



**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

Council Meeting  
June 21, 2011  
8:00 a.m.-Pitts Center

Mayor Denny called the meeting to order, led the Pledge of Allegiance and held a Moment of Silence for the family of Thomas Ray, long time resident, and for all the men and women in uniform serving around the world.

The following Council Members were present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members Jim Pfizenmayer, Kevin Stroud and George Kowalski. Also present: Town Manager Peter Rascoe and Town Clerk Carrie Gordin.

### **APPROVAL OF AGENDA**

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

### **APPROVAL OF MINUTES** – June 7, 2011

Mayor pro tem Hess moved to approve the June 7 minutes as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud and Kowalski voting aye.

### **FY 2010-2011 Budget Amendments #11 and #12**

Mayor pro tem Hess moved to approve the Consent Agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud and Kowalski voting aye.

[Clerk's Note: Copies of Budget Amendments #11 and #12 are hereby attached as Exhibit A].

### **PUBLIC HEARING** –TowneBank of Currituck Site Plan Application SPA-11-02

Mayor Denny stated this public hearing is a quasi-judicial procedure which requires sworn testimony. He asked if any Council Member has a conflict of interest regarding this application. Hearing none he asked the Town Clerk to swear in those who wish to speak at this hearing.

The Town Clerk swore in Wes Haskett, Town Planner; David (Andy) Deel, Quible Engineering, agent for the applicant; Christopher Michael, HBA architect, and Robin Morgan, town resident.

Mayor Denny opened the public hearing and called upon the Town Planner to provide the staff report for SPA-11-02.

The Town Planner stated the requested action is the approval of application SPA-11-02 site plan to demolish existing Albemarle Regional Medical Services building and construct a TowneBank of Currituck located at 2 Juniper Trail in the Town's designated Commercial zoning district. Upon the Town Planning Board's review of the proposed application they submitted approval to include certain conditions and recommendations

to Council. He read the staff report which included recommend conditions to be included as part of the approval. Mayor Denny asked if Council had any questions to the Town Planner.

Mayor pro tem Hess asked about the banners being shown placed on the light poles and if it meets Town Code. The Town Planner stated if there is a message on the banners they would need to meet the signage ordinance. Three wall signs and one monument sign are currently shown on site plan.

Council Member Pfizenmayer asked if filling in wetlands as proposed is part of the stormwater plan.

The Town Planner stated the proposal is part of the stormwater mitigation and the stormwater plan must meet state requirements.

The Town Manager asked that the Town Planner state for the record the name of the property owner. The Town Planner stated Pasquotank County is the current owner of record of the property which is shown on the application and that Mr. Deel is the agent for the TowneBank of Currituck.

Hearing no more questions from Council, Mayor Denny called upon Mr. Deel with Quible Engineering as agent for the TowneBank of Currituck.

Mr. Deel stated that Pasquotank County is the applicant since they are the owner of record of the site. He stated the TowneBank is in a purchase contract with Pasquotank County. He stated that all signage issues would meet the Town's zoning ordinance. He addressed the wetlands issue by saying natural drainage is proposed into a "constructed" wetland which will require a wetlands permit to mitigate stormwater. Mr. Deel provided a detailed explanation of the drainage/stormwater plan.

Council Member Kowalski asked how the water overflow from the roof of the structure is being directed. Mr. Deel stated a storm pipe system will be used.

Council Member Kowalski asked about the fire suppression system to which Mr. Deel replied it has not been determined at this time if a sprinkler system is needed, but can be done later if needed.

Council Member Kowalski asked if the current Regional Medical Center sign will be removed. Mr. Deel said yes.

Council Member Kowalski asked if damage is done to the road shoulder/bike path will the damaged be repaired. Mr. Deel said yes.

Council had no more questions of Mr. Deel.

Mayor Denny called Robin Morgan, 57 Deer Path Lane, to speak. Mrs. Morgan stated her concern is related to traffic flow to the neighborhood with the only ingress/egress to the bank being located off of Juniper Trail. She noted other banks along US Hwy. 158 have two ingresses/egresses. She referenced sections in the Town's Land Use Plan regarding safety. She asked Council to consider, before approving, a second entrance from US Hwy. 158, sending the application back to the Planning Board, and receiving comments from NCDOT.

Mr. Deel responded by saying he would agree more accesses are better but that NCDOT wants fewer accesses. The plans show utilization of the site's existing entrance and traffic pattern. He stated designated merging traffic lanes are a challenge. He would meet with NCDOT but time is of the essence on the bank construction, and he would prefer the project not go back to the Planning Board.

Following discussion, Council Members Stroud and Kowalski agreed they see no benefit to an additional ingress/egress from US Hwy. 158.

The Town Planner stated if changes to the site plan are made it would need to go back to the Planning Board

and to Council as an amendment to the site plan. Making such a change would affect parking, lot coverage, stormwater, etc.

Hearing no other comments, Mayor Denny closed the public hearing.

Mayor Denny asked Council for comments before action is taken. Council members each unanimously stated they did not support the requested consideration for a second ingress/egress on Hwy. 158 to the TowneBank site and they all support the project.

Mayor Denny moved application SPA-11-02 be approved subject to fulfillment of the Planning Board's recommended conditions and the recommended conditions 1. a-f, 2. a-c and 3. as found in the Staff Report dated June 16, 2011. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud and Kowalski voting aye.

[Clerk's Note: A copy of the Staff Report dated June 16, 2011 is hereby attached as Exhibit B].

### **PUBLIC COMMENT**

Karen Kranda, SSCA president, addressed several issues for Council's consideration. She requested Council consider extending the chipping service an additional month into June and contracting for chipping year round for the next year's budget. Also she requested Council consider a yard waste (tree leaf) removal program for the next year's budget. She requested the Town's help in removal of trash from the SSCA's beach accesses and in moving the SSCA's trashcans to the road weekly. She stated people are putting whatever will fit into the dog feces disposal cans. She stated the deer population needs to be culled and would like to see if the Urban Archery program would be a consideration for the Town.

Cory Taylor, CPOA president, stated he agrees with Mrs. Kranda on changing the chipping service schedule and there is a need for a yard waste debris removal program.

### **OLD BUSINESS**-None

### **NEW BUSINESS**

#### **DRC Emergency Services-Storm Debris Removal Contract**

The Town Manager stated the DRC Emergency Services contract expires June 30, 2011. DRC is proposing an extension to the contract for an additional year to cover the Town through June 30, 2012. The original terms of the 2009 contract remains the same with a revised equipment rate sheet. DRC also is contracted with the Towns of Nags Head and Duck.

The Town Manager requested Council authorize him to execute the extension to the DRC contract.

Mayor Denny moved to authorize the Town Manager to execute the DRC contract extension as proposed. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud and Kowalski voting aye.

### **OTHER ITEMS**

#### **Town Manager's Report**

The Town Manager stated he previously met with Karen Kranda and Larry Lawhon regarding the SSCA's concerns stated by Mrs. Kranda in Public Comment and that staff is seeking to address them.

Dare County is conducting a public information meeting on the Pains Bay Fire tomorrow at 10:00 a.m. in the Pitts Center.

He stated since the chipping service ended in May he and the Code Enforcement Officer have looked at the illegal brush piles and letters have been sent to the violators, most of which are out of town property owners. He, along with staff, met with the chipping contractor to discuss ways to improve the times for the service. Proposals for a 12-month program were discussed. Also extending the service for just an additional month may not help according to the contractor. He stated discussions are being held about a yard waste (leaf) removal program but the contractor said different equipment would be needed and the debris would need to be taken to Manteo. The Town Manager recommends dealing with the chipping issue first.

He reported the discussion of removing trash from the beaches. Public Works already dumps the dog feces cans for the SSCA but moving SSCA cans would require a Public Works employee to work on Sunday to meet the Monday pickup schedule.

Mayor pro tem Hess stated the SSCA itself should hire someone to move its trashcans.

Council Member Stroud suggested pads be installed where the SSCA trashcans could be placed near the road for pickup.

Council Member Pfizenmayer suggested the SSCA should get more volunteers.

Council Member Kowalski suggested the SSCA pay the lifeguards a nominal amount to have them move the SSCA's trashcans.

The Town Manager reported he attended the latest Dare County School Board meeting to request using a piece of property at the Kitty Hawk Elementary School to place a "Welcome to Southern Shores" sign and that he received favorable support. He will also need to discuss this with the Town of Kitty Hawk as well as NCDOT. He stated he has a proposed design for the sign and will provide information with Council at a later time.

He has set a meeting with Coastal Studies Institute, Mayor pro tem Hess, and staff to discuss a possible beach erosion study for the Town of Southern Shores beach area.

He reported staff will meet on June 28 with DRC Emergency Services to review the Town's Emergency Operations Plan and storm debris removal plan.

He reported an agreement from NCDOT on the Trinitie Trail Bridge project should be available by next Council meeting.

He is looking into the NC Wildlife Resources Commission's Urban Archery program as a possibility for culling the Town's ever-growing deer population. He is meeting with the Commission's District Biologist next month to look for areas within the Town that may be appropriate for implementation of an urban archery program.

Council Member Kowalski asked if all sections of the Town's Local Session Bill 145 were approved. The Town Manager said yes.

The Town Manager stated he is looking into any parking issues surrounding the East Dogwood Trail – Ocean Boulevard intersection. Council Member Pfizenmayer suggested angle parking instead of parallel parking may be a way to get more spaces. The Town Manager will look into this.

Mayor

Mayor Denny stated the annual Dare County Hurricane meeting will be held on June 28 and that he and Mayor pro tem Hess will be attending.

He stated he will not be available at the July 5 Council meeting.

He reported past residents, Charlie and Ruth Gaeta, are offering some ironwood carvings to the Town. He asked if Council would like to accept the gift. The consensus of all members of the Council is to accept the offer.

### Council

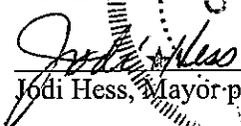
Council Member Kowalski suggested that the Town computer service be checked to see if the backup programs are effective before an actual catastrophic event occurs. The Town Manager stated once the generator is on-line he will have an exercise to test the system.

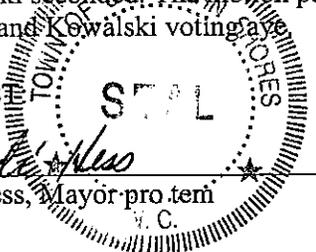
Council Member Stroud asked what ways may be available to the Town in culling the deer population. The Town Manager will investigate and report back.

Hearing no other regular business Mayor Denny moved to go into closed session pursuant to NCGS 143-318.11(a)(6) to discuss a personnel matter. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud and Kowalski voting aye.

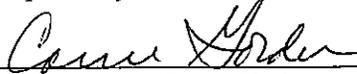
Upon returning to open session Mayor Denny moved to increase the Town Manager's salary effective July 1, 2011 to \$120,000 in recognition of his outstanding performance and by saving the Town many, many thousands of dollars. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, and Kowalski voting aye. Council Member Stroud voting no.

Hearing no other business Mayor Denny moved to adjourn the meeting at 10:50 a.m. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, Stroud and Kowalski voting aye.

ATTEST  
  
Jodi Hess, Mayor pro tem  
N. C.



Respectfully submitted:

  
Carrie Gordin, Town Clerk

**Town of Southern Shores  
Budget Amendment Number # 11**

**Sanitation  
Increases**

**Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	-				
	<b><u>Expenditures</u></b>				
52-50205	Recycling pickup	\$12,000			
	-				
	<b><u>Revenues</u></b>				
40-39909	Undesignated Fund Balance	\$12,000			

Explanation: Increase due to fuel surcharge

Recommended By:

Approved By:

J. Peter Rascoe, III, Town Manager

Hal Denny, Mayor

**Town of Southern Shores  
Budget Amendment Number # 12**

<b>Police Increases</b>			<b>Police Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<b><u>Expenditures</u></b>				
51-50120	Contracted Services	150.00	51-50121	Contingency	\$2,500.00
51-50125	Vehicle Maintenance	2,350.00			
51-50126	Vehicles Operations	3,000.00			
	-				
	<b><u>Revenues</u></b>				
40-39909	Undesignated Fund Balance	\$3,000.00			

Explanation: Increase due to cost of fuel, maintenance on boat

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Hal Denny, Mayor

**STAFF REPORT**

**To:** Southern Shores Town Council  
**Date:** June 16, 2011  
**Case:** SPA-11-02  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

**GENERAL INFORMATION**

**Applicant:** Pasquotank County  
P.O. Box 39  
Elizabeth City, NC 27909  
(252) 335-0569

**Representative:** David A. Deel, P.E.  
Quible & Associates P.C.  
P.O. Drawer 870  
Kitty Hawk, NC 27949  
(252) 261-3300

**Requested Action:** Approval of site plan to demolish existing Albemarle Regional Medical Services building and construct a TowneBank of Currituck

**PIN #:** 986720817063L1

**Location:** 2 Juniper Trail

**Zoning:** C, Commercial

**Existing Land Use:** "Developed"

**Surrounding Land Use & Zoning:**

**North-** Developed; C, Commercial District and RS-1, Residential District

**South-** Highway 158

**East-** Developed; C, Commercial District

**West-** Developed; C, Commercial District

**Applicable Regulations:** Zoning Ordinance: Article III Interpretation and Definition of Terms;  
Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

**SPECIAL INFORMATION**

**Public Utilities:** Dare County water to be provided, new septic system to be installed.

**Public Services:** The property is within the Town limits, Town protection services are available. The Southern Shore Police Department and Volunteer Fire Department have reviewed the proposed site plan and provided one comment which was to remove the paved median at the entrance. The applicant has complied with this request.

**Transportation:** The subject property has frontage on Highway 158 and Juniper Trail.

**Physical Characteristics:** Existing Albemarle Regional Medical Services building.

**ANALYSIS**

The applicant seeks approval of a site plan to demolish the existing Albemarle Regional Medical Services building and construct a freestanding TowneBank of Currituck. The Town Zoning Ordinance states that all site plans for uses other than single-family and two-family dwelling units must be reviewed by the Town Planning Board and approved by the Town Council before a building permit for construction may

be issued. The Town Planning Board unanimously recommended approval of the application with the following conditions:

1. Those conditions recommended in the Staff Report prepared by Wes Haskett on this application.
2. Removal of the raised median at the entrance.
3. Adjustment, as needed of the landscaping plan to assure that the view of traffic is not obstructed.

### **RECOMMENDATION**

The Land Use Plan identifies this area as Developed in the C, Commercial zoning district. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are applicable to this application have been identified. Town Staff recommends approval of the application and offers the following conditions for consideration:

1. Prior to issuance of a building permit, evidence shall be presented to the Town showing satisfaction of all appropriate State and Federal permits, including but not limited to:
  - a. NCDOT driveway permit and/or encroachment application for work in a State right-of-way.
  - b. State soil erosion and sedimentation control plan approval.
  - c. State stormwater plan approval.
  - d. State or Town CAMA permit.
  - e. Receipts for payment of water connection fee, Dare County regional water system.
  - f. Septic tank approval by the Dare County Department of Environmental Health or other appropriate permitting agencies.

2. Per the provisions of Section 36-297, (a), (2), (3), and (4) of the Town Zoning Ordinance, approval of this application shall be null and void if:
  - a. No building permit for the principal structure is issued within one hundred and eighty (180) days from the date of final approval of the site plan by Town Council; and,
  - b. The start of construction has not commenced within 180 days from the date of issuance of the building permit or if after commencement work is discontinued for a period of 12 months; or,
  - c. The work authorized by the building permit issued is not prosecuted to completion within 18 months of the date of issuance of the building permit.

The term of this approval, and the term of any other permit subsequently issued by the Town, shall be governed by the provisions of the NC Permit Extension Act of 2009 as amended [S.L. 2010-177].

3. That the applicant must strictly abide by all requirements of the Town Zoning Ordinance (parking and landscaping requirements, lot coverage restriction, building height, etc.) and must also strictly comply with all other applicable local, State, and Federal requirements.