



# Town of Southern Shores

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Town of Southern Shores

Council Meeting

December 5, 2006

7:00 p.m.-Pitts Center

## MINUTES

The Southern Shores Town Council met on December 5, 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.

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for the family of Ken Swankie, a member of the Southern Shores Volunteer Fire Department who recently passed away and for the men and women around the world fighting for our freedom.

### APPROVAL OF AGENDA

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

### PUBLIC COMMENT

Mayor Smith opened the public comment section of the agenda.

Nick Nuzzi, 41 Porpoise Run, addressed council regarding the proposed spoil site for the canal dredging project. He stated that his property is adjacent to the proposed site and he would like council to consider some alternative sites such as Currituck County. He stated he is aware of a site that may be available and should be a consideration. He asked if any discussion has been held on long range plans for canal maintenance. He stated that the proposed site is a unique green space and that there is very little green space on the Outer Banks and it should be maintained. He thanked council for their efforts

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

## REPORTS

### Planning Board

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

Chairman Kowalski stated that the Planning Board recommends public hearings to be set for draft Ordinances 2007-01-01- and 2007-01-02.

Mayor pro tem Shields moved to set the two public hearings for the January 2, 2007 council meeting as recommended by the Planning Board. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

The draft ordinances set for public hearing are Ordinance 2007-01-01-Section 7.10.C. General Commercial District-restaurants to be deleted as a permitted use and restaurants would be required to apply for a permit for a conditional use and Ordinance 2007-01-02-Section 7.05-Extra-Territorial Residential District by deleting this district.

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

### Southern Shores Volunteer Fire Department

Fire Chief Harvey stated due to a computer glitch he has no printed report. He gave an oral monthly fire report and stated there were thirty calls for the month of November. Council Member McDonald asked how many trees were reported down following the Thanksgiving storm. Chief Harvey stated fifteen trees, in different areas, were removed from the roadways.

### Police Department

Lt. Paul Terry presented the monthly report.

## CONSENT AGENDA

### Approval of Minutes- November 8, 2006, November 14, 2006 and November 28, 2006

Mayor pro tem Shields moved to approve the consent agenda as presented to include all the minutes and the budget amendments. 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.

## PRESENTATION

### Outer Banks Community Foundation-Charles Hardy

Mr. Hardy provided a brief history on the origination of the OB Community Foundation twenty-five ago which its conception came from David Stick and Andy Griffin. The foundation was established to provide seed money for local non-profit organizations as well as scholarship funds. He provided an impressive list of recipients. He stated anyone interested in making a contribution should contact the foundation.

Mayor Smith thanked Mr. Hardy.

**CONDITIONAL USE HEARING** – US Cellular Amended Site Plan – Installation of emergency generator (Project # 2006-09-01)

Mr. McRee explained the process for a conditional use hearing in that council sits as a quasi-judicial body and that certain safeguards are required to give the applicant a fair hearing. He stated that anyone presenting evidence must be sworn in and the applicant has the right to cross-examine witnesses and offer rebuttal evidence.

Mike Hejduk, town code administrator, and Tom Johnson, attorney, representing US Cellular were sworn in by the town clerk.

Mr. Hejduk made note of a correction on the presented Summary of Facts (Project # 2006-09-01) that item 15. Application Fee Paid \$12.00 states check not seen has been updated by including in the council's packet a letter dated September 28, 2006 from Mr. Johnson's attorney firm that the check has been sent. He recommends approval for the conditional use permit as requested.

Neither the applicant nor council had any questions for Mr. Hejduk.

Mr. Johnson requested the US Cellular conditional use application is entered into evidence. He reviewed the importance of the US Cellular service and the need to have the propane emergency generator. He stated that all US Cellular sites are being updated with emergency generators. He stated the application has been approved by the Dare County Water Department. He stated that the generator automatically comes on when electrical power is lost and has periodic automatic tests.

Council Member Sanders asked what the LP capacity run time is on the generator. Mr. Johnson responded by saying three days.

Hearing no further evidence Mr. McRee closed the evidentiary hearing.

Mayor pro tem Shields moved to approve US Cellular's request for a conditional use permit amending the site plan to install an emergency generator and that the granting of the conditional use permit meets Section 10.05.5. a-d. of the Town's Zoning Ordinance as listed:

5. Before they may grant any conditional use permit or vested right, the Town Council shall make affirmative findings that:
  - a. The applicant has met the requirements of the applicable provisions of the Southern Shores Zoning Ordinance; Subdivision Ordinance, and all other applicable ordinances.
  - b. That the use, as proposed will conform to the Town's Land Use Plan and will be compatible with the area in which it is to be located if developed in accordance with the conditions specified in the ordinance and additionally required by the Town Council as authorized by the ordinance.
  - c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted
  - d. That the use as proposed, will not overburden the Southern Shores Volunteer Department fire fighting capabilities and the Dare County water supply capacity to the Town as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

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.

Old Business-None

New Business

Board of Adjustment Appointments

The town manager requested that council consider the re-appointments of two Board of Adjustment members, Bob Siegel and Pat Storey, and that both members have agreed to continue their service. He stated that their terms as members as well as chair and vice chair terms have or will expire. The terms for chair and vice chair expire on December 31, 2006.

Council Member McDonald moved to re-appoint Bob Siegel for a three-year term and a one-year term as chairman and Pat Storey for a three-year term and a one-year term as vice chair to the Board of Adjustment. 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.

Council Member Hess stated that the town is very lucky to have them with the knowledge and experience that they bring.

Kitty Hawk Elementary School (KHES) – New ball field proposed lighting

Mr. Hejduk provided council with related materials regarding the field of illumination from the proposed lighting plan. The town manager stated that the lighting plan submitted meets the national standard but exceeds the town's zoning ordinance for allowable foot candles. He stated that council approved the initial conditional use site plan but the lighting plan was not included. He stated that the lighting plan does not require council approval but that he wanted council to be aware of the discrepancy between the national standards and the town's ordinances.

Mayor Smith asked if the new lighting is more than what the back ball field had. Mr. Hejduk stated he doesn't know. Mr. Hejduk stated that he wanted council to be made aware of the lighting issue before it is installed.

Jim Winebarger, Dare County maintenance director, addressed council by saying the final stages of the school improvement project are coming to an end. He stated there are two areas of concern: what will be the lighting levels at the property line and will there be spillage onto Hwy. 158. He addressed the foot candle readings and stated that he understands the concerns. He suggested that the lights be installed and then if needed they could be adjusted accordingly.

Representatives from Musco Lighting, Barnhill Contracting and Dare County Parks and Recreation were present to answer any questions.

The town manager asked if the lighting ordinance was amended following approval of the KHES site plan. Mr. Hejduk stated yes.

Council Member Hess asked what impact the lights would have on South Dogwood Trail and Southern Shores Landing. Mr. Hejduk stated it is not known at this time.

Council Member McDonald asked what time or amount of time would the lights be on. Mr. Winebarger stated 5:30 p.m. to 8:30 p.m.

Hearing no other comments, council gave consent with a nod to support the code enforcement administrator.

## Other Items

### Council Members

Council Member Brian McDonald addressing comments made during the public comment section stated that the dredging will be between November–March and the odor should be minimal. It will be very expensive to have the spoils removed by barge or truck. He stated that if it doesn't get done during this time then when will it get done. He stated that whatever site is used would be brought back to its natural state.

Council Member Sanders stated that if you live in a town with canals then at some time dredging is required. He stated that Pirates Cove is built on spoils and a portion of Festival Park is built on six feet of spoils, as well as the KHES playground. He stated that the money needed to do the project at a latter time, without the grant money, would possibly cause the tax base to be tripled.

He responded to the questioned raised at the public comment that often times the council votes are a 3 to 2 vote. He stated that at any time a citizen wants to know how or why he voted the way he did, they should call him.

He stated that he has attended all council meetings and workshops from 1986 to 1999 and the public comment section of the meetings is a time for council to listen to the citizens. He stated that if council responded to every speaker it could become a debate or even turn into an argument. He stated that he would like to see the meetings remain useful and orderly. He stated that if emailed he will respond.

Council Member Hess stated that she has served on the canal dredging committee for three to four years. She stated that council held a public hearing in September regarding the canal dredging project and that it was very informative.

Mayor pro tem Shields stated that the canals were built in the late 60's and forty years later they have not been dredged. He stated that they may not need to be dredged for another forty years but now is the time.

### Mayor

Mayor Smith stated that he asked the town attorney to draft a resolution supporting to amend the formula for distribution of land transfer tax and occupancy tax among the municipalities of Dare County and he thanked him for doing so.

Mayor Smith read Resolution 2006-12-01 and moved to adopt as presented. Council Member McDonald seconded.

Council Member McDonald asked if the other towns have agreed to this. Mayor Smith stated in discussion with the other town mayors, other than Nags Head, all have orally agreed to the request to amend the formula.

Council Member Hess stated that Mr. McRee did a great job drafting the resolution but she is concerned about the way it has come about, because Nags Head wants to raise their taxes so money can be used for beach nourishment. She stated Nags Head has set a referendum to be held in the spring and she recommends waiting until after the results are known before taking action.

Mayor Smith stated that by doing this we would send a message. He stated that if the referendum is approved Southern Shores would lose \$100,000 every year for five years.

Council Member Sanders stated that he supports the resolution because the way it is currently designed the town that raises their taxes gets a bigger revenue share from the county, which causes the other towns to raise their taxes just to get their fair share.

Council Member Hess stated until the formula is agreed upon it could take several years. She asked if a combination of commercial and residential taxes could be considered an option as Mr. Stroud stated during the mayor's chat.

Mayor pro tem stated that he doesn't see the towns agreeing by next General Assembly 2007 and freezing the distribution for five years would be a disaster.

Mayor Smith stated that the mayor of Kill Devil Hills asked if the town attorney could put this resolution together and forward to all the mayors.

Mayor Smith called for the vote to adopt Resolution 2006-12-01 supporting amending the formula for distribution of land transfer tax and occupancy tax among the municipalities of Dare County. The motion passed with Mayor Smith and Council Members Sanders and McDonald voting aye; Council Members Shields and Hess voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Resolution 2006-12-01 is attached hereto as Exhibit B and made part of these minutes].

#### Discussion Annual 2007 Council Meeting Schedule

Staff provided a proposed 2007 Council Meeting Schedule that includes twelve monthly council meetings and twelve monthly workshop meeting.

Council Member Hess moved to adopt 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 Resolution 2006-12-03 Council 2007 Meeting Schedule is attached hereto as Exhibit C and made part of these minutes].

Council discussed possible dates for the annual "retreat" and tentatively set February 1 and 2, 2007. Council members will check their calendars to confirm.

The town manager stated that the Capital Plan should be available by mid January for council review.

#### Town Manager

The town manager presented a change to the Town's Classification/Pay Study by requesting that one police officer position at pay grade 14 be reclassified to pay grade 17, police sergeant.

Mayor pro tem Shields moved to grant the manager the authority to make the presented changes to the Town's Classification/Pay Study. Council 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.

The town manager presented Resolution 2006-01-02-Overtime Pay Provision. Council Member Sanders moved that Mayor Smith be excused from the deliberation and vote on this issue due to a conflict of interest. Mayor pro tem Shields seconded. Mayor Smith left the room.

The town manager stated that the town attorney has reviewed and approves the resolution as presented.

Mayor pro tem Shields moved to adopt Resolution 2006-12-02 as presented. Council Member Sanders seconded. The motion passed with Council Members Shields, Hess, Sanders, and McDonald voting aye; Mayor Smith not voting, he is excused by council due to a conflict of interest (his wife is an employee of the town).

[Clerk's Note: A copy of Resolution 2006-12-02 Overtime Pay Provision is attached hereto as Exhibit D and made part of these minutes].

The town manager complimented staff, the fire department, the police department and the public works department for a job well done during and following the Thanksgiving storm.

He stated that he is meeting with Dominion Power regarding their placement of 2 and 3 phase lines for the canal dredging spoil site and flags will be placed denoting the lines.

He stated that he is in receipt of the Red Bay Lane Road improvements and are available for public review. He stated that the improvements have been budgeted in the amount of \$140,000 but the cost is \$180,000. He stated that the bid would be advertised in two ways: 1) with a bulkhead and 2) without a bulkhead. He stated that the town would need some deeds of easement from property owners before the project starts. He stated that there would be no public meeting for this project.

Mayor pro tem Shields asked what is the status of Juniper Trail now that the Juniper Trail multi-use path and the East Carolina Bank are completed. He stated that NCDOT was to make some improvements at the traffic light and the roadway needs painted with directional arrows. The town manager stated he would look into this when he meets with NCDOT on Monday.

Town Attorney-none

### Public Comment

Mayor Smith opened the public comment section of the agenda and hearing from no one he closed the public comment section.

Hearing no further comments Mayor pro tem Shields moved to adjourn the meeting at 8:45 p.m. 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.

ATTEST:

  
Mayor Don Smith

NC

Respectfully submitted:

  
Carrie Gordin, Town Clerk

# Memorandum

**To:** Southern Shores Town Council  
**CC:** Town Manager  
**From:** George Kowalski, Chairman, Planning Board  
**Date:** 1/10/2007  
**Re:** Recap, Planning Board Meeting of November 20, 2006

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

- 1. Subsequent to holding a public hearing, approve Ordinance No. 2006-11-PB15, amending Section 7.10- C- General Commercial District, of the Southern Shores Zoning Ordinance.**
- 2. Subsequent to holding a public hearing, approve Ordinance No. 2006-11-PB16, removing Section 7.05 ET1 Extra Territorial Residential District from the Southern Shores Zoning Ordinance.**

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

**Public Comment:** There was no public comment

**Committee Reports:**

The **Stormwater Management Advisory Committee** report was presented by Jay Russell, who stated that the committee is still awaiting the next summary of work by Robert McCleden, who is working on writing the committee's report and should have the first draft ready for January. Jay has set up a meeting between the Stormwater Management Committee and the Vegetation Committee. This meeting will be held on Wednesday, November 29, 2006 at 2:00 PM.

The **Hazard Mitigation Plan Committee** report was given by Mike Hejduk. Mike will be setting up a meeting of all members of the committee to go over current objectives.

The **Vegetative Advisory Committee** report was presented by its chairman, Jim Connors. Jim said that he was awaiting the input from the Stormwater Management Advisory Committee and will be presenting possible ordinance to the Planning Board. He asked if any Planning Board members would have an objection if the Vegetative Advisory Committee held an open public information meeting to get input from the community. There were none.

The **Land Use Plan/ Steering Committee**: Mike Hejduk introduced Earth Tech representative Cindy Camacho, who introduced herself to the Planning Board and gave a presentation of her background, qualifications, and what her work was going to entail once the contract was signed.

#### **Site Plan Applications:**

##### **1. LDA 2006-10-01: The Cove at Southern Shores.**

Jim Evans, representing Republic Cove Partners, James Mozingo, representing McKim & Creed, and Neal Blinken, representing Northern Outer Banks Assoc. along with other representatives, were present to present their proposal of building a 36 unit condominium located at 6195 N. Croatan Hwy. This is essentially the same proposal that was passed by the Council on a previous occasion except that the building has been straightened out somewhat, portions of the East side of the building have been added to the West side and the entire building has been moved forward approximately 15-20 feet.

Many points were discussed however two were problematic. The first was the absence of ETJ representative Ed Overton. Since Martin's Point is very close to this construction, his presence and input would have been important for the residents of Martin's Point. The second was the lack of elevation drawings, other than a rendition showing a strip view-artistic interpretation, of a 600 foot building from the front. No measurements given.

The Planning Board decided to table this application until the December meeting so that Ed Overton could be present and proper elevation drawings could be created by the applicant and submitted in a timely manner.

#### **Old Business:**

Prior to discussing this first ordinance, there were two public speakers welcomed to the podium: Mr. Paul Watson and Mr. Bobby Walters. Both either asked questions or spoke, on the subject of, home occupations.

##### **1. Ordinance No. 2006-06-PB9 (An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance Relating to Home Occupations.)**

This future ordinance was extensively discussed. After separate discussions between Nancy Wendt and Web Fuller and George Kowalski and Web Fuller, a new idea was presented. In this proposal, the Home Occupation Ordinance would only deal with home occupations. Vehicle parking issues and types of vehicles allowed would be handled by a separate parking ordinance. Noise would be handled by the noise ordinance with changes added if necessary. Signage would be handled by additions to the sign ordinance, and so on. The Home Occupation Ordinance will deal with what business activities are not allowed. After running through a series of questions posed to the Planning Board members, Nancy Wendt now knows in which direction the Planning Board wants to go. She will present a revised Home Occupation Ordinance and a possible vehicle parking ordinance at the December Planning Board meeting. These possible ordinances are fashioned upon the ordinances found in Duck and in Nags Head.

### **New Business:**

#### **1. Ordinance No. 2006-11-PB15 ( An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance Relating Section 7.10-C-General Commercial District.**

In reviewing this current ordinance, it was discovered that in Section 7.10 C- General Commercial District (pages 34&35), restaurants were listed in both the Permitted Uses and Conditional Uses sections. This creates a conflict of enforcement. This ordinance removes restaurants from the Permitted Uses section and leaves them in the Conditional Uses section.

Subsequent to discussion, the Board, by motion, unanimously approved, that the Town Council adopts proposed Ordinance No. 2006-11-PB15. It is recommended that Council schedule a Public Hearing.

#### **2. Ordinance No. 2006-11-PB16 ( An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance Relating Section 7.05-Extra-Territorial Residential District.**

In reviewing this current ordinance, it was discovered that in Section 7.05 ET-1 Extra Territorial Residential District still exists. This ordinance section governs Martin's Point but Southern Shores has no residential jurisdiction in that area. This ordinance removes that control.

Subsequent to discussion, the Board, by motion, unanimously approved, that the Town Council adopts proposed Ordinance No. 2006-11-PB16. It is recommended that Council schedule a Public Hearing.

**Other Items:**

1. George Kowalski asked that the Planning Board members read over the changes that were done to the Rules of Procedure for the Planning Board. This document will be introduced for discussion and adoption at the December Planning Board Meeting. No concerns were raised by any other members of the Planning Board.
2. Mike Hejduk stated that All Saints Church construction is underway. The MarketPlace still has not resolved their construction issues.

**Announcements:**

1. Next regular meeting: Monday, December 18, 2006; 7:00PM Pitts Center

**Adjournment:** Upon motion, the Planning Board meeting adjourned.

Exhibit B

Resolution No. 2006-12-01

**RESOLUTION IN SUPPORT OF AMENDING THE FORMULA FOR DISTRIBUTION  
OF LAND TRANSFER TAX AND OCCUPANCY TAX AMONG THE  
MUNICIPALITIES OF DARE COUNTY**

WHEREAS, the North Carolina General Assembly has enacted Session Laws 1985-449, 1985-826, 1991-177, 1991-906 and 2001-394 authorizing the collection of occupancy tax in Dare County and providing for the method of distributing the occupancy tax to the municipalities in Dare County; and

WHEREAS, the North Carolina General Assembly has enacted Session Laws 1985-535 and 2001-394 authorizing the assessment and collection of a land transfer tax in Dare County and providing for the method of distributing the land transfer tax to the municipalities in Dare County; and

WHEREAS, as provided by the enabling acts Dare County must distribute sixty-eight (68%) of the net proceeds of the occupancy tax and thirty-five (35%) of the net proceeds of the land transfer tax to the towns in Dare County in amounts proportionate the amount of ad valorem taxes levied by each town for the preceding fiscal year; and

WHEREAS, because occupancy tax and land transfer tax is distributed to a town based on a town's ad valorem tax rate levied the previous year, a town increasing its ad valorem tax will receive more occupancy tax and land transfer tax than a town maintaining or decreasing its ad valorem tax rate and thus receive a disproportionate share of taxes; and

WHEREAS, it is advisable that a more fair and equitable occupancy tax and land transfer tax distribution formula be developed and the respective enabling acts amended by the North Carolina General Assembly.

NOW, THEREFORE, BE IT RESOLVED by the Town Councils for the Towns of Duck, Kitty Hawk and Southern Shores and the Boards of Commissioners for the Towns of Kill Devil Hills, Manteo and Nags Head, North Carolina that:

Section 1. The Towns of Duck, Kill Devil Hills, Kitty Hawk, Manteo, Southern Shores and Nags Head support an amendment to the occupancy tax and land transfer tax enabling acts freezing the distribution of the taxes at fiscal year 2006-2007 rates until another distribution formula agreed to by the respective towns is created and the enabling acts amended accordingly.

Section 2. The foregoing towns request that the Dare County Board of Commissioners endorse amendment to the occupancy tax and land transfer tax enabling acts as set forth in Section 1 of this resolution and that the Dare County Board of Commissioners request that Senator Marc Basnight and Representative Tim Spears support and introduce such legislation in the session of the General Assembly convening January 24, 2007.

S E A L

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Mayor Don Smith

ATTEST:

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Carrie Gordin, Town Clerk

Exhibit C

Resolution No. 2006-12-03

A Resolution of the  
Town Council of Southern Shores, North Carolina,  
Relating to the 2007 Meeting Schedule

**WHEREAS**, the Town Council of Southern Shores hereby resolves to implement the following as its monthly meeting schedule for calendar year 2007 and;

**BE IT RESOLVED**, by the Town Council of Southern Shores, North Carolina, meeting this 5th day of December, 2006, that regular monthly meetings of the Town Council of the Town of Southern Shores will take place generally on the first Tuesday of each month beginning at 7:00 p.m. in the Kern P. Pitts Center but more specifically as follows:

Tuesday, January 2, 2007	Tuesday, August 7, 2007
Tuesday, February 6, 2007	Tuesday, September 4, 2007
Tuesday, March 6, 2007	Tuesday, October 2, 2007
Tuesday, April 3, 2007	Wednesday, November 7, 2007
Tuesday, May 1, 2007	Tuesday, December 4, 2007
Tuesday, June 5, 2007	Wednesday, January 2, 2008
Wednesday, July 3, 2007	

**BE IT FURTHER RESOLVED**, that additional regular monthly daytime meetings of Council will take place generally on the fourth Tuesday of each month, being called to order at 8:00 a.m. in the Kern P. Pitts Center but more specifically as follows:

Tuesday, January 23, 2007	Tuesday, August 28, 2007
Tuesday, February 27, 2007	Tuesday, September 25, 2007
Tuesday, March 27, 2007	Tuesday, October 23, 2007
Tuesday, April 24, 2007	Tuesday, November 27, 2007
Tuesday, May 22, 2007	Tuesday, January 22, 2008
Tuesday, June 26, 2007	
Tuesday, July 24, 2007	

**BE IT FURTHER RESOLVED**, that to process routine actions in an expeditious manner, a consent agenda may be utilized and administered by the Town Manager as part of Council's regular meeting agenda; and

**BE IT FURTHER RESOLVED**, to insure public comment is heard, one or more Public Comment sections will be continued on the agenda at regular monthly meetings of Council. Such comments shall be brief and to the point. Neither the Mayor nor Council shall comment on items raised by the public except that the Mayor may refer the item to staff for further investigation or to place the item on the agenda for future consideration.

Adopted this 5<sup>th</sup> day of December

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

ATTEST:

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Carrie Gordin, Town Clerk

Exhibit D

Resolution # 2006-12-02

## RESOLUTION

### OVERTIME PAY PROVISIONS

**WHEREAS**, the Town of Southern Shores council adopted a revised Classification and Pay Study on August 3, 2003 and complies with the Fair Labor Standards Act (FLSA)

**BE IT RESOLVED** by the Town Council of Southern Shores that the council approves amending Article III, Section 12. Overtime Pay Provisions, paragraph 3 to read as follows:

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period; hours for police personnel may be different). ~~Hours worked beyond the FLSA established limit will compensated in either time or pay at the appropriate overtime rate. The town will allow non-exempt employees (except police) to be compensated with compensatory time for hours worked beyond the FLSA established limit at the rate of time and one half. The non-exempt employees with the police department will be compensated with pay at the overtime rate of time and one half for hours worked over the FLSA established limit.~~ In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes. Compensatory leave requires approval by the Town Manager when creating a balance that exceeds ~~100~~ 40 hours. The only time an employee will be paid for any accrued compensatory time is when their employment is terminated with the town. When scheduling time out of the office, compensatory time must be used before any vacation time is used.

Adopted this 5<sup>th</sup> day of December 2006.

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

Attest:

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Carrie Gordin, Town Clerk