



Town of Southern Shores

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Town of Southern Shores

Council Meeting

November 5, 2008

7:00 PM.-Pitts Center

Minutes

The Southern Shores Town Council met on November 5, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Also present were: Charles Read, Town Manager, Carrie Gordin, Town Clerk and Ben Gallop, 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 Wayne Burkart and for our troops serving around the world.

APPROVAL OF AGENDA

Mayor Smith requested the agenda be amended to move item VIII. D. Ordinance 2008-11-02 Beach Vitex to follow the Consent Agenda to hear from Susan Ruiz-Evans, NC Cooperative Extension Service and Council will go into closed session following regular business.

Mayor Smith moved to approve the agenda as amended. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

CERTIFICATES OF APPRECIATION

Mayor Smith presented Certificates of Appreciation to members of the Capital Improvement Plan Task Force: Bill Gleason, Dan Shields, and Dave Peckens (absent); Tom Bennett for providing landscaping lectures to our Public Works Department and to members of the Fire Service Advisory Board: Ray Sharpe, Russell Glock (absent), George Kowalski, (absent) and Ambrose Hauser, (absent). Mayor Smith also thanked Council Members Kevin Stroud and Jim Pfizenmayer for their time on the Fire Service Advisory Board.

PUBLIC COMMENT -None

APPROVAL MINUTES -October 7, 2008 and October 10, 2008

Council Member Hess moved to approve the minutes as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

CONSENT AGENDA

Tax Pick Ups and Releases

Council Member Hess moved to approve the Tax Pick Ups and Releases as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

[Clerk's Note: A copy of the Tax Pick Ups and Releases are hereby attached as Exhibit A].

Ordinance 2008-11-02-Beach Vitex Invasive Plant

Mayor Smith proposed this issue be addressed by Council and the Town Attorney has prepared an ordinance for consideration. Council received information explaining that Beach Vitex is an invasive fast growing plant that destabilizes dunes and destroys native dune species like sea oats and should be considered a public nuisance.

Mayor Smith introduced Susan Ruiz-Evans with the NC Cooperative Education Office. She presented information regarding the negative impact Beach Vitex has on coastal areas. She stated this plant can grow ten feet in a year's time with runners of sixty feet. She stated this plant can eliminate loss of habitat for wildlife; cause drainage and erosion control problems and is expensive to eradicate. She stated she as well as others at the office is members of the Beach Vitex Task Force. She stated there are two sites in Southern Shores and about twenty from Corolla to Nags Head and other surrounding areas. She stated chemical control is the best way to manage the plant which is done in August and September but this is labor intensive. She explained the technique used to eliminate the plants. She stated it is important to report a site to the Beach Vitex Task Force and to the NC Cooperative Education Office. She stated the office does not provide for actual control management of the plant they only provide education.

Merrie Smith, Executive Assistant, provided pictures of sites in Southern Shores which is on Southern Shores Civic Association and adjacent private property. She stated staff would like to have Council direct staff to send letters to ocean front homeowners educating them on this issue.

Council Member Hess asked why we feel we need an ordinance to address this issue. She stated there are other instances where property owners are responsible to take care of things on their property, like a fallen tree. She is concerned about passing an ordinance for plant specific. She suggested providing educational information to property owners and let them take care of it. Some of the language causes her concern such as the planting of the plant if the planting is caused by a bird or an animal and not a property owner.

The Town Attorney stated the Town Code addresses such things under the nuisance section which is why he drafted the ordinance accordingly and provides for the Town to take some action if it is determined necessary and provides for due process.

Council Member Stroud stated by approving this ordinance it allows the Town to take action if needed. The Town Attorney said yes. Council Member Stroud suggested the educational brochure should be sent to every ocean front property owners now. Council consensus is for staff to send the brochure to the ocean front property owners.

Mayor Smith moved to adopt Ordinance 2008-11-02 as presented. Council Member Stroud seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

REPORTS

Planning Board- October 20, 2008

Mayor Smith stated Chairperson Wendt is not available tonight but Council will be addressing the Kitty Hawk Elementary School amended site plan addressed in the report later in the meeting.

Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report. He stated the annual hydrant and hose testing is completed. Council Member Pfizenmayer asked when testing the hydrants could the water be run into the ponds. Chief Harvey stated there isn't much of a water flow when doing the testing.

Council Member Stroud stated the water has chorine in it and might not be advisable.

Police Department

Chief Kole presented the monthly report. He also reported the department participated in the annual Kitty Hawk Elementary School fall carnival and raffled off two bikes, one which Wal-Mart donated and he thanked the SSVFD Department on donating a bike and over two hundred dollars was raised and given back to the school. He also reported the department received a grant for the purchase of tazers and the officers have been trained and certified on their use.

Southern Shores Civic Association

Dan Shields, president, stated their General Membership meeting has been changed from November 10 to November 17. It was noted this date change is in conflict with the monthly scheduled Planning Board meeting.

Chicahauk Property Owners Association -None

Canal Dredging Project

John Leidy, Attorney, reported a scheduled trial date has been set for January 5, 2009 and the Town received a letter from the Division of Water Quality withdrawing their objections to the Town's water quality certification and waiving that requirement. He stated he is working on setting up a mediation meeting and he will discuss further with Council in closed session in order to preserve attorney/client privilege. He stated he is continuing to contest the denial made by the Division of Coastal Management.

Mid-Currituck Bridge

Bob Palombo stated the NCDOT Turnpike Authority is on schedule and will select one of three proposals with no determination made until January. He stated there will be another review and a chance for public comment. He stated at this time there is no action needed from Council or the citizens and he will keep everyone up to date on the progress.

OLD BUSINESS

Town Code – Chapter 8 Solid Waste

Merrie Smith, Executive Assistant, stated Chapter 8 has been submitted to Council for review before and now staff is asking Council to finalize their recommendations and approve the changes.

She stated there is some concern in the language that reads the Town has ownership of recycle cans. She stated the auditor isn't sure why that language is there. She stated in talking with Tidewater Fibre they do not want to deal with individuals only with the Town. The contractor sells the cans to the Town and then the Town sells them to individuals.

The Town Attorney stated the recycle contract reads the cans are owned by the Town and we don't want to be in breach of the contract. He stated he is not sure why this is this way except that the vendor wants to get the waste from the Town.

Council Member Hess stated the vendor stated he only wants to deal with the Town and suggested the contract may need to be amended.

Mrs. Smith stated we were told by the vendor he doesn't care who owns the can.

Mayor Smith asked can we get it in writing from the vendor that he does not care who owns the cans.

The Town Attorney questioned that some language has been changed but should remain stating who owns the waste. He recommends amending the language to read "the title of the recyclable material shall transfer from the property owner to the Town at the time the Town or its authorized agent takes possession of the same".

He stated another area that needs to be amended such as if there should be a fine or not for cans that are left out there is a provision in Chapter 1 Provisions of the Town Code Section 1-6, General Penalty (d) (6) Chapter 8: needs to be amended.

Council Member Hess stated we have talked about this before whether we want to fine the property owners if they leave the cans out after 24 hours. If we don't want to enforce it that is okay but leaving the language in that the cans need to be removed will cause the town to get calls why the cans aren't removed.

The Town Manager suggested the word "shall" be replaced with the word "should" in regards to the removal of the cans within 24 hours. Council agreed.

Mayor Smith moved to remove from Chapter 1-General Provisions of the Town Code Section 1-6, General Penalty (d) (1) (a). Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

Council agreed that the Town Manager has the authority to direct when additional cans are needed at a property.

NEW BUSINESS

Kitty Hawk Elementary School amended site plan (LDA-2008-09-18)

Alvin Rountree, Code Enforcement Administrator, stated Kitty Hawk Elementary School presented an amended site plan to Planning Board to construct two gazebos and a rain garden on site. The Planning Board unanimously approved the amended site plan for Council's approval.

Jim Winebarger, Dare County School Maintenance Director, stated the same type of native vegetation (low shrubs) is being used in all their projects and is approved by DENR and will not affect line of sight. Council Member Hess stated she noticed the application fee was waived. Mr. Rountree stated no fee is needed it is an amendment to the site plan.

Council Member Hess moved to approve the amended site plan (LDA-2008-09-18) as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

The Town Attorney explained that in the Summary of Facts there is some required language needed when considering land use issues and he recommended the Summary of Fact be included as part of the motion.

Mayor Smith moved to amend the motion to include the submitted Council Executive Summary dated October 29, 2008. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

[Clerk's Note: A copy of the Executive Summary is hereby attached as Exhibit B].

Resolution 2008-11-01 Authorizing Town Manager to approve certain contracts

The Town Attorney has prepared a resolution for Council consideration giving the authority to the Town Manager to sign contracts under a certain monetary limit. The Town Manager stated he supports the recommendation made by the finance officer to change the amount in the resolution to read \$10,000 not \$15,000 to be consistent with the Town's Purchasing Policy.

Council Member Hess asked as the language is written it is allowing some other person authority designated by the Town Manager to also sign contracts. The Town Attorney stated this is a common practice but usually this type of authority is written into the budget ordinance but has not been found for the town. He stated this is limited to budgeted items.

Council Member Hess moved to approve Resolution 2008-11-01 with the recommended amendment. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

[Clerk's Note: A copy of Resolution 2008-11-01 is hereby attached as Exhibit C].

Government Access Channel Contract (GAC)

Council Member Hess, the Town's representative on the Government Access Channel Committee, stated there are three changes to the contract. She stated the Board of Education has been added, participate community has been changed to participant entity and Coastal Studies Institute and College of the Albemarle, School of Dare have been added. She stated the Town will pay the same fee amount \$1,000 plus what we get from the state. She stated the addendum allows the League of Women Voter's to include Channel 19 and 20 for the Candidate's Night.

Council Member Hess moved to approve the GAC contract and addendum as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

[Clerk's Note: A copy of the Government Access Channel Contract can be found at Town Hall].

OTHER ITEMS

Town Manager

The Town Manager reported he would be at the School of Government next week.

The Town Manager requested Council direct staff in what amount of funds from the Cash Management Trust they would like to be placed with Finistar, an FDIC account.

Bonnie Swain, Finance Officer, stated she called the local towns to see what they are doing and all the towns have an account with the NC Capital Management Trust. She recommends keeping some money in the Trust Fund and putting the higher amount in the Finistar account. She stated our resolution states 75% is kept in the undesignated fund balance and she would recommend that is the amount to be placed in Finistar account and the rest in the Trust fund.

Following discussion Council's consensus is to leave \$500,000 in the Cash Management Trust Account and move everything else to the Finistar account.

Town Attorney -None

Mayor

Mayor Smith stated the Town received a "Go Green" plaque and letter for participating in the NC League of Municipalities "Go Green" campaign. He read the inscription on the plaque. He thanked staff for working towards our Green Certificate and encouraged everyone to participate in saving our planet. Mayor Smith stated the Town received two resolutions from the County and he would like Council to consider them for approval.

He stated he received County resolutions and staff has prepared Town resolutions for consideration. Resolution 2008-11-02 and Resolution 2008-11-03 address opposing the rate increases requested by Dominion Power and by the insurance industry.

Mayor Smith read Resolution 2008-11-02 and Council Member McDonald read Resolution 2008-11-03. There was a noted typo for correction.

Mayor Smith moved to approve Resolution 2008-11-02 as noted with minor correction. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

Council Member McDonald moved to approve Resolution 2008-11-03 as noted with minor correction. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

[Clerk's Note: Copies of Resolutions 2008-11-02 and Resolution 2008-11-03 are hereby attached as Exhibit D and Exhibit E].

Council

Council Member McDonald thanked everyone for voting.

Council Member Pfizenmayer stated the 30th Anniversary Committee met and Ross Mitchell has agreed to be the chairman. He stated the next meeting will be held November 20, 2008 at 7:00 p.m. in the Pitts Center and asked for more volunteers.

GENERAL PUBLIC COMMENT -None

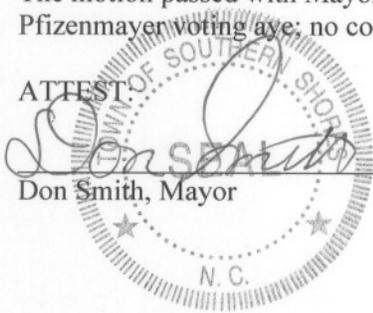
COUNCIL COMMENTS-None

Hearing no other business Mayor Smith moved to go into closed session pursuant to NCGS 143.318.11(a) (3) attorney/client privilege.

Mayor Smith moved to go out of closed session and enter into open session where no action was taken. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

Mayor Smith moved to adjourn the meeting at 9:25 p.m. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

ATTEST:



Don Smith, Mayor

Respectfully submitted:

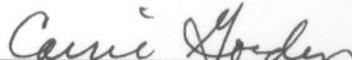

Carrie Gordin, Town Clerk

Exhibit A

**TOWN OF
SOUTHERN
SHORES
TAX
DEPARTMENT**

11/5/2008

PICKUPS

Aug. Real \$913.20

RELEASES

July Vehicles \$28.36

Aug. Real \$95.63

Aug. Vehicles \$42.73

Sept. Vehicles \$56.33

Sept. Real \$822.80

TOTAL

\$913.20

\$1,045.85

Exhibit B

Town Council Executive Summary

Project No. LDA 2008-09-18
Project Name: Kitty Hawk Elementary School Site Improvement
Project Location: Kitty Hawk Elementary School
Application: Site Plan Review

Description of Project:
Construct two (2) 10' X 16' Gazebos and a rain garden.

Staff Recommendation:
Recommend approval with the following Special and Standard Conditions.

Special Conditions:
1. Structure to meet NC Building Code requirements for Open Buildings

Standard Conditions:
*1. The application is consistent with the adopted CAMA Comprehensive Land Use Plan and all other officially adopted plans.
2. That the applicant must strictly abide by all requirements of the Zoning Ordinance of Southern Shores, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development; and,
3. No building permit shall be issued until written evidence satisfactory to the Code Enforcement Department is submitted to the Town in accordance with Section 10.04 B.6, Southern Shores Zoning Ordinance; and,*

4. *Per the provisions of Section 10.02 B, C and D, Southern Shores Zoning Ordinance, approval of this application shall be null and void if:*
 - a. *No building permit for the structure is issued within one hundred and eighty (180) days from the date of final approval of the site plan by Town Council; and,*
 - b. *The start of construction has not commenced within 180 days from the date of issuance of the building permit or if after commencement work is discontinued for a period of 12 months; or,*
 - c. *The work authorized by the building permit issued is not prosecuted to completion within 18 months of the date of issuance of the building permit.*

SUMMARY OF FACTS:

Project No. LDA 2008-09-18
Project Name: Kitty Hawk Elementary School Site Improvement
Project Location: Kitty Hawk Elementary School
Application: Site Plan Review

1. **Name of Applicant:** Dare County Board of Education
2. **Address of Applicant:** PO Box 1508, Nags Head, NC 27959
3. **Agent for Applicant:** Jim Winebarger, 252-480-8888 Ext, 1913
4. **File Reference:** 2008-09-18
5. **Property Identification Number (PIN):** 986719500229
6. **Property Owner of Record:** Dare County Board of Ed
7. **Street Address of Property:** 16 S. Dogwood Trail
8. **Location of Property:** R-1
9. **Flood Zone:** AE7/X
10. **Zoning District(s) per Zoning Map dated 4/4/2000:** R-1
11. **Is a Zoning Change Required for the Proposed Use?** No
12. **General Description of the Proposal:** Construct two (2) 10' X 16' Gazebos and a rain garden.
13. **Consistency with adopted plans:**
 - A. **CAMA Comprehensive Land Use Plan (adopted 7/7/98)**
 - (1). **Classification:** Conservation II
 - B. **Hazard Mitigation Plan (flood, fire, wind, etc.) (adopted 8/3/04)**
 - (1). **Preventive Activities – N/A**
 - (2). **Property Protection Activities – Goal: Reduce damage to structures due to flooding.**
 - (3). **Natural Resource Protection – Goal: Integrate natural resource protection policies with property protection measures.**
 - (4). **Reconstruction – Goal: Establish plans to support reconstruction efforts after a natural hazard.**
 - (5). **Life and Safety – Goal: Implement activities that assist in protecting lives from the effects of natural hazards.**
 - (6). **Emergency Services – Goal: Coordinate emergency plans from impacted public services**
 - (7). **Public Information – Goal: Communicate with citizens about the susceptibility to natural hazards and their effects.**

C. Southern Shores Master Emergency Plan – Town Code Chapter 12 Emergency Management, Article III Hurricane and Storm Reconstruction and Redevelopment:

D. Stormwater Management Plan

14. **Date Application Received by Town:** *September 18, 2008*
15. **Received by:** *Merrie Smith*
16. **Application Fee Paid:** *Waiver per Council*
17. **Completeness of Application:** *Generally complete. Survey dated November 17, 2006*
18. **Proposal to be completed in phases?** *No*
- A. **If yes, are phases shown on site plan(s)?** *N/A*
19. **Adjacent Property Uses:**
- A. **Predominant:** *Single Family Residential*
20. **Existing Land Use: Utilities**
- A. **Does the applicant propose the use of public sewage systems?** *No, port-a-potti temporary/seasonal restroom facilities.*
- (a). **Is the application in compliance with Section 10.04 B.3.a? [Wastewater Treatment and Disposal]** *N/A.*
- B. **Does the applicant propose the use of public water systems?** *Yes, existing.*
- (1). **Is the application in compliance with Section 10.04 B.3.b?** – *N/A*
- C. **Is the area within a five-year proposal for the provision of public water?** *Yes, existing water supply.*
- D. **Is the area within a five-year proposal for the provision of public sewage?** *No.*
- E. **Overhead Utilities:** *Site plan proposes no new overhead utilities.*
- F. **Underground Utilities:** *Not shown.*
- G. **Solid Waste Facilities:** *Roll Out Trash and Recycle Cans.*
- H. **Security Lighting:** *None shown.*
- I. **Natural Gas:** *None.*
21. **Right-of-Way and Stormwater/Drainage Improvements**
- A. **Are any rights-of-way improvements required?** *No.*
- B. **Are any stormwater or drainage improvements required?** *N/A CAMA Permit Not Required*
- (1). **If yes, are such improvements shown in the application?** *No.*
- C. **Construction Parking and Mobilization:** *Sufficient on-site parking.*
22. **Landscaping**
- A. **Is any buffer required?** *No*
- B. **Is any landscaping described in application?** *Yes.*
23. **Findings Regarding Additional Requirements.** *Activities associated with the Gazebo subject to Town noise & nuisance ordinance.*
24. **Minimum requirements for approval:**
- A. **Is the application complete per Zoning Ordinance Section 10.04 B.2 (Checklist)?** *Yes.*
- B. **Does the application fail to comply with one or more requirements of the Zoning Ordinance?** *No.*
- C. **Does the application meet all other applicable Town Code requirements?** *Yes.*
25. **Exhibits received upon filing application or otherwise received and made part of this application:** *Appendix A*

RESOLUTION CONTRACTING AUTHORITY OF THE TOWN MANAGER FOR THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

WHEREAS, the authority of the Town of Southern Shores to enter into contracts lies with the Town Council unless otherwise provided by law or otherwise delegated to another person such as the Town Manager; and

WHEREAS, the Town Council wishes to clarify the delegated authority of the Town Manager to execute and enter into agreements and contracts to insure that the day to day business of the Town can be achieved without requiring that any and all agreement and contracts be reviewed, executed and entered into by the Town Council; and

WHEREAS, the Town Council desires to retain authority to review, execute and enter into agreements and contracts which are above a certain dollar threshold, which cannot legally be executed or entered into by the Town Manager or which the law requires to be reviewed, executed and entered into by the Town Council.

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

Section 1. The Town Manager is hereby authorized to execute any necessary agreements or contracts which a Town Manager may execute pursuant to the laws of the State of North Carolina and the United States.

Section 2. In addition to any authority contained in Section 1 above, The Town Manager is hereby authorized to execute any necessary agreements or contracts to expend funds budgeted within the Town's official Budget Ordinance where the agreement or contract is for an amount less than or equal to ten thousand dollars (\$10,000.00) unless the laws of the State of North Carolina or the United States restrict the Town Manager's authority or otherwise require the Town Council to exercise its own authority.

Section 3. The Town Manager may make reasonable delegations of the authority granted by this resolution to appropriate Town officials and employees. Any such delegation shall be noted in writing and kept on file with the Town Clerk.

Section 4. Any and all actions previously taken by the Town Manager outside of the authority previously granted the Town Manager which would have been within the Town Manager's authority pursuant to this resolution, including those actions duly delegated to other appropriate Town officials and employees, are hereby ratified.

Section 5. This resolution is effective immediately upon its adoption.

ADOPTED the 5th day of November, 2008

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk

**RESOLUTION OPPOSING RATE INCREASE
REQUESTED BY DOMINION POWER**

WHEREAS, Dare County, as well as other counties in northeastern North Carolina served by Dominion Power, is experiencing the hard economic times that are now gripping our nation; and

WHEREAS, unemployment rates are the highest they have been in years and many of the residents of Dare County and other northeastern North Carolina Counties are having difficulties making ends meet and maintaining the basic necessities of life; and

WHEREAS, in this day and time, electric service is a basic necessity required by all, regardless of their economic condition, in order to live a safe and healthy life; and

WHEREAS, any increase in the cost of electric service will exacerbate the already difficult economic burden on many in Dare County and in northeastern North Carolina; and

WHEREAS, given these difficult economic times and the severe negative impact an increase in the cost of electricity will have on our citizens, coupled with recent drops in the price of oil which add to the bottom line of utility providers, Dominion Power's request for a rate increase should be denied.

NOW, THEREFORE, BE IT RESOLVED THAT the Southern Shores Town Council opposes the rate increase requested by Dominion Power for its customers in Dare County and northeastern North Carolina and request that the North Carolina Utilities Commission deny Dominion Power's request.

Adopted 5th day of November, 2008

S E A L

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk

Exhibit E

**RESOLUTION OPPOSING RATE INCREASE
REQUESTED BY INSURANCE COMPANIES**

WHEREAS, Dare County, as well as other counties in northeastern North Carolina, is experiencing the hard economic times that are now gripping our nation; and

WHEREAS, unemployment rates are the highest they have been in years and many of the residents of Dare County and other northeastern North Carolina Counties are having difficulties making ends meet and maintaining the basic necessities of life; and

WHEREAS, insurance coverage is required in order to purchase a home or business and is vital to the recovery of our home construction industry and our economy; and

WHEREAS, any increase in the cost of insurance makes it more difficult for middle and low income families to purchase homes, start businesses and participate in and fuel our economic recovery; and

WHEREAS, historically, Dare County has been a "low claims" area and any insurance rate increase to Dare County residents will amount to a subsidy for other higher risk areas; and

WHEREAS, given these difficult economic times and the severe negative impact an increase in the cost of insurance will have on our citizens and our economic recovery, and given the low claims history of Dare County, the insurance industry's request for a rate increase should be denied.

NOW, THEREFORE, BE IT RESOLVED THAT the Southern Shores Town Council opposes the rate increase requested by the insurance industry for its customers in Dare County and request that the North Carolina Insurance Commission deny the insurance industry's request.

Adopted 5th day of November, 2008

S E A L

Mayor Don Smith

ATTEST:

Carrie Gordin, Town Clerk