



Town of Southern Shores

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Town of Southern Shores
Council Meeting
April 4, 2006
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on April 4, 2006, at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Council Members Jodi Hess, Dan Shields, David Sanders, and Brian McDonald.

Also present were: Carl Classen, Town manager; Carrie Gordin, Town clerk; and Tom White, acting Town attorney.

Mayor Smith stated that Ike McRee is unable to attend the meeting tonight due to his wife having a medical emergency.

OPENING

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for Sharon McRee and for the troops that are protecting us.

APPROVAL OF AGENDA

Council Member Sanders requested the agenda be amended to allow Council to discuss the trash can roll back issue under Old Business item C. Mayor pro tem Shields stated that Council had decided to continue the program as is until next season, at which time Council would review and make changes as needed. Council Member Sanders stated that he would prefer to hold discuss tonight because he would like to make a proposal. Mayor pro tem Shields moved to amend the agenda as requested. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Hess, Shields, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

APPROVAL OF MINUTES

Mayor Smith presented the minutes from the following Council meetings: February 8, 2006, February 28, 2006 and March 7, 2006. Council Member Hess requested the misspelled word agenda be corrected as noted in the February 8, 2006 set of minutes. Mayor pro tem Shields moved to approve all the minutes as presented and with the correction as noted. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

PUBLIC COMMENT

Chris Payne, 27 Fairway Drive, and Ron Akers, 50 Fairway Drive, representing the Interfaith Community Outreach (IOC) program, which provides emergency "gap" services and assistance to local families. They gave a brief presentation regarding the ways the IOC assists those in need and requested a \$5,000 donation.

Jim Evans, representing The Cove multi-family subdivision, explained to Council the need for a request for an additional extension on the Cove multi-family subdivision building permit as referenced in a letter dated March 29, 2006 to Council. He stated the needed CAMA permits can not be reviewed by CAMA until June. Mr. Evans also stated that there are no plans to have a marina or boat slips on site.

David Hoare, 7000 Currituck Road, Martin's Point, requested Council consider amending the sign zoning ordinance regarding real estate "open house" signs. He stated that the ordinance is too restrictive to allow for proper advertising in the real estate market. He stated that the Town relies on the real estate market revenues and with the sinking market, higher interest rates, the limitation of signs only hampers the ability to sell property.

Diane Hoare, 7000 Currituck Road, Martin's Point, stated that she supports the previous comments and that the real estate market is now a buyer's market and the real estate industry needs banners and signs to bring in the sales. She stated that she is not promoting a proliferation of signs and that "open house" signs are typically held on the weekend such signs are a temporary use. She requested Council consider finding a way to promote the sale of real estate.

Sally Markham, 219 Hillcrest Drive, addressed Council on changing the ordinance regarding real estate "open house" signs. She stated that unlike political campaign signs "open house" signs are temporary and now is the time to have "open house" signs. She requested that Council amend tonight's agenda to discuss this issue like they did to hear the trash can issue.

Cooper Hawk, 5222 Popular Court, Kitty Hawk, spoke on behalf of Marion McDonald, stated that not being allowed to advertise and having signs confiscated and the threat of fines is not conducive to business. He stated that "yard sale" signs are allowed as a temporary sign and that "open house" signs should be considered the same. He stated that it was said that "yard sale" signs are an American tradition and he thinks so is selling real estate.

Hearing no further public comments, Mayor Smith closed the public comment section and continued with the meeting.

REPORTS

Planning Board

Jim Groff, Chairman of the Planning Board, presented the March 20, 2006, report that was discussed with Council at the March 28, 2006 meeting. He stated that the outcome of the Public Hearing to be held tonight regarding the proposed zoning map amendment of the All Saint's church property from RS-1 to R-1 will impact the ordinance for dimensional requirements on the church expansion site plan.

Chairman Groff explained that upon review of Ordinance 2006-02-01-Non-Commercial Charity Event Signs set for public hearing tonight there needs to be a change on page 4, item 4, to read: *no one side shall have a length height greater than ten (10) feet.*

[Clerk's Note: A copy of the March 20, 2006, Planning Board Report is attached hereto as Exhibit A and made part of these minutes].

Mayor pro tem Shields moved to appoint George Kowalski and Georgine Poisal as members to the Hazard Mitigation Committee. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Mid-Currituck Sound Bridge

No report given.

Southern Shores Volunteer Fire Department

Fire Chief Harvey presented the monthly report. He reminded everyone that there is a ban on brush burning.

Police Department

Police Chief Pledger presented monthly report.

Code Enforcement Department

Mike Hejduk, Code Enforcement Administrator, presented monthly building inspections report. He announced that the SSVFD would no longer be issuing burn permits that the office of the Code Enforcement would issue the permits. At this time no permits are being issued, while new procedures are being developed.

Public Works Department

Glenn Alexander, Public Works Supervisor, presented an overview of the monthly Public Works report.

PUBLIC HEARINGS

Ordinance 2006-02-01-Non-Commercial Charity Event Signs

Upon Chairman Groff's previous comment regarding a change to Ordinance 2006-02-01-Non-Commercial Charity Event Signs Tom White stated that a proposed change in wording would require another public hearing since it does not appear that the wording clarifies the intent. He provided suggestions for Council's consideration due to this change.

Following discussion, Mayor pro tem Shields moved to cancel tonight's public hearing and return Ordinance 2006-02-01-Non-Commercial Charity Event Signs to the Planning Board for wording clarification and a new public hearing would be set. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Ordinance 2006-02-02- Zoning Map Amendment

Mayor Smith opened the public hearing.

Tom Secules, 116 Dogwood Trail, addressed Council in support of the proposed zoning map change. He stated that All Saint's church is growing and approval of this map change would be a great benefit not only to Southern Shores but for the whole community.

Christen Buchert, 151 Holly Trail, stated that she request Council support this map change to allow for the expansion of the church to meet the needs of the community. She stated there have been several meetings held on this issue and it needs to move forward. She stated that this issue is important enough for her to be here and to miss her daughter's birthday party.

Tess Judge, 4016 Ivy Lane, Kitty Hawk, stated that Christien has summed up the importance of this issue. She stated that the church is an at large facility used by the community and she requested that Council consider this issue favorably.

Bob Edwards, 2437 South Memorial, Nags Head, requested that Council consider favorably to the Planning Board's recommendation. He stated that All Saint's is currently the only church in Southern Shores and it is used by many different organizations. He stated that the need for expansion to the church would require a change to the Town's Zoning Ordinance and a "church" is compatible in the R-1 zoning district and the surrounding properties are in the R-1 zoning district.

Hal Denny, 52 Ocean Blvd., stated that he has watched this community develop for many years. He stated that All Saint's church is a value to the community and an asset to Southern Shores and to the entire Dare County. He stated that prior Council, Planning Boards and Town Managers, have worked cooperatively with All Saints church. He urged Council to view this with an open mind and hope, and jointly enact this change to help the growth of the community.

Ed Cowell, 134 Beech Tree Trail, stated that he supports the map amendment and that All Saint's provides a place for many organizations to meet. He urged Council to support the amendment.

Helen van Laer, 39 Eagles Nest Lane, stated that she supports what all the other speakers have said and that it would be good for the church and the church would be good for Southern Shores.

Tom O'Brien, 128 Chip Court, Duck, stated that as Senior Warden at All Saint's church he strongly supports the amendment. He stated that many outreach activities are held at the church, there is always a family atmosphere and approval of this amendment will allow other entities to use the church.

John Gualtieri, 140 Gray Squirrel Lane, stated that the church is a wonderful giving place and the amendment should be approved. He stated that this is not "spot" zoning since the other properties are contiguous to the church property are in the R-1 zoning district.

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

Mr. Classen stated that Mr. McRee was prepared to discuss this issue with Council regarding what impact approval of this amendment would have on the proposed church expansion but since he is not here Council can approve the amendment, not approve the amendment, or not make a decision at this time and discuss further with Mr. McRee before making a decision.

Council Member Sanders explained, according to the Town attorney, that if the church property is rezoned R-1 the church would be allowed to build to the same zoning requirements as Duck Woods Country Club and Kitty Hawk Elementary School.

Mayor Smith stated that when the property was purchased by the church they were aware of the zoning district and requirements. He stated his concern is that to allow a height change for one church what prevents another church to ask for a height change.

Mr. White explained that as a conditional use certain criteria needs to be met following the Town's Land Use Plan and zoning requirements before Council could approve.

Council Member Hess moved to approve Ordinance 2006-02-02- Zoning Map Amendment as presented. Council Member Sanders seconded. The motion was denied with Mayor Smith, Mayor pro tem Shields, and Council Member McDonald voting no; Council Member Hess and Sanders voting aye; and no Council Member absent or not voting.

Bob Edwards addressed Council following the vote by saying that the church has appeared before the Planning Board and Council on this issue on several occasions. He stated that the Planning Board has recommended approval of the zoning district change and that the church expansion needs to move ahead on the design phase to be presented to the Planning Board. Mr. Edwards stated that if the zoning district remains RS-1 then a change in the zoning ordinance would be needed and if the zoning district is changed to R-1 then the church shouldn't be entitled to anything less than was approved for the Duck Woods Country Club in the same zoning district. He stated amending the zoning district makes more sense.

Mayor Smith entered the emails received regarding this issue into the record.

Hearing no objection, Mayor Smith called a short recess. Upon returning to the meeting Mayor Smith continued with the agenda.

OLD BUSINESS

Long Range Plan

Mr. Classen stated that upon Council's review of the plan Mayor Smith requested that a portion of the Long Range Plan be revised before Council would accept the plan. Upon discussion with Joe Walter, chairman of the Long Range Plan committee, a correction is presented to Council for acceptance.

Corrected excerpt for the 2006 Long Range Plan:
Page 19 -Objective 5.19

For the year ended June 30, 2005 the Town Audit showed no long term debt and a cash balance in all funds of \$3,174,782, of which \$674,037 was contractually/statutorily obligated to pensions, payables, and grant awards. The remaining \$2.5 million was available for transfer to emergencies or other projects the Council desired. However, the Council had already designated \$362,000 of that balance for the FY2005-06 budget and a future fire truck. When this Report was written in early November 2005, the Town had an October 31 cash balance of \$2,635,049 and contractual/statutory liabilities of \$387,031. It is important that funds be maintained at this level for emergencies such as hurricanes. Southern Shores is a wonderful place to live; it continues to be well governed, well managed and financially sound.

Mayor pro tem Shields moved to accept the Long Range Plan as amended and thanked the committee for doing a good job. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Code of Ethics

Mr. Classen presented the revised Code of Ethics Policy for elected officials and appointed board members that clarifies that contracts allowable by law are not in violation of the Code of Ethics Policy and that nominally priced meals are not inconsistent with Town policymaking bodies and private business conduct is not covered as long as it does not appear to affect Town policymaking.

Council Member Hess moved to approve the revised Code of Ethics Policy. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of the Town's Code of Ethics is attached hereto as Exhibit B and made part of these minutes].

Trash Can Roll Back

Council Member Sanders stated that a citizen requested Council to discuss once again, the trash can roll back policy and he feels that the current policy punishes out-of-state home owners. He stated that fines have been levied and some have paid and some have not and we have not followed up on collection of fines. This is not fair or equitable and has put a large burden on staff. He recommends keeping the ordinance but removing the citation requiring fines or to remove that part of the ordinance entirely; requiring cans to be pulled back.

Mayor Smith supports Council Member Sanders and suggests that neighbors help neighbors and pull cans back.

Council Member Hess stated that it is the property owner's responsibility for their property and if they have a rental management company they should be responsible to have the cans pulled back. She stated that the Town should continue with the current program until the end of the season like Council agreed to. She stated that the placement of additional cans at the Public Works site should help.

Mike Stone, 8 Sandfiddler, stated that the additional cans at the Public Works site has not helped that they are always full and it is still the winter season.

Council Member Sanders moved to remove the portion of the ordinance that requires trash/recycle cans to be pulled back. Mayor Smith seconded.

Council Member Sanders amended his motion to direct staff to draft an ordinance to remove that portion of the ordinance that requires that a penalty be issued if trash/recycle cans are left out but leave that portion that states the trash/recycle cans are to be rolled back and submit the ordinance to Council at the April 25 Council meeting. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Sanders and McDonald voting aye; Council Members Shields and Hess voting no; and no Council Member absent or not voting.

NEW BUSINESS**The Marketplace Site Plan Amendment (LDA-2006-03-01)**

Mr. Classen stated that the Planning Board has presented a recommendation for approval with Special and Standard conditions, noting that such action is consistent with the *Town of Southern Shores 1997 CAMA Sketch Land Use Plan Update*, including but not limited to the Economic and Community Development policies (pp. 17 – 19) and the Land Classification Map (Developed land).

Council Member Hess moved to approve the Planning Board's recommendations with conditions as presented. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of approved conditions for Marketplace Site Plan Amendment (LDA-2006-03-01) is attached hereto as Exhibit C and made part of these minutes].

Resolution 2006-04-01- Council Meeting Schedule

Mr. Classen stated at Council's request to amend the beginning time for the forth Tuesday Council meeting he presented Resolution 2006-04-01- Council Meeting Schedule.

Mayor pro tem Shields moved to adopt Resolution 2006-04-01- Council Meeting Schedule as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Resolution 2006-04-01- Council Meeting Schedule is attached hereto as Exhibit D and made part of these minutes].

Proclamation 2006-04-02- April Kite Flying Month

Mayor Smith read Proclamation 2006-04-02- April Kite Flying Month and moved to approve as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Proclamation 2006-04-02- April Kite Flying Month] is attached hereto as Exhibit E and made part of these minutes).

OTHER ITEMS**Town Council**

Council Member Hess reported that she has been in contact with Gwen Cruickshanks regarding the repair of the Build the Bridge/Preserve Our Roads (BB/PR) sign, which had blown down and needs repair. She reported that the Town would repair the sign but asked if something other than the Town Hall phone number could be placed on the sign. The BB/PR Board agreed to remove the Town's phone number from the sign and replace it with the BB/PR website address.

Mayor pro tem Shields reported the Outer Banks Hydrological Committee held interviews for the development of a LID plan for the Outer Banks to pick a contractor to determine what needs to be done.

Mayor

Mayor Smith will be attending a Mayor's luncheon on April 11.

Town Manager

Mr. Classen stated that Jack Sheehan, Chairman of the Vegetation Management Board has requested that the following citizens be appointed to the Board:

Tony and Lori DiBernardo, 32 Ninth Avenue
Todd and Gigi Hagenah, 197 Sea Oats

Mayor pro tem Shields moved to appoint Lori DiBernardo, Tony DiBernardo, Todd Hagenah, and Gigi Hagenah to the Vegetation Management Board. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Mr. Classen reported to Council that it has been learned that Red Bay Lane is not a private street as previously thought but that it is owned by the Town. He stated to make improvements to the street an easement will be needed from the SSCA. He stated that all deeds are being reviewed by Council Member Hess and Mike Hejduk, Town Code Enforcement Administrator and updates will be given. Further discussion will be held regarding recommended improvements and cost to be made to Red Bay.

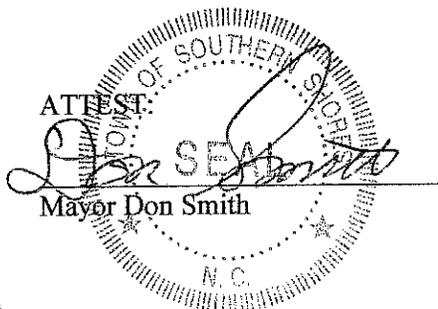
Town Attorney

No comments were made.

GENERAL PUBLIC COMMENT

Ed Cowell, 134 Beech Tree Trail, stated that he does not want to see trash cans lined up along Ocean Blvd. like they are on the Ocean front at Kitty Hawk and request that Council consider charging the rentals a fee for pulling cans back.

Mayor Smith moved at 9:35 p.m. to go into closed session pursuant to NCGS 143.318.11 (a) (6) to discuss personnel issues. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.



Respectfully submitted:

Carrie Gordin

Carrie Gordin, Town Clerk

EXHIBIT A

Memorandum

To: Southern Shores Town Council
CC: Southern Shores Town Manager
From: Jim Groff, Chairman, Planning Board
Date: 5/4/2006
Re: Recap, Planning Board Meeting of March 20, 2006

Planning Board recommended action for the Town Council.

1. Approve, as amended, Draft Ordinance No. 2006-01-PB1 amending the zoning ordinance relating to Dimensional Requirements for Churches. Specifically:
 - a. Amend the Zoning Ordinance, Section 7.01 C. 4 (RS-1, Single Family Residential District). Delete "Churches" as a permitted conditional use.
 - b. Amend the Zoning Ordinance, Section 7.04 (R-1 Low Density Residential) by adding the following language:
 1. D. Dimensional Requirements (with the exception of churches)
 2. E. Dimensional Requirements for Churches
 - a) Minimum Lot Size: 20,000 square feet
 - b) Minimum lot width: 100 feet (measured at the building setback line)
 - c) Minimum front yard (setback): 25 feet
 - d) Minimum side yard (setback): 15 feet
 - e) Minimum rear yard (setback): 25 feet
 - f) Maximum allowable lot coverage: 30%
 - g) Height: Top plate height shall not exceed 56 feet. Not withstanding the provisions of Section 4.11. Total maximum height, including Steeple and all appurtenances, shall not exceed 65 feet.
 - h) Multiple Primary Buildings: May have multiple primary buildings on site provided these buildings are connected by covered breezeways or walkways.

2. **Approve, with conditions recommended by staff, LDA 2006-03-01, the Market Place, Movie Theater Conversion.**
3. **Approve the appointments of George Kowalski and Georgine Poisal as Planning Board members to the Hazard Mitigation Planning Committee in place of Mimi Iacone and Jim Groff.**

Organization: Chairman Groff called the meeting to order at 7:10 PM. Planning Board members Kowalski, Walter, Peckens and Alternates Poisal, (sitting for Member Russell, excused), and McDanel, were present. Also present were Code Enforcement Administrator Hejduk and Administrative Assistant, Gabrys. In attendance were All Saints' Church representatives T. Judge and R. Edwards, and Ziff Properties representative L. Agin. Subsequent to approval of the agenda, the Board deferred approval of the minutes of its February 20th meeting pending clarification of one issue.

Public Comment: None

Committee Reports:

1. **J. Walter** advised that the Town Council would discuss the **Long Range Planning Committee's** report at its March 28th Workshop.
2. **G. Kowalski** encouraged Board members to attend the March 28th Council Workshop or the April 5th **Stormwater Management Advisory Committee's** meeting for an overview of the Quible stormwater report.
3. **M. McDanel** reported that the **Home Occupation Committee's** proposed regulations have been forwarded to the Town Manager to draft a proposed ordinance for consideration by the Board and Town Council.

Applications:

1. **Draft Ordinance No. 2006-01- PB1 Amending the Zoning Ordinance relating to churches:** By motion unanimously approved, the Board rescinded its February 20th recommendation to Council regarding proposed revisions to the Zoning Ordinance on this issue. The Board then considered Draft Ordinance No. 2006-01-PB1 in light of the Town Attorney's opinion dated March 20, 2006 and concluded that dimensional requirements that applied to the Duck Woods Country Club and Kitty Hawk Elementary School, despite differing conditions, (topography, use, etc.), should be applied to churches, and, by motion, adopted 4-1, amended the draft ordinance accordingly. The Board did not agree that churches should be a permitted use but felt churches should remain a conditional use allowed only in R-1, (Low Density Residential), districts, similar to other community facilities, e.g. fire stations, country clubs, community centers, etc. The Board was concerned that recommending adoption of dimensional requirements for churches in order to comply with the Town Attorney's opinion, could result in the construction of massive structures in R-1 districts, as well as set an undesirable precedent.
2. **LDA 2006-03-01 – The Marketplace – Movie Theater Conversion:** Within the existing building, this project reconfigures two existing theaters at the west end of the Marketplace Shopping Center into three retail stores. Noting that entry to the Marketplace area would be temporarily curtailed by a construction staging area in front of the building, thereby increasing traffic

exiting at the light, Board members recommended re-marking the exit lanes to US 158 and suggested the contractor insure the staging area could be penetrated by emergency vehicles and personnel. Subsequently, the Board, by motion, unanimously recommended the site plan be approved by Council.

Other Business:

1. **Proposed Ordinance No. 2006-03-PB3 – Lot Coverage:** Raised for discussion purposes only, the Board reviewed Staff proposed language that retained the 30% lot coverage requirement in the RS-1 district, and attempted to clarify what is included in lot coverage calculations. Board members provided suggestions to Staff. A revised proposed ordinance will be presented for discussion, and perhaps action, at the next Board meeting.
2. **Hazard Mitigation Plan Committee Proposal** – In a Powerpoint presentation, M. Hejduk provided an excellent overview of the need to actively pursue efforts to mitigate damage from intense storms in Southern Shores. Copies of a draft proposal outlining proactive activities and related information were provided to the Board for review and recommendations.
3. **Code Enforcement** updated the Board regarding progress on several approved projects, stating that the new East Carolina Bank facility was nearing completion and noting that the location of the multi-use path provided adequate room for a right turn lane, (recommended by the Planning Board and approved by Council), from Juniper to U.S. 158. The Chairman will pursue the status of funding for this project with Council.

Other Items: Chairman Groff stated he would be on travel during the Council Workshop on April 25th, the Council Meeting on May 2nd and the Council Workshop on May 23rd. He commented that he was not seeking reappointment to the Board.

Announcements:

Workshops: Thursday, March 23rd and Thursday, March 30th, 1:00 PM; Pitts Center.

Next regular meeting: Monday, April 17, 2006; 7:00 PM; Pitts Center.

Adjournment: Upon motion, the Planning Board meeting adjourned at 9:50 PM.

EXHIBIT B

Resolution 2006-02-04

**Code of Ethics for Town of Southern Shores
Council Members
And Members of Town Appointed Boards**

WHEREAS, the proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use public office for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government; and

WHEREAS, in recognition of these requirements a Code of Ethics and Standards of Conduct is hereby adopted:

As an elected official or appointed board member in the Town of Southern Shores:

1. I will obey the law and will not try in any way to influence application of the law by any of the town's authorities.
2. I will uphold the integrity and independence of my office.
3. I will avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will not use my position to harass or adversely influence any of the Town's employees.
7. I will respond promptly to concerns brought to me by any Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not try to influence any contractual dealing on the behalf of any constituent.
9. I will not accept a gift or other gratuity from anyone who presently conducts business with the Town or is likely to conduct business with the Town. This applies to any gift that a reasonable person believed was intended to influence a council member or board member in the performance of official duties. Exempted from the provision concerning gifts are legal political contributions; advertising items or souvenirs of nominal value; and meals of nominal value furnished at banquets, during personal activities, or during the conduct of private business. Gifts between officials and their friends and relatives who are not otherwise covered by this Code are also exempted.

Now, Therefore, Be It Resolved that the Southern Shores Town Council adopts this Code of Ethics Policy.

Adopted this 4th day of April, 2006.

Mayor Don Smith

ATTEST:

S E A L

Carrie Gordin, Town Clerk

EXHIBIT C

On March 20, 2006, the Planning Board reviewed an application (LDA2005-03-01) from The Marketplace Shopping Center (5597 North Croatan Highway). In summary, the application proposes to reconfigure the two existing theaters at the west end of the Marketplace Shopping Center into three retail stores.

The Planning Board recommended approval of the application with the following conditions:

A. **Special Conditions:**

1. *Temporary construction parking, equipment and material staging area be delineated on Site Plan and fenced off during construction to prevent traffic in front of old theater space.*

2. *That an updated Site Plan for The Marketplace be provided with all parking spaces numbered and all Accessible Routes be marked between existing Accessible Spaces in the parking lot and the sidewalk and associated curb cuts be installed prior to issuance of Certificates of Occupancy for the new tenant spaces. A plan has been prepared but not approved or completed.*
3. *Wet or Dry Flood proofing requirements for Commercial Buildings within the Special Flood Hazard Area. National Flood Insurance Program (NFIP) Flood Information Rate Map (FIRM) Zone AE, Base Flood Elevation (BFE) 8' msl plus local Flood Damage Prevention Ordinance 2 foot freeboard requirement. Reference Town Code, Chapter 7, Section 7-215(b)(2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial or nonresidential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Structures locate in A-zones may be flood proofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.*

B. Standard Conditions:

1. *The application is consistent with the adopted CAMA Comprehensive Land Use Plan and all other officially adopted plans.*
2. *That the applicant must strictly abide by all requirements of the Zoning Ordinance of Southern Shores, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development; and,*
3. *No building permit shall be issued until written evidence satisfactory to the Code Enforcement Administrator is submitted to the Town in accordance with Section 10.04 B.6, Southern Shores Zoning Ordinance; and,*
4. *For purposes of this application and this application alone, the phrase "Building Inspector" found in Section 10.04 B.8, Southern Shores Zoning Ordinance, shall be the Code Enforcement Administrator as appointed by the Town Manager; and,*
5. *Per the provisions of Section 10.02 B, C and D, Southern Shores 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.*

EXHIBIT D

Resolution No. 2006-04-01

A Resolution of the Town Council of Southern Shores, North Carolina, Relating to the 2006 Meeting Schedule

WHEREAS, the Town Council of Southern Shores adopted Resolution 2006-01-01 on January 3, 2006, establishing the 2006 meeting schedule; and

WHEREAS, the Town Council desires to change the time for beginning the regular meeting held on the fourth Tuesday of each month;

BE IT RESOLVED, by the Town Council of Southern Shores, North Carolina, meeting this 4th day of April, 2006, that Resolution No. 2006-01-01 is hereby amended as so that the following regular monthly meetings generally held on the fourth Tuesday of each month, being called to order at 8:00 a.m. in the Kern P. Pitts Center but more specifically as follows:

- | | | | |
|---|-------------------------|---|-----------------------------|
| 1 | Tuesday, April 25, 2006 | 5 | Tuesday, September 26, 2006 |
| 2 | Tuesday, May 23, 2006 | 6 | Tuesday, October 24, 2006 |
| 3 | Tuesday, June 27, 2006 | 7 | Tuesday, November 28, 2006 |
| 4 | Tuesday, July 25, 2006 | 8 | Tuesday, January 23, 2007 |

9
10 **BE IT FURTHER RESOLVED** that the balance of Resolution No. 2006-01-01 shall remain as
11 previously approved.
12

13 Adopted this 4th day of April, 2006.

Mayor Don Smith

16 ATTEST:

S E A L

17 _____
18 Carrie Gordin, Town Clerk

19
20 EXHIBIT E

Proclamation 2006-04-02

21
22 **APRIL**
23 **NATIONAL KITE MONTH**

24
25 **WHEREAS**, kite flying is family friendly, nonpolluting, healthy, educational, outdoor oriented
26 and fun; and

27
28 **WHEREAS**, kite flying and kite fliers, from Benjamin Franklin to Charlie Brown, are a
29 constructive and quintessential part of our own American culture; and

30
31 **WHEREAS**, kites have made significant contributions to the arts, science, mathematics, cultural
32 awareness, and history; and,

33
34 **WHEREAS**, the American Kitefliers Association and the Kite Trade Association International
35 have designated April to be National Kite Month, and are promoting kite festivals and kite
36 workshops across the entire country; and
37

