



Town of Southern Shores

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Town of Southern Shores

Council Meeting

June 5, 2007

7:00 PM.-Pitts Center

The Southern Shores Town Council met on June 5, 2007 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 armed forces around the world.

APPROVAL OF AGENDA

Mayor pro tem Shields moved to approve the agenda 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.

GENERAL PUBLIC COMMENT-none

REPORTS

Planning Board

George Kowalski, chairman gave the Planning Board report for May 21, 2007.

Mayor pro tem Shields asked what is the purpose of the transportation committee. Chairman Kowalski stated that the committee would investigate the road conditions as compared to the 2004 ITRE study and make a report.

Mayor pro tem Shields recommended calling the committee a roads committee. Council Member Hess agreed.

Mayor Smith asked if the volunteers have the expertise to rate the roads. Chairman Kowalski said no. He stated they would look at the roads to see if the road conditions had changed from the 2004 report and provide recommendations accordingly.

Mayor pro tem Shields moved to approve a public hearing set for July 3, 2007 for Ordinance 2007-07-01 amending specific language regarding parking spaces 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.

[Clerk's Note: Planning Board Report for May 21, 2007 is attached hereto as Exhibit A].

Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report.

Police Department

Chief Kole presented the monthly report.

Storm Water Implementation Committee

Jay Russell, chairman of the committee was unable to attend. George Kowalski addressed council on his behalf. He presented council with several questions and asked that they provide the committee with direction.

Mayor Smith recommended the request be placed on the June 26 council meeting for further discussion. Council agreed.

MINUTES- April 24, 2007, May 1, 2007, Budget Workshop May 10, 2007

Mayor pro tem Shields moved to approve the three sets of minutes 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.

CONSENT AGENDA

- Budget Amendments FY- 2006-07
- Resolution 2007-06-01 – Clean Water Act of 2007
- Resolution 2007-06-02 – Funding for North Carolina's Coastal Studies Institute
- Resolution 2007-06-03 – Transportation Task Force

Mayor pro tem Shields requested that the resolutions be approved separately and that they not be placed under the consent agenda in the future. Council agreed.

Mayor pro tem Shields moved to approve the budget amendments 19-21 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.

[Clerk's Note: Budget Amendments are attached hereto as Exhibit B].

Resolution 2007-06-01- Clean Water Act of 2007

Mayor pro tem Shields moved to approve Resolution 2007-06-01-Clean Water Act of 2007 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.

[Clerk's Note: Resolution 2007-06-01- Clean Water Act of 2007 is attached hereto as Exhibit C].

Resolution 2007-06-02-Funding for North Carolina's Coastal Studies Institute

Mayor pro tem Shields moved to approve Resolution 2007-06-02-Funding for North Carolina's Coastal Studies Institute 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.

[Clerk's Note: Resolution 2007-06-02- Funding for North Carolina's Coastal Studies Institute is attached hereto as Exhibit D].

Resolution 2007-06-03-Transportation Task Force

Council Member Hess stated that Mike Hejduk created some interesting designs and that Jerry Jennings, DOT representative, stated there is money in the Transportation Improvement Plan (TIP) budget and approval of this resolution is requesting that DOT move ahead on implementation.

Council Member Hess moved to approve Resolution 2007-06-03-Transportation Task Force as presented. 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.

[Clerk's Note: Resolution 2007-06-03- Transportation Task Force is attached hereto as Exhibit E].

PUBLIC HEARINGS

Proposed FY 2007-08 Budget

Ike McRee reviewed the legal requirements for approval of the FY2007-08 town budget and stated that the budget needs to be adopted by June 30. He stated that during the public hearing there would be no debate with council this is the time for citizens to speak. He opened the public hearing.

George Courter, 212 Sea Oats Lane, read a letter on behalf of Jack Elliott, residents 143 Yaupon Lane, who is unable to attend tonight's meeting. The Elliott's requested that council not eliminate the chipping program. It was stated that the town would become unsightly with piles of brush and tree debris and there would be fire danger. Mr. Elliott asked that on the Town's website it states a "Town of Volunteers" but they are withering as benefits are withdrawn. There may be a time when this slogan may be withdrawn.

Mr. Courter added that he also supports keeping the chipping program and to eliminate it would penalize the people who take care of their property and there would be fire hazards.

Paul Kapinos, 40-10th Avenue, stated that he supports the chipping program. He thinks the chipper is doing a good job. He asked council to keep the program. He stated it is not worth the cost to lose it.

Jack McNeal, 32 Fairway Drive, stated he supports the chipping program and he feels the program has advanced through the years in making the town beautiful, let's keep it that way.

Ed Cowell, 134 Beech Tree Trail, stated that he has had a home here since 1959 and over the last 3-4 years the town's look has improved. He stated the chipper and public works are doing a good job.

Bill Storey, 362 Sea Oats Trail, stated that he has lived here since 1983. He stated that the town has always shown a touch of class but he is concerned since the road system was only marginally constructed it is going down hill. He stated that the ITRE study rated the roads. He stated before Holly Trail was reconstructed it was horrible. He stated that Poteskeet and Hickory Trails are in bad shape. He stated that before the public works department volunteers did things like patch potholes, put up street signs etc. He supports the chipping program. He asked why the town could not have a nice town sign like the other towns instead of the metal sign at South Dogwood Trail. He wants to see the town maintain better standards.

Hearing no other speakers Mr. McRee closed the public hearing.

Mayor Smith recommended the FY2007-08 budget be placed on the June 26, 2007 agenda, which at that time council is prepared to approve the budget. He reminded the public that meeting begins at 8:00 a.m. Council agreed.

[Clerk's Note: Proposed FY2007-08 Budget is attached hereto as Exhibit F].

PUBLIC HEARING

Ordinance 2007-05-01 Home Occupation

Mr. McRee stated the ordinance amendment proposes to amend the definition and add a new article in the zoning ordinance for home occupation.

Mr. McRee opened the public hearing for Ordinance 2007-05-01 Home Occupation.

Paul Watson, 171 Sassafras Lane, stated that he has a home occupation. He stated that several committees have been working on this subject. He thinks it is being steam rolled to get home businesses out of town. He asked that council consider a way to keep some home businesses in town.

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

The town manager stated that the proposed ordinance is fair and less restrictive than the current ordinance. He stated that Nancy Wendt, member of the planning board has put in a considerable amount of time on this issue as well as the planning board as a group. He stated that the town staff doesn't seek violations the enforcement is complaint driven.

Mayor pro tem Shields commented that when the law enforcement officers are patrolling the town and see a violation it would be addressed.

Council Member Hess asked why the draft ordinance did not transfer the current language in part Article XI.2. regarding no increase in volume of traffic.

Council Member Sanders stated that Article X.1. addresses that by reading the home occupation does not impact or detract from the residential character of the neighborhood.

Chairman Kowalski stated if the home occupation business follows the ordinance then there will be no increase in traffic. He also stated that the planning board decided not to address signage on commercial vehicles.

Council Member Hess commended the planning board for all their hard work and said they did a wonderful job.

Council Member McDonald stated he is concerned about how is the "first floor" defined as stated in Article X. 2.

Nancy Wendt stated that the planning board looked at many ordinances before deciding how much and where the home occupation could be in a home.

Chairman Kowalski stated that a garage, basement or accessory structure is not used for this and this is the language that is recommended.

Mayor Smith stated that he has a home business and his office is on the first floor with his two-car garage. He doesn't know if his office is twenty-five percent.

Council Member Sanders stated that he is concerned, as the ordinance is written, that personal equipment by home owners that was used following Hurricane Isabel is no longer allowed. He stated the fire department and with the help of town volunteers the town's roads were cleared within a day. This couldn't have been done without the volunteers. He stated it took \$750,000 to remove the debris.

Chairman Kowalski stated that council needs to decide if they want such equipment to be allowed in the residential zone, commercial equipment is not allowed. He stated the residents do not want to be impacted by commercial equipment. He stated that since 1981 the town has been a residential community.

Mayor Smith stated that he is concerned there is no allowance for residents who have commercial equipment. He stated that one resident has lived in town for twenty years and parks his equipment on a neighbor's lot, with their permission, and no one has complained. He stated that he has a problem with asking that equipment be moved under these circumstances.

Chairman Kowalski stated then he has been in violation since 1981. He stated you can't be selective or you just do away with ordinances. He stated if your business has exceeded a level that you now have several trucks and equipment it is time to put them somewhere else. He stated that the ordinance is drafted to allow home occupations with certain criteria.

Jim Conners stated that he runs his business out of town and has his equipment in Currituck County. He stated that no favoritism should be shown. He stated that he would want to be able to pre-position his equipment before a storm to protect his equipment and to help the town following a storm. He stated that he does not want to be cited because he has his equipment in town, at his house, if he stops there to eat lunch.

Tom Bennett, SSCA president, stated council needs to decide what type of community they want. He stated that he feels commercial equipment is inappropriate.

Ursula Bateman stated that a neighbor ran a business out of his home and workers would park twelve cars there. She stated they were noisy and it impacted the neighborhood to the point that one neighbor sold their house.

Paul Watson stated that the person Mayor Smith is talking about was here before the town was a town. He would ask council that some equipment be allowed. He stated there is a difference between commercial and heavy equipment. He stated that a different license is required to use heavy equipment. He stated it is convenient to keep your equipment at home.

Council Member Hess moved to approve Ordinance 2007-05-01 as presented.

Mayor Smith and Council Member McDonald stated that they have concerns about the twenty-five percent requirement of the first floor it needs a better definition.

Council Member Hess asked Mike Hejduk if the ordinance is clear enough to enforce.

Mike Hejduk stated that the residential inspector would investigate and enforcement would be on a case-by-case basis. He read an email dated July 12, 2005, in part is their stated concerns, from a concerned property owner requesting that specific guidelines be developed as applied to the residential community and commercial vehicles under home businesses. They also were concerned about the lack of enforcement now and how new restrictions would be enforced. They offered some considerations to be discussed to restrict certain equipment and vehicles.

Mr. Hejduk stated when the planning board began discussing this issue their concern was the definition of home occupation/business and the new definition was written. He stated the code enforcement officer would look at the twenty-five percent requirement within a residential unit, not a garage, on a case-by-case basis.

He stated that he doesn't think the complaint is going to be about the size of an office but what will be outside as related to a home business.

Mayor Smith stated he is concerned that a complaint may be taken regarding the twenty-five percent and how it is calculated, how the parking would be enforced by defining what vehicles are business related and what is considered a nuisance.

Mr. McRee stated that the code enforcement officer whose job is to interpret the ordinance to the best of their ability and make a determination. The parking issues are regulated by the zoning requirements for the number of bedrooms.

Council Member Sanders could there be a legal problem by not defining the first floor? Mr. McRee stated that it might be better to say twenty-five percent of the square footage of the heated space or area of dwelling unit.

Chairman Kowalski stated that a home occupation can't be applied to accessory structures. He stated that the current ordinance doesn't allow a secretary to come to your house but this new ordinance does but the language is to prevent a business accommodating twelve cars that park daily at a residence as a drop off point.

Mayor Smith asked about what licenses are required as addressed in Article IX. 6. Chairman Kowalski stated that it is the property owner's responsibility to have the required licenses as applicable.

Council Member McDonald stated that he is concerned with the twenty-five percent as applied to the first floor.

Mayor pro tem Shields asked if the wording were changed to living area instead of first floor would that be acceptable.

A property owner from Fairway asked if this ordinance would apply to a private street. Mr. McRee stated that it would. It is a zoning regulation.

Nancy Wendt stated that they discussed all the different ways how this could be applied and this is the best way. She stated that council needs to decide where property owner's rights begin and end.

Mayor pro tem Shields recommends council discusses this further at the June 26 meeting and come up with different wording.

Mike Hejduk reminded council that a property owner would need to go before the Board of Adjustment to request a variance once cited for a violation not as a nuisance under the Town Code.

Discussion was held to eliminate the twenty-five percent but the town manager recommended that a certain percentage should be identified to the residential use.

Council Member Sanders stated that the planning board has worked on this for years and presented a product to council and a decision is needed. He recommends too pass it and deal with it. If we find it needs to be changed then council will look at it.

Council Member Hess recommended that the wording be changed to read under X. 2. The business inside the dwelling unit shall not exceed twenty-five (25) percent of the first floor habitable space of the primary residential structure.

Council Member Hess moved to adopt Ordinance 2007-05-01-as amended. 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.

[Clerk's Note: Ordinance 2007-05-01 Home Occupation as amended is attached hereto as Exhibit G].

OLD BUSINESS-none

NEW BUSINESS

2007 Storm Debris Removal Contracts

The town manager stated this is the same agreement as last year and that the Town of Southern Shores and the Town of Duck have the authority to also participate in contracts as approved by the Town of Nags Head commissioners.

The contract would be for one-year from July 1, 2007 through June 30, 2008. He stated that council has been provided with copies of the RFP's for review as submitted to Nags Head. He stated Nags Head commissioners will approve the proposals at the June 6, 2007 meeting. He stated that he requests that council approve the selected contracts subject to the Nags Head Board of Commissioner's approval.

Mayor pro tem Shields moved to approve the request by the town manager that council has the authority to approve the storm debris removal contracts as approved by the Tow of Nags Head Commissioners. 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.

OTHER ITEMS

Town Manager-none

Town Attorney-none

Mayor-none

Council

Council Member McDonald Brian reminded everyone to support the Dare Devils baseball team and to attend the baseball games held at First Flight High School.

GENERAL PUBLIC COMMENT

Mayor Smith opened the public comment section.

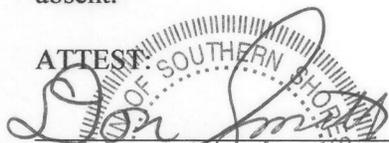
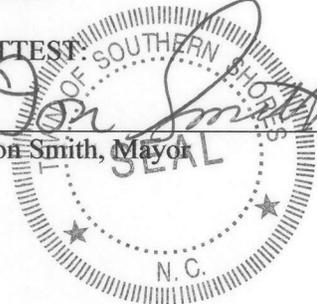
Ursula Bateman, 360 Sea Oats Trail, asked what the rules are for fireworks is in town. The town manager stated that the town does not allow any fireworks that propel or explode as per stat law.

Tom Bennett, SSCA president, encouraged council to support the town manager's budget as proposed.

Al Smith, 279 Sea Oats Trail, once again stated that he supports the chipping program and an increase of the tax rate at nine cents if necessary to keep the town the way it is.

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

Hearing no further comments Mayor Smith moved to adjourn at 8:50 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.

ATTEST

Don Smith, Mayor


Respectfully submitted:

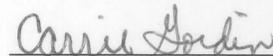

Carrie Gordin, Town Clerk

Exhibit A

To: Southern Shores Town Council
CC: Town Manager
From: George Kowalski, Chairman, Planning Board
Date: 5/23/2007
Re: Recap, Planning Board Meeting of May 21, 2007

Planning Board recommended actions for the Town Council:

1. **Approve Ordinance No. 2007-05-PB1, Definition of Specific Term.**
2. **Approve the formation of the Wireless Communication Master Plan Committee.**
3. **Consider the formation of a Transportation Committee.**

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

Approval of Agenda: Agenda approved

Approval of Minutes: There were no minutes to approve

Public Comment: There was no public comment.

Committee Reports:

The **Stormwater Management Advisory Committee** report was presented by George Kowalski who gave a quick overview of the Stormwater presentation and the Stormwater Plan. Each Planning Board member had copies. A meeting of the committee will be held on May 29, 2007 at 2:00 pm to discuss the arrangement of flooding sites in order of repair preference.

The **Hazard Mitigation Plan Committee** report was given by Mike Hejduk. He stated that the Council will be presented with choices that need to be made at the next Town Council Workshop meeting on May 22, 2007.

The **Vegetative Advisory Committee** was given by Jim Connors who stated that he will need to get the Vegetative Committee to sit down with the Planning Board and discuss a new vegetative ordinance proposal. A meeting time was not set but will be in the future.

The **Land Use Plan/ Steering Committee:** The report was presented by Nancy Wendt, who went over the CAMA Land Use Plan update draft report. She received input from various Board members and Nancy stated that there was still much to do, especially when it came to citizen input. Mike Hejduk stated that there was no money available for additional surveys. He stated he had applied for more grant money and read a letter reply denying the request. He stated that maybe it was time for new leadership on this committee and asked George to speak with the Town Manager.

Applications:

1. None

Other Business

Old Business

1. None

New Business:

1. Ordinance No. 2007-05-PB1: Definition of Specific Terms. The purpose of this ordinance is to amend section 3.02 of the Southern Shores Zoning ordinance which was approved some time ago but the definition of the term "Parking Space" had never been changed, in the list of definitions, even though it had been, within the ordinance itself. It changes the definition length of a parking space from 20 feet to 18 feet.

Subsequent to discussion, the Board, by motion, unanimously approved, that the Town Council adopts proposed Ordinance No. 2007-05-PB1

2. Wireless Communication Master Plan. At the last Town Council meeting, when the temporary Verizon tower was not approved, it was suggested that a committee be formed to evaluate the need for a Wireless Communication Master Plan and create one if so desired. A committee of Planning Board members has been formed that includes George Kowalski, Dave Peckens, and Jim Connors. Each member has been given a copy of the Kill Devil Hills Wireless Communication Master Plan and the first meeting will be held in June.

Other Items:

There were no other items presented by Planning Board members.

Mike Hejduk discussed the next three topics:

1. State of the Town roads/ ITRE reports. Planning Board members are now aware of the extent of town road repairs necessary, according to these 2004 reports.

**Town of Southern Shores
Budget Amendment Number # 20**

**Code Enforcement
Increases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
63-50117	Advertising	\$500.00
TOTAL		\$ 500

**Code
Enforcement
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
63-50121	Contingency	\$500.00
TOTAL		\$ 500

Explanation: Advertising for CAMA permits

Webb Fuller, Town Manager

Don Smith, Mayor

**Town of Southern Shores
Budget Amendment Number # 21**

**Sanitation
Increases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
52-50200	Residential Collection	\$50,000.00
52-50203	Commercial Collection	\$12,000.00
52-50204	Landfill Tipping Fee	\$34,000.00
TOTAL		\$ 96,000

**Sanitation
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
52-50206	Recycling Containers	\$24,840.00
52-50207	Public Works Dumpster	\$3,000.00
42-50040	Merit Program	\$50,560.00
40-39909	Increase Undes. Fund Balance	\$17,600.00
TOTAL		\$ 96,000

Explanation: Increased hours and cost for trash collection & disposal

Recommended By:

Webb Fuller, Town Manager

Approved By:
Town Council

Don
Smith,
Mayor

Resolution of Support for the Clean Water Act of 2007

WHEREAS, North Carolina's continued prosperity depends on protecting the State's water resources for current use and future generations; and,

WHEREAS, North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the State's water resources and local water providers; and,

WHEREAS, North Carolina's businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility costs, well maintained water infrastructure and an attractive natural environment; and

WHEREAS, the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties, which

- Helped create or retain 42,000 jobs
- Corrected major regulator violations in 97 communities
- Addressed failing septic systems and contaminated wells in 59 counties
- Resulted in 50 communities receiving sewer service for the first time
- Encouraged regional efficiencies, sound planning and conservation practices; and

WHEREAS, North Carolina's public water, sewer and storm water utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years;

NOW THEREFORE BE IT RESOLVED that the Town Council of Southern Shores urges the NC General Assembly to enact the "Clean Water Act of 2007" which provides for a \$500 million bond issue to be expended over the next five years, and an annual appropriation of \$50 million in recurring funding to address urgent needs.

Adopted this 5th day June 5, 2007.

S E A L

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Exhibit D

**RESOLUTION IN SUPPORT OF FUNDING
FOR
NORTH CAROLINA'S COASTAL STUDIES INSTITUTE**

Whereas, the "Old North State" is blessed with a long and beautiful shoreline along the Atlantic Ocean;

Whereas, the bounty of the Atlantic Ocean waters, and inland estuarine waters, and saltwater marshes, represent a treasure which needs to be better understood by coastal scientists, residents and the many visitors to the State's shorelines;

Whereas, the University of North Carolina system of collaboration by multiple institutions and resources is the appropriate entity to conduct the needed studies of these natural resources in order to maximize our understanding of the eco-systems for future preservation and for more efficient and wiser present uses;

Whereas, the Coastal Studies Institute was established in 2002 as a program allowing such collaboration, resource sharing and research program initiation and enhancement for the benefit of local residents, visitors from all over the world, and indeed the Nation;

Whereas, the Coastal Institute is now conducting a varied set of programs and studies to increase the knowledge and appreciation of the coast of North Carolina and its ocean ecosystems, and with additional funding could be conducting studies of great potential long-range benefit;

NOW THEREFORE BE IT RESOLVED the Town Council of Southern Shores supports appropriations from the General Assembly of North Carolina which would allow expansion of the important studies and programs of the Coastal Studies Institute for the greater benefit to all North Carolinians.

Adopted this 5th day June 2007.

S E A L

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Exhibit E

Resolution #2007-06-03

**Resolution of Support for Restart of Work on Project R-4457 in the NCDOT
Transportation Improvement Plan (TIP)**

WHEREAS, the Mid-Currituck Sound Bridge project now has a projected construction start date in FY 2009; and,

WHEREAS, this bridge is expected to alleviate much – but not all – of the current and future congestion, which occurs at the intersection of US 158 and NC 12 near the Aycock Brown Welcome Center in Kitty Hawk, NC; and,

WHEREAS, project R-4457 in NCDOT's current TIP provides funding of \$530,000 for planning and design of an interchange at this same intersection; and

WHEREAS, work under project R-4457 was suspended until the Currituck Sound Transportation Study prepared options for improving traffic flow management to Duck and Corolla via a bridge and/or roads and to the southern Dare Beaches through the intersection at the Aycock Brown Welcome Center; and

WHEREAS, this intersection will continue to be a bottleneck, especially as visitation to the Outer Banks continues to grow; and

WHEREAS, the Counties, Towns and other entities adjacent to the transportation corridor from Grandy, NC through Corolla, NC – including Dare and Currituck counties, Duck, Kitty Hawk and Southern Shores – agree that this intersection is the highest priority transportation infrastructure problem after the Mid-Currituck Sound Bridge; and

WHEREAS, these entities are prepared to work with NCDOT and with the stakeholders, whose operations are adjacent to or impacted by the intersection next to the Aycock Brown Welcome Center; and

WHEREAS, these entities, having begun to consider concepts for flow of traffic through this intersection, recognize that NCDOT planning and design help is needed to consider what can be constructed in this area and to bring all of the stakeholders to the table;

NOW THEREFORE, the Town Council of Southern Shores requests that NCDOT promptly restart work under Project R-4457.

Adopted this 5th day June 2007.

S E A L

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Exhibit F

**TOWN OF SOUTHERN SHORES
PROPOSED OPERATING BUDGET FOR
FY 2007-2008**

Notice is hereby given that the Town Manager's proposed operating budget for fiscal year July 1, 2007- June 30, 2008, has been presented to the Council. The Town of Southern Shores will conduct a PUBLIC HEARING on the proposed budget at the Kern Pitts Center on **Tuesday, June 5, 2007, at 7:00 p.m.**

A copy of the proposed budget is available for public inspection in the Town Clerk's Office, Monday through Friday from 8:30 a.m. until 5:00 p.m.

All interested persons are invited and urged to make written or oral comments. A summary of the proposed budget follows:

REVENUES

Property Taxes (Ad Valorem and Other)	\$ 1,666,320
Intergovernmental Revenue	2,458,100
Permits & Fees	181,650
Miscellaneous Revenue	165,880

TOTAL REVENUES \$4,471,950

EXPENDITURES

Public Works	\$ 1,468,800
Administration	720,900
Code Enforcement & Planning	353,950
Police	940,400
Sanitation	556,500
Fire Department	291,400
Ocean Rescue	140,000

TOTAL EXPENDITURES \$4,471,950

This the 22nd day of May 2007.

Exhibit G

Ordinance 2007-05-01

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE ZONING ORDINANCE
RELATING TO HOME OCCUPATIONS**

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 Zoning Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Zoning Ordinance shall be shown in italics (*italics*).

Article III. Amend Section 3.02 Southern Shores Zoning Ordinance – Definition of Specific Terms and Words

Section 3.02 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

~~Home Occupation: A profession or occupation in which (a) no person other than a member of the family residing on the premises is engaged in the occupation; (b) there is no visible evidence (i.e., signs of any size, material or equipment) in the outside appearance of the premises of the conduct of such occupation; (c) the home occupation will not increase the volume of traffic in the neighborhood; (d) there will be no additional parking required over and above that of residential use; (e) no equipment is used other than that normally used for domestic or household purposes; (f) the premises shall not be used for contact with customers or potential customers for the purpose of selling or exchanging goods or services that are a product of the home occupation;~~

~~and (g) activities related to the home occupation shall be confined to the principal dwelling unit. The term "home occupation" shall exclude any establishment in which goods or services are offered for sale.~~

Home Occupation / Home Based Business: A business, profession, occupation or trade conducted for gain or support within a residential dwelling. See Article VIII, Home Occupation / Home Based Business Regulations.

Article IV. Amend Section 7.01 Southern Shores Zoning Ordinance – RS-1 Single Family Residential District

Section 7.01 (B) of the Southern Shores Zoning Ordinance is hereby amended to read as follows:

B. Permitted Uses

The following uses shall be permitted by right:

3. Home occupations and Home Based Businesses as defined regulated in Section 3.02 Article VIII of this ordinance.

Article V. Amend Section 7.02 Southern Shores Zoning Ordinance – RS-8 Multi-Family Residential District – Permitted Uses

B. Permitted Uses

The following uses shall be permitted by right:

5. Home occupations and Home Based Businesses as defined regulated in Section 3.02 Article VIII of this ordinance.

Article VI. Amend Section 7.03 Southern Shores Zoning Ordinance – RS-10 Residential District – Permitted Uses

B. Permitted Uses

The following uses shall be permitted by right:

2. Home occupations and Home Based Businesses as defined regulated in Section 3.02 Article VIII of this ordinance.

Article VII. Amend Section 7.04 Southern Shores Zoning Ordinance – R-1 Low Density Residential District

B. Permitted Uses

The following uses shall be permitted by right:

3. Home occupations and Home Based Businesses as defined regulated in Section 3.02 Article VIII of this ordinance.

Article VIII. Add ARTICLE VIII. Home Occupation / Home Based Business Regulations

The following requirements shall apply to the conduct of home occupations and home based businesses in Southern Shores.

Article IX. Add Section 8.01 – Home Occupation / Home Based Business General Standards

The Town of Southern Shores adopts these standards and regulations to regulate the conduct of a business within the confines of their residences to provide residents with an opportunity to use their homes to engage in small-scale business activities and to establish standards to ensure that such Home Occupations / Home Based Businesses are conducted as lawful uses, subordinate to the residential use of the property right to quiet enjoyment by neighbors.

Home Occupations / Home Based Businesses are permitted in any residential dwelling unit subject to the following provisions:

1. The use of the dwelling unit for the home occupation or home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure or the property.
2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation or home based business
3. No business storage or warehousing of material, supplies or equipment shall be permitted outside of the primary dwelling unit.
4. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials, as may be regulated by the State Department of Environment, Health, and Natural Resources, Division of Solid and Hazardous Materials, shall be used or stored on the site in quantities greater than is reasonable and customary for any residential unit.
5. No display of products shall be visible from the street.
6. A home occupation or home based business shall be subject to all applicable licenses, permits and business taxes.

Article X. Add Section 8.02 – Home Occupation / Home Based Business – Permitted Use

Home Occupation / Home Based Business use of residential property permits very limited activities in a residential dwelling, provided such activities:

1. Do not impact or detract from the residential character of the neighborhood.
2. The business inside the dwelling unit shall not exceed twenty-five (25) percent of habitable space of the primary residential structure.

A home occupation shall be deemed an accessory use and no further approval shall be required, provided the use meets the standards of this section.

Article XI. Add Section 8.03 – Home Occupation / Home Based Business – Prohibited Characteristics

No Home Occupation or Home Based Business shall be permitted that does any of the following:

1. Requires internal or external alterations inconsistent with the residential use of the building or the land.

2. There will be no additional parking required over and above that of residential use.

3. Is a nuisance, or creates a hazard to persons or property.

Article XII. 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 XIII. Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 5th day of June 2007.

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

VOTE: 5 Aye 0 Nay

Ike McRee, Town Attorney

DATE OF FINAL RECOMMENDATION BY PLANNING BOARD:	APRIL 16, 2007
DATE INTRODUCED BY TOWN COUNCIL:	MAY 1, 2007
DATE(S) ADVERTISED:	MAY 17 AND MAY 24, 2007
NAME OF NEWSPAPER:	COASTLAND TIMES
DATE OF PUBLIC HEARING	JUNE 5, 2007