



**Town of Southern Shores  
Council Meeting  
December 4, 2012**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 7:00 p.m. on Tuesday, December 4, 2012

**COUNCIL PRESENT:** Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members George Kowalski, David Sanders and Larry Lawhon.

**COUNCIL ABSENT:** None

**OTHERS PRESENT:** Town Manager Peter Rascoe, Town Attorney Ben Gallop and Deputy Clerk Sheila Kane.

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE**

Mayor Denny called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, and held a Moment of Silence.

**APPROVAL OF AGENDA**

**MOTION:** Mayor pro tem Jodi Hess moved to approve the agenda as presented. The motion was seconded by Council Member Sanders. The motion passed unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Mayor Denny moved to approve the November 7, 2012 minutes as presented. The motion was seconded by Council Member Sanders. The motion passed unanimously.

**CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- Resolution 2012-12-01 Council Meeting Schedule (2013)
- Resolution 2012-12-02 Resolution Requesting Funding Assistance-Canal Dredging
- Resolution 2012-12-03 Opposing a 30% or any insurance rate increase for beach plan
- Resolution 2012-12-04 Vehicle Surplus Authorization

**MOTION:** Mayor Denny moved to approve the consent agenda. The motion was seconded by Mayor pro tem Hess. The motion passed unanimously.

[Clerk's Note: A copy of Consent Agenda items are hereby attached as Exhibit A].

## **STAFF REPORTS**

Town Planner: Town Planner, Wes Haskett, presented his monthly report containing the following:

- Bicycle and Pedestrian Planning Grant
- Permitting and Inspections for November, 2012

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

Police Department: Chief Kole presented his monthly report.

Southern Shores Volunteer Fire Department: Chief Harvey presented his monthly report.

## **REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS**

Town Planning Board Planning Board Chairperson Sam Williams reported the Planning Board recommends unanimous approval of ZTA-12-03 for the Public Hearing set for later on the agenda, and found it to be consistent with the Town's current Land Use Plan.

Southern Shores Civic Association – No report.

### Chicahawk Property Owner's Association

Leo Holland reported the Southern Shores Boat Club Christmas Event will occur on Saturday night. He asked about the broken condition of the sidewalk on Trinitie Trail in the Chicahawk subdivision. The Mayor suggested he contact the Town Manager about the matter.

## **GENERAL PUBLIC COMMENT**

### Maureen Buckley, 70 Gravey Ponds

Ms. Buckley expressed her concern about the progress of the street improvement on Gravey Pond Lane. She stated the construction aesthetics and length of time to complete the project have not been favorable to her.

## **PUBLIC HEARING**

### Proposed Ordinance Amendment (ZTA-12-03) Outdoor Lighting, Chapter 36, Section 36-166

Mayor Denny opened the public hearing.

Mayor Denny called for public comment; hearing none he closed the public hearing.

**MOTION:** Mayor Denny moved to approve Outdoor Lighting Ordinance Amendment (ZTA-12-03).

The motion was seconded by Council Member Lawhon. The motion passed unanimously.

[Clerk's Note: A copy of ZTA-12-03 is hereby attached as Exhibit C].

## **OLD BUSINESS**

### Outer Banks Community Foundation Cemetery Fund Update

The Town Manager presented a review of the Town's Community Foundation Cemetery Perpetual Trust Fund. The Town Manager stated the fund was set up by a previous Council as a practical way for citizens to make donations for the expense of cemetery upkeep. After discussion the Mayor stated he felt the cemetery trust fund was a more meaningful place to make a donation rather than just to the Town's general fund.

**MOTION:** Mayor Denny moved to keep the Outer Banks Community Foundation Cemetery Perpetual Trust Fund. The motion was seconded by Mayor pro tem Hess. The motion passed unanimously.

### Projected Cemetery Maintenance Budget

The Town Manager presented an enhanced cemetery budget for discussion purposes to portray the cost of necessary maintenance if enhanced landscaping work is to be undertaken in the cemetery. No action was taken, and the Town Manager suggested the matter be discussed again during budget planning time.

### **NEW BUSINESS**

#### Engineering Cost Estimates-Honeysuckle Lane and Duck Woods Drive (portion)-Fall Road Improvement Project #2

Honeysuckle Lane and Duck Woods Drive were part of Council's adopted capital street improvement budget approved for the FY2012-2013 general operating budget. Council subsequently approved the Gravey Pond-Deer Path-Spindriff project at a cost of \$525,800, an amount higher than originally projected in the budget (\$435,237) for those streets and thereby leaving only \$217,590 in the budget to be applied towards the Honeysuckle Lane and Duck Woods Drive projects.

Project Engineer, Joe Anlauf presented the proposed engineering plans and cost estimates for Honeysuckle Lane, Duck Woods Drive, Fern Lane entrance, and Trinitie Bridge re-paving. It was the consensus of council members that Project Engineer, Joe Anlauf continue to seek necessary easements, revise the plans for Duck Woods Drive to include storm water management features (both ground water and storm water), and present them with next fiscal year's proposed street improvement projects. The Town Manager commented that upon acceptance of a bid for Honeysuckle Lane, a required budget amendment would also need to include the costs for Fern Lane entrance and Trinitie Bridge re-paving.

**MOTION:** Mayor Denny moved to authorize the Town Manager to issue a bid package for Honeysuckle Lane. The motion was seconded by Mayor pro tem Hess. The motion passed unanimously.

#### Budget Amendment-Cemetery Fund (acquisition of software and enhanced landscaping costs)

**MOTION:** Council Member Kowalski moved to approve Budget Amendment #3. The motion was seconded by Mayor pro tem Hess. The motion passed unanimously.

[Clerk's Note: A copy of Budget Amendment #3 is hereby attached as Exhibit D].

#### Board of Adjustment Reappointments-Ross Mitchell & Claire Sutton

**MOTION:** Mayor pro tem moved to approve Board of Adjustments Reappointments of Ross Mitchell and Claire Sutton. The motion was seconded by Council Member Sanders. The motion passed unanimously.

#### Resolution 2012-12-05 Loss of "Transitional Hold Harmless" Reimbursement Funds Resolution

**MOTION:** Mayor Denny moved to approve Resolution 2012-12-05. The motion was seconded by Council Member Sanders. The motion passed unanimously.

[Clerk's Note: A copy of Resolution 2012-12-05 is hereby attached as Exhibit E].

### **OTHER ITEMS**

#### Town Manager's report

The Town Manager addressed several issues:

- CAMA temporary office in the Pitts Center is now closed
- Town beach cleanup has been completed and successful
- Chicahawk Trail road improvement project is now 100% complete
- Deer Path Lane & Gravey Pond Lane road improvement projects are still scheduled for December 15, 2012 completion as per the contract.
- Phase II-Canal Dredging Project bid specs are now being drafted.

- The Town's new tractor has been purchased from Edenton Tractor Company under authority granted the Town Manager in the Budget Ordinance currently in effect. The Town Manager reported his compliance with the Town's existing *Purchasing and Bid Requirements Policy* (July 6, 2010) in exercising his authority for the purchase.

Town Attorney: none

Mayor's comments: Mayor Denny commended the responders to the shipwrecked at 66 Ocean Blvd. He also thanked the Town Manager for the pristine beach cleanup.

Council Members' comments: Council Member Sanders asked the Town Manager to see what would entail letting Southern Shores residents dispose of C&D waste debris items at the Kitty Hawk Recycle Center.

### CLOSED SESSION

**MOTION:** Mayor Denny moved to enter into closed session to review/approve closed session minutes pursuant to NCGS 143-318.11(a) (1). The motion was seconded by Mayor pro tem Hess. The motion passed unanimously.

### ADJOURN

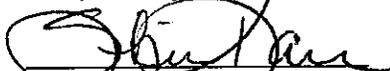
**MOTION:** Upon returning to open session Mayor Denny moved to adjourn. The motion was seconded by Council Member Kowalski. The motion passed unanimously. The time was 8:18 p.m.

ATTEST:

  
Mayor Denny



Respectfully submitted,

  
Shella Kane, Deputy Clerk

**EXHIBIT A**



**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

Resolution 2012-12-01

**COUNCIL MEETING SCHEDULE 2013**

**WHEREAS**, the Town Council of Southern Shores hereby resolves to implement the following monthly meeting schedule for calendar year 2013 and;

**WHEREAS**, all Council meetings are scheduled to be held in the Kern P. Pitts Center.

**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 at 7:00 p.m. on the dates as follows:

Tuesday, January 8, 2013	Tuesday, July 2, 2013
Tuesday, February 5, 2013	Tuesday, August 6, 2013
Tuesday, March 5, 2013	Tuesday, September 3, 2013
Tuesday, April 2, 2013	Tuesday, October 1, 2013
Tuesday, May 7, 2013	Wednesday, November 6, 2013
Tuesday, June 4, 2013	Tuesday, December 3, 2013

**BE IT RESOLVED** that the regular monthly Town of Southern Shores Town Council agenda workshop meetings will take place at 9:00 a.m. in the Kern P. Pitts Center on the dates as follows:

Tuesday, January 22, 2013	Tuesday, July 16, 2013
Tuesday, February 19, 2013	Tuesday, August 20, 2013
Tuesday, March 19, 2013	Tuesday, September 17, 2013
Tuesday, April 16, 2013	Tuesday, October 15, 2013
Tuesday, May 21, 2013	Tuesday, November 19, 2013
Tuesday, June 18, 2013	

**BE IT RESOLVED** any meeting may be cancelled for lack of agenda items.

**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 a Public Comment section will be placed on the Council meeting agendas.

Adopted this 4th day of December 2012.

S E A L

\_\_\_\_\_  
Mayor, Hal Denny

ATTEST:

\_\_\_\_\_  
Sheila Kane, Deputy Clerk



# Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949  
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2012-12-02

## Resolution Requesting Funding Assistance

WHEREAS, the Town Council of the Town of Southern Shores desires to complete (Phase II) of the "Southern Shores Canal Dredging Project" consisting of maintenance dredging of its public Town-owned canals which serve as tributaries of the Currituck Sound;

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Town Council requests the State of North Carolina to provide financial assistance to the Town of Southern Shores for completion of its Southern Shores Canal Dredging Project in the amount of \$ 300,000 or twelve percent (12%) of the project costs, whichever is the lesser amount (note the Town Council may seek to implement the project over a two-year term and thereby spread the costs accordingly.);
- 2) The Town Council assumes full obligation for payment of the balance of project costs;
- 3) The Town Council will obtain all necessary State and Federal permits;
- 4) The Town Council will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Town Council will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Town Council will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Town Council will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Town Council will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Town Council accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Town Council of the Town of Southern Shores this 4th day of December, 2012.

\_\_\_\_\_  
Hal Denny, Mayor

\_\_\_\_\_  
Sheila Kane, Deputy Clerk



# Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949  
Phone 252-261-2394 / Fax 252-255-0876  
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RESOLUTION 2012-12-03

## **OPPOSING A 30% OR ANY INSURANCE RATE INCREASE FOR ALL 18 EASTERN NC COUNTIES LOCATED IN THE NC INSURANCE UNDERWRITERS ASSOCIATION BEACH PLAN COVERAGE AREA**

WHEREAS, the North Carolina Rate Bureau, in its capacity as a representative of the insurance industry, has requested a 30% rate increase from the Department of Insurance; and

WHEREAS, many eastern North Carolina counties were hit with double-digit homeowners insurance rate increases when the new rates went into effect on May 1, 2009; and

WHEREAS, homeowners in coastal communities already pay premiums up to five times the rate charged for inland properties, in addition to having separate flood, as well as wind and hail policies; and

WHEREAS, the Town of Southern Shores, as well as other coastal towns in North Carolina, is experiencing difficult economic times that are currently gripping our nation; and

WHEREAS, additional increases would once again place an undue and excessive burden on homeowners in coastal communities; and

WHEREAS, loss experience does not justify this 30% rate increase, especially since significant losses were experienced in areas other than the coast of North Carolina.

NOW, THEREFORE BE IT RESOLVED, that the Town of Southern Shores Town Council hereby opposes the 30% or any rate increase requested by the North Carolina Rate Bureau and finds it unjustified and unnecessary,

BE IT FURTHER RESOLVED, that the Town of Southern Shores Town Council encourages Southern Shores residents to participate in this governmental process by filing comments and making their position known regarding this issue by submitting written comments to the North Carolina Department of Insurance, Property & Casualty Division, 1201 Mail Service Center, Raleigh, NC 27699

BE IT FURTHER RESOLVED, that the Town of Southern Shores Town Council also requests that the North Carolina Insurance Commissioner conduct a public hearing on the proposed rate increases and further requests the Commissioner to include actual loss history in Eastern North Carolina in the calculation of the rate increases.

This the 4<sup>th</sup> day of December, 2012.

\_\_\_\_\_  
Hal Denny, Mayor

ATTEST:

\_\_\_\_\_  
Sheila Kane, Deputy Clerk



# Town of Southern Shores

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

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

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Resolution 2012-12-04

## A RESOLUTION DECLARING CERTAIN PROPERTY OF THE TOWN TO BE SURPLUS AND AUTHORIZING THE DISPOSITION OF SAID PROPERTY

**WHEREAS**, the Town Council of the Town of Southern Shores, North Carolina, has determined that the Town owns certain personal property that is no longer needed or usable by the Town; and

**WHEREAS**, the property is described below:

Dept.	Make	Model	Year	V.I.N. / Description
Police	Ford	Crown Victoria	2005	2FAFP71W95X175797
Police	Dodge	Durango	2004	1D4HB48D04F225309
Public Works	Ford	F250	2002	1FTNF21LX2EB36845

**NOW, THEREFORE, BE IT RESOLVED** by the Southern Shores Town Council that the Town Manager or his designee are hereby authorized to dispose of the aforementioned property by any means allowable to include offering for sale at public auction, donation to a nonprofit organization, internet on-line offering, private negotiation and sale, upset bid process, or destruction.

**AND BE IT FURTHER RESOLVED** that property described in this resolution is surplus as of December 4, 2012.

\_\_\_\_\_  
Hal Denny, Mayor

ATTEST:

\_\_\_\_\_  
Sheila Kane, Deputy Clerk

## EXHIBIT B

### **12-4-12 TC Report Town Planner Month of November**

#### **1. Bicycle and Pedestrian Planning Grant**

-Application has been submitted and we will know if we were selected no later than June, 2013. I'll keep you all posted.

#### **2. Permitting and Inspections for November, 2012**

-6 Zoning Permits were issued.

-3 Lot Disturbance Permits were issued.

-30 building permits were issued: 3 new single-family dwellings, 4 additions, and 23 others.

-44 building inspections were conducted (28 job sites).

-Number of single-family dwellings under construction: 10

-Total amount of fees collected in November was \$13,357.50.



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ZTA-12-03

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA**

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances (the “Town Code”); and

**WHEREAS**, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

**WHEREAS**, the Town further finds that outdoor lighting standards are necessary to provide desirable levels of lighting for adequate visibility, safety and security without unreasonably interfering with the use and enjoyment of neighboring properties; and

**WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town’s Zoning Ordinance and Town Code of Ordinances as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses (“...”) shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of Zoning Ordinance.**

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

**PART I.** That Section 36-166 [Outdoor Lighting] be amended as follows:

## Sec. 36-166. Outdoor lighting.

(a) *Intent.* Outdoor lighting standards are hereby established to provide desirable levels of lighting for adequate visibility, safety and security without unreasonably interfering with the use and enjoyment of neighboring properties. This section is designed to provide uniform distribution of light that minimizes light trespass and controls glare on and off the property. All outdoor lighting shall be planned, erected, altered and maintained in accordance with the following provisions.

(b) *Lighting prohibited.*

- (1) Light fixtures that imitate an official highway or traffic control light or sign are prohibited.
- (2) Light fixtures in the direct line of vision with any traffic control light or sign are prohibited.
- (3) Light fixtures having that have a flashing or intermittent pattern of illumination are prohibited.
- (4) Privately owned light fixtures located in the public right-of-way are prohibited.
- ~~(5) Light fixtures that are a source of glare by their design, orientation or intensity are prohibited.~~
- ~~(56)~~ Searchlights are prohibited except when used by a federal, state or local authority.
- ~~(67)~~ Light fixtures that violate any law of the state relative to outdoor lighting are prohibited.
- ~~(78)~~ ~~General purpose area and Floodlights for illuminating sports floodlights~~ are prohibited except for to illuminate building facades and permitted outdoor recreational uses.
- ~~(89)~~ Illumination of the public beach and estuarine waters from uses that are not water dependent shall be prohibited.
- ~~(940)~~ Lighting of windsocks, fountains or flags is prohibited, excepting the flags of the United States of America flag, North Carolina state flag, official flag of the town or permitted flag sign.
- ~~(1011)~~ ~~Unshielded open vertical light fixtures are prohibited.~~ Light fixtures directed overhead are prohibited.

(c) *General provisions.*

- ~~(1) All light sources shall be designed, oriented or shielded so that light produced on-site shall be contained within the perimeter of the site.~~

- (12) Exterior lighting shall not ~~exceed~~ ~~provide in excess of~~ one footcandle of light (forward or back lighting) measured at the property line of any adjacent property.
- (23) All wiring for outdoor lighting not located on a building shall be placed underground.
- (34) Principal buildings shall be ~~lit~~ ~~lighted~~ for security at ~~intensities~~ ~~intensity~~ no greater than permitted in the table in subsection (c)(78) of this section.
- (45) Floodlights shall not exceed 500 watts. When placed in a cluster the combined wattage shall not exceed the footcandle permitted in the table in subsection (c)(78) of this section.
- (56) Lighting fixtures shall be designed to withstand a minimum wind velocity of 130 miles per hour ~~for a three second gust~~ (three-second-gust).
- (67) Freestanding light fixtures within commercial parking lots shall not exceed 35 feet in height, measured from ground level or lowest surrounding ground elevation, and in all other areas, shall not exceed 18 feet in height, measured from ground level. For purposes of this article, "ground level" shall be interpreted to mean the original site elevation before any site work or fill material is added.

(78) The following lighting intensity levels, measured at ground level in footcandles, shall be exempt from these restrictions. Permitted intensity levels may be approved by town council for reasonable cause.

Type of Outdoor Area or Use Permitted	Range of Average Footcandles Minimum--Maximum
<i>Parking Areas</i>	
Commercial parking lots	4.0--7
Industrial warehouses	0.5--1
<i>Building Exteriors</i>	
Loading platforms	10
Commercial entrances	5
Architectural	1
<i>Security</i>	
Commercial	1
Industrial	1
Walkways/roads	1
<i>Recreational</i>	
Baseball/football/soccer	25
Tennis/handball/volleyball	20
Basketball	10
Swimming pool	10
Playground	5

(d) *Site plan requirements.* The town shall require an outdoor lighting plan for review as part of the site plan review process for all uses other than one- and two-family dwelling units. Lighting plans submitted for review shall provide:

- (1) The rationale for the proposed lighting plan.
- (2) Evidence that a lower lighting level than that requested would not provide sufficient illumination.
- (3) Rationale for why the selected option was chosen for the particular site.
- (4) The stamp/seal, license number and signature of the design professional responsible for the plan. Design professional must be a professional engineer, architect or landscape architect licensed to practice in the state.

(e) *Light fixture (luminaire) specifications.* As part of the site plan submittal for all uses other than one-and two-family dwelling units, the design professional shall provide manufacturers technical specification sheets describing the fixtures to be used.

(f) *Measurements.*

- (1) Measurements are to be made in footcandles with a direct reading, portable light meter.
- (2) Unless otherwise specified, the meter sensor shall be mounted not more than six inches above ground level in a horizontal position to measure horizontal illumination. Vertical illumination shall be measured at a height of five feet with the sensor mounted not more than six inches from the wall surface and the meter sensor in the vertical position.

(g) *Inspection.* All outdoor lighting fixtures may be subject to annual inspection by the code enforcement officer to ensure compliance with the provisions of this article. When a fixture fails to comply, the code enforcement officer shall give written notice to the owner of the property on which the fixture is located stating that the fixture shall be brought into compliance, or removed at the owner's expense, within 30 days of receipt of the notice. The remedies set out in article XI of this chapter shall also apply to this section.

(Code 1988, § 11-6.04; Ord. No. 02-09-023, pt. I, 9-3-2002)

#### **ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.**

The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

#### **ARTICLE V. Severability.**

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance

amendment nor the Zoning Ordinance or Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

**ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Date adopted:

\_\_\_\_\_  
Motion to adopt by Councilmember:

Motion seconded by Councilmember:

EXHIBIT D

**Town of Southern Shores  
Budget Amendment Number #3**

<b>Cemetery Fund (30) Increases</b>			<b>Cemetery Fund (30) Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
06-39909	<b>Revenues</b> Undesignated Fund Balance	\$5,200			
06-50908	<b>Expenditures</b> Beautification	\$200			
06-50151	Equipment Purchase- Computer Software	\$5,000			
	<b>TOTAL</b>			<b>TOTAL</b>	\$ -

Explanation: Rye Grass and fertilizer for cemetery and purchase of cemetery software

Recommended By:

Approved By: Town Council

\_\_\_\_\_  
J. Peter Rascoe, III Town Manager

\_\_\_\_\_  
Hal Denny , Mayor



## 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](http://www.southernshores-nc.gov)

Resolution 2012-12-05

### Concerning Loss Of "Transitional Hold Harmless" Reimbursement Funds

**Whereas**, in 2002 the General Assembly authorized an additional local option sales tax, and repealed existing reimbursements to local governments resulting from earlier repeal of the inventory tax base of local governments; and

**Whereas**, as part of the 2002 repeal of reimbursements, 122 municipalities and 17 counties which had negative budget impacts from the combined repeal of reimbursement and new sales tax have received transitional hold harmless payment for ten years, and

**Whereas**, the growth in sales tax over the ten year period of reimbursement is less than projected, resulting in continuing losses to local governments receiving "transitional hold harmless" payments unless the ten year period is extended; and

**Whereas**, the 2011 – 2012 State Budget does not include extension of the "transitional hold harmless" period to protect those local governments from losses caused by the 2002 repeal of reimbursements; and

**Whereas**, the Town of Southern Shores will lose approximately \$24,860 in its 2013-2014 budget year due to the failure of the General Assembly to extend "transitional hold harmless" payments for a reasonable period of time to allow sales tax revenue to grow to replace the "transitional hold harmless" payments, and

**Whereas**, the town budget shortfall will shift the burden to the General Assembly's inaction on extension of "transitional hold harmless" payments to the Town of Southern Shores citizens and taxpayers.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of Southern Shores that:

The North Carolina General Assembly is urged to restore "transitional hold harmless" payments to local governments for a reasonable period of time to allow growth in sales tax revenue to replace "transitional hold harmless" payments, as envisioned in 2002 when reimbursements to local governments were repealed.

Town or City local delegation to the General Assembly is urged to support restoration of "transitional hold harmless" payments to local governments for a reasonable period of time.

The North Carolina League of Municipalities is urged to make restoration of "transitional hold harmless" payment one of its highest legislative goals in the 2013 Session of the General Assembly.

Adopted by the Southern Shores Town Council this 4th day of December, 2012.