



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

August 16, 2011

8:00 a.m.-Pitts Center

Mayor Denny called the meeting to order, led the Pledge of Allegiance and held a Moment of Silence for our Armed Forces serving around the world.

The following Council Members were present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members Jim Pfizenmayer, Kevin Stroud and George Kowalski. Also present: Town Manager Peter Rascoe, Phillip Hornthall, Town Attorney and Town Clerk Carrie Gordin.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Mayor Denny moved to approve Resolution 2011-08-01 Requesting Funding Assistance-Phase II Canal Dredging Maintenance Project. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud and Kowalski voting aye.

[Clerk's Note: A copy of Resolution 2011-08-01 is hereby attached as Exhibit A].

APPROVAL OF MINUTES – August 2, 2011

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

PRESENTATION

North Carolina Department of Transportation-Kerry Morrow, Transportation Engineer/RPO Coordinator Dare County Comprehensive Transportation Plan

Mrs. Morrow provided an informative presentation on preparations for development of the Dare County Comprehensive Transportation Plan (CTP). The CTP is a long-range, multi-modal transportation plan developed cooperatively with NC Department of Transportation, local planning organizations and representatives for the county and its municipalities. Impact on this study area includes US Hwy.158, US 64 and NC12. The CTP has a 25-30 year time span.

PUBLIC COMMENT -None

OLD BUSINESS

Welcome to Southern Shores Sign-Town Manager

The Town Manager presented conceptual sign designs for Council discussion. He reminded Council that no funding has been budgeted and that the estimated cost will be approximately \$5,000. All agencies having jurisdiction over the proposed site for the sign along US Highway 158, except for Dominion Power, have responded positively. The Town Manager will incorporate Council members' suggestions into the design of a sign for further future discussion.

NEW BUSINESS

Resolution 2011-08-01 Requesting Funding Assistance-Phase II Canal Dredging Maintenance Project

The Town Manager stated this is the same resolution Council approved previously when applying for grant money from the state for the canal dredging project. This resolution will be presented to the NC Department of Environment and Natural Resources' Division of Water Quality requesting future grant funding for completion of dredging of Town owned canals.

[Clerk's Note: See Consent Agenda]

Town's Fee Schedule

The Town Manager recommended an increase in the Town's cemetery plot fee for Town property owners from the current \$200 to \$800 or all future plot sales.

Council discussion included concern over existing trees located on platted plots and access lanes.

The Town Manager will have trees located in the platted lanes marked and will obtain a cost estimate for their removal. It was the consensus of the Council members to visit the cemetery during the September 20 Council meeting. At which time the meeting can be recessed for all to go the cemetery.

OTHER ITEMS

Town Manager

The Town Manager thanked Council for assisting him in developing his goals and objectives for the fiscal year 2011-2012.

He stated staff recently met with residents to present plans for the Chicahawk Trail Road Rebuild Project. An additional meeting will be scheduled in the near future.

He stated the Town Planner and he have received comments from the NC Division of Coastal Management on the Town's adopted Land Use Plan. The comments will be discussed by the Planning Board and copies will be sent to Council members.

Mayor

Mayor Denny thanked the Town Manager for his comments made regarding his objectives and goals. He stated that Council appreciates the job the Town Manager did last year in working with a budget developed by someone else and that he has done a great job as the upcoming audit will show.

Mayor Denny stated the Capital Improvement Plan (CIP) committee should be appointed by Council and the Town Manager and that he would like to volunteer as the Council Member on that committee if Council has no objections. Council had no objections.

Council

Mayor pro tem Hess stated the deer photo in the Coastland Times was taken by Wes Haskett, Town Planner.

Council Member Pfizenmayer stated as part of the CIP he would like to re-address the multi-use paths and to pursue the issue of the lack of water flow at the canal dead ends.

Council Member Kowalski stated he has noticed the multi-use path along US Hwy 158 in front of the Marketplace needs repair. He would like to see a maintenance plan established for the Town's multi-use paths.

Council Member Stroud asked if discussion could be held on the fee schedule relating to additions to single family additions or renovation minimum.

The Town Manager stated the fee schedule will be proposed for placement on the agenda for the September workshop.

Hearing no other regular business Mayor Denny moved to go into closed session pursuant to NCGS 143.318.11 (a) (3) attorney/client privilege. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud and Kowalski voting aye.

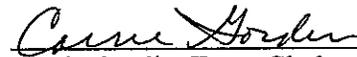
Upon returning to open session Mayor Denny moved to adjourn the meeting at 10:30a.m. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud and Kowalski voting aye.

ATTEST

Hal Denny, Mayor



Respectfully submitted:


Carrie Gordin, Town Clerk



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Resolution 2011-08-01

Resolution Requesting Funding Assistance

WHEREAS, the Town Council of the Town of Southern Shores desires to complete (Phase II) of the "Southern Shores Canal Dredging Project" consisting of maintenance dredging of its public Town-owned canals which serve as tributaries of the Currituck Sound;

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Town Council requests the State of North Carolina to provide financial assistance to the Town of Southern Shores for completion of its Southern Shores Canal Dredging Project in the amount of eighty percent (80%) of the project (Phase II) construction costs;
- 2) The Town Council assumes full obligation for payment of the balance of project costs;
- 3) The Town Council will obtain all necessary State and Federal permits;
- 4) The Town Council will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Town Council will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Town Council will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Town Council will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Town Council will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Town Council accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Town Council of the Town of Southern Shores this 16th day of August 2011.

ATTEST:

Town Clerk

Mayor

Town of Southern Shores, NC
Closed Session Minutes
August 16, 2011

Those in attendance: Mayor Denny, Council Members Hess, Stroud, Pfizenmayer, and Kowalski.

Also present: Town Manager Peter Rascoe, Town Attorney Phillip Hornthal and Town Clerk Carrie Gordin

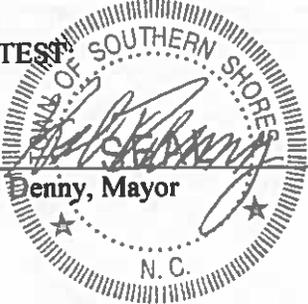
Mr. Hornthal briefed Council on the Sampson Contracting litigation. He provided information on the arbitration process.

Following discussion Mayor pro tem Hess moved to vest the Town Manager authority to make all procedural decisions on arbitration and to consult with Town Attorney on a possible mediation. Mayor Denny seconded.

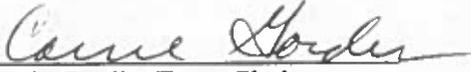
Mayor Denny moved to authorize the Town Manager to offer up to and include \$75,000 to settle any and all claims made by Samson Contracting. Mayor pro tem Hess seconded. The motion passed unanimously.

Mayor Denny moved to go out of closed session. Mayor pro tem Hess seconded. The motion passed unanimously. The motion passed unanimously.

ATTEST


Hal Denny, Mayor

Respectfully submitted:


Carrie Gordin, Town Clerk