



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

Town of Southern Shores
Council Meeting
April 22, 2008
8:00 AM.-Pitts Center

Minutes

The Southern Shores Town Council met on April 22, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Also present were: Charles Read, town manager, Carrie Gordin, town clerk and Ike McRee, town attorney.

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

APPROVAL OF AGENDA

Mayor Smith moved to approve the agenda as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud, and Pfizenmayer voting aye; no council member voting no and no council member absent.

PUBLIC COMMENT

Mayor Smith opened the public comment section.

Hearing no comments he closed the public comment section.

APPROVAL of MINUTES – March 25, 2008.

Council Member McDonald moved to approve the March 25, 2008 minutes as presented. Council Member Hess seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

CONSENT AGENDA-FY 2007-08 Budget Amendments #9

Council Member Hess moved to approve Budget Amendment #9 as presented. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: A copy of the FY 2007-08 Budget Amendments #9 is attached hereto as Exhibit A].

PRESENTATION- CLASSIFICATION and PAY STUDY-THE MAPS GROUP

Becky Veazey reviewed the process of methodology on how the study was compiled. She presented each Council Member with a copy of the study. Council agreed to place the study on the May 7 agenda for discussion and consideration.

Mayor Smith thanked her for the presentation.

REPORTS-None

OLD BUSINESS-None

NEW BUSINESS

Resolution 2008- 04-02-English as the Official language

Mayor Smith read the proposed resolution and he moved to approve Resolution 2008- 04-02. Council Member Stroud seconded.

Council Member Hess stated that she has read the editorials in the local newspaper on this subject and she agrees that the people who come here should learn to speak English. She stated she is concerned about the words used in paragraph four: WHEREAS, today immigrants are being allowed into our country, our state, our county and our towns who cannot read or write in English and as such cannot melt into and become a part of the American culture and society. She suggested changing the words to read: WHEREAS, today immigrants are entering into our country, our state, our county and our towns who cannot read or write in English and as such have difficulty melting into and becoming a part of the American culture and society.

Council Member McDonald agreed with her but stated he doesn't know what real effect adopting this will have.

Mayor Smith stated he feels this is a small step in the right direction. He asked why it is necessary to provide options for English and Spanish at stores and business phones calls but not for other languages. He stated he feels when someone comes here to live and work they should be legal and know the language. He stated it has been reported that \$338 billion dollars a year is being spent on illegal aliens. He stated he has no problem with the changes in the resolution that Council Member Hess is suggesting.

Council Member Stroud stated he agrees with Mayor Smith. He stated society sees this as a problem because when they come here they should have a duty to speak English. He stated they won't if we keep providing everything in Spanish for them. He stated there is a process for immigrants to come here and it is a privilege, too much money is being spent on illegal aliens.

Council Member Pfizenmayer stated Council should support the county.

Mayor Smith moved to withdraw his first motion and to approve the resolution as amended. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

[Clerk's Note: A copy of Resolution 2008-04-02 is attached hereto as Exhibit B].

Amend Official Traffic Map

The Town Manager requested Council consider amending the Town's Official Traffic Map as the Traffic Safety Committee recommends.

Council Member Stroud requested the Town Manager contact the Department of Transportation (DOT) to inquire if a "No Left Turn" sign could be posted at S. Dogwood Trail with limited hours on limited days (12-5 p.m.-Sat and Sun.). He feels this would decrease the cut-through traffic. He stated he has been contacted by citizens asking that something be done. He feels the current proposal encourages cut-through traffic and he doesn't support it.

The town manager stated he would inquire and report back to council.

Police Chief Kole stated placing such a sign would become a safety issue in that volunteer firemen would not be able to get to the fire station in a timely manner if needed as Fire Chief Harvey stated before and any signs posted would be on Hwy. 158, which is not in the town's jurisdiction. He stated to enforce the new traffic pattern, if approved, would require additional police officers to enforce.

Council Member Stroud stated he would like to get citizen's input on S. Dogwood Trail on his proposal.

Council Member Hess asked for clarification that there is already a "Dead End" sign at N. Dogwood Trail. The Town Manager said yes.

Mayor Smith moved to amend the Official Traffic Map as requested by the town manager in Pursuant to Section 5-58(b) of the Town Ordinance by (a) removing the Stop Sign presently located on Southbound South Dogwood Trail at Yaupon (b) install a stop sign at the intersection of South Dogwood Trail, North Dogwood Trail, and East Dogwood Trail thereby creating a three (3) way stop at this intersection. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, and Pfizenmayer voting aye; Council Member Stroud voting no and no council member absent.

The town manager also provided council pursuant to Section 5-58-(a) of the Town Ordinance, the Traffic Safety Committee recommended that the following "Directional Signs" be installed at the locations indicated: (a) install a "Dead End" sign facing northbound traffic at the intersection of the three (3) Dogwood Trails (b) install "Route 12" directional signs at 3 locations (1) facing northbound traffic at the intersection of the three (3) Dogwood Trails (2) on eastbound East Dogwood Trail at the intersection of Hickory Lane and (3) on East Dogwood Trail at the intersection of Route 12. These directional signs are designed to expedite traffic to Route 12 via the most direct route.

Set a date for Budget Workshop

Following discussion council agreed to hold a FY2008-09 budget workshop on May 13, 2008 beginning at 8:00 a.m. in the Pitts Center.

OTHER ITEMS

Town Manager

The Town Manager provided information on a Wellness Program being considered and that the Town held its first Annual Health Clinic for the employees. He thanked Bonnie Swain for her efforts regarding this program.

Town Attorney

Ike McRee provided an update on the Town's request for a variance on the canal dredging permit application.

Council Member McDonald asked if the town should be spending the grant money on legal expenses for the variance procedure.

Council Member Stroud stated it is good to use the funds for that purpose it saves the town's money.

The town manager stated it has been confirmed that the funds can be used for legal fees.

The finance officer stated she is preparing to submit the invoices for this use.

Council Member McDonald asked the town attorney if council should consider filing a class action lawsuit against the state if the permit is denied.

Mr. McRee stated he doesn't think there would be a successful outcome for the town. He stated the statute of limitations (2 years) may be expired by then. He stated if the town gets the state permit you still need to apply for the federal permit. He stated it would need to be determined that all reasonable use of the property has been taken; a loss of value on the property may be shown.

Council Member Hess asked if there is a time line to file for the variance. Mr. McRee said no. She asked if there could be a follow-up on controlling or removing the vegetation found.

[Clerk's Note: A copy of memo on update of canal dredging project is attached hereto as Exhibit C].

Mayor -None

Council -None

PUBLIC COMMENT

Mayor Smith opened the public comment section.

David Sanders, 158 Beech Tree Trail, stated in discussions held with Dept. of Transportation (DOT) before they were willing to eliminate the left turn lane at S. Dogwood Trail but Hwy.158 is not in the Town's jurisdiction.

Dan Shields, 41 Eagles Nest Lane, stated that to become a citizen they are required to take the oath in English but he doesn't think the United States has established an official language.

Hearing no other comments Mayor Smith closed the public comment section.

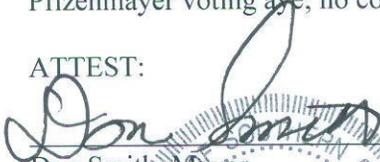
COUNCIL COMMENTS

Council Member Hess stated that she recently was involved in a traffic committee discussion regarding the intersection in front of Town Hall with DOT and the mayor of Kitty Hawk and it was discussed about having a partial left turn signal but there were no details discussed. She also saw on the news where people becoming citizens where saying the oath in English.

Council Member Pfizenmayer stated the Southern Shores Civic Association (SSCA) and the Boat Club are cleaning up the SSCA parking lots.

Hearing no other business Council Member Hess moved to adjourn the meeting at 9:50 a.m. Mayor Smith seconded. The motion passed with Mayor Smith, Council Members Hess, McDonald, Stroud and Pfizenmayer voting aye; no council member voting no and no council member absent.

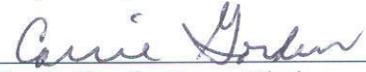
ATTEST:



Don Smith, Mayor



Respectfully submitted:



Carrie Gordin, Town Clerk

RESOLUTION DECLARING ENGLISH AS THE OFFICIAL LANGUAGE OF SOUTHERN SHORES

WHEREAS, the people of the United States, North Carolina, Dare County and the Town of Southern Shores have welcomed people of all races, religions, ethnic groups and social-economic classes into our society, recognizing that we all derive great benefit from diverse races and ethnic groups that compose our citizenry; and

WHEREAS, as immigrants assimilate into our country, our state, our county and our towns, they become a part of our culture and society and those in our society are benefited by the influences of these diverse people; and

WHEREAS, since our inception, the United States has accepted immigrants and encouraged the "melting pot" phenomena for the benefit of those immigrating and more importantly for the benefit of the people of this country; and

WHEREAS, today immigrants are entering into our country, our state, our county and our towns who cannot read or write in English and as such have difficulty melting into and becoming a part of the American culture and society; and

WHEREAS, to encourage and to assist our immigrants to more easily assimilate into our society, the Southern Shores Town Council believes that English should be the official language used by all.

NOW, THEREFORE, BE IT RESOLVED that the Southern Shores Town Council declare that English is the official language of the Town of Southern Shores.

Adopted this the 22nd day of April, 2008.

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

MEMORANDUM

TO: Charles B. Read, Jr., Town Manager
FROM: John D. Leidy
DATE: April 17, 2008
RE: April Status Report – Canal Dredging Project

Please share this information with the council at their next meeting.

Recent Developments

1. We filed our Pre-Hearing Statement with the Office of Administrative Hearings (OAH) in the CAMA appeal on April 11, 2008.
2. CAMA filed its Pre-Hearing Statement on April 11 as well. they did not explain in much more detail the basis for their denial or their positions in the case, other than to refer to and rely upon the reasoning set forth in the February 15, 2008 denial letter.
3. Both sides have indicated that the case would not be ready for hearing by July 21, as presently set. We proposed that the case would be ready for hearing by mid August; CAMA gave no alternative scheduling proposal.
4. We are filing our Pre-Hearing Statement in the DWQ case today. Theirs is due today as well; we have not yet received a copy.
5. We have discussed consolidation of the two cases for hearing but no decision has been reached. The agencies are represented by attorneys from different sections of the Attorney General's office:

CAMA: Amanda P. Little
Assistant Attorney General
N.C. Department of Justice, Environmental Division
P.O. Box 769
Morehead City, NC 28557

DWQ: Donald W. Laton
Assistant Attorney General
N.C. Department of Justice, Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

Grant Reimbursement

I have been advised by John Sutherland, chief of the water project section of the Division of Water Resources, of the following:

1. The Town may seek reimbursement for George Wood's expenses for permit application through August, 2007 – the Division considers that work as part of the cost of the project.
2. The Town may seek reimbursement for George Wood's time spent on coordination with other agencies.
3. The Town may seek payment for George's ongoing services as each invoice is presented, but not more frequently than once per month.
4. The Town may seek reimbursement for legal expenses incurred in connection with permit review.

Actions Scheduled for May

1. We will be serving discovery on both agencies. This is a formal request for information to help explain their reasoning; to identify the documents, studies and other materials upon which they relied on reaching their conclusion; and to obtain a preview of the proposed testimony of certain witnesses. As they have 30 days to respond to such requests, I doubt we will receive or be able to report about those responses in May.
2. We will file the variance request as soon as our proposed factual statement is finalized.