



**Town of Southern Shores
Special Meeting
May 5, 2015**

The Town of Southern Shores Council met for a Special Meeting in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, May 5, 2015.

COUNCIL PRESENT: Mayor Bennett, Mayor Pro Tem Jodi Hess, Council Members Larry Lawhon and David Sanders.

COUNCIL ABSENT: Council Member Holland

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

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a Moment of Silence.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Council Member Lawhon moved to approve the agenda as presented. The motion was seconded by Council Member Sanders. The motion passed unanimously (4-0).

EMPLOYEE RECOGNITION

Tracy Mann, School Resource Officer for Kitty Hawk Elementary received a plaque in recognition of being a certified School Resource Officer and recognized for an outstanding job. Police Chief Kole introduced newly hired officers Michael Theetge and Eric Brinkley staffing the two vacancy positions in the Police Department.

GENERAL PUBLIC COMMENT

Mayor Bennett called on public comment and the following citizens offered comment:

Ed Cowell, Southern Shores property owner
Toni Radomski, Southern Shores property owner

[Clerk's Note: A copy of the general comment sign-up sheet is hereby attached as Exhibit A].

CONSENT AGENDA

The consent agenda consisted of the following items:

— Approval of Minutes-April 7, 2015

MOTION: Mayor Pro Tem Hess moved to approve the consent agenda. The motion was seconded by Council Member Sanders. The motion passed unanimously (4-0).

STAFF REPORTS

Town Planner:

The Town Planner, Wes Haskett presented the Planning Department's monthly report containing the following:

- Permitting and Inspections for April, 2015

Southern Shores Police Department

Chief Kole presented the Police Department's monthly report for April.

Southern Shores Volunteer Fire Department: Fire Chief, Ed Limbacher presented the Fire Department's monthly report for April.

[Clerk's Note: A copy of staff reports are hereby attached as Exhibit B].

REPORTS FROM TOWN BOARDS

Planning Board

Wes Haskett, Town Planner presented the April 20th Planning Board report in the absence of Sam Williams, Planning Board Chair.

The Planning Board reviewed ZTA-15-01 which was a proposal to preserve and protect trees by minimizing tree clear cutting on vacant lots and control clear cutting of trees on developed lots. There was public comment at the meeting and it was about evenly divided between those for and those against the proposed zoning text amendment (ZTA). In general clear cutting is not liked by the planning board members however the Planning Board thought there are a number of problems with the proposed zoning text amendment as written.

The Planning Board did vote that it is consistent with the Town's currently adopted land use plan and the Planning Board found that the action taken on the zoning text amendment is reasonable and in the public's interest. They did make a recommendation of disapproval of ZTA-15-01 and it was unanimous.

Mr. Haskett stated that in addition there was an announcement that several Planning Board Members terms will expire on June 30, 2015 and the Planning Board candidates' names will be presented to Council.

[Clerk's Note: A copy of the minutes from the April 20, 2015 Planning Board meeting are hereby attached as Exhibit C].

PUBLIC HEARING

Town Planner, Wes Haskett presented a Staff report (attached) for the following:

Public Hearing to consider ZTA-15-01, a Zoning Text Amendment application submitted by Thomas J. Welch to amend the Southern Shores Town Code by amending Chapter 36, Zoning, Article VI, general Provisions to establish an Ordinance regarding Minimizing of Tree Clear Cutting.

Thomas J. Welch spoke about his application stating he submitted this zoning text amendment on his own and is not affiliated with any citizen advocacy group and is trying to find a middle ground that can be agreed upon regarding clear cutting and tree preservation. He stated his proposed amendment is simple but significant and believes the proposal is affordable. Mr. Welch also stated he is open to asking the Planning Board or Town Staff to help fix concerns.

ACTION: Town Attorney Ben Gallop opened the public hearing and called for public comment and the following residents offered comment:

Jim Connors, Southern Shores property owner
Mark Martin, Southern Shores property owner, and Outer Banks Homebuilders Association
Legislative Committee Member
George Hull, Southern Shores property owner
Patrick Gilbert, Southern Shores property owner
Evan Becker, Southern Shores property owner

MOTION: Following discussion by each member of the Council, Council Member Lawhon moved to disapprove ZTA-15-01 as presented. The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously (4-0)

MOTION: Council Member Lawhon moved to adopt the following statement of consistency: "The Town's denial 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 the reasons stated in tonight's meeting, stated by staff, stated in the planning board minutes and any additional reasons supporting the Town's denial of this ordinance amendment, the Town considers the denial of this ordinance amendment to be reasonable and in the public interest." The motion was seconded by Mayor Pro Tem Hess. The motion passed unanimously (4-0).

[Clerk's Note: A copy of the Staff Report in reference to ZTA-15-01 is hereby attached as Exhibit D].

OLD BUSINESS

None

NEW BUSINESS

Consideration of Auditor Contract

The Town Manager stated this is the annual recommendation for approval of the auditor's contract (July 1, 2014 - June 30, 2015). The Local Government Commission (LGC) requires annual approval. This contract as recommended by Staff with Dowdy and Osborne is a three (3) year proposal with a fee of \$16,000 annually (\$14,500 standard contract plus \$1,500 preparation of annual financial statements). Council may also choose to approve the three-year contract and authorize the Town Manager to execute the contract in year two and three without it having to come back to the Council.

MOTION: Council Member Lawhon moved to approve the three year auditor contract with Dowdy and Osborne and to authorize the Town Manager to execute on year two (2015-2016) and year three (2016-2017). Council Member Sanders seconded the motion. The motion passed unanimously (4-0)

PRESENTATION/FILING OF PROPOSED FY 2015-2016 BUDGET AND BUDGET MESSAGE AND REQUEST FOR SCHEDULING OF REQUIRED PUBLIC HEARING.

The Budget Officer/Town Manager filed, presented and reviewed the Proposed FY 2015-2016 Budget of \$6,692,258.00 and presented his Budget Message. The message stated the proposed budget is balanced, and just as proposed budgets in immediate previous years, projects no increase in the Town's current property tax rate of 22.0 cents per \$100 of taxable property value, and does not project any contribution from the Town's undesignated fund balance with all services remaining the same.

MOTION: Council Member Lawhon made a motion to schedule a Public Hearing to hear citizen comment on the proposed FY 2015-2016 Budget for the June 2nd Council meeting. The motion was seconded by Council Member Sanders. The motion passed unanimously (4-0).

[Clerk's Note: A copy of the Proposed Budget and Budget Message is hereby attached as Exhibit E].

OTHER BUSINESS

Town Manager's report

The Town Manager addressed several matters:

- The current capital street improvement projects at Fairway Drive, the Dogwood Trail intersection and also Scuppernong Trail are required to be completed by May 17th.
- The NC Department of Transportation has sent a supplemental grant project agreement for the Tall Pine Bridge Replacement. This agreement supersedes the prior agreement which Council previously approved. This agreement now includes all three project phases project engineering, right of way acquisition, and construction. This supplemental agreement does not require a budget amendment as it has already been budgeted and just authorizes the grant process to now continue for all phases. The Town Manager recommended adding this supplemental agreement to the May 6, 2015 regular scheduled meeting agenda.

MOTION: Mayor Bennett moved to amend the agenda for the May 6, 2015 regular Council meeting to include the NCDOT supplemental grant agreement for the Tall Pine Bridge. Council Member Lawhon seconded the motion. The motion passed unanimously (4-0).

- A piece of property contiguous to the Town Hall complex property has been listed for sale. The property is government and institutional zoned (G&I) and is a 150 x 75 ft. parcel of land and is listed for \$219,000. A sales analysis was performed indicating a sales comparable value of \$205,000. The County tax value is \$225,000. If Council chooses to authorize Staff or the Town Manager to make an offer funds would have to come out of the undesignated fund balance. That balance is currently \$ 3.2 million, 45% of the proposed operating budget this year. The Town has a policy in place to retain \$ 1.75 million in undesignated fund balance. The money would come out in the form of a budget amendment in this year's current budget. The Manager stated since this is a special meeting and this item is not on the agenda, if Council chooses to move forward with an offer it would have to be contingent on subsequently ratifying the offer at the regular meeting on May 6, 2015.

MOTION: Mayor Pro Tem Hess moved to authorize the Town Manager to make an offer in the amount of \$200,000 to purchase the parcel of property at #7 Skyline Drive contingent upon Council confirming the offer at the regular May 6, 2015 meeting. Council Member Lawhon seconded the motion. The motion passed unanimously (4-0).

MOTION: Council Member Sanders moved to amend the agenda for the May 6, 2015 regular meeting to include a budget amendment for purchase of #7 Skyline Drive, contingent upon the offer being accepted and agreed upon at the May 6, 2015 meeting. The motion was seconded by Council Member Lawhon. The motion passed unanimously (4-0).

Town Attorney

None

Mayor's comments:

Mayor Bennett gave a report (attached) pertaining to the NC Department of Transportation and the local jurisdictions seasonal traffic back up counter measures for US 158 in Dare and Currituck County.

[Clerk's Note: A copy of the US158-Season Traffic Back up Counter Measures- Currituck and Dare Counties is hereby attached as Exhibit F].

Council Members' comments:

None

CLOSED SESSION

MOTION: Council Member Lawhon moved to go into closed session--Pursuant to NCGS 143-318.11(a) Section (1): "to consider proposed draft closed session minutes which are privileged or confidential pursuant to N.C.G.S. 143-318.10(e)". Mayor Pro Tem Hess seconded the motion. The motion passed unanimously (4-0).

ADJOURN

MOTION: Upon returning to open session and taking no action Council Member Lawhon moved to adjourn. The motion was seconded by Council Member Sanders. The motion passed unanimously (4-0). The time was 7:27 p.m.

ATTEST:



Thomas G. Bennett, Mayor



Respectfully submitted,



Sheila Kane, Town Clerk

5-5-15 TC Report

1. Permitting for April, 2015

-6 Zoning Permits were issued.

-33 building permits were issued: 2 new single-family dwellings, 1 repair, 3 additions, 4 remodels, 1 accessory structure, and 22 others (bulkhead, mechanical, electrical, or plumbing)

-14 single-family dwellings are currently under construction

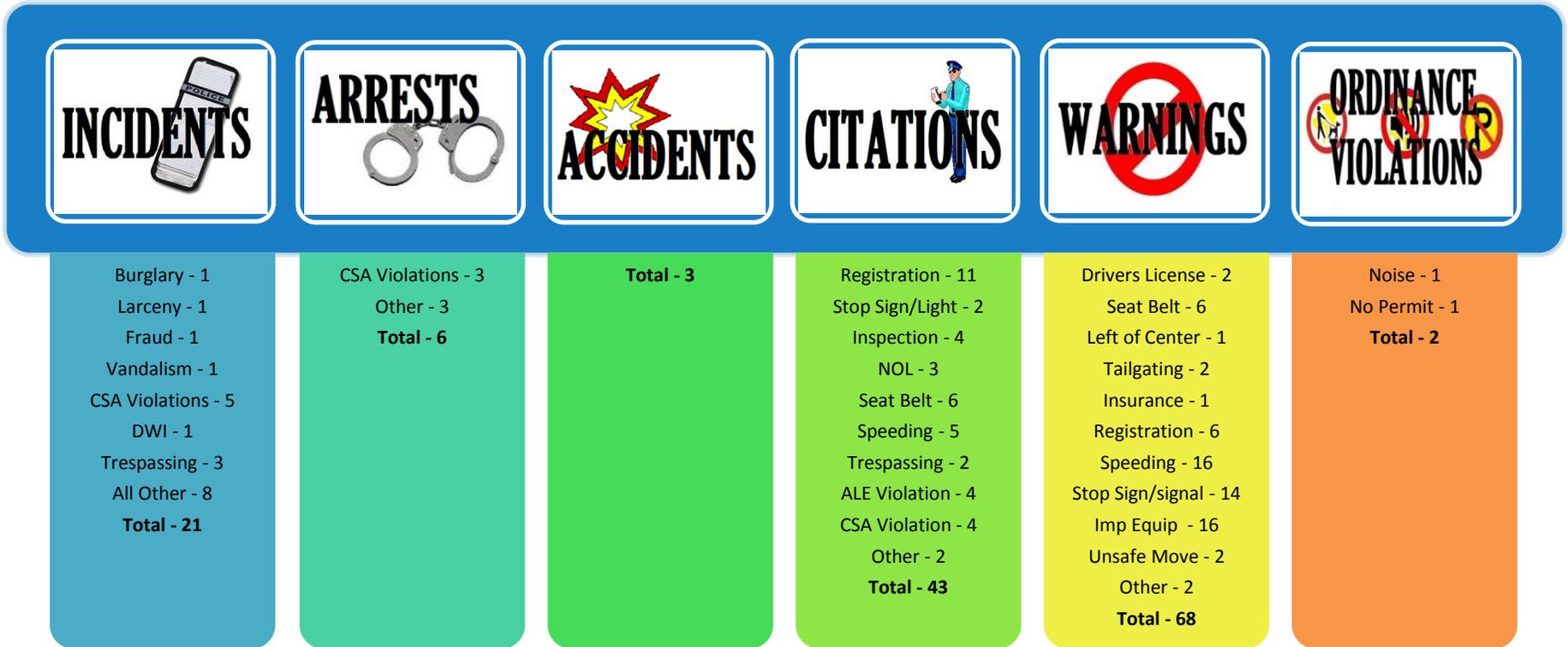
-Total amount of fees collected in April was \$9,244.80

2. Code Enforcement for April, 2015

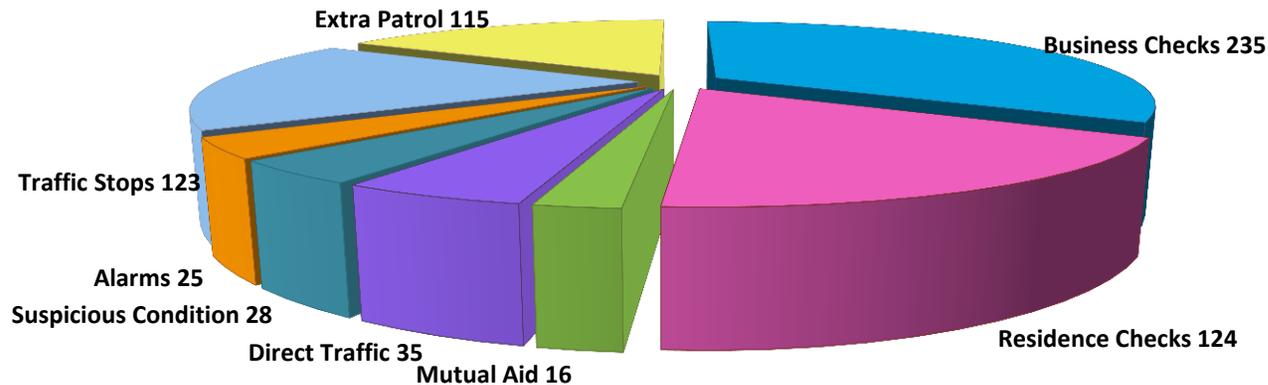
-4 Warning Citations were issued: 2 zoning violations for signage, 1 zoning violation for setback requirements, 1 Town Code violation for the accumulation rubbish, trash, or junk causing a fire hazard

April 2015

Southern Shores Police Department



Calls For Service - 884



Southern Shores VFD

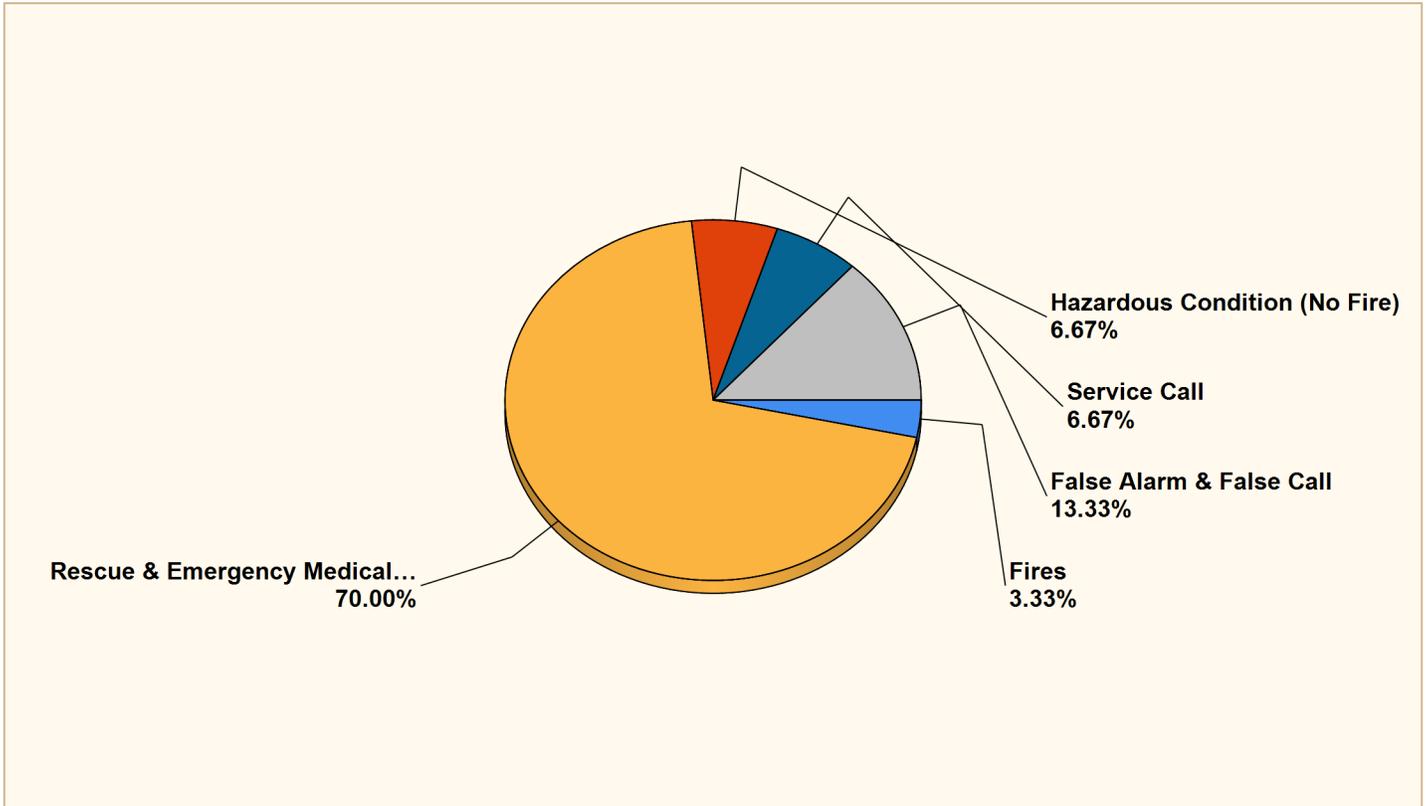
Southern Shores, NC

This report was generated on 5/5/2015 8:22:15 AM



Breakdown by Major Incident Types for Date Range

Start Date: 04/01/2015 | End Date: 04/30/2015



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	1	3.33%
Rescue & Emergency Medical Service	21	70.00%
Hazardous Condition (No Fire)	2	6.67%
Service Call	2	6.67%
False Alarm & False Call	4	13.33%
TOTAL	30	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.



Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
142 - Brush or brush-and-grass mixture fire	1	3.33%
321 - EMS call, excluding vehicle accident with injury	21	70.00%
440 - Electrical wiring/equipment problem, other	1	3.33%
463 - Vehicle accident, general cleanup	1	3.33%
553 - Public service	2	6.67%
700 - False alarm or false call, other	3	10.00%
735 - Alarm system sounded due to malfunction	1	3.33%
TOTAL INCIDENTS:	30	100.00%

Only REVIEWED incidents included. Summary results for a major incident type are not displayed if the count is zero.





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

www.southernshores-nc.gov

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 02/19/2015 Filing Fee: \$200 Receipt No. _____ Application No. ZTAS-01

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement. Section 36-299

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Coes
- Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- Chapter 36. Article IX. Planned Unit Development (PUD)
- Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- Chapter 36. Article X. Section 36-303 Fees
- Chapter 36. Article X. Section 36-304-Vested Rights
- Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name THOMAS J. WELCH

Address: 17 SKYLINE ROAD
SOUTHERN SHORES

Phone 2524803691 Email tomjwelch@yahoo.com

Applicant's Representative (if any)

Name _____

Agent, Contractor, Other (Circle one)

Address _____

Phone _____ Email _____

Property Involved: Southern Shores Martin's Point (Commercial only)

Address: _____ Zoning district: _____

Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: Site Plan Review Final Site Plan Review Conditional Use Permitted Use
 PUD (Planned Unit Development) Subdivision Ordinance Vested Right Variance

Change To: Zoning Map Zoning Ordinance

Signature Tom Welch

Date 19 Feb 2015

* Attach supporting documentation.

DRAFT



Town of Southern Shores

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Planning Board Meeting

April 20, 2015

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Chairperson Sam Williams called the meeting to order at 5:30 pm. Planning Board Members Gray Berryman, Jay Russell, ETJ Member John Finelli, alternate member David Neal, and Town Planner Wes Haskett were present. Planning Board members Mike Florez and Elizabeth Morey were absent with excuse. Alternate member David Neal filled the vacant seat created by Mike Florez.

II. PLEDGE OF ALLEGIANCE:

Chairperson Sam Williams led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Jay Russell motioned to approve the agenda. Gray Berryman seconded the motion. The motion passed unanimously (5-0).

IV. APPROVAL OF MINUTES:

Chairperson Williams suggested minor amendments to the draft minutes. Gray Berryman motioned to approve the minutes of the December 15, 2014 Planning Board Meeting as amended. Jay Russell seconded the motion. The motion passed unanimously.

V. PUBLIC COMMENT:

None

VI. OLD BUSINESS:

None

VII. NEW BUSINESS:

A. ZTA-15-01: Minimizing of Tree Clear Cutting

Chairperson Williams introduced the Zoning Text Amendment (ZTA) application and called on Wes Haskett to present the Staff Report. Following the presentation of the Staff Report, Chairperson Williams asked why the administration and enforceability of the ZTA were concerns for Town Staff. Wes Haskett explained that resources are limited and the amount of time dedicated to a lot disturbance permit application would at least double.

Chairperson Williams called on the applicant, Tom Welch, to address the ZTA. Mr. Welch explained to the Board why he felt the ZTA was necessary and how he tried to

keep it simple in order to increase the chances of approval. The ZTA is not a comprehensive ordinance but it was drafted to be consistent with the policies established in the Town's currently adopted Land Use Plan. Mr. Welch thanked the Board for considering the application.

Chairperson Williams opened the floor for public comment.

Fred Newberry stated that he supported the proposal and explained the importance of preserving the maritime forest. The ZTA is not perfect but it is a good start which is enforceable and wouldn't require a great amount of resources. He recommended that the Board support the draft ordinance.

Debbie Newberry stated that she supported the draft ordinance and explained the importance of preserving the maritime forest and how clear cutting on property adjacent to hers has negatively impacted her property. The draft ordinance is a great start that will help the community.

Mark Martin stated that he was a member of the Outer Banks Homebuilders Association and a former member of the tree committee that worked on establishing a tree/vegetative management ordinance. As a builder, it is important to look at which trees to save and determine which ones are healthy. He explained that the amount of area to be cleared when developing a lot is around 60% to 80% and most builders try to minimize clear cutting. He stated that he is not in favor of the draft ordinance and he believes that builders do a good job in preserving trees.

Andy Ward stated that the ZTA is an emotional reaction to a perception that in reality is nonexistent. Clear cut lots without landscaping are null and residents on the other side of town fight to see sunshine. Residents are embarrassed and ashamed of the information being posted on Facebook and the personal attacks being made about the Town Council and Town Staff. He encouraged the Board to not accept any of the proposed ordinance.

Robin Morgan stated that she is a former Planning Board Chairperson and member of the tree committee that worked on establishing a tree/vegetative management ordinance. She agreed that the Town shouldn't adopt the draft ordinance because it won't apply to those who have developed their lots and requiring approval to remove any trees over 6 inches in diameter is getting out of control.

Vincent Ferretti stated that he doesn't live in a maritime forest and explained how the maritime forest is separate from the rest of the town. The draft ordinance would increase costs to the Town in order to administer and enforce it and it would increase the cost of building due to the required trees to be shown on the survey. The draft ordinance also doesn't apply to developed lots and it should apply to the whole town. In addition, there is no appeal process in the proposed ZTA.

Joe Van Gieson stated that Andy Ward's statement that clear cutting is null is not true. Clear cutting is increasing, just look at lots on North Dogwood Trail and South Dogwood Trail. Increasing the lot disturbance inspection time from 30 minutes to an hour is not unreasonable.

Patrick Gilbert stated that he supports the draft ordinance and explained how the Southern Shores Civic Association observed and documented lot disturbance inspections. The lot disturbance inspections focused on stormwater and how it would affect the adjoining property owner and did not focus on tree removal. Builders usually

adhered to lot disturbance requirements however, there were several instances when they didn't.

Chairperson Williams closed public comment.

David Neal explained that he loves trees but is concerned with how broad the draft ordinance is and not being able to do what you wish with your own property. Tom Welch explained how the ordinance isn't perfect and that he is open to any suggested language the Board may have to add to the draft ordinance.

Jay Russell explained how houses are getting larger and larger. The result is an approach of the maximum lot coverage of 30%. Not only are lots being cleared for the large houses, the lot has to be cleared for a pool, parking, and utilities. Tom Welch stated that the Town Planner/Code Enforcement Officer would make the decision on which trees can be removed and which trees can remain.

Gray Berryman stated that the draft ordinance would allow a pool but it would not allow an irrigation system and asked if any consideration had been given to allowing formal landscaping. Mr. Welch stated that he is open to any suggested language the Board may have to add to the draft ordinance.

Chairperson Williams stated that this is the third draft of the proposed ordinance. His concerns include: a lack of set guidance for limits on what area can/cannot be cleared (e.g., how big can a lawn be), what is the basis for saving trees larger than 6 inches in diameter, the cost of the required survey to mark all trees greater than 6 inches in diameter (the survey should show trees to be preserved and not trees to be removed and preserved), is the owner or contractor responsible when unauthorized trees are removed, how the six criteria are to be used in determining which trees can and can't be removed and does the Town Planner/Code Enforcement Officer have the skills to determine this or would the Town have to hire a tree expert to make the determination, when a tree emergency is declared and a tree is removed, what does the Town Planner/Code Enforcement Officer do with the information after one is reported (i.e., is this unnecessary reporting), are violations assessed to the contractor or property owner, requiring 30 days to replant would not work well during the winter months, and there is no established appeal process.

Mr. Welch responded by explaining how the 6 inches in diameter requirement is common in tree ordinances across the state. Language specifically for lawns is not in the draft ordinance but it is important to keep as many trees as possible and it could be negotiated. The property owner would be responsible when unauthorized trees are removed. The burden of meeting the six criteria would be on the property owner. Property owners have a legal obligation to notify the Town Planner/Code Enforcement Officer when they declare a tree emergency. Language can be added to the draft ordinance to address abatement during winter months. Anyone can appeal any decision made by the Town Planner/Code Enforcement Officer and the provisions of the draft ordinance would be included. Mr. Welch thanked the Board for considering the application and stated that he is open to the Board's suggestions.

Gray Berryman stated that he is not in favor of the draft ordinance and explained how everyone loves trees but also want the freedom to develop and landscape their property and that there is common ground in what is being proposed.

Jay Russell stated that he is not in favor of the draft ordinance and explained how it would require additional cost from property owners and the Town.

David Neal stated that the draft ordinance would enable the Town to tell property owners when they can and can't remove trees on their property. The Town's resources are limited and the administration and enforcement of the draft ordinance would all fall on the Town Planner/Code Enforcement Officer.

Chairperson Williams stated that it still not clear that clear cutting causes problems. The types of trees to be used when replanting is not addressed. 6 inches in diameter may be too big or too small. The administration and enforcement of the draft ordinance would be an increased cost to the Town which could result in a tax increase.

Chairperson Williams motioned to recommend disapproval of the application to the Town Council. Jay Russell seconded the motion. The motion passed unanimously.

Chairperson Williams motioned that ZTA-15-01 is consistent with the Town's currently adopted Land Use Plan and that the action taken is reasonable and in the public's interest. Gray Berryman seconded the motion. The motion passed unanimously.

VIII. PUBLIC COMMENT:

Andy Ward stated that his comments were not related but are regarding a toxic situation and stated that he had submitted two written complaints for the banners posted at 226 North Dogwood Trail and 57 Hickory Trail. Photos of the banners were submitted to David Owens with the UNC Institute of Government and he agreed that the banners were in violation of the Town's sign ordinance. He explained how the tree removal at the intersection of North, South, and East Dogwood is unforgivable but the property owners have no right to put the banners up in the form they are in now.

IX. PLANNING BOARD MEMBER COMMENTS:

David Neal stated that he agrees and disagrees that the signs are offensive.

Gray Berryman stated that he hopes everyone can work together on a solution to the current tree removal problems with an educational approach.

Chairperson Williams thanked everyone for attending the meeting.

X. ANNOUNCEMENTS:

Wes Haskett stated that the three year terms for Sam Williams, Mike Florez, Betty Corbin, David Neal, and John Finelli will expire on June 30, 2015. He will be contacting each person to see if they are interested in serving another term.

XI. ADJOURNMENT:

Jay Russell motioned to adjourn. Gray Berryman seconded the motion. The motion passed unanimously and the meeting adjourned at 7:15 p.m.

ATTEST:

RESPECTFULLY SUBMITTED:

Sam Williams, Chairperson

Wes Haskett, Town Planner



Public Hearing
TUESDAY, MAY 5, 2015

1. Public Hearing to consider ZTA-15-01, a Zoning Text Amendment application submitted by Thomas J. Welch to amend the Southern Shores Town Code by amending Chapter 36, Zoning, Article VI, General Provisions to establish an Ordinance regarding Minimizing of Tree Clear Cutting.

NAME (PRINT)	US MAILING ADDRESS OF ACTUAL PERMANENT RESIDENCE
Jim Lowmery	83 D WOODS DR.
Mark Martin	191 Wax Myrtle Trail
George Hull	4 Kingfisher Trail
PATRICK GILBERT	S. SHORES, SKYLINERD.
Lester/Walter Kurasawig	S Shores, Woodland Dr
Evan Becker	ZTA-15-1

STAFF REPORT

To: Southern Shores Planning Board
Date: April 15, 2015
Case: ZTA-15-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Thomas J. Welch
 17 Skyline Rd.
 Southern Shores, NC 27949

Requested Action: Amendment of the Town Zoning Ordinance by adding Section 36-177, Minimizing of Tree Clear Cutting to Chapter 36, Article VI.

ANALYSIS

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Article VI, General Provisions by adding language to establish an ordinance regarding minimizing of tree clear cutting. The proposed ordinance would prohibit the removal of all trees greater than 6 inches in diameter, measured at 4.5 feet above the ground and trees may only be removed for the construction of buildings, driveways, and any other lot work authorized by the Town Planner/Code Enforcement Officer. Trees to be removed and preserved are to be shown on the site plan and survey that accompany a Lot Disturbance and Stormwater Management permit application. Following the lot disturbance period, preserved trees shall be maintained in a healthful and sound condition as a continuing condition of the site plan approval and a condition of compliance therewith and occupancy thereof. Trees may be removed after the lot disturbance period for any lot work authorized by the Town Planner/Code Enforcement Officer.

With respect to violations and penalties, when a tree is removed in violation of the ordinance, a warning citation will be issued to the offender giving 30 days to abate the violation. A replacement tree shall be required to abate the violation. The size, species and quantity of a replacement shall be determined by the Town Planner/Code Enforcement Officer. If the violation is not abated, the Town will assess \$500 each day the violation continues to exist.

The proposed ordinance also establishes exceptions for tree emergencies when a tree has become an imminent danger or hazard to persons or property or when a tree must be removed in order to perform emergency repair or replacement of public or private utilities. In the case of an exception, the person taking such action shall inform the Town Planner/Code Enforcement Officer within seventy-two (72) hours after a tree is removed in a tree emergency.

The Town's currently adopted Land Use Plan contains the following Policies and Action Items that are consistent with the proposed ordinance:

- **Action Item 2-b:** The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling and redevelopment within Southern Shores.
- **Action Item 17-b:** Continue enforcement of the Lot Disturbance provisions of the Town's Zoning Ordinance.
- **Policy 26:** Promote open space, tree protection, and natural vegetation diversity.
- **Action Item 26-b:** Encourage lot preparation methods that preserve natural vegetation

and minimize clear cutting.

RECOMMENDATION

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan. However, there are concerns with the administration and enforceability of the proposed ordinance given the Town's current resources and additional concerns with allowing anyone to remove a tree or trees of any size without any documentation by claiming that a tree emergency existed. Town Staff recommends that the Planning Board consider these concerns when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

STAFF REPORT

To: Southern Shores Town Council
Date: April 27, 2015
Case: ZTA-15-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Thomas J. Welch
17 Skyline Rd.
Southern Shores, NC 27949

Requested Action: Amendment of the Town Zoning Ordinance by adding Section 36-177, Minimizing of Tree Clear Cutting to Chapter 36, Article VI.

ANALYSIS

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With respect to violations and penalties, when a tree is removed in violation of the ordinance, a warning citation will be issued to the offender giving 30 days to abate the violation. A replacement tree shall be required to abate the violation. The size, species and quantity of a replacement shall be determined by the Town Planner/Code Enforcement Officer. If the violation is not abated, the Town will assess \$500 each day the violation continues to exist.

The proposed ordinance also establishes exceptions for tree emergencies when a tree has become an imminent danger or hazard to persons or property or when a tree must be removed in order to perform emergency repair or replacement of public or private utilities. In the case of an exception, the person taking such action shall inform the Town Planner/Code Enforcement Officer within seventy-two (72) hours after a tree is removed in a tree emergency.

The Town's currently adopted Land Use Plan contains the following Policies and Action Items that are consistent with the proposed ordinance:

- **Action Item 2-b:** The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling and redevelopment within Southern Shores.
- **Action Item 17-b:** Continue enforcement of the Lot Disturbance provisions of the

Town's Zoning Ordinance.

- **Policy 26:** Promote open space, tree protection, and natural vegetation diversity.
- **Action Item 26-b:** Encourage lot preparation methods that preserve natural vegetation and minimize clear cutting.

RECOMMENDATION

The Town Planning Board unanimously (5-0) recommended disapproval of the application and that it is consistent with the Town's currently adopted Land Use Plan. Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan. However, there are concerns with the administration and enforceability of the proposed ordinance given the Town's current resources and additional concerns with allowing anyone to remove a tree or trees of any size without any documentation by claiming that a tree emergency existed. Town Staff recommends that the Town Council consider these concerns during its consideration of the application.



Town of Southern Shores

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Ordinance 2015-05-01

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, the following approved Land Use Plan goals were formulated through input from the public involvement process, and from the Town Staff, the Planning Board and Town Council:

1. To protect, enhance and support land uses that are compatible with surrounding land uses and maintain the existing community character of Southern Shores.
2. Preserve, protect, enhance, maintain and improve the natural environment and water quality within and near Southern Shores.

WHEREAS, within the Land Use Plan, Chapter IV, Plan for the Future:

A. Land Use and Development Goals, B. Land Use and Development Policies,

Policy 2, Action Item 2-b: The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling and redevelopment within Southern Shores.

WHEREAS, within the Land Use Plan, Policy and Action Items are included:

Policy 26 Promote open space, tree protection, and natural vegetation diversity.

Action Item 26-b: Encourage lot preparation methods that preserve natural vegetation and minimize clear cutting.

Town of Southern Shores, NC

Ordinance 2015-05-01

Page 1 of 5

1 Action Item 17-b: Continue enforcement of the Lot Disturbance provisions of the
2 Town's Zoning Ordinance, and

3
4 Policy #28c states: Create landscaping provisions in Town ordinances to create
5 vegetative buffers to assist in improvements of water quality; and
6

7 **WHEREAS**, the regulation of tree preservation, protection, and minimization of
8 tree clear cutting during lot disturbance is reasonable and consistent with the approved
9 Land Use Plan;

10
11 **ARTICLE II. Construction.**

12
13 For purposes of this ordinance amendment, underlined words (underline) shall be
14 considered as additions to existing Town Code language and strikethrough words
15 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
16 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
17 ("...") shall remain as they currently exist within the Town Code.
18

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

20
21 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
22 Shores, North Carolina, that the Town Code shall be amended as follows:

23
24 **PART I.** That Section 36-177 [Tree clear cutting] be added as follows:

25
26 **Sec. 36-177. Tree clear cutting**

27
28 (A) Purpose.

29
30 (1) The purpose of this section is to preserve and protect trees by minimizing tree clear
31 cutting during lot disturbance within all Town zoning districts because such trees:

32
33 (a) Protect and enhance property values;

34
35 (b) Preserve and enhance the Town's physical and aesthetic environment,
36 especially its natural and unique atmosphere;

37
38 (c) Protect and enhance the quality of life and the general welfare of the Town;

39
40 (d) Improve the compatibility of uses by providing privacy and enhancing the
41 aesthetic transition between uses;

42
43 (e) Are an important public resource;

44
45 (f) Provide a buffer and screen against noise pollution;
46

1 (g) Reduce energy consumption by acting as a wind break and producing shade;

2
3 (h) Reduce storm water runoff and topsoil erosion by the holding effect of their
4 roots;

5
6 (i) Enhance the air quality by filtering air pollutants;

7
8 (j) Preserve and enhance nesting areas for birds and other wildlife which, in turn,
9 assist in the control of insects.

10
11 (2) For the purpose of this section, tree is defined as a self-supporting, woody plant,
12 together with its root system, having a well-defined stem or trunk or a multistemmed
13 trunk system, a more or less well-defined crown, and a mature height of at least 8 feet.
14 “Tree” does not include trees in containers or nursery stock trees kept or maintained for
15 resale. Clear cutting is defined as the removal of all or most trees within the lot,
16 including setback areas.

17
18 (B) Clear cutting.

19
20 (1) When a lot is to be disturbed, land disturbance shall be limited to the area necessary to
21 provide for the desired use or development. Trees in the setback areas may be removed if
22 necessary for ingress and egress to the lot. Trees may be removed for the construction of
23 buildings, driveways, and any other lot work authorized by the Town Planner/Code
24 Enforcement Officer. For trees greater than 6 inches in diameter, measured at 4.5 feet
25 above the ground, the Site Plan and Survey of the proposed improvements required by
26 the Town’s Lot Disturbance – Stormwater Management Permit Application and
27 Requirements will depict those trees to be removed and those trees to be preserved.
28 Before lot disturbance, all trees requiring preservation will be clearly marked by the
29 Owner or Contractor. Except as authorized above, removal of any tree greater than 6
30 inches in diameter, measured at 4.5 feet above the ground, is prohibited during lot
31 disturbance.

32
33 (C) Maintenance.

34
35 (1) After the lot disturbance period, preserved trees shall be maintained in a healthful and
36 sound condition as a continuing condition of the site plan approval and a condition of
37 compliance therewith and occupancy thereof. However, after the lot disturbance period,
38 trees may be removed for any other lot work authorized by the Town Planner/Code
39 Enforcement Officer.

40
41 (D) Exceptions.

42
43 (1) In determining whether to grant or deny a request for exceptions to these
44 requirements, the Town Planner/Code Enforcement Officer shall consider:

45
46 (a) The extent to which the Town’s Land Use Plan’s policy for maintaining the

1 existing community appearance and form will be degraded. Specifically, the
2 effect of tree removal on the natural, aesthetic, community appearance and form,
3 and residential environment within and near Southern Shores;

4
5 (b) The consistency of the proposed action with the purpose of this section;

6
7 (c) The intended use of the property and feasible alternatives which would
8 preserve existing trees;

9
10 (d) The impact of such action on surrounding property or persons;

11
12 (e) The existing topography, proposed changes in the topography and proposed
13 landscaping;

14
15 (f) Good horticultural and forestry practices;

16
17 (E) Tree emergency exception.

18
19 (1) A tree emergency shall be deemed to exist when:

20
21 (a) A tree has become an imminent danger or hazard to persons or property as a
22 result of fire, motor vehicle accident, or natural occurrence such as lightning,
23 windstorm, ice storm, flood, or other similar event; or

24
25 (b) A tree must be removed in order to perform emergency repair or replacement
26 of public or private water, sewer, electric, gas, or telecommunications utilities.

27
28 (2) In the case of a tree emergency, the Town Planner/Code Enforcement Officer is
29 hereby authorized to:

30
31 (a) Waive the requirements set forth in this section;

32
33 (3) Notwithstanding any other regulations, a person may take any reasonable action
34 necessary to avoid or eliminate an immediate danger or hazard, or conduct emergency
35 repair or replacement of the public or private utility. The person taking such action shall
36 inform the Town Planner/Code Enforcement Officer within seventy-two (72) hours after
37 a tree is removed in a tree emergency.

38
39 (F) Violations and penalties.

40
41 (1) It shall be an offense for any person to remove a tree in violation of the provisions of
42 this section. It shall be an offense for a property owner to employ, authorize or direct any
43 third person or entity to remove a tree in violation of the provisions of this section.

44
45 (2) A separate offense shall be deemed to have been committed for each tree removed in
46 violation of the provisions of this section.

1 (3) When a tree is removed in violation of this ordinance, a warning citation will be
2 issued to the offender giving 30 days to abate the violation. A replacement tree shall be
3 required to abate the violation. The size, species and quantity of a replacement shall be
4 determined by the Town Planner/Code Enforcement Officer. If the violation is not
5 abated, the Town will assess \$500 each day the violation continues to exist.

6
7 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
8 **Reasonableness.**

9
10 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
11 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
12 is applicable. For all of the above-stated reasons and any additional reasons supporting
13 the Town’s adoption of this ordinance amendment, the Town considers the adoption of
14 this ordinance amendment to be reasonable and in the public interest.

15
16 **ARTICLE V. Severability.**

17
18 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
19 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
20 amendment or any part thereof to be invalid, such decision shall not affect the remaining
21 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
22 Town of Southern Shores, North Carolina which shall remain in full force and effect.

23
24 **ARTICLE VI. Effective Date.**

25
26 This ordinance amendment shall be in full force and effect from and after the ___ day of
27 _____, 2015.

30
31 _____
32 Mayor

33 ATTEST:

Date: 5/5/2015

34
35 _____
36 Deputy Clerk

Vote: Ayes Nayas

37
38
39
40 APPROVED AS TO FORM:

41
42
43 _____
44 Town Attorney

Town of Southern Shores Fiscal Year 2015- 2016



Proposed Operating Budget Filed May 5, 2015



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

May 5, 2015

Budget Message
Fiscal Year 2015-2016
[NC General Statute §159-1]

To the Honorable Mayor and Members of the Town Council:

In accordance with the State of North Carolina's *Local Government Budget and Fiscal Control Act*, submitted today for filing with the Town Clerk is the proposed Town of Southern Shores operating budget for upcoming fiscal year 2015-2016.

This proposed budget filed today is balanced, and just as proposed budgets in immediate previous years, projects no increase in the Town's current property tax rate of 22.0 cents per \$100 of taxable property value, and does not project any contribution from the Town's undesignated fund balance. Real property development and construction industries in the Town of Southern Shores are now experiencing some growth. This will translate into an increase in taxable property values and increased revenue for the Town. The other major sources of revenue for the Town of Southern Shores, being occupancy tax, sales tax, and land transfer tax, are distributed to all municipalities in Dare County based on a formula established by State law. Each of these tax revenues are distributed to the municipalities in proportion to the amount of ad valorem taxes levied by each Dare County municipality for the preceding fiscal year. Although some of the other municipalities did increase their ad valorem tax levies for upcoming beach nourishment projects, the Town of Southern Shores' projected revenues from distributed taxes are still projected to increase for the upcoming year. The overall fiscal goal of Town administration continues to be the best possible delivery of all public municipal services in an economically feasible manner. By successfully accomplishing this goal each year, end-of-year budget savings and any realized unbudgeted or unanticipated revenues are transferred into the Town's fund balance for future budgeting as appropriate.

During the months of January and February of this calendar year and in accordance with the *Local Government Budget and Fiscal Control Act*, the Town's Budget Officer gathered from Department Heads the estimated costs of continuing to provide to our taxpayers the same basic services for the next fiscal year. Some of those projected costs have increased, and some have been adjusted to indicate decreases. There are expenses for services which cannot be adjusted due to contractual obligations (i.e. fire protection, lifeguard services, solid waste collection, etc.). For this upcoming fiscal year, an advertised open-meeting Budget Workshop was conducted on April 21, 2015 by the Town Council. The Town Manager-Budget Officer, the Finance Officer, and all salaried Department Heads were present to assist in fully explaining the proposed expenses for their Departments to deliver the Town's ongoing services. Each line of the projected operating expenses for next fiscal year was reviewed at the open Budget Workshop meeting. As related to the Town Council at the open meeting Budget Workshop, this proposed budget as filed today is balanced without recommending any increase in the Town's current property tax rate, nor with any recommended contribution from the Town's undesignated fund balance.

Budget Highlights for fiscal year beginning July 1, 2015:

1. Finance/Administration

- As in previous years' recommended budgets, the projected budget for the upcoming fiscal year does not recommend any property tax rate increase, nor does it recommend any contribution from the Town's undesignated fund balance.
- The Town is now free of all debt obligations.
- The Town maintains a healthy undesignated fund balance (ufb), equal to 45% of this projected operating budget for the upcoming year.

2. Planning and Code Enforcement Department

- The projected budget recommends an expenditure this year for the updating and rewriting of the entire Town Code, including its zoning provisions. The current Code has retained ambiguous and duplicating provisions that have become irrelevant and difficult to administer and enforce as modern circumstances and conditions have evolved since the Town's incorporation in 1979. This effort will be conducted by an outside firm, with input from the Town Planner, the Town Attorney, and the public.

3. Police Department

- The continuation of the successful School Resource Officer Program for Kitty Hawk Elementary School is budgeted this year.
- The Police Department will be providing an officer for the mutual effort of area local governments in having a presence at the US Highway 158 and NC Highway 12 intersection on "check-in" days this summer - for the purpose of preventing traffic back-ups in the actual intersection itself.
- The Police Department will again be applying for several government grants for the purposes of obtaining modern equipment to enhance public safety in the Town. These grants have been appropriately budgeted as revenues and expenses accordingly.
- The Police Department's Community Resource Officer Program will continue this summer as a vital asset for the Town's public trust ocean beach.

4. Public Works Department & Capital Street and Bridge Improvements

- This year's proposed budget contains costs for capital street improvements to be implemented based on a priority to be adopted by the Council upon recommendation of the Council's Capital Improvement Planning Committee. This amount is also equivalent to revenue generated from 4.04 cents of the Town's total ad valorem (property) tax rate (22.0 cents per \$100 of assessed property value). The 4.04 cents rate would be equal to (revenue neutral) a rate of 3.0 cents under the Town's previous fiscal years' budgets adopted based on Town property values in effect prior to January 1, 2013.

- In fiscal years past, the Town Council has adopted capital street improvement priorities as a part of the annual operating budget adoption process, which included public input as a part of that process. For this upcoming fiscal year, the Town Council will hold a separate Public Hearing on July 7, 2015 for proposed adoption of the prioritization of capital street improvements for the year – after the budget is adopted with a general appropriation for such improvements. This additional procedure adds yet another layer of public input opportunity for the planned capital improvements of substandard, aging, and failing streets in Southern Shores.
- The proposed budget recommends expenditures for the complete replacement this upcoming fiscal year of the aging and functionally deficient Tall Pine Bridge supporting South Dogwood Trail over the Town's Snow Goose Canal. The proposed budget also indicates that 80% of this cost will be reimbursed to the Town as a condition of the Municipal Bridge Replacement Program grant received from the Federal Highway Administration and administered by the NC Department of Transportation.
- This year's proposed budget recommends a significant appropriation to be used for selective Town-owned bulkhead repair and replacement.
- This year's proposed budget again recommends annual contributions to the Town's Capital Reserve Fund for the specific and respective purposes of maintaining the public canals and maintaining the depth of the incoming Ginguite Bay channel.
- Funds for the expense of annual stabilization of the public trust ocean beach are again projected in the annual budget. The revenue for this expense is obtained from the Town's designated portion of Dare County occupancy tax.

The proposed budget for the upcoming Fiscal Year 2015-2016 as filed is now available for public inspection. It will be accessible on the Town's website in anticipation of the Council's public hearing on the proposed budget, recommended to be held on June 2, 2015. After the public hearing, the Town Council may further deliberate at its discretion on the components of this proposed budget. The Council may take alternative actions after the public hearing and prior to July 1, 2015 – by either adopting this budget as proposed, or amending the proposed budget and adopting it as amended.

Peter Rascoe
Budget Officer/Town Manager



**School Resource Officer Tracey Mann
Southern Shores Police Department**



**New Town Hall Flagpole and
Veterans' Garden**



New Street at Gravey Pond Lane



**Fire Prevention Training at KHES
Southern Shores Volunteer Fire Department**



**Throwdown North of Town Annual
Surfing Tournament for Charity**



**Tall Pine Bridge - S. Dogwood Tr.
Scheduled for 6-9 month closure Oct 1, 2015**



*Annual St. Patrick's Day Parade in Nags Head
Southern Shores Volunteer Fire Department*



New Street at Old Passage Lane



**Lifeguards, Summer 2014
Surf Rescue**



**Annual Throwdown North of Town
Charity Surfing Tournament**

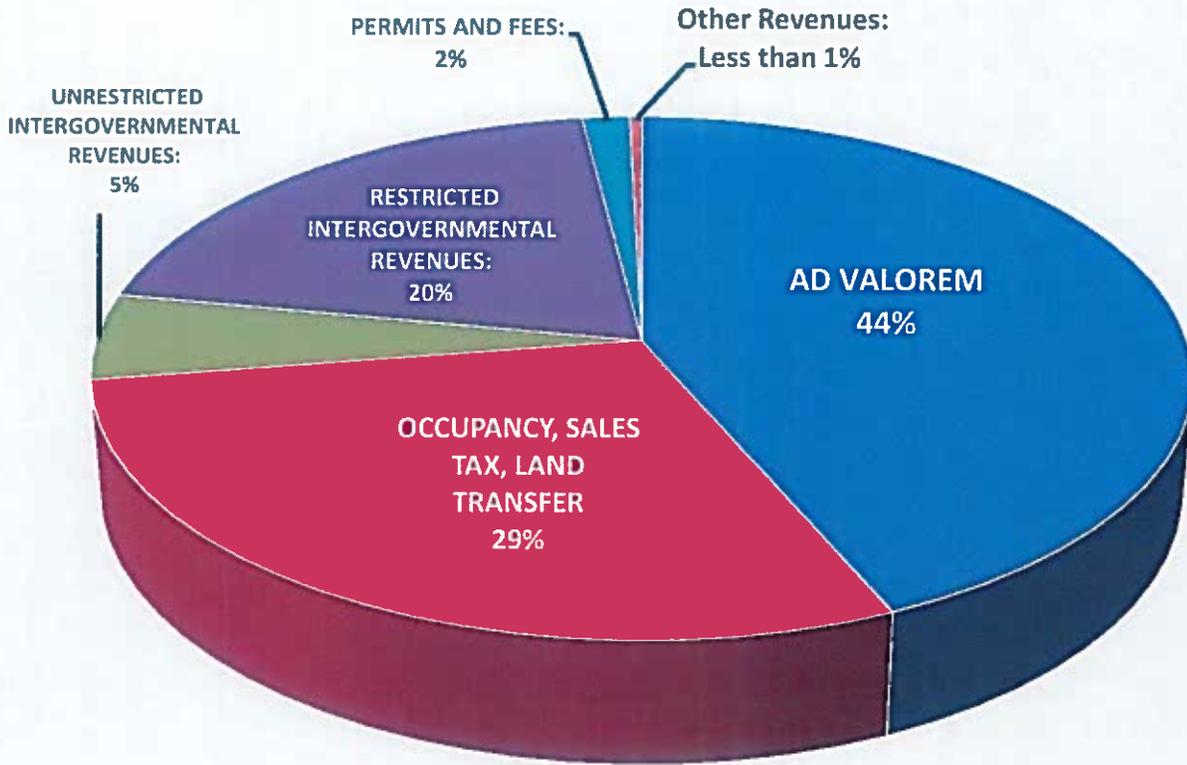


**Advanced Law Enforcement Certifications
Southern Shores Police Department**

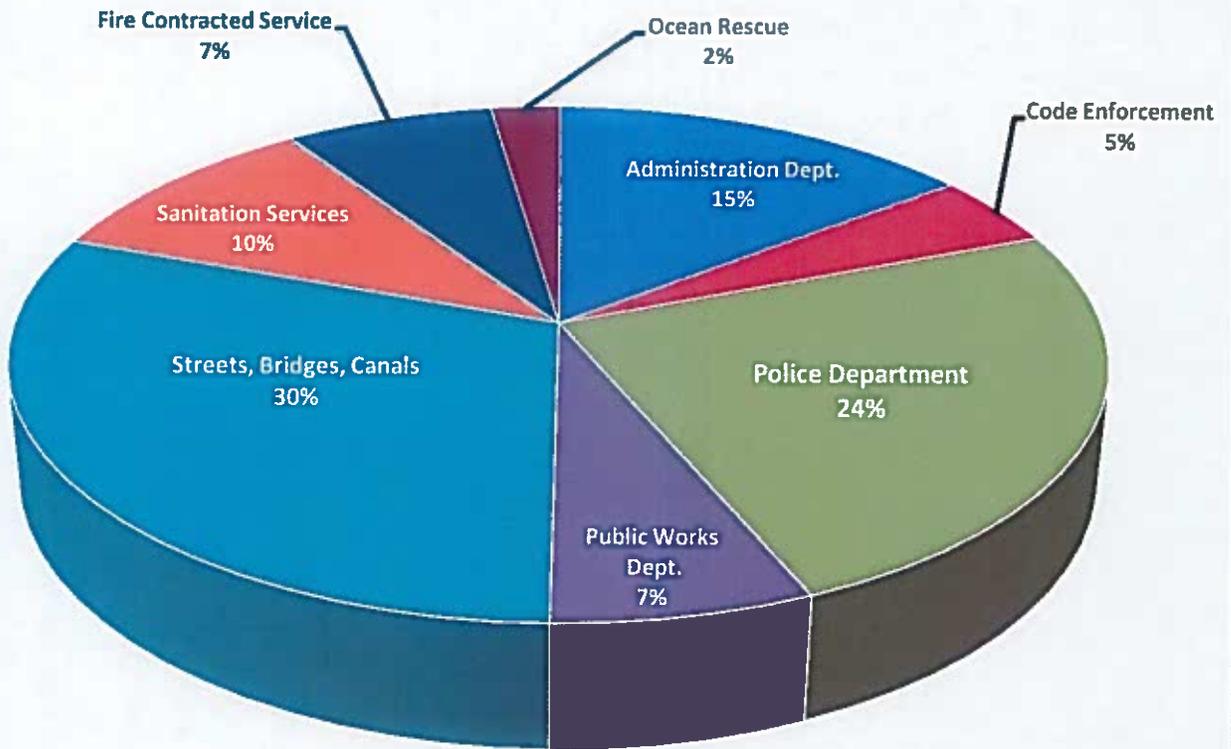


**National Running Day 2014
Southern Shores, NC**

GENERAL FUND REVENUES



GENERAL FUND EXPENDITURES



GENERAL FUND SUMMARY						
	FY 12-13 Actual	FY 13-14 Actual	FY 14-15 Amended	FY 15-16 Requested	FY 15-16 Recommended	FY 15-16 Adopted
Revenues:						
Ad valorem taxes	2,839,511	2,891,112	2,850,099	2,907,331	2,907,331	
Other revenues	2,482,657	2,850,435	2,915,931	3,784,927	3,784,927	
SubTotal:	5,322,168	5,741,547	5,766,030	6,692,258	6,692,258	
Transfer IN from Capital Reserve Fund	-	-	29,842	-	-	
Lease proceeds	74,000	180,306	74,000	-	-	
Appropriated-Undesignated Fund Balance	-	-	1,508,482	-	-	
Total:	5,396,168	5,921,853	7,378,354	6,692,258	6,692,258	
Expenditures:						
Administration Department	822,887	875,842	936,846	969,185	969,185	
Code Enforcement Department	181,432	218,392	214,110	300,572	300,572	
Police Department	1,209,662	1,368,604	1,680,598	1,633,765	1,633,765	
Public Works Department	335,676	430,352	524,787	444,695	444,695	
Streets, Bridges and Canals	1,240,571	1,485,493	2,660,758	2,014,131	2,014,131	
Sanitation Services	627,585	646,946	657,750	676,160	676,160	
Fire Contracted Service	525,505	525,505	525,505	475,505	475,505	
Ocean Rescue Contracted Service	153,335	156,854	158,000	158,245	158,245	
Total Operating General Fund Expenditures	5,096,653	5,707,988	7,358,354	6,672,258	6,672,258	
Transfer OUT to Capital Project Fund		40,000				
Transfer OUT to Capital Reserve Fund- Canals			20,000	20,000	20,000	
REVENUES OVER (UNDER) EXPENDITURES	299,515	173,865	-	6,692,258	6,692,258	
Transfer OUT to Capital Reserve Fund- Streets		630,000				
Transfer OUT to Capital Reserve Fund		226,210				
.01 = \$127,725						

GENERAL FUND						
REVENUES	FY 12-13 Actual	FY 13-14 Actual	FY 14-15 Amended	FY 15-16 Requested	FY 15-16 Recommended	FY 15-16 Adopted
AD VALOREM TAXES:						
Property taxes - current year	2,780,465	2,780,093	2,790,599	2,817,831	2,817,831	
Property taxes - prior years	2,248	9,819	5,000	5,000	5,000	
Vehicle taxes - current year/NCVTS	52,620	33,975	50,000	-	-	
Vehicle taxes - prior years	2,858	3,433	2,500	2,500	2,500	
NCVTS	-	59,880	-	80,000	80,000	
Tax penalties and interest	1,320	3,912	2,000	2,000	2,000	
Total Ad Valorem Taxes	2,839,511	2,891,112	2,850,099	2,907,331	2,907,331	
Occupancy, Sales Tax & Land Transfer Tax:						
Occupancy tax	865,666	985,073	852,000	885,791	885,791	
Local option sales tax	767,963	848,560	804,695	845,234	845,234	
Land transfer tax	178,396	210,624	198,625	217,000	217,000	
Total Occupancy, Sales Tax & Land Transfer	1,812,025	2,044,257	1,855,320	1,948,025	1,948,025	
UNRESTRICTED INTERGOVERNMENTAL REVENUES:						
Utilities franchise tax	133,078	141,895	125,000	150,000	150,000	
Video Programming Tax	71,193	70,423	75,000	75,000	75,000	
Telecommunications tax	35,842	33,626	38,000	35,000	35,000	
PEG Channel Revenue	31,836	31,784	32,000	32,000	32,000	
ABC revenues	46,457	48,800	50,000	50,000	50,000	
Beer and Wine Tax	11,075	12,226	12,500	12,500	12,500	
Solid Waste Disposal Tax	1,971	1,708	1,800	1,800	1,800	
Total Unrestricted Intergovernmental Revs	331,452	340,462	334,300	356,300	356,300	
RESTRICTED INTERGOVERNMENTAL REVENUES:						
Powell Bill	116,236	118,646	118,000	122,000	122,000	
Storm Damage Assistance	-	8,899	-	-	-	
Governor's Crime Commission	-	6,047	11,047	11,250	11,250	
GHSP Grant	-	6,575	9,000	94,500	94,500	
COPS Grant- DOJ	-	-	20,833	41,667	41,667	
Controlled Substance tax	-	1,758	-	-	-	
Government Access Channel Grant	17,000	22,534	10,000	-	-	
Shoreline Mgmt	-	89,218	24,000	24,000	24,000	
NCDOT Grant (Tall Pine Bridge)	63,797	44,500	400,000	1,051,785	1,051,785	
NCDOT Grant (Bike & Pedestrian Plan)	-	16,208	11,792	-	-	
Total Restricted Intergovernmental Revs	197,033	314,385	604,672	1,345,202	1,345,202	

REVENUES	FY 12-13 Actual	FY 13-14 Actual	FY 14-15 Amended	FY 15-16 Requested	FY 15-16 Recommended	FY 15-16 Adopted
PERMITS AND FEES:						
Building permits	87,933	101,155	80,000	90,000	90,000	
Plan review fees	5,850	4,300	5,000	5,000	5,000	
Reinspection fees	400	-	500	-	-	
CAMA fees	2,480	1,975	2,000	2,000	2,000	
Planning board fees	1,522	300	1,000	500	500	
Court costs and fees	622	891	1,000	1,000	1,000	
Parking and other fines	7,350	6,650	7,500	7,500	7,500	
Total Permits and Fees	106,157	115,271	97,000	106,000	106,000	
Other Revenues:						
Interest income	3,247	1,883	1,000	2,500	2,500	
Charter Communications	11,888	12,806	12,000	17,000	17,000	
Sale of fixed assets	11,617	5,551	1,739	-	-	
Pitt Center rents	2,100	1,500	2,400	2,400	2,400	
Miscellaneous	5,530	12,128	7,500	7,500	7,500	
Insurance proceeds	1,608	2,192	-	-	-	
Total Other Revenues	35,990	36,060	24,639	29,400	29,400	
Total Other Revenues	2,482,657	2,850,435	2,915,931	3,784,927	3,784,927	
TOTAL REVENUE BEFORE TRANSFERS						

	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 15-16	FY 15-16
ADMINISTRATION DEPARTMENT	Actual	Actual	Amended	Requested	Recommended	Adopted
Salaries	332,828	355,256	362,240	353,365	353,365	
FICA	23,325	25,261	27,710	27,035	27,035	
Retirement	39,060	42,900	43,725	42,650	42,650	
Group Health insurance	33,229	32,970	35,000	45,935	45,935	
Unemployment Payments	25,797	3,811	15,000	15,000	15,000	
Contracted Services	10,915	2,900	10,000	5,000	5,000	
Council Compensation	7,200	9,623	18,600	18,600	18,600	
Legal services	17,271	34,523	36,000	40,000	40,000	
Audit services	16,250	15,250	16,250	16,250	16,250	
Payroll services	6,157	7,449	7,000	7,500	7,500	
Computer services	50,068	40,307	58,141	45,000	45,000	
Insurance and bonds	54,910	81,647	90,000	90,000	90,000	
Advertising	38	369	1,000	500	500	
Travel	2,866	3,475	5,000	7,000	7,000	
Telephone	17,436	20,039	18,000	25,000	25,000	
Utilities	20,448	20,038	21,500	25,000	25,000	
Dues/subscriptions	6,183	7,264	7,500	8,500	8,500	
Training	2,776	4,340	5,000	10,000	10,000	
Supplies	10,576	8,940	7,500	7,500	7,500	
Postage	1,719	2,085	2,000	2,000	2,000	
Equipment lease & maintenance	12,118	10,925	15,200	12,000	12,000	
Municipal Elections	-	2,897	4,000	4,000	4,000	
Dare County tax collection	42,454	44,762	43,000	44,000	44,000	
Gov't. Access Channel (PEG Channel)	31,836	31,784	32,000	32,000	32,000	
Gov't. Access Channel Membership	1,000	1,000	1,000	1,000	1,000	
Town code publishing	2,247	3,447	5,000	5,000	5,000	
Vehicle Operations	737	476	1,000	1,500	1,500	
EE Recognition & Appreciation	5,910	9,542	8,500	8,500	8,500	
Wellness Initiative	223	1,092	2,000	3,000	3,000	
Misc.	5,152	-	1,000	1,000	1,000	
Technology Update- Pitts Center	18,808	26,080	10,000	22,000	22,000	
Recording of Meetings	8,150	9,450	9,300	4,350	4,350	
Cleaning of Town Buildings	15,200	15,940	17,680	20,000	20,000	
Capital Outlay- Vehicle	-	-	-	19,000	19,000	
Total	822,887	875,842	936,846	969,185	969,185	
15 meetings x\$250 +600.00						

CODE ENFORCEMENT & INSPECTIONS DEPARTMENT						
	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 15-16	FY 15-16
	Actual	Actual	Amended	Requested	Recommended	Adopted
Salaries	115,497	115,878	123,285	118,240	118,240	
FICA	8,715	8,766	9,435	9,045	9,045	
Group Health insurance	14,381	15,493	17,000	25,337	25,337	
Employee retirement	13,554	13,999	15,000	14,500	14,500	
Contracted Services	18,776	34,530	16,000	16,000	16,000	
Printing	350	-	1,000	1,000	1,000	
Advertising	765	743	1,000	1,000	1,000	
Travel	1,471	71	2,000	2,000	2,000	
Dues/subscriptions	175	477	1,000	500	500	
Training	670	1,225	2,000	1,500	1,500	
Supplies	1,505	1,749	1,200	1,200	1,200	
Vehicle maintenance & repair	139	45	2,000	2,000	2,000	
Vehicle operations	3,190	1,801	3,750	2,750	2,750	
Homeowners Recovery fee	-	263	200	1,000	1,000	
Flood Zone Map Mailing	1,703	1,147	2,500	2,500	2,500	
Misc	-	1,945	2,000	2,000	2,000	
Land Use Plan Update	541		-	-	-	
NCDOT Grant (Bike and Ped. Plan)	-	20,260	14,740	-	-	
Town Code Update	-	-	-	100,000	100,000	
Total Code Enforcement	181,432	218,392	214,110	300,572	300,572	

POLICE DEPARTMENT	FY 12-13 Actual	FY 13-14 Actual	FY 14-15 Amended	FY 15-16 Requested	FY 15-16 Recommended	FY 15-16 Adopted
Salaries	651,398	753,681	804,100	830,000	830,000	
Holiday	23,163	27,387	25,000	25,000	25,000	
Overtime	24,799	14,155	20,000	20,000	20,000	
FICA	52,094	60,041	68,350	67,000	67,000	
Group Health insurance	83,937	97,576	97,500	115,515	115,515	
Employees retirement	80,366	97,172	99,505	106,000	106,000	
Career Development	-	1,790	-	3,000	3,000	
Computer services	5,079	8,503	6,150	6,150	6,150	
Printing	747	289	1,000	1,000	1,000	
Advertising	1,018	20	100	100	100	
Travel	5,021	3,116	9,000	12,000	12,000	
Dues/subscriptions	484	974	1,400	1,400	1,400	
Training	4,313	4,882	4,600	10,000	10,000	
Medical testing	2,009	65	200	200	200	
Uniforms	14,196	6,270	18,000	20,000	20,000	
Supplies	15,712	15,581	25,200	35,200	35,200	
Contracted Services	3,659	5,932	6,000	13,000	13,000	
Equipment lease & maint.	625	-	3,200	3,200	3,200	
Equipment purchase	32,865	43,270	56,639	55,000	55,000	
Vehicle maintenance & repair	15,758	18,100	18,000	18,000	18,000	
Vehicle operations	37,404	32,473	39,000	43,000	43,000	
Misc.	1,800	515	-	5,000	5,000	
Debt Service	64,319	88,659	222,925	-	-	
Capital Outlay- Vehicles	73,896	73,153	74,000	76,000	76,000	
Grants- GHSP MDT's	-	-	12,000	78,000	78,000	
Grants-GHSP In-Car Cameras	-	-	14,729	48,000	48,000	
Grants- GCC Tasers	-	-	-	15,000	15,000	
Total	1,194,662	1,353,604	1,626,598	1,606,765	1,606,765	
Sep. Allowance Transferred to Pension Fund	15,000	15,000	54,000	27,000	27,000	
Total Police	1,209,662	1,368,604	1,680,598	1,633,765	1,633,765	

Streets, Bridges and Canals	FY 12-13 Actual	FY 13-14 Actual	FY 14-15 Amended	FY 15-16 Requested	FY 15-16 Recommended	FY 15-16 Adopted
Street Sign Maintenance	6,712	12,403	14,778	5,000	5,000	
Engineering Services	8,570	-	1,000	3,500	3,500	
Street Maintenance	5,856	52,315	53,000	53,000	53,000	
Brush Trimming	5,050	10,350	20,000	20,000	20,000	
Bridge Maintenance	1,047	517	1,500	1,500	1,500	
Chicahauk Trail	268,685	-	-	-	-	
Honeysuckle Lane	137,143	13,955	-	-	-	
Gravey Pond Lane	271,022	75	-	-	-	
Deer Path Lane	206,154	1,688	-	-	-	
Spindrift	70,431	-	-	-	-	
Duck Woods Drive	-	123,147	75,000	-	-	
N. Dune Loop	-	73,065	-	-	-	
N. Woodland Drive	-	55,099	-	-	-	
Ocean View Loop	-	74,969	-	-	-	
Mistletoe Lane	-	91,843	-	-	-	
Hillcrest/Sea Oats Intersection	-	74,865	-	-	-	
Fern Drive	31,881	-	-	-	-	
Juniper/Trinite Trail Bridge	25,000	106,806	15,000	-	-	
Debt Pymt to NCDOT- Juniper Bridge	-	361,806	-	-	-	
Widgeon Court	48,619	-	-	-	-	
Fairway Drive	-	2,950	173,855	-	-	
N. Dogwood Trail #280-293	-	34,982	67,500	-	-	
Pintail Court	-	944	75,110	-	-	
Scuppernong Lane	-	1,563	84,245	-	-	
N,S & E Dogwood Intersection	-	56	141,498	-	-	
Yaupon Lane	-	649	5,621	-	-	
FY 15-16 Street Projects	-	-	-	516,000	516,000	
Tall Pine Bridge	79,747	55,625	453,059	1,314,731	1,314,731	
Canal Dredging Project- Debt Payment	64,926	246,798	1,459,192	-	-	
Waterway Maintenance and Repair	-	400	400	400	400	
Storm Debris Cleanup	9,728	-	20,000	20,000	20,000	
FY 13-14 Street Projects	-	88,623	-	-	-	
Bulkhead Maintenance and Repair	-	-	-	80,000	80,000	
Total	1,240,571	1,485,493	2,660,758	2,014,131	2,014,131	

PUBLIC WORKS DEPARTMENT						
	FY 12-13 Actual	FY 13-14 Actual	FY 14-15 Amended	FY 15-16 Requested	FY 15-16 Recommended	FY 15-16 Adopted
Salaries	132,239	189,219	212,875	222,848	222,848	
FICA	10,000	14,352	16,285	17,047	17,047	
Group Health insurance	23,216	29,688	40,000	43,700	43,700	
Employee retirement	15,353	22,852	26,000	26,900	26,900	
Training	125	2,086	2,000	2,600	2,600	
Printing	-	159	-	600	600	
Travel	86	1,197	1,500	1,500	1,500	
Engineering	-	1,856	-	-	-	
Uniforms	2,666	2,788	3,000	3,000	3,000	
Dues and Subscriptions	75	75	300	300	300	
Supplies	6,712	9,163	7,200	5,000	5,000	
Advertising	-	178	-	150	150	
Safety Compliance	855	411	1,100	1,100	1,100	
Town buildings maintenance & repairs	21,892	34,873	67,800	21,900	21,900	
Green Initiative	-	-	4,000	1,000	1,000	
Beautification-grounds	3,419	6,626	9,500	20,000	20,000	
Equipment lease & maintenance	2,382	5,929	4,300	3,000	3,000	
Vehicle maintenance & repair	4,500	3,194	3,000	3,000	3,000	
Vehicle operations	7,503	12,469	9,500	9,500	9,500	
Misc	-	331	-	400	400	
Capital Outlay- Equipment	88,060	-	44,015			
Capital Outlay- Vehicle	-	-	27,612	22,000	22,000	
Medical Testing	85	65	150	150	150	
Equipment Purchase	-	1,515	15,650	10,000	10,000	
Misc. Projects	14,477	-	-			
Sand Fencing/Grass Planting	-	89,218	24,000	24,000	24,000	
Parking Lot Maintenance	2,031	2,108	5,000	5,000	5,000	
Total	335,676	430,352	524,787	444,695	444,695	

US 158 – Seasonal Traffic Backup Counter Measures – Currituck and Dare Counties

1. No Right Turn on Red – This restriction will be added for traffic traveling northward on US 158 and making a right turn to continue north on NC 12 at the Kitty Hawk Rest Area intersection.
2. Do Not Block Intersection – These signs will be installed on the traffic signal mast arms for traffic entering Dare County on US 158.
3. Lane Assignment Signage – This signage will be placed on US 158 prior to the Wright Memorial Bridge to give advance notice to motorists. This should reduce lane changes approaching the Kitty Hawk Rest Area intersection.
4. Law Enforcement Presence – Local governments will provide a limited presence at key intersection during peak periods.
5. Traffic Signal System – Traffic signal timing and operation has been reviewed. Operation will be closely monitored during peak travel times and adjusted as appropriate to ensure traffic is flowing at optimum levels.
6. Traffic Cameras – Traffic cameras through Currituck and the northern beaches are working properly. Every effort will be made to ensure operation during the summer season.
7. Travel Times – The southbound message boards in Currituck will display real time travel times to the Outer Banks area.
8. Alternate Travel Route – A portable message board with a highway advisory radio will be in placed on NC 168 north of Sligo to promote the alternative travel route using NC 34 to US 17 to US 64. This system will be activated during peak travel times.
9. Marketing –
 - a. The Visitor's Bureau has created a "GetToTheOBXFASTER" webpage that provides recommendations for alternate routes and check in dates/times.
 - b. The NCDOT public information office will issue press releases at appropriate times regarding alternate routes and include this information when providing press releases regarding other Outer Banks issues. A link to the above website will be included. This information will also be shared through social media. In addition, they are working with VDOT in an effort to promote the alternative route in Virginia.

c. "Destination Dave" Gov Channel 191 segment



Closed Session
May 5, 2015

Those in attendance: Mayor Bennett, Mayor Pro Tem Hess, Council Members Sanders and Lawhon.

Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Sheila Kane.

Absent: Council Member Holland

Mayor Bennett called the meeting to order at 7:12 p.m. stating the purpose of the meeting was to consider proposed draft closed session minutes which are privileged or confidential pursuant to N.C.G.S. 143-318.10(e).

The Town Clerk presented Council with a list of approved closed session minutes to consider for release.

MOTION: Mayor Pro Tem Hess moved to release the following closed session minutes as the purpose for the closed session will no longer be frustrated. Council Member Sanders seconded the motion. The motion passed unanimously (4-0).

DATE	CATEGORY	SUBJECT	DISPOSITION
2/3/2015	Attorney/Client privilege	Sampson v Town	Closed
11/6/2013	Attorney/Client privilege	Sampson v Town	CLOSED
7/16/2013	Attorney/Client privilege	Zoning /Temp PW Projects	CLOSED
7/16/2013	Real property purchase	108 Duck Woods Drive	Closed
5/7/2013	Attorney/Client privilege	Sampson v Town	Closed
2/5/2013	Attorney/Client privilege	Sampson v Town	Closed
11/7/2012	Attorney/Client privilege	Sampson v Town	Closed
1/3/2012	Attorney/Client privilege	Sampson v Town	Closed
12/6/2011	Attorney/Client privilege	Sampson v Town	Closed
10/4/2011	Attorney/Client privilege	Sampson v Town	Closed
8/16/2011	Attorney/Client privilege	Sampson v Town	Closed
6/7/2011	Real property purchase	Land Acquisition-207 Ocean B	Closed
6/7/2011	Attorney/Client privilege	Canal dredge Sampson v Town	Closed
4/5/2011	Attorney/Client privilege	Canal dredge Sampson v Town	Closed
1/5/2010	Minute Approval	Minute Approval-Closed Sess	Closed
1/5/2010	Minute Approval	Minute Approval-Closed Sess	Closed
10/9/2009	Attorney/Client privilege	Canal Bid Process	Closed
4/24/2007	Attorney/Client privilege	Canal Dredging-Spoil sites	Closed
1/4/2000	Attorney/Client privilege	BOA Hearing-Pend. Litigation	Closed

MOTION: After additional consideration that the purpose will no longer be frustrated by their release Council Member Lawhon moved to release closed session minutes from 10/7/2008. Council Member Sanders seconded the motion. The motion passed unanimously (4-0).

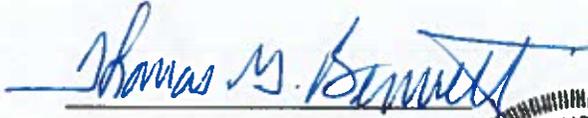
10/7/2008	Attorney/Client privilege	SSVFD-contract	Closed
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MOTION: Mayor Pro Tem moved to authorize the Town Clerk to fill in the actions regarding release of certain closed session minutes in Resolution 2015-05-01. The motion was seconded by Mayor Bennett. The motion passed unanimously (4-0).

[Clerk's Note: A copy of Resolution 2015-05-01 is hereby attached as Exhibit A]

ATTEST:

Respectfully submitted:


Thomas G. Bennett, Mayor


Meila Kane, Town Clerk





Closed Session
May 5, 2015

Those in attendance: Mayor Bennett, Mayor Pro Tem Hess, Council Members Sanders and Lawhon.

Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Sheila Kane.

Absent: Council Member Holland

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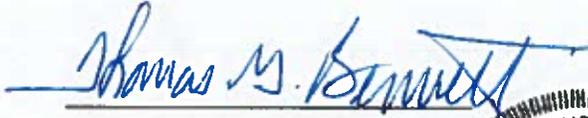
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[Clerk's Note: A copy of Resolution 2015-05-01 is hereby attached as Exhibit A]

ATTEST:

Respectfully submitted:


Thomas G. Bennett, Mayor


Meila Kane, Town Clerk

