

Town of Southern Shores
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Town of Southern Shores
Council Meeting
February 27, 2007
8:00 a.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on February 27, 2007 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Dan Shields, Jodi Hess, David Sanders, and Brian McDonald.

Also present were: Webb Fuller, Town Manager and Carrie Gordin, Town clerk.

Mayor Smith called the meeting to order at 8:00 a.m., led the Pledge of Allegiance and held a moment of silence for the armed forces serving around the world.

APPROVAL OF AGENDA

The town manager requested that council hold a closed session at the end of the meeting to discuss a personnel matter. Mayor pro tem Shields moved to approve the agenda as amended. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda and stated that council may reserve the option to respond to issues raised under the public comment during council's agenda at the end of the meeting. Hearing no comments Mayor Smith closed the public comment section of the agenda.

CONSENT AGENDA

- A. Minutes-January 23, 2007
- B. Budget Amendments FY 2006-07
- C. Resolution 2007-02-02-Request of Early Support for Development of a Comprehensive Transportation Plan Covering Dare County and its Six Municipalities
- D. Resolution 2007-02-03 Graveyard of the Atlantic Museum

Upon recommendation made by the town manager that item C be removed from the consent agenda Mayor pro tem Shields moved to approve as amended. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy Budget Amendments is attached hereto as Exhibit A and made part of these minutes].

[A copy of Resolution 2007-02-03 Graveyard of the Atlantic Museum is attached hereto as Exhibit B and made part of these minutes].

REPORTS

Planning Board-No report

Canal Dredging Project Update

The town manager reported that a committee that includes Southern Shores Civic Association (SSCA) representatives Paul Kapinos, Ursula Bateman; Chichahauk Property Owners Association (CPOA) representatives Joe Walter and Bob Sykes; and town representatives Webb Fuller and Mike Hejduk met to discuss ways to proceed with the canal dredging project. He stated that five issues were addressed and he listed them as follows: 1) the town too seek receive written confirmation that the state would extend the grant funds; 2) the town would explore alternative spoil sites, specifically the original Hillcrest site and the property at the south end of town; 3) the town to work with Duck Woods Country Club to secure town property for future use; 4) the town to work with the CPOA to secure an additional spoil site located east of Gravey Pond; and 5) the town to contract with someone as a canal dredging project manager.

The town manager stated he is requesting and advising council to continue with the condemnation process and that it has been asked of the CPOA to allow the town to do the survey of the property. He stated that if they do not allow this then there is a 30-day legal process to be followed to allow it.

Council Member McDonald inquired why this committee has formed. The town manager stated that from the previous meeting of the civic boards and town representatives it was decided that a smaller group could meet and report back to each group separately. He stated that he does not recommend hiring a project manager but would recommend using the town engineer.

Council Member McDonald stated that he is upset that it appears that everyone is willing to help at the end and he would recommend that a deadline be set, i.e. 90 days and if there has been no progress or confirmation of spoil sites then let the project go.

The town manager stated that John Sutherland with the Department of Water Quality has agreed to look at all the potential spoil sites and make recommendations accordingly.

Council consensus is that the town move ahead with the condemnation process, request that the state confirm in writing that the funding would be extended and look for alternative sites.

The town manager stated that council would not seek to condemn any residential private property and there would be one spokesperson for the Hillcrest property owners if an agreement is reached.

Mayor pro tem Shields moved to approve to proceed with the condemnation process for the Chichahauk property spoil site with the survey and the appraisal, to have John Sutherland investigate all potential sites and make recommendations, to renegotiate with the Hillcrest property owners to use their property for spoil site and to start negotiations for a property located at the southern end of town as a potential spoil site. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

OLD BUSINESS

Red Bay Lane 2006 Road Improvement Project

The town manager stated that the upon receiving bids from Barnhill Contractors and RPC Contracting he recommends council award the base bid to RPC, Contracting, Inc. and to incorporate alternates #2 and #4 if the construction deeds are agreed upon by the property owner and if not then alternates #1 and #3 would be included to complete the project. He stated that the town attorney is securing the construction deeds.

Mayor pro tem Shields moved to approve the RPC base bid as presented and to include alternates #2 and #4 if the construction deeds are secured by March 15, 2007. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of the RPC Contractors base bid with alternates is attached hereto as Exhibit C and made part of these minutes].

NEW BUSINESS

Dare County Board of Education requests a waiver of the Building Permit Fee-Kitty Hawk Elementary School ball field

Mike Hejduk, code enforcement administrator, stated that the Dare County Board of Education has requested council to waiver the building permit fee for the Kitty Hawk Elementary School (KHES) ball field (bleachers and press box/restrooms). He stated that council waived the building permit fees upon approving the original site plan.

Mayor pro tem Shields moved to waive the building permit fees as requested by the Dare County Board of Education for the Kitty Hawk Elementary School (KHES) ball field. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

OTHER ITEMS

Council

Council Member Hess stated that she would submit at the March 6 council meeting for approval, the Government Access Channel budget.

Mayor-none

Manager-none

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Mike Bishall, 80 Gravey Pond Lane, stated that he, as a canal owner, is not against an assessment being placed on his property to fund the canal dredging project. He asked if council has approached the canal property owners regarding an assessment.

John Gualtieri, 140 Gray Squirrel Lane, addressed council by reading a portion of the CPOA covenants that reads who the owners of the common property are and the statement that was made by Council Member McDonald that no private property is being taken.

Hearing no further comments Mayor Smith closed the public comment section of the agenda.

Hearing no other business Mayor pro tem Shields moved to go into closed session in accordance to NCGS 143.318.11 (a)(6) for personnel issue. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

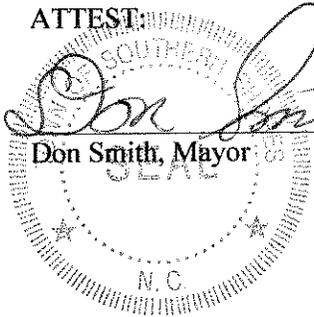
Council Member McDonald moved to go into open session with no action taken during the closed session. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Mayor pro tem Shields moved to adjourn at 9:03 a.m. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

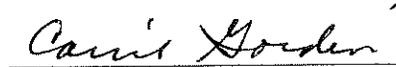
ATTEST:



Don Smith, Mayor



Respectfully submitted:



Carrie Gordin, Town Clerk

**Town of Southern Shores
Budget Amendment Number # 14**

**Police
Increases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
51-50127	Uniforms	\$3,500.00
	-	
	TOTAL	\$ 3,500

**Police
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
51-50112	Supplies	\$3,500.00
	TOTAL	\$ 3,500

Explanation: Uniforms for new officers and Chief

Recommended By:

Webb Fuller Town Manager

Date

Approved By:

Don Smith, Mayor

**Town of Southern Shores
Budget Amendment Number # 15**

Expenditures Increases			Revenues Increases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
59-50925	Public Works Red Bay Lane	\$10,000.00	40-39997	Revenues Trans. From Capital Reserve	\$10,000.00
	-				
	-				
	TOTAL	\$ 10,000		TOTAL	\$ 10,000

Explanation: Engineering fees and bid was \$5000 over original budgeted amount

Recommended By:

Webb Fuller Town Manager

Date

Approved By:

Don Smith, Mayor

**RESOLUTION OF
THE TOWN OF SOUTHERN SHORES TOWN COUNCIL REGARDING THE GRAVEYARD OF
THE ATLANTIC MUSEUM**

WHEREAS, the Outer Banks of North Carolina is an internationally known vacation destination, offering tourists a variety of activities and amenities associated with its unparalleled beaches and seashore, and

WHEREAS, by virtue of its prominent location, treacherous shoals and notorious maritime history, the Outer Banks is synonymous with the Graveyard of the Atlantic, and

WHEREAS, the rich maritime heritage of the Outer Banks is a tremendous asset to the citizens of Dare County and the entire State of North Carolina, and

WHEREAS, in an effort to lay the groundwork for showcasing the historic treasures of the Outer Banks to the world of tourists vacationing along its shores, the Graveyard of the Atlantic Museum, a public, nonprofit, educational institution (the Museum) was organized in 1988, and

WHEREAS, the Museum is dedicated to the preservation, advancement and presentation of the extensive maritime history and shipwrecks of the Outer Banks from the earliest periods of exploration to the present day, and

WHEREAS, since its inception, the Museum, through its Board of Directors and staff, has: (1) acquired the right to use scenic and valuable federal property, (2) obtained federal, state, county, and private funding, (3) nearly completed a truly unique and potentially award-winning facility that is as functional and weatherproof as it is aesthetically extraordinary, (4) welcomed over 160,000 visitors, (5) established nationally recognized educational programs, and partnerships, and (6) been acknowledged by various state agencies, particularly the North Carolina Historical Commission, as a much needed regional museum for showcasing the maritime history and archaeology of the Outer Banks;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Herculean efforts of the Museum, its staff, volunteers, and Board of Directors to date be commended and recognized.

BE IT FURTHER RESOLVED that the Town of Southern Shores Town Council fully supports the continued and additional efforts necessary to ensure the completion of the Graveyard of the Atlantic Museum and its inclusion in the North Carolina State Museum System as a regional museum showcasing the maritime heritage of the Outer Banks.

BE IT FURTHER RESOLVED that the Town of Southern Shores Town Council earnestly requests and hereby petitions the North Carolina General Assembly and certain agencies and officials within the State's executive branch to take any and all action required to advance and assure the continued operation and successful completion of the Graveyard of the Atlantic Museum and its inclusion in the State Museum System as a regional maritime museum for the Outer Banks.

Adopted this 27th day of February 2007.

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Exhibit C

Town of Southern Shores

BID OPENING

2006 Red Bay Lane Road Improvement

February 12, 2007 Town Hall

11:00 a.m. Town Hall

Contractor Name	Bid Amount	Bid Amount	Bid Amount	Bid Amount
	Alternate # 1	Alternate # 2	Alternate # 3	Alternate # 4
Barnhill Contracting Company, Inc.	7,130.00	2,883.00	26,100.00	6,842.00
TOTAL 135,000.00				
RPC Contracting, Inc	5,870.00	2,630.00	2,730.00	12,880.00
TOTAL 116,460.00				