



# Town of Southern Shores

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Town of Southern Shores  
Council Meeting  
June 27, 2006  
8:00 a.m.-Pitts Center

## MINUTES

The Southern Shores Town Council met on June 27, 2006 in the Pitts Center.

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

Also present were: Webb Fuller, Interim Town Manager; and Carrie Gordin, Town Clerk, and Ike McRee, Town Attorney.

### OPENING

Mayor Smith called the meeting to order at 8:00 a.m. led the Pledge of Allegiance and held a moment of silence for our troops serving our country overseas.

### APPROVAL OF AGENDA

Mayor pro tem moved to delete from Old Business, item VI. G. Land Use Plan Resolution from the agenda. This item will be placed on a future agenda and approve agenda as amended. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

### PUBLIC COMMENT-None

### REPORTS

#### Planning Board

Jim Groff, chairman, presented the June 19, 2006, Planning Board report. He reviewed the amended site plan for the Cove at Southern Shores, a multifamily subdivision with the recommendation that Council place this item on the June 6 Council meeting agenda for approval.

Mr. Groff reported that the Planning Board has worked very hard on a number of ordinances for Council's consideration such as permitted and conditional use businesses and home occupation businesses and lot coverage. He stated that the Planning Board is asking direction from Council on this subject matter which, as proposed, is very restrictive.

Mayor pro tem Shields recommended that the draft ordinances be submitted to Council and that a joint Planning Board/Council be held. He also recommended that the draft property numbering ordinance be discussed at this meeting.

Mayor pro tem Shields moved to appoint George Kowalski as chairman and Georgine Poisal as vice chairman for a one-year term as recommended by the Planning Board. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent. Carrie Gordin, town clerk, stated that George Kowalski's and Joe Walter's terms to the Planning Board will expire in June and requested that Council reappoint each member for a three-year term. Mayor pro tem Shields moved to reappoint George Kowalski and Joe Walter to the Planning Board. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

Mayor pro tem Shields thanked Mr. Groff for the great job he has done while serving on the Planning Board as a member and as chairman. (Mr. Groff's term expires June 30, 2006).

(Clerk's Note: A copy of the June 19, 2006, Planning Board Report is attached hereto as Exhibit A and made part of these minutes).

### **CONDITIONAL USE HEARING**

#### **All Saint's Episcopal Church-40 Pintail Trail-Amended site plan (LDA-2006-05-01)**

Mayor Smith stated that Ike McRee would be chairing the conditional use hearing. He stated that he has consistently voted against the proposed requests from the church and at this time he asked Council to excuse him from the discussion and vote on these proceedings. He stated that he has been advised by Mr. McRee to leave the room during the conditional use proceedings.

Council Member Sanders moved to excuse Mayor Smith from the portion of the meeting for the All Saint's Episcopal Church conditional use hearing. Council Member McDonald seconded. The motion passed with Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

Ike McRee opened the conditional use hearing. Carrie Gordin, town clerk swore in Mike Hejduk, Bobby Outten, John Delucia, Tom Wilson, David Hardin, and Albert Killingsworth.

Mike Hejduk, Town Code Enforcement Administrator, presented a review of the amended site plan. Council previously received a copy of the Summary of Facts provided by Mr. Hejduk. Mr. Hejduk stated that Council previously approved amendments to the church property i.e. allowable height requirements, allowable multiple buildings, and zoning district.

Council Member McDonald asked several questions regarding parking, lighting, and stormwater. Mr. Hejduk and Mr. Delucia answered them satisfactorily.

Bobby Outten, 63 Trinitie Trail, attorney for the applicant, stated that all conditions have been met. He stated the future parking expansion is in the master plan and current parking meets requirements. He asked Council to approve the amended site plan.

Tom Wilson, 101 Bear Track Lane, stated that the church has changed over the years with the demographics and he thanked Council for dealing with all those changes the church has brought forth. He stated that the submitted plan is a good sensible plan for the church's growth and asked Council to approve the request.

Albert Killingsworth, 5Ginguite Trail, stated that he was surprised to learn the church was under construction but he supports their request to expand.

David Hardin, 37 Pintail Trail, stated that he too supports the church expansion and he is looking forward to it. He also likes the idea of the additional driveway.  
Hearing no other comments Mr. McRee closed the hearing.

Council had no additional comments.

Council Member Sanders moved to approve the All Saint's Episcopal Church amended site plan (LDA-2006-05-01) with the special and standard conditions submitted in the Summary of Facts dated June 16, 2006 submitted by Mike Hejduk. Council Member McDonald seconded. The motion passed with Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

(Clerk's Note: A copy of the special and standard conditions are attached hereto as Exhibit B and made part of these minutes).

Mayor Smith rejoined Council following the vote of approval for the All Saint's Church's amended site plan.

## **OLD BUSINESS**

### **Town Signs**

The town manager stated that upon the Southern Shores Civic Association requesting that Council consider purchasing a minimum of three (3) Town Limit signs to be placed at the north end of NC12, south end of NC12 and the entrance to South Dogwood Trail from N. Croatan Hwy. staff is providing additional information regarding the design and cost. He stated that the estimated cost is \$2600 per sign. The design is similar to what the other Towns have at their borders.

Mayor pro tem Shields suggested to table this request until the \$10-12,000 could be found in this year's budget or place it on the 2007-2008 budget.

Council Member McDonald suggested that funding from other sources or donations may be made toward the project to help move it ahead.

The town manager will contact the civic groups with a proposal for partial funding and report back to Council.

### **Proposed Changes to Town Parking, Fines, Towing and Special Parking Permit Rules**

Police Chief Pledger stated following Council discussion regarding ways to address parking and fine issues it was recommended that the parking fine be increased to \$50 and that some changes in the language on the special events parking application be changed. He stated the increase in

the fine needs an amendment to the Town Code. It was discussed if the fine could be applied as a state citation. Chief Pledger stated that monies received from a state citation would go to the County for the schools. Mayor Smith stated that he would rather keep the money in the Town.

The town manager stated that Town Code could regulate towing charges.

Mike Hejduk stated wedding tents are being set up without a required permit.

It is recommended that staff contact the rental companies who are advertising "wedding houses" to discuss what is permissible such as parking, tents, signs, for such events. Mayor Smith recommends that the Town's parking fine be increased and the amendment be placed on the July 5 agenda. Hearing no objection, so ordered.

No changes to the rules will be made to the Town's parking lot at this time.

### **NEW BUSINESS**

#### **FY 2005-06 Budget Ordinance Amendment 2006-06-03**

The town manager requested that Council adopt FY2005-2006 Budget Ordinance Amendment 2006-06-03 with a correction on amendment #7 by replacing the words severance pay to work performed.

Mayor pro tem Shields moved to adopt Budget Ordinance Amendment 2006-06-03 as amended. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

(Clerk's Note: A copy of the FY 2005-06 Budget Ordinance Amendment 2006-06-03 is attached hereto as Exhibit C and made part of these minutes).

#### **Southern Shores Volunteer Fire Department Contract (SSVFD)**

The town manager presented the 2006 SSVFD contract for Council approval.

Council Member McDonald moved to approve the 2006 SSVFD contract as presented. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

#### **Updated Emergency Management Plan (including NIMS Proclamation)**

Updated Town Emergency Management Plan 2006 to include the National Incident Management System (NIMS)

The town manager presented updated pages to the Town's Emergency Management Plan 2006 including the Incident Management System (NIMS) Proclamation adopted by Governor Easley on May 11, 2005

Dave Shrader, assistant fire chief, stated the fire department is planning on setting up a training class (TBA) for the NIMS for the 100 and 700 level.

Mayor pro tem Shields moved to adopt the update to the Town's Emergency Management Plan 2006 including the Governor's Incident Management System (NIMS) Proclamation. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

#### Amend Fee Schedule-Trash/Recycle Can Cost

The town manager presented an amended fee schedule for Council's approval to increase the cost of the trash/recycle cans to \$80.00 each. He stated that in the past the Town has been providing replacement cans, at no cost, to the property owners. He stated that due to an increase in the cost of the cans, he increased the cost from \$60.00 to \$75.00 but to increase the cost of the cans to also include delivery and repair Council must approve the additional increase as applicable. He recommends amending the fee schedule accordingly.

Mayor pro tem Shields moved to amend the fee schedule to increase the cost of the trash/recycle cans to \$80.00. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

#### Amend Solid Waste Ordinance 2006-06-04-Trash/Recycle Can Distribution

The town manager stated that Council has discussed making changes to the purchase and distribution of trash/recycle cans. He submitted Ordinance 2006-06-04 amending the Town Code, Chapter 8-Solid Waste, Section 8-5 that would no longer provide trash/recycle cans to property owners at no cost and to charge a fee for each can as established by the Town fee schedule. He stated that any new building permits would be charged for cans.

Mayor pro tem Shields moved to adopt Ordinance 2006-06-04-Trash/Recycle Can Distribution as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

(Clerk's Note: A copy of Ordinance 2006-06-04 is attached hereto as Exhibit D and made part of these minutes).

#### OSHA Training Report

The town manager stated that Sgt. Matt Anderson, Police Officer Cliff Long, and Karen Costello, Administrative Assistant attended a one day OSHA class in Raleigh regarding Introduction to OSHA (compliance training) and Recordkeeping. He would like a short presentation on that training but Sgt. Anderson is not available at this time and he recommends that the presentation be given at the July 25 Council meeting.

#### Land Use Plan Resolution

The town manager stated Council will need to approve the 2006 Land Use Plan Contract and Resolution but the complete documents are not available at this time and he request this item be placed on a future agenda.

#### Public Works Request for Surplus Police Vehicle

The town manager stated that Council adopted Resolution 2006-01-03 declaring four (4) police vehicles surplus. He stated that the Public Works Department is requesting that Council allow the 2001 Crown Victoria VIN #2FAFP71W51X1164565 for Town use and declare the 1997 Crown Victoria VIN# 2FALP71W5VX102753 vehicle currently being used by Public Works as surplus. He requests that Council approve Resolution 2006-06-03 as presented.

Council Member McDonald moved to adopt Resolution 2006-06-03 as presented. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

(Clerk's Note: A copy of Resolution 2006-06-03 is attached hereto as Exhibit E and made part of these minutes).

## **OPERATIONS UPDATE**

### **Manager's Report**

The town manager stated that the previous town manager had solicited Gary Ferguson to review the Town's zoning and subdivision ordinances and to make recommendations following his review.

Mayor pro tem Shields moved to approve the contract with Gary Ferguson as proposed. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

The town manager stated that staff has been looking at alternative ways to install bathroom facilities at the Public Works building. He stated that Dare County Health Department has been working closely with staff and supports the proposed project.

Council Member McDonald moved to authorize the town manager to enter into a contract, not to exceed \$5000, after the health department issues the permit for the project. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

The town manager reviewed a letter (June 12, 2006) from Sea Haven Realty requesting that a penalty from the Building Inspections Department be appealed.

Mayor pro tem Shields moved to not return the penalty. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

The town manager reported that he was informed that the site plan for the multi-use path on South Dogwood Trail did not include the cost of removing trees in Southern Shores Landing on the west side. He stated that this error could be very costly to the project. He stated that under the contract the removal of additional trees would cost approximately \$28,000, \$1,000 per tree. He stated that Atlantic Tree submitted a bid of \$4,000 to remove approximately 28 trees but that the

removal of the stumps would be an additional cost. This also would take way the vegetative buffer for the subdivision. He recommends that Council consider moving the path to the east side of South Dogwood Trail, which would place the path on the Kitty Hawk School property. He stated that he has talked to the principal and he supports the recommendation but that the school board would need to give final approval. He stated that RPC, Contracting is doing the path and Barnhill Construction is doing the school construction. They would need to work together on the engineering to complete the project.

Following discussion, Council directed the town manager to work with the engineers and the school representatives to move ahead with multi-use path to the east side of South Dogwood Trail and submit cost.

The town manager stated that due to a complaint by a citizen inquiring if the Ocean Rescue shed at the East Fire Station met the zoning code he requested another building inspector to inspect the structure. It was found not to be to code due to the size and the requirements as applicable. He stated that the Board of Adjustment held a hearing on May 25, 2006, for a rear yard setback variance and they granted the variance. He stated that the structure is not what was shown on the site plan and he would meet with the owner to discuss the options of removing the shed at the end of the season or bring the shed up to code.

#### **OTHER ITEMS**

##### **Council Agenda**

Mayor pro tem Shields reported that the Tourism Board approved the request for a six-month extension for the South Dogwood Trail Multi-Use Path.

##### **Mayor Agenda**

Mayor Smith stated the Vegetation Advisory Board has requested that Council accept the plan, which was submitted previously.

Mayor pro tem Shields moved to accept the Vegetation Advisory Board Plan. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

#### **PUBLIC COMMENT**

Mayor Smith opened the public comment section of the agenda.

Deputy Fire Chief Shrader, 15 South Dogwood Trail, reported there were several accidents over the weekend.

Police Chief Pledger reported that the lighting on the Chicahawk sign is blinding drivers and the property owner's association needs to be notified that the light needs adjustment.

The town manager will contact Al Fox, president of the homeowner's association.

Hearing no other comments Mayor Smith returned to the agenda.

Mayor Smith moved to go into closed session in accordance to N.C.G.S. 143-318.11 (a) (6).

Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

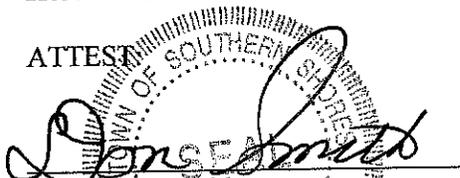
Mayor pro tem Shields moved to return to open session. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

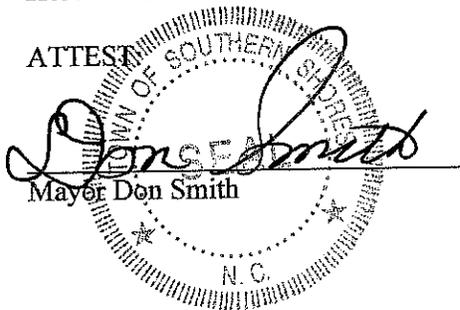
Council Member Sanders proposed that Council consider the benefits of purchasing property.

The town manager reported that the Town received a water bill for \$1300 for the Town's Chicahawk parking lot. He asked that Council consider the installation of well system.

Hearing no further comments Mayor, pro tem Shields moved to adjourn the meeting at 11:50 a.m. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Sanders, and McDonald voting aye; no Council Member voting no; and Council Member Hess absent.

ATTEST

  
Mayor Don Smith

The seal 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. The inner ring contains the text "SEAL OF THE TOWN OF SOUTHERN SHORES".

Respectfully submitted:

  
Carrie Gordin, Town Clerk

# 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 June 19, 2006

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

1. **LDA 2004-12-02 The Cove – Amended Site Plan: Approve that portion of the amended site plan application for “The Cove”, (Mckim & Creed Dwg. No. C-02 Rev. D), removing the stormwater retention ponds from the NC DOT right-of-way and placing them totally within the project site.**

**NOTE:** In making this recommendation, the Board is aware that Council approval will provide “The Cove” with an additional 180 days, (from the date of Council approval), to obtain a building permit.

2. **Subsequent to holding a public hearing, approve Ordinance No. 2004-04-aa, as revised, amending Section 7-36 of the Southern Shores Town Code – Property Numbering.**
3. **Subsequent to holding a public hearing, approve Ordinance No. 2005-XX-XX, as revised, amending Section 6.07 of the Southern Shores Zoning Ordinance – Access to Main Thoroughfares.**
4. **Subsequent to holding a public hearing, approve staff recommendations to assign new street names and house numbers on Ocean Boulevard, Duck Road, Hillcrest and N. Dogwood, Hickory Trail and the Marina; as well as renumber properties on Ocean View Loop and Ocean View Drive.**
5. **Subsequent to holding a public hearing, adopt Ordinance No. 2006-06-PB10 – Flood Damage Prevention – as amended and as a ‘stand-alone’ ordinance.**

**6. Approve the elections of George Kowalski as Chairman and Georgine Poisal as Vice Chairman of the Planning Board.**

**Organization:** Chairman Groff called the meeting to order at 7:00 PM. Planning Board members Kowalski, Russell, Peckens, and Alternate Poisal, sitting for excused Member Walter, as well as ETJ member Halloran and Alternates Wendt and Conners, were present. Also in attendance were Council Member Hess, the Code Enforcement Administrator, Fire Inspector, Fire Chief and Administrative Support Assistant. Participating in this meeting were Hornthal, Riley, Ellis and Maland attorney Ellis; Republic Properties representatives Evans, Mazingo, Martier and Blinken; and Southern Shores Realty representative Stone.

**Public Comment:** None.

**Committee Reports:** The **Stormwater Management Advisory Committee** meets on June 21<sup>st</sup> to review the proposal to consolidate the reports received to date, (along with the one awaiting completion), and will meet again in July to review progress.

**Site Plan Applications:**

- 1. The Cove:** Because of the difficulty in obtaining a stormwater permit from the NC Division of Water Quality, The Cove representatives initially sought, in an amended site plan, removal of the stormwater retention ponds from the state right-of-way and deletion of the Geoblock fire vehicle access road from the site plan approved by Council, with the provision that The Cove would provide, at no expense to the Town, a four wheel drive truck for rescue purposes. Subsequently however, The Cove learned that the DWQ had favorably viewed The Cove's porosity data for Geoblock and therefore, at this meeting of the Board, The Cove withdrew its request to delete the Geoblock access road. The remaining purpose for submission of the amended site plan was to simply obtain approval of the revised plan for the stormwater retention ponds. Asked what The Cove planned if the Geoblock was ultimately disapproved by the State, Mr. Evans replied "The site would require re-engineering" and Mr. Mazingo concurred, saying, "We will have to find another solution." Code Enforcement, the Fire Inspector and Fire Chief offered no objections to the amended plan. Accordingly and subsequent to the Chairman pointing out that approval of the amended site plan would give The Cove an additional 180 days, following Council approval, for issuance of a building permit, the Planning Board, by motion unanimously approved, recommended Council approval of the amended site plan as it relates to the revision of the design for the stormwater retention plans as shown on Revision D, Drawing C-02.

## **New Business:**

**1. Amendment to the Official Property Numbering Map:** Noting that this effort was in response to a Council goal, David Bakken gave a presentation pointing out that naming certain streets and re-numbering various properties would provide addresses which emergency services and visitors could more easily find. He advised however that such would require revision to existing ordinances and close coordination with property owners.

Subsequent to discussion, the Board, by motion unanimously approved, (1) recommended Council adopt proposed Ordinances No. 2004-04-aa and No. 2005-xx-xx amended to substitute the words "Town Manager or his/her designee" wherever the words "Building Inspector" appear, and (2) recommended Council approve assigning new street names and numbers and renumber Ocean View Loop and Ocean View Drive as suggested by Staff

It is anticipated that additional ordinances will be required to correct all the inconsistencies throughout the Town. Accordingly, the Chairman suggested Staff bring to the attention of Council during a Workshop, a few of the most serious problems to obtain "the sense of the Council" relative to proceeding with this effort, since it, (to no one's surprise), is potentially quite divisive with questions as to why Fred had to comply and Joe didn't.

**2. Ordinance No. 2006-06-PB10 – Flood Damage Prevention Ordinance:** M. Hejduk advised that new, county-wide, Flood Information Rate Maps, (FIRM), becomes effective on September 20<sup>th</sup> of this year. The Town's current flood ordinance, last amended in January 2001, requires updating by that date to meet new requirements and maintain, or perhaps improve, the Town's 20 % flood insurance premium discount. Following discussion, the Board agreed with Staff that the existing Flood Damage Ordinance should be deleted in its entirety and, by motion unanimously adopted, recommended Council approve the Staff proposed draft Flood Damage Prevention Ordinance as a stand-alone ordinance amended to reflect (1) "Reference Level is the bottom of the lowest horizontal structural member of the lowest floor, ...."; (2) Deletion of subparagraph (a), i) under Section B, (3), Certification Requirements; and (3) substitution of the date "November 27, 1979" for the date "February 3, 1987" in Article 6, Section A. It was noted that adoption of this ordinance requires a public hearing and letters to affected property owners.

**3. Election of Chairman and Vice Chairman:** George Kowalski was elected Chairman and Georgine Poisal was elected Vice Chairman for terms commencing July 1, 2006 and expiring June 30, 2007.

**Other:** The Chairman encouraged Board members to attend the Council Workshop on June 27<sup>th</sup> to hear Council Member comments regarding continuing development of the Permitted Businesses and Home Occupations Ordinance. He noted that Council is scheduled to provide guidance regarding a lot coverage ordinance at its July 25<sup>th</sup> Workshop.

The Chairman thanked ETJ Member K. Halloran, whose term expired with this meeting, for her six years of service. A replacement has not been named by Dare County.

M. Hejduk reviewed the progress of several approved projects for the Board.

**Announcements:** Next regular meeting: Monday, July 17, 2006; 7:00PM Pitts Center

**Adjournment:** Upon motion, the Planning Board meeting adjourned at 9:30 PM.

Exhibit B

**Town Council Application Summary**

**Project No.** LDA 2006-05-01  
**Project Name:** All Saints Episcopal Church – Site Plan 4/17/06  
**Project Location:** 40 Pintail Trail  
**Application:** Churches - Conditional Use

**Description of Application:**

*Pursuant to a revised Master Plan submitted by the applicant and Zoning District Change for the Church parcel from RS-1 to R-1 the applicant has submitted a Site Plan, dated 6/15/06, showing enlargement of the Church facility. The proposed changes include an educational wing addition (8,107 sf) attached to the open air gazebo, new kitchen added to the existing structure (1,250 sf) and an increase in the number of parking / drive aisles. See sketch.*

**Adjacent Properties:**

*See aerial photo dated Feb 2002 showing adjacent properties including the Town of Southern Shores Public Works Storage Building; Southern Shores Landing Planned Unit Development (PUD); The Cove (Site Plan Approved), and; several single family residential lots opposite Pintail Trail and along Ginguite Trail.*

**Staff Recommendation:**

*Conditional Approval with the Special and Standard Conditions listed below.*

**Special Conditions:**

- 1. Notification of adjacent property owners.*
- 2. Public Hearing Required for Conditional Use.*

3. *Town Council approval of Ordinance No. 2006-05-01 to allow Multiple Primary Buildings. (Completed)*

**Standard Conditions:**

1. *The application is consistent with the adopted CAMA Comprehensive Land Use Plan and all other officially adopted plans. There has been no increase in the Commercial District.*
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,*
  - a. *USA COE Wetlands permit*
  - b. *NC DOT driveway permit and/or encroachment application for work in a state right-of-way*
  - c. *NC Soil Erosion and Sedimentation Control Plan approval*
  - d. *NC Stormwater plan approval*
  - e. *NC or Town CAMA permit*
  - f. *Receipts for payment of water connection fee, Dare County Regional Water System*
  - g. *Septic tank or other wastewater treatment approval by Dare County Department of Environmental Health or other appropriate permitting agencies.*
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 C

**Town of Southern Shores  
Budget Amendment No. 5  
FY 2005-06**

<b>Account Number</b>	<b>Description</b>	<b>Increase</b>	<b>Decrease</b>
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**General Fund (10)**

	Revenues:		
10-40-39909	Fund Balance Appropriated-Undesignated	\$50,000	
	Expenses:		
10-42-59999	Transfer to Capital Reserve Fund	\$100,000	
10-42-43020	Fire Department		\$50,000

**Explanation:** To transfer the \$ 50,000 sitting in fund balance reserved for fire truck at 6/30/05 and the \$ 50,000 budgeted in 05/06 budget for fire truck to the capital reserve fund for future use.

Recommended By:

Webb Fuller, Town Manager

Approved By Town Council

Don Smith, Mayor

Date

**Budget Amendment No.6  
FY 2005-06**

<b>Account Number</b>	<b>Description</b>	<b>Increase</b>	<b>Decrease</b>
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**General Fund (10)**

	Revenues:		
10-40-39909	Fund Balance Appropriated-Undesignated	\$69,140	
	Expenses:		
10-42-59999	Transfer to Pension Trust Fund	\$77,390	
10-51-40040	Separation allowance		\$8,250

**Explanation:** To set-up pension trust fund (based on auditor recommendation) for law enforcement officers special separation allowance based on latest actuarial valuation dated 12/31/04 of \$ 69,140. The \$ 8,250 is the amount budgeted to be transferred in the 05-06 budget.

Recommended By:

Approved By Town Council

Webb Fuller, Town Manager

Don Smith, Mayor

Town of Southern Shores  
Budget Amendment No. 7  
FY 2005-06

Account Number	Description	Increase	Decrease
<b>General Fund (10)</b>			
Revenues:			
10-40-39909	Fund Balance Appropriated-Undesignated	\$30,000	
Expenses:			
10-42-40010	Administration Salaries	\$30,000	

**Explanation:** To cover money that was paid to the former town manager for work preformed.

Recommended By:

Approved By Town Council

Webb Fuller, Town Manager

Don Smith, Mayor

Date

Town of Southern Shores  
Budget Amendment No. 8  
FY 2005-06

Account Number	Description	Increase	Decrease
<b>General Fund (10)</b>			
Revenues:			
10-40-39909	Fund Balance Appropriated-Undesignated	\$20,000	
Expenses:			
10-59-43040	Solid Waste Dumpsters & Collection	\$20,000	

**Explanation:** To cover increase in solid waste collection and the purchase of commercial dumpsters and residential cans.

Recommended By:

Approved By Town Council

Webb Fuller, Town Manager

Don Smith, Mayor

Date

Exhibit D

Ordinance No. 2006-06-04

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL  
RELATING TO CHAPTER 8 SOLID WASTE**

**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 October 2, 1979 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 8-4 Southern Shores Town Code – Receptacle Standards; Residential and Commercial**

Section 8-4 of the Southern Shores Town Code is hereby amended to read as follows:

**a. Residential.**

*The town shall provide, ~~at no cost to the owner, tenant or occupant,~~ to every single residential unit one (1) waste receptacle and one (1) recycle receptacle at a cost established in the Town Fee Schedule. These receptacles shall remain the property of the town and shall not be removed from the assigned lot or parcel except by town personnel. Residential receptacles shall be delivered upon the issuance of an occupancy permit.*

**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.

Approved this 27<sup>th</sup> day June 2006.

S E A L

Don Smith, Mayor

ATTEST:

Vote: 4 Aye 0 Nay  
Date Introduced: 06/27/2006

Approved as to Form:

Carrie Gordin, Town Clerk

Ike McRee, Town Attorney

Exhibit E

***Resolution 2006-06-03  
Declaring Surplus Property***

***Whereas***, the Town of Southern Shores Town Council desire to dispose of certain surplus property of the Town of Southern Shores:

***Now, Therefore Be It Resolved*** the Town of Southern Shores Town Council declares that the following item is surplus and no longer has any additional use to the Town:

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN#</u>
1997	Crown	Victoria	VIN# 2FALP71W5VX102753

***Now, Therefore Be it Further Resolved*** that the Town of Southern Shores Town Council authorizes the Town Manager to precede with the procedures outlined in G.S. 160A-266 regarding the disposal of surplus property.

Adopted this the 27th day of June 2006.

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk