



# 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](http://www.southernshores-nc.gov)

Council Meeting  
September 6, 2011  
7:00 p.m.-Pitts Center

Mayor Denny called the meeting to order, led the Pledge of Allegiance. He held a Moment of Silence for the loss of two of our senior residents, Dwight Hooper and Pauline Wright and for our Armed Forces serving around the world. He also asked that we be thankful that Hurricane Irene was only a Category 1 hurricane.

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

## APPROVAL OF AGENDA

Mayor Denny requested the agenda be amended to include under New Business Item B. Resolution-Designation of Applicant's Agent relating to storm disaster funding assistance. Mayor pro tem Hess moved to approve the agenda as amended. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, and Kowalski voting aye.

## EMPLOYEE SERVICE RECOGNITION

### Police Sgt. Jonathan Slegel-Ten Years

Chief Kole recognized Sgt. Slegel for his sixteen years of total service, ten years with the Town. He stated he has great respect for Sgt. Slegel and so do his peers.

Mayor Denny stated he was on the Council when Officer Slegel came to the Town. After further comments, the Mayor presented Sgt. Slegel with a ten-year plaque, Town pin and a Certificate of Appreciation.

## APPROVAL OF MINUTES-August 16, 2011

Mayor pro tem Hess moved to approve the August 16, 2011 minutes as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, and Kowalski voting aye.

## CONSENT AGENDA

### Resolution 2011-09-01- NC Big Sweep 2011-September 24, 2011- Surfrider Foundation

Mayor pro tem Hess moved to approve Resolution 2011-09-01 NC Big Sweep Day September 24, 2011 as requested by the Surfrider Foundation. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Kowalski voting aye.

[Clerk's Note: A copy of Resolution 2011-09-01-NC Big Sweep 2011 is hereby attached as Exhibit A].

## **STAFF REPORTS**

### **Town Planner**

Wes Haskett, Town Planner, presented the August Building Inspections/Code Enforcement Report.

[Clerk's Note: A copy of the monthly report is hereby submitted as Exhibit B].

### **Police Department**

Chief Kole presented the monthly report. He thanked all his officers for their hard work during Hurricane Irene. He also thanked David Sanders with Southern Shores Realty for providing a house for the officers to stay and he thanked the Town Manager for all he did during the event and for his leadership and professionalism.

### **Southern Shores Volunteer Fire Department –None**

## **REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS**

### **Planning Board-None**

Mayor pro tem Hess expressed concern about the Planning Board's meeting process and the amount of time spent on the development of the draft stormwater ordinance. She requested the Town Manager meet with the Planning Board Chairman to see if the process could move forward more efficiently. The Town Manager stated he would meet with the Planner and Planning Board Chairman.

Sam Williams, Planning Board Chairman, stated a Town Planner has helped the Planning Board with setting up a more efficient process. He stated initially the Planning Board reviewed a stormwater ordinance from another town but decided to not use it. He agreed the process has been a long one. He stated he doesn't feel the time was wasted.

[Clerk's Note: A copy of Planning Board reports for August 1, 2011 and August 15, 2011 are hereby attached as Exhibit C].

### **Southern Shores Civic Association**

Larry Lawhon reported some of the SSCA properties had Hurricane damage and that the wading beach will be closed indefinitely due to the storm. The annual picnic has been moved from October 1 to October 8.

### **Chicahawk Property Owner's Association**

Jim Kranda stated that the CPOA properties had little damage.

## **GENERAL PUBLIC COMMENT**

Ed Cowell, 134 Beech Tree Trail, stated that following Hurricane Isabel in 2003 he had asked Council to consider requesting Dominion Resources to have the overhead power lines placed underground due to the extended loss of power at Beech Tree/Holly Trails. Due to the more recent power outage after Hurricane Irene, he asked that Council write a letter to the Public Utility Commission requesting more reliable service be provided to that area by Dominion Resources.

## **OLD BUSINESS**

### Consideration of FY 2011-2012 Budget Amendment #1 for Approval of Town Welcome Sign Installed

The Town Manager proposed a budget amendment for a Town Welcome sign design for Council's consideration following up on previous discussions on this item. He recommends Council approve the design and the budget amendment as presented.

Following discussion, Mayor pro tem Hess moved to approve the sign's proposed and proposed FY 2011-2012 Budget Amendment #1 for \$8,000. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Kowalski voting aye.

[Clerk's Note: A copy of FY 2011-2012 Budget Amendment #1 is hereby attached as Exhibit D].

## **NEW BUSINESS**

### Approval of Planning Board Chairperson and Vice Chairperson

Wes Haskett, Town Planner stated the Planning Board held an Election of Officers on August 15, 2011. Sam Williams was elected Chairperson and Mike Florez was elected Vice-Chairperson both through June 30, 2012. Mr. Haskett stated in accordance with the Town Code, Town Council must approve Planning Board officers.

Mayor Denny stated that he appreciates all the work Sam William's has done on the Planning Board as a member and the last two years as Chairperson and appreciates all that Mike Florez has done. He then moved to approve Sam Williams as Chairman and Mike Florez as Vice Chairman for terms to expire June 30, 2012. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Kowalski voting aye.

### Resolution Designation of Applicant's Agent

The Town Manager recommended Council approve a resolution designating the Town Manager and the Town Finance Officer to act on the Town's behalf in FEMA reimbursement applications.

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

[Clerk's Note: A copy of the Resolution Designation of Applicant's Agent is hereby attached as Exhibit E].

## **OTHER ITEMS**

### Town Manager

The Town Manager stated he had three matters to report on:

(1) The Phase 2 canal dredging CAMA Major permit application should be submitted to the NC Division of Coastal Management by September 15.

(2) The Town can now apply for a minor CAMA permit for the Chicahauk Trail Road Rebuild Project due to receiving notice that the Division of Water Quality does not consider groundwater flow a point source discharge.

(3) Hurricane Irene report. The Town Manager reported on (1) Staff preparations; (2) EOC activation; (3) emergency road clearing by the SSVFD and the Town's tree contractor; (4) damage assessments;

(5) debris removal along public streets; and (6) communications. He commended all staff, including the Town Planner and the Police chief who manned the EOC with him.

Town Attorney-None

Mayor

Mayor Denny stated the Town has a professional staff and thanked them. He also thanked the SSVFD for removing the trees from the roads and the HAM radio operators.

Council

Council Member Kowalski asked about the no parking signs on the North side of E. Dogwood Trail. The Town Manager stated he would look in to it.

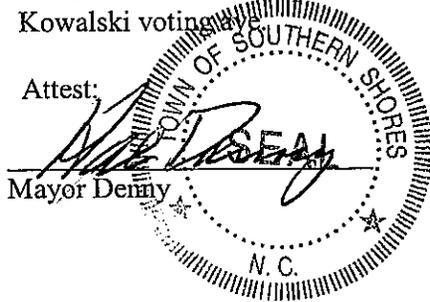
Council Member Kowalski asked if a study should be done regarding the placement of electrical lines underground for Beech Tree/Holly Trails. He suggested doing the project in stages.

Mayor pro tem Hess stated she was impressed with the communications the Town Manager provided during the Hurricane by posting information on Facebook.

Council Member Pfizenmayer stated the storm allowed him to look at the empty canals and to see how well the recent dredging process had occurred.

Hearing no other business, Mayor pro tem Hess moved to adjourn the meeting at 8:30 p.m. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Kowalski voting aye.

Attest:



Mayor Denny

Respectfully submitted:

*Carrie Gordin*  
Carrie Gordin, Town Clerk

**A RESOLUTION OF THE TOWN COUNCIL  
OF SOUTHERN SHORES  
DECLARING SEPTEMBER 24, 2011 AS THE  
TOWN OF SOUTHERN SHORES BIG SWEEP 2011 DAY**

**WHEREAS**, The Town of Southern Shores is rich in natural resources and beauty; and

**WHEREAS**, water is a basic and essential need for all life; and,

**WHEREAS**, trash fouls our waterways as well as our landscapes; and,

**WHEREAS**, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings;

**WHEREAS**, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes;

**WHEREAS**, during its first twenty four years, North Carolina Big Sweep volunteers have retrieved over 9 million pounds of debris from our environment, including tires, white goods and other solid waste;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of The Town of Southern Shores, North Carolina, meeting on September 6, 2011, does hereby declare September 24, 2011 as TOWN OF SOUTHERN SHORES BIG SWEEP DAY in Dare County, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

Adopted this 6<sup>th</sup> day of September 2011.

SEAL

\_\_\_\_\_  
Hal Denny, Mayor

ATTEST:

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Exhibit B

**9-6-11 TC Report  
Town Planner**

**1. Stormwater Management Ordinance**

-At its last meeting, the Town Planning Board reviewed and commented on the revised draft ordinance. The draft ordinance has been revised based on the members' comments and the Planning Board will review and discuss the revised draft ordinance during tomorrow night's Workshop Meeting.

**2. TowneBanke of Currituck Zoning Text Amendment**

-TowneBanke of Currituck has submitted an application to amend the Town Zoning Ordinance regarding banks and building height. The proposed language includes a new definition for a Bank and includes an exception for a single decorative cupola or ornamental watch tower provided that it does not exceed 15 feet above the roofline of the building and does not exceed 12 feet in width on any side or 144 square feet in cross section. The application will be reviewed by the Planning Board at their September 19<sup>th</sup> meeting.

### **3. Wind Generation Facilities Application**

-The first WGF application submitted for review has been delayed on behalf of the applicant. WGF's are permitted only through the issuance of a CUP and the application will most likely be reviewed by the Planning Board at their October 17<sup>th</sup> meeting.

### **4. Mailed 2 Code Enforcement Violation Letters in August**

-1 sign ordinance violation, 1 vehicle right-of-way obstruction.

### **5. Permitting and Inspections for August, 2011**

- 4 zoning permits were issued.

-1 lot disturbance permit was issued.

-19 building permits were issued: 2 new single-family dwellings, 1 demolition, 1 remodel, and 15 others.

-71 Dare County building inspections were conducted (40 job sites). Dare County Fire Marshall did 5 fire inspections of businesses

-Total amount of fees collected in August, 6,554.00

## Exhibit C

**To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)**

**Copies: Town Manager (Peter Rascoe)**

**Town Attorney (Ben Gallop)**

**Town Staff (David Kole, Bonnie Swain, Carrie Gordin, Pat Forrester)**

**Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Elizabeth Morey, Bob Palombo, Jay Russell, Sam Williams and ETJ Rep. Ed Overton)**

**From: Wes Haskett, Town Planner**

**Date: August 3, 2011**

**Re: August 1, 2011 Planning Board Workshop Meeting Recap**

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**RECOMMENDED ACTIONS FOR THE TOWN COUNCIL – None**

### **PLANNING BOARD WORKSHOP August 1, 2011**

Chairperson Sam Williams called the meeting to order at 7:00 pm. Planning Board Members Mike Florez, Jay Russell, Sam Williams, alternate member Larry Lawhon, and Town Planner Wes Haskett were present. Planning Board members Bill Gleason, Bob Palombo, alternate

member Elizabeth Morey, and ETJ Representative Ed Overton were absent with excuse. Alternate member Larry Lawhon served as a voting member due to the absences of Planning Board members Bill Gleason and Bob Palombo.

### **APPROVAL OF AGENDA**

Mike Florez motioned to approve the agenda. Jay Russell seconded the motion. The motion passed unanimously (4-0).

Agenda items for the meeting included:

1. Stormwater Management Ordinance

### **APPROVAL OF MINUTES**

Larry Lawhon motioned to approve the minutes of the July 18, 2011 Workshop Meeting. Chairperson Williams seconded the motion. The motion passed unanimously.

### **PUBLIC COMMENT**

None

### **STORMWATER MANAGEMENT ORDINANCE**

Chairperson Williams began the discussion by noting that at the last Workshop Meeting, the Board reviewed and discussed the draft Stormwater Ordinance page by page (through page seven) and provided suggested revisions. The Board then provided comments and concluded its first review and discussion of the draft ordinance. This draft will be revised by Wes Haskett to reflect all comments received during the Board's review. The Board will review and discuss the revised draft ordinance during the August 15, 2011 Workshop Meeting. Upon completion of the draft stormwater ordinance, it will be compared to existing ordinances to determine if the draft stormwater ordinance is an improvement over existing ordinances for the control of stormwater

### **PUBLIC COMMENT**

None

### **PLANNING BOARD MEMBER COMMENTS**

Jay Russell stated that the stormwater improvements made to the property immediately south of the SSCA South Marina are not entirely effective and presented photos of the improvements.

### **ANNOUNCEMENTS**

Chairperson Williams noted that the TowneBank of Currituck Zoning Text Amendment application is being revised and will not be available for review by the Planning Board until the September 19, 2011 Application Review Meeting. Wes Haskett reported that the first Conditional Use Permit application for a Wind Generation Facility has been submitted to Town Staff. The application for the proposed facility will also be reviewed by the Planning Board at the September 19, 2011 Application Review Meeting.

## **ADJOURNMENT**

Mike Florez motioned to adjourn. Larry Lawhon seconded the motion. The motion passed unanimously and the meeting adjourned at 7:45 p.m.

**To: Southern Shores Town Council (Hal Denny, Jodi Hess, George Kowalski, Jim Pfizenmayer, Kevin Stroud)**

**Copies: Town Manager (Peter Rascoe)**

**Town Attorney (Ben Gallop)**

**Town Staff (David Kole, Bonnie Swain, Carrie Gordin, Pat Forrester)**

**Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Elizabeth Morey, Bob Palombo, Jay Russell, Sam Williams and ETJ Rep. Ed Overton)**

**From: Wes Haskett, Town Planner**

**Date: September 1, 2011**

**Re: August 15, 2011 Planning Board Workshop Meeting Recap**

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**RECOMMENDED ACTIONS FOR THE TOWN COUNCIL** – Approval of Sam Williams as Planning Board Chairperson and Mike Florez as Planning Board Vice-Chairperson.

### **PLANNING BOARD WORKSHOP August 15, 2011**

Chairperson Sam Williams called the meeting to order at 7:00 pm. Planning Board Members Mike Florez, Bill Gleason, Bob Palombo, Jay Russell, Sam Williams, alternate member Elizabeth Morey, ETJ Representative Ed Overton, and Town Planner Wes Haskett were present. Alternate member Larry Lawhon was absent with excuse.

### **APPROVAL OF AGENDA**

Jay Russell motioned to approve the agenda. Mike Florez seconded the motion. The motion passed unanimously (5-0).

Agenda items for the meeting included:

1. Stormwater Management Ordinance
2. Election of Officers

### **APPROVAL OF MINUTES**

Mike Florez motioned to approve the minutes of the August 1, 2011 Workshop Meeting. Bob Palombo seconded the motion. The motion passed unanimously.

## **PUBLIC COMMENT**

None

## **STORMWATER MANAGEMENT ORDINANCE**

Chairperson Williams began the discussion by noting that at the last Workshop Meeting, the Board concluded its review and discussion of the draft Stormwater Ordinance and asked Wes Haskett to revise the draft ordinance to reflect the Board's comments. The Board then reviewed and discussed the revised draft ordinance, which had been distributed prior to the meeting, and provided comments. The draft will be revised by Wes Haskett to reflect all comments received during the Board's review on August 15, 2011 and the Board will review and discuss the revised draft ordinance during the September 7, 2011 Workshop Meeting. Upon completion of the draft stormwater ordinance, it will be compared to existing ordinances to determine if the draft stormwater ordinance is an improvement over existing ordinances for the control of stormwater.

## **ELECTION OF OFFICERS**

Chairperson Williams noted that the election of Planning Board officers should have taken place in June, 2011 and called for nominations for Planning Board Chairperson until June, 2012. Bob Palombo nominated Sam Williams as Planning Chairperson. Jay Russell seconded the nomination. The Planning Board unanimously voted to elect Sam Williams as Chairperson.

Chairperson Williams called for nominations for Planning Board Vice-Chairperson. Bob Palombo nominated Mike Florez for Planning Board Vice-Chairperson. Bill Gleason seconded the nomination. The Planning Board unanimously voted to elect Mike Florez as Vice-Chairperson.

## **PUBLIC COMMENT**

None

## **PLANNING BOARD MEMBER COMMENTS**

Jay Russell stated that John Williams assisted in the Chicahawk Stormwater Study and pointed out that gravel driveways are not totally pervious and are currently considered as lot coverage.

## **ANNOUNCEMENTS**

Chairperson Williams reported that the State submitted its comments on the Southern Shores Land Use Plan to the Town on August 12, 2011. The plan will be revised accordingly and submitted to the Town Council for review.

## **ADJOURNMENT**

Bill Gleason motioned to adjourn. Ed Overton seconded the motion. The motion passed unanimously and the meeting adjourned at 8:35 p.m.

Exhibit D

**Town of Southern Shores  
Budget Amendment Number # 1**

<b>Admin. Increases</b>			<b>Admin. Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<b><u>Revenues</u></b> Undesignated FB	\$8,000.00			
42-50143	<b><u>Expenditures</u></b> Town Sign	\$8,000.00			
		\$0			\$0

Explanation: To pay for new Town Sign on S. Dogwood  
Recommended By:

Approved By:

\_\_\_\_\_  
J. Peter Rascoe, III, Town Manager

\_\_\_\_\_  
Hal Denny, Mayor

\_\_\_\_\_  
Date

RESOLUTION DESIGNATION OF APPLICANT'S AGENT North Carolina Division of Emergency Management	
Designation Name (Organization) <u>Town of Southern Shores</u> Disaster Number: <u>NC 4019 DR</u>	
Applicant's State Government Agency for Single Audit purposes (If Designation Agency is not recipient, please indicate): <u>NORTH CAROLINA DEPARTMENT OF CIVIL CONTROL AND PUBLIC SAFETY</u>	
Applicant's Fiscal Year (FY) Start: <u>2011</u> Month: <u>July</u> Day: <u>1</u> Year: <u>2011</u>	
Applicant's Federal Employer's Identification Number: <u>56-1247392</u>	
Applicant's Federal Information Processing Standard (FIPS) Number: _____	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name: <u>Peter Rascoe</u>	Agent's Name: <u>BONNIE SWAIN</u>
Organization: <u>Town of Southern Shores</u>	Organization: <u>Town of Southern Shores</u>
Official Position: <u>Town Manager</u>	Official Position: <u>FINANCE OFFICER</u>
Mailing Address: <u>5375 North Virginia Dare Trail</u>	Mailing Address: <u>5375 North Virginia Dare Trail</u>
City, State, Zip: <u>Southern Shores, NC 27949</u>	City, State, Zip: <u>Southern Shores, NC 27949</u>
Daytime Telephone: <u>252-261-2394</u>	Daytime Telephone: <u>252-261-2394</u>
Fax Number: <u>252-255-0876</u>	Fax Number: <u>252-255-0876</u>
Pager or Cellular Number: <u>252-210-7524</u>	Pager or Cellular Number: <u>252-210-7524</u>
<p>BE IT RESOLVED BY the governing body of the Organization is public policy duly adopted under the laws of the State of North Carolina) that the above named Primary and Secondary Agents are hereby authorized in connection with the application for Federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief &amp; Emergency Assistance Act. (Public Law 93-288 as amended) in as otherwise applicable. BE IT FURTHER RESOLVED that the above named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the appropriate priorities on the non-award basis. BE IT FURTHER RESOLVED THAT the above named agents are authorized to act severally. PASSED AND APPROVED this <u>6th</u> day of <u>September</u> 2011.</p>	
<p>GOVERNING BODY</p> <p>Name and Title: <u>Ken Williams, Mayor</u></p> <p>Name and Title: <u>The Town Council of</u></p> <p>Name and Title: <u>The Town of Southern Shores</u></p>	<p>CERTIFYING OFFICIAL</p> <p>Name: <u>Cassie Swain</u></p> <p>Official Position: <u>Town Clerk</u></p> <p>Daytime Telephone: <u>252-261-2394</u></p>
<p>CERTIFICATION</p> <p>I, <u>Cassie Swain</u> (Name) duly appointed and <u>Town Clerk</u> (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of the <u>Town of Southern Shores</u> (Organization) on the <u>6th</u> day of <u>September</u> 2011.</p> <p>Date: <u>September 6, 2011</u> Signatures: <u>Cassie Swain</u></p>	