



Town of Southern Shores

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

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

Council Meeting
October 19, 2010
8:00 a.m.- Pitts Center

The Southern Shores Town Council met on October 19, 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 and Town Clerk Carrie Gordin.

Mayor Denny called the meeting to order at 8:00 a.m. He led the Pledge of Allegiance and held a moment of silence.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES- Special Joint Council/Planning Board Meeting, September 27, 2010 and Regular Meeting October 5, 2010

Mayor Denny moved to approve the Special Joint Council/Planning Board Meeting, September 27, 2010 minutes as corrected with recommended changes from both Council Member Hess and Planning Board Chairman Sam Williams. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

Council Member Hess moved to approve the October 5, 2010 minutes as presented. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

PRESENTATION OF AUDIT FOR FY 2009-2010-Teresa Osborne, Dowdy & Osborne, LLP

Teresa Osborne presented the FY2009-2010 Audit.

[Clerk's Note: A copy of the FY2009-2010 Audit is available at Town Hall and will be posted online].

FINANCIAL REPORT FOR FIRST QUARTER FY 2010-2011

Bonnie Swain, Finance Officer, presented the 2010-2011 first quarter financial report.

Proposed FY 2010-2011 Budget Amendments-Phase One of Canal Dredging Project

The Town Manager stated each of these budget amendments cover specific costs related to the canal dredging project.

Mayor Denny moved to approve FY 2010-2011 Budget Amendments # 8 and #9 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: Copies of Budget Amendments #8 and #9 are hereby attached as Exhibit A].

GENERAL PUBLIC COMMENT – None

OLD BUSINESS

Resolution 2010-10-01 as amended-Council and Boards Code of Ethics

The Town Manager stated the Town Attorney amended the previously submitted Code of Ethics Resolution by simply adding two new items to the current Code of Ethics resolution per Council's request.

Following discussion by Council several grammar issues were addressed as well as a change in item 12 of the document by removing the word "endeavor".

Council Member Hess moved to approve Resolution 2010-10-01 as corrected. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

[Clerk's Note: A copy of Resolution 2010-10-01 is hereby attached with corrections noted as Exhibit B].

NEW BUSINESS

Appointment of a Capital Improvement Plan (CIP) Committee for FY 2011-2012 Budget Planning

The Town Manager requests Council appoint a CIP committee to meet during this current fiscal year to evaluate the recognized capital needs and prioritize those needs with possible projected funding for the 2011-2012 budget. Prior to budget planning, the Committee should make a recommendation to Council, on the priority capital needs commensurate with anticipated capital funding for FY 2011-2012. The Committee should immediately begin meeting monthly through March to make their recommendations available by the beginning of budget planning season. A recommended formal Committee membership would include two Council Members, the Town Manager, the Finance Officer and a Citizen appointee. Other staff and professionals would be called to assist with specific evaluations.

Mayor Denny stated he recommends Bill Gleason, once again, to be our Citizen appointee and Council Member Stroud has volunteered. Mayor Denny stated he would like to be the second Council Member.

Mayor Denny moved to appoint Council Member Stroud, Mayor Denny, the Town Manager, Finance Officer and Bill Gleason as the 2010-2011 Capital Improvement Plan committee. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

The Town Manager stated he and the Town Clerk will work on a monthly meeting schedule for the Committee.

OTHER ITEMS

Town Manager

The Town Manager reported he and the Project Manager for the canal dredging project held a pre-construction meeting with the contractor and subcontractors. Mobilization and prep site work is beginning now and the actual start date for dredging is approximately November 10. The Project Manager is meeting with surrounding property owners of the de-watering site to give them a status report on the project.

He stated the 2010 Fall Street Improvement Project is on-going and citizen complaints are being addressed quickly.

Council Member Stroud asked if the dredging is to begin on the inside or at the main channel. He was told it will begin on the inside beginning at the Dick White Bridge and go north. Council Member Stroud stated he is concerned that if for some reason the dredging is not able to proceed on schedule that there needs to be a contingency plan to at least dredge the main channel. The main channel is more critical to be dredged in his opinion.

The Project Manager stated at this time there is no contingency plan but a 30-day time frame is needed to request a dredging extension. Council Member Stroud asked that this item be addressed with the contractor and discussed at the November meeting.

Council Member Kowalski asked if the Dick White Bridge can handle the weight of the dredging equipment and dredging vehicles. The Project Manager stated yes, that the engineers have looked at the bridge. He also said the Loblolly Marina is not to be used as a de-watering site at this time.

The Town Manager stated the Town Engineer, the Public Works Supervisor and he met on site with NCDOT representatives regarding the Juniper Trail/Trinitie Trail Bridge Project. He stated the Town's Powell Bill funds can be used on this project. He would ask Council to consider authorizing him to make a formal request of NCDOT to propose such a project.

Council Member Hess moved to authorize the Town Manager to proceed with discussion with NCDOT regarding the Juniper Trail/Trinitie Trail Bridge replacement. Council Member Stroud seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

Mayor

Mayor Denny stated he is pleased with the FY 2009-2010 Audit Report. He stated the revenues over expenditures last year provides \$142,000 in surplus funds and the current road project was under the budgeted amount by \$136,000 which is a gain of \$278,000. He suggested that other Council Members consider this \$278,000 as a partial offset to the \$450,000 budget amendment. Mayor Denny further suggested that the Town Manager could hopefully recommend reductions from this year's budget to make up for the \$172,000 shortfall.

He stated most complaints on the street project are due to the loss of cable service because of the inadequate depth of the cable, which is a Charter Cable problem and not a contractor problem.

Council

Council Member Kowalski suggested, as part of the Broadcast News email, that a new section be added to inform the citizens on topics of interest which may reduce questions later.

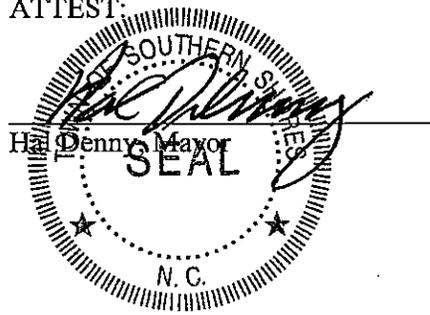
Council Member Pfizenmayer stated for future workshop agenda items discussion should be held on requiring canal lots to have bulkheading.

The Town Manager stated the Code Enforcement Department, the Planner and the Planning Board all have been discussing this issue. He stated currently the Code Enforcement Department may require any new construction to have bulkheading on the underlying lot if applicable for safety and environmental protection. He stated a draft ordinance will be developed by staff to codify this permitting procedure and be circulated through the Planning Board for consideration and possible recommendation to Council.

Hearing no other regular business Mayor Denny moved to go into closed session pursuant to NCGS 143-318.10 (e) to approve closed session minutes. 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 adjourn at 10:35 a.m. Council Member Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

ATTEST:



Respectfully submitted:

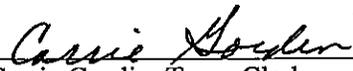

Carrie Gordin, Town Clerk

Exhibit A

**Town of Southern Shores
Budget Amendment Number # 8**

Revenues Increases			Revenues Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	Undesignated FB	\$450,000	40-39917	Canal Dredging Grant	\$450,000
	TOTAL	<u>\$ 450,000</u>		TOTAL	<u>\$ 450,000</u>

Explanation: State Funds will not be received as anticipated; therefore funds must come from Fund Balance

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Hal Denny, Mayor

Date _____

**Town of Southern Shores
Budget Amendment Number # 9**

**Public Works
Increases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<u>Revenues</u> Undesignated FB	\$100,000
59-48010	- <u>Expenditures</u> Canal Dredging	\$100,000

**Public Works
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>

Explanation: To cover the cost of SSCA bulkheading at North Marina, attorney fees, engineering fees and Envir. Prof. fees

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Hal Denny, Mayor

Date

**Code of Ethics for Town of Southern Shores
Council Members and Members of Town Appointed Boards**

WHEREAS, Section 160A-86 of The North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, the proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use public office for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government.

NOW THEREFORE, pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Town Council do hereby adopt the following Code of Ethics to guide the Town Council and all other boards of the Town in their lawful decision-making.

CODE OF ETHICS

As an elected official or appointed board member in the Town of Southern Shores:

1. I will obey the law and will not try in any way to influence application of the law by any of the town's authorities.
2. I will uphold the integrity and independence of my office.
3. I will avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the Town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will minimize the risk of conflict of my private life dealing with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will not use my position to harass or adversely influence any of the Town's employees.
7. I will respond promptly to concerns brought to me by any Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not try to influence any contractual dealing on the behalf of any constituent.
9. I will not accept a gift or other gratuity from anyone who presently conducts business with the Town or is likely to conduct business with the Town. This applies to any gift that a reasonable person believes is intended to influence a council member or board member in the performance of official duties. Exempted from the provision concerning gifts are legal political contributions; advertising items or souvenirs of nominal value; and meals of nominal value furnished at banquets, during personal activities, or during the conduct of private business. Gifts between officials and their friends and relatives who are not otherwise covered by this Code are also exempt.
10. I will faithfully perform the duties of the office.
11. I will conduct the affairs of the Town in an open and public manner, including complying with all applicable laws governing open meetings and public records.
12. I will sign a written acknowledgment of this Code of Ethics or its successor at the time of my election or appointment and yearly thereafter.

Adopted this ____ day of _____, 2010.

Hal Denny, Mayor

ATTEST:

Carrie Gordin, Town Clerk