



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

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Council Meeting
November 1, 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 George Kowalski. Council Member Kevin Stroud absent. Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny led the Pledge of Allegiance and held a Moment of Silence for our men and women in uniform serving around the world.

APPROVAL OF AGENDA

Mayor Denny requested that the agenda be amended to move item VI. "Staff Reports" to follow item II. Approval of Minutes to allow Chief Kole to present his report first so he may leave to attend another meeting. Mayor pro tem Hess moved to approve the agenda as amended. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Kowalski voting aye.

APPROVAL OF MINUTES -- October 18, 2011

Mayor pro tem Hess stated Council discussed the November Council meeting of this date and she moved to amend the October 18 minutes to read that "following discussion Council recognized since this year's Election Day is November 8th, the regular November meeting is to be held on the first Tuesday, November 1." Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Kowalski voting aye.

CONSENT AGENDA-None

STAFF REPORTS

Police Department

Chief Kole presented monthly report.

Town Planner

[Clerk's Note: A copy of the Planner's Report is hereby attached as Exhibit A].

Southern Shores Volunteer Fire Department

Chief Harvey presented monthly report.

PRESENTATION- FY2010-2011 Audit-Teresa Osborne, CPA- Dowdy & Osborne, LP

Teresa Osborne presented the FY2010-2011 Audit.

At the conclusion of her presentation, Mrs. Osborne stated the audit reflects that the “Town is in excellent financial shape.” Also following the presentation she recommended that Council consider revisiting the fund balance policy and consider changing the required percentage to a specific dollar amount due to the fluctuation in expenses.

Mayor Denny thanked Mrs. Osborne for the report. He stated the Town’s expenses came in under budget and revenues were in excess of estimates and he thanked staff and the Town Manager for their contribution in making the Town an efficient and well run government.

[Clerk’s Note: A file copy of the FY2010-2011 Audit can be found at Town Hall and on the Town’s website].

PUBLIC HEARINGS

Site Plan Amendment- SPA-11-03 requested by TowneBank of Currituck

Mayor Denny asked the Town attorney to conduct the public hearings.

The Town attorney explained the first public hearing is a quasi-judicial procedure wherein those wishing to speak need to be sworn in. He asked if any Council members has a conflict of interest or otherwise feels they cannot make a decision on this issue. Hearing none he asked the Town clerk to swear in those wishing to speak.

The Town clerk swore in Wes Haskett, Town planner, Mike Strader, Quible Engineering, agent applicant and Keith Horton, TowneBank of Currituck representative.

The Town attorney opened the public hearing.

The Town planner provided a brief summary of the site plan changes for SPA-11-03 as well as the conditions and recommendations applicable to the approval of the amended site plan (Staff Report dated October 13, 2011).

The Town attorney asked if Council or the applicant had any questions of the planner’s report there were none.

Keith Horton stated he oversees the bank’s project and he noted the landscaping plan will be reviewed periodically over the process of the bank’s construction.

Mike Strader reviewed the amended site plan changes as addressed in a letter dated October 10, 2011 to the Town planner.

The Town attorney asked for Council comments or further comments from the applicant hearing none he asked for public comment there was none.

The Town attorney stated Council has been provided with a copy of the amended site plan as well as a copy of the October 10th letter he asked the applicant if they would want to include these items as evidentiary Exhibit 1 as part of the presentation, they would. He asked for any further comments hearing none he closed the public hearing.

Mayor Denny asked for Council comments and he stated that he supports the submitted plan.

Mayor pro tem Hess asked if the landscaping plan would need to come before Council with another required hearing. The Town planner stated as addressed in a previous meeting Town staff is preparing a draft amendment to allow staff approval of site plans with some administrative review such as landscaping. This will be addressed at the November Planning Board meeting.

Mayor Denny moved the proposed amended site plan for the TowneBank of Currituck be approved with the conditions and recommendations set forth in the staff report dated October 13, 2011.

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 Staff Report dated October 13, 2011 and a copy of the letter dated October 10, 2011 from Mr. Strader addressing the amended site plan changes are hereby attached as Exhibit B].

Zoning Text Amendment-ZTA- 11-03 requested by TowneBank of Currituck

The Town attorney stated this public hearing is a legislative process and does not require sworn evidence. He asked if there any known conflicts hearing none he opened the public hearing.

The Town planner provided a brief summary of ZTA-11-03: The applicant has submitted the proposed amendments following the approval of a site plan for a new TowneBank of Currituck to be located at 2 Juniper Trail. The applicant is proposing to amend Section 36-57, Definitions of Specific Terms and Words; Section 36-98, Structures Excluded from Height Limitations; and Section 36-207, C General Commercial District. The proposed amendments are an attempt to allow for one decorative cupola or ornamental watch tower for a "bank" to exceed the current 35 foot height limitation. Currently, all cupolas and ornamental watch towers must meet the 35 foot height limitation. Also, Section 36-98 currently allows for the Board of Adjustment to vary the established height limitation of decorative cupolas up to four feet above the roofline provided that they do not exceed five feet in width on any side or 25 square feet in cross section.

The proposed amendments would create a new definition for a "bank" and allow for one decorative cupola or ornamental watch tower for a "bank" to exceed the current 35 foot building height limitation up to fifteen feet above the roofline provided that it does not exceed twelve feet in width on any side or 144 square feet in cross section, is purely decorative in nature, and cannot be used for storage or occupancy. The proposed amendments are consistent with the currently adopted Land Use Plan. The Town Planning Board voted 3-3 on the application which results in no recommendation and voted 6-0 that the proposed amendments are consistent with the Town's currently adopted Land Use Plan.

He stated two motions would be needed: one to approve the ordinance and one to state the ordinance is consistent or inconsistent with the Town's currently adopted Land Use Plan.

The Town attorney asked for questions from Council.

In response to a question from Council Member Kowalski, the Town planner clarified that the use for "banks" currently falls under the code sub-section for "financial institutions. If the requested amendment is approved, "banks" would be a separate permitted use. He stated the described use for "financial institutions" would remain in the Code.

The Town attorney asked for comments from the applicant.

Keith Horton stated TowneBank wants the facility to be viewed as a community asset and that aesthetics are important. The cupola would be a welcome feature especially as viewed from the road and as an entry point into the community. He stated the tax base for the bank will be higher with the cupola.

Christopher Michael, HBA architect, provided Council with renderings of the bank showing the bank with a cupola, without the cupola and with the larger cupola as proposed in the draft ordinance. He stated due to the size of the bank structure the design with the larger cupola would also allow for more natural light.

The Town attorney asked for any further comments from Council or the applicant there were none. He asked for any public comment and hearing none he closed the public hearing.

He stated if the amendment is approved it would apply to any bank in the commercial district. He stated, if approved, the change would have to be approved by Council unless the zoning ordinance is amended to allow for administrative site plan and review and approval as the Town planner discussed at the last Council meeting.

Mayor Denny asked if there is an architectural design that would allow the cupola to be smaller and still meet the roof line design. Mr. Michaels stated he does have an option that could scale the cupola down and still keep the design.

Mayor pro tem Hess stated her concern is the height issue, and in the past that has been an emotional issue with Town residents. She suggested that the whole commercial district be looked at to see what changes would be warranted, including the 35' height requirement.

Council Member Kowalski stated that there have been several instances in the town where applicants have requested changes for their structures which were approved, such as the country club, the fire station, and the church. He supports the request and thinks the bank will be an asset.

Council Member Pfizenmayer stated he feels the existing height ordinance should be enforced and not change just because it looks nice. If the height restrictions need to be changed then change it for everyone.

Mayor Denny stated he supports the bank and that it will enhance the look of the town. He suggested that perhaps the Planning Board could look at the entire commercial district at a later time.

Mayor Denny moved that Council find ZTA-11-03 is consistent with the Town's Land Use Plan. Council Member Pfizenmayer seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Kowalski voting aye.

Mayor Denny moved that ZTA-11-03 be approved as presented. Council Member Kowalski seconded. Council Members Hess and Pfizenmayer voted no. Mayor ~~pro tem~~^{SS} Denny and Council Member Kowalski voted yes. The motion failed on a 2-2 tie vote.

The Town attorney stated a 2-2 tie vote with a Council member absent and not voting, would require a second reading.

Following discussion Council agreed to set a special meeting on November 29, 7:00 p.m. for a second reading of ZTA-11-03.

[Clerk's Note: A copy of ZTA-11-03 is hereby attached as Exhibit C].

REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS

Town Planning Board

Sam Williams, chairman, reported the Planning Board adopted a recommended draft stormwater ordinance at their October 3 meeting. He requested he be allowed to make a presentation of the recommended draft at an upcoming Council meeting. The Planning Board also is still reviewing the State's comments on the Town's draft Land Use Plan and will present to Council at a future date.

Council Member Kowalski asked if the Planning Board was going to discuss changing its voting procedures due to a recent tie vote resulting in no recommendation on a quasi judicial land use matter. Chairman Williams stated the Board will continue to discuss this.

The Town Manager stated that the Town planner, the Town attorney and he would like to review and submit comments and a recommendation to Council on the Planning Board's recommended draft stormwater ordinance before a public hearing is set by the Council.

Following discussion it was agreed that the Planning Board chairman provide a presentation of the draft recommended at the December 6 Council meeting.

[Clerk's Note: Copies of Planning Board reports for October 3, 2011 and October 17, 2011 are hereby attached as Exhibit D].

Southern Shores Civic Association

Ross Mitchell reported renovations to the Association's wading beach and sunset platform are almost complete.

Chicahauk Property Owner's Association-None

GENERAL PUBLIC COMMENT-None

OLD BUSINESS-None

NEW BUSINESS-None

OTHER ITEMS

Town Manager

The Town Manager provided Council with the County's estimation of distribution of tax funds for FY2012 and stated Southern Shores should expect to receive approximately \$80,000 less in revenues.

The November 15 meeting will provide a report on the present state of the canals by Tom Bennett followed by possible shoreline protection measures presented by the Town attorney. The Town has received the SSVFD audit and copies have been presented to Council.

The February Council workshop will include a financial update and discussion on the fund balance policy.

The Town's Welcome sign should be installed by Friday or Monday.

Town Attorney-None

Mayor-None

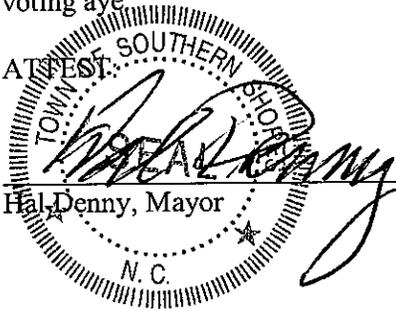
Council

Council Member Kowalski commented that Public Works has done a great job on the cemetery

Council Member Pfizenmayer agreed.

Hearing no other business Mayor Denny moved to adjourn the meeting at 8:55 p.m. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Pfizenmayer and Kowalski voting aye

ATTEST
TOWN OF SOUTHERN SHORES
N. C.
Hal Denny, Mayor



Respectfully submitted:


Carrie Gordin, Town Clerk

Exhibit A

**11-1-11 TC Report
Town Planner
Month of October**

1. Wind Generation Facility Application

-Town Staff has received additional materials for the proposed Wind Generation Facility located off of Ocean Blvd. The Conditional Use Permit application for the WFG will be reviewed by the Planning Board at the November 21st Planning Board meeting.

2. Mailed 3 Code Enforcement Violation Letters in October

-2 high weeds and grass violations and 1 open storage of building materials and rubbish violation.

3. Permitting and Inspections for October, 2011

-1 Zoning Permit was issued.

-23 building permits were issued: 0 new single-family dwelling, 1 addition, and 18 others (7 of these were Hurricane Irene damages with no fees).

-46 Dare County building inspections were conducted (32 job sites).

-Total amount of fees collected in October: \$2,538.40

Exhibit B

STAFF REPORT

To: Southern Shores Planning Board
Date: October 13, 2011
Case: SPA-11-03
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: TowneBank of Currituck
600 22nd St., Suite 500
Virginia Beach, V.A. 23451
(757) 473-2514

Representative: Micheal W. Strader, Jr., P.E.
Quible & Associates P.C.
P.O. Drawer 870
Kitty Hawk, NC 27949
(252) 261-3300

Requested Action: Approval of revisions to the approved TowneBank of Currituck site plan.

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.
Transportation: The subject property has frontage on Highway 158 and Juniper Trail.
Physical Characteristics: Vacant/Undeveloped

ANALYSIS

The applicant seeks approval of revisions to the recently approved site plan for a TowneBank of Currituck. The Town Zoning Ordinance states if, following Town Council's conditional or final approval, the owner or developer desires to make a change in any of the factors listed in Section 36-299, (b), (2), a, b, c, d, or e, the change must be reviewed by the Planning Board and approved by the Town Council.

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.

Quible

Quible & Associates, P.C.

ENVIRONMENTAL SCIENCE • PLANNING • SURVEYING
SINCE 1959

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www.quible.com

October 10, 2011

Mr. Wes Haskett
Town Planner
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949

Re: Amended Site Plan Application
TowneBank of Currituck, Southern Shores Banking Center
Southern Shores, North Carolina

Dear Mr. Haskett:

Please acknowledge that the Amended Site Plan being submitted is a result of revisions that have taken place during architectural, structural, plumbing and electrical design. Since the revisions require a resubmittal for staff review, Planning Board and Town Council approvals per the Town Zoning Ordinance Section 36-289, (b), 8, the amended site plan was further improved to provide a better traffic circulation pattern.

Please acknowledge that the following is a summary of changes that have been made since the previously approved, permitted site plan:

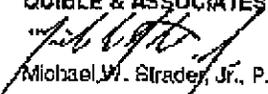
- The total new building square footage is now 9,804 sf (1st floor 5,864; 2nd floor 3,740). The previous site plan proposed 9,070 sf.
- Three additional parking spaces have been added to accompany the additional building square footage.
- The 12 ft wide drive aisle located to the east of the proposed building has been increased to 15 ft width to better accompany large vehicles.
- The drive-through lanes have been increased to 10 ft in width accordingly.
- The shared entrance onto Juniper Trail has been relocated to better align with the entrance to the existing ECB.
- A new fire hydrant, FDC, and RPZ enclosure have been added to the site plan between and across from parking spaces 4 and 5 to meet NCDENR PWSS approval. We will be applying for an amendment to the previously issued PWSS final approval and authorization to construction.
- The sanitary sewer septic and pump tanks have been relocated to the vegetated island between parking spaces 28 and 29 per requirement by the Dare County Health Department that the tanks be located at least 50 ft from the constructed wetlands. A Dare County Health Department Improvement permit may now be

requested by the Contractor.

- A vegetated island has been shown between parking spaces 4 and 5 to accommodate the new above ground RPZ.
- The existing transformer, cable and telephone pedestals have been, or are being, relocated. The existing conditions plan has been updated to reflect actual conditions. The site plan has been revised to include new parking spaces in the vicinity of parking spaces 17, 18, and 19.
- A new ADA approved ramp has been added in front of the proposed building located to the east of the entry.
- The radius to the west of parking space 54 has been increased to 25 ft to better accommodate traffic circulation.
- Two new entrances have been to the rear of the new building to accommodate access to the new ATM building.
- The proposed monument sign has been relocated to the new vegetated island between parking spaces 21 and 22.
- The new finished floor elevation of the building has been reduced to 11.5 ft. This allows for the desired aesthetics.
- The proposed retaining wall has been extended to accommodate the revisions to the site grading.
- The proposed drainage structures have been added and relocated to accommodate the revisions to the entrance. These structures allow for capture of the new parking lot runoff within the new constructed wetlands.
- The constructed wetlands have been slightly expanded to the north to accommodate grading and drainage revisions. An application will be submitted to NCDENR DWQ for amendment to the previous stormwater management approval.
- The asphalt cross section detail on sheet 6 has been updated to reflect the recommendations set forth in the geotechnical report.

Please do not hesitate to contact me at 261-3300 should you have any questions, or require any additional information. Thank you for your consideration.

Sincerely,
QUIBLE & ASSOCIATES, P.C.


Michael W. Strader, Jr., P.E.

cc: J. Morgan Davis, *Towne Financial Services Group*
John White, *Star White Realty & Construction, Inc.*

Exhibit C

Amend Section 36-98. Structures excluded from height limitations as follows:

Sec. 36-98. Structures excluded from height limitations.

Except for Banks in the General Commercial District, the board of adjustment may vary the height limits of these regulations up to four feet above the roofline of the building, for the following structures, providing such variances shall be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

Amend Section 36-57. Definitions of specific terms and words to add the following definition:

Bank means A building, property or activity, the principal use or purpose of which is the provision of financial services including, at a minimum, the operation of indoor and outdoor teller windows for the intake and disbursement of funds, including cash, to and from customer financial accounts, including individual checking, savings, or credit accounts.

Amend Section 36-207. C general commercial district as follows:

Sec. 36-207. C general commercial district.

(h) *Permitted uses.* The following uses shall be permitted by right:

(3) Service establishments, including such uses as:

- a. Banks
- b. Barbershops and beauty shops.
- c. Business service--copying, photocopying and computer services.
- d. Churches.
- e. Dry cleaning and laundry pickup stations.
- f. Funeral homes.
- g. Indoor motion picture theaters.
- h. Pharmacy.
- i. Radio and television broadcasting studios (excluding transmitter sites).
- j. Shoe repair.

(d) Dimensional Requirements

6. Height:

HEIGHT, TOP PLATE:	26 feet
HEIGHT, MAXIMUM:	35 feet

- a. For uses other than a bank:
 - 1. Height, top plate, shall be 26 feet
 - 2. Height, maximum, shall be 35 feet
- b. For bank use:
 - 1. Height, top plate, shall be 26 feet
 - 2. Height, maximum, shall be 35 feet with the exception of a single decorative cupola or ornamental watch tower that extends up to fifteen feet above the roofline of the building, provided that it does not exceed twelve feet in width on any side or 144 square feet in cross section, is purely decorative in nature, and cannot be used for storage or occupancy.

Exhibit D

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: October 26, 2011

Re: October 3, 2011 Planning Board Workshop Meeting Recap

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL – None

PLANNING BOARD WORKSHOP OCTOBER 3, 2011

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

APPROVAL OF AGENDA

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

Agenda items for the meeting included:

1. Stormwater Management Ordinance Presentation

APPROVAL OF MINUTES

Mike Florez motioned to approve the minutes from the September 19, 2011 Application Review Meeting. Jay Russell seconded the motion. The motion passed unanimously.

Mike Florez motioned to approve the minutes from the September 19, 2011 Workshop Meeting. Jay Russell seconded the motion. The motion passed unanimously.

Jay Russell motioned to approve the minutes from the September 26, 2011 Special Application Review Meeting. Chairperson Williams seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None

STORMWATER MANAGEMENT ORDINANCE PRESENTATION

Chairperson Williams presented a brief PowerPoint presentation on the draft stormwater management ordinance and called for public comment or questions. Town Council member Jodi Hess, Willo Kelly, and Rob Will were present and provided comments and questions related to the proposed draft ordinance. The Board will review and discuss the comments and questions at the October 17, 2011 Workshop Meeting.

PUBLIC COMMENT

None

PLANNING BOARD MEMBER COMMENTS

None

ANNOUNCEMENTS

None

ADJOURNMENT

Bob Palombo motioned to adjourn. Mike Florez seconded the motion. The motion passed unanimously and the meeting adjourned at 7:55 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: October 26, 2011

Re: October 17, 2011 Planning Board Application Review Meeting Recap

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL – Approval of SPA 11-03 and the draft Stormwater Management Ordinance.

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, Bob Palombo, Jay Russell, Sam Williams, alternate member Larry Lawhon, ETJ Representative Ed Overton, and Town Planner Wes Haskett were present. Alternate member Elizabeth Morey was absent with excuse.

APPROVAL OF AGENDA

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

Agenda items for the meeting included:

1. SPA-11-03: Proposed TowneBank of Currituck Site Plan Revisions
2. Draft Stormwater Management Ordinance

APPROVAL OF MINUTES

Bob Palombo motioned to approve the minutes of the October 3, 2011 Workshop Meeting. Jay Russell seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None

PROPOSED TOWNEBANK OF CURRITUCK SITE PLAN REVISIONS

Chairperson Williams introduced the application and called on Wes Haskett to present the Staff Report (attached).

Chairperson Williams called on the applicant's representative, Michael Strader, to speak on behalf of the application. Michael Strader stated that the Board should have received the application and related materials in their packets which includes a cover letter that lists all of the proposed changes.

Michael Strader stated that the changes are the result of architectural design, plumbing, and electrical changes. Changes include: providing more efficient traffic circulation; an increase in the building's total square footage; three additional parking spaces; the drive-thru access has been increased to 15 feet in width to accommodate larger vehicles; the drive-thru lanes have been increased to 10 feet in width; the shared entrance onto Juniper Trail has been relocated to better align with the entrance to East Carolina Bank; a new fire hydrant, FDC, and RPZ enclosure; the sanitary sewer septic and pump tanks have been relocated per Dare County requirements; a new vegetated island between parking spaces 4 and 5; relocation of the existing transformer, cable, and telephone pedestals; a new ADA approved ramp on the front of the building; increased radius at parking space 54; 2 new rear entrances to the building; the finished floor elevation has been reduced from 12 to 11.5 feet; extension of the proposed retaining wall; drainage structures have been added and relocated; expansion of the constructed wetlands; and an update to the asphalt cross section detail on sheet 6.

Chairperson Williams asked where the building square footage was increased. Keith Horton, TowneBank of Currituck, stated that we are making sure that the floors and ceiling align. On the second floor, there is an open atrium which has been enclosed instead of having an open stairwell.

Chairperson Williams asked what RPZ means.

Michael Strader stated Reduced Pressure Zone assembly which is for backflow.

Chairperson Williams stated that the landscape plan shows that the Shore Junipers to be planted are 12 inches in height and asked if that was the mature height.

Michael Strader stated yes.

Chairperson Williams stated that, according to the landscape plan, the Japanese Black Pines to be planted are 3 to 4 feet in height and asked if that was their mature height.

Michael Strader stated that 3 to 4 feet is the suggested planting height.

Mike Florez stated that Japanese Black Pines typically do not grow very tall if left untrimmed.

Chairperson Williams stated that the monument sign shown in the plan does not include a proposed height and asked what the proposed height will be.

Keith Horton stated that after the building is constructed, the bank wants everything to be in proportion and a sign contractor will be hired who will abide by all local signage requirements.

Chairperson Williams noted that consideration may need to be given to the landscaping around the monument sign so that the view of it is not obstructed.

Keith Horton stated that after the building is built, the bank will revisit the landscape plan and would like to replace and improve the sidewalk area.

Chairperson Williams noted that with respect to the sidewalk, visibility is important and the pines may cover it.

Chairperson Williams asked how the building height has been affected.

Michael Strader stated that the grade has been reduced from 12 to 11.5 feet.

Wes Haskett stated that condition 3 in the staff report requires compliance with building height requirements.

Chairperson Williams asked how the constructed wetlands were expanded.

Michael Strader stated that the northern edge was modified by moving it north.
Chairperson Williams motioned to recommend approval of the proposed revisions to the approved TowneBank of Currituck site plan with the conditions presented in the Town Planner's staff report.
Larry Lawhon seconded the motion. The motion passed unanimously (6-0 excluding ETJ Representative Ed Overton).

Wes Haskett stated that the recommendation would be reported to the Town Council at their October 18, 2011 meeting.

Chairperson Williams adjourned the meeting for a five minute recess at 7:23.

Chairperson Williams called the meeting back to order at 7:28.

DRAFT STORMWATER MANAGEMENT ORDINANCE

Chairperson Williams started the discussion by noting that at the last meeting, Willo Kelly raised questions about the draft Stormwater Management Ordinance that should be forwarded to the Town Council. The Board reviewed and discussed the questions and responses which resulted in one revision to the draft ordinance. Question #5 asked why a swale or other stormwater management device cannot be located inside a setback [Part IV, Section 36-478, (d)]. The Board agreed to remove the language which required setback compliance to stormwater impingement restrictions in the draft ordinance. In addition, the Board removed the term "buffers" from the same section.

Following discussion of the questions and responses, Chairperson Williams called for a motion to recommend approval of the draft Stormwater Management Ordinance as amended to the Town Council. Mike Florez motioned to recommend approval of the draft Stormwater Management Ordinance as amended to the Town Council. Bill Gleason seconded the motion. The motion passed unanimously (7-0 including ETJ Representative Ed Overton).

Chairperson Williams stated that he felt that the draft Stormwater Management Ordinance was consistent with the Town's currently adopted Land Use Plan and called for a motion. Bill Gleason motioned that the draft Stormwater Management Ordinance is consistent with the Town's currently adopted Land Use Plan. Larry Lawhon seconded the motion. The motion passed unanimously (7-0 including ETJ Representative Ed Overton).

PUBLIC COMMENT

None

PLANNING BOARD MEMBER COMMENTS

Chairperson Williams stated that at the next meeting, the Board will discuss the need for a Zoning Text Amendment with respect to Board members and voting since there was recently a tied vote. The amendment could include language that allows the Chairperson or Vice Chairperson to vote only in the event of a tie vote among the other Board members. Also at the next meeting, the Board will discuss which project(s) to address next. Chairperson Williams noted that the 2011 local election will be held on November 8, 2011 and as a result of Larry Lawhon becoming a Town Council member, a vacant alternate Planning Board position needs to be filled. Anyone interested in filling the vacant position should fill out and submit the required application. Chairperson Williams, and the rest of the Planning Board, thanked Larry Lawhon for his project leadership, hard work, and time spent in support of the Planning Board.

ANNOUNCEMENTS

Chairperson Williams noted that the next meeting will be held on November 21, 2011.

ADJOURNMENT

Bill Gleason motioned to adjourn. Jay Russell seconded the motion. The motion passed unanimously and the meeting adjourned at 8:30 p.m.