



**Town of Southern Shores
Council Meeting
August 5, 2014**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, August 5, 2014.

COUNCIL PRESENT: Mayor Thomas G. Bennett, Mayor Pro Tem Jodi Hess, Council Members David Sanders, Larry Lawhon and Leo Holland.

COUNCIL ABSENT:

OTHERS PRESENT: Town Manager Peter Rascoe, Town Attorney Ben Gallop, Town Engineer Joe Anlauf, Public Works Director Rachel Patrick and Town Clerk Sheila Kane.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a Moment of Silence.

AMENDMENTS / APPROVAL OF AGENDA

Mayor Bennett asked to include a section after the consent agenda paying respects to Lt. Paul Terry on his retirement.

MOTION: Council Member Holland moved to approve the agenda as amended. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Approval of Minutes- July 1, 2014
- Consideration of FY14-15 Secondary Post Storm Debris Removal Contract (MOU)

MOTION: Council Member Lawhon moved to approve the consent agenda. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously (5-0).

[Clerk's Note: A copy of the Secondary Post Storm Debris Removal Contract is hereby attached as Exhibit A]

RECOGNITION OF LT. PAUL TERRY

Police LT Paul Terry was recognized by Mayor Tom Bennett tonight in recognition of Paul's recent retirement from law enforcement service.

STAFF REPORTS

Before presenting the Planning Department's monthly report Wes Haskett introduced Southern Shores' new Permit Officer Dabni Shelton to Council.

Town Planner: The Town Planner, Wes Haskett presented the Planning Department's monthly report containing the following:

- Permitting and Inspections for July, 2014

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

Southern Shores Police Department

Chief Kole presented the Police Department's monthly report for June and July.

Southern Shores Volunteer Fire Department: Fire Chief, Ed Limbacher presented the Fire Department's monthly report for July 2014.

REPORTS FROM TOWN BOARDS

No reports

GENERAL PUBLIC COMMENT

Mayor Bennett called on public comment and the following citizens offered comment on the preliminary design plans of the street-rebuild improvement project for the public section of the Town's Fairway Drive. (Note: This capital project approved by Council at June 3rd, 2014 budget adoption as a part of the Capital Improvement Plan for FY 14-15.) A signed petition was also presented in opposition of the Town's Fairway Drive street improvement project.

Ray Sharpe, Southern Shores property owner
Jennifer Frost, Southern Shores property owner
Lillias Morrison, Southern Shores property owner
Stacie Proctor, Southern Shores property owner

[Clerk's Note: A copy of the Fairway Drive street rebuild petition is hereby attached as Exhibit C.]

The following citizen offered public comment of the N, S, E Dogwood Intersection project:
Dave Barker, Southern Shores property owner

OLD BUSINESS

None

NEW BUSINESS

None

OTHER ITEMS

Town Manager's report

The Town Manager addressed several matters:

- Vertical strips are on order that will be placed on the islands on NC12 near Ocean View Loop and Skyline Drive.
- Lt. Paul Terry's retirement party will be held in the Pitts Center at 1:00 p.m. on August 15th.
- The Throwdown North of Town Charity Surfing event will be held at Chicahauk Beach on September 6th.
- September agenda will contain a request to approve debt financing, short term financing for two of the police vehicles that Council approved in the budget for this year.

- The Capital Improvement Committee will hold an upcoming meeting to get an update on progress of approved capital projects for the year and expectations for work in the spring.

The Town Manager requested Public Works Director Rachel Patrick to brief Council on the timeframe for the Tall Pine Bridge Municipal Bridge Replacement project. She reported the following update:

- Currently a 60% set of design plans that have been approved by DOT.
- Staff anticipates a 100% set of design plans by October.
- Both DOT and Staff will have an opportunity to review the design plans in November and from that a bid set will be developed.
- It is anticipated that the bid process will take place during the December/January timeframe.
- The engineering design team expects a 6-9 month construction duration placing the completion sometime in fall 2015.

Following the Tall Pine Bridge update, the Manager addressed some earlier questions about the Fairway Drive rebuild project. He stated the project was discussed back in 2008 and did not make it to the first three years project list. He reminded Council that last year the condition of Fairway Drive was considered by the Capital Improvement Committee at its meetings, and the project to improve it was placed on this year's project list. That list was a part of the proposed operating budget that went to public hearing and was adopted by Council on June 3rd, 2014. Anlauf Engineering was subsequently requested to develop the design plans. A well-attended onsite meeting was conducted with Fairway Drive property owners, as well as several one on one meetings at Town Hall, to review the preliminary plans with property owners that were not able to attend the public meeting. The Manager stated Staff has listened to and considered opposing comments from citizens regarding changes resulting from the construction of a new street. He stated that after considering all comments, the final project design will reflect what the engineer states are necessary for a rebuild of this Town street.

The Town Manager had Town Engineer Joe Anlauf available for any questions Council may have pertaining to this current year's street project. Following Council discussion and questions and answer from the engineer on both the Fairway drive and North-South-East Dogwood intersection projects, the Town Manager concluded his report.

Town Attorney:

None

Mayor's comments:

The Mayor thanked the citizens who commented tonight and stated that Council heard their concerns regarding the Town's project to improve the condition of Fairway Drive. He stated the Town has a design plan to perform the Fairway Drive improvement project and will try and stick to the plan. The Mayor stated the street belongs to the Town and the street's condition and public safety is the Town's responsibility. Staff will work with the citizens on informing them of the project timeline. The Mayor stated he respected every citizen for being at the meeting and voicing their opinion.

Council Members' comments:

Council Member Holland stated he attended Dominion Power's ribbon cutting for their demonstration and research project facility for alternative energy.

Council Member Sanders reminded the public of the various social media outlets that can be utilized to keep up on Town news and announcements.

CLOSED SESSION

MOTION: Council Member Sanders moved to go into closed session to discuss possibility of establishing a position to be taken by the Town in potentially negotiating a price and/or terms of a possible contract for the acquisition of property by purchase, option, exchange, or lease. Location: 43 Cypress Lane, Southern Shores, NC. Owner: Robert L. Mott and Helen H. Mott. Potential use: Passive Recreation. [NCGS143-318.11(a)(5)]; and to review and approve closed session minutes pursuant to NCGS 143-318.11(a)(1) The motion was seconded by Council Member Lawhon. The motion passed unanimously (5-0).

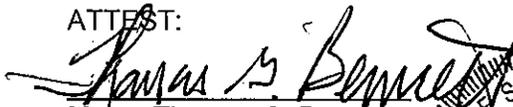
OPEN SESSION

MOTION: Upon returning to open session Council Member Lawhon moved to instruct the Town Manager to approach and continue dialogue about possible available land from associations or private ownership. The Motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously (5-0).

ADJOURN

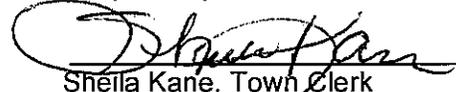
MOTION: Council Member Lawhon moved to adjourn. The motion was seconded by Council Member Holland. The motion passed unanimously. The time was 7:20 p.m.

ATTEST:


Mayor Thomas G. Bennett



Respectfully submitted,


Sheila Kane, Town Clerk



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
info@southernshores-nc.gov
www.southernshores-nc.gov

MEMORANDUM

TO: DRC Emergency Services, LLC
FROM: The Town of Southern Shores, North Carolina
DATE: August 5, 2014
SUBJECT: Memorandum of Understanding (MOU) for Contract Terms and Equipment Rates for Storm Debris Removal

Whereas the Town of Nags Head did advertise for bids for a Service Contract ("Contract") for post-storm debris cleanup and infrastructure reconstruction services; and

Whereas Bids were previously received and one lowest qualified bidder, DRC Emergency Services, LLC ("DRC") was accepted and a Contract subsequently entered into pursuant to the July 3, 2014 action of the Town of Nags Head governing body; and

Whereas the Town of Southern Shores ("TOSS") has determined that it is the best interest of the TOSS to waive and/or forego any further requirements for competitive bidding as DRC has agreed to furnish the same services at the same prices, terms, and conditions as provided under the Contract with the Town of Nags Head; and

Whereas the Contact is a Service Contract and not a contract for the purchase of "apparatus, supplies, materials, or equipment", the provisions of NCGS 143-129(g) regarding publication of notice do not apply;

Now, Therefore in the event DRC is requested to provide storm cleanup, debris removal, or infrastructure repair for the Town of Southern Shores, the Town and DRC mutually agree that the terms and conditions of the Contract and shall be used, and the June 26, 2014 bid documents dated June 26, 2014, including the schedule of rates shown therein on Attachment 5 of Exhibit A, as submitted to the Town of Nags Head, are incorporated herein and attached to this MOU as "Exhibit A"

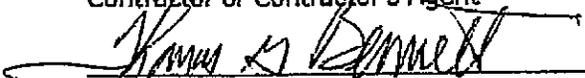
The period of this agreement shall be from August 6, 2014 to June 30, 2015.

The conditions set forth by this MOU cannot be amended until both parties have signed a new MOU based on change in conditions. Please sign and return one copy of this MOU for our files.



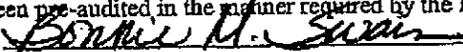
Contractor or Contractor's Agent

7-31-14
Date



Acceptance by the Town of Southern Shores

08/05/14
Date

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

8-5-14 TC Report

1. Permitting for July, 2014

- 6 Zoning Permits were issued.
- 23 building permits were issued: 1 new single-family dwelling, 2 additions, 3 remodels, and 17 others (10 single-family dwellings are currently under construction)
- Total amount of fees collected in July was \$7,287.96.

2. Code Enforcement

- 1 Warning Citation mailed: signage violation.

3. Comprehensive Bicycle and Pedestrian Plan

- Final Steering Committee meeting and second Public Workshop were held yesterday. We hope to present the final draft and seek adoption at the October 7th Council meeting.

Exhibit C

On July 16th and again on July 21st Town of Southern Shores staff met with residents living on Fairway Drive to present and discuss plans to reconstruct the road. As expressed by the vast majority of the residents attending the briefings, the goals and high priority for the project should be to: maintain the beauty and unique character of the street; provide a deterrent against speeders; and protect residents, drivers, bikers, etc. from errant golf balls coming from the 5th fairway on the golf course. The proposed plan to reconstruct the road and subsequent revisions being discussed will not accomplish this goal ;

and therefore, we oppose the plan in its entirety.

We request that the current tree damage at the beginning of the Fairway be repaired and the remaining funds be transferred to other higher priority projects. This is a much more efficient and appropriate expenditure of limited town and taxpayer funds.

Lot #	RESIDENT OR LANDOWNER	EMAIL / PHONE	RESPECTFULLY SIGNED	DATE
1	Frank & Ann Palmer	F.PALMER@EMBARRASSMAIL.COM 241-9442	Frank Palmer Ann Palmer	7/30
2	Megan Bell Joseph Scott			
3	Don & Susan Ballard	Ballard.s@earthlink.net 255-5815	Don Ballard Susan Ballard	7/30
4	Doyle Palmer		Doyle Palmer	7/30
5	David & Sharon Little	SHLITTLE@earthlink.net 255-0017	Sharon Little	7/30
6	Marian Edwards 611 Florenz Cir NE HOLLY Saint Petersburg FLA	m.edwards@verizon.net 727-526-6644	SIGNED ELECTRONICALLY	7/30
7	Evan Becker 3345 Ullman Street San Diego CA 92106	cedbeck@cox.net 760-803-2929	SIGNED ELECTRONICALLY	7/30 EMAIL
8	Clair Sutton	csutton@embarrasmail.com 241-2766	Clair Sutton	7/30/14
9	Hans Gruenberg 1717 Gulf Shore Blvd Apt 304, Naples, FL 34102	hgruenberg@1888.org	SIGNED ELECTRONICALLY	7/31/14
10	Stuart & Cherie Proctor	sproctor@verizon.net	SIGNED ELECTRONICALLY	7/30
11	Stuart & Cherie Proctor 11812 Hitching Post Lane, Rockville, MD 20852	202-215-1133	SIGNED ELECTRONICALLY	7/30
1	Jennifer Frost Lillas Morrison	252-261-3772 1JM@REALESCAPES.COM	Jennifer Frost	7/31
2	Will & Joann Small			
3	Win & Jane Thompson	252-261-4897 GATOBX@charter.net	Jane Thompson Jack Thompson	7/31/14
4	William & Pat Nelson	patty8523@gmail.com	Patty Nelson	7/30/14
5	Caroline Oliver	241-4501 Caroline Oliver	Caroline Oliver	7/30/14
6	Jon Spivey 102 Galleon Ct. KDH	Dean.Spivey@hawaii.com 252-337-4961	SIGNED ELECTRONICALLY	8/4/14
7	Walter & Barbara Grizzard 1590 Wildwood Dr. VA Beach 23454	wgrizzard@cox.net 757-651-5707	ELECTRONICALLY SIGNED	8/4
8	Carl & Jill Slagle			
9	Sal & Lilian Matina 433 E Glenview Dr. West Grove PA 19390	MILTON@countryman.com 2.milind@embarrasmail.com Donna Countryman	Milinda Matina Donna Countryman	8/1/14
10	Donna Countryman	SAM123MASC@SIGNED ELECTRONICALLY 610-345-9176	SIGNED ELECTRONICALLY	7/31/14
11	Neil & Andrea Konigsberg			
12	William & Jane Dough			
13	Dick & Joy Hood			
14	Darryl & Carol Norris	NORRISPOOL@VERIZON.NET 703-794-8036	SIGNED ELECTRONICALLY	8/3/14
15	Tom & Ellen Davidson	TLEED56@aol.com THOMASLDAVIDSON	Thomas & Ellen Davidson	7-03-14
16	Nancy Klahre	NFKLAHRE@GMAIL 261-3847	Nancy Klahre	8/4/14
17	Jennifer Frost Lillas Morrison	1JM@REALESCAPES.COM 261-3772	Jennifer Frost	7/31
18	Harriette & Ray Sharpe	sharpe2@aol.com 255-5186	Harriette M. Sharpe Ray Sharpe	7/30/14
19	William & Jacquelyn Perry 8125 Bullock Ln Springfield, VA 22151	wperry38@yahoo.com 703-321-7847	William & Jacquelyn Perry	8/2/14
20	Chris & Chip Payne			

CONTACT INFORMATION FOR LANDOWNERS OF FAIRWAY DRIVE, SOUTHERN SHORES, NC SIGNING ATTACHED PETITION

BLOCK 118
BLOCK 119

Lot #	RESIDENT OR LANDOWNER	ADDRESS	PHONE	EMAIL
1	Frank & Ann Palmer	70 Fairway Drive, Kitty Hawk, NC 27949	252-261-8642	Fpalmer@embarqmail.com
3	Don & Susan Ballard	68 Fairway Drive, Kitty Hawk, NC 27949	252-255-5815	ballards@gmail.com
4	Doyle Palmer	66 Fairway Drive, Kitty Hawk, NC 27949	757-482-1759	doyle@campostella.com
5	David & Sharon Little	64 Fairway Drive, Kitty Hawk, NC 27949	252-255-0011	dlittleobx@gmail.com
6	Marian Edwards 62 Fairway Drive	611 Florenz Cir NE Saint Petersburg FLA	727-526-6644	h.edward@verizon.net
7	Evan Becker 60 Fairway Drive	3345 Ullman Street San Diego CA 92106	760-803-2929	eebecker@cox.net
8	Clair Sutton	58 Fairway Drive, Kitty Hawk, NC 27949	252-261-2766	crsutton@embarqmail.com
9	Hans Gruenberg 56 Fairway Drive	1717 Gulf Shore Blvd Apt 304, Naples, FL 34102	239-261-6979	hsgruenberg@ieee.org
10	Stuart & Cherie Proctor	54 Fairway Drive, Kitty Hawk, NC 27949	202-215-1133	seproctor@verizon.net
11	Stuart & Cherie Proctor 56 Fairway Drive	11812 Hitching Post Lane, Rockville, MD 20852	202-215-1133	seproctor@verizon.net
1	Jennifer Frost Lillas Morrison	43 Fairway Drive, Kitty Hawk, NC 27949	252-261-3772	ljm@realescapes.com
3	Wln & Jane Thompson	37 Fairway Drive, Kitty Hawk, NC 27949	252-261-4897	pwtobx@charter.net
4	William & Pat Nelson	35 Fairway Drive, Kitty Hawk, NC 27949	252-715-1120	patty8523@gmail.com
5	Caroline Oliver	33 Fairway Drive, Kitty Hawk, NC 27949	252-261-1450	terrycaroline@aol.com
6	Jon T. Spivey 31 Fairway	102 Galleon Court, Kill Devil Hills, NC 27498	252-441-5662	Spivey@townebankmortgage.com
7	Walter & Barbara Grizzard 29 Fairway	1590 Wildwood Dr. VA Beach 23454	757-651-5707	wgrizzard@cox.net
9	Sal & Lillian Matina 433 E. Glenview Dr. West Grove PA 19390	26 Fairway Drive, Kitty Hawk, NC 27949	610-345-0176	sam123mas@aol.com
10	Milton Countryman Donna Countryman	28 Fairway Drive, Kitty Hawk, NC 27949	252-261-3425	2mildon@embarqmail.com
14	Darryl & Carol Norris	13036 Brookmead Drive, Manassas, VA 20112	703-794-8036	norrbrook@verizon.net
15	Tom & Ellen Davidson	38 Fairway Drive, Kitty Hawk, NC 27949	252-255-0216	tlead56@aol.com
16	Nancy Klahre	40 Fairway Drive, Kitty Hawk, NC 27949	252-261-3847	nflahre@gmail.com
17	Jennifer Frost Lillas Morrison	43 Fairway Drive, Kitty Hawk, NC 27949	252-261-3772	ljm@realescapes.com
18	Harriette & Ray Sharpe	46 Fairway Drive, Kitty Hawk, NC 27949	252-255-5186	sharpes2@aol.com
19	William & Jacquelyn Perry 48 Fairway	8125 Bullock Ln Springfield, VA 22151	703-321-7847	bperry38@yahoo.com



Closed Session
August 5, 2014

Those in attendance: Mayor Bennett, Mayor Pro Tem Hess, Council Members Holland, Sanders and Lawhon.

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

Mayor Bennett called the meeting to order 6:55 p.m.

Purpose: To discuss possibility of establishing a position to be taken by the Town in potentially negotiating a price and/or terms of a possible contract for the acquisition of property by purchase, option, exchange, or lease. Location: 43 Cypress Lane, Southern Shores, NC. Owner: Robert L. Mott and Helen H. Mott. Potential use: Passive Recreation. [NCGS143-318.11(a)(5)].

MOTION: Following discussion Council Member Lawhon moved to go in to open session to a consider/approve instructing the Town Manager to approach and continue dialogue about possible available land from associations or private ownership. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously.

The time was 7:16 p.m.

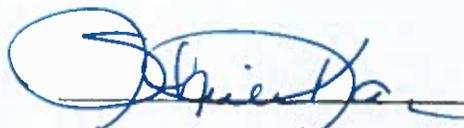
ATTEST:

Respectfully submitted:



Thomas G. Bennett, Mayor





Sheila Kane, Town Clerk