



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
July 5, 2011
7:00 p.m. - Pitts Center

Corrected

The Southern Shores Town Council met on July 5, 2011 in the Pitts Center.

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

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

Mayor pro tem Hess called the meeting to order at 7:00 p.m. led the Pledge of Allegiance. She held a moment of silence for all our men and women in uniform serving around the world.

APPROVAL OF AGENDA

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

LIFESAVING AWARD PRESENTATIONS

Lifesaving Award (Southern Shores Volunteer Fire Department)

Fire Chief Harvey presented a Unit Commendation to several Emergency First Responders, Southern Shores Volunteer Firemen and Southern Shores Police Officers for their outstanding performances that saved a man's life during an emergency call. Those present at the meeting were Chief Bob Harvey, Deputy Chief David Shrader, Captain Jeanne Shrader, Lt. Dave Evans and Engineer Trey Batschelet. Mr. Roy Singletary, the patient, and his wife were present at the meeting and participated in the award presentation.

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

Lifesaving Award (Police Department)

Police Chief Kole recognized Patrol Officer's Mann and McKeever for their quick response on the same emergency call. He stated the officers were the first on the scene and their skills and dedication helped saved a man's life. He presented Officer's Mann and McKeever each with a lifesaving award, a letter of commendation and stated this is one of the highest awards an officer can receive.

APPROVAL OF MINUTES-June 21, 2011

Council Member Pfizenmayer moved to approve the June 21, 2011 minutes as presented. Council Member Kowalski seconded. The motion passed with Mayor pro tem Hess and Council Members Pfizenmayer, Stroud and Kowalski voting aye.

CONSENT AGENDA-None

STAFF REPORTS

Town Planner

The Town Manager stated the Town Planner is on vacation. The Town Manager presented the monthly report.

[Clerk's Note: A copy of the Town Planner's monthly report is hereby attached as Exhibit B].

Police Department

Chief Kole presented the June report. He reported during the 4th of July weekend there were six traffic accidents with no injuries and five fireworks complaints that resulted in one arrest.

Southern Shores Volunteer Fire Department-None

REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS

Town Planning Board

The Town Manager reported per Council's charge the Planning Board is reviewing the Town's stormwater plan with concentration on three areas: (1) lot disturbance permitting (2) nuisance ordinance and (3) policy on rebuilding existing streets.

Southern Shores Civic Association

Karen Kranda, president, reported the SSCA is cutting a path at the Duck Road/Sea Oats Trail to 12th Avenue for preparation of steps for next year. New projects at Sea Oats Park are on-going. The foot shower at Hillcrest is a success. Discussion is being held on construction of a bath house at Hillcrest and the Board is working on the budget.

Council Member Pfizenmayer asked about the status of the AT&T telecommunications tower. Mrs. Kranda stated it has been put on hold at this time due to the AT&T/T-Mobile merge.

Council Member Stroud asked what types of projects are being planned at Sea Oats Park. Mrs. Kranda stated a place for Bocce ball, batting cage and improvements to the soccer field and the landscaping is being done. She also stated that a new name for the wading beach is under consideration as well as looking at ways to improve the water quality in that area.

Chicahawk Property Owner's Association

Jim Kranda reported that new basketball goals have recently been installed at Trinitie Park.

GENERAL PUBLIC COMMENT-None

OLD BUSINESS-None

NEW BUSINESS

Shoshin Technologies-Computer Back-Up Plan Presentation

Mayor pro tem Hess stated in responding to Council Member Kowalski's questions regarding the Town's computer back-up capabilities the Town invited our computer services representatives to attend this meeting.

The Town Manager introduced John Wasniewski and Mica White with Shoshin Technologies to explain the system and to answer questions.

Mr. Wasniewski stated prior to 2010 the Town had no IT plan and now document imaging, security for server, disaster recovery system, technical support and continuous monitoring is on-going and he meets with the Town Manager on a quarterly basis. He stated data is backed up locally and off-site daily. He provided additional information on computer security, data recovery and additional available hardware for back-up protection.

Council Member Kowalski stated he is concerned how quickly data could be restored if system failed and is the entire server being backed up.

Mr. Wasniewski stated critical data is stored off site and depending on the event it may take some time to restore it. In order to have the entire server backed up and stored off site would require a costly monthly expense to the Town.

Council Member Kowalski stated the Town will soon have a generator and a test should be performed on the computer equipment when using the generator. Mr. Wasniewski concurred.

Juniper/Trinitie Trails Bridge Project-State Reimbursement Agreement

The Town Manager presented the NCDOT Reimbursement Agreement for Council's consideration on the Juniper/Trinitie Trails Bridge Project. He stated the actual drawings are still being finalized and will be forthcoming after Council authorizes the Town Manager to execute the reimbursement agreement.

The final exact costs will be incorporated by subsequent amendment to this agreement when the project is completed (estimated early Spring 2012). At that time, the Town will know exactly what it is obligated to reimburse to NCDOT.

Regarding the current wording of the incremental pay back provisions, the Town may pay back the entire project cost when initially invoiced (within 60 days) of project completion, or the outstanding balance at anytime without further interest charges. He stated he has requested clarifying language on this point from NCDOT.

The Town Manager recommends Council authorize the Town Manager to execute this document with the clarifying changes he is seeking from NCDOT regarding payback of outstanding balance of project cost without interest.

Council Member Kowalski asked if the Town could get a reduced interest rate from a bank. The Town Manager stated that a lower interest rate is available from banks but if the town chooses to issue debt for this project the Local Government Commission would need to approve such a loan.

Council Member Kowalski addressed several other concerns regarding the agreement which the Town Manager answered.

Council Member Stroud stated he is concerned that the Town is not looking for additional estimates on the project. The Town Manager stated costs for piping and some construction was estimated at \$350,000 excluding engineering costs if the Town chose to proceed on its own to replace the bridge.

Council Member Stroud asked if the project could be paid in whole by eliminating the interest costs. The Town Manager stated yes, if the Town Council chooses at project completion and upon invoice receipt, the entire project costs may be reimbursed to NCDOT without interest at that time.

Council Member Pfizenmayer asked if the agreement can be terminated if we don't like the drawings submitted. The Town Manager stated yes. He added that the project would soon be underway unless Council terminated it.

Mayor pro tem Hess stated Council needs to approve this agreement before NCDOT will submit the drawings.

The Town Manager recommended that a motion to approve should include language that should be contingent upon him receiving clarification from NCDOT on the financial payment schedule.

Following review and discussion of the agreement Council Member Stroud made a motion to approve the Town Manager executing the reimbursement agreement with the contingent upon the Town Manager receiving clarification from NCDOT on the financial payment schedule. Council Member Pfizenmayer seconded. The motion passed with Mayor pro tem Hess and Council Members Pfizenmayer, Stroud and Kowalski voting aye.

Discuss proposed amendments to Town Code Chapter 26, Section 26-12(a) and Chapter 28, Section 28-2(b)(3)

The Town Manager stated the proposed changes will eliminate any exception for storing wood chip piles in the Town right-of-way.

Council Member Pfizenmayer stated there still is a problem with what to do with leaves. There is no place to take them.

Following Council discussion Mayor pro tem Hess moved to approve the proposed changes as presented to Town Code Chapter 26, Section 26-12 (a) and Chapter 28, Section 28-2 (b)(3). Council Member Kowalski seconded. The motion passed with Mayor pro tem Hess and Council Members Pfizenmayer, Stroud and Kowalski voting aye.

[Clerk's Note: A copy of the proposed changes to the Town Code Chapter 26, Section 26-12(a) and Chapter 28, Section 28-2(b)(3) is hereby attached as Exhibit C].

OTHER ITEMS

Town Manager

The Town Manager reported on several issues:

- He along with the Town Planner will be meeting with the NC Wildlife Resource Commission biologist to discuss ways to control wildlife.
- Public Works is working on installing some additional parking spaces on East Dogwood.
- The permitting process for the Phase 2 canal dredging is continuing.
- He met with the chipping contractor to discuss changing the chipping schedule for next year to a full year instead of nine months. He is also considering chipping in June and not chip during a

- month in the off-season, this will be discussed more during budget planning.
- Anlauf Engineering will be submitting the plans on the Chicahawk Trail Road Project next month for Council and resident discussion.
 - He provided Council with his own conceptual preliminary draft of a “Welcome to Southern Shores” sign proposed to be placed at the Kitty Hawk Elementary School property. A formal design for proposal will be developed by a sign company. He stated he needs to discuss with several agencies before the placement would be approved and he is seeking a grant for next year from the Dare County Tourism Board as well as Town funds for the sign.

Council Member Stroud asked if angle parking could be considered for the new parking at East Dogwood. The Town Manager stated width calculations would not allow for angle parking within the current available right-of-way.

Town Attorney-None

Mayor pro tem

Mayor pro tem Hess apologized for not recognizing that Mayor Denny was absent from the meeting due to his being away on vacation.

Council

Council Member Kowalski stated that he wanted to forward compliments he received regarding our building permit office and the review process.

Mayor pro tem Hess stated if there is no pressing business she would recommend canceling the July 19th Council meeting. The Town Manager stated there would be no financial report available for the July 19 meeting. By Council consensus the meeting will be canceled.

Mayor pro tem Hess moved to go into closed session in accordance with NCGS 143-318.11(a)(1) to review and consider closed session minutes. Council Member Kowalski seconded. The motion passed with Mayor pro tem Hess and Council Members Pfizenmayer, Stroud and Kowalski voting aye.

Upon returning to open session and hearing no other regular business Council Member Kowalski moved to adjourn at 8:40 p.m. Council Member Pfizenmayer seconded. The motion passed with Mayor pro tem Hess and Council Members Pfizenmayer, Stroud and Kowalski voting aye.

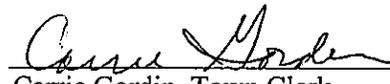
ATTEST:



Jodi Hess, Mayor pro tem



Respectfully submitted:



Carrie Gordin, Town Clerk

Exhibit A



Southern Shores Volunteer Fire Department
15 South Dogwood Trail
Southern Shores, NC 27949
252-261-2272 Voice
252-256-0551 Fax

Robert C. Harvey, Fire Chief
252-259-8040 Cell

Date: June 13, 2011
To: Record
From: Bob Harvey, Fire Chief
Subject: Unit Commendation

The following commendation is issued this date. The members listed are awarded the Unit Commendation and are authorized to wear the appropriate device on their uniforms. Copies of this commendation will be placed in each member's personnel file.

Unit Commendation # 3

On April 30, 2011, Dare County Central Communications received a 911 call for a cardiac arrest at an address on High Dune Loop in Southern Shores. Telecommunicator Holly Butler, following Emergency Medical Dispatch protocols, collected critical information and delivered pre-arrival instructions, including how to administer CPR. Telecommunicators Amy Elkins (Law) and Regina Etheridge (Fire & EMS) alerted law enforcement, EMS and Fire Rescue units to respond within 18 seconds of call receipt. Southern Shores Police Officers Tracy Mann and Eddie McKeever arrived on scene quickly, administered CPR and deployed an automatic external defibrillator, delivering 2 defibrillator shocks. Southern Shores Fire Rescue Engineer Trey Batschelet, Lieutenant David Evans and the Dare County ambulance staffed by Paramedic Judy Watson and EMT Mark Shreaves arrived within 7 minutes and 5 seconds, followed by Chief Robert Harvey, Captain Jeanne Shrader and Deputy Chief Shrader.

On scene, the combined team worked quickly to continue CPR, secure an airway, administer medications and an additional defibrillator shock resulting in a return of spontaneous circulation. While continuing supportive care, the team then removed the patient to the ambulance for transport to Dare MedFlight. Engineer Batschelet drove the ambulance while Lieutenant Evans assisted the EMS crew in the provision of patient care.

The patient was transported to the helipad at Regional Medical Center, transferred to the care of Flight Paramedics Tim Rhodes, Steve Burritt and pilot Chad Jones who flew him to Norfolk.

After an eventful stay in the hospital, the patient was discharged to home and has since fully recovered.

For their teamwork and successful operations in this critical medical response, which resulted in the saving of a human life, the following members and individuals are commended and awarded the Unit Commendation:

Lieutenant David Evans	Telecommunicator Amy Elkins (Law)
Engineer Trey Batschelet	Telecommunicator Regina Etheridge (Fire/EMS)
Captain Jeanne Shrader	Flight Paramedic Tim Rhodes
Chief Robert Harvey	Flight Paramedic Steve Burritt
Deputy Chief David Shrader	MedFlight Pilot Chad Jones
Officer Tracy M. Mann	
Officer Eddie McKeever	
Paramedic Judy Watson	
EMT Mark Shreaves	
Telecommunicator Holly Butler (Calltaker/EMD)	

Exhibit B

**7-5-11 Town Planner
TC Report**

1. Mailed 36 Code Enforcement Violation Letters in June

- 35 brush pile right-of-way obstructions, 1 vehicle and solid waste right-of-way obstruction.

2. Permitting and Inspections for June

- 4 zoning permits were issued.

-2 lot disturbance permits were issued.

-36 building permits were issued: 0 new single-family dwelling, 1 addition, and 35 others.

-68 Dare County building inspections were conducted (35 job sites).

-Total amount of fees collected in June: \$4,568.00 (1 new single family dwelling paid for, but not issued yet from Dare County.)

Exhibit C

Sec. 26-12. Storage of solid waste and trash.

(a) No ~~solid waste, trash, yard trimming waste, leaves, tree and shrubbery trimmings, solid waste or recycling receptacle, or bulk container~~ shall be placed within the ~~vehicular travel-way or drainage ditch~~ right-of-way or on the paved portion of any street.

(b) Any unauthorized accumulation of solid waste on any lot, property, premises, public street, or other public or private place is prohibited. Failure of the owner or occupant, after notice of violation, to remove and correct any such unauthorized accumulation of solid waste shall be deemed a violation of this chapter or other chapters of this Code. See also sections 22-39 through 22-43.

(c) Receptacles shall not be overfilled. The lids must be closed to prevent contents from blowing due to strong winds, or scattering caused by foraging animals.

(d) It shall be unlawful for any person to leave outside any building or dwelling, in a place accessible to children, any appliance, refrigerator or other container of any kind which has an airtight door or cover with a snap lock or latch without first removing the lock or latch, door or cover from the appliance, refrigerator or container.

(e) Yard trimming waste that is approved for chipping by the town may be temporarily placed in the street right-of-way in accordance with the Town's current chipping policy.

(Code 1988, § 8-12; Ord. of 4-2-2002) **State Law References:** Discarding or abandoning iceboxes, G.S. 14-318.1.

Sec. 28-2. Obstructions in street and highway right-of-way declared public nuisances.

(a) All obstructions within the right-of-way of all streets and highways in the town are hereby declared public nuisances. All obstructions located within four feet of any asphalt or otherwise improved roadway owned or maintained by the town is hereby prohibited and shall be removed immediately upon written notification from the town manager. For purposes of this chapter, the term "right-of-way" is defined as any street, or that area between two or more property lines, that is owned or maintained by the town and is regularly used, wholly or in part, for pedestrian or nonvehicular traffic (including, but not limited to, a multiuse path). The town is not responsible for any damage incurred to any obstruction in any street, or that area between two or more property lines, that is owned or maintained by the town and is regularly used, wholly or in part, for pedestrian or nonvehicular traffic (including, but not limited to, a multiuse path).

(b) The following obstructions are exempt from this section:

(1) Commercially available newspaper and mailboxes.

- (2) Garbage/recycling containers, branches/brush, and other items temporarily placed on the right-of-way for scheduled pickup at times designated by the town.
- ~~(3) Temporary storage of town provided wood chips requested by property owners is allowed for no more than 30 days after delivery. Failure to remove or spread chips will result in action specified in section 28-5. Violators will no longer be provided chips.~~
- (4) Property numbers on posts, as allowed by section 24-60.
- (5) Driveway aprons and any minimum necessary accessory structures.

(c) For the purposes of this section, the term "obstruction" means and is defined as any object, building or sign, whether manmade or natural including, without limitation, vehicles and trailers, dirt and sand berms, fences, yard decorations, stakes, poles, posts, bulkheads, large stones/rocks and concrete or other masonry walls.

(d) This section shall not apply to self-propelled motor vehicles displaying town parking permits, which may be legally parked in right-of-way parking areas, established in accordance with section 20-146.

(e) Placement of signs on the town right-of-way and private property is regulated by section 36-165.

(f) Except for those obstructions listed in subsection (b) of this section, no obstruction may be placed within four feet of the improved surface of a public roadway. (Code 1988, § 6-201; Ord. No. 02-09-021, pt. 2, 9-3-2002; Ord. No. 04-07-02, art. III, 8-3-2004)