



# Town of Southern Shores

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Southern Shores Town Council  
Town of Southern Shores, North Carolina

Regular Meeting

April 25, 2006

9:00 a.m.-Pitts Center

## MINUTES

The Southern Shores Town Council met on April 25, 2006, at the Pitts Center.

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

Also present were: Carrie Gordin, Acting Town manager and Ike McRee, Town attorney.

### OPENING

Mayor Smith called the meeting to order at 9:00 a.m., led the Pledge of Allegiance and held a moment of silence for the family of Doug Lonon and for the troops serving around the world.

### APPROVAL OF AGENDA

Council Member Shields moved to amend the agenda to include Council going into closed session at 11:00 a.m. to discuss personnel issues in accordance to G.S. 143-318.11(a)(6). Council Member Sanders 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.

### PUBLIC COMMENT

Andy Keeney, 6008 Currituck Road, Martins Point. Mr. Keeney is the attorney for the Cove multi-family development. Mr. Keeney explained that the Cove is requesting an additional 75 day extension on the development's building permit to allow time to receive required permits from outside agents. He stated that the Planning Board reviewed the request on April 17, 2006 and has recommended approval of the extension request. He stated that there has been no opposition expressed regarding the Cove at any meetings and he asked that Council approve the extension request.

David Hardin, 37 Pintail Trail, stated that he lives across from All Saint's church and the whole community benefits from the church. He supports the church's re-zoning expansion request and asked that Council support the church expansion.

Jim Evans representing Republic Cove Partners, LLC and Northern Outer Banks Association gave an update on The Cove multi-family development. He stated that the developers are waiting on wetland results from the US Army Corp of Engineers. He requests that Council continue to support the project in a positive manner as the project moves ahead.

## **REPORTS**

### **Planning Board Report-April 17, 2006**

No representative from the Planning Board was available for this meeting. Cyndy Gabrys, administrative assistant to the Planning Board, was available to answer questions from Council.

[Clerk's Note: A copy of the April 17, 2006 Planning Board Report is attached hereto as Exhibit A and made part of these minutes].

## **OLD BUSINESS**

### **Ordinance 2006-02-02-Zoning Map Amendment**

Mayor Smith stated that Council held a public hearing on April 4, 2006, regarding Ordinance 2006-02-02- Town's Official Zoning Map amending property owned by the All Saint's Church from a RS-1 Zoning District to an R-1 Zoning District. Following a 3 to 2 vote denying Ordinance 2006-02-02 Council agreed hold further discussion on this issue at this meeting to allow Mr. McRee to explain the impact this change in the zoning would have.

Mr. McRee explained that a recent legislative change requires Council to state findings on why a change to the Zoning Ordinance has been approved or denied as it applies to the Town's Land Use Plan. He stated that a decision made for one issue does not bind the current Council or future Council's to come to the same decision on a different issue, each Council decision stands alone. He stated that there are certain federal laws that protect religious establishment in the effect that they can not be treated differently from a non-religious establishment.

Mayor Smith stated that he is not against churches or the expansion but when All Saint's Church bought the property they were aware of the Zoning Ordinance and that they were in the RS-1 zoning district that requires a thirty-five foot (35 foot) height limit. He stated they are now requesting to have the zoning changed from an RS-1 zoning district to an R-1 zoning district which allows a height of sixty-five foot (65 foot). He feels changing the zoning would affect the entire town. He asked what if another church brought property in the RS-1 zone and wanted to change it to R-1 zone that would allow a church with a height of 65 feet; for example the Sea Oats park. He read a section from the Town's 2005 Long Range Plan Survey stating that 95.5% of the Town citizens strongly agreed to continue to develop the Town as a low-density, single family residential community with limited multi-family and commercial uses. He stated that he is very concerned and he will not vote for this change.

Council Member Sanders stated that he was the only Council Member who voted against the Duck Woods Country Club request for a 65-foot height increase and then the elementary school also requested a 65-foot height also. He stated that the church was built before any houses were built in the area. He stated that it makes sense to change the RS-1 zone church property to the R-1 zone which is consistent with the proximity of the other properties. He stated that over a period of years the Town's zoning map has been amended many times to allow different uses.

He stated that he supports approval of the ordinance that would only allow churches in the R-1 zone with the 65-foot height requirement.

Council Member Hess stated that only one person has raised opposition to the church's request. It was stated that the expansion would devalue his property.

Mayor pro tem Shields stated that Council could approve, as a conditional use, a 65-foot height in the RS-1 zone or we can amend the zoning district to R-1 zone which allows the 65-foot height.

Council Member McDonald stated that if Council allowed the 65-foot height in the RS-1 zone for the church then others could request the same height requirement. If the church would ask for a variance from the Board of Adjustment (BOA) and it was granted Council has no authority to modify the BOA findings.

Bobby Outten, attorney, speaking on the behalf of the church stated that Council approved height changes for the country club and the school and now the church is asking for the same consideration. He stated that the school is the biggest building in town and everyone goes by the school and the Country Club, second largest building in town, but the church would only be visible by a few neighbors and the church goes. He stated that the roof would not be 65 foot only the spire. He stated that the Planning Board and the fire department have recommended approval. He stated that approval of this zoning change is a win/win, good for the Town, the church and the community, something to be proud of. He asked Council to consider a positive decision.

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

[Clerk's Note: A copy of Ordinance 2006-02-02-Zoning Map Amendment is attached hereto as Exhibit B and made part of these minutes].

#### Ordinance 2006-04-aa -Trash/Recycle Can

Mayor Smith stated that the ordinance provides that the penalty be removed but that the requirement to roll cans back within 24 hours remain.

Council Member Sanders gave a brief history on the Town's trash can issues. He supports the removal of the penalty as provided in the ordinance but that the Town should continue to require the cans be pulled back within 24 hours from pickup.

Council discussed all the ways the Town has tried to deal with this issue from paying someone to pull cans back, educating the residents, tourist, non-property owners through printing up flyers, putting in newsletters, broadcast email, magnets, hot stamping lids of cans with information, asking real estate companies to help comply with ordinance, sending warning letters, fining property owners, staff has struggled in keeping this program up.

Mayor pro tem Shields recommends getting rid of the ordinance, if it can't be enforced then we don't need it.

Council Member Hess stated that rental companies should pull cans back, if an employee goes on a property and the can is out pull it back. She stated that Council discussed this issue two months ago and agreed to leave the ordinance as is for this season and discuss options for next year.

Mayor Smith stated that staff is spending a huge amount of time dealing with this problem, remove the fine or remove the ordinance.

Mayor pro tem Shields moved to delete Section 8-5 (b) from the Town Code. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; Council Member Hess voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Ordinance 2006-04-aa-Trash/Recycle Can amendment is attached hereto as Exhibit C and made part of these minutes].

Mike Stone, representing Southern Shores Realty stated that they will continue to pull cans back and educate their renters to comply. He stated it is a small percentage of cans that remain out.

#### The Cove Multi-Family Subdivision Extension Request

Mayor Smith stated that Council received a letter dated March 30, 2006, from the developers of The Cove multi-family housing development requesting an additional 45-day extension of their existing permit. This would extend the permit to June 17, 2006. The request was addressed by the Planning Board at the April 17, 2006 Planning Board meeting and is recommended to Council for approval. The original permit was to expire on February 3, 2006 but was extended by the Town Council on January 3, 2006 for ninety (90) days through May 3, 2006.

Mr. Evans stated that acquiring wetland permits have been a challenge.

Jamie Mazingo, engineer for the project, stated that when all permits are recorded ownership of the property would be transferred from Northern Outer Banks Association to Republic Cove Partners.

Council Member McDonald moved to approve the extension request. 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.

#### North Virginia Dare Trail Address Change

Mayor Smith stated that staff is working on completing the Town's property numbering project and as part of that project it was recommended that the roadway in front of Town Hall be called "North Virginia Dare Trail". The Town was waiting for final approval of the street name change by the Town of Kitty Hawk as the roadway is within their jurisdiction. The Town of Kitty Hawk approved our request. Hearing no objection Mayor Smith directed Mike Hejduk to move ahead with proper notification that the address would be changed.

## NEW BUSINESS

### Sandski Ocean Rescue Contract

Discussion was held regarding a request from Sandski Ocean Rescue, Town's lifeguard service, for an additional person (roving patrol) as a cost share with the Town's of Duck and Southern Shores. The Town's cost would be \$11,000.

Mayor Smith stated that he does not support this additional expense to the budget. He stated that other areas have "swim at your own risk" and the Town provides stationary life guard stations and sees no need for additional patrols.

Mayor pro tem Shields stated that if the contractor is recommending that additional patrols are needed then the Town should do it. He moved to approve the additional cost in the amount of \$11,000 as requested. Council Member Hess seconded. The motion passed with Council Members Shields, Hess, and Sanders voting aye; Mayor Smith and Council Member McDonald voting no; and no Council Member absent or not voting.

### Parking Lot Request

Mr. Gorman, 97 Spindrift Trail, requests Council consider allowing his family wedding party to use the Town's parking lot on May 21.

Upon discussion, Council directed staff to set up a procedure that would define the rules for parking out of season as well as special use events parking rules.

Council Member Sanders moved to approve Mr. Gorman's request to use the Town Chicahawk parking lot on May 21 as parking spaces are available. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, and Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

### Resolution 2006-04-03-Signing Checks

The Town attorney advised due to the resignation of Mr. Classen Council review the procedure authorizing designated Council members and employees signing checks on the Town's behalf. The adoption of the resolution will update any past action taken or not taken by Council.

Mayor pro tem Shields moved to approve Resolution 2006-04-03-Signing Checks as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, and 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 2006-04-03-Signing Checks is attached hereto as Exhibit D and made part of these minutes].

## OPERATIONS UPDATE

Council is waiting to hear from the Dare County Tourism Board on the approval for the Mid-Dogwood Multi Use Path grant project request to change to the East Dogwood Dunes Multi-Use Path.

Mac McDanel, vice commodore, of the Southern Shores Boat Club (SSBC) reported that some of the buoy markers in Currituck Sound are missing and need to be replaced. In the past, the SSBC installed the buoy markers in Currituck Sound in accordance to Town Code Chapter 10, Waterways; Section 10-14, Personal Watercraft Operation.

Council Member Hess moved to ask the SSBC to submit alternatives and cost to replace the boys. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, and Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Council directed staff to advertise for members to the Planning Board due to Mac McDanel submitting his resignation from the Planning Board and Jim Groff's term is expiring at the end of June and he does not wish to continue on the Board

### **OTHER ITEMS**

#### **Council Members-None**

#### **Mayor**

Mayor Smith stated that Mr. Classen was the Town's representative on the Outer Banks Transportation Task Force and Council needs to fill his vacancy. Mayor Smith requested that Cheryl Byrd be considered. Council Member Hess moved to approve Cheryl Byrd as the Town's representative to the Outer Banks Transportation Task Force until the Town selects a new Town manager. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, and Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Mayor Smith will notify Ms. Bryd of the appointment.

### **PUBLIC COMMENT**

Mayor Smith opened the Public Comment section of the agenda.

Carl Berntsen, 141 W. Holly Trail, addressed Council regarding a property adjacent to him that has subdivided their lot and placed a structure on the second lot. He submitted a letter requesting that Council explain to him how this could happen. He stated that it has been over a week and he has received no contact from anyone from the town. He stated that he has contacted the SSCA and the ARB and that he believes this is against the covenants.

The Town attorney explained that the Town has no jurisdiction over the covenants and that the Town's Zoning Ordinance allows for the subdivision of lots.

Hearing no other comments Mayor Smith closed the public comment section of the agenda.

Mayor pro tem Shields moved to go into closed session in accordance to NCGS 143-311.(a)(6). Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, and Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Council Member Hess moved to return to open session. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, and Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

Hearing no other business Mayor Smith moved to adjourn the meeting at 12:00 p.m. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, and Sanders and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

ATTEST:

The seal of the Town of Southern Shores, N.C. is circular with a double-line border. The outer ring contains the text "TOWN OF SOUTHERN SHORES" at the top and "N.C." at the bottom, separated by two stars. In the center, the name "Don Smith" is written in a large, cursive script, with a horizontal line drawn across it. Below the line, the text "Mayor Don Smith" is printed in a standard font.

*Don Smith*  
Mayor Don Smith

Respectfully submitted:

A handwritten signature in cursive script that reads "Carrie Gordin". Below the signature is a horizontal line.

*Carrie Gordin*  
Carrie Gordin, Town Clerk

# Memorandum

**To:** Southern Shores Town Council  
**CC:** Town Manager  
**From:** Jim Groff, Chairman, Planning Board  
**Date:** 4/17/2006  
**Re:** Recap, Planning Board Meeting of April 17, 2006

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**Planning Board recommended actions for the Town Council:**

1. **Disestablish the Long Range Plan Advisory Committee.**
2. **Ordinance No. 2006-02-01 - Non-Commercial Charity Event and Political Signs: Set a public hearing date and adopt these revisions, (as amended), to the Zoning Ordinance to allow placement of temporary signs intended to promote specific non-commercial, (charity), events organized by tax exempt groups, and also to remove specific current restrictions on political signs in the Town as suggested by the ACLU.**
3. **Ordinance NO. 2006-04-PB4 – Regulations Governing Signs: Set a public hearing date and adopt these revisions, (as amended), to the Zoning Ordinance to permit churches, schools, country clubs or other semi-public institutions to install one two-sided name sign or bulletin board, not exceeding a total height of nine, (9), feet above approved grade as shown on the site plan, not exceeding thirty-two, (32), square feet in size, (excluding any support structure), indirectly lighted and set back at least fifteen, (15), feet from the property line.**
4. **Ordinance No. 2006-03-PB3 – Lot Coverage: Subsequent to holding a public hearing date, adopt these revisions, (as amended), to the Zoning Ordinance in order to clarify that which is to be counted as lot coverage in the instance of single family residential home sites.**
5. **LDA 2004-12-02 – The Cove Multi-Family Housing – Extension of Site Plan Approval: Approve 'The Cove's' request for a 75 day extension to their site plan approval.**

6. **LDA 2005-12-01 – All Saints’ Church, Conditional Use Amendment: Conditioned upon Council disapproval of previous Planning Board recommendations regarding rezoning and dimensional recommendations concerning churches, adopt this revision to the Zoning Ordinance to allow All Saints’ Church to proceed with site planning for Phase I, (administration space, classrooms, etc.), of their planned expansion.**

**Organization:** Chairman Groff called the meeting to order at 7:03 PM. Planning Board members Kowalski, Russell, Peckens and Walter, and Alternate McDanel, were present. Also present were Code Enforcement Administrator Hejduk and Administrative Assistant Gabrys. In attendance at the meeting were Cove representatives J. Evans, J. Mazingo, and Neal Blinken; All Saints’ Church representative, J. Gaultieri; Ginguite Trail property owner, Donna Clark and Southern Shores Realty representative M. Stone. Subsequent to approval of an amended agenda, the Board approved the minutes of its February 20<sup>th</sup> meeting, (amended), and March 20<sup>th</sup> meeting.

**Public Comment:** None

**Committee Reports:**

1. **J. Walter** advised the **Long Range Plan Advisory Committee’s** amended report has been approved by Council, thereby concluding the work of the Committee. Upon motion, the Board recommended Council disestablish this Committee.
2. **J. Russell** stated that the **Stormwater Management Advisory Committee** now has the Quible report under consideration and will meet in early May to pursue recommendations for revisions to the Town Ordinances to improve stormwater management. He noted that the Committee is seeking the assistance of interns to help cull information from the various reports.
3. **J. Groff** stated that he is reviewing Town Manager comments on a proposed **home occupation** ordinance and will attempt to have a draft ordinance for Board consideration at its next meeting.
4. **M. Hejduk** stated that while the **Hazard Mitigation Plan Committee** hasn’t met, Staff is actively pursuing revisions to the Hazard Mitigation Plan.

**Site Plan Applications:**

1. **Ordinance No. 2006-02-01 – Non-Commercial Charity Event and Political Signs:** Subsequent to discussion, the Board amended the proposed ordinance by retaining, on page 3, line 17, the language that requires political signs to be removed within three days after an election,

and on Page 4, line 2, inserting the word "face" and deleting the phrase "side and no one side shall have a length greater than ten (10) feet."

The Board retained line 17 because it felt strongly that political signs should be promptly removed after an election, that court cases primarily focused on time limits before an election and that time limits "for cleaning up" were not an issue.

The Planning Board, by motion unanimously adopted, then recommended Council adopt this proposed ordinance in order to allow temporary 'charity event' signs and banners and address concerns raised by the ACLU in their letter dated March 7, 2006.

**Note: The Board will appreciate the Town Attorney's opinion as to whether political signs can be prohibited in the Town Right of Way and whether the Town can require political signs to be removed within a specific time after an election.**

2. **Ordinance No. 2006-04-PB4 – Regulations Governing Signs:** Review of this proposed amendment to the Zoning Ordinance revealed that it appeared to be inconsistent with other signage regulations and treated churches and schools differently. Accordingly, the Board revised the language on page 2, lines 1-4 to the following: "One two-sided name sign or bulletin board, not exceeding a total height of nine (9) feet above approved grade as shown on the site plan, or exceeding thirty-two (32) square feet in size, (excluding any support structure), indirectly lighted and set back at least fifteen (15) feet from the property line." and deleted the added language on lines 29 through 34.

The Board, by motion unanimously adopted, then recommended this revised ordinance for Council approval.

3. **Ordinance No. 2006-03-PB3 – Lot Coverage:** This proposed ordinance seeks to clarify that which should be included in lot coverage calculations by recognizing that many porous driveways, paths, sidewalks, patios, parking areas and similar are frequently ultimately paved with asphalt or concrete, thus increasing stormwater runoff and defeating the intent of the thirty percent lot coverage restriction. The proposed revision provides that a space for driveways and required parking areas will be included in lot coverage calculations, whether improved or not, and that all such calculations shall be made by a duly licensed land surveyor, engineer or similar. Board revisions to the proposed ordinance included on page 1, line 29, following "path" the phrase "that allows motorized vehicular", on page 2, line 23 following the words "principal structure", the phrase "as well as required external parking spaces", and on line 29, substituting the phrase "for vehicle turn around" for the words, "turning vehicles around". The words "pavers, or similar" were also inserted on page 3, line 23 after the word "brick".

By motion, the amended proposed ordinance was unanimously recommended for Council approval by the Planning Board.

**Other Business:**

- 1. LDA 2004-12-02 – The Cove Multi-Family Housing – Extension of Site Approval Plan:** Mr. J. Evans and Mr. J. Mozingo discussed the delays they encountered in seeking various permits, including a Stormwater Runoff permit, CAMA permit, COE 404 Wetland permit, etc. While some delay can be attributed to submission of incomplete plans and/or applications on the part of The Cove, as well as depiction of an unauthorized boat marina north of the proposed condominium, the Board, after exhaustive discussion with Staff and representatives of The Cove, concluded that bureaucracy was ultimately the culprit and against Staff recommendation, recommended, by motion unanimously passed, that Council approve The Cove's request for a seventy-five (75) day extension of their site plan approval, an extension that will extend the date for granting a building permit to approximately mid-July.

It should be noted that CAMA's regulations preclude use of Geoblock in the buffer zone between the condominium and Guinguite Creek, and therefore CAMA is expected to deny The Cove's application. The Cove to will therefore have to seek a variance from the Coastal Resource Commission. While the CRC is expected to act favorably on the variance request, its first opportunity to do so is in the mid-June time frame, hence the request for a 75 day time extension.

Staff noted that there are a number of other issues to be resolved prior to issuance of the building permit, including final plans, a contract price, condominium covenants, etc. Staff is also concerned that permits are being granted to the property owner, Northern Outer Banks Associates, and not the developer, Republic Properties, thus creating a division in responsibilities. The Board did not pursue resolution of this issue.

- 3. LDA 2005-12-01 – All Saints' Church, Conditional Use Amendment:** All Saints' Church is anxious to submit a site plan to the Town for the first phase of its expansion project, (administrative spaces, classrooms, etc). It cannot do so however until Council acts on the Planning Board's previous recommendations regarding rezoning of the Church's property and dimensional requirements for churches in the R-1 zone. Further, should Council reject these proposed changes, All Saints' Church cannot proceed under the existing ordinance for churches in a RS-1 district. The purpose of this proposed ordinance is to revise the language for churches in RS-1 zones and thus allow All Saints' Church to proceed with Phase I of their proposed expansion.

Ms. Donna Clark, a resident of Kitty Hawk and owner of unimproved property at 3 Guinguite Trail, expressed concern regarding increased traffic

from a larger church, noting that attendees already park on her property. She also expressed disappointment at not being notified about the Church's plans, was apprehensive about the size of the proposed, (Phase II), sanctuary, parking lot lighting, traffic patterns and road, (Pintail) capacity, particularly if the church was going to operate a week-day school.

Subsequent to discussion with all concerned parties, the Board recommended, conditioned upon Council disapproval of its previous recommendations, Council approval of this proposed amendment to the Zoning Ordinance

4. **Ordinance No. 2006-04-PB7 – Temporary Signs:** Discussion deferred pending Town Attorney review and development of a proposed amending ordinance.
5. **Ordinance No. 2006-040PB5 – Zoning Ordinance Relating to Home Occupations:** Chairman Groff, noting that this ordinance is linked to the permitted uses in commercial zones proposed revised ordinance, stated that he, Staff and Mrs. Poisal have been meeting frequently to revise the lists of businesses to ensure consistency in treatment and avoid redundancy. He opined that the revisions should be complete for a workshop review in May and that he was also attempting to incorporate Town Manager comments into the proposed Home Occupation Ordinance to allow review of both proposed ordinances at the same time by the Board.

**Other Business:**

**1. New Business:**

- a. **Rules of Procedure:** Discussion deferred pending Council development of their Rules of Procedure to use as a guide for the Planning Board.

**Other:** Chairman Groff, noting that Mr. McDanel had resigned and that this was his last meeting, thanked him and commended him for his invaluable contributions to the Town, citing his practically single-handed development of the Home Occupations regulations, involvement in the Commercial Uses proposed ordinances and Long Range Plan Advisory Committee involvement. Then, without objection, Chairman Groff asked that Mr. McDanel's resignation letter be entered into the record..

**Announcements:** Next regular meeting: Monday, May 15, 2006; 7:00 PM, Pitts Center

**Adjournment:** Upon motion, the Planning Board meeting adjourned at 10:30 PM

**An Ordinance of the Southern Shores Town Council  
Amending the Town of Southern Shores Zoning Map  
Dare County, North Carolina**

**Article I: Purpose**

The purpose of this Ordinance is to amend the Official Zoning Map of the Town of Southern Shores, Dare County, North Carolina, which was adopted by the Town Council on April 4, 2000 and subsequently amended.

**Article II. Amendment to Zoning Map**

The Official Zoning Map of the Town of Southern Shores, North Carolina, which was adopted on April 4, 2000 and as subsequently amended, is hereby amended as follows:

The property currently shown in the Dare County Tax Assessor's Office as PIN 20986606491848 is hereby re-zoned from Single Family Residential (RS1) to Low Density Residential (R1).

**Article III. Severability**

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

**Article IV. Effective Date**

This Ordinance is effective upon adoption.

Adopted this the 25th day of April 2006.

\_\_\_\_\_  
Don Smith, Mayor

ATTEST:

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

SEAL

APPROVED AS TO FORM:

\_\_\_\_\_  
Ike McRee, Town Attorney

Date of Final Recommendation by Planning Board:

February 20, 2006

Date Introduced by Town Council:

Date(s) Advertised: March 16, 2006, March 23, 2006  
Name of Newspaper: Coastland Times  
Date of Public Hearing: April 4, 2006  
VOTE: 4 Aye 1 Nay

Exhibit C

Ordinance No. 2006-04-aa

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL  
RELATING TO TRASHCAN PENALTIES**

**Article I: Purpose**

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

**Article II. Construction**

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

**Article III. Amend Section 1-6 Southern Shores Town Code – General Penalty; enforcement of ordinances; continuing violations.**

Subsection (d) of Section 1-6 of the Southern Shores Town Code is hereby amended as follows:

*(d) Violations of the following provisions of this Code shall subject the offender to a civil penalty upon the issuance of a citation for said violations as provided in this section. The civil penalty, if not paid to the town treasurer within fifteen (15) days of the issuance of a citation, may be recovered by the town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this code, such civil penalties shall be no more than five hundred dollars (\$500.00) for each violation, and each day any single violation continues shall be a separate violation. The provisions of this Code which shall subject the offender to a civil penalty are as follows:*

- (1) Chapter 3: Sections 3-1--3-5 and 3-7.*

- (2) Chapter 4: Sections 4-1--4-29(b) and 4-29(d).
- (3) Reserved.
- (4) Chapter 6: Sections 6-26 through 6-30 inclusive, and 6-201 through 6-203 inclusive.
- (5) Chapter 7: All provisions.
- (6) Chapter 8: All provisions; except Section 8-5(b) for which no civil penalty shall be levied.
- (7) Chapter 9: all provisions; Chapter 10: Sections 10-1 through 10-12 and section 10-15(c); Chapter 11: All provisions.
- (8) Chapter 12: Section 12-31.

**Article IV. Amend Section 8-5, Southern Shores Town Code – Placement and maintenance of receptacles.**

Section 8-5 (b) of the Southern Shores Town Code is hereby amended as follows:

*(b) Receptacles shall be moved out of the street right-of-way within twenty-four (24) hours following each collection. ~~Violations will subject the offender to a civil penalty upon the issuance of a citation as provided in section 1-6(d) of the Code of Ordinances of the Town of Southern Shores, hereinafter referred to as the Code.~~*

**Article V. Severability**

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

**Article VII. Effective Date**

This Ordinance is effective immediately upon adoption.

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Approved this \_\_\_ day \_\_\_\_\_ 2006.

\_\_\_\_\_  
Don Smith, Mayor

S E A L

ATTEST:

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

Date First Considered:

Vote: Aye: \_\_\_ Nay \_\_\_

Date Second Considered: \_\_\_\_\_

Vote: Aye \_\_\_ Nay \_\_\_

Approved as to Form:

\_\_\_\_\_  
Ike McRee, Town Attorney

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Exhibit D

**Resolution No. 2006-04-03**

**A RESOLUTION OF THE**

**SOUTHERN SHORES TOWN COUNCIL**

**AUTHORIZING THE SIGING OF TOWN CHECKS FOR THE TOWN OF SOUTHERN SHORES**

**WHEREAS**, the Southern Shores Town Council wishes to establish designated persons to sign checks and drafts for the Town in accordance to the North Carolina General Statutes; and

**WHEREAS**, in accordance with Section 159-25 of the General Statutes of North Carolina, all checks and drafts for the Town of Southern Shores will have two authorized signatures.

**BE IT HEREBY RESOLVED**, that these positions are authorized to sign checks and drafts on the Town of Southern Shores behalf:

Town Manager

Tax and Finance Technician

Town Clerk

Mayor

Mayor pro tem

**THEREFORE, BE IT FURTHER RESOLVED** that the Town Council of Southern Shores meeting this 25<sup>th</sup> day of April, 2006, adopted this resolution as presented.

\_\_\_\_\_  
Don Smith, Mayor

ATTEST:

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