



## **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

October 4, 2011

7:00 p.m. - Pitts Center

Mayor Denny called the meeting to order at 7:00 p.m. in the Pitts Center with the following Council Members present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members Jim Pfizenmayer and Kevin Stroud. Council Member George Kowalski absent. Also present: Town Manager Peter Rascoe, Town Attorney Phillip Hornthal and Town Clerk Carrie Gordin.

Mayor Denny led the Pledge of Allegiance and held a Moment of Silence for Council Member Kowalski's wife, Susan, who is under Hospice care and for our men and women in uniform serving around the world.

### **APPROVAL OF AGENDA**

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

### **APPROVAL OF MINUTES** – September 20, 2011

Mayor Denny moved to approve the September 20, 2011 minutes as presented. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Stroud voting aye.

### **CONSENT AGENDA**

#### **Tax Pickups and Releases**

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

[Clerk's Note: A copy of the Tax Pickups and Releases are hereby attached as Exhibit A].

### **STAFF REPORTS**

#### **Town Planner**

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

He informed Council that the TowneBank of Currituck is considering requesting certain amendments to their recently Council-approved site plan. The Planning Board may review those changes at their October 17<sup>th</sup> meeting.

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

### Police Department

Chief Kole presented the monthly report.

### Southern Shores Volunteer Fire Department

Chief Harvey presented a third quarter report.

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

### Town Planning Board

Sam Williams, Planning Board Chairman, reported the TowneBank of Currituck submitted a zoning text amendment request (ZTA-11-03). The Planning Board reviewed the request at their September 19 meeting and no recommendation is being made to Council due to a tie vote (3-3). He stated the Extraterritorial Jurisdiction representative also voted on this issue since the outcome would affect the Town's ETJ. He stated Council may need to consider amending the Town Code on Planning Board voting procedures to eliminate the possibility of a tie vote in the future. After discussion, Planning Board Chairman said he would provide Council members with a copy of the zoning text amendment the following day.

Mayor Denny stated a public hearing is required for a zoning change. Mayor Denny moved to set the public hearing for the November 1, 2011 Council meeting for the draft zoning text amendment (ZTA-11-03). Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Stroud voting aye.

The Planning Board Chairman stated the planning board has decided to meet only one night a month (third Monday) and additional meetings, as needed, would be held during regular working hours. Also the draft Stormwater Management Ordinance will be presented to Council at the November 1 meeting. The Planning Board is reviewing the submitted comments from the state on the current draft Land Use Plan.

[Clerk's Note: Copies of Planning Board recaps for meetings held on September 19 and 26, 2011 are hereby attached as Exhibit C].

### Southern Shores Civic Association

Ross Mitchell reported the annual picnic (October 8) has been cancelled due to the increase of mosquitoes. The General Membership meeting is on October 10 at 7:00 p.m. The wading beach reconstruction is on-going and should be completed next month. The North marina is being repaired and all the picnic tables lost from the storm have been found. The AT&T tower project is still on hold. A committee has been appointed to work on improvements at the Sea Oats Park.

### Chicahawk Property Owner's Association

Jim Kranda stated the Board has met with the Town engineer on the Chicahawk Trail Road Rebuild Project regarding the necessity of an easement needed by the Town.

## **GENERAL PUBLIC COMMENT**

Sam Williams, 109 Pudding Pan Lane, announced the League of Women Voter's is holding a reception to "Meet the Candidates" on Thursday, October 6 at 7:00 p.m. in the Pitts Center.

**OLD BUSINESS-None**

**NEW BUSINESS**

**Resolution 2011-10-01 Funding Assistance [Revised Due to State Budget]**

The Town Manager stated the Town received a letter from the Division of Water Resources requesting Council amend the previous adopted resolution Council submitted as part of the grant application requesting funding assistance for Phase 2 of the canal maintenance dredging project. He recommends adopting the amended resolution as presented. The change reflects the granting agency's revised percentage cap on grant contribution.

Mayor Denny moved to adopt Resolution 2011-10-01 as presented. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Stroud voting aye.

[Clerk's Note: A copy of Resolution 2011-10-01 Funding Assistance is hereby attached as Exhibit D].

**Award Contract for Town Hall and Pitts Center Roof Repairs**

The Town Manager stated the Town received several bids for roof replacement of Town Hall and the Pitts Center. He stated the Town's property insurance carrier will pay for the Hurricane Irene related damages to the roofs as determined by the insurance carrier's adjuster, less the carrier's applicable policy deductibles. The Town will be requesting from FEMA as eligible recovery costs, the amount of the difference between the contract replacement price and the amount of the received insurance proceeds.

The Town Manager stated that due diligence in vetting the references and qualifications of the bidding companies has been performed. The Town Manager stated Superior Roofing Systems (SRS) is the lowest bidder and has shown to be a qualified bidder. He recommends Council consider awarding the roof replacement contract to SRS for both buildings.

Council Member Pfizenmayer moved to accept the bids from SRS in the amount of \$11,200 for the replacement of the roof for the Town Hall and \$9,300 for the replacement of the roof for the Pitts Center. Mayor Denny seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Stroud voting aye.

**OTHER ITEMS**

**Town Manager**

The Town Manager addressed several issues: (1) the Town engineer is working on the needed easements for the Chicahawk Trail Rebuild Project and work orders for the utility removal schedule for the project has begun; (2) storm debris removal should be completed within the next four days and the Town's chipping program has begun; (3) he has requested the Town Attorney to look into the legalities of requiring canal shoreline stabilization and provide a report to Council on his findings at a later meeting; (4) the FY2010-2011 Audit report will be presented at the November 1 Council meeting; (5) financial quarterly reports will be given at the October 18 Council meeting and (6) obligated recovery costs for the Town's Hurricane Irene recovery may need to be paid before our FEMA reimbursement is received, which will require amendments to the current budget. He will provide documents as needed at the October 18 Council meeting.

**Town Attorney-Requests that Council go into closed session following regular business.**

Mayor-None

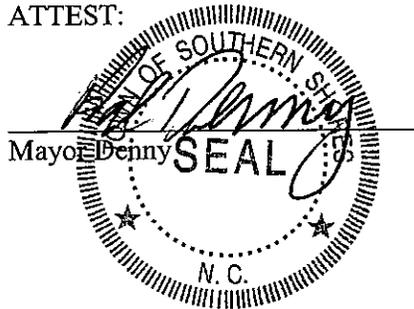
Council

Council Member Pfizenmayer commented that DRC, the debris disposal contractor, is doing a good job.

Hearing no other regular business Mayor Denny moved to go into closed session pursuant to 143-318.11(a) (3) to consult with the Town Attorney in a manner preserving the attorney/client privilege. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer, and Stroud voting aye.

Upon returning to open session and hearing no other regular business Mayor Denny moved to adjourn at 8:45 p.m. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Stroud voting aye.

ATTEST:



Mayor Denny

Respectfully submitted:



Carrie Gordin, Town Clerk

Exhibit A

**TOWN OF  
SOUTHERN  
SHORES  
TAX  
DEPARTMENT**

**10/4/2011**

**PICKUPS**

**RELEASES**

|                |            |
|----------------|------------|
| April Vehicles | \$780.51   |
| May Vehicles   | \$5.94     |
| June Vehicles  | \$49.34    |
| May Real       | \$88.35    |
| July Real      | \$2,267.53 |
| July Vehicles  | \$29.27    |

**TOTAL**

**\$0.00**

**\$3,220.94**

Exhibit B

**10-4-11 TC Report  
Town Planner**

**1. Dare County Comprehensive Transportation Plan**

-I attended the first Dare County Comprehensive Transportation Plan Steering Committee (CTP) meeting on September 27<sup>th</sup> in Manteo. The purpose of the meeting was to discuss the CTP process, establish visions and goals for the CTP, and to establish roads within Dare County to be analyzed. Roads within Southern Shores to be analyzed include NC 12, South Dogwood Trail, and East Dogwood Trail. The next Steering Committee meeting will be held on November 9<sup>th</sup> in Manteo.

**2. TowneBank of Currituck Site Plan Changes**

-Town Staff has recently held discussions with Quible and Associates representatives about possible changes to the recently approved TowneBank of Currituck site plan. The Town Zoning Ordinance currently states that changes to approved site plans are subject to Planning Board review and Town Council approval. Proposed changes may be submitted within the next week and reviewed by the Planning Board at their October 17<sup>th</sup> meeting.

**3. Mailed 1 Code Enforcement Violation Letter in September**

-1 sign ordinance violation.

**4. Permitting and Inspections for September, 2011**

- 4 zoning permits were issued.

-0 lot disturbance permits issued.

-33 building permits were issued: 3 additions, 1 remodel and 29 others (9 of the "other" permits were issued for Hurricane Irene damages where the applicable fees were waived)

-36 Dare County building inspections were conducted (24 job sites).

-Total amount of fees collected in July: \$4,956.00

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:** September 30, 2011

**Re:** September 19, 2011 Planning Board Application Review Meeting Recap

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

**PLANNING BOARD APPLICATION REVIEW SEPTEMBER 19, 2011**

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

**APPROVAL OF AGENDA**

Ed Overton motioned to approve the agenda. Jay Russell seconded the motion. The motion passed unanimously (6-0).

Agenda items for the meeting included:

1. ZTA-11-03: TowneBank of Currituck Zoning Text Amendment Application

**APPROVAL OF MINUTES**

Mike Florez motioned to approve the minutes of the September 7, 2011 Workshop Meeting. Ed Overton seconded the motion. The motion passed unanimously.

**PUBLIC COMMENT**

None

## **ZTA-11-03: TOWNEBANK OF CURRITUCK ZONING TEXT AMENDMENT APPLICATION**

Chairperson Williams introduced the application and called on Wes Haskett to present the Staff Report (attached). Chairperson Williams asked how the currently adopted and recently updated draft Land Use Plans apply to the application. Wes Haskett stated that both Land Use Plans have similar goals and policies with respect to commercial development and that the currently adopted Land Use Plan states that commercial development in Southern Shores should provide goods and services for Town residents.

Chairperson Williams called on the applicant's representative, Andy Deal, to speak on behalf of the application. Andy Deal stated that the original plans called for a cupola similar to Home Depot's cupola so that cars on Highway 158 approaching from the east wouldn't see a long roofline. The applicant would like the proposed cupola to be seen as a Coast Guard watch tower. The current language is almost for barn cupolas and the proposed language was discussed with the Town regarding likely uses and applicability. The application is purely for aesthetics so the roofline will be broken up when viewing it from east to west.

Chairperson Williams stated that "banks" are not currently listed in Section 36-207 (General Commercial District), as a permitted use and would need to be added. In addition, "banks" would also need to be added to Section 36-57 (Definitions).

Chairperson Williams asked why the application just applies to "banks"? Usually a ZTA applies to multiple uses. Andy Deal stated that the current variance process applies to all buildings, including houses, in all zoning districts. In discussions with the Town, the applicant was encouraged to limit the affected uses. A "bank" is a specific type of use, in the commercial zoning district and different from a house.

Chairperson Williams noted that the proposed ZTA increased the height limit above the roofline by 42% and the square footage by a factor of 6. He asked why the dimensions are so large. Andy Deal stated that the scale the applicant was proposing is more of what you are seeing in on the Outer Banks. The dimensions are also an effort to bring the feature into scale with the approved structure.

Chairperson Williams asked if only one cupola would be excluded from the current restriction. Andy Deal stated yes.

Chairperson Williams asked why the applicant is limiting the proposed architectural style to a cupola or watch tower. Why eliminate other architectural styles such as a widow's walk or a steeple/spire? Andy Deal stated that a widow's walk is like a watch tower.

Ed Overton stated that his only concern is that the application is more specific. Usually ZTA's are not so specific.

Elizabeth Morey asked if the proposed language would apply to other banks. Wes Haskett stated that it would.

Jay Russell stated that he feels that approving the application would open Pandora's Box.

Chairperson Williams opened the floor to public comment. There was no public comment.

Jay Russell stated that the building height has been established at 35 feet in this Town. This application opens the door for anyone wanting to increase height limits, through a change to the Zoning Ordinance, later.

Mike Florez stated that he was not uncomfortable with the proposed language and that he doubts other banks in Town would propose such a change.

Elizabeth Morey stated that her only concern is that the Marketplace would not like the view of its businesses to be obstructed.

Ed Overton stated he does not like to see specifics in the Town Code.

Chairperson Williams stated that the proposed language affects "banks" only, not residential and other commercial uses. The recently updated (un-adopted) Land Use Plan indicates that citizens want the Town, including the commercial district, to stay the same. With respect to future development, the Marketplace will be redeveloped one day and he expects the developers would want larger buildings. This proposed language also applies to the commercial properties within the Martin's Point ETJ area. He stated that he cannot support the proposed increase in height.

Bill Gleason stated that the new TowneBank of Currituck building is replacing an eye-sore. It is a nicely done structure that he does not view as degrading. We have approved ZTA's for "churches" and "country clubs", why not "banks"? Chairperson Williams stated that we have approved ZTA's for "churches" and "country clubs" in the R-1 zoning district but doubted that we'll see a request for another "church" or "country club". The new bank design, without the increased height of the cupola, is appealing to me as previously approved.

Chairperson Williams called for a motion to approve or deny ZTA-11-03. Bill Gleason motioned to recommend approval of ZTA-11-03. Mike Florez seconded the motion. Bill Gleason, Mike Florez, and Ed Overton voted aye. Sam Williams, Jay Russell, and Elizabeth Morey opposed the motion. The vote tied 3-3 and results in no Planning Board recommendation on the application to the Town Council.

Bill Gleason asked if the Planning Board would review the application again if the Town Council does not approve the application. Chairperson Williams stated that if the application is not approved by Town Council, the applicant would have to submit a new application.

Chairperson Williams stated that he would report the 3-3 vote to the Town Council at their October 4, 2011 meeting.

### **PUBLIC COMMENT**

None

### **PLANNING BOARD MEMBER COMMENTS**

Chairperson Williams stated that a Workshop Meeting will be held after the Application Review Meeting.

## **ANNOUNCEMENTS**

Chairperson Williams stated that the Stormwater Management Ordinance presentation and public information meeting will be held on October 3, 2011.

## **ADJOURNMENT**

Bill Gleason motioned to adjourn. Mike Florez seconded the motion. The motion passed unanimously and the meeting adjourned at 7:30 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 30, 2011**

**Re: September 19, 2011 Planning Board Workshop Meeting Recap**

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

## **PLANNING BOARD WORKSHOP SEPTEMBER 19, 2011**

Chairperson Sam Williams called the meeting to order at 7:35 p.m. Planning Board Members Mike Florez, Bill Gleason, Jay Russell, Sam Williams, alternate member Elizabeth Morey, alternate member Larry Lawhon, ETJ Representative Ed Overton, and Town Planner Wes Haskett were present. Planning Board member Bob Palombo was absent with excuse. Alternate member Elizabeth Morey served as a voting member due to the absence of Planning Board member Bob Palombo.

## **APPROVAL OF AGENDA**

Ed Overton motioned to approve the agenda. Jay Russell seconded the motion. The motion passed unanimously (6-0).

Agenda items for the meeting included:

1. Discussion of Future Workshop Meetings
2. Stormwater Management Ordinance

## **APPROVAL OF MINUTES**

None

## **PUBLIC COMMENT**

None

## **DISCUSSION OF FUTURE PLANNING BOARD MEETING SCHEDULE**

Chairperson Williams began the discussion by stating that at the last Town Council meeting, Council member Jodi Hess raised a concern about the number of evening hours that the Town Planner was spending supporting the Planning Board per month. Wes Haskett attends three evening meetings a month (one Town Council meeting and two Planning Board meetings). Each of these meetings is about 90 minutes long.

Chairman Williams, Town Manager Rascoe, and Town Planner Haskett met to discuss this issue. At the meeting, the Town Manager said that Mr. Haskett would continue to support the Planning Board but that he could only attend one night meeting a month for the Planning Board. Other Planning Board support must take place during regular daytime working hours.

The Planning Board felt that Mr. Haskett's support has been, and will continue to be, extremely valuable, and that his support at an application review meetings to be critical. After discussing several options, Chairperson Williams proposed the Planning Board hold one evening meeting a month on the third Monday of the month. This meeting may be designated as an application review meeting, a workshop meeting, or an evening for both an application review and a workshop meeting.

Recognizing the potential for some long meetings and the ability for all members to make these meetings, the Board unanimously agreed to this schedule.

The Board also discussed processes for conducting the Board's business. Although time consuming, members felt that the process used to develop and review the draft Stormwater Management Ordinance worked very well. By focusing only on the one topic, the Board was able to review and discuss the technicalities of the draft ordinance while having the opportunity to modify the proposed language. Chairperson Williams reviewed the projects to still be addressed by the Board and their assigned project leaders. He also noted that with only one meeting per month that the Board may have to address more than one topic at a time.

## **STORMWATER MANAGEMENT ORDINANCE PRESENTATION**

Chairperson Williams noted that the Stormwater Management Ordinance presentation had been distributed prior to the meeting and reported that he was trying to keep it short, and focus only on the most critical points. The Board agreed with Chairperson Williams and had no suggested revisions. Chairperson Williams stated that he would use the presentation at the October 3, 2011 Public Information Workshop Meeting. If there are no new issues or major comments at the October 3, 2011 public information workshop, the Board could vote to accept/recommend the draft ordinance to the Town Council that evening.

## **PUBLIC COMMENT**

None

## **PLANNING BOARD MEMBER COMMENTS**

Larry Lawhon stated that his resignation as an alternate Planning Board member will take effect in November due to his upcoming Town Council membership.

## **ANNOUNCEMENTS**

None

## **ADJOURNMENT**

Bill Gleason motioned to adjourn. Ed Overton seconded the motion. The motion passed unanimously and the meeting adjourned at 8:10 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 30, 2011**

**Re: September 26, 2011 Special Planning Board Application Review Meeting Recap**

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**RECOMMENDED ACTIONS FOR THE TOWN COUNCIL – ZTA-11-03 is consistent with the Town's currently adopted Land Use Plan.**

## **SPECIAL PLANNING BOARD APPLICATION REVIEW SEPTEMBER, 26 2011**

Chairperson Sam Williams called the meeting to order at 3:00 pm. Planning Board Members Bill Gleason, Jay Russell, Sam Williams, ETJ Representative Ed Overton, and Town Planner Wes Haskett were present. Planning Board members Mike Florez, Bob Palombo, alternate member Larry Lawhon, and alternate member Elizabeth Morey were absent with excuse.

## **APPROVAL OF AGENDA**

Chairperson Williams suggested removing Approval of Minutes from the agenda. Jay Russell motioned to approve the agenda as amended. Ed Overton seconded the motion. The motion passed unanimously (4-0).

Agenda items for the meeting included:

1. ZTA-11-03: TowneBank of Currituck Zoning Text Amendment Application

## **PUBLIC COMMENT**

None

## **ZTA-11-03: TOWNEBANK OF CURRITUCK ZONING TEXT AMENDMENT APPLICATION**

Chairperson Williams noted that at the last Application Review Meeting, the Board discussed and voted on the application which resulted in a tie vote and no recommendation to the Town Council. With respect to zoning text amendments, the Planning Board is required to vote on the application's consistency with the currently adopted Land Use Plan and Wes Haskett recommended that the application is consistent with the currently adopted Land Use Plan.

Chairperson Williams stated that he feels that the application is consistent with the Town's currently adopted Land Use Plan and motioned to report to the Town Council that the application is consistent with the Town's currently adopted Land Use Plan. Bill Gleason seconded the motion. The motion passed unanimously.

## **PUBLIC COMMENT**

None

## **PLANNING BOARD MEMBER COMMENTS**

None

## **ANNOUNCEMENTS**

Chairperson Williams stated that he would present the Planning Board's findings on ZTA-11-03 to the Town Council at the October 4, 2011 Town Council meeting.

## **ADJOURNMENT**

Bill Gleason motioned to adjourn. Jay Russell seconded the motion. The motion passed unanimously and the meeting adjourned at 3:05 p.m.

**Resolution Requesting Funding Assistance**

WHEREAS, the Town Council of the Town of Southern Shores desires to complete (Phase II) of the “Southern Shores Canal Dredging Project” consisting of maintenance dredging of its public Town-owned canals which serve as tributaries of the Currituck Sound;

NOW, THEREFORE; BE IT RESOLVED THAT:

- 1) The Town Council requests the State of North Carolina to provide financial assistance to the Town of Southern Shores for completion of its Southern Shores Canal Dredging Project in the amount of \$1,000,000 or fifty percent (50%) of the project costs, whichever is the lesser amount (note the Town Council may seek to implement the project over a two-year term and thereby spread the costs accordingly.);
- 2) The Town Council assumes full obligation for payment of the balance of project costs;
- 3) The Town Council will obtain all necessary State and Federal permits;
- 4) The Town Council will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Town Council will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Town Council will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Town Council will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Town Council will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Town Council accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Town Council of the Town of Southern Shores this 4<sup>th</sup> day of October, 2011.

ATTEST:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor

Town of Southern Shores, NC  
Closed Session Minutes  
October 4, 2011

Those in attendance: Mayor Denny, Council Members Hess, Stroud, Pfizenmayer. Council Member Kowalski absent.

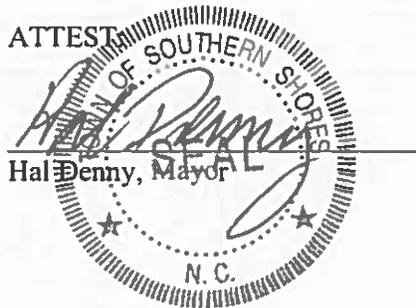
Also present: Town Manager Peter Rascoe, Town Attorney Phillip Hornthal and Town Clerk Carrie Gordin

Mr. Hornthal briefed Council on the Sampson Contracting litigation mediation held on September 28, 2011. He stated following mediation a decision is to be determined but in this case it was not. He stated the mediator is allowing Sampson Contracting some additional time to consider the offer made by the Town at the mediation. He stated he is waiting to hear from the mediator to hear if an impasse has been called.

He explained to Council if the mediation process fails the next step is to file arbitration.

Mayor Denny moved to go out of closed session. Mayor pro tem Hess seconded. The motion passed unanimously.

ATTEST



Hal Denny, Mayor

Respectfully submitted:

  
Carrie Gordin, Town Clerk