



Town of Southern Shores

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Town of Southern Shores

Council Meeting

June 6, 2006

7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on June 6, 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: Webb Fuller, Town manager; Carrie Gordin, Town clerk; and Ike McRee, Town attorney.

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 our troops overseas.

APPROVAL OF AGENDA

Mayor pro tem Shields moved to approve the agenda as presented. 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

Mayor Smith opened the public comment section of the agenda.

Bobby Outten, P.O. Drawer 1027 Kitty Hawk, attorney representing the All Saint's Church requested that Council set the conditional use hearing for the proposed site plan be held at the June 27 Council meeting. Mayor pro tem Shields moved to place the proposed All Saint's church site plan on the June 27 agenda in the Pitts Center, 8 a.m. 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.

Courtney Gallop, 6917 S. Croatan Hwy. Nags Head, owner of Gallop Funeral Services announced the opening of the first funeral service on the beach. She requested that Council consider adopting a policy regarding the transportation of deceased to the medical examiner on a rotation basis between Twiford's Funeral Service and Gallop Funeral Services with equal opportunity of this service.

Jim Northup, P.O. Box 864, Nags Head, stated that the Towns of Manteo and Nags Head are looking at this administrative rotation process and he supports Ms. Gallop's request. Hearing no other comments Mayor Smith closed the public comment section.

PUBLIC HEARINGS

Ordinance 2006-05-01-Church Facility Height and Multiple Primary Buildings

Mayor Smith opened the public hearing on Ordinance 2006-05-01-Church Facility Height and Multiple Primary Buildings.

Hal Denny, 85 Poteskeet Trail, requested Council enact this ordinance so that All Saint's can be built as they desire and it would give him great pleasure to see a white steeple in Town as you are come over the bridge and encourages Council to approve the ordinance.

Bobby Outten, P.O. Drawer 1027 Kitty Hawk, attorney representing the All Saint's Episcopal Church, stated that during the rezoning of the church property Council has had the opportunity to discuss some of the same issues that may be discussed tonight. He stated that approval of this ordinance allows the church to have the same zoning requirements as other similar structures that have been granted. The height limit requested would be the same as Kitty Hawk Elementary School and Duck Woods Country Club that have been granted approval. The other issue, connecting multiple buildings by a breezeway has little or no impact Town wide since it is for the R-1 Zoning District. He stated that under the Religious Land Use Institutionalized Person's Act, which he read, this ordinance is required to be adopted. He stated that the Planning Board has recommended approval of the ordinance and Council approved amending the Town's zoning district at the church's request and by doing so the church's zoning requirements are now more restrictive. He requested that Council adopt this ordinance as presented.

Hearing no other additional comments from the public Mayor Smith closed the public hearing.

Mayor pro tem Shields moved to adopt Ordinance 2006-05-01 Church Facility Height and Multiple Primary Buildings 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.

Mayor Smith stated that he voted against the zoning ordinance amendment to change the church property from RS-1 to R-1 Zoning District. He stated that he is not against the church expansion. He stated that the church should abide by the zoning regulations applicable to the zoning district. He stated when they built the church they knew the height restriction for the RS-1 district is 35 feet and now they come to Council requesting that the zoning requirements be changed.

(Clerk's Note: A copy of Ordinance 2006-05-01-Church Facility Height and Multiple Primary Buildings attached hereto as Exhibit A and made part of these minutes).

Ordinance 2006-05-04-Lot Coverage

Mayor Smith opened the public hearing on Ordinance 2006-05-04-Lot Coverage.

Don Hammett, 148 Beech Tree Trail, asked Council if the Town's new parking lot (Chicahawk) meets the lot coverage proposal. He stated that asphalt and pea gravel have different amounts of run off and should not be counted as the same for lot coverage.

Don Hammett stated in the ordinance it states that the Building Inspector or his staff, he did not have a copy of the ordinance, but he suggested that his staff wording be removed that it should be the Building Inspector's responsibility.

Mike Stone, 8 Sandfiddler Court, stated that he thinks it is the wrong thing to pass this lot coverage ordinance. He doesn't support unimproved driveways being (dirt or grass) counted as lot coverage and by doing so may place homes out of compliance. He thinks lot coverage should remain as it is.

Hearing no additional comments from the public Mayor Smith closed the public hearing.

Mayor Smith asked Mike Hejduk to explain the proposed lot coverage ordinance and what impact it will have on homeowners. Mayor Smith stated that his understanding is that any Town resident that elects not to put in a driveway and to leave a grass or dirt driveway would now be treated as part of lot coverage, the same as a concrete or an asphalt driveway. He asked if this is correct.

Mike Hejduk stated that is correct. He stated that a series of meetings have been held hosted by the Planning Board attended by the civic groups, O. B. Home Builders Association, and staff from other Towns, to review the concept of lot coverage and how it the definition is applied to the current zoning ordinance. Everyone agreed 30% lot coverage is the acceptable coverage and do not want to make any concessions to the 30%. If credit for turf stone or gravel is given, at 50%, then bigger houses or bigger pools or other amenities would increase in size.

Mr. Hejduk stated as explanation to Mr. Hammett's previous question that staff should not be included in making decisions as part of the application process to make improvements to a property the Building Inspections Department does have a Permit Officer, who does pre-screening information. He stated that it is a requirement that a current (no less than two years) survey needs to be submitted before any building inspection permit is issued and this is also a requirement in the new Flood Damage Prevention Ordinance that Council will be addressing in the next month. He stated that the building trend is to build out with a 5,000 sq. ft. home, large pool, and required parking area. This is what this ordinance is trying to address.

Mayor Smith is concerned that the property owner will be penalized and this ordinance will not allow the property owner to build the size house they had envisioned and he doesn't support this.

Council Member Sanders asked if currently there are standards in the zoning for driveways. Mr. Hejduk stated not for the residential district but we do for the commercial district. Mr. Hejduk stated that if there is a zoning violation a notice is sent to the property owner and are asked to remedy the situation by removing the violation or request a variance from the Board of Adjustment.

Council Member McDonald asked how many properties would become non-conforming if this ordinance was approved. Mr. Hejduk stated that he is unsure due to a wide range of parcel size some lots from 10,000 to 80,000 square feet.

Council Member McDonald agrees that a current survey is needed when applying for a building permit but he has a problem with impacting properties by making them non-conforming and impacting the stormwater issue by forcing property owners to count the driveway as lot coverage no matter what the surface. He recommends that the ordinance be returned to the Planning Board to be re-written.

Mayor pro tem Shields stated that older homes will need to be torn down or be remodeled and he looks at this ordinance as a way to standardize the changes that are taking place in the Town and still try to maintain the ambiance and allow the Code Enforcement Department to do there job.

Council Member Hess supports Mayor pro tem Shields comments. This ordinance sets standards for driveways and aids in controlling the building in Town and this ordinance should be approved as written.

Council Member Sanders stated that there are a number of ordinances and covenants that restrict what people can build. He stated that to return this ordinance to the Planning Board, Council needs to give them guidance on what we want. He stated that our ordinances allow for enforcement and some property owners have had to remove portions of their driveways. He doesn't support this ordinance as written.

Mayor Smith stated that upon sending the ordinance back to the Planning Board the ordinance should not include grass or dirt driveways as lot coverage.

Council Member McDonald stated if the goal is to reduce the allowable size of homes then write the ordinance accordingly.

Jim Groff, Planning Board chairman, stated that the Board and others have had the same discussion and concerns as Council is discussing tonight. He stated that the reality is if the driveways are not counted as lot coverage they will still get paved and the runoff is impacted.

Mr. Hejduk stated that he believes the trend is to exploit where the ordinance is silent in not requiring an improved surface in an RS-1 district.

Mayor pro tem Shields moved to approve Ordinance 2006-05-04-Lot Coverage as presented. Council Member Hess seconded. The motion failed with Mayor Smith and Council Members Sanders, and McDonald voting no; Council Members Shields and Hess voting aye; and no Council Member absent or not voting.

Mayor Smith asked that Ordinance 2006-05-04-Lot Coverage be placed on the July 25 Council agenda for further comment before returning to Planning Board. Hearing no objections, so moved.

(Clerk's Note: A copy of Ordinance 2006-05-04-Lot Coverage is attached hereto as Exhibit B and made part of these minutes).

Budget Hearing-Proposed FY2006-2007 Budget

Mayor Smith opened the FY2006-07 Budget Hearing.

Bob Pfeil, 136 East Holly Trail, thanked those responsible for making an understandable budget. He supports the policy that the police officers not take their police cars home and offer a standard mileage policy. He does not support the additional roving life guard and he supports the fire department financing the purchase of an air compressor rather than paying cash. He questioned the need for the part time fire inspector and stated that position could be absorbed internally and save \$18,000. He stated the Red Bay road improvement is an emergency and could be funded from the general fund. He supports reducing the chipping program to four times a year and all these budget cuts could help reduce the Town's tax rate.

Don Hammett, 148 Beech Tree Trail, stated the Long Range Plan survey showed that the citizens want to leave the town as it is and not make more ordinances. He does not support the salary increase as proposed that reflects a 10.1% increase which includes a cost of living of 3.5%. He doesn't feel that a 23% increase in the budget is a conservative budget.

Robin Morgan, 57 Deer Path, stated that she supports the chipping program and hopes Council will not abandon it. Citizens want the services that are provided and the life guard service is

needed, including the roving patrol. The Town should want to protect our residents and the visitors.

Hal Denny, 85 Poteskeet Trail, asked if changes to the budget have been made since the workshop. The town manager stated until the budget is adopted changes can be made. Mr. Denny stated that he attended all of the budget workshops and listened to the Mayor make recommendations in ways the budget could be cut. He stated that Mr. Pfeil stated those same recommendations tonight. He stated that those recommendations directly affect the quality of life of the town. He stated that one third of the ad valorem taxes come from the oceanfront property owners. He stated before the chipping program was year round hundreds of piles of brush were out all over the town and road side mowing wan to able to be done. He stated the current chipping program works. He stated the attack on the police department and suggesting too eliminate the administrative position is unnecessary. He stated to reduce the taxes by one cent is to reduce the budget by \$166,000 but shared revenue would also be lost. He stated that all the towns are proposing to keep their same tax rate and to keep the Town the premier town on the Outer Banks it will cost. He asked that Council preserve the quality of life in the town, preserve our town.

Rich Van Curren, 120 Otter Slide Lane, stated that last year he was one of twelve who spoke against the tax increase. He does not support a tax increase and a 20-25% increase over a three year period is unacceptable. He stated that money was set aside last year for road improvements, what was done? He has heard about large amounts of spending: police ammo, vehicles, ATV, he thinks the town needs to be run more efficiently. He asked that Council do what is necessary and proper in adopting the budget.

Pat Storey, 362 Sea Oats Trail, thanked Council and personally thanked Bonnie Swain and Webb Fuller for taking on the monumental task of completing a budget. She stated that Council had poor timing in letting the Town manager go at this time. She supports holding the tax rate at 8.5 cents and to build up the fund balance. She stated that the Town has the lowest tax rate in Dare County. She asked those who are not happy to look at the County's budget and ask them to lower their tax rate. She stated that she knew the Mayor's campaign promise was to lower the taxes but she thinks the citizens will forgive him and move forward not look back.

Joe Canepa, 128 Goosefeather Lane, supports the additional roving life guard. He posed the question, "Do you want to say to a loved one who had someone drown that he couldn't be saved because we wanted to save \$11,000?"

Ed Cowell, 134 Beech Tree Trail, stated that he supports Pat Storey's comment about the County's budget. He stated that he is willing to pay whatever is needed to keep the fire and police department. He stated if it becomes necessary to pays the fire department then taxes will really go up.

George Courtier, 212 Sea Oats Lane, stated that he supports the chipping program and that surplus police vehicles should go to the fire department.

Hearing no other comments Mayor Smith closed the budget hearing.

Council Member Sanders stated that he has worked with three budgets while on Council and he is unsure what the citizens want. He has heard that the quality of life should remain and level of service should be maintained. He stated that the fire department is looking for acceptance and appreciation. He is concerned that his homeowners' insurance will increase if the class rating of the fire department changes. He doesn't support cutting the ocean rescue service. He asked that the citizens provide him with direction.

Mayor Smith addressed several of the items discussed. He stated that he provided several recommendations to cut the budget. Eliminating positions that are not needed or can be incorporated into regular staff duties is a consideration. He stated by eliminating the administrative position (\$50,000 including benefits) in the police department as well as the part time fire inspector (\$16,000) would reduce the budget by \$66,000. He stated the chipping program (\$125,000) could be reduced by doing twice a year or quarterly. He stated that he would not support the budget if the tax rate is not reduced to 7.5 cents. He stated that regarding the life guard service (\$140,000) personal liability needs to play a bigger part, swim at your own risk. The town could provide an area with a life guard but not increase the service with roving patrols. He stated that he was a member of the fire department for thirteen years, they do a great job but a 20% increase is unacceptable, a budget of \$283,000. He stated that the purchasing of equipment should be financed over a period of time not paid in cash. He stated that the police department has requested 32,000 rounds of ammunition, four computers, \$35,000 for gas and the purchase of an ATV (\$6,000). He recommends cutting the fleet back to five vehicles and adopting a policy that police vehicles can not be taken home. He stated that Council has learned that Red Bay is not a private road and he supports using the fund balance to improve that road. He stated that it takes three votes to pass the budget and his suggested budget cuts would lower the tax rate to 7.5 cents.

Mayor Smith announced that a budget workshop is set for June 13 at 1:00 p.m.

Chief Pledger asked if he could address Council to clarify some statements made. Mayor Smith agreed. Chief Pledger stated that not just anyone in Town Hall could do the police administrative position's job. He stated that it requires a certified police officer who is DCI trained and knows the software program. He stated this employee has been with the Town over eight years and has a family and he has a problem with letting her go. He stated that several of her duties were taken away by the previous town manager; they were not taken away by the department. He stated that the police department is the best educated, equipped, and trained. He stated since he became chief and with the combined efforts of his officers the hundreds of breaking and entries were solved and stopped. He stated that the Town would lose officers if their cars are taken away. He stated if you need to take away cars, take mine. He stated that the phone system currently is set up that all calls, including police calls go through Town Hall or Dare Central and do not go directly to the Police Department.

REPORTS

Planning Board –May 15, 2006

Jim Groff, chairman presented the May 15, 2006, Planning Board report.

(Clerk's Note: A copy of the May 15, 2006, Planning Board Report is attached hereto as Exhibit C and made part of these minutes).

Mid-Currituck Sound Bridge Campaign Update

Bob Palombo stated that the Board has hired an attorney to work with East Carolina University and Department of Transportation on the grant money.

Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report. He stated that the fire department worked on their budget in November and held two budget workshops and approved the budget to submit to Dare County and to the Town. He stated that he does not appreciate the comments that their budget process was done in secrecy.

OLD BUSINESS

ATV Purchase

Chief Pledger requested the purchase of a new ATV to replace the 1998 model and stated this is not a current budgeted item. He stated that the NEST group has used the ATV in the past. Chief Pledger stated the cost is approximately \$6,000 with additional cost of \$90 each for helmets and each officer would need a helmet.

Following discussion Council agreed that an ATV is not needed at this time.

Surplus Vehicles

Fire Chief Harvey requested that Council consider allowing the SSVFD to have two of the surplus police vehicles. At the May 23, 2006 Council meeting Council approved the donation of two surplus vehicles to the SSVFD.

Council Member Hess moved to approve Resolution 2006-06-02 for the conveyance of two surplus police vehicles to the Southern Shores Volunteer Fire Department. Mayor pro tem Shields 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.

(Clerk's Note: A copy of Resolution 2006-06-02-Surplus Property is attached hereto as Exhibit D and made part of these minutes).

NEW BUSINESS

All Saint's Episcopal Church amended site plan (LDA-2006-05-01)

Mike Hejduk requested that Council set a public hearing for the All Saint's Episcopal Church amended site plan (LDA-2006-05-01). He stated this is a conditional use and needs to follow the Town's Zoning Ordinance with proper notification for conditional use hearings.

Hearing no objection, Mayor Smith set the conditional use hearing date for the All Saint's Episcopal Church amended site plan (LDA-2006-05-01) on June 27, 2006 at 8:00 a.m. in the Pitts Center.

Hurricane Debris Management Contract

The town manager recommends that Council "piggy-back" with the Town of Nags Heads' debris management contract request for proposals (RFP). He stated that Southern Shores and Duck have the authority to also participate in the contract (s), which is for one year from July 1, 2006 through June 30, 2007 that Nags Head approves. He stated this allows Southern Shores to participate in the contract and be in compliance with federal (FEMA) regulations related to securing a clean-up contract in the event of a major storm and subsequent FEMA reimbursement. He stated there is no cost to the Town if a contract is not utilized. He stated that Nags Head staff has reviewed the proposals and is making their recommendations for approval to the Nags Head Board of Commissioners on June 7. He stated that he agrees with those recommendations and request Council approves the RFP's subject to the Nags Head Board of Commissioners approval. It is expected that the recommendations to each Town Council will be the same.

Council Member Hess moved to accept the hurricane debris contracts as approved by the Town of Nags Head. Mayor pro tem Shields 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.

OTHER ITEMS

Council Members

Mayor pro tem Shields reported that the Stormwater Committee held a meeting on May 17, 2006 with the UNC Coastal Studies Institute. Updates will be given.

Mayor Items

Mayor Smith presented National Clean Beaches Week Proclamation 2006-06-01. Mayor pro tem Shields moved to adopt the Proclamation 2006-06-01 as presented. 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.

The town manager reported that the Public Works Department completed a clean-up of the Town's beaches last week.

(Clerk's Note: A copy of Proclamation 2006-06-01 - Clean Beaches is attached hereto as Exhibit E and made part of these minutes).

Mayor Smith stated that he received information from the Dare County Emergency Management Office regarding the County adopting the Governor's resolution recognizing the National Incident Management System (NIMS) principal and polices as set forth by Home Land Security. More information will be provided at the next meeting.

Town Manager

The town manager stated that the Code Enforcement Department has received a request from the Outer Banks Home Builders to amend the Town's Code of Ordinance regarding the placement of temporary toilets. A public hearing is not required to amend the Town Code and he recommends Council approval of Ordinance 2006-06-01 allowing temporary toilets to be located in the setback.

Mayor pro tem Shields moved to approve Ordinance 2006-06-01 as presented. 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.

(Clerk's Note: A copy of Ordinance 2006-06-01 - Chapter 7-Planning and Development Exhibit F and made part of these minutes).

The town manager recommends Council approve the presented Tax Pick Ups and Releases.

The town manager reported that road construction will begin at the South Dogwood Trail/Hwy 158 and the demolition at the Kitty Hawk Elementary School will begin June 18. He stated that South Dogwood Trail may need to be closed at some time during this project. Proper notification

will be given by broadcast email as well as public notices. He stated that the SSVFD will have access.

Council Member Hess moved to adopt the Tax Pick Ups and Releases as presented. Council Member McDonald 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.

(Clerk's Note: A copy of Tax Pickup and Releases is attached hereto as Exhibit F and made part of these minutes).

Town Attorney

Mr. McRee reported that the outstanding taxes for property located at 291 Hillcrest has been paid in full.

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Ray Sharpe, 46 Fairway Drive, stated there is a cost for doing nothing and he would like to see the tax rate increased by one cent and add the \$166,000 to be used for road repairs. He stated the Town needs a road maintenance plan. He stated that the fire inspector is needed. He suggested that the multi-use path on South Dogwood be reconsidered due to the cost. He asked what the status of selecting a town manager is.

Don Hammett, 148 Beech Tree Trail, stated that the Mayor is courageous and he supports him. He thinks the Mayor is trying to do what he promised his voters. He challenged the Council to reduce the taxes without reducing the services. He stated that Southern Shores doesn't need to do what the other towns do.

Paul Kapinos, 40-10th Ave., stated he is happy with the Town goals and service, keep it as it is. He supports the chipping program. Keep the tax rate the same, it works.

Bob Harvey, 270 Sea Oats Trail, stated he has heard how to manage the fire department better but volunteers are needed, not just to firefighters. He challenged residents to join the Fire Department.

Jeanne Shrader, 273 North Dogwood Trail, stated that she is an EMT with Rescue 12 and all the volunteers do this because they love it. She asked if the emergency services are worth a dinner to you, in one year, that is what it cost. Are we worth it? She stated that the emergency service is 2% of the full time population and they answer 400 calls a year. Do you value us for one dinner?

George Kowalski, address, stated that he is happy with the town. He is happy with all the employees doing their jobs. He is amazed that the services provided by the town can be done with only an 8.5 cent tax rate. He stated that one penny could cause someone to lose their job, or equipment not being able to be bought, people would become unhappy all for a penny. He asked that Council leave the tax rate alone.

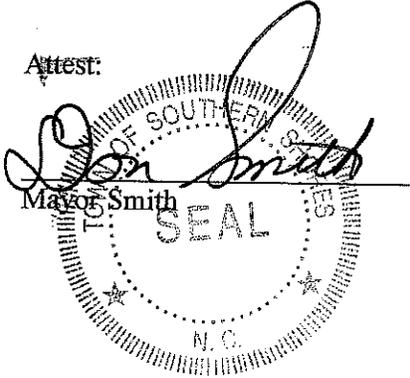
Ed Cowell, 134 Beech Tree Trail, stated that he has needed the rescue service three times and they are worth it.

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

ANNOUNCEMENTS

Hearing no other business Mayor pro tem Shields moved to adjourn the meeting at 9:55 p.m. Council Member Hess 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.

Attest:



Respectfully submitted:

Carrie Gordin
Carrie Gordin, Town Clerk

Exhibit A

Ordinance No. 2006-05-01

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE ZONING ORDINANCE RELATING TO
CHURCH FACILITY HEIGHT**

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 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. Church Conditional Use Regulations Amended

Section One: Section 7.01 (RS-1 Single Family Residential) is hereby amended to read as follows:

C. Conditional Uses Permitted

4. Churches

Section Two: Section 7.04 (R-1 Low Density Residential) is hereby amended to read as follows:

D. Dimensional Requirements

7.	Height:	<i>a. For uses other than country club, school and Churches:</i> <i>Height, Top Plate 26 feet</i> <i>Height, Maximum 35 feet</i> <i>b. For country club and Churches – principal building only:</i> <i>Height, Top Plate 56 feet</i> <i>Height, Maximum 65 feet</i>
8.	<u>Multiple Primary Buildings:</u>	<u>May have multiple primary buildings on site provided these buildings are connected by covered breezeways or walkways.</u>

9.	<i>Minimum living space for residential uses.</i>	<i>1,000 square feet of enclosed living space.</i>
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Article IV. 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 V: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 6th day of June 2006.

Don Smith, Mayor

ATTEST:

S E A L

Carrie Gordin, Town Clerk

Approved as to form:

Ike McRee, Town Attorney

DATE OF RECOMMENDATION BY PLANNING BOARD APRIL 25, 2006

DATE INTRODUCED BY TOWN COUNCIL: MAY 3, 2006

DATE(S) ADVERTISED: MAY 18 AND MAY 25, 2006

DATE OF PUBLIC HEARING: JUNE 6, 2006

Exhibit B

Ordinance No. 2006-05-04

Version 04-17-06

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL
RELATING TO AMENDING THE ZONING ORDINANCE
REGARDING LOT COVERAGE AND SINGLE-FAMILY HOME SITE PLANS
Dare County, North Carolina**

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 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 3.02 Southern Shores Zoning Ordinance –

Section 3.02 Definition of Specific Terms and Words

Driveway: Private driveway, road, field road, or other traveled way or path, that allows motorized vehicle access from a public highway, town road, or a private road to one or more buildings located or to be constructed on adjacent lands.

LOT COVERAGE: That portion of the lot area, expressed as a percentage, that is occupied and obstructed by any structure above the ground, including, but not limited to, building(s), decks, pools, parking areas, accessways, private sidewalks, driveways, and roadways, and any accessory use ~~and~~ or structure requiring location on or above the ground. Government owned and maintained sidewalks and multi-purpose pathways located on private property are excluded from the calculation of lot coverage.

Article IV. Amend Section 4.08 Southern Shores Zoning Ordinance –

Section 4.08 Lot Access Requirements

No structure requiring a building permit shall be erected on any lot which:

1. *Does not abut either a public right-of-way or a private street or easement at least 30 feet in width which has been approved in accordance with the provisions of this Ordinance, the Subdivision Ordinance, or any applicable Town ordinance and recorded by the Register of Deeds of Dare County, or*
2. *Does not have access to a public street or highway which access is described in an instrument recorded in the Register of Deeds office of Dare County prior to adoption of this Ordinance.*

Single family residential home sites and site plans shall include a driveway with minimum width of ten (10) feet extending from the front property line to the principal structure, as well as required external parking spaces. Where a driveway is not shown on an As-Built survey, a line that is the shortest distance from the building to the front property line shall be drawn and a second, parallel line, 10 feet wide to scale shall be drawn demarking the required driveway to calculate contribution of the driveway toward Lot Coverage. Home sites and site plans shall not require vehicles to back into the public right of way. Home sites and site plans shall include a minimum 10' by 10' area adjacent to the required driveway to allow for vehicle turnaround.

Article V. Amend Article VI Southern Shores Zoning Ordinance –

Section 6.01 Off-Street Parking Requirements

A. General Provisions

1. *Each parking space shall have a minimum length of twenty (20) feet and a minimum width of ten (10) feet and a drive aisle width of twenty-two (22) feet.*
2. *When a parking space abuts an open space, the two (2) feet at the end of the parking space shall be left unpaved to allow for drainage, in which case a bumper or wheel stop shall be installed.*
3. *Sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way. Such space shall be a minimum dimension of ten (10) feet by ten (10) feet if a required parking space is located in the driveway.*
4. *No parking spaces for residential use, except for single-family and two-family use, shall be located in the required front yard.*
5. *Required parking spaces and driveways for other than single-family and two-family uses shall be graded, improved with concrete or I-2 asphalt and*

maintained in a manner which will provide a surface permitting safe and convenient use in all weather conditions. Required driveways and turnarounds for single-family and two-family uses shall be graded and improved with either concrete, asphalt, brick, pavers (or similar) aggregate base course, clay, gravel or combination of such materials for their entire width and length from the edge of the public or private improved roadway to within ten (10) feet of the principal structure.

6. *Required off-street parking spaces are permanent areas and shall not be used for any other ground purpose.*
7. *All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on duty at any one period during time of peak use. In instances where calculations indicate a portion of one (1) space is required, an additional full space shall be provided.*
8. *Each application for a building permit or certificate of occupancy submitted to the Building Inspector shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Section are met prepared by a North Carolina Licensed Professional Land Surveyor, Engineer, Architect or other person duly authorized by the State to prepare such plans. All required parking and drive areas shall be shown on the Site Plan application.*

Section 6.09 Lot Disturbance

Subject to the requirements of NCGS 160-A-417(b), if applicable, in all Southern Shores zoning districts ~~but excluding all areas within the Extraterritorial Jurisdiction~~, no grading, filling, or other alteration of the topography or elevation of any unimproved lot, or demolition and clearing of improved property, shall be undertaken prior to the ~~granting~~ issuance of a permit by the Building Inspector.

1. *All applications for lot disturbance permits shall be accompanied by a survey and Site Plan of the proposed improvements ~~or sketch~~ prepared by a North Carolina Licensed Professional Surveyor, Engineer, Architect or other person duly authorized by the State to*

prepare such plans showing the actual dimensions and shape of the lot, and showing the surveyed pre-disturbance ground elevation(s) at the corners of the proposed structure referenced to mean sea level. The application shall also describe the disturbance activity which is proposed for the lot.

2. Upon inspection, the Building Inspector shall confirm that the survey ~~or sketch~~ detail submitted conforms generally to the pre-disturbance condition of the lot with respect to its elevations, and that the proposed disturbance activity will not create any hazards or disturb land or lots other than that owned by the applicant or his agent. The Building Inspector shall make such notations or comments on the permit as needed to further establish the pre-disturbance topography and elevation of the lot for later use in determining the permitted height of any structures subsequently constructed on said lot.
3. The Building Inspector is hereby authorized to include requirements in the permit which minimize the disturbance of any adjacent lots or land.

Article VI. Amend Section 10.04 Southern Shores Zoning Ordinance –

Section 10.04 Application for Building Permits and Site Plan Requirements

A. Single Family Detached and Duplex Residences

All applications for building permits shall be accompanied by duplicate Site and Building plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The Site plan shall also include the present owners name; present and proposed Lot Coverage in square feet and as a percentage; the Lot, Block and Section number of the parcel, Flood Zone per FEMA; required open yard zoning setback lines, and; applicable Coastal Development Area of Environmental Concern (AEC) boundaries. Site Plans and surveys shall be dated within two (2) years of the application and bear the seal of a North Carolina Licensed Professional Surveyor, Engineer, Architect or other person duly authorized by the State to prepare such plans. The application shall include such other information as lawfully may be required by the Building Inspector, and other Code Enforcement Staff, including existing or proposed building or alteration; existing or proposed uses of the building and land; and the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot

and on nearby lots; elevations of finished floors; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. ~~Applications for bulkheads, docks, piers or boatlifts for canal front lots shall show the distance to the opposite bank or bulkhead.~~ Applications for principal dwellings or accessory garages with associated driveways shall show the driveway as it extends from the front property line through the public or private right-of-way to the edge of the improved roadway.

~~Two~~ One ~~copies~~ copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as ~~approved or disapproved and attested to the same by his signature on such copy~~ "Reviewed for Code Compliance". A copy of the plans, similarly marked, shall be retained by the Building Inspector.

Article VII. 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 VIII: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the ___ day of _____ 2006.

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Approved as to form:

Ike McRee, Town Attorney

S E A L

DATE OF FINAL RECOMMENDATION BY PLANNING BOARD APRIL 17, 2006

DATE INTRODUCED BY TOWN COUNCIL:

5/3/2006

DATE(S) ADVERTISED:

5/18/2006 AND 5/25/2006

NAME OF NEWSPAPER:

COASTLAND TIMES

DATE OF PUBLIC HEARING:

6/6/2006

DATE APPROVED BY TOWN COUNCIL:

DENIED

Exhibit C

Memorandum

To: Southern Shores Town Council

CC: Town Manager

From: Jim Groff, Chairman, Planning Board

Date: 8/4/2006

Re: Recap, Planning Board Meeting of May 15, 2006

Planning Board recommended actions for the Town Council:

- 1. Hold a public hearing and approve, contingent upon (1), Notification of adjacent property owners; (2), Town Council approval of Ordinance No. 2006-05-01, (permit multiple primary buildings in R-1 districts); (3), Town Council approval of Ordinance No. 2006-01-PB1, (dimensional requirements for churches); and all 'Standard Conditions'; LDA 2006-05-01 – Site Plan Application for Phase I, (classrooms, administrative space, etc.), for the All Saints' Church expansion.**

Organization: Chairman Groff called the meeting to order at 7:02 PM. Planning Board members Kowalski, Russell, Peckens and Walter, as well as ETJ Representative Halloran and Alternate Poisel, were present. Also present were Code Enforcement Administrator Hejduk, Fire Chief Harvey and Administrative Assistant Gabrys. In attendance at the meeting were All Saints' Church representatives T. Judge and R. Edwards. Subsequent to approval of the agenda, the Board tabled until its next meeting, approval of the minutes of its April 17th meeting.

Public Comment: None

Committee Reports:

1. **J. Russell** stated that the **Stormwater Management Advisory Committee**, with the assistance of Nancy White and an intern, is reviewing recommendations contained in the Quible and VHB reports. The Committee will continue to meet to pursue revisions to the Town Ordinances that will improve stormwater management.
2. **J. Groff** asked Alternate Member Poisel and Administrative Assistant Gabrys to meet with him on May 16 to complete the "spreadsheet" addressing permitted businesses and home occupations. He then scheduled a Planning Board Workshop to review draft proposed Commercial Use and Home Occupation ordinances on June 6th at 1:00 Pm in the Pitts Center.
3. **M. Hejduk** noted that the Planning Board should consider the Flood Damage Prevention Ordinance, as well as a revised Land Use Plan no later than its July meeting, in order to ensure Town residents receive credits under the National Flood Insurance Program for preventative actions.

Site Plan Applications:

1. **LDA 2006-05-01 – All Saints' Episcopal Church Expansion:** John DeLucia, Albemarle Associates, provided an overview of the proposed project. Discussion focused on stormwater management, structure height, lot coverage, lighting, etc. Fire Chief Harvey, subsequent to advising the Board that he was a member of All Saints' Church, stated his approval of the Site Plan Application. Staff recommended Conditional Approval of the plan. Upon motion, the Board unanimously recommended Council approval of this site plan application contingent upon the holding of a public hearing, notification of adjacent property owners and Council approval of two previously recommended ordinances that impact the size and configuration of the expansion.

Other Business:

1. **Ordinance No. 2006-04-PB5 Relating to Home Occupations**
Prior to proceeding with this ordinance, the Board must review the 'spreadsheet' which addresses permitted, permitted under specific criteria and prohibited businesses in commercial districts and homeowner occupations in residential districts.
2. **Ordinance No. 2006-05-PB8 – Regulations Governing Signs:** The Planning Board reviewed two draft ordinances, one previously recommended for Council approval but returned to the Board for consolidation with an ordinance addressing temporary signs, and the other a collection of alleged Town Attorney comments on the current sign ordinance. Since it is understood that the Town Attorney is also developing a new draft sign ordinance, discussion on this ordinance was deferred pending Planning Board Chairman discussions with the Town Attorney to clarify the situation.

Other: Chairman Groff noted that Members Kowalski and Walter will accept re-appointment to the Board and Alternate Poisel will accept appointment to the vacancy created by Member Groff's decision not to seek re-appointment to the Board.

Announcements: Workshop – Tuesday, June 6, 2006; 1:00 PM; Pitts Center.
Next regular meeting: Monday, June 19, 2006; 7:00 PM, Pitts Center.

Adjournment: Upon motion, the Planning Board meeting adjourned at 8:03 PM

Exhibit D

Resolution No. 2006-06-02

**RESOLUTION APPROVING CONVEYANCE OF CERTAIN SURPLUS
PERSONAL PROPERTY TO THE SOUTHERN SHORES VOLUNTEER
FIRE DEPARTMENT, INC. PURSUANT TO N.C. GEN. STAT.
SECTION 160A-279**

WHEREAS, the Town of Southern Shores has declared certain motor vehicles as surplus;
and

WHEREAS, N.C. Gen. Stat. Section 160A-279 authorizes a town to convey personal property with or without monetary consideration to a nonprofit corporation, if the town is authorized by law to appropriate money to the corporation; and

WHEREAS, N.C. Gen. Stat. Section 160A-11 and 160A-291 authorizes a town to contract with and appropriate money to a volunteer fire department for the provision of fire protection services within the town; and

WHEREAS, the Southern Shores Volunteer Fire Department, Inc. has requested the conveyance of certain surplus town motor vehicles for use by the corporation as it provides fire protection for the town.

NOW, THEREFORE, BE IT RESOLVED by the Town Council for the Town of Southern Shores, North Carolina that:

Section 1. The Mayor, Interim Town Manager, Town Clerk and Finance Director are authorized to execute all documents to convey ownership of the following surplus motor vehicles to the Southern Shores Volunteer Fire Department, Inc.:

2001 Ford Crown Victoria, VIN# 2FAFP71W71X116466

2001 Ford Crown Victoria, VIN# 2FAFP71W91X116467

Section 2. The consideration for the conveyance is the restriction or condition that the Southern Shores Volunteer Fire Department shall use the conveyed motor vehicles only in the furtherance of its contract with the Town of Southern Shores to provide fire prevention and protection services.

Section 3. The Town Clerk shall publish a notice summarizing the contents of this resolution, and the motor vehicles may be conveyed at any time after 10 days from the date of publication of the notice.

Adopted this 6th day of June, 2006.

S E A L

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk

Exhibit E

Proclamation 2006-06-01

**National Clean Beaches Week
Declaring the week beginning June 29, 2006 as National Clean Beaches Week**

WHEREAS, the Clean Beaches Council, as part of Great Outdoors Month has designated the week beginning June 29, 2006 as National Clean Beaches Week; and

WHEREAS, communities and government have undertaken significant measures to keep beaches clean and healthy; and

WHEREAS, 180 million American make nearly 2 billion annual trips to the ocean, gulf, and inland beaches and contribute significant resources to the local, state and national economy; and

WHEREAS, 75% of all recreational activity occurs within a half mile corridor around the shorelines of our beaches, rivers, and lakes; and

WHEREAS, coastal tourism and healthy, fresh seafood fuels robust economies – sustaining communities and supporting jobs along the coastal U.S.

BE IT FURTHER RESOLVED that Southern Shores, does hereby acknowledge that annually, the seven-day period ending on July 5, shall henceforth be observed a National Clean Beaches Week and encourage all {residents of the Town} to visit, enjoy, and protect our greatest natural resource.

Adopted this 6th day of June, 2006.

S E A L

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk