



**Town of Southern Shores  
Council Meeting  
February 5, 2013**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 7:00 p.m. on Tuesday, February 5, 2013

**COUNCIL PRESENT:** Mayor Hal Denny, Council Members George Kowalski, David Sanders and Larry Lawhon.

**COUNCIL ABSENT:** Mayor pro tem Jodi Hess

**OTHERS PRESENT:** Town Manager Peter Rascoe, Finance Officer Bonnie Swain, Town Planner Wes Haskett, Police Chief David Kole, Town Attorney Ben Gallop and Deputy Clerk Sheila Kane.

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE**

Mayor Denny called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, and held a Moment of Silence for Beatrice Giarratana and Melissa Lee Wright.

**APPROVAL OF AGENDA**

**MOTION:** Mayor Denny moved to strike Item IX.A & B New Business from the agenda. The motion was seconded by Council Member Lawhon. The motion passed unanimously.

**MOTION:** Mayor Denny moved to add a closed session to the agenda after Item X. D. The motion was seconded by Council Member Lawhon. The motion passed unanimously.

**MOTION:** Council Member Lawhon moved to approve the agenda as corrected. The motion was seconded by Council Member Kowalski. The motion passed unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Council Member Lawhon moved to approve the January 22, 2013 minutes as presented. The motion was seconded by Council Member Sanders. The motion passed unanimously.

**CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- Resolution 2013-02-01 Supporting Immediate Funding for Dredging of Oregon Inlet.
- Request to return purchased cemetery lot to the Town.

**MOTION:** Council Member Kowalski moved to approve the consent agenda. The motion was seconded by Council Member Lawhon. The motion passed unanimously.  
[Clerk's Note: A copy of Consent Agenda items are hereby attached as Exhibit A].

**FY12/13 QUARTERLY FINANCIAL REPORT**

Bonnie Swain, Finance Officer, reviewed the submitted report.  
No action taken.

[Clerk's Note: A copy of FY12/13 Quarterly Report is hereby attached as Exhibit B].

**STAFF REPORTS**

Town Planner: Town Planner, Wes Haskett, presented his monthly report containing the following:

- Permitting and Inspections for January, 2013
- Automated Ice Vending Machine Zoning Text Amendment
- Triangle Park AT&T Tower

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

Police Department: Chief Kole presented his monthly report.

Southern Shores Volunteer Fire Department: Chief Harvey presented his monthly report.

**REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS**

Town Planning Board – No Report

Southern Shores Civic Association – No Report

Chicahawk Property Owner's Association – No Report

**GENERAL PUBLIC COMMENT- none**

**OLD BUSINESS**

Tall Pine Bridge Municipal Agreement

The Town Manager reviewed proposed Supplemental Agreement #3862 with Council. The Municipality's original participation amount of \$30,000 was based on an estimate. The Municipality's local match now will be an additional \$19,746.00 for a total of \$49,746.00.

**MOTION:** Mayor Denny moved to approve the Supplemental Agreement for Project B-5417. The motion was seconded by Council Member Kowalski. The motion passed unanimously.

[Clerk's Note: A copy of Supplemental Agreement #3862 is hereby attached as Exhibit D].

FY 2012-2013 Budget Amendment #5-Tall Pine Bridge Project

The Town Manger presented Budget Amendment #5 for Council consideration.

**MOTION:** Council Member Kowalski moved to approved Budget Amendment #5. The motion was seconded by Council Member Lawhon. The motion passed unanimously.

[Clerk's Note: A copy of the FY12/13 Budget Amendment #5 is hereby attached as Exhibit E].

## **NEW BUSINESS**

None

## **OTHER ITEMS**

### Town Manager's report

The Town Manager addressed several issues:

- The Town Manager will be attending the North Carolina County and City Manager's Conference February 6 -8, 2013
- Department Heads are working on their FY13/14 budgets.
- February 19<sup>th</sup> Workshop will cover some new areas that might be included in FY13/14 budget.
- Proposed the first formal budget planning session be at the April 16<sup>th</sup> workshop meeting.
- The Town is proceeding with the canal dredge project bid packets.
- The canal dredge financing component is on schedule and a financial institution has been chosen.
- Trinitie Bridge is now open and the decking will be unpaved until settlement is complete.
- Dog-leash law enforcement was successful this past summer season and one criminal violation went to Dare County District Court resulting in a \$75.00 fine, \$180.00 court cost, 12 months unsupervised probation, and 36 hours community service.
- C& D report from the meeting of three Town Managers was presented. Kitty Hawk has agreed to share its C&D dumpster on a per load fee. Citizens will obtain a permit at Southern Shores Town Hall and Kitty Hawk will bill us for number of uses. The fee would be \$50.00 per load (1/2 pickup truck).
  - o Mayor Denny recommended this initiative become a topic at the next workshop meeting. All Council Members consented.
- Gravey Pond is in the completion stage of being paved.

Town Attorney: none

Mayor's comments: none

Council Members' comments: Council Member Kowalski reported on the Chamber of Commerce Meeting with NCDOT:

- Test pilings will be sunk for replacement to the Bonner Bridge. They will soon undergo vertical and lateral stress tests similar to the same pressures the actual span will experience.
- Alligator River Bridge will be closed for approximately 2 weeks, April 2-14.
- Colington Rd. will have its shoulder paved.
- NC12 is not budgeted for repairs. It is on an as-needed basis and then reimbursed by the Federal Government.
- NC12 does have a Facebook page and projects can be found at any time.

Council Member Kowalski recommended that the buyback request process for cemetery lots be amended to allow staff approval rather than being presented to Council. Mayor Denny suggested we place this proposed amendment on the next workshop agenda. All Council Members consented.

## **CLOSED SESSION**

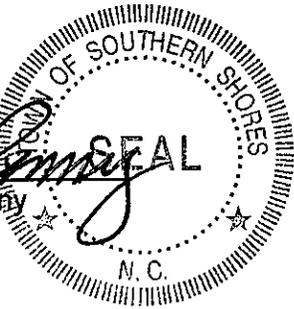
**MOTION:** Mayor Denny moved to enter into closed session pursuant to NCGS 143-318.11(a) (3) to consult with the Town Attorney on the matter of Sampson Contracting Inc. versus the Town of Southern Shores. The motion was seconded by Council Member Lawhon. The motion passed unanimously.

**ADJOURN**

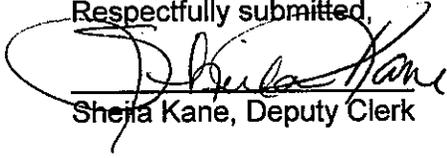
**MOTION:** Upon returning to open session Council member Kowalski moved to adjourn. The motion was seconded by Council Member Sanders. The motion passed unanimously. The time was 8:45 p.m.

ATTEST:

  
Mayor Denny



Respectfully submitted,

  
Sheria Kane, Deputy Clerk



**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](http://www.southernshores-nc.gov)

**Resolution 2013-02-01**

**RESOLUTION BY THE TOWN OF SOUTHERN SHORES CALLING FOR  
IMMEDIATE FUNDING FOR THE DREDGING OF OREGON INLET**

**WHEREAS**, Oregon Inlet is crucial to the economy of Dare County and the surrounding region with an annual documented economic impact of over \$682 million and generates over \$88 million in federal, state and local tax revenue; and

**WHEREAS**, navigational access through Oregon Inlet is threatened by treacherous shoaling conditions that has resulted in a dangerous situation that threatens lives, commercial and recreational vessels and jeopardizes the economy of the region; and

**WHEREAS**, Oregon Inlet is a vital waterway that provides access to harbors of safety for commercial and recreational vessels on the North Carolina coast; and

**WHEREAS**, many large vessels can no longer gain access to Wanchese Harbor because of the deplorable conditions at Oregon Inlet which have caused some marine related businesses to cease operations and forced commercial fishermen to land their catches at out-of- state markets, which increases their operating costs and deprives the State of North Carolina of valuable landing quotas in excess of \$1.9 million; and

**WHEREAS**, without navigational access through Oregon Inlet key Dare County industries will continue to suffer irreparable harm including commercial fishing operations, seafood processing houses, boat builders, recreational fishing and charter boat operators, marine repair facilities, and other local businesses that vitally depend on Oregon Inlet; and

**WHEREAS**, in addition to the adverse economic impact caused by Oregon Inlet shoaling, public safety is at risk due to shoaling because it prevents emergency assistance to ships in distress off the coast of North Carolina.

**NOW, THEREFORE, BE IT RESOLVED** that the Southern Shores Town Council strongly requests that State and Federal agencies immediately begin the work necessary to clear the channel at Oregon Inlet and to appropriate adequate ongoing funding to maintain safe and reliable access as a matter of economic necessity and public safety.

ADOPTED THIS 5<sup>th</sup> DAY OF February, 2013

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

Meeting Date: February 5, 2013

Item Title: Request to return purchased cemetery lot (s) back to the Town

The Town has received a request to return cemetery lots back to the Town. In accordance with the cemetery rules and regulations the purchaser will receive the amount paid upon purchase as approved by Council. Upon approval said lots will be placed for resale at the current sale price.

Lots 101 and 112 purchased in 2002 for \$200 each (\$400)

Carrie Gordin  
Town Clerk

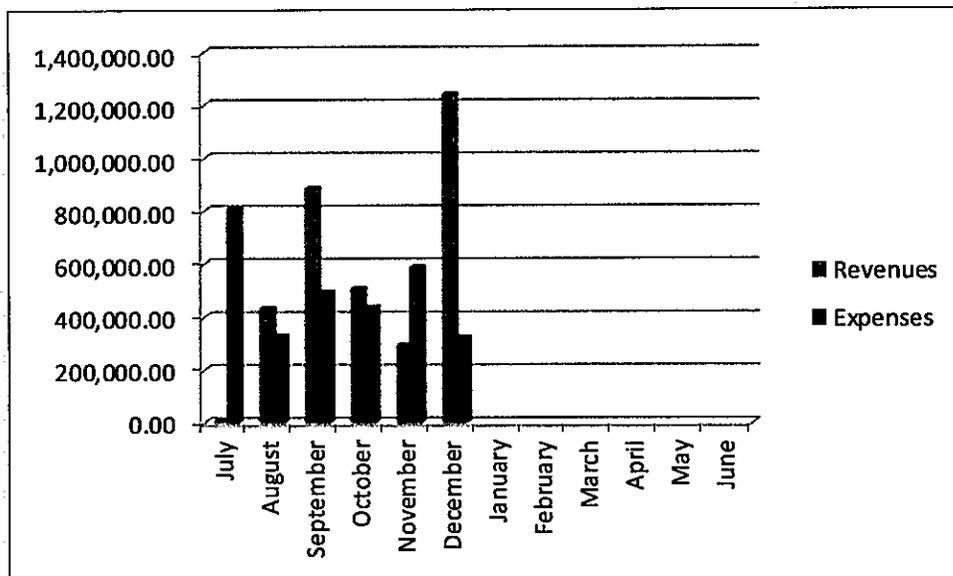
Date 2/5/2013

#### RULES FOR THE TOWN OF SOUTHERN SHORES CEMETERY

2. Should no immediate family burial occur within 20 years from the date of the certificate expiration, then, upon tender of a renewal fee of \$10.00 within five (5) years following the expiration date of the original certificate, the certificate may be renewed for a period of 10 years from the expiration date of the original certificate. It is the responsibility of the grantee or his family, to advise the town of any change of address and renew the certificate. Automatic cancellation of burial rights will occur if the certificate is not duly renewed within five (5) years following the expiration date of the original certificate. No more than four (4) lots may be owned by any one family, unless Town Council determines otherwise, based on number of children, grandparents, spouses. Upon request of the certificate holder, and upon approval of the Town Council, the Town may purchase lots back at the original purchase price. Current purchase price is \$500.00 for Town property owners, \$2,000 for non-property owners.

## GENERAL FUND

	<u>Revenues</u>	<u>Expenses</u>
<b>FY 12-13</b>		
July	9,160.19	811,196.18
August	434,150.23	330,368.47
September	888,374.58	493,616.55
October	508,541.06	437,860.67
November	295,672.20	588,927.08
December	1,241,061.76	322,984.44
January		
February		
March		
April		
May		
June		
<b>Total YTD</b>	<b>3,376,960.02</b>	<b>2,984,953.39</b>



	<b>Revenues</b>		
	<u>Current Period</u>	<u>Prior Period</u>	<u>Difference</u>
<b>October</b>			
Ad Valorem	201,854.62	165,962.94	35,891.68
Occupancy Tax	88,934.90	92,331.92	(3,397.02)
Sales Tax	110,504.53	111,708.79	(1,204.26)
Land Transfer Tax	40,681.35	51,023.79	(10,342.44)
Powell Bill	58,117.79	56,481.76	1,636.03
Building Permits & Fees	2,365.00	1,775.50	589.50
Other Revenues	6,082.87	44,248.42	(38,165.55)
<b>Total</b>	<b>508,541.06</b>	<b>523,533.12</b>	<b>(14,992.06)</b>
<b>November</b>			
Ad Valorem	140,931.12	283,616.40	(142,685.28)
Occupancy Tax	33,720.05	43,338.14	(9,618.09)
Sales Tax	98,257.12	93,075.90	5,181.22
Land Transfer Tax	-	-	-
Building Permits & Fees	13,157.50	14,633.16	(1,475.66)
Other Revenues	9,606.41	32,496.65	(22,890.24)
<b>Total</b>	<b>295,672.20</b>	<b>467,160.25</b>	<b>(171,488.05)</b>
<b>December</b>			
Ad Valorem	963,027.50	843,929.74	119,097.76
Occupancy Tax	13,545.41	17,934.17	(4,388.76)
Sales Tax	66,966.28	66,245.56	720.72
Land Transfer Tax	-	-	-
Powell Bill	58,117.79	56,481.79	1,636.00
Utilities & Franchise Tax	60,885.33	56,764.98	4,120.35
ABC Net Revenues	35,903.24	-	35,903.24
Building Permits & Fees	8,217.30	2,597.20	5,620.10
Other Revenues	34,398.91	32,745.55	1,653.36
<b>Total</b>	<b>1,241,061.76</b>	<b>1,076,698.99</b>	<b>164,362.77</b>
<b>Grand Total YTD</b>	<b>2,045,275.02</b>	<b>2,067,392.36</b>	<b>(22,117.34)</b>

Police	92,570.41	75,121.62	17,448.79
Sanitation	22,371.93	27,847.80	(5,475.87)
Fire Services	-	-	-
Ocean Rescue Services	25,416.65	24,666.69	749.96
Streets	166,046.08	4,801.05	161,245.03
Public Works	64,149.89	229,952.39	(165,802.50)
Code Enforcement	15,167.31	13,894.68	1,272.63
<b>Total</b>	<b>437,860.67</b>	<b>421,256.63</b>	<b>16,604.04</b>
<b>November</b>			
Administration	87,598.66	60,196.11	27,402.55
Police	126,973.72	112,062.70	14,911.02
Sanitation	101,053.49	105,446.94	-4,393.45
Fire Services	-	-	-
Ocean Rescue Services	-	-	-
Streets	138,811.90	6,741.67	132,070.23
Public Works	116,231.00	120,019.37	-3,788.37
Code Enforcement	18,258.31	12,143.13	6,115.18
<b>Total</b>	<b>588,927.08</b>	<b>416,609.92</b>	<b>172,317.16</b>
<b>December</b>			
Administration	60,797.74	91,311.00	-30,513.26
Police	80,874.38	121,031.58	-40,157.20
Sanitation	11,141.51	22,137.35	-10,995.84
Fire Services	-	-	-
Ocean Rescue Services	-	-	-
Streets	125,238.95	2,790.40	122,448.55
Public Works	31,191.10	45,872.66	-14,681.56
Code Enforcement	13,740.76	20,444.87	-6,704.11
<b>Total</b>	<b>322,984.44</b>	<b>303,587.86</b>	<b>19,396.58</b>
<b>Total YTD</b>	<b>1,349,772.19</b>	<b>1,141,454.41</b>	<b>208,317.78</b>
Trans. To CRF	183,395.00	10,071.00	
<b>Grand Total YTD</b>	<b>1,533,167.19</b>	<b>1,151,525.41</b>	<b>381,641.78</b>

EXHIBIT C

NORTH CAROLINA  
DARE COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 1/16/2013

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: B-5417

AND

WBS ELEMENTS: PE 45450.1.1

TOWN OF SOUTHERN SHORES

FEDERAL-AID #: BRZ-0154(3)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$ 78,985

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Southern Shores, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department and Town of Southern Shores, on 1/20/2012, entered into a certain Locally Administered Project Agreement for the original scope: replacement of Bridge Number 17 on South Dogwood Trail over Snow Goose Canal in Dare County programmed under Project B-5417; hereinafter referred to as the Project; and,

WHEREAS, the Department and the Municipality have mutually agreed to increase the funding of the Project; and

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

Agreement ID # 3862

1

## FUNDING

The Department's original participation was \$120,000. The Department agrees to reimburse the Municipality an additional \$78,985 of Municipal Bridge funds, for a total of \$198,985. The Municipality's original participation was \$30,000. The Municipality's local match will be an additional \$19,746, for a total of \$49,746.

## TITLE VI

The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs and activities of any recipient of Federal assistance.

Except as hereinabove provided, the Agreement heretofore executed by the North Carolina Department of Transportation and Town of Southern Shores on 1/20/2012, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the North Carolina Department of Transportation and the Municipality by authority duly given.

ATTEST: TOWN OF SOUTHERN SHORES  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ (Governing Board) of the Town of Southern Shores as attested to by the signature of \_\_\_\_\_, Clerk of the \_\_\_\_\_ (Governing Board) on \_\_\_\_\_ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

TOWN OF SOUTHERN SHORES

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

EXHIBIT D

Town of Southern Shores  
Budget Amendment Number # 5

<b>Streets Increases</b>			<b>Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<u>Revenues</u> Undesignated FB	\$49,750.00			
57-50939	<u>Expenditures</u> Tall Pine Bridge	\$49,750.00			
	<b>TOTAL</b>			<b>TOTAL</b>	\$ -

Explanation: Amount in excess of original estimate

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Hal Denny, Mayor

Date



Town of Southern Shores  
Closed Session  
February 5, 2013

Those in attendance: Mayor Denny, Council Members Kowalski, Sanders and Lawhon.

Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Deputy Clerk Sheila Kane.

Absent: Mayor pro tem Hess

The Town Attorney discussed a particular aspect of the Sampson Contracting Inc. v. Town of Southern Shores litigation. He explained to Council the law which prohibits the Town from paying the cost of legal fees incurred by an independent contractor of the Town who has been named as an individual defendant in the lawsuit.

No action taken.

Council Member Kowalski moved to go out of closed session. Council Member Lawhon seconded. The motion passed unanimously.

ATTEST:

Respectfully submitted:

Hal Denny, Mayor

Sheila Kane, Deputy Clerk