



Town of Southern Shores

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Town of Southern Shores
Council Meeting
October 3, 2006
7:00 p.m.-Pitts Center

MINUTES

The Southern Shores Town Council met on October 3, 2006, at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Dan Shields, Jodi Hess, 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 men and women in the armed forces.

Recognition of David Bakken

Fire Chief Bob Harvey recognized David Bakken, town employee, for his quick action in performing CPR on a resident who was having a heart attack at the golf course. He stated even though the outcome did not turn out well David tried to help.

Mr. Bakken stated that performing CPR, he gave the gentleman a chance and he stated that everyone should learn CPR.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of Minutes

Mayor pro tem Shields moved to approve or amend the minutes for the September 5, 2006, meeting. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

INTRODUCE NEW EMPLOYEE - Police Officer Dirk Lehman

Chief Pledger introduced Police Officer Dirk Lehman. Council welcomed him.

PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Carl Seto, Jr., 100 Turtle Pond Lane, stated that the last time he made comments council were talking to each other and he feels that is unprofessional. He stated that he is tired of the police department getting "bashed". He stated that he heard that the police are not allowed to leave the town to eat, such as to McDonalds. He stated that he doesn't understand why Bobby Walters is following the police officers and the public works employees around. He stated that he feels this is something against blacks. He stated that the police should be allowed to take their police cars home. He stated that the police department should be helping the citizens. He questioned a possible conflict of interest with the mayor's wife being employed by the town. He stated that he is always going to be here when others will be gone, this is his home. He stated the last police chief was a sex offender what type of police chief do you want. He stated that sharing police vehicles will not work that the cars will not be taken care of and will deteriorate.

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

REPORTS

Planning Board

George Kowalski, chairman of the Planning Board presented the September 18, 2006, Planning Board report.

Council set a public hearing for November 8, 2006, for Ordinance 2006-07-PB12 Regulations Governing Signs.

[Clerk's Note: A copy of the September 18, 2006, Planning Board report is attached hereto as Exhibit A and made part of these minutes].

Southern Shores Volunteer Fire Department

Fire Chief Harvey presented monthly report.

Police Department

Police Chief Pledger presented the monthly report.

PUBLIC HEARINGS

Ordinance 2006-08-02-Changes and Amendments to Zoning Ordinance Section 14.01-14.03

Ike McRee, Town attorney, reviewed Ordinance 2006-08-02.

Mike Hejduk, Town Code Enforcement Administrator, stated that the town retained Gary Ferguson, planner, to review the town's zoning ordinance and make needed recommended changes. He stated from that review this ordinance is drafted.

Mr. McRee called the public hearing to order. Hearing no public comments, he closed the public hearing.

Mayor pro tem Shields moved to adopt Ordinance 2006-08-02-Changes and Amendments to Zoning Ordinance Section 14.01-14.03 as presented. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Ordinance 2006-08-02-Changes and Amendments to the Zoning Ordinance Sections 14.01-14.03 is attached hereto as Exhibit B and made part of these minutes].

Ordinance 2006-08-03-Access to Main Thoroughfares

Mr. McRee presented Ordinance 2006-08-03-Access to Main Thoroughfares.

Mr. Hejduk reviewed the ordinance.

Mr. McRee opened the public hearing.

Mike Stone, 8 Wild Pony, asked how this ordinance amendment would affect commercial properties and would it prevent a commercial property from having two entrances. Mr. Hejduk stated it would affect all properties. He stated that it would depend on the use of the property, for internal traffic solutions, and would be reviewed on a case by case basis.

Hearing no further comments Mr. McRee closed the public hearing.

Mayor pro tem Shields moved to adopt Ordinance 2006-08-03-Access to Main Thoroughfares with the amendment to add the word *to* topography line 41 of page 1. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Ordinance 2006-08-03-Access to Main Thoroughfares is attached hereto as Exhibit C and made part of these minutes].

Dare County Solid Waste Management Plan 2006-2016

The town manager stated that Merrie Smith, administrative assistant, developed the town plan. A public hearing was advertised. Following discussion, Mayor pro tem Shields moved to adopt Resolution 2006-10-01. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Resolution 2006-10-01-Solid Waste Management Plan is attached hereto as Exhibit D and made part of these minutes].

OLD BUSINESS-None

NEW BUSINESS-None

OTHER ITEMS

Council

Council Member Sanders stated that from comments made at the Mayor's chats, he requested that council consider when approving ordinances, they not create or preclude issues that would benefit the town.

Mayor

Mayor Smith recommended that council discuss the issue on county tax distribution to municipalities at the October 26, 2006 council meeting.

Mayor Smith moved to adopt the Clean Sweep proclamation 2006-09-02 as presented. 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.

Manager

The town manager reported upon meeting with the Duck Woods Country Club, to discuss a possible spoil site for the canal dredging project, he learned that the current board does not want to disrupt the club facilities at this time. He stated that the country club showed some interest if the town could show them the impact the dredging project would have on their property.

The town manager stated that a consultant could be hired to construct a plan and explain the impact of the project. He stated that it could cost as much as \$15,000 and the grant money could be used for this.

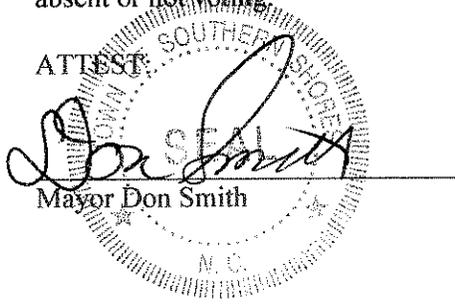
Mayor Smith stated that he does not support hiring a consultant when the town doesn't know if the country club would be any more interested.

Town Attorney-None

PUBLIC COMMENT-None

Hearing no other business Mayor Smith adjourned the meeting at 7:50 p.m. Mayor pro tem Shields seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

ATTEST:



Mayor Don Smith

Respectfully submitted:



Carrie Gordin, Town Clerk

Memorandum

To: Southern Shores Town Council
CC: Town Manager
From: George Kowalski, Chairman, Planning Board
Date: 11/9/2006
Re: Recap, Planning Board Meeting of September 18, 2006

Planning Board recommended actions for the Town Council:

- 1. Subsequent to holding a public hearing, approve Ordinance No. 2006-08-PB3, as revised, amending Section 3.02, 4.08, and 6.01 of the Southern Shores Zoning Ordinance.**
- 2. Subsequent to holding a public hearing, approve Ordinance No. 2006-07-PB12, as revised, amending Sections 3.02 and 6.03, of the Southern Shores Zoning Ordinance.**

Organization: Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members George Kowalski, Georgine Poisal, Dave Peckens, Alternate Nancy Wendt, sitting in for excused member Jay Russell, Alternate Jim Connors sitting in for excused member Joe Walter, and ETJ Representative Ed Overton were present. Also in attendance were the Code Enforcement Administrator Mike Hejduk, Administrative Support Assistant Cyndy Gabrys.

Public Comment: There was no public comment

Committee Reports:

The **Stormwater Management Advisory Committee** report was presented by George Kowalski, who described the meeting held on 9/12/2006 with Robert McCleden, who is working on writing the committee's report. Mr. McCleden gave a presentation on his outline for the report and this topic was discussed for the next two and a half hours. Jim Connors was also present at the meeting representing the Vegetation Committee.

The **Hazard Mitigation Plan Committee** report was given by Mike Hejduk. This was a lengthy presentation which outlined the Plan both in its historical perspective and its actual functioning. An extensive presentation was given regarding point calculations and how and where more credit points can be obtained for the Town.

The **Vegetative Committee** report was presented by its chairman, Jim Connors. Jim said that their first meeting was a success with six individuals attending. Various points were discussed including onsite lot disturbance visitations, ordinance writing, LID education, and joint meeting with the Stormwater Committee. Jim was very satisfied with his first meeting.

The **Land Use Plan/ Steering Committee** report was given by Mike Hejduk. Mike told the Board that State grant and local funding has been obtained for a two year project to update the plan. The contracts are signed with Earth Tech and a Planner-in-charge, Cyndy Camacho, is to be approved.

Site Plan Applications:

1. None

Old Business:

1. **Ordinance No. 2006-06-PB9 Home Occupation.** Nancy Wendt presented her outline for a new definition for a Home Occupation and a list of Home Occupation regulations. After extensive discussion, some points were removed from the regulations. Nancy was asked to have these changes and the new definition written into an ordinance and have the document ready for the next Planning Board meeting.
2. **Ordinance No. 2003-08-PB3 (An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance regarding Lot Coverage, with Respect to Driveways and Parking Areas; Lot Disturbance Permits and Site Plan Requirements):**

In Article III.

- Page 2: line 30, a definition of a driveway is added (line 5-7) and single family residential home sites and site plans will require a driveway of a minimum width of 8 ft
- Page 3: lines 1-6, if a site plan does not show a driveway, one will be drawn with a line that is the shortest distance from the building to the front of the property and a second, parallel line will be drawn 8 feet wide. This square foot area will be calculated and added to the lot coverage total.

In Article V.:

- Page 3, line 18-20, each parking space shall have dimensions of 8 feet x 18 feet.
- Page 4, lines 17-18, all required parking and drive areas shall be shown on the Site Plan Application.
- Page 5, lines 10-16 is a calculation for the maximum allowable apron size, where the driveway meets the street right-of-way line. This calculation has been necessitated by certain home owners creating excessive aprons, thereby reducing on street parking availability for town residents.
- Page 6, line 20-27 changes the width of a drive aisle to 8 feet and each parking space to 8 feet by 18 feet and allows for stacking of parked vehicles.

Section 6.09 Lot Disturbance:

- Page 7, lines 3-7, in all Southern Shores zoning districts, including, Extraterritorial Jurisdiction, basically nothing can be done to an unimproved lot without first obtaining a permit from the Building Inspector.
- Page 7, lines 10-14, Site Plans of the proposed improvements will have to be accompanied by a North Carolina Licensed Professional Surveyor, Engineer, Architect, or other person duly authorized by the State to prepare such plans. Those plans need to show the corners of the proposed structure referenced to mean sea level.

In Article VI. Amend section 10.04:

- Pages 8, 9, outlines the application process that will be for required building permits and site plans. It should be noted that all of these requirements will not be required for permits issued pursuant to NC State requirements for work limited in scope to electrical, plumbing, gas, mechanical or fire protection and site plans will not need to be submitted for activities within or attached to an existing structure. However, construction of a pool, concrete driveway or bulkhead requires issuance of a building permit. (lines 7-11 on page 9)

In summary, the basic points of this ordinance are to reduce the width of driveways to 8 feet, define what a driveway is, and require all home sites to have a driveway, if not as a structure at least on paper, and counted as lot coverage. It should be also emphasized that there is no requirement for types of driveway surfaces, in the residentially zoned areas, so grass driveways are permitted.

Subsequent to discussion, the Board, by motion, unanimously approved, that the Town Council adopt, proposed Ordinance No. 2006-03-PB4. It is recommended that Council schedule a Public Hearing.

3. Ordinance No. 2006-07-PB12 (An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance relating to Regulations Governing Signs.

Public Comment: Mr. David Hoare – BD&A Realty, and Mrs. Willo Kelly – Government Liaison for Outer Banks Realtors and Outer Banks Homebuilders Association, both asked for leniency with the calculation of the For Sale sign size and the Open House signs. Both individuals were satisfied with the outcome of this ordinance.

In Article III, Amending Section 3.02 Definitions:

- Pages 1 & 2: The definitions of the terms: "Lot", "Sign", and "Sign Non-Commercial" have been modified. The definition of the terms: "Post", "Public Right of Way", "Sign Commercial", "Sign Non-Commercial Charity Event", "Sign Off-Site", "Sign On-Site", "Sign Real Estate", "Sign Temporary", have been added to the list of definitions.

Article IV. Amend Section 6.03

- Page 3: Line 15 has changed this section A from definitions to "Exclusions" and lists on lines 17-50 all signs that will not be included in these regulations. Line 40 adds that temporary signs of less than one day in duration will be allowed. This in effect allows for open house signs that do not display any commercial advertising.
- Page 4: line 9, changed the permit required from 'building permit' to

'sign permit'. Line 17 and 20 strike out building permit requirements and the exclusion of non-commercial charity event signs from the permit process.

- Page 4: lines 50-52 modify the prohibition of signs that copy "Stop" and "Danger" signs and allow those signs to be placed on the town owned multipurpose pathways.
- Page 5: lines 17-19 allows in Residential districts, for any permitted church, school, or other semi-public institution, signs or bulletin boards not to exceed 32 square feet in area, per face, and total height of 9 feet, excluding any support structure.
- Page 5: lines 25-26 increase the size of a "For Sale" sign to 5 square feet including riders from 3 ½ square feet, in any Residential District.
- Page 5: line 44, removes the descriptor of "in parking lots as described in Section 6.01 and allows Directional signs as long as they have no commercial information, in any Residential District.
- Page 6: line 12, Window signs, in a Commercial District, placed inside a commercial building, shall not exceed 75% of the glass area of the pane upon which the sign is displayed.
- Page 6: lines 36-40, Non-commercial signs, except non-commercial charity event signs, shall not exceed 6 square feet in area on each side and shall not be eliminated.
- Page 6: lines 46-58, Non-commercial signs must be taken down within 3 calendar days after the event. This change removes lines 49-58, which refer to Political Campaign signs.
- Page 7: lines 1-5, also are struck out and this removes all mention of political signs within this ordinance.
- Page 7: line 6, treats all Non-commercial signs, except non-commercial charity event signs, as Temporary Signs.

Article V. Amends Section 6.03

- Page 7: lines 12-28, create Subsection K, which describes the parameters of allowances of a Non Commercial Charity Event Sign. Listed within sub listings 1-6 are the requirements for allowance: the construction of the sign, where they can be attached, sponsor logos, size (no greater than 60 square feet,) top height limitation (10 feet,) Town Right of Way limitations, length of time of installation (4 weeks prior to the date of the event,) and the removal time after the event has taken place (3 days.)

Article VI. Amends Section 6.03

- Page 7: line 34, creates Subsection L, which defines the parameters of allowances for Temporary Signs. These signs are allowed in all zones.
- Page 7: lines 40-45, allows the size of a temporary sign to a maximum of 6 square feet in all Residential Zones. In all other zones, the signs cannot exceed 32 square feet in aggregate or individual sign. 32 square feet is a measurement of one side of the sign and includes the entire display area.
- Page 7: lines 47-50, prevents the obstruction and impairment of signs to the access of streets, pathways, etc. and creating a hazard including a tripping hazard.
- Page 7: line 52, does not allow any illumination of the sign.
- Page 7: lines 54-55, requires the consent of the property owner or occupant.
- Page 7: lines 57-58, allows temporary signs to be posted for a period up to 90 days at which time the signs will be removed or replaced.
- Page 8: lines 2-4, requires a temporary sign shall not advertise or promote any commercial enterprise or event not conducted on the same building lot but may provide directional information to the public.

Subsequent to discussion, the Board, by motion, unanimously approved, that the Town Council adopts proposed Ordinance No. 2006-07-PB12. It is recommended that Council schedule a Public Hearing.

New Business:

There was no new business.

Other Items:

1. No concerns were raised by any members of the Planning Board.
2. Mike Hejduk stated that All Saints Church had two building permits issued and that they will begin construction in the near future.

Announcements:

1. Next regular meeting: Monday, October 16, 2006; 7:00PM Pitts Center

Adjournment: Upon motion, the Planning Board meeting adjourned.

EXHIBIT B

Ordinance No. 2006-08-02

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE ZONING ORDINANCE RELATING TO
CHANGES AND AMENDMENTS**

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. Changes and Amendments Amended

Section One: Section 14.01 is hereby amended to read as follows:

Section 14.01 Motion to Amend

The Town Council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the Town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this Ordinance, subject to the rules prescribed in this Ordinance. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the (planning) board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the (planning) board considers the action taken to be reasonable and in the public interest. That

statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the Town, said notice to be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date fixed for the hearing.

In addition and where a zoning map amendment is proposed, the Town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.

Section Two: Section 14.02 is amended to read as follows:

Section 14.02 — Protest Against Amendment

In case of a protest against an amendment, supplement, change, modification, or repeal signed by the owners of twenty (20) percent or more either of the are of the land included in such proposed change, or of the land immediately adjacent thereto extending one hundred (100) feet therefrom, or of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by favorable vote of three-fourths of all members of the Town Council.

Section 14.02 Protest to Zoning District Changes

If a petition opposing a change in the zoning classification of any property is filed with the Town, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the council membership. For purposes of this section, vacant positions on the council and members who are excused from voting shall not be considered 'members of the council' for calculation for the requisite supermajority. To trigger the three-fourths vote requirement, the petition must:

- a) Be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 foot wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary the Town may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.
- b) Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.
- c) Be received by the Town Clerk in sufficient time to allow the town at least two (2) normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

Section Three: Section 14.03 is amended to read as follows:

Section 14.03 Planning Board Action

Every proposed amendment, supplement, change, modification, or repeal to this Ordinance shall be referred to the Planning Board for its recommendation and report. ~~at least thirty (30) days prior to its monthly meeting.~~ If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the Town Council may proceed in its

consideration of the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any of the Planning Board.

No proposal shall be considered by the Planning Board within thirty (30) days from the filing of the proposal with the Town. The Planning Board shall have ~~forty five (45) days~~ thirty (30) days within which to submit its recommendation to the Council. All petitions for a change in the zoning map shall include a legal description for the property involved, the names and addresses of current abutting property owners, and a copy of all or a portion of the applicable tax or zoning map with the applicable property outlined.

The Planning Board shall advise and comment on whether the proposed amendment is consistent with the Town comprehensive Land Use Plan and any other officially adopted Town plan that is applicable. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the planning Board that a proposed amendment is inconsistent with the Town comprehensive land use plan shall not preclude consideration or approval of the proposal by the Town Council.

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 3rd day of October 2006.

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced by Town Council: September 5, 2006
Date(s) Advertised: September 19 and September 26, 2006
Name of Newspaper: Coastland Times
Date of Public Hearing: October 3, 2006

EXHIBIT C

Ordinance No. 2006-08-03

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL
RELATING TO AMENDING THE ZONING ORDINANCE
REGARDING ACCESS TO MAIN THOROUGHFARES**

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 6.07 Southern Shores Zoning Ordinance – Access to Main Thoroughfares

Section 6.07 Access to Main Thoroughfares

Due to the limited amount of land available within the zoned areas of Southern Shores for major thoroughfare rights-of-way and the traffic hazard involved in frequent entrances and ~~exists~~ exits from a major thoroughfare, it is the intent of this Ordinance to keep driveways and street intersections along main thoroughfares to a minimum. In any district established by this Ordinance where a corner lot abutting U.S. 158, NC 12, or Dogwood Trail (East and North-South), also abuts any other dedicated public right-of-way, such right-of-way shall be used for access rather than the major thoroughfare unless an access way cannot be established due to topography, waterways, non-negotiable grades or other similar conditions.

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 3rd day of October 2006.

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced by Town Council: September 5, 2006
Date(s) Advertised: September 19 and 26, 2006
Name of Newspaper: Coastland Times
Date of Public Hearing: October 3, 2006

EXHIBIT D

Resolution 2006-10-01

**The Dare County
Solid Waste Management Plan Update
2006 - 2016**

WHEREAS, better planning for solid waste management will help protect public health and the environment, provide for an improved solid waste management system, better use of our natural resources, control the cost of solid waste management; and

WHEREAS, North Carolina General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan; and

WHEREAS, the Town of Southern Shores was actively involved in the planning process;

NOW, THEREFORE, BE IT RESOLVED that the Southern Shores Town Council approves the comprehensive solid waste management plan.

Adopted this 3rd day of October, 2006.

S E A L

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk