



**Town of Southern Shores
Council Meeting
February 3, 2015**

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, February 3, 2015.

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

COUNCIL ABSENT: None

OTHERS PRESENT: Town Manager Peter Rascoe, Town Attorney Ben Gallop, 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

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

GENERAL PUBLIC COMMENT

Mayor Bennett called on public comment and the following citizens offered comment:

Tommy Karole, Southern Shores property owner

Mr. Karole stated he was representing a citizens organization, The Alliance to Preserve Southern Shores, and wanted to clear up the misconception that they are affiliated with the Save Southern Shores and Fairway Drive Facebook page. He stated that some readers find those Facebook pages humorous, others do not, some of the posts are hurtful, some of the posts are factual, and some of the posts are not factual. Mr. Karole stated Town Council, the Town Manager and Town Staff have all had an open door to members of The Alliance to Preserve Southern Shores and they appreciate it. He stated that whatever information the Alliance brings to Council is factual, and nothing that is meant to deceive anyone.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Approval of Minutes- January 6, 2015
- Surplus Resolution 2015-02-01
- NC Governor's Highway Safety Program Grant Applications (2)

MOTION: Council Member Holland 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 consent agenda items are hereby attached as Exhibit A].

STAFF REPORTS

Finance Officer:

Finance Officer Bonnie Swain presented the quarterly financial reports.

Town Planner:

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

- Permitting and Inspections for January, 2015

Southern Shores Police Department

Chief Kole presented the Police Department's monthly report for January.

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

[Clerk's Note: A copy of staff reports are hereby attached as Exhibit B].

REPORTS FROM TOWN BOARDS

None

OLD BUSINESS

None

NEW BUSINESS

As Endorsed by the Albemarle Rural Planning Organization (ARPO)-Consideration of Resolution 2015-02-02 in Support of a Future Interstate Designation for US64 and US17 between Raleigh and Hampton Roads.

MOTION: Council Member Holland moved to adopt Resolution 2015-02-02 in Support of a Future Interstate for US64 and US17 between Raleigh and Hampton Roads. The motion was seconded by Mayor Pro Tem Hess

Consideration of Contract Approval of Lowest Qualified Bidder for FY14-15 Improvement Project-Scuppernong Lane.

The Town Manager stated two informal bids were received for the Scuppernong Lane street improvement project. The lower of the two informal bids was RPC Contracting, Inc. followed by Barnhill Contracting. Staff recommended Council accept the informal bid from RPC as the lowest qualified bidder. The Town Manager stated that since the bids were obtained informally, State law requires the actual informal bid amounts not be available for public inspection until a contract is awarded.

MOTION: Council Member Lawhon moved to award a contract for the FY14-15 Street Improvement Project for Scuppernong Lane to RPC Contracting, Inc. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

After the contract was awarded, the Town Manager announced the amount of the informal bids for public inspection. The lower of the two informal bids was RPC Contracting, Inc. at \$94,330.00 followed by Barnhill Contracting, Inc at \$111,990.00.

[Clerk's Note: A copy of the new business items are hereby attached as Exhibit C].

OTHER ITEMS

Town Manager's report

The Town Manager addressed several matters:

- The cell tower on SSCA property is now under construction.

- The Town Manager will be attending the City and County Managers Association Annual Conference with the League of Municipalities and the School of Government starting tomorrow through the end of the week.
- The Planning Committee did meet on Monday, February 2, 2015

Town Attorney:

Dare County has been aggressive this year in attempts to collect past due taxes and the Town has received suit notices of such delinquent taxpayers. The Ginguite Woods Water Reclamation Assoc., Inc. (GWWRA) which was sued by the Town back in 2005 and a judgment awarded has been refiled which occurs every ten years if the judgment is not satisfied.

Mayor's comments:

Mayor Bennett gave a brief report of his meetings with other Town officials about summer traffic conditions.

Council Members' comments:

Council Member Holland stated it would be helpful if NCDOT would change the directional signage on US Highway 158 for the southern beaches.

CLOSED SESSION

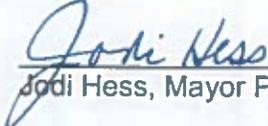
Town Attorney Ben Gallop reminded Council of Resolution 2014-01-01 establishing a Litigation Committee for the lawsuit entitled Sampson Contracting, Inc. v. Town of Southern Shores. The Committee is made up of the four Council Members. Mayor Bennett is not part of the litigation committee and is excused from further consideration of the Lawsuit.

MOTION: Mayor Pro Tem Hess moved to go into closed session pursuant to NCGS 143-318.11(a)(3) to consult with the Town Attorney in a manner preserving the attorney/client privilege to discuss the case of Sampson Contracting, Inc. v. Town of Southern Shores. The motion was seconded by Council Member Holland. The motion passed unanimously (4-0).

ADJOURN

MOTION: Upon returning to open session and taking no action Council Member Holland moved to adjourn. The motion was seconded by Council Member Sanders. The motion passed unanimously. The time was 6:40 p.m.

ATTEST:



Jodi Hess, Mayor Pro Tem

Respectfully submitted,


Sheila Kane, Town Clerk



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27919

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

www.southernshores-nc.gov

RESOLUTION 2015-02-01

**A RESOLUTION DECLARING CERTAIN PROPERTY
OF THE TOWN TO BE SURPLUS
AND AUTHORIZING THE DISPOSITION OF SAID PROPERTY**

WHEREAS, the Town Council of the Town of Southern Shores, North Carolina, has determined that the Town owns certain personal property that is no longer needed or usable by the Town; and

WHEREAS, the property is described below:

Surplus Property Information

DEPT.	MAKE	MODEL	INVENTORY TAG	V.I.N./DESCRIPTION
PUBLIC WORKS	GRACO	190 ES	#0033	PAINT SPRAYER
PUBLIC WORKS	EXCELL	2600PSI	#0036	PRESSURE WASHER
PUBLIC WORKS	GENERAL	5000 WATT	#0025	ALTERNATOR
PUBLIC WORKS	MCLANE		#0052	CONCRETE EDGER
PUBLIC WORKS	MTD	GOLD 21	#0032	PUSH LAWN MOWER
PUBLIC WORKS	HOBART		#0048	MIG WELDER
PUBLIC WORKS	METAL	WHITE/BLUE	49	STACKABLE CHAIRS
ADMINISTRATION	METAL	4 DRAWER	#0074	LARGE FILE CABINET
ADMINISTRATION	METAL	2 DRAWER		SMALL FILE CABINET

NOW, THEREFORE, BE IT RESOLVED by the Southern Shores Town Council that the Town Manager or his designee are hereby authorized to dispose of the aforementioned property by any means allowable to include offering for sale at public auction, donation to a nonprofit organization, internet on-line offering, private negotiation and sale, upset bid process, or destruction.

AND BE IT FURTHER RESOLVED that property described in this resolution is surplus as of February 3, 2015.

ATTEST:


Thomas G. Bennett, Mayor


Sheila Marie, Town Clerk

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Town of Southern Shores Police Department (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Southern Shores Town Council

(The Governing Body of the Agency)

_____ (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Southern Shores Town Council IN OPEN MEETING ASSEMBLED IN THE CITY OF _____

(Governing Body)

Southern Shores, NORTH CAROLINA,

THIS 3 DAY OF February, 20 15, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That David M. Kole Chief of Police is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 58,500.00 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
(Name and Title of Representative)
(Federal Dollar Request)
3. That the Governing Body has formally appropriated the cash contribution of \$ 19,500.00 as required by the project contract; and
(Local Cash Appropriation)
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____

Thomas M. Bennett
(Chairperson/Mayor)

ATTESTED BY _____

Debra Han
(Clerk)

DATE _____

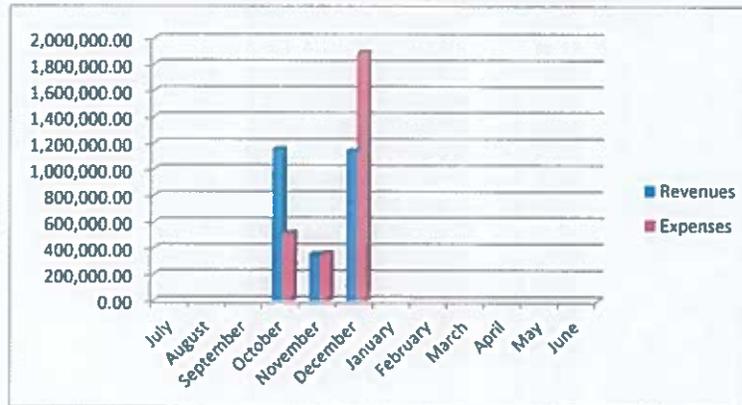
2/3/2015



EXHIBIT B

GENERAL FUND

	Revenues	Expenses
FY 14-15		
July		
August		
September		
October	1,159,827.04	522,938.50
November	359,731.23	367,926.25
December	1,146,689.41	1,898,238.11
January		
February		
March		
April		
May		
June		
Total YTD	2,666,247.68	2,789,102.86



Revenues					
	Current Period	Prior Period	Current YTD	Prior YTD	
October					
Ad Valorem & Motor Vehicle	559,631.31	244,067.39	1,168,162.41	863,688.40	
Occupancy Tax	245,167.31	105,894.31	492,985.95	694,552.28	
Sales Tax	119,395.36	147,791.94	225,633.56	276,894.12	
Land Transfer Tax	48,090.48	62,591.58	48,090.48	62,591.58	
Utilities & Franchise Tax	-	-	67,298.40	66,410.25	
Building Permits & Fees	8,592.50	14,490.10	39,954.79	36,522.60	
Other Revenues	178,950.08	151,897.40	201,120.54	178,000.21	
	1,159,827.04	726,732.72	2,243,246.13	2,178,659.44	
November					
Ad Valorem & Motor Vehicle	135,506.51	396,535.57	1,303,668.92	1,260,223.97	
Occupancy Tax	88,170.72	-	581,156.67	694,552.28	
Sales Tax	115,765.99	136,255.29	341,399.55	413,149.41	
Building Permits & Fees	13,427.25	6,043.50	53,382.04	42,566.10	
Utilities & Franchise tax	4,505.13	3,307.22	71,803.53	69,717.47	
Land Transfer Tax	-	-	48,090.48	62,591.58	
Other Revenues	2,355.63	11,206.17	203,476.17	189,206.38	
	359,731.23	553,347.75	2,602,977.36	2,732,007.19	
December					YTD Difference
Ad Valorem & Motor Vehicle	873,166.40	741,794.57	2,176,835.32	2,002,018.54	174,816.78
Occupancy Tax	39,386.58	42,514.47	620,543.25	737,066.75	-116,523.50
Sales Tax	79,585.38	85,403.27	420,984.93	498,552.68	-77,567.75
Utilities & Franchise Tax	100,659.62	84,840.17	172,463.15	154,557.64	17,905.51
Building Permits & Fees	10,920.51	6,128.04	64,302.55	48,694.14	15,608.41
Land Transfer Tax	-	-	48,090.48	62,591.58	-14,501.10
Other Revenues	42,970.92	96,807.27	246,447.09	286,013.65	-39,566.56
Total	1,146,689.41	1,057,487.79	3,749,666.77	3,789,494.98	-39,828.21
Tr in From CRF YTD					
Grand Total YTD					

Expenditures					
	Current Period	Prior Period	Current YTD	Prior YTD	
October					
Administration	99,162.92	56,544.02	380,135.47	323,041.93	
Police	194,243.30	88,038.00	564,273.80	526,912.61	
Sanitation	39,573.90	130,875.26	139,278.77	238,290.86	
Fire Department	-	-	262,752.50	262,752.50	
Ocean Rescue	26,333.33	25,833.33	105,333.32	104,187.32	
Streets	86,770.26	102,438.83	143,752.88	130,616.62	
Public Works	55,982.23	20,791.13	204,983.16	79,855.05	
Code Enforcement	20,872.56	13,495.74	72,152.94	58,923.91	
	522,938.50	438,016.31	1,872,662.84	1,724,580.80	
November					
Administration	56,017.95	89,249.06	436,153.42	412,290.99	
Police	83,886.37	139,017.55	648,160.17	665,930.16	
Sanitation	30,500.67	30,133.42	169,779.44	268,424.28	
Fire Department	-	-	262,752.50	262,752.50	
Ocean Rescue	-	-	105,333.32	104,187.32	
Streets	152,278.84	382,011.55	296,031.72	512,628.17	
Public Works	30,111.96	38,861.61	235,095.12	118,716.66	
Code Enforcement	15,130.46	19,833.24	87,283.40	78,757.15	
	367,926.25	699,106.43	2,240,589.09	2,423,687.23	
December					YTD. Difference
Administration	78,281.44	75,096.34	514,434.86	487,387.33	27,047.53
Police	296,652.77	115,412.35	944,812.94	781,342.51	163,470.43
Sanitation	111,634.20	28,922.79	281,413.64	297,347.07	(15,933.43)
Fire Department	-	-	262,752.50	262,752.50	-
Streets	1,340,035.32	128,395.76	1,636,067.04	641,023.93	995,043.11
Public Works	56,891.44	32,401.55	291,986.56	151,118.21	140,868.35
Code Enforcement	14,742.94	14,418.26	102,026.34	93,175.41	8,850.93
Ocean Rescue	-	-	105,333.32	104,187.32	1,146.00
	1,898,238.11	394,647.05	4,138,827.20	2,818,334.28	1,320,492.92
	-	-	-	-	-

2-3-15 TC Report

1. Permitting for January, 2015

-3 Zoning Permits were issued.

-17 building permits were issued: 1 new single-family dwelling, 1 remodel/repair, 1 remodel/addition, 1 addition, 3 remodels, 3 accessory structures, and 7 others (bulkhead, mechanical, electrical, or plumbing)

-15 single-family dwellings are currently under construction

-Total amount of fees collected in January was \$5,935.79.

January 2015

Southern Shores Police Department

Total Calls for Service – 1065

Business Checks – 212

Residence Checks – 166

Mutual Aid – 9

Direct Traffic – 41

Suspicious Condition – 23

Alarms – 17

Traffic Stops – 70

Extra Patrol - 296

Incidents – 14

Larceny – 5
Fraud – 2
Vandalism – 1
All Other - 6

Arrests - 3

All Other - 3

Citations - 28

DWLR – 1
Registration – 5
Inspection – 1
Stop Sign/Light – 3
Seat Belt – 1
Speeding - 7

All Other - 10

Warnings - 28

Inspection – 1
Left of Center – 1
Registration – 4
Speeding – 15
Stop Sign/Light – 4
All Other - 1

Equip Violation - 2

Ordinance Violations - 4

Parking in ROW – 2
Noise - 2

Accidents - 3

Southern Shores VFD

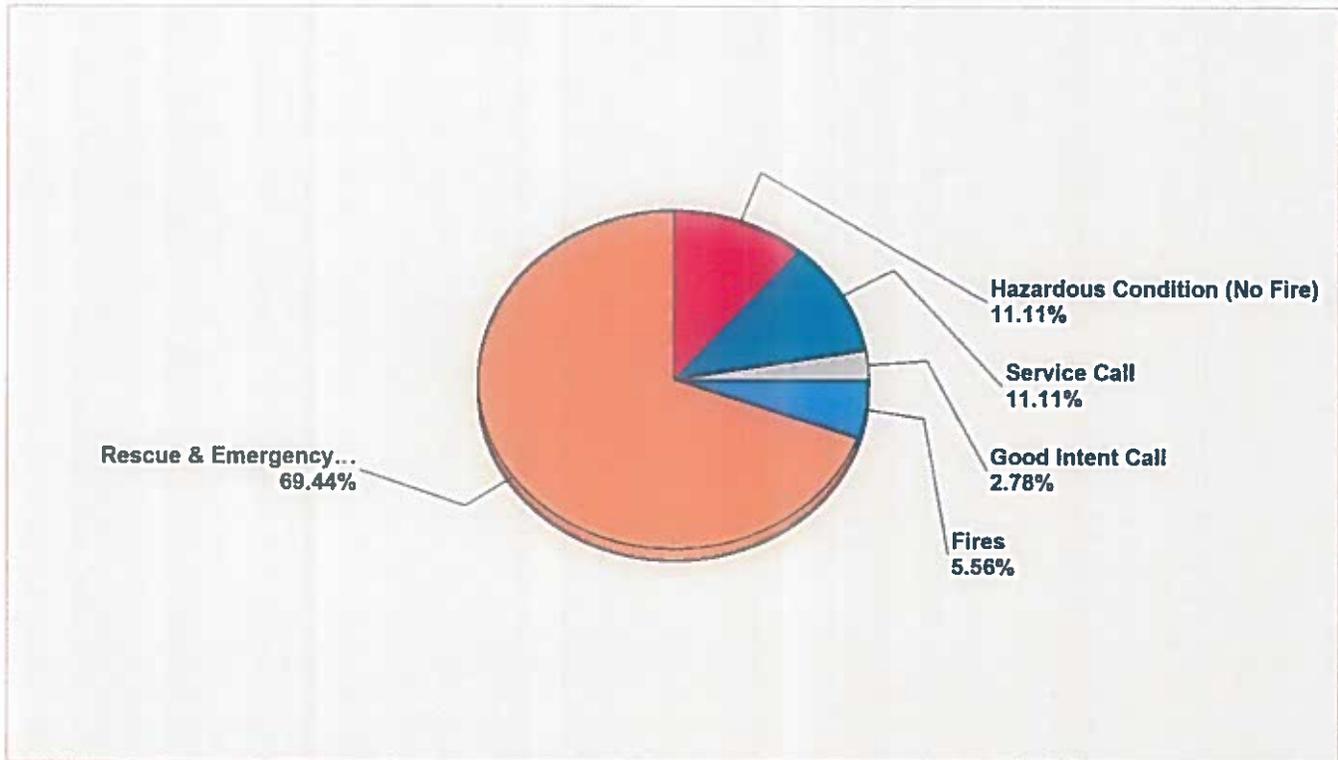
Southern Shores, NC

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Breakdown by Major Incident Types for Date Range

Start Date: 01/01/2015 | End Date: 01/31/2015



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	2	5.56%
Rescue & Emergency Medical Service	25	69.44%
Hazardous Condition (No Fire)	4	11.11%
Service Call	4	11.11%
Good Intent Call	1	2.78%
TOTAL	36	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.



Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
114 - Chimney or flue fire, confined to chimney or flue	1	2.78%
160 - Special outside fire, other	1	2.78%
321 - EMS call, excluding vehicle accident with injury	25	69.44%
400 - Hazardous condition, other	1	2.78%
412 - Gas leak (natural gas or LPG)	1	2.78%
413 - Oil or other combustible liquid spill	1	2.78%
463 - Vehicle accident, general cleanup	1	2.78%
553 - Public service	4	11.11%
651 - Smoke scare, odor of smoke	1	2.78%
TOTAL INCIDENTS:	36	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.





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

Resolution 2015-02-02

A RESOLUTION IN SUPPORT OF A FUTURE INTERSTATE DESIGNATION FOR US64 AND US17 BETWEEN RALEIGH AND HAMPTON ROADS

WHEREAS, the Southern Shores Town Council is the duly recognized legislative body for the Town of Southern Shores; and

WHEREAS, the NC Department of Transportation has asked that the US64/US17 corridor from Raleigh to Hampton Roads, Va. via Rocky Mount, NC and Elizabeth City, NC be designated as a future Interstate which would help connect I-40/I-440 in Raleigh to I-64 in Hampton Roads, Va.; and

WHEREAS, Hampton Roads and Raleigh are two of the largest east coast metropolitan regions which are served by a primary interstate route (I-64 in Hampton Roads and I-40 in Raleigh); and

WHEREAS, the future interstate designation would create a secondary primary interstate for both areas and connect these two economic regions; and

WHEREAS, requesting a future interstate designation for the section of US64/US17 from Raleigh to Hampton Roads and completing improvements which bring this section of roadway up to interstate standards is part of North Carolina Governor Patrick McCrory's "25 Year Vision for North Carolina— Mapping our Future"; and

WHEREAS, the citizens of Northeastern North Carolina share a common interest with the Hampton Roads region for employment, health care, shopping and recreation; and

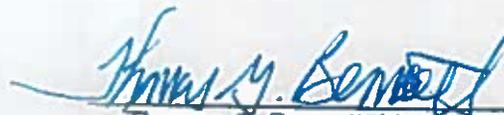
WHEREAS, businesses currently located in Northeastern North Carolina, and those being recruited to Northeastern North Carolina, have an interest in a safe, fast highway route to the Port of Virginia; and

WHEREAS, the Town of Southern Shores believe an interstate highway will enhance safety and promote economic opportunities for their County/Town; and

NOW, THEREFORE BE IT RESOLVED that the Southern Shores Town Council hereby supports a future interstate designation for US 64 and US17 between Raleigh and Hampton Roads.

This the 3rd day of February, 2015




Thomas G. Bennett, Mayor

Attest:


Sheila Kane, Town Clerk

Scuppernong Lane

Bid Tabulation Sheet - Spring 2015 Street Improvement Project

1/28/2015

Contractor	Envelope #1		Envelope #2		
	Proof of Contractors License	5% Bid Deposit	Bid Amount	Unit Price Sheet Completion	Acknowledgment of Addendums
RPC Contracting, Inc.	✓	✓	\$ 94,330.00	✓	✓
Barnhill Contracting Company	✓	✓	\$ 111,990.00	✓	✓

Prepared by: Anlauf Engineering, PLLC

Town of Southern Shores
Contract Bid Sheet - Lump Sum Price

Barnhill bid

1/5/15

Title: 2015 Spring Street Improvement Project

Project: Scuppernong Lane Reconstruction Project

Base Bid Table

1.	Lump Sum Bid for Scuppernong Lane	\$111,990.00
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One hundred eleven thousand nine hundred ninety ⁰⁰/₁₀₀

Contractor: Barnhill Contracting Company Inc

Address: P.O. Box 1050 Kitty Hawk, NC 27949

License Number: 3194

Federal Tax ID Number 56-0512633

Authorized Agent: Rick Brake Title: Estimator/Project Mgr

Signature: Rick Brake Date: 1-26-15

Witness: TONY D. PEARCE Title: Asst. Area Manager

Signature: Tony D. Pearce Date: 1-26-15

Contractor Acknowledgment of Addendums

Authorized Agent Signature: Rick Brake

Number of Addendums Received: 1

THE TOWN EXPRESSLY DISCLAIMS ANY AND ALL IMPLIED WARRANTIES ASSOCIATED WITH THIS PROJECT AND ANY CONTRACT TO PERFORM WORK ON THIS PROJECT AND IN PARTICULAR ANY SUCH WARRANTIES RELATED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR THAT THE DESIGN SPECIFICATIONS AND PLANS PROVIDED FOR THE PROJECT ARE SUITABLE AND ADEQUATE TO PRODUCE THE INTENDED PRODUCT. BY BIDDING ON THIS PROJECT AND ENTERING INTO A CONTRACT TO PERFORM WORK ON THIS PROJECT, CONTRACTOR EXPRESSLY WARRANTS THAT IT HAS CONSIDERED THE DESIGN SPECIFICATIONS AND PLANS FOR THE PROJECT, THAT THE CONTRACTOR CAN PERFORM THE PROJECT PURSUANT TO THE DESIGN SPECIFICATIONS AND PLANS IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF THE CONTRACT DOCUMENTS, THAT THE DESIGN SPECIFICATIONS AND PLANS ARE SUITABLE AND ADEQUATE, AND THAT THE TOWN SHALL HAVE NO LIABILITY TO THE CONTRACTOR FOR ANY ALLEGED OR ACTUAL DEFECTS IN THE DESIGN SPECIFICATIONS OR PROJECT PLANS.

**Town of Southern Shores
Contract Bid Sheet - Lump Sum Price**

1/5/15

Title: 2015 Spring Street Improvement Project

Project: Scuppernong Lane Reconstruction Project

Base Bid Table

1.	Lump Sum Bid for Scuppernong Lane	# 94,330.00
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Contractor: RPC Contracting, Inc.

Address: P.O. Box 333 Kitty Hawk, NC 27949

License Number: 34430

Federal Tax ID Number: 561589957

Authorized Agent: Robert D. Parker Title: President

Signature: [Signature] Date: 1/26/15

Witness: Menica P. Parker Title: Secretary

Signature: [Signature] Date: 1/26/15

Contractor Acknowledgment of Addendums

Authorized Agent Signature: [Signature]

Number of Addendums Received: 1

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Closed Session
February 3, 2015

Those in attendance: Sampson Litigation Committee (Mayor Pro Tem Hess, Council Members Holland, Sanders and Lawhon).

Also present: Town Manager Peter Rascoe, Town Attorneys Ben Gallop and Phillip Hornthal and Town Clerk Sheila Kane.

Mayor Pro Tem called the meeting to order 6:05 p.m.

Purpose: The Town Attorney discussed aspects of the Sampson Contracting Inc. v. Town of Southern Shores litigation. After several mediation attempts, Sampson's revised their claim and are more willing to agree to a settlement. The Town can continue on and go to trial without the knowledge of the timeframe involved/attorney's fees/all costs or can agree to settle now with a complete release of all claims and all defendants in the lawsuit.

MOTION: Council Member Lawhon moved to direct the Town Manager to execute any and all necessary documents to effectuate the proposed mediated settlement whereby the Town pays the amount of \$123,500 which is the Town's portion of the \$248,000 total settlement in exchange for complete release of all claims and all defendants in the lawsuit of Sampson Contracting Inc v Town of Southern Shores and under such other terms as advised by the Town's attorneys. The motion was seconded by Council Member Holland. The motion passed unanimously (4-0)

MOTION: Mayor Pro tem Hess moved to adjourn the closed session of the Sampson Litigation Committee. The motion was seconded by Council Member Sanders. The motion passed unanimously.

The time was 6:40 p.m.

ATTEST:


Jodi Hess, Mayor Pro Tem



Respectfully submitted:


Sheila Kane, Town Clerk