



# Town of Southern Shores

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Council Meeting

June 23, 2009

8:00 a.m.-Pitts Center

The Southern Shores Town Council met on June 23, 2009 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: Charlie Read, Town Manager, Ben Gallop, Town Attorney and Carrie Gordin, Town Clerk.

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

## **APPROVAL OF AGENDA**

Mayor Smith moved to amend the agenda to add a Planning Board report under Reports and to switch the order of items under Old Business 7.B. (iv).Wireless Infrastructure with (i).Rules of Procedure. 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 no Council Member absent.

## **GENERAL PUBLIC COMMENT** -None

## **APPROVAL OF MINUTES**-May 26, 2009

Council Member McDonald moved to approve the minutes as presented. 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 no Council Member absent.

## **CONSENT AGENDA**

### **FY 2008-2009 Budget Amendments #9-16**

Council Member McDonald moved to approve the Consent Agenda as presented. 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 no Council Member absent.

[Clerk's Note: Copies of the FY 2008-09 Budget Amendments are hereby attached as Exhibit A].

## **REPORTS**

Sam Williams presented the Planning Board Recap for the June 15, 2009 meeting in lieu of Chairman Wendt's absence. He stated he would also discuss topics from the joint Planning Board/Council meeting

held on June 11 which is already on the agenda. The topics were Wireless Infrastructure, CAMA Land Use Plan, Financial Planning Statement of Work (SOW) and Planning Board Rules of Procedures to reflect a new meeting schedule. He reviewed items from the joint meeting first.

He stated from the discussion during the joint meeting addressed wireless reception in town saying there is a big hole. The existing ordinance does not allow filling this reception loss. He stated cell towers are only allowed on water tanks and the town does not control the wireless carrier's decisions on where and when they want to place their service. He stated in the Wireless committee's recommendations they are asking Council to adopt the goals and policies and if adopted charge the town attorney to recommend a zoning approach and draft a wireless ordinance.

He stated Council Member Hess found a discrepancy in the draft Land Use Plan (LUP) regarding town commercial acreage reported as nine acres on one of the tables. He stated with the help from the Code Enforcement Department that was corrected. He stated there is 56.19 acres of Town commercial property.

He requested Council adopt the goals, policies and action items as a basis for the future section of the write-up of the LUP.

He stated the planning board started using a tool called a statement of work (SOW) to better define projects and they are asking Council to approve the financial SOW to allow the Planning Advisory Group (PAG) to develop the process in linking planning too spending in developing the CIP.

He stated the Planning Board Rules of Procedures needs to be amended. He stated currently the planning board has two functions 1) to review permits and ordinances and 2) project work and they have recently started holding two separate meetings. He stated they are asking Council to adopt the changes in the rules of Procedure to reflect the new meeting schedule.

He stated during the June 15 Planning Board/PAG meeting the board elected Nancy Wendt as chairman and Jay Russell as vice-chairman each for a one-year term. They are requesting Council to approve these appointments.

He requested Council approve the Wind Generation Facilities Plan Statement of Work. He stated Planning Board has received an inquiry on the construction of a wind turbine in a RS-1 zoning district and we expect more inquires but our current ordinance doesn't permit these. One could be approved by doing certain things which is a long drawn out process. They would need to file for a permit with a request for a special exemption and/or a zoning text change, go before the planning board for review and approval and then to council for approval. He stated this would need to be done every time a new application was submitted. This should be treated like the wireless towers are treated and the question is should an ordinance put in place or not.

He stated it was discussed how the Town can have better communications with its citizens. A Citizen Communications Project SOW has been put together. They are asking Council to adopt the SOW.

Mayor Smith asked are you looking for council's approval today. He stated normally Council votes on these types of items at the night meeting.

Merrie Smith, executive assistant, asked Council to approve the appointments for chairman and vice-chairman today and then place on the July agenda wind turbines and citizen communications SOW's and discuss the other planning items under Old Business as shown on the agenda.

Mayor Smith moved to approve the appointments 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 no Council Member absent.

Council agreed to place wind turbines and citizen communications SOW's on the next agenda.

Mayor Smith asked for clarification by asking currently the town does not allow wind turbines is that correct. He said yes. Mayor Smith stated he is concerned about the economics of having a wind turbine and having volunteers spend time looking into something that is not viable.

S. Williams stated this needs to move ahead and that Mike Florez has agreed to head up this group.

[Clerk's Note: A copy of the June 15, 2009 Planning Board Recap is hereby attached as Exhibit B].

### **CONSIDERATION OF PROPOSED FY2009-2010 BUDGET**

The Town Manager presented the FY 2009-2010 Budget Ordinance 2009-06-01 and read a prepared statement:

I offer my sincere congratulations and appreciation to the entire Town Council and the Canal Dredging Project team. Together we worked hard evidenced by our several successes to this point - the Mayor, Councilman Stroud and I met with our state senator and representative, a team led by Mayor Smith, Mayor Pro Tem McDonald, Town Attorney John Leidy, Environmental Consultant George Wood and me overcame the states legal challenges to the project, Councilman Jim Pfizenmayer working with the SSCA and Boat Club and then Council Member Jodi Hess, working in close harmony with our legal team of Ben Gallop and Robert Hobbs, just closed the 2 deals with the Stone Family and the CPOA in securing the critically important dewatering site. I want everyone to know that this is team work at its best and I am damn proud to have been a part of it.

After holding a teleconference with John Sutherland at NC Dept. of Natural Resources, Mayor Smith, Finance Officer Bonnie Swain and myself, I received written confirmation on Thursday June 18<sup>th</sup> that our 80% matching fund grant has been extended for one year to Sept. 1, 2010 this is a tremendous success.

Late Thursday June 18<sup>th</sup> after receiving confirmation that the grant had been extended and additional confirmation that the deal for the dewatering site had been signed, the budget was amended to reflect both the revenue and expenses relating to the Canals Maintenance Dredging Project please understand that these figures are a "guesstimate" and are as accurate as can possibly be expected under the trying conditions we've been working - I believe Jodi will address this issue further if you wish.

The Planning Board has made certain requests and recommendations on how the format for the budget could be changed going forward - I will review these very closely and give them serious consideration as I approach next year's budget - it should be noted that the Planning function has always been funded to accomplish its mission and I vow to ensure that we do the same this year. I would again like to express my appreciation to the entire team at the Planning Board and the Planning Advisory Group.

Mayor Smith asked for comments from Council.

Council Member McDonald stated he is glad to see how the budget has worked out. He stated if the economy was better he would have liked to see the taxes raised so projects could get done but everyone should be aware that taxes will need to increase in the future or next year and he approves the presented budget.

Mayor Smith read his comments from a prepared statement:

I have always been a proponent of lowering taxes and in these unprecedented economic times it seems to me we need a tax reduction more than ever.

When you consider the horrible state of the economy, the loss of jobs, double-digit unemployment, record numbers of foreclosures, the failure of small business, and layoffs, I believe lowering taxes would send the right message. I think we the Town Council, the Town Manager, and all of Town Staff should always be looking for more ways to trim the budget and bring tax relief to our citizens.

In our search for ways to accomplish this goal, I believe we need to reduce the amount of the fund balance for emergencies and use the balance for dredging, major CIP projects, and a tax reduction. Please consider the Governor is looking to increase taxes by \$1.5B. I find this to be outrageous.

The police budget is showing an increase and the start of a leasing program which is troubling to me. I realize we do not all agree on cars being taken home but everyone must realize the additional operational costs for fuel and insurance, etc. We do not need an automatic car replacement plan because this will just lead to cars being replaced that do not need to be. Police cars have always been replaced when the need was justified. The long term projection is for gas prices to increase, when we do need to replace cars, fuel-efficient vehicles is the way to go.

I believe in personal responsibility. Accordingly, I believe the Life Guard service should be trimmed to having only two fixed stands and no roving patrols. Those that feel they need roving beach patrols need to pay for it. The next point is the chipping program that costs the taxpayers over \$100,000 a year when you factor employee time, etc. We must poll the citizens to determine what the majority want and is willing to pay for and I commit to supporting the majority - I would personally vote against continuing the Chipping Program but would vote for it as a Member of Council if and only if a majority of citizens support it.

My final point is that all phases of the dredging plan will not be able to be done in total without the full cooperation and assistance of the leadership of the civic associations and they need to put the use of their properties as potential future dewatering site(s) to a vote of their memberships and the sooner the better.

As most know, I am also a proponent of smaller and friendlier government along with increased personal responsibilities. As I have stated many times and promised the voters, I will not support any budget that does not allow our citizens to keep more of their hard earned money.

Council Member Pfizenmayer stated he agrees with both council members in not raising the taxes at this time due to the economy. He stated he supports the police department budget. He stated if the people want the chipping and life guard services then taxes will need to be raised. He stated if we don't want to raise taxes than the services will need to be cut. He feels the town must maintain the canals and he supports bulk heading the canals to protect them. He stated he knows it will be costly to the civic associations but it needs to be done. He stated he supports this budget but we need to look into the future.

Mayor Smith stated looking at the overall economy where the citizens have been hit with higher gas prices, increase in homeowner's insurance, state and federal increases he asked at what percentage of a person's income should the government have a right to take? He feels in reducing taxes it sends a strong message and there are choices that can be made but they are tough ones. He asked would the citizens want the services if they knew the costs. He is a firm believer in personal responsibility and people should pay to have their brush removed not at a cost for everyone. He would like to poll the citizens to see how they feel about certain services.

Council Member McDonald explained part of the chipping program is also the clearing of the rights-of-way which would still need to be done and an expense to the town. He stated the chipping contractor has reduced his contract the last two years.

Council Member Hess stated you can't be penny wise and pound foolish. She stated in the past she has supported an increase in taxes for capital improvement projects and the roads are in bad shape. She stated the chipping contractor has reduced his rates from \$125,000 to \$95,000. She said we can't control what the federal government does. She stated if we continue to cut back the town will suffer. We need to continue to maintain the services and start funding the CIP and we need to plan for the future.

She supports the budget as presented. She stated the canal dredging project has been working with old numbers and the number in this budget is the highest worst case. She stated our employee salaries have been cut back by not filling certain vacancies.

Council Member Stroud stated he agrees with some of what has been said that we will have to increase taxes at some time but not this year. He stated he supports services if that is what the majority wants but he would like to hear feedback from the residents if they would still want the service if they knew the cost. He stated the cost of dredging the canals has increased to 2.25 million. He stated last year the budget was cut as much as it could and he would only see that salaries could be cut by not giving the 2.5% COLA and in these times people should be glad they have a job. He stated he supports the budget as is but if we need to cut things then we shouldn't be increasing salaries. He stated the past two budgets the tax rate has remained the same. He doesn't support reducing or increasing the tax rate at this time.

Council Member McDonald stated as a member of the Tourist Board and preparing their budget they looked at all the town's salaries and we are in line with the other towns. He stated the employees need to be rewarded in some way and they are well worth it.

Mayor Smith stated he although he does not support the chipping program he does support cutting back the vegetation on the right-of-ways.

Council Member Hess moved to adopt Budget Ordinance FY2009-06-01(\$5,629,150) as presented with the current tax rate of .0975. Council Member McDonald seconded. The motion passed with Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; Mayor Smith voting no and no Council Member absent.

[Clerk's Note: A copy of Budget Ordinance 2009-06-01 is hereby attached as Exhibit C].

## **OLD BUSINESS**

### Chipping Contract and Rights-of-Way Trimming

The Town Manager stated Council requested we go out for bid for this service, which we did and we received one bid from the current contractor (Atlantic Tree). He stated the chipping contractor has agreed to reduce his price by 10% if a three-year contract is agreeable at a cost of \$93,312 for the first year and \$92,000 for the next two years (plus fuel surcharge rates). He stated the contractor reduced his contract last year. He stated giving this contractor's proven track record he requests Council approval the contract. He stated in the past a one-foot rights-of way trimming is included in the contract. He stated he and the Public Works supervisor agree the rights-of way should be cut back five-feet.

The contractor has proposed a one time cut back of the rights-of-way (40 miles) to five feet at a cost of \$12,200 and this service would begin in the fall. He stated in the past once we began to cut to the five-foot people complained that was too much and we stopped.

Mayor Smith asked for clarification by asking that once the rights-of-way have been cut back five-feet at a cost of \$12,200 there will not be an additional charge the next two years. The Town Manager stated this is a one-time charge and in future years the rights-of-way will be cut back to five-feet at the cost of the approved contract amount.

Council Member Stroud stated the contract needs to be reworded to add the five-feet, not one-foot, as written in contract for the rights-of way trimming if that is what we agree to.

Mayor Smith asked the town attorney if we find out the majority of the public does not want a chipping program can we get out of the contract as the contract is written. The town attorney said yes there is a clause in the contract to address this.

Mayor Smith asked who monitors the fuel surcharges. The finance officer stated she is responsible for monitoring the charges and there is money in the budget for these extra charges. The auditor also reviews these charges during the audit.

Council Member Hess moved to approve the three-year chipping contract with Atlantic Tree Experts with the correction of cutting the rights-of-way from one-foot to five-feet.

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 no Council Member absent.

The Town Manager requested Council approve the request for a one-time rights-of-way trimming of five-feet at a cost of \$12,200. He stated this project would begin in the fall.

Council Member Hess moved to approve the one-time rights-of-way trimming of five-feet at a cost of \$12,200. 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 no Council Member absent.

### Planning Department Recommendations

#### Wireless Infrastructure

Council Member Hess stated the group did a wonderful job. She asked if the committee could draft an ordinance and send to attorney for his review as opposed to having the attorney write the ordinance. L. Lawhon stated the draft is already done.

Council Member Hess moved to adopt the recommendations presented by the Wireless Committee. 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 no Council Member absent.

[Clerk's Note: Recommendations are hereby attached as Exhibit D].

#### CAMA Land Use Plan (LUP)

S. Williams asked Council to approve the goals, policies and action items as drafted in the LUP.

Council Member Hess stated upon review of the plan she has some concerns over some of the wording in the document. She stated she is willing to work with him in reviewing her concerns. Council Member Hess addressed a comment under Utilities-commercial district packaged sewage plants that she would like to discuss with S. Williams. She is concerned that if council approves something they may be in violation of the LUP.

The Town Attorney stated Council should never consider their selves in violation of their LUP but you could be in violation of your town ordinance but you would want to find some consistency with your LUP.

Council Member McDonald would like a definition of public trust waters as may be related to canals put into the plan. S. Williams stated he will add a definition.

The re-drafted plan will be submitted to council for review and approval.

[Clerk's Note: Recommendations are hereby attached as Exhibit E].

## Financial Statement of Work (SOW)

Bill Gleason stated one of the recommendations is to have a project team and he would recommend the Town Manager pick that team. He feels this is a stand-alone committee. Council agreed.

Mayor Smith stated something needs to be done to get more citizen input.

B. Gleason stated Mike Florez will be the chair on the Citizen Communication committee and they will be looking at ways to get out and receive better communication.

The Town Manager stated staff has been working on the budget over several months and all aspects have been put out to the public with little or no feedback. He agrees there needs to be a way to get to the residents.

He stated a task force is short-lived by definition and there will be a continued effort on the PAG/CIP committees to work together. All the meetings are open to the public and residents are encouraged to attend and comment.

S. Williams feels there is more planning involvement needed to get citizen input.

Council Member Pfizenmayer stated the civic associations have web-sites and put out information as well as the town. We all have the tools to provide information to the citizens but you will find someone who will say they never heard about an issue. We just need to keep trying.

Council Member McDonald stated the town doesn't have one person who is the public information officer it falls upon everyone to get information out.

The Town Manager stated information is put out there in multiple ways but we don't get any feedback.

McDonald asked if permit applications could be reviewed at an earlier date. M. Smith stated the planning board is the group that reviews and approves the applications and those meeting dates are set.

[Clerk's Note: Recommendations are hereby attached as Exhibit F].

## Planning Board Rules of Procedures

The Planning Board requests Council approve a change in their Rules of Procedure regarding holding an additional meeting a month for a Planning Advisory Group (PAG) meeting on the first Monday of each month at 7:00 p.m. in the Pitts Center, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. PAG meetings will take one of two forms; a business meeting and /or a Public Workshop.

PAG business meetings shall be used to plan, coordinate and report on the progress of all active planning projects and committees. On an as needed basis, the PAG shall hold public workshops before (or after??) the monthly business meeting on the first Monday of the month.

Public Workshops shall be used to present Planning Board, Project or Committee findings and proposed recommendations to the community in order to solicit community input regarding the proposed recommendations prior to submitting a completed recommendation package to the Town Council for consideration.

A Planning Board meeting held on the third Monday of each month at 7:00 p.m. in the Pitts Center, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day.

Planning Board meetings shall be used for review, fact finding, discussion and voting on recommendations regarding: Permit applications for all land uses other than one and two family Dwelling units and proposed changes to or additions to the zoning ordinance or zoning map.

The town attorney stated typically council does not need to approve another board's procedures he will look into this.

[Clerk's Note: Recommendations are hereby attached as Exhibit G].

## **NEW BUSINESS**

### Dare County Interlocal Agreement for storm debris removal services

The Town Manager stated this is an annual agreement with Dare County for Hurricane/Disaster Debris Removal.

Council Member McDonald moved to approve the agreement and authorize the mayor to execute the agreement. 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 no Council Member absent.

### Post Storm Debris Removal Contracts

The Town Manager stated in the past the Town of Nags Head prepares and approves the needed Memorandums of Understanding (MOU) for post-storm debris removal services. He stated historically the Town of Southern Shores and the Town of Duck piggy-back onto these contracts as approved by Nags Head. This year Nags Head requested the agreements submitted cover an optional two-one year extensions. The Town of Nags Head Board approved the MOU's for RPC as the local contractor and DRC out of Alabama as the national firm for post-storm debris removal. The Town Manager requests Council approve the contracts as approved by the Town of Nags Head and authorize the Town Manager to execute these agreements.

Council Member McDonald moved to approve the post storm memorandums of agreement with RPC, Contracting and DRC Emergency Services and authorize the mayor to execute the agreements. 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 no Council Member absent.

## **OTHER ITEMS**

### Town Manager

The Town Manager addressed the meeting by presented a police incident report on street signs being vandalized. He was very upset and stated this is uncalled for and is dangerous and a criminal act, tampering with a traffic device. He stated it is expensive in the purchase of new signs and a waste of the public works and police department's time. He stated the traffic committee and this council as well as other council's have been trying to find answers to the cut-through traffic problems and this is the kind of solution someone has come up with. He stated if this is a way to show you are not happy with cut-through traffic this is not the way to help your cause.

### Road Improvement Updates

He reported the East Holly Trail cul-de-sac improvements is almost finished and will be done next week. He stated a change order was needed for Hickory Trail in the amount of \$570 to paint STOP and a stop bar at Red Bay Lane. He stated the town engineer will provide information at an upcoming meeting.

He requested Council consider canceling the day meetings for the months of July and August.

He stated Police Chief Kole is requesting Council consider reducing the parking ticket fee from \$50 to \$25.

Chief Kole stated he feels the \$50 fee is excessive. He stated before new tickets are printed he would like to know how council feels. He stated the ordinance would allow for a 60-day turn over in which if no money is received a letter would be sent to the violator. He thinks there will be a better percentage of receiving the fee if it is lowered.

Council Member Hess stated the parking fee was \$25 at one time but council decided to increase the fee to \$50.

Chief Kole stated many tickets are given to locals.

Council Member Stroud stated he is in favor of the \$50 fee.

Council Member Pfizenmayer stated he feels tourists should be able to park anywhere and he would like to change the stickers to allow this.

Mayor Smith recommended this issue be discussed at the next meeting. Council agreed.

The Town Manager asked Council if they would consider offering a \$500 reward in regards to the vandalism of the street signs.

Mayor Smith stated he supports this and something should be put in the broadcast email to ask for help in finding those responsible. He stated if found he wants them to be prosecuted to the fullest extent of the law.

Mayor Smith moved to offer a \$500 reward for anyone leading to the arrest and conviction of those responsible for vandalizing the town street signs at all the Dogwood intersections. 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 no Council Member absent.

#### Town Attorney

The attorney stated upon review of the Town Code the Planning Board can adopt their own rules.

#### Mayor-None

#### Council

Council Member Hess thanked the Stone family for supporting the Town in acquiring the needed property for the canal dredging spoils.

Council Member Pfizenmayer stated the dredging project looks like it is going to take place this year and the next thing to think about is the bulk heading stabilization of the canals. He asked if something could be put in the broadcast email.

The Town Manager stated the Southern Shores Boat Club is doing an inspection of the canals to identify problem trees in the canals and it is the responsibility of the property owner if it is found to be on or from their property. He stated a report will be provided to Council when ready.

**GENERAL PUBLIC COMMENT**

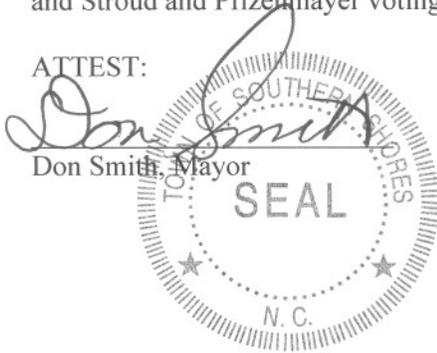
Bill Gleason, 308 N. Dogwood Trail, requested Council consider putting a detailed explanation on the broadcast email regarding why there is a difference in the proposed FY2009-2010 budget to the one that was approved. He stated it is due to the cost of the canal dredging project being added which wasn't in the original proposed budget. He feels full disclosure should be made and suggests showing the revenues sources and the cost of the canal dredging in the update.

Lori Williams, 109 Pudding Pan Lane, stated in getting interest from the residents they are more apt to speak freely on a one-on-one basis than in an open meeting. She stated she was involved in the coffee klatches during the citizen input for the Land Use Plan and people were happy to see someone from town. She stated making the effort to reach the people did help.

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

Hearing no other business Mayor Smith moved to adjourn the meeting at 10:00 a.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 no Council Member absent.

ATTEST:



Don Smith, Mayor

Respectfully submitted:

  
Carrie Gordin, Town Clerk



**Town of Southern Shores  
Budget Amendment Number # 10**

**Administration  
Increases**

Account Number	Description	Amount
<b>Expenditures</b>		
42-50104	Legal Services	\$8,000.00
42-50124	Computer Services	\$1,500.00
<b>Revenues</b>		
40-39909	Undesignated FB	\$9,500.00

**Administration  
Decreases**

Account Number	Description	Amount

Explanation: To allow for legal services and computer services

Recommended By:

\_\_\_\_\_  
Charles B. Read, Jr Town Manager

Approved By:

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

\_\_\_\_\_  
Date

**Town of Southern Shores  
Budget Amendment Number # 11**

**Police  
Increases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<b>Expenditures</b>	
51-50010	Salaries	\$4,000.00
51-50070	Employee Retirement	\$4,000.00

**Police  
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
42-50040	Merit Program	\$8,000.00

Explanation: To cover merit bonuses

Recommended By:

Charles B. Read, Jr Town Manager

Approved By:

Don Smith, Mayor

Date

**Town of Southern Shores  
Budget Amendment Number # 12**

<b>Police Increases</b>			<b>Police Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
51-50151 51-50127	Equipment Purchase Uniforms	\$5,000.00 \$1,500.00	51-50126	Vehicle Operations	\$6,500.00

Explanation: To purchase traffic counter/radar and traffic safety vests for officers and to outfit Chaplin

Recommended By:

\_\_\_\_\_  
Charles B. Read, Jr Town Manager

Approved By:

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

\_\_\_\_\_  
Date

**Town of Southern Shores  
Budget Amendment Number # 13**

<b>Police Increases</b>			<b>Police Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
51-50103	<b>Expenditures</b> Travel	\$3,000.00			
40-39909	<b>Revenues</b> Undesignated FB	\$3,000.00			

Explanation: To increase travel for required training

Recommended By:

\_\_\_\_\_  
Charles B. Read, Jr Town Manager

Approved By:

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

\_\_\_\_\_  
Date

**Town of Southern Shores  
Budget Amendment Number # 14**

**Public Works  
Increases**

Account Number	Description	Amount
<b>Expenditures</b>		
59-50932	Chicahauk Trail Road Design	\$22,000.00
59-50934	Poteskeet Trail Road Design	\$15,000.00
59-50935	Soundview Trail	\$3,155.00
59-50939	S. Dogwood Bridge	\$7,315.00
<b>Revenues</b>		
40-39909	Undesignated Fund Balance	\$7,315.00
		_____
		_____

**Public Works  
Decreases**

Account Number	Description	Amount
59-50172	Capital Outlay	\$40,155.00
		_____
		_____

Explanation: To cover engineering expenses

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Recommended By:

\_\_\_\_\_  
Charles B. Read, Jr Town Manager

Approved By:

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

\_\_\_\_\_  
Date

**Town of Southern Shores  
Budget Amendment Number # 15**

**Code Enforcement  
Increases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
63-50101	Printing	\$1,400.00
63-50118	Dues/Subscriptions	\$1,000.00

**Code Enforcement  
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
63-50121	Contingency	\$1,000.00
63-50110	Telephone	\$1,400.00

Explanation: To cover expense for printing flood maps and departmental dues

Recommended By:

Charles B. Read, Jr Town Manager

Approved By:

Don Smith, Mayor

Date

**Town of Southern Shores  
Budget Amendment Number # 16**

**Code Enforcement  
Increases**

Account Number	Description	Amount
<b>Expenditures</b>		
63-50938	Sand Fencing & Grass Planting	\$29,136.00
63-50150	LUP Update	\$1,000.00
<b>Revenues</b>		
40-39924	Grant for Sand Fencing & Grass Planting	\$29,136.00
40-39909	Undesignated Fund Balance	\$1,000.00

**Code Enforcement  
Decreases**

Account Number	Description	Amount

Explanation: To cover expenses for sand fencing and grass planting and the LUP

Recommended By:

Charles B. Read, Jr Town Manager

Approved By:

Don Smith, Mayor

Date

Ordinance No. 2009-06- 01

**An Ordinance of the Southern Shores  
Town Council  
Adopting a Budget and Tax Rate for FY 2009-10**

**BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina that the following be the budget for FY 2009-10:

SECTION I, GENERAL FUND

- A. Appropriations: The following amounts are appropriated for the operation of the Town government and its activities for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Administration Department	\$728,600
Code Enforcement & Inspections Department	\$272,050
Fire Department	\$300,000
Ocean Rescue	\$131,000
Police Department	\$960,850
Public Works Department	\$375,650
Sanitation Department	\$502,000
Capital Projects	<u>\$2,359,000</u>
Total General Fund Appropriations	<b>\$5,629,150</b>

- B. Estimated Revenues: It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2009 and ending June 30, 2010 to meet foregoing appropriations:

Property Taxes- Current Year	\$1,670,000
Vehicle Taxes- Current Year	\$ 30,000
Property & Vehicle Taxes- Prior Years, Penalties and Interest	<u>\$ 10,000</u>
Subtotal: Property and Vehicle Taxes	\$1,710,000
Land Transfer	\$100,000
Local Option Sales Tax	\$475,000
Occupancy Tax	\$550,000
Other Intergovernmental Revenues	\$2,234,600
Building Permits & Fees	\$70,500
Other Revenues	\$69,050
Appropriated Fund Balance	<u>\$420,000</u>
Subtotal: Other Revenues	\$3,919,150
Total General Fund Revenues	<b>\$5,629,150</b>

SECTION II, TAX RATE ESTABLISHED

There is hereby levied a property tax of nine and three fourths cents (\$0.0975) on each one hundred dollars (\$100) valuation of taxable property in the Town of Southern Shores, as listed for taxes for the current year by the Dare County Tax Department.

SECTION III, TOWN MANAGER TRANSFER AUTHORIZATION

The Town Manager shall be authorized to reallocate departmental appropriations among the various objects of expenditures as he believes necessary and is also authorized to make interdepartmental transfers, within the same fund, not to exceed 10% of the appropriated monies for the department whose allocation is reduced.

SECTION IV, TOWN MANAGER RESTRICTIONS

Council must preauthorize the use of any contingency appropriations.

Other than salary increases in the budget document, no salary increases may be made without the Council's approval.

Interfund transfers that are not established in the budget document may be accomplished only with the prior authorization of the Council.

SECTION V, UTILIZATION OF BUDGET AND BUDGET ORDINANCE

This Ordinance and the Budget Document shall be the basis of the financial plan for the Town of Southern Shores, North Carolina Municipal Government during the fiscal year 2009-10.

ADOPTED this 23<sup>rd</sup> day of June, 2009

ATTEST:

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

SEAL

\_\_\_\_\_  
Carrie Gordin, Town Clerk

Exhibit C

**To: Southern Shores Town Council**

**Copies: Town Manager (Charlie Read)**

**Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)**

**Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)**

**From: Nancy Wendt, Planning Board Chair**

**Date: June 19, 2009**

**Re: Recap, Planning Board Meeting June 15, 2009**

**RECOMMENDED ACTIONS FOR THE TOWN COUNCIL:**

**CONFIRM Annual Election of Officers** – the Board elected Jay Russell Vice Chair and Nancy Wendt Chair for the period of July 1, 2009 through June 30, 2010. These election results need to be confirmed by the Town Council.

**APPROVE Statement-of-Work for Wind Turbines** – Southern Shores has received an inquiry regarding the construction of a wind turbine within the RS 1 district. Consistent with increasing public interest in wind power, additional requests are expected. The proposed statement-of-work is to prepare a recommendation for Town Council consideration regarding where and under what conditions wind turbines should/should not be permitted within Southern Shores. (See attached RECAP, PAG Meeting June 15, 2009)

**APPROVE Statement-of-Work for Citizen Communications Project** – the Planning Advisory Group has been asked for a recommendation about how to strengthen communications between the town and its citizens. The proposed statement-of-work is to prepare this recommendation for Town Council consideration. (See attached RECAP, PAG Meeting June 15, 2009)

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**MEETING RECAP**

- I. **CALL TO ORDER:** Chairperson Wendt called the meeting to order at 7:00pm. Planning Board Members Nancy Wendt, Jay Russell, Mike Florez, Bob Palombo and Sam Williams, alternate members Bill Gleason and Larry Lawhon, and ETJ Representative Ed Overton were present. Also in attendance was Executive Assistant Merrie Smith.
- II. **APPROVAL OF AGENDA:** Bob Palombo motioned to approve the agenda. Jay Russell seconded the motion. The motion passed unanimously.
- III. **APPROVAL OF MINUTES:**  
Bob Palombo motioned to approve the Minutes from the May 18, 2009 Planning Board meeting. Sam Williams seconded the motion. The motion passed unanimously.
- IV. **PUBLIC COMMENT:**  
None
- V. **PERMIT APPLICATIONS NEW**  
None

Chairperson Wendt reported that she received a call from Alex Engart an architect inquiring on behalf of a potential applicant regarding construction of a wind turbine within the RS 1 district. Ms. Wendt confirmed that the current ordinance does not permit wind turbines. If Mr. Engart's client wishes to pursue this accessory use, the next step would be to file a permit application with a request for a special exception and/or a zoning text change.

Ms. Wendt distributed a DRAFT Statement-of-Work for the planning advisory group to research the subject of wind turbines and prepare a recommendation for the Planning Board and the Town Council to review. Discussion of the draft was deferred to the Planning Advisory Group meeting immediately following the Planning Board meeting.

**VI. OTHER BUSINESS – OLD**

None

**VII. OTHER BUSINESS – NEW**

Annual Election of Officers – Nancy Wendt asked if any of the seated members would like to serve as chair or vice chair for the next year. There were no volunteers.

Bob Palombo nominated Nancy Wendt for Chair. Sam Williams seconded the motion. Motion passed unanimously.

Bob Palombo nominated Jay Russell for Vice Chair. Mike Florez seconded the motion. Motion passed unanimously.

**VIII. OTHER ITEMS**

None

**IX. ANNOUNCEMENTS:**

Regularly scheduled meetings for the next month are:

July 7, 2009 at 3pm at the Pitts Center - CANCELLED  
Planning Advisory Group working session

July 20, 2009 at 7pm at the Pitts Center  
Planning Board meeting

**X. ADJOURNMENT:**

The Planning Board meeting adjourned at 7:10 pm.

Exhibit D

<p><b>WIRELESS</b></p> <p>TOWN COUNCIL DECISION:</p>	<p>a. Cellular service poor due to inadequate coverage &amp; capacity</p> <p>b. Current ordinance does not serve either citizens or carriers</p> <p>c. Expansion of wireless infrastructure is inevitable</p>	<p>a. Adopt proposed definitions, policies &amp; action items for wireless</p> <p>b. Town Attorney recommend zoning approach &amp; draft an ordinance</p> <p>c. Incorporate Federal, State &amp; Industry standards into new ordinance</p> <p>d. Planning Board and Town Council review DRAFT ordinance with a goal of holding a public hearing in</p>
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		September 2009 e. Define a process for technical review of permit applications for wireless facilities when needed by year end 2009
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Exhibit E

<b>CAMA LUP POLICIES</b>  TOWN COUNCIL DECISION:	<p>a. NC – DNR requested 82 corrections / changes to LUP DRAFT</p> <p>b. The LUP Steering Committee and PAG identified additional errors, omissions &amp; mis-statements</p>	<p>a. Adopt revised goals, policies &amp; action items &amp; use the corrected DRAFT as basis for the Futures Section</p> <p>b. Correct &amp; complete required mapping work (work with Earth-Tech or another consultant)</p> <p>c. Complete reviews &amp; approvals. Target milestones are:</p> <ul style="list-style-type: none"> <li>• Revised LUP to DNR Sept 2009</li> <li>• TOSS Public Hearing Sept 2009</li> <li>• Town approved LUP to CRC Oct 2009</li> <li>• Town adoption of CRC approved LUP Nov 2009</li> </ul>
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Exhibit F

	<b>FINDINGS</b>	<b>RECOMMENDATIONS</b>
<b>FINANCIAL PLANNING – S.O.W.</b>  TOWN COUNCIL DECISION:	<p>a. Existing financial planning process does not link long-range plans and proposed projects to CIP &amp; budgets.</p> <p>b. Prioritization of pending projects needs to be more transparent with clearly defined prioritization criteria (e.g., government mandates, public health &amp; safety, etc.).</p> <p>c. Operating and capital budgets are developed with limited public dialog regarding how alternative tax rates and/or reserve</p>	<p>a. Adopt proposed Statement of Work (SOW)</p> <p>b. Develop &amp; approve an inclusive process by year end 2009</p> <p>c. Implement new process effective January 1, 2010</p>

	fund policies impact project priorities and funding.	
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Exhibit G

	<b>FINDINGS</b>	<b>RECOMMENDATIONS</b>
<b>RULES OF PROCEDURE</b>  TOWN COUNCIL DECISION:	a. Reviewing permits/ordinances is a different type of work than committee/project work; best to focus on one at a time  b. 1st Monday of the month <ul style="list-style-type: none"> <li>• Public Workshops on planning topics</li> <li>• Planning Advisory Group working sessions</li> </ul> c. 3rd Monday of the month <ul style="list-style-type: none"> <li>• Review permit applications</li> <li>• Review proposed ordinances &amp; amendments</li> </ul>	a. Revise Planning Board Rules of Procedure to reflect new meeting schedule effective immediately