



Town of Southern Shores

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Council Meeting

July 20, 2010

8:00 a.m.-Pitts Center

The Southern Shores Town Council met on July 20, 2010 at the Pitts Center.

The following Council Members were present: Mayor Hal Denny, Council Members Kevin Stroud, Jim Pfizenmayer and George Kowalski. Council Member Hess was absent.

Also present were: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance and held a moment of silence.

Mayor Denny recognized and welcomed WTKR-TV from Norfolk, Virginia to the meeting.

APPROVAL OF AGENDA

Council Member Pfizenmayer moved the agenda be amended to include under Item C. of Old Business, a discussion of Special Elections (Filling of Council Vacancies) process under the Town Charter. Council Member Stroud seconded. Mayor Denny suggested the matter be put on the next meeting agenda, which would allow everyone to be prepared. The motion failed with Mayor Denny and Council Member Kowalski voting nay and Council Members Stroud and Council Member Pfizenmayer voting aye.

Mayor Denny moved to approve agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

GENERAL PUBLIC COMMENT

Shirley Ruff, 100 Chicahawk Trail, presented a petition of 115 signatures (107 being Town residents) requesting Council to consider allowing dogs under supervision on the Town's beaches before 10:00 a.m. and after 6 p.m. from May 15th to September 15th. [The petition can be found in the original set of minutes].

Dan Osman, 39 11th Avenue, voiced displeasure with the Council previously raising taxes. He feels it is a conflict of interest for a Council Member to also be a member of the Fire Department and vote on Fire Department funding issues. Mr. Osman also stated he felt there should be more oversight of the Fire Department by the Town.

APPROVAL OF MINUTES - May 18, 2010 Regular meeting, June 1, Regular meeting and July 6, 2010 Regular meeting

Council Member Kowalski moved to approve May 18, 2010 minutes as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

Mayor Denny moved to approve the June 1, 2010 minutes as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

Mayor Denny moved to approve the July 6, 2010 minutes as corrected. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

CONSENT AGENDA-None

STAFF REPORTS

Finance Officer

Bonnie Swain provided a report of the General Fund's monthly Revenues and Expenses for FY09-10. She stated the figures are unaudited and subject to remaining outstanding obligations/encumbrances and revenues. Also provided was a Fund Balance Projection sheet showing FY05-06, FY06-07, FY07-08, FY08-09 (audits) and projected FY09-10. A current Cash/Investment Report was also presented. She provides each Council Member with a Balance and Revenues report monthly.

[Clerk's Note: A copy of the report is available at Town Hall and on the Town's website].

REPORTS FROM BOARDS, COMMITTEES and ASSOCIATIONS

Build the Bridge-Preserve Our Road-Robert Palombo-No report.

PROJECT REPORTS

Canal Dredging Project

Project Manager Tom Bennett stated that the permit modification application packages had been distributed to all the appropriate review agencies for their consideration. They have 30 days to review and comment to CAMA. We hope to have approval by mid to late August. He held discussions with Mr. Bob Wilson of Row Boat Company with regards to logistics, dredge and drain pipe deliveries, electricity etc. He finally addressed questions of timing and start dates from Council Members Stroud and Pfizenmayer.

OLD BUSINESS

Discussion of Fire Service

Mayor Denny stated Council Member Pfizenmayer has requested this item be placed on the agenda.

Council Member Pfizenmayer expressed concern that every year discussion is held on the Fire Department's proposed budget. He also expressed concern that the Town's 10-year contract with the Fire Department was pushed aside this year with more money being appropriated to the Fire Department than

what the contract called for. Council Member Pfizenmayer stated he would like for Council to discuss the long range plan for the Fire Department, including its paid Chief position.

Council Member Kowalski stated the contract allows the Fire Department to request additional funds and Council can decide to grant or deny the request. He stated further the existing ten-year contract has not been changed nor has the contract been reneged upon or pushed aside. He stated further the past Council in 2009 voted unanimously to approve it.

Council Member Stroud stated the 10-year contract was developed to eliminate the Fire Department from having to come in every year with request for budget increases, and to be able to plan by knowing the annual contract appropriation.

Council Member Kowalski stated he sees a major financial burden if the Town took over the Fire Department, costing around 1.5 million dollars, and with the Department losing volunteers.

Further discussion was held by Council members regarding the Fire Department's paid Chief position.

Mayor Denny stated the funding of the Fire Department for the current fiscal year is fully in conformance with the contract and there was an increase in funding primarily due to debt service that was incurred by the Department in accordance with provisions of the contract. The Mayor stated the financial statements and the audit reports revealed that the Fire Department had to sell assets to operate.

No action was taken.

Planning Board Appointments-Chair and Vice Chair-Council approval

Sam Williams requested Council to approve the Planning Board's July 12 election of Sam Williams as Chairman and Mike Florez as Vice-Chairman.

Mayor Denny moved to approve Sam Williams as Chairman and Mike Florez as Vice-Chairman. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

Sam Williams also reported from the July 12 meeting the Planning Board decided to discontinue its Planning Advisory Group (PAG) and use that meeting time as a monthly workshop. He also requested that Council consider holding a joint meeting with the Planning Board at its September workshop meeting.

NEW BUSINESS

Review of Emergency Management Plan-Town Manager

The Town Manager recommended changes to the Town's Emergency Management Plan.

Mayor Denny moved to approve the amended Town's Emergency Management Plan. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

[Clerk's Note: A copy of the Town's Emergency Management Plan is available at Town Hall and on the Town's website].

Meals on Wheels Program-Council Member Pfizenmayer

Council Member Pfizenmayer stated he is trying to restart a Meals on Wheels program in Southern Shores but State funding has been cut. The service is directed through the Albemarle Commission and costs would be \$6 per person per meal per day (5 days). He stated there are seven to eight people in Town that could use the program. He requests Council consider funding the program.

Council Member Kowalski requested having written information showing how this program would work and what the cost would be.

The Town Manager will bring information back to Council for further discussion.

Canal Dredging Project Manager's Contract-Town Manager/Finance Officer

The Town Manager stated the Project Manager's current contract is set to expire on August 14, 2010 and recommended Council extend the contract for an additional four months (December 14) to allow for continuity of the Project Manager's expertise and familiarity with the day to day operations.

Council Member Pfizenmayer moved to approve the extension of the Canal Dredging Project Manager's as proposed by the Town Manager. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

The Town Manager also requested Council approve Budget Amendment #2 in the amount up to \$25,000 to cover the contract extension.

Mayor Denny moved to direct the Town Manager to present a budget amendment to cover the extension of the canal dredging project manager's contract through December 14 at a cost not to exceed \$25,000. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

Trinitie/Juniper Trail Bridge Project-Town Manager

The Town Manager stated the Trinitie/Juniper Trail Bridge has been observed to have possible voids surrounding its culvert pipes where fill was formerly compacted. The Town Manager stated he and the Town Engineer are recommending that Council authorize an initial engineering survey of the bridge, with the data to be supplied to a structural engineering firm for its own evaluation in preparation for replacement work. He stated this bridge is not considered a "bridge" by the NC DOT for purposes of that agency's inspections program and recommended that Council authorize funding for this initiative through a budget amendment.

Mayor Denny moved to approve funding the land survey costs of \$2,500 and the Geotechnical survey in the amount of \$6780.00. No second was received.

Following discussion, Council deferred any action and requested the Town Engineer be present at the next meeting for further discussion.

OTHER ITEMS

Town Manager

The Town Manager reported the sign at the Town's "Chicahauk Trail Beach Access Parking Lot" had been covered with a sign reading "Municipal Parking Lot – Town Sticker Required" until Council decides on a name change.

The Town Manager reported meeting with SSCA representatives regarding the trash issue and that the SSCA had agreed to remove certain cans from some of its remote areas to see if this will curtail dumping. He has also reviewed the history of residential pick-up concerns, and according to Town Code he has the authority to order property owners to buy additional cans if needed.

The Town Manager stated he has met with the Police Chief and Planner regarding allowing dogs on the beach. He asked Council if this is something they want to consider. Consensus among Council members was to put it on an upcoming agenda.

Town Attorney -None

Mayor-None

Council

Council Member Kowalski responded to allegations that he has a conflict of interest by being both on Council and a member of the SSVFD. He stated he is no longer involved in the financial discussions of the department. He also stated he is always prepared and willing to talk to anyone directly.

Council Member Pfizenmayer thanked everyone for attending the meeting and urged them to come back and bring their neighbors.

GENERAL PUBLIC COMMENT

Dan Osman, 39 11th Avenue, addressed Council Member Kowalski's comment on conflict of interest and stated he will be attending every meeting from now on until things change. Mr. Osman stated he, as well as others, feels there should be oversight of the Fire Department to make sure things are run properly.

Frank Sciacchitano, 203 Wax Myrtle Trail, stated he attended the budget hearing and that residents had reservations about the 43% increase. He asked the new Town Manager to look at the expenditures so in the upcoming years we aren't confronted with a 43% increase. He thinks the Fire Department and the Police Department should get what they need to protect us.

Andy Moynahan, 189 High Dune Loop, stated he has been a volunteer fireman for 19 years and he would not work for a Town-run Fire Department. He stated the Town is looking up and he thinks the Police Chief is doing a good job. He likes the current Council and the new Manager.

Shirley Ruff, 100 Chicahauk Trail, stated she has been a volunteer with the Fire Department for 10 years and volunteers for the Food Pantry and Food for Thought. She stated she sees hope in the new Town Council. She stated purchases made by the Fire Department were for things that needed to be updated.

Lacy Chronister, stated she is not an officer but she is a 13 year veteran with the SSVFD and has been involved in emergency services most of her life. She stated that if the Department was restructured under the Town it would lose members. She stated the Fire Department's equipment needs updating for insurance and safety reasons.

David Sanders, 158 Beech Tree Trail, stated he has served for 26 years on the Fire Department and is still serving. He stated the real asset of the Department is the volunteers who serve without pay. He also stated that when he served on Council he was the Deputy Fire Chief and when it was time to vote on the budget he had concerns. But the Town Attorney told him he was obligated to vote and that he had no benefit or financial interest to the Fire Department.

Patty Allen, 122 Duck Woods Drive, stated as she understands it, the Fire Department contract is a 10-year contract for a certain amount of funding each year from the Town. She stated there is a clause in the contract that allows the Fire Department to request an increase if needed and that oversight is provided by the Council in considering the request and voting on it.

David Peckens, 115 Poteskeet Trail, stated he was a SSFVD fireman for 15 years. He stated the 800MHz radios have been considered since 1991 and now it has become mandatory and it is costly.

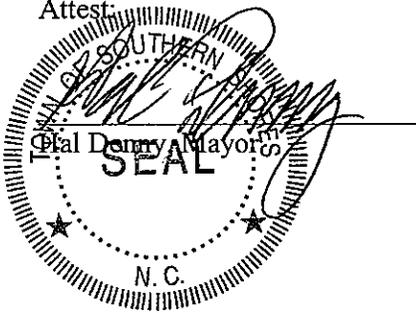
Mayor Denny moved to go into closed session pursuant to NCGS 143-318.11 (a) (1), (3), (6) and (10e). Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

Upon returning to open session Mayor Denny moved to approve the re-classification of the current "Executive Assistant" position to a position of "Administrative Assistant" with the duties and responsibilities as described in a job description dated July 20, 2010) with the status of "non-exempt" under the Fair Labor Standards Act. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

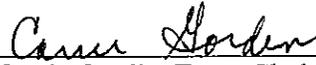
The Town Manager stated the current grade and salary of the employee will not change and the employee has agreed to the classification changes.

Hearing no other business Mayor Denny moved to adjourn the meeting at 12:04 p.m. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Stroud, Pfizenmayer and Kowalski voting aye.

Attest:



Respectfully submitted:


Carrie Gordin, Town Clerk