



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

Council Meeting
December 6, 2011
7:00 p.m. - Pitts Center

Corrected

Mayor Denny called the meeting to order at 7:00 p.m. in the Pitts Center with the following Council Members present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members Kevin Stroud, Jim Pfizenmayer and George Kowalski. Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny recognized Boy Scout Troop 117 of the Kitty Hawk United Methodist Church with Scout Master Tom Williamson. The Troop lead the Pledge of Allegiance.

Mayor Denny held a Moment of Silence for our men and women in uniform serving around the world.

APPROVAL OF AGENDA

Mayor pro tem Hess moved to approve the agenda as presented. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

APPROVAL OF MINUTES – November 15, 2011

Mayor pro tem Hess moved to correct the minutes on page 2 line 3 to read “The majority of these properties consist of undeveloped or homeowners’ association-owned properties”. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Stroud, Pfizenmayer and Kowalski voting aye.

CONSENT AGENDA-None

PRESENTATION-EMPLOYEE SERVICE RECOGNITION

Mayor Denny recognized Lt. Paul Terry for his ten years of service with the police department. He presented him with a plaque, certificate and a ten-year pin.

RECOGNITION OF OUTGOING COUNCIL MEMBERS

Mayor Denny presented each Council Member, Kevin Stroud and Jim Pfizenmayer with a framed Town Seal and a certificate. He stated it was a pleasure to work with each them the past two years.

OATHS OF OFFICE-New Council Members-Jodi Hess, David Sanders and Larry Lawhon

Mayor Denny stated the November election held was for three positions. He welcomed Jodi Hess, David Sanders and Larry Lawhon.

Carrie Gordin, Town Clerk, swore in the newly elected Council Members.

ORGANIZATIONAL MEETING-Election of Mayor pro tem

Mayor Denny called for nominations for Mayor pro tem. Council Member Kowalski moved to nominate Council Member Hess. Council Member Sanders seconded.

Mayor Denny asked if there were any other nominations, hearing none the nominations were closed. Mayor Denny called for the vote. Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

Carrie Gordin, Town clerk, swore in Council Member Hess as Mayor pro tem.

RESOLUTION 2011-12-01 TOWN COUNCIL MEETING CALENDAR

Mayor pro tem Hess moved to adopt the 2012 meeting calendar as presented. Council Member Kowalski seconded.

Mayor Denny requested Council consider changing the day time meeting from 8:00 a.m. to 9:00 a.m.

Hearing no objection, Mayor pro tem Hess amended her motion to change the 2012 meeting calendar to read the second Tuesday of the month Council meeting is to meet at 9:00 a.m. Council Member Kowalski seconded. Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

[Clerk's Note: A copy of the amended 2012 Town Council Meeting Calendar is hereby attached as Exhibit A].

STAFF REPORTS

Town Planner

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

Police Department

Chief Kole presented monthly report. Chief Kole asked everyone to be vigilant in locking their cars and houses due to a rash of break-ins in the surrounding areas.

Southern Shores Volunteer Fire Department-None

REPORTS FROM BOARD, COMMITTEES AND ASSOCIATIONS

Town Planning Board

Sam Williams, Planning Board Chairman, stated after receiving two site plan revision applications this year, the Planning Board drafted and unanimously recommends approval of ZTA 11-04 Site Plan Amendment. The draft ordinance is found to be consistent with the Town's Land Use Plan. The amendment would allow Town staff to approve minor site plan changes administratively. He also asked Council to consider setting a joint meeting with the Planning Board in the near future to discuss progress that has made been and future guidance from Council.

Southern Shores Civic Association

Karen Kranda, President, reported association memberships are due. The soundside park (wading beach) renovations are complete with the silt fence remaining through the winter. She reported the SSCA has voted to grant permission for an easement for the Chicahawk Trail rebuild project. The SSCA is working with the police department on ways to curtail the recent vandalism. Chief Kole will be the speaker at the SSCA's January meeting.

Mayor Denny thanked the SSCA for voting to grant the easement for the Chicahawk Trail rebuild project.

Chicahawk Property Owners Association

Jim Kranda reported the bridge for the walking path between Spindrift Trail and NC12 is being replaced.

PUBLIC COMMENT

Lori Williams, 109 Pudding Pan Lane, thanked the Town for allowing the use of the Town Hall as a drop-off site of Christmas ornaments for Irene's Giving Tree". She stated two high school seniors from Cape Hatteras Secondary School started the project. The project was to help thirty families in the Hatteras area that lost everything due to Hurricane Irene. Decorations, Christmas trees and even sweaters and coats were donated. She stated so many people responded that they are able to help more families. She and Sam (Williams) made twelve trips to deliver the items.

Mayor Denny thanked them for their work.

OLD BUSINESS

Consideration Zoning Text Amendment ZTA 11-03 Requested by Town Bank of Currituck-Second Reading

Mayor Denny stated this amendment was brought to Council at the November 1 Council meeting for public hearing but due to a tie vote it is now before Council for a second reading. He stated Council Member Lawhon is a past member of the Planning Board and Council Member Sanders has attended the past Council meetings, as a citizen, where this issue has been considered.

Mayor Denny moved to approve ZTA-11-03 as considered at the November 1, 2011 Council meeting. Council Member Lawhon seconded.

Council Member Kowalski stated he supports the amendment.

Mayor pro tem Hess stated she voted no at the last meeting but not because she objects to cupolas. She stated she wants any amendment to apply to all structures in the commercial district, not just banks. She stated she previously asked the Town Planner to provide a draft ordinance containing such alternative language. Copies of this draft language were handed to Council members which she read.

Council Member Lawhon stated there are several buildings already in Town that have cupolas.

Council Member Sanders stated he supports Mayor pro tem Hess's position.

Council discussed the possibility of directing staff to present a proposed code amendment which would allow cupolas on any building in the commercial zone at a later time but to proceed with a vote on this amendment as presented.

Mayor Denny called for a vote on the seconded motion before Council. The motion passed with Mayor Denny, Council Members Kowalski and Lawhon voting aye. Council Members Hess and Sanders voting no.

[Clerk's Note: A copy of ZTA 11-03 is hereby attached as Exhibit C].

Mayor Denny called for a brief recess. Upon returning Old Business items continued.

Tall Pine Bridge Replacement Project

The Town Manager stated NCDOT administers a Municipal Bridge Replacement Program in which reimbursement funding comes from the Federal Highway Administration and requires a 20% match from the participating local government. He stated the Town applied last fiscal year to replace the Tall Pine Bridge in the program and has now been notified it has been accepted. The current (FY12/13) Capital Improvement Planning Committee (CIP) considered the matter at its initial November 2, 2011 meeting and recommended placing it on the December 6 Council agenda for consideration to be initiated and funded in the current fiscal year. He responded to a question by the Mayor that there is a required ending date of October 2013 for Phase 1, Planning-Environmental/Design.

Participation requires three separate phases of work and related estimated expenses:

<u>Phase</u>	<u>Estimated Expense</u>	<u>Reimbursable:</u>
(1) Planning-Environmental/Design	\$150,000	\$120,000
(2) ROW Acquisition/Utilities Relocation	\$50,000	\$40,000
(3) Construction	\$750,000	\$600,000
Total Estimates:	\$950,000	\$760,000

The Program requires the Town to perform under strict guidelines, including bid solicitation/hiring of a qualified engineering firm for the first two phases, then another bid solicitation/hiring of a separate engineering firm for construction inspection. The Town is required itself to be the principal entity in all contracts for the project.

The Town Manager requests Council to authorize him to enter into this program by executing documents necessary for the Town's participation as described, and also recommends that Council enact a budget amendment for current FY 11/12 establishing an expense of \$150,000 for the first phase "Planning-Environmental/Design" and a corresponding revenue from the undesignated fund balance.

Joe Anlauf, Town Engineer, stated that the Town's bridges are required to be inspected every two years by NCDOT. The Tall Pine Bridge showed it had a life span of ten years some repairs have been made but wear has been shown on those repairs over the past two years. A plan is needed to replace the bridge and this is a one time opportunity.

Mayor pro tem Hess moved to authorize the Town Manager to execute necessary documents for the Tall Pine Bridge Replacement Project. Council Member Lawhon seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

Budget Amendment #13-Planning and Design Phase-Tall Pine Bridge

Mayor pro tem Hess moved to approve Budget Amendment #13 as presented. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

[Clerk's Note: A copy of Budget Amendment #13 is hereby attached as Exhibit D].

NEW BUSINESS

Presentation-Proposed Stormwater Ordinance

Sam Williams, Planning Board chairman, presented a brief Power Point presentation and draft ordinance ZTA-11-04.

Following discussion, it was consensus among all Council members that Town staff would review the Planning Board's draft ordinance and report back to the Town Council with a staff recommendation by the February 21 Council meeting.

Request to set Public Hearing for January 3, 2012-ZTA 11-04 Site Plan Amendment

The Town Planner proposed consideration of an amendment to Code Section 36-299, Application for Building Permits, Zoning Permits, and Site Plan Requirements. Currently, the Town Zoning Ordinance requires any change made to a site plan for uses other than single-family detached and duplex residences be reviewed by the Town Planning Board and approved by the Town Council. He requested Council set a public hearing for the January 3, 2012 Council meeting for ZTA 11-04.

Council, by consensus, agreed to place this item on the January 3, 2012 agenda.

OTHER ITEMS

Town Manager

The Town Manager reported:

- The Thanksgiving Day Go Far 5k Run Turkey Trot was a huge success.
- Juniper/Trinitie Trail Bridge will be closed from January 3 to March 1 for replacement.
- All project worksheets have been turned into FEMA for Hurricane Irene cost reimbursement and he commended the Finance Officer for her diligence.
- CIP Committee has met and will report to Council in February or March with recommendations.
- The canal dredging permit application for Phase 2 has been accepted by the state and they have 150 days to notify the Town if the permit is accepted or rejected.
- Chicahawk Trail Road Improvement Project final designs are forth coming, three easements are required, and some minor CAMA issues need to be addressed.

Town Attorney-None

Mayor-None

Council

Council Member Sanders stated he appreciates the opportunity to serve on Council again. He stated he has been attending Council meetings since 1986.

Council Member Lawhon stated he also appreciates the opportunity and looking forward to serving on Council.

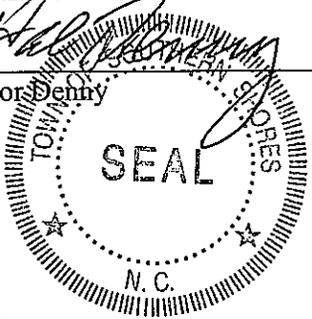
Hearing no other regular business Mayor Denny moved to go into closed session pursuant to 143-318.11(a)(3) to consult with the Town Attorney in a manner preserving the attorney/client privilege. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

Upon returning to open session and hearing no other regular business Mayor Denny moved to adjourn at 10:30 p.m. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

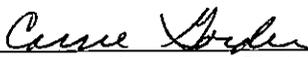
ATTEST:



Mayor Denny



Respectfully submitted:



Carrie Gordin, Town Clerk

COUNCIL MEETING SCHEDULE

WHEREAS, the Town Council of Southern Shores hereby resolves to implement the following as its monthly meeting schedule for calendar year 2012 and;

WHEREAS, all Council meetings are scheduled to be held in the Kern P. Pitts Center and this is a Dare county voting place.

BE IT RESOLVED that the regular monthly meetings of the Town of Southern Shores Town Council will take place in the Kern P. Pitts Center on the first Tuesday of each month being called to order at 7:00 p.m. but more specifically as follows:

- | | |
|---------------------------|-----------------------------|
| Tuesday, January 3, 2012 | Tuesday, July 3, 2012 |
| Tuesday, February 7, 2012 | Tuesday, August 7, 2012 |
| Tuesday, March 6, 2012 | Tuesday, September 4, 2012 |
| Tuesday, April 3, 2012 | Tuesday, October 2, 2012 |
| Tuesday, May 1, 2012 | Wednesday, November 7, 2012 |
| Tuesday, June 5, 2012 | Tuesday, December 4, 2012 |

BE IT RESOLVED that the regular monthly Town of Southern Shores Town Council agenda workshop meetings will take place on the third Tuesday of each month being called to order at 9:00 a.m. in the Kern P. Pitts Center but more specifically as follows:

- | | |
|---------------------------------------|-----------------------------|
| Tuesday, January 24, 2012 (Exception) | Tuesday, July 17, 2012 |
| Tuesday, February 21, 2012 | Tuesday, August 21, 2012 |
| Tuesday, March 20, 2012 | Tuesday, September 18, 2012 |
| Tuesday, April 17, 2012 | Tuesday, October 16, 2012 |
| Tuesday, May 15, 2012 | Tuesday, November 20, 2012 |
| Tuesday, June 19, 2012 | |

BE IT RESOLVED if Council finds there are no specific items for the third Tuesday meeting agenda the meeting will be cancelled.

BE IT RESOLVED if an election is being held on the first Tuesday of a month then the Council meeting date will be changed to the first Wednesday at 7:00 p.m.

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

BE IT FURTHER RESOLVED to insure public comment is heard one or more Public Comment sections will be placed on the Council meeting agendas. Such comments shall be brief and to the point. The Mayor and or Council may address comments raised or refer the comments to staff for further investigation.

Adopted this 6th day of December 2011.

S E A L

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

Exhibit B

**12-6-11 TC Report
Town Planner
Month of November**

1. Land Use Plan

-The Planning Board will be reviewing proposed responses to the State's comments on the draft Land Use Plan at their December 19th meeting. If there are no major revisions suggested at that meeting, I will submit the proposed responses to you to review at the January 3rd Council meeting.

2. Mailed 1 Code Enforcement Violation Letter in November

-1 side setback requirement violation.

3. Permitting and Inspections for November, 2011

-5 Zoning Permits were issued.

-18 building permits were issued: 2 new single-family dwelling, 0 additions, and 14 others.

-85 Dare County building inspections were conducted (48 job sites).

-Total amount of fees collected in November: \$12,746.16

Exhibit C



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

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ZTA-11-03

**AMENDING THE ZONING ORDINANCE
OF THE TOWN OF SOUTHERN SHORES**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the "Town") may enact and amend ordinances to protect the health, safety, and welfare of its citizens under North Carolina General Statutes § 160A-174; and

WHEREAS, the Town may enact and amend ordinances regulating the zoning and development of land within its jurisdiction under North Carolina General Statutes § 160A-381; and

WHEREAS, the Town Council finds that it is in the interest of the public's health, safety, and general welfare that the Town's Zoning Ordinance be amended as stated below.

ARTICLE II. Construction.

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and double strikethrough words (~~double~~)

~~strike through~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by a “...” shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town’s Code of Ordinances shall be amended as follows:

Part I. That Chapter 36, Article XVII, Section 36-57, Definitions of specific terms and words be amended as follows:

Sec. 36-57. Definitions of specific terms and words

Bank means a building, property or activity, the principal use or purpose of which is the provision of financial services including, at a minimum, the operation of indoor and outdoor teller windows for the intake and disbursement of funds, including cash, to and from customer financial accounts, including individual checking, savings, or credit accounts.

Part II. That Chapter 36, Article XVII, Section 36-98, Structures excluded from height limitations be amended as follows:

Sec. 36-98. Structures excluded from height limitations.

Except for banks in the general commercial district, the board of adjustment may vary the height limits of these regulations up to four feet above the roofline of the building, for the following structures, providing such variances shall be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

- (1) Church spires or belfries.
- (2) Decorative cupolas that do not exceed five feet in width on any side or 25 square feet in cross section.
- (3) Flagpoles.
- (4) Communications masts (private TV antenna excluded).

(Code 1988, § 11-4.11)

Part III. That Chapter 36, Article XVII, Section 36-207, C general commercial district limitations be amended as follows:

Sec. 36-207. C general commercial district.

(a) *Intent.* The C district is established to provide for the proper grouping and development of commercial facilities to serve permanent and seasonal residents.

(b) *Permitted uses.* The following uses shall be permitted by right:

(1) Offices, including such uses as:

- a. Business.
- b. Financial.
- c. Governmental.
- d. Medical and professional.

(2) Retail stores, including such uses as:

- a. Antiques.
- b. Books.
- c. Cameras.
- d. Candy.
- e. Clothing.
- f. Craft goods.
- g. Delicatessens.
- h. Drugs.
- i. Flowers.
- j. Food stores.
- k. Gifts.
- l. Hardware.
- m. Health and beauty aids.
- n. Hobby goods.

- o. Household appliances.
- p. Jewelry.
- q. Leather goods.
- r. Magazines.
- s. Medical supplies.
- t. Music and musical instruments.
- u. Office supplies.
- v. Sporting goods.
- w. Tobacco products.
- x. Toys.
- y. Video rentals.
- z. Wines.

(3) Service establishments, including such uses as:

- a. Banks.
- ab. Barbershops and beauty shops.
- bc. Business service--copying, photocopying and computer services.
- ed. Churches.
- de. Dry cleaning and laundry pickup stations.
- ef. Funeral homes.
- fg. Indoor motion picture theaters.
- gh. Pharmacy.
- hi. Radio and television broadcasting studios (excluding transmitter sites).
- ij. Shoe repair.

- (4) Single-family dwellings, two-family (duplexes) dwellings, multifamily dwellings, large home dwellings, and accessory buildings, according to the dimensional requirements of RS-8 multifamily residential district. Large home dwellings shall be exempt from section 36-203(d)(8) requirements. For multifamily dwellings, the lot coverage shall not exceed 40 percent.
- (5) Town-owned or leased facilities.
- (6) Planned unit developments in accordance with article IX of this chapter.
- (7) Parking lots and sewage treatment drainfields, when located on a lot which is adjacent to and adjoins real property in an adjacent municipality, upon which a principal building or use has been approved by the municipality, and to which the parking lot and sewage treatment drainfields are necessary or incidental.
- (8) Collocated wireless facilities permitted to use streamlined processing in compliance with section 36-175(b).
- (9) Estuarine bulkheads must be permitted by all applicable local, state and federal agencies having jurisdiction.
- (10) Dwelling, large homes.

(c) *Conditional uses.* The following uses shall be permitted as a conditional use, subject to the requirements of this district; shall be subject to conditions and modifications relating to impacts on adjacent properties, transportation and transportation systems, transportation interconnectivity, stormwater, utilities and telecommunications facilities (including capacity), vegetation and other elements of the natural environment, noise, hours of operation, and other factors that the town council finds applicable; and additional regulations and requirements imposed by the town council, as provided in article X of this chapter:

- (1) Restaurants.
- (2) Veterinary clinic, provided that all boarding runs and kennels are in an enclosed, heated, and air conditioned building.
- (3) Child day care center, subject to other requirements of this chapter and provided the following conditions are met:
 - a. The facility shall adhere to the minimum requirements of and be licensed by the state department of human resources.
 - b. Pickup and dropoff areas shall be provided separate from the drive aisle. The pickup and dropoff areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.

- (4) Sewage system effluent disposal subsurface drainfields and repair areas, under the following conditions:
- a. The lot shall be in existence and recorded at the time of adoption of this provision;
 - b. The drainfield shall not exceed a total area of 14,400 square feet;
 - c. There shall be no sewage treatment facilities other than the disposal drainfields;
 - d. There shall be no aboveground appurtenances;
 - e. A buffer strip shall be planted between the drainfield and/or repair area and any adjacent right-of-way, in accordance with the technical requirements of section 36-163(2)h (parking lot planting), and maintained;
 - f. Maintenance and operation of the drainfields, in compliance with state, county and town laws, rules and regulations, shall be a continuing condition of approval; failure to do so shall result in revocation of approval of the development by the town, and the owner and/or operator of the drainfield shall cease all use of the drainfield until such use is authorized by the town.
- (5) Group development of town-owned or leased facilities.
- (6) Group development of commercial buildings, provided:
- a. Minimum size of any building shall be 2,500 square feet.
 - b. All buildings are to be connected by a breezeway or covered walkway.
- (7) Garden center/nursery, provided:
- a. A ten-foot high solid fence must surround all storage areas for business vehicles, equipment and bulk storage.
 - b. All principal and accessory structures must conform to the building code (e.g., greenhouses) with no agricultural exceptions.
 - c. Outdoor plant displays (retail/nursery areas) access walks shall comply with site accessibility requirements of the building code (e.g., wheelchairs and motorized carts).
 - d. Required parking spaces and drive aisles shall be asphalt or concrete. Business

e. vehicle and equipment parking and drive area shall be gravel/crush and run.
 Customer parking requirements for outdoor retail display areas shall be one space for every 500 square feet of retail space.

- (8) Wireless telecommunications sites in compliance with section 36-175.
- (9) Wind generation facility in compliance with the requirements of section 36-176.

(d) *Dimensional requirements.*

- (1) Minimum lot size: Commercial lots shall be of sufficient size to meet requirements of the Dare County Health Department, to provide adequate siting for structures, and to provide parking, loading and maneuvering space for vehicles as required by section 36-163. In addition, a visual buffer strip is required where a commercial use or zone abuts a residential zone.
- (2) Minimum front yard: 25 feet.
- (3) Minimum side yard: ten feet. No side yard required if commercial building constructed with a common wall. An additional five-foot-yard adjacent to the street is required for a corner lot.
- (4) Minimum rear yard: 20 feet.
- (5) Maximum allowable lot coverage by principal use and all accessory structures: 60 percent.
- (6) Height:

Height, Top Plate	26 feet
Height, Maximum	35 feet

a. For uses other than a bank:

- 1. Height, top plate, shall be 26 feet
- 2. Height, maximum, shall be 35 feet

b. For bank use:

- 1. Height, top plate, shall be 26 feet
- 2. Height, maximum, shall be 35 feet with the exception of a single decorative cupola or ornamental watch tower that extends up to fifteen feet above the roofline of the building, provided that it does not exceed twelve feet in width on any side or 144 square feet in cross section, is purely decorative in nature, and cannot be used for storage or occupancy.

- (7) No building or other facility (such as parking areas, incinerators, trash collection

- areas, etc.) shall be located nearer than 50 feet to boundaries of residential districts.
- (8) Where a commercial use or zone abuts a residential zone, a buffer of dense vegetative planting or natural vegetation is required. The buffer area shall have a minimum width of 20 feet with two rows of planting material placed ten feet on center that are a minimum of five feet in height when installed that expect to achieve a height of eight feet within three years. Suitable plant types shall be those recommended for the coastal area by the U.S. Department of Agriculture which can be expected to reach a mature growth of eight to ten feet. Vegetation plan to be approved by the town council.
- (9) All uses and improvements for commercial facility(ies) including, but not limited to parking areas, vehicular access ways, active and repair septic areas and required open spaces shall be contained entirely within the general commercial zoning district, except as provided in section 36-26, Rules governing the interpretation of district boundaries.

(Code 1988, § 11-7.10; Ord. No. 01-10-016, pt. II, 10-2-2001; Ord. No. 01-11-018, pt. I, 11-5-2001; Ord. No. 05-04-03, art. IV, 5-3-2005; Ord. No. 07-01-01, art. III, 2-6-2007; Ord. No. 2009-08-01, pts. IV, V, 1-5-2010; Ord. No. 2011-04-01, art. III, pt. VIII, 4-5-2011)

ARTICLE IV. Severability.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. Should a court of competent jurisdiction declare this Ordinance or any part thereof to be invalid, such decision shall not affect the remaining provisions of this Ordinance nor the Zoning Ordinance of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance shall be in full force and effective from and after the ____ day of _____, 2011.

Mayor

Date: ___/___/___
Vote: ___ Ayes ___ Nayes

ATTEST:

Town Clerk

Approved as to form:

Town Attorney

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

**Public Works
Increases**

**Public Works
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<u>Revenues</u> Undesignated Fund Balance	\$ 150,000
59-50939	<u>Expenditures</u> Tall Pine Bridge	\$150,000

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>

Explanation: Planning and Environmental costs for Stage I of Tall Pine Bridge

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Hal Denny, Mayor

Date

Town of Southern Shores, NC
Closed Session Minutes #2
December 6, 2011

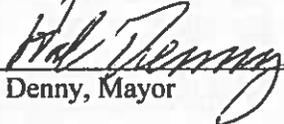
Those in attendance: Mayor Denny, Council Members Hess, Kowalski, Sanders and Lawhon.

Also present: Town Manager Peter Rascoe, Town Attorney Phillip Hornthal and Town Clerk Carrie Gordin

Mr. Hornthal provided an update to Council on the Sampson Contracting mediation held on September 28, 2011 so the newly elected Council members would be informed. He stated, as he discussed with Council on October 4, 2011, that he was waiting for a decision to be determined from the mediation. He stated, as he explained previously, if an impasse is called the next step would be to go into arbitration. He stated he has been contacted by the mediator and an impasse has now been declared. He has been in contact with the parties to begin working on the arbitration process. He will update Council as needed.

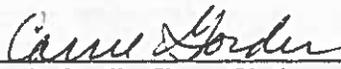
Mayor Denny moved to go out of closed session. Mayor pro tem Hess seconded. The motion passed unanimously.

ATTEST:



Hal Denny, Mayor

Respectfully submitted:



Carrie Gordin, Town Clerk