The SSCA annual picnic is being held on September 18, 4-6 p.m. at the North Marina.

Chicahauk Property Owners Association (CPOA)

Marianne Landrum announced the CPOA annual picnic is scheduled for September 25 at Trinitie Park. Lunch will be served at noon.

Build the Bridge-Preserve Our Road (BBPR)-Mid-Currituck Bridge

Robert Palombo reported the Environment Protection Agency (EPA) was quoted with incorrect information from its Draft Environmental Impact Statement in a recent article in the Elizabeth City Daily Advance newspaper. After the BBPR submitted a letter with correct information, a corrected article was

published. Mr. Palombo reported that everything is moving ahead with a bridge project, with a projected completion date of 2014.

PROJECT REPORTS

Canal Dredging Project

The Project Manager reported that the Town has received its Storm Water permit and the Erosion and Sedimentation Control Plan from NCDENR. He provided a map showing the area parameters of the project's Phase 1 and reviewed the proposed dredge depths of the canals and the proposed de-watering site.

OLD BUSINESS-None

NEW BUSINESS

Appointment of Deputy Town Clerk

The Town Manager requested Council appoint him as Deputy Town Clerk pursuant to NCGS 160A-172, effective retroactive to September 1, 2010 to serve when the Town Clerk is unavailable and there is an emergency.

Council Member Stroud moved to appoint the Town Manager as Deputy Town Clerk pursuant to NCGS 160A-172 retroactive to September 1, 2010. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

The Town Clerk swore in Mr. Rascoe.

[Clerk's Note: A copy of the Oath is hereby attached as Exhibit B].

Adopt Lease-Purchase Authorization Resolution for Police Vehicles

The Town Manager stated an appropriation was included in the Town's FY 2010-2011 Budget for the Lease-Purchase of three police vehicles. He presented a resolution authorizing the Town Manager to complete the transaction by executing the necessary documents consistent with a budget amendment.

Council Member Hess moved to adopt Resolution 2010-09-01 as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

[Clerk's Note: A copy of Resolution 2010-09-01 is hereby attached as Exhibit C].

Proposed Amendment to Council's Rules of Procedure

The Town Manager recommended Council amend its official "Rules of Procedures" by deleting Section 13. Order of Business in its entirety. He stated that procedurally Section 14 of the Rules already allows the Mayor to submit a draft meeting agenda to Council, and then Council may approve or amend the agenda content and order at its meeting. The Town Manager also reported that NC General Statutes requires at least one public comment period per month and at each regular meeting. He stated that Council may simply amend any regular meeting agenda to add another public comment period for that meeting if it deems it necessary and appropriate.

Council Member Hess moved to follow the Town Manager's recommendation to delete Section 13 from the Council's Rules of Procedures. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

Use of Golf Carts/Low Speed Vehicles on Town Roads

Police Chief Kole provided a Power Point Presentation on the use of Golf Carts and Low Speed Vehicles (LSV). Low speed vehicles (street legal) are allowed on streets that are posted with a 35 mph or lower speed limit but the use of these vehicles through-out the Town is currently not possible due to the posted 45 mph speed limit on NC Highway 12 and no appropriate internal street connection. Following discussion, Council's consensus is to not permit the use of golf carts on Town streets. Council Member Stroud stated he has continued his support of the use of golf carts with certain restrictions and regulations applied. No action was taken.

NC 12 Speed Limit-35 mph

Mayor Denny stated he supports lowering the speed limit on NC Highway 12 to 35 mph in Southern Shores during the summer months (May-September) and retaining 45 mph during the rest of the year. He has brought this to past Council's attention and he is concerned for the safety of beach-goers crossing NC Highway 12. Council's consensus is to leave the speed limit as is. No action was taken.

OTHER ITEMS

Town Manager

The Town Manager stated the Fire Dept., the Police Dept., Surf Rescue, and the Public Works Dept. all responded and worked well together following Hurricane Earl. He stated according to his statutory powers, Mayor Denny declared a State of Emergency on February 2, 2010 at 6:30 a.m. and terminated the declaration on February 3, 2010 at 11:40 a.m. He stated actual storm debris may be put out to the street right-of-way by homeowners (not contractors) this week through Thursday afternoon for removal by the Town contractor during a single, one-time, pass. Next week will begin the regular chipping schedule during which time the Town's chipping contractor will remove chipping-eligible debris only, which includes any remaining storm debris which is also chipping-eligible due to size.

The CIP 2010 Fall Street Improvements for Poteskeet Trail, Poteskeet Loop, Gray Squirrel Lane, and Old Passage Lane have begun today with the removal of trees from the Town's right-of-way.

The Town received the State Demographer's population numbers for the year 2009 at 2,616 as compared to last year's number of 2,584.

The Town Manager stated he will be attending NIMS classes the week of September 20-24 and he requested Council consider canceling the September 21 workshop since the Joint Council/Planning Board meeting is being held on September 27. He suggested if any issues need action they could be addressed at that meeting.

Mayor Denny moved to cancel the September 21, 2010 Council meeting. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

Town Attorney -None

Mayor-None

Council

Council Member Kowalski asked what the status is on the Trinitie/Juniper Trails Bridge Project. The Town Manager stated that Council's request from the August regular meeting, the Town Engineer has drafted an RFP to seek a structural engineer to analyze the bridge and more information will be available in October.

Council Member Stroud stated he would like to see a change in the agenda such that Council would have an opportunity to respond to comments made during the last Public Comment period.

Mayor Denny suggested moving the Public Comment section to come before Other Items on the agenda. He stated a three minute limit should also be placed on Council responses. He does not want the meeting to turn into a debate with the public. Council agreed to discuss this at a future meeting and requested the Clerk provide information on past public comment procedures.

GENERAL PUBLIC COMMENT

Robert Hawk, 97 Duck Woods Drive, addressed Council on any changes it may consider and the unintended consequences of such changes.

Lori Williams, 109 Pudding Pan Lane, asked if Low Speed Vehicles are allowed on the multi-use path. Mayor Denny stated motorized vehicles are not allowed on the paths.

Hearing no other regular business Mayor Denny moved to go into closed session pursuant to NCGS 143-318.11(a) (3) and (5) and 143-318.10(e) Council Member Hess seconded.

The Town Attorney requested the motion be amended to include section (1) not (5).

Mayor Denny moved to amend his motion as requested by the Town Attorney. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

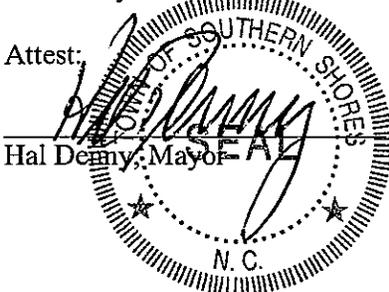
Upon returning to open session Mayor Denny moved to go into closed session again pursuant to NCGS 143-318.11(a) (5) regarding property at 6195 N. Croatan Hwy.

Upon returning to open session Mayor Denny moved to authorize the Town Manager to continue negotiations on the canal dredging contract and to execute a contract when the Town Manager feels comfortable with it. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

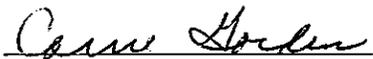
Hearing not other business Council Member Hess moved to adjourn the meeting at 10:10 p.m. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

Attest:

Hal Denny, Mayor



Respectfully submitted:


Carrie Gordin, Town Clerk



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August 27, 2010

In accordance with the authority granted by the Town Council pursuant to Ordinance No. 2005-08-01 adopted August 2, 2005 pursuant to Chapter 160A of the North Carolina General Statutes, I have determined that the following surplus property has an aggregate fair market value of less than five thousand dollars (\$5,000), is no longer necessary for the conduct of public business, and that sound and property management principles and financial consideration indicate that the interests of the Town of Southern Shores would be best served by disposing of the property:

- i. 46 inch Toro Z Master self-propelled-riding lawn mower, engine blown, and loose parts.

Accordingly, I have directed that the property be disposed of in accordance with the cited Ordinance.

Peter Rascoe
Town Manager



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NORTH CAROLINA
DARR COUNTY

**OATH OF OFFICE
TOWN OF SOUTHERN SHORES**

I, J. Peter Rascoe, III, do hereby solemnly swear that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina not inconsistent therewith and that I will faithfully and impartially discharge the duties imposed upon me as Deputy Town Clerk of the Town of Southern Shores so help me God.


J. Peter Rascoe, III

Subscribed and sworn to before me this 7th day of September 2010.


Carrie Gordin, Town Clerk



**RESOLUTION AUTHORIZING OBLIGATION OF DEBT SERVICE COSTS FOR
LEASE-PURCHASE ACQUISITIONS**

Whereas, the Town Council of the Town of Southern Shores, NC, on June 15, 2010, adopted a Budget Ordinance for Fiscal Year 2010-2011 operations, and which appropriated funds for anticipated debt service costs for the lease-purchase or other installment financing for acquisition of three (3) new vehicles for the Town's Police Department;

Therefore Be It Resolved that the Southern Shores Town Council authorizes the Town Manager to enter into and execute such lease-purchase or other installment financing documents, determined appropriate for the acquisition of the three (3) new vehicles on behalf of the Town of Southern Shores, consistent with the appropriation made in the Budget Ordinance adopted June 15, 2010.

Adopted this ____ day of _____ 2010.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk