

Exhibit A

Letter to the Editor---The Coastland Times

As I read your April 17 editorial "The Bridge Game," it was painfully obvious that you did not carefully research and understand the facts before you expressed your strongly worded opinions about Build the Bridge Preserve, Our Roads, Inc.(BBPR) and the positions it has taken in support of the Mid Currituck Sound Bridge and in opposition to widening Route 158 in Lower Currituck and NC 12 in Southern Shores and Duck. This is disappointing and disturbing on many levels but not entirely unexpected given your past history of editorial inaccuracies.

You clearly do not understand the purpose of and strong local support for the federal grant being sought not just by BBPR, but also by the Towns of Duck and Southern Shores, Currituck County Chamber of Commerce, Duck Civic Association, and Duck Community and Business Alliance. The purpose of the grant is to allow East Carolina University to study, inter alia, the cost and feasibility of building and operating the Mid Currituck Sound Bridge through a public/private partnership. This request has the support of Senator Dole, Senator Basnight, Representative Culpepper, the Dare County Commissioners, and, most recently, the Currituck County Commissioners. The concept of building and operating the Bridge by a public/private partnership has never been studied, let alone "studied to near death" as stated in your editorial.

It is also obvious that you do not understand or appreciate the broad based support for BBPR. The organization has over 1100 members who are resident and non-resident property owners in Currituck and Dare Counties and the Towns of Duck and Southern Shores. Broad support for the expeditious building of the Bridge and opposition to widening Route 158 in lower Currituck and NC 12 through Duck and Southern Shores is evidenced by the over 20,000 signatories to the BBPR petition and by the 27 resolutions of support from various municipal, business and other organizations. It is far broader than simply "residents and business owners, primarily along NC12".

Your statement that NCDOT has long maintained that "both a bridge and road widening will be required to alleviate congestion" is also incorrect. The most recent "preliminary" traffic analysis of NCDOT, suggests that congestion will remain even with road widening and that "substantial costs and community impacts would be associated with such improvements". In a letter to the Towns of Duck and Southern Shores NCDOT has also acknowledged that having some degree of road congestion is an acceptable alternative to widening roads.

The issues related to the bridge and the roads are complex and often emotionally charged. Indeed, your editorial chose to focus, in part, on the "flag waving former mayor of Southern Shores". Many of us are proud to "wave the Flag"---especially when it is waved in support of what the people---not the special interests---want. (As to your claim that this is a group of Duck and Southern Shores citizens with special interests, may I point out we have many supporters from all parts of Currituck County and that our President is a resident of Currituck County. And, by the way, we are all very proud of what the "flag waving" former mayor has accomplished for all of us.)

Without engaging in emotional rhetoric, we call your attention to the facts set forth in the recently completed financial study of road widening, a copy of which we believe you have. As indicated therein, a minimum payout by NCDOT for right of way acquisition would be \$439 Million---and that was before the recent reassessments. In addition, over 3700 properties would be affected—83 families would lose their homes, 61 businesses in Duck would be lost along with 600 jobs. Over 2000 homes and businesses would lose a portion of their value and/or revenue. Local and state government would lose \$6 million a year in revenues. In addition, one of the “tourist meccas” would be irrevocably damaged. For the affected individuals, businesses and governments this is real and no “Bridge Game”.

We certainly understand and respect different points of view, especially on emotionally charged issues. However, responsible journalism requires that you do your homework and get the facts right before editorializing your opinions.

If this were the Outer Banks Sentinel , the Opinion Page would read :

HISSES to The Coastland Times for irresponsible journalism. Get the facts right before you write an editorial .

(Signed by)

Build the Bridge-Preserve Our Roads, Inc.
Board of Directors

Exhibit B

Ordinance No. 2005-04-01
Revised 05-03-2005

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
PLANNED UNIT DEVELOPMENT APPLICATIONS**

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to place a six month moratorium on the acceptance of any applications or other requests approving new planned unit developments or amending existing planned unit developments.

Article II. Findings

The Town Council makes the following findings:

- A. The existing planned unit development language in the Southern Shores Zoning Ordinance was approved on or about October 11, 1998.
- B. The one example of a planned unit development approved in the Town of Southern Shores has not turned out as envisioned with problems ranging from wastewater system compliance, housing style inconsistency, building footprints different from the approved site plan(s) and with the recorded overall site plan, inadequate parking for dwellers, lack of coordinated infrastructure installation, and other problems.
- C. The Town Planning Board and Town Council wish to have the existing language reviewed by a professional in a timely manner, but do not wish to allow any applications to proceed towards approval until local law is thoroughly reviewed as such could cause undue expense to the applicant and cause the Town to approve an application not necessarily in the best interest of the community.

Article III. Moratorium on Accepting Planned Unit Development Applications

Effective May 17, 2005, the Town of Southern Shores shall accept no applications for a new Planned Unit Development, as provided for in the Southern Shores Zoning Ordinance and Town Code until or after 8:30 AM on November 2, 2005.

Article IV. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article V: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 17th day of May 2005.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: 4/5/2005

Dates of Publication: 4/14/2005 and 4/21/2005

Date of Public Hearing: 5/3/2005

Exhibit C

Ordinance No. 2005-04-02
Version 04-05-2005

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL
AMENDING THE OFFICIAL ZONING MAP**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES:

Article I: Purpose

The purpose of this Ordinance is to amend the Official Zoning Map of the Town of Southern Shores, Dare County, North Carolina, which was adopted by the Town Council on April 4, 2000 and subsequently amended.

Article II. Amendment to Zoning Map – 6505 North Croatan Highway

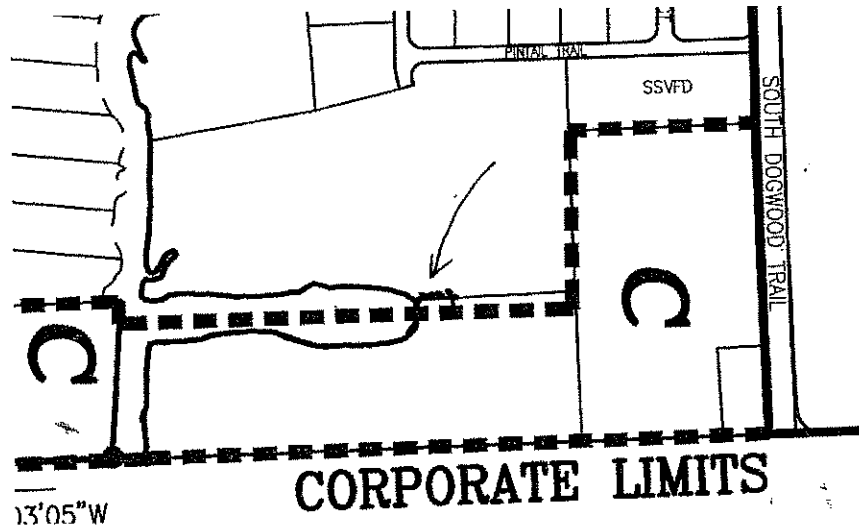
The Official Zoning Map of the Town of Southern Shores, North Carolina, which was adopted on April 4, 2000 and as subsequently amended, is hereby amended as follows:

The property currently shown in the Dare County Tax Assessor's Office as PIN 22986605281743, otherwise known in the Tax Assessor's records as being located at 6505 North Croatan Highway, is hereby deleted from the Extra-Territorial Jurisdiction (ETJ) of the Town of Southern Shores.

Article III. Amendment to Zoning Map - 6195 North Croatan Highway

The Official Zoning Map of the Town of Southern Shores, North Carolina, which was adopted on April 4, 2000 and as subsequently amended, is hereby amended as follows:

The Commercial District portion of the property currently shown in the Dare County Tax Assessor's Office as PIN 22519064, otherwise known in the Tax Assessor's records as being located at 6195 North Croatan Highway, is hereby amended as follows:



Draft Map Pending GIS Upgrade

Article IV. Severability

If any language in this Ordinance is found to be invalid by a court of competent jurisdiction or other entity having such legal authority, then only the specific language held to be invalid shall be affected and all other language shall be in full force and effect.

Article V. Effective Date

This Ordinance is effective upon adoption.

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Adopted by the Town Council for the Town of Southern Shores this 3rd day of May 2005.

(SEAL)

ATTEST:

Carrie Gordin, Town Clerk

Hal Denny, Mayor
Town of Southern Shores

APPROVED AS TO FORM:

Date Introduced: April 5, 2005
Date(s) Published: 4/14 and 4/21/2005
Public Hearing Date(s): 5/3/2005

Ike McRee, Town Attorney

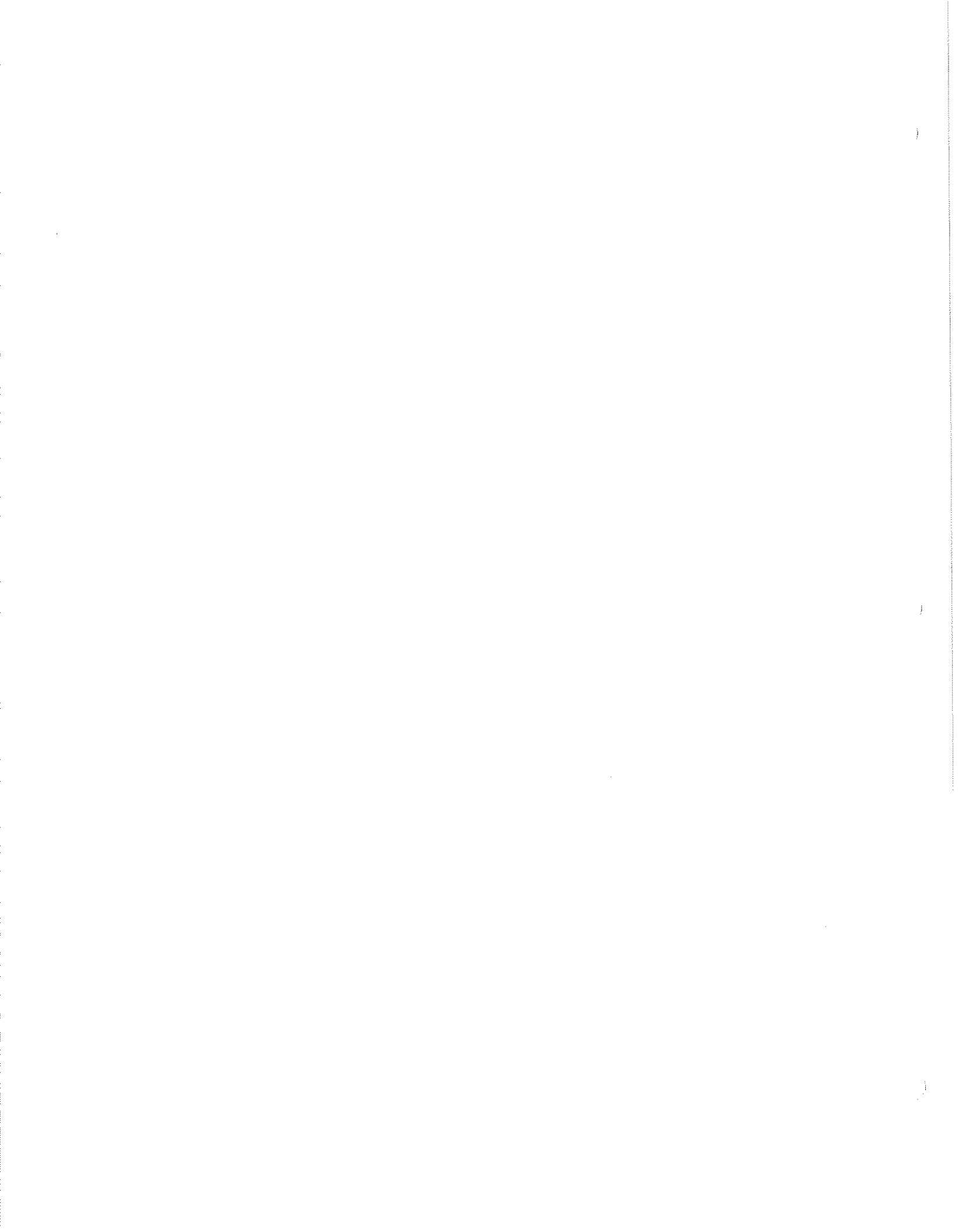


Exhibit D

Ordinance No. 2005-04-04

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE ZONING ORDINANCE
RELATING TO TEMPORARY USES**

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 6.06 Southern Shores Zoning Ordinance – Temporary Uses

Section 6.06 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

~~The Town may approve as conditional permitted uses under the applicable provisions of Section 10.05. The following temporary uses are permitted uses notwithstanding other restrictions of this ordinance. but including such additional conditions and safeguards as may be required by the Council as provision of such approval.~~

1. *Temporary real estate sales offices may be permitted in any residential district for on-site sales of land or residences located only within the subdivision within which such office is located. Any such temporary use must be terminated no more than thirty (30) days from the date that eighty (80) per cent of the lots or residences within that subdivision are sold.*
2. *Temporary construction offices may be permitted in any district to provide on-site offices for the management and security of construction projects only. Any such temporary use must be terminated no more than 30 days from the date that construction is completed.*
3. Temporary storage units, which are enclosed on all sides and can be securely locked for the purpose of inhibiting theft or unauthorized entry, may be permitted in conjunction with a construction, renovation or rehabilitation (but not demolition) project where a building permit issued is for the construction,

renovation or rehabilitation of not less than twenty thousand (20,000) square feet of floor space. No advertising signage is permitted on such storage units. The location and number of temporary storage units shall be shown on the site plan and all temporary storage units shall be removed before any certificate of occupancy is issued.

Article IV. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article V: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 3rd day of May 2005.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: 4/5/2005

Dates of Publication: 4/21/2005, 4/26/2005

Date(s) of Public Hearing(s): 5/3/2005

Exhibit E

Ordinance No. 2005-04-03
Version 05-03-2005

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE ZONING ORDINANCE
RELATING TO COMMERCIAL ZONING**

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on July 7, 1981 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Zoning Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Zoning Ordinance shall be shown in italics (*italics*).

**Article III. Amend Section 3.02 Southern Shores Zoning Ordinance –
Definition of Specific Terms or Words**

Section 3.02 of the Southern Shores Town Zoning Ordinance is hereby amended to read as follows:

BUILDING INSPECTOR: A code enforcement officer who is appointed by the Town Manager to perform the function(s), in whole or in part, of a building inspector as authorized by this Ordinance.

CODE ENFORCEMENT OFFICER: One or more persons appointed by the Town Manager to perform the function(s), in whole or in part, of the code enforcement officer as authorized by this Ordinance.

ESTABLISHMENT: That portion of a building owned or held through tenancy used for the purpose specified.

RESTAURANT: A business engaged in the service of food and beverages to patrons seated inside a building or on a deck as delineated in a site plan approved by the Town. To qualify as a restaurant, an establishment shall have all the following:

- 1) A food preparation area occupying at least 20 percent of the gross square footage of the establishment; and,
- 2) At least 75 percent of all customer seats designated for full-service, full-menu, dining; and
- 3) No more than 15 percent of the total square footage of the establishment devoted to the following permitted accessory entertainment uses, including and limited to; dance floor, stage, live performance and disc-jockey areas. Accessory entertainment uses referenced in this definition shall be permitted in a restaurant provided these uses are clearly subordinate in area, extent, hours of operation, and purpose to areas designated for food preparation, service, and consumption.

**Article IV. Amend Section 7.10 Southern Shores Zoning Ordinance –
C- General Commercial District – Conditional Uses**

Section 7.10(C) of the Southern Shores Zoning Ordinance is hereby amended to read as follows with subsections re-numbered accordingly:

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

1. Restaurants

**Article V. Amend Article XIII of the Southern Shores Zoning Ordinance –
Duties**

Article XIII of the Southern Shores Zoning Ordinance is hereby amended to read as follows:

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Code Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Code Enforcement Officer; and that from the decision of the Board of Adjustment recourse shall be had to courts as provided by law. It is further the intention of this Ordinance that the duties of the Town Council in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof but that the procedure for determining such questions shall be set out in this Ordinance, and that the duties of the Town Council in connection with this Ordinance shall be only the duty of considering and passing upon

any proposed amendment or approving any conditional use permit as provided by this Ordinance.

Article VII. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VIII. Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 3rd day of May 2005.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: 4/5/2005

Dates of Publication: 4/21/2005, 4/26/2005

Date(s) of Public Hearing(s): May 3, 2005

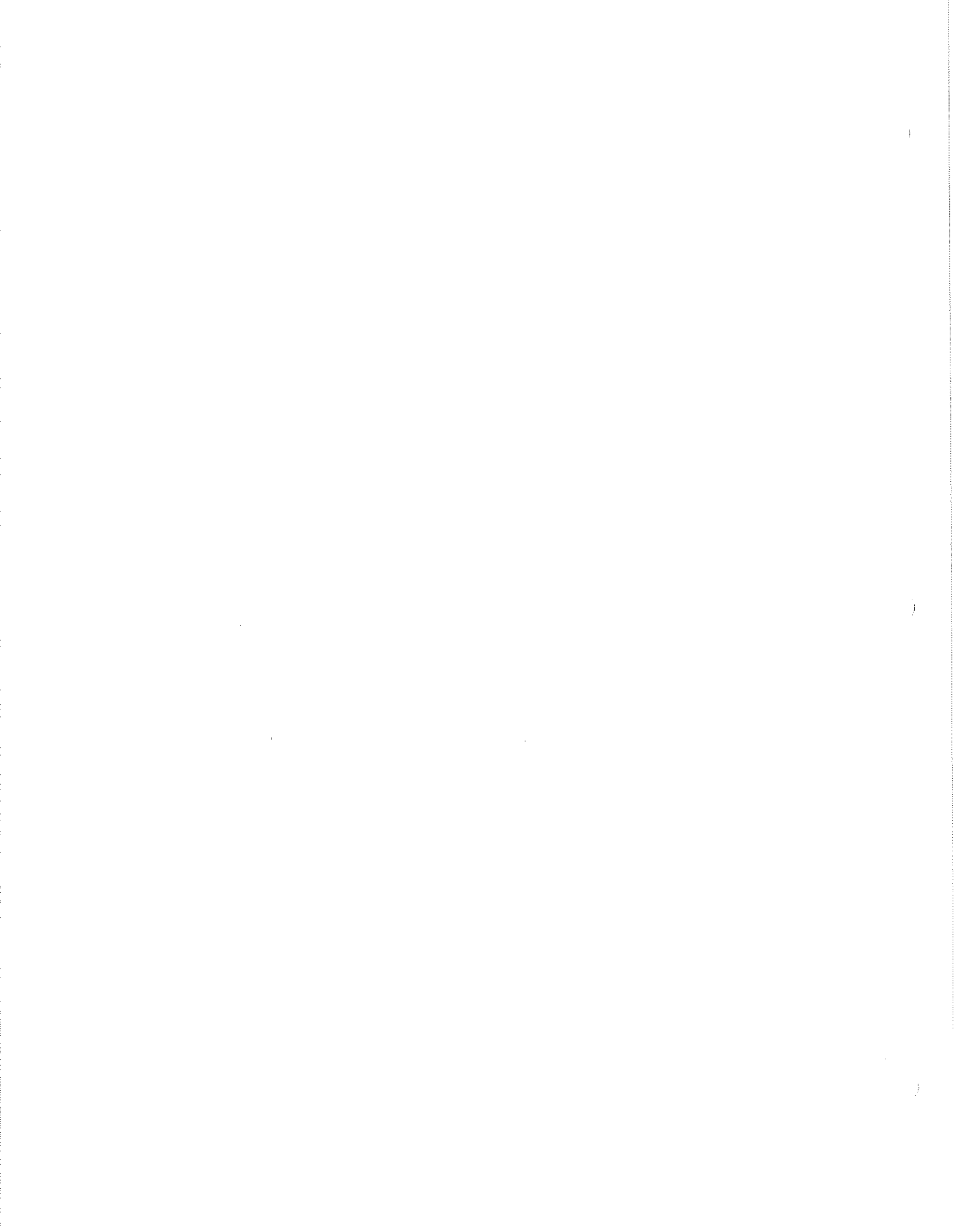


Exhibit F

Resolution No. 2005-05-01

A RESOLUTION OF THE
TOWN COUNCIL OF SOUTHERN SHORES, NORTH CAROLINA,
RELATING TO THE STORMWATER POLICY ADVISORY COMMITTEE

Whereas, the Town of Southern Shores created the Stormwater Policy Advisory Committee (aka "Stormwater Management Committee") through Resolution No. 2004-11-02, which was approved by the Town Council on November 2, 2004; and

Whereas, the Committee has met many times since its creation, taken field trips, received public input, reviewed materials, and is awaiting the results of several Town-funded studies; and

Whereas, the Town Council continues its desire to improve the infrastructure, rules and regulations relating to the management of stormwater in the Town;

Now, Therefore, Be it Resolved, the Southern Shores Town Council meeting this 3rd day of May, 2005, does hereby continue the authorities and directions stated in Resolution No. 2004-11-02 and extends the date for receiving the Committee's report and recommendations until on or before January 3, 2006.

Approved this 3rd day of May 2005.

Mayor Hal Denny
Town of Southern Shores

ATTEST:

Carrie Gordin, Town Clerk
Town of Southern Shores

**RESOLUTION SUPPORTING ENACTMENT OF SENATE BILL 856
ENTITLED "AN ACT REGARDING ACCESS TO A PUBLIC RECORD THAT IS ALSO
A TRIAL PREPARATION RECORD"**

WHEREAS, on June 1, 2004 the North Carolina Court of Appeals issued its decision in *McCormick v. Hanson Aggregates Southeast, Inc.* holding effectively that documents or records prepared in preparation for trial by attorneys for public entities are public records to which the public has a right of access and thus changing the long established practice in this state; and

WHEREAS, the North Carolina Court of Appeals holding in *McCormick* means that attorneys representing public entities do not enjoy the same privilege that private attorneys have in preparing documents for trial and places public entities and their attorneys at an unfair disadvantage when preparing for trial; and

WHEREAS, there is introduced in the North Carolina Senate SB856 that if enacted will allow attorneys representing public entities to deny access to their clients' trial preparation documents and restore to public entities and their attorneys the same privilege that private attorneys and clients have in preparing documents for trial and which prior to June 1, 2004 was the accepted and regular practice in the State of North Carolina; and

NOW, THEREFORE, BE IT RESOLVED BY the Town Council for the Town of Southern Shores, North Carolina that:

- Section 1. The Town of Southern Shores supports enactment of SB 856 and requests that municipalities throughout North Carolina express support as well.
- Section 2. The Town of Southern Shores requests that its legislators, Senator Marc Basnight and Representative Bill Culpepper, also support SB 856 and seek the bill's quick enactment.
- Section 3. That a copy of this resolution be forwarded to Senator Marc Basnight, Representative Bill Culpepper, and the North Carolina League of Municipalities.

ADOPTED the 3rd day of May, 2005.

Hal Denny, Mayor

ATTEST:

Town Clerk

(TOWN SEAL)

Exhibit H

Ordinance No. 2005-05-01

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL RELATING TO
AMENDING THE TOWN CODE
RELATING TO BEACHES AND WATERWAYS
(GRAVEY POND NUISANCE ABATEMENT EXEMPTION)**

Dare County, North Carolina

BE IT ORDAINED BY THE SOUTHERN SHORES TOWN COUNCIL AS FOLLOWS:

Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 10-4 – Waterway and Canal Maintenance

Section 10-4 of the Southern Shores Town Code is hereby amended to read as follows:

Owners of lands bordering waterways, with the exception of those bodies of water where the bottom land of the waterway is not owned by the Town or other public entity known as Gravey Pond, Duck Woods Pond, and all other unnamed ponds in Southern Shores which have no access to the canals and sounds, shall keep such waterways clear of brush, fallen trees and debris which project into or over the water. Obstructions which project within a plane with its base at the mean low waterline and its upper edge at a point ten (10) feet high and six (6) feet out from the bank (Ref. Figure A) shall be declared a nuisance and shall fall within the provisions of Chapter 6 of this Code.

Article IV. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article V: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 3rd day of May 2005.

Mayor Hal Denny

ATTEST:

Carrie Gordin, Town Clerk

S E A L

Approved as to form:

Ike McRee, Town Attorney

Date Introduced: 5/3/2005