



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
Special Council Meeting
April 14, 2009
7:00 P.M.-Pitts Center

Minutes

The Southern Shores Town Council met on April 14, 2009 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.

Southern Shores Civic Association (SSCA) Board Members: Dan Shields, President; Leo Holland, Vice President; Larry Lawhon, Karen Kranda, Jim Reynolds and Jim Pfizenmayer. Three members absent.

Mayor Smith called the meeting to order at 7:00 p.m. and welcomed everyone but he stated at this time there would be no public comment. He stated the purpose of the meeting is to discuss with the SSCA Board Members the possible use of one of their green space properties as a canal dredging spoil site, particularly the eight-acre site at Duck Woods Drive. He read a memo dated April 13, 2009 from John Leidy, attorney, mainly addressing the need for the Town to acquire a designated spoil site to allow the canal dredging project to move ahead. Mayor Smith stated the Town is in receipt of a settlement agreement from the Division of Coastal Management approving the project but with certain conditions.

Council Member McDonald moved to authorize the Mayor and all parties as needed to execute the settlement agreement as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Mayor Smith then turned the meeting over to Council Member Pfizenmayer.

Council Member Pfizenmayer stated the Town needs to identify a spoil site immediately in order to move ahead with the process. He stated at this time there are three proposed sites: The Cove which is under ownership litigation; a proposed site at Duck Woods Country Club which is not big enough and the request for the proposed eight acres on Duck Woods Drive. He stated tonight Council is asking the SSCA to consider allowing the use of the site at this time to be placed on the permit application and use the site for bidding purposes. He stated there are different ways to remove the spoils but until there is a site designated the town can't say how the dredging can be done. He stated it is true that many trees would need to be removed from the site and the land would need to be prepped. He stated the SSCA can't rent or sell the property with out the property owners voting but they can lease/lend the land to the Town. He stated no money has been budgeted by the SSCA for any improvements to the property. He stated if it is agreed when the Town returns the property to the SSCA it will be an improved property. He presented a conceptual landscaping drawing prepared by Jim Connors on what the property could look like.

He stated there has been some discussion on moving the road (Duck Woods Drive) to intersect with Birch Lane on the Kitty Hawk side where a traffic light could be installed that would allow easier access to Hwy. 158. He stated the Town would guarantee a bulkhead but all of this would need to be negotiated over a 2-3 year period and there would need to be good faith from both parties. He stated he supports the Town, the Council and the SSCA and asks that the SSCA allow the Town the use of the property.

Dan Shields stated the SSCA gave the Town the canals over 7-8 years ago because the SSCA could not get money to dredge the canals but the Town could. He stated the SSCA made a commitment to do everything they could to get the canals dredged. He stated he has met with the Town Manager and some Council members and the SSCA agreed to give a portion of the Loblolly Marina to be used for the spoils but the State only wanted to use the mechanical method of dredging and the site would not work. He stated Tom Bennett past SSCA president worked long and hard with the Town on previous sites that failed. He stated he is not prepared tonight to give an answer to the Town. The Town needs to submit a proposal to the SSCA and what they would get in return.

Council Member Pfizenmayer stated the Town is willing to negotiate and work on a proposal plan and the Town is continuing to work on getting other sites but if a site is not found the state money may be gone in October.

Mayor Smith stated he is annoyed and that any site that is designated trees will need to come down and it is important to get a spoil site. He said now is the time for the people to work together. He asked do we want to give the million dollars back to the state and let the project go. If the canals don't get dredged it affects all the property owners and their property values.

Council Member McDonald stated the SSCA knows the impact of this issue and the Town is willing to improve the site after the spoils are gone.

Council Member Stroud stated the Town really needs the property but we didn't expect an answer from the SSCA but had hoped the parties would be able to come to some agreement.

Council Member McDonald stated the dredging window is being cut. The bids need to go out by June the site is the right site. It is close to the highway and will save in additional cost on repairing the Town roads. He stated the consideration is for the least cost/best method for removal of the spoils.

Council Member Hess stated an easement agreement would be needed like the Town had before on the previous spoil sites.

Leo Holland stated he sees there are two steps for consideration (1) agree to allow the Town to use the site name on the permit and (2) an easement agreement is needed between the two parties and then a proposal of a design for improving the property after the spoils are removed.

Dan Shields moved to grant the Town permission to use the Duck Woods Drive site on the Town's permit with the condition the Town provides a proposed agreement. Jim Pfizenmayer seconded.

Jim Kranda stated Mr. Pfizenmayer needs to recuse himself from voting since he is a member of both boards holding discussion tonight. Mr. Pfizenmayer withdrew his second.

Leo Holland stated he would second the motion. The vote was five ayes. No one opposed.

Council Member Stroud commented a proposal may need to be negotiated sooner with a dollar amount discussed for improvements to the property after the spoils are gone.

Council Member Pfizenmayer stated two Council members and two SSCA members should be identified as a working group and start drafting the agreement.

Mayor Smith stated he is concerned that the attorney may need a Memorandum of Understanding to give to the state and that should be worked on.

Council Member McDonald moved to appoint Council Member Hess as representative in the discussion with the SSCA on the site use. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

Dan Shields stated the SSCA representative is Tom Bennett.

Karen Kranda commented she didn't appreciate the Mayor's comments.

Dan Shields asked the status on using the mechanical dredging process. Council Member McDonald stated the state's choice is to use the hydraulic method.

The Town Manager stated hydraulic language is used in the permit application. He stated there are other methods and there is some discussion on the possibility of using GEO bags.

Hearing no other business Mayor Smith thanked everyone for attending and he moved to adjourn the meeting at 8:00 p.m. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.



Respectfully submitted:


Carrie Gordin, Town Clerk