



# 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

Town of Southern Shores  
Council Meeting  
September 26, 2006  
8:00 a.m.-Pitts Center

## MINUTES

The Southern Shores Town Council met on September 26, 2006 in the Pitts Center.

The following Council Members were present: Mayor Don Smith, Dan Shields, Jodi Hess, David Sanders, and Brian McDonald.

Also present were: Webb Fuller, Town Manager; and Carrie Gordin, Town Clerk.

### OPENING

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

### APPROVAL OF AGENDA

Mayor pro tem Shields moved to approve the agenda as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

### PUBLIC COMMENT

Jim Evans of Republic Cove Partners and representing NOBA for the Cove subdivision reported there are changes to be made to the approved site plan due to CAMA not approving a 30' setback that would allow a fire access around the structure. He stated that an amended site plan has been submitted to staff. He stated that one unit from the east end is to be removed and placed at the west end of the structure and a stairwell is to be eliminated.

The town manager stated that the site plan will need to go through the review process with the planning board.

## REPORTS

### Planning Board

Georgine Poisal, vice chairman, presented the September 18, 2006, Planning Board report in George Kowalski's absence.

Georgine Poisal reviewed two ordinances Planning Board has recommended for council approval following public hearings. She stated that Ordinance 2006-03-PB3 amends lot coverage with respect to driveways and parking areas as well lot disturbance, permits, and site plan requirements and that Ordinance 2006-07-PB12 amends regulations for signs.

Upon review and discussion of Ordinance 2006-03-PB3 by council some changes were made.

Council Member Hess requested that on page 3 line 14, 10 feet should be changed to read 8 feet, page 4, section 13 line 30 should read: The sum of all construction in the Town right-of-way on one platted lot can not exceed twenty (20) feet; and on page 5, line 22 to add parking area. Exception: One required parking space may be located behind each parking space in an under house parking area or enclosed garage, lined up outside in such a manner that it is located in the drive aisle.

Upon review and discussion of Ordinance 2006-07-PB12 council agreed that the town attorney should review and submit comments to council before setting a public hearing.

Council Member Sanders asked why the 25% window glass coverage for signs was increased to 75%. Mike Hejduk stated consideration was given to the Food Lion and the Movie Gallery to allow big poster type advertisements.

Council Member McDonald stated that he is still concerned about lot coverage and how it will affect grass driveways.

Mayor pro tem Shields moved to set a public hearing on Ordinance 2006-03-PB3 for the November 8, 2006 council meeting. Council Member Hess seconded. The motion passed with Council Members Shields, Hess, and Sanders voting aye; Mayor Smith and Council Member McDonald voting no; and no Council Member absent or not voting.

Mike Hejduk stated that there are approximately 2200 approved sites. He stated that he would give a presentation at the November 8 meeting showing what types of driveway the homes have.

[Clerk's Note: A copy of the September 18, 2006, Planning Board Report is attached hereto as Exhibit A and made part of these minutes].

### EMPLOYEE RECOGNITION-5 YEARS

Mayor Smith presented Pat Forrester, Permit Officer, Glenn Alexander, Public Works Supervisor, and Jonathan Slegel, Police Officer for their five years of service to the town. They each received a five-year pin, certificate of appreciation, and a five-year award.

### CONSENT AGENDA -None

## OLD BUSINESS

### State Grant Contract and Resolution 2006-09-01 for the Town's Land Use Plan update

Mike Hejduk reported that the town has received the grant contract from NCDENR to begin the required process for the Town's Land Use Plan update. He stated that staff has provided a copy of the agreement for Council's review in the routing file and a copy of Resolution 2006-09-01 is attached. He stated that staff is requesting that council approve the Town's share of the grant contract in the amount of \$18,800 for this two-year project.

He stated that he is recommending a steering committee to include the Reconstruction Task Force members as well as two members from the planning board to work with the Planner-in-Charge on this project. He stated that staff will be recommending that council approve Earth Tech to provide the planner for the project.

Council Member Hess requested the first paragraph of Resolution 2006-09-01 be deleted.

Mayor pro tem Shields moved to approve the State Grant Contract for Land Use Plan and the Land Use Plan Resolution 2006-09-01 as corrected and authorize execution of the agreement. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

[Clerk's Note: A copy of Resolution 2006-09-01 is attached hereto as Exhibit B and made part of these minutes].

### Council Rules of Procedure

Mayor Smith stated that Mayor pro tem Shields and Council Member Hess drafted rules of procedure with comments included by the town manager for review.

Council agreed to place this item on the October 24, 2006 agenda.

### Ordinance 2006-09-01-Chapter 7-Planning and Development-Subdivisions

Following discussion Mayor pro tem Shields moved to set a public hearing on November 8, 2006 for Ordinance 2006-09-01. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

### Traffic Map Amendment-Ordinance 2006-08-04

The town manager stated that council approved changing the speed limit on Ginguite Trail, Pintail Trail, and Pintail Court from 25 mph to 15 mph at the September 5, 2006 meeting and that approval of Ordinance 2006-08-04 reflects that change.

Mayor Smith moved to approve Ordinance 2006-08-04 as presented. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

## NEW BUSINESS

### FY 2007-08 Budget Issues

The town manager requests that council hold a special meeting following the FY2005-06 Audit Report to discuss the FY07-08 budget. He stated that areas for discussion would be held on the operating and capital improvements portions of the budget.

### Resolution 2006-09-02-Employee Holiday Schedule

The town manager requested that council approve amending the employee holiday schedule (currently 12 days) in the Town's personnel policy to allow a three-day Christmas holiday instead of two days some years and three days other years. He stated this is no more days than some of the other towns.

Mayor pro tem Shields moved to approve Resolution 2006-09-02-Employee Holiday Schedule as presented. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

### Solid Waste/Recycling Ordinances and Operation

The town manager stated that staff is requesting council to confirm their intent regarding Dare County providing residential trash cans to the citizens and providing dumpster service to the town commercial sites. He recommends that staff meet with Dare County to discuss transferring the services and any changes needed in the contract. He stated that the county provides the Town of Kitty Hawk services and that he would like to use Kitty Hawk as the model for the town's service.

It was recommended to leave the recycle service and repair of the recycle cans as is until time to renegotiate that contract in 2007.

## OTHER ITEMS

### Council

Mayor pro tem Shields stated that he has contacted the SSCA and CPOA in appointing a joint committee to discuss initiating interest for youth activities in the town. He stated that he would draft a letter to set up a meeting.

He stated that he has noticed that the daily routine of town business is impacting personnel effectiveness and questions the cost effectiveness of responding to each and every call upon demand. He asked that the town manager make recommendations on how to change this procedure.

Mayor Smith suggested when citizens come to town hall wanting to speak to the town manager that staff help resolve the issue and if they need to see the town manager that they make an appointment.

The town manager commented that we want to keep the friendly small town feel but that the operational process does need to be changed.

Council Member Sanders apologized for not being able to attend the first O.B. Transportation Task Force Bicycle/Pedestrian subcommittee. He stated that he has reviewed the minutes and the upcoming agenda and he is looking forward to being a part of the committee.

### Mayor

Mayor Smith announced that Council Member Hess has volunteered to be the town's representative on the O.B. Transportation Task Force NC12/Aycock Brown Intersection Subcommittee.

Mayor Smith stated that at the September 5, 2006 council meeting it was discussed with Cheryl Byrd, Dare County Commissioner, on alternative ways that the municipalities could receive their distribution of county taxes. He stated that the Town of Nags Head is proposing to fund beach nourishment by raising town taxes and under the current rules the remaining towns could lose significant tax revenue.

Council agreed to further discuss this issue at their October 24 meeting.

Mayor Smith requested the town manager investigate ways to improve cell phone service along Duck Road and the avenues.

Mayor Smith reported that while attending the mayor's lunch Dare County Sheriff Midgett presented information regarding the 800 MHz Viper trunked radio communications system. He stated that he was told the cost to the town to participate in updating the communication system could be as much as \$300,000. He stated a request is being made to appoint a representative to be on the committee and that he would be on the committee.

Chief Pledger stated that the Viper program is being initiated by the State Highway Patrol and the program allows emergency agents to communicate to any other emergency agents across the state.

Fire Chief Harvey stated that currently emergency personnel are not able to communicate to other towns that different units use different frequencies. He stated that Deputy Chief Shrader has knowledge and experience on this type of communication.

Mayor Smith asked if Deputy Chief Shrader would be contacted to see if he would be interested to be on the committee and the mayor would contact Sheriff Midgett's office.

Mayor Smith stated that it appeared that the current system is okay for a rural area and he would like to have more information on if this new system is really needed.

### Town Manager

The town manager provided council with a copy of a letter dated September 5, 2006 from NCDOT addressing the improvements to be made to NC12. Council directed the town manager to draft a letter to NCDOT correcting the improvements as stated to what Council had previously agreed to and would be acceptable and that council would like to see a set of plans before they are approved by NCDOT.

Mayor Smith called for a short recess while waiting for the arrival of John Sutherland and George Wood who are speaking on the canal dredging project.

Mayor Smith called the meeting back to order and it was learned that Mr. Sutherland would be late in arriving.

**PUBLIC COMMENT-None**

**Canal Dredging Update**

The town manager asked George Wood to review the soil sampling report.

Mr. Wood stated that five areas were sampled and all of those sites showed oil and grease contamination above the method detection limit. He stated this reading could be caused from storm water runoff due to the asphalt. He stated that all but two sites were highly organic in composition.

Council Member McDonald asked if the spoils could be used for fertilizer. Mr. Wood said probably not due to the salt content but that blending with sand may aid in breaking down the contents.

Discussion was held regarding different methods in removing the spoils and what could be done with the fill and the possible costs.

Mr. Sutherland suggested that anyone concerned about the smell and what a spoil site looks like should to Skyco. He named several successful dredging projects that have been done in Dare County. He stated that if the spoils exceed fifteen feet in height a special permit is needed.

Mayor Smith stated that he is concerned about the odor and the impact this project will have since it is a proposed three year project.

Mr. Sutherland stated that the odor is temporary, once the spoils are exposed to water and air the odor will dissipate. He stated there is some noise through the pipes and some maintenance would be needed over the course of time. He stated several booster pumps would be used.

Mr. Sutherland reviewed the dredging process. The town manager stated that one perspective spoil site is in Chichahauk and is upland approximately 1-2 miles.

Mike Hejduk suggested consideration should be given to the project being completed in one year with two spoil sites. The mobilization costs would be cut in half.

Mr. Wood stated that navigation through the canals would be incapacitated due to the placement of homeowner's piers.

The town manager stated that the town has the money and is prepared to move ahead but no spoil sites have been selected. He stated that if the spoil sites are not agreed upon shortly the town will need to thank the state for the offer of the grant money and abandon the project.

Mr. Sutherland suggested that interested parties should talk to someone from Colington Harbour.

Council's concern is that if the project is not done property values will drop.

Ray Sharpe who was on the Duck Woods Country Club Board (DWCC) when this issue was first addressed stated the board at that time supported the use of DWCC property for a spoil site.

He stated that the new board is not as supportive and that council may need to provide some incentives. He stated that the spoils would be good for the club and the dredging would be good for the town.

Jim Pfizenmayer stated that the town has been working on this project for years and are no further ahead. He asked does the town want to remain a boating community or not. He stated we need the spoil sites before we can move ahead.

Mayor pro tem Shields stated that council has been trying to move ahead. He stated that spoil sites were negotiated on and then they were lost. Everyone is frustrated.

Council Member Sanders stated that the SSCA and CPOA gave the canals to the town because it was costly to maintain and now someone needs to step up to the plate for the better of the community. He stated that the town has no property.

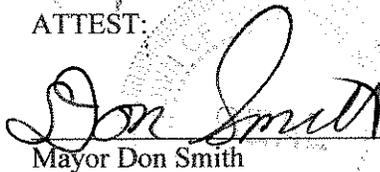
The town manager and the mayor will meet with DWCC once more to see if there is support.

Mayor Smith stated the town needs to get the permits by December and if they don't then another year will be lost. The town has been granted the last of the state budget money for this year's budget.

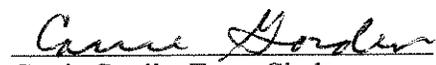
Mr. Sutherland encouraged council to do whatever it takes to get the spoil sites. He stated that an engineer is required, the land needs to be surveyed, dikes need to be drawn, and a preliminary plan needs to be drawn.

Hearing no other business, Mayor pro tem Shields moved to adjourn the meeting at 1:15 p.m. Council Member Sanders seconded. The motion passed with Mayor Smith and Council Members Shields, Hess, Sanders, and McDonald voting aye; no Council Member voting no; and no Council Member absent or not voting.

ATTEST:

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

Respectfully submitted:

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

# Memorandum

**To:** Southern Shores Town Council  
**CC:** Town Manager  
**From:** George Kowalski, Chairman, Planning Board  
**Date:** 11/9/2006  
**Re:** Recap, Planning Board Meeting of September 18, 2006

## **Planning Board recommended actions for the Town Council:**

- 1. Subsequent to holding a public hearing, approve Ordinance No. 2006-08-PB3, as revised, amending Section 3.02, 4.08, and 6.01 of the Southern Shores Zoning Ordinance.**
- 2. Subsequent to holding a public hearing, approve Ordinance No. 2006-07-PB12, as revised, amending Sections 3.02 and 6.03, of the Southern Shores Zoning Ordinance.**

**Organization:** Chairman Kowalski called the meeting to order at 7:00 PM. Planning Board members George Kowalski, Georgine Poisal, Dave Peckens, Alternate Nancy Wendt, sitting in for excused member Jay Russell, Alternate Jim Connors sitting in for excused member Joe Walter, and ETJ Representative Ed Overton were present. Also in attendance were the Code Enforcement Administrator Mike Hejduk, Administrative Support Assistant Cyndy Gabrys.

**Public Comment:** There was no public comment

## **Committee Reports:**

The **Stormwater Management Advisory Committee** report was presented by George Kowalski, who described the meeting held on 9/12/2006 with Robert McCleden, who is working on writing the committee's report. Mr. McCleden gave a presentation on his outline for the report and this topic was discussed for the next two and a half hours. Jim Connors was also present at the meeting representing the Vegetation Committee.

The **Hazard Mitigation Plan Committee** report was given by Mike Hejduk. This was a lengthy presentation which outlined the Plan both in its historical perspective and its actual functioning. An extensive presentation was given regarding point calculations and how and where more credit points can be obtained for the Town.

The **Vegetative Committee** report was presented by its chairman, Jim Connors. Jim said that their first meeting was a success with six individuals attending. Various points were discussed including onsite lot disturbance visitations, ordinance writing, LID education, and joint meeting with the Stormwater Committee. Jim was very satisfied with his first meeting.

The **Land Use Plan/ Steering Committee** report was given by Mike Hejduk. Mike told the Board that State grant and local funding has been obtained for a two year project to update the plan. The contracts are signed with Earth Tech and a Planner-in-charge, Cyndy Camacho, is to be approved.

#### **Site Plan Applications:**

1. None

#### **Old Business:**

1. **Ordinance No. 2006-06-PB9 Home Occupation.** Nancy Wendt presented her outline for a new definition for a Home Occupation and a list of Home Occupation regulations. After extensive discussion, some points were removed from the regulations. Nancy was asked to have these changes and the new definition written into an ordinance and have the document ready for the next Planning Board meeting.
2. **Ordinance No. 2003-08-PB3 (An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance regarding Lot Coverage, with Respect to Driveways and Parking Areas; Lot Disturbance Permits and Site Plan Requirements):**

#### **In Article III.**

- Page 2: line 30, a definition of a driveway is added (line 5-7) and single family residential home sites and site plans will require a driveway of a minimum width of 8 ft
- Page 3: lines 1-6, if a site plan does not show a driveway, one will be drawn with a line that is the shortest distance from the building to the front of the property and a second, parallel line will be drawn 8 feet wide. This square foot area will be calculated and added to the lot coverage total.

**In Article V.:**

- Page 3, line 18-20, each parking space shall have dimensions of 8 feet x 18 feet.
- Page 4, lines 17-18, all required parking and drive areas shall be shown on the Site Plan Application.
- Page 5, lines 10-16 is a calculation for the maximum allowable apron size, where the driveway meets the street right-of-way line. This calculation has been necessitated by certain home owners creating excessive aprons, thereby reducing on street parking availability for town residents.
- Page 6, line 20-27 changes the width of a drive aisle to 8 feet and each parking space to 8 feet by 18 feet and allows for stacking of parked vehicles.

**Section 6.09 Lot Disturbance:**

- Page 7, lines 3-7, in all Southern Shores zoning districts, including, Extraterritorial Jurisdiction, basically nothing can be done to an unimproved lot without first obtaining a permit from the Building Inspector.
- Page 7, lines 10-14, Site Plans of the proposed improvements will have to be accompanied by a North Carolina Licensed Professional Surveyor, Engineer, Architect, or other person duly authorized by the State to prepare such plans. Those plans need to show the corners of the proposed structure referenced to mean sea level.

**In Article VI. Amend section 10.04:**

- Pages 8, 9, outlines the application process that will be for required building permits and site plans. It should be noted that all of these requirements will not be required for permits issued pursuant to NC State requirements for work limited in scope to electrical, plumbing, gas, mechanical or fire protection and site plans will not need to be submitted for activities within or attached to an existing structure. However, construction of a pool, concrete driveway or bulkhead requires issuance of a building permit. (lines 7-11 on page 9)

In summary, the basic points of this ordinance are to reduce the width of driveways to 8 feet, define what a driveway is, and require all home sites to have a driveway, if not as a structure at least on paper, and counted as lot coverage. It should be also emphasized that there is no requirement for types of driveway surfaces, in the residentially zoned areas, so grass driveways are permitted.

Subsequent to discussion, the Board, by motion, unanimously approved, that the Town Council adopt, proposed Ordinance No. 2006-03-PB4. It is recommended that Council schedule a Public Hearing.

**3. Ordinance No. 2006-07-PB12 (An Ordinance of the Southern Shores Town Council Relating to Amending the Zoning Ordinance relating to Regulations Governing Signs.**

Public Comment: Mr. David Hoare – BD&A Realty, and Mrs. Willo Kelly – Government Liaison for Outer Banks Realtors and Outer Banks Homebuilders Association, both asked for leniency with the calculation of the For Sale sign size and the Open House signs. Both individuals were satisfied with the outcome of this ordinance.

**In Article III, Amending Section 3.02 Definitions:**

- Pages 1 & 2: The definitions of the terms: "Lot", "Sign", and "Sign Non-Commercial" have been modified. The definition of the terms: "Post", "Public Right of Way", "Sign Commercial", "Sign Non-Commercial Charity Event", "Sign Off-Site", "Sign On-Site", "Sign Real Estate", "Sign Temporary", have been added to the list of definitions.

**Article IV. Amend Section 6.03**

- Page 3: Line 15 has changed this section A from definitions to "Exclusions" and lists on lines 17-50 all signs that will not be included in these regulations. Line 40 adds that temporary signs of less than one day in duration will be allowed. This in effect allows for open house signs that do not display any commercial advertising.
- Page 4: line 9, changed the permit required from 'building permit' to 'sign permit'. Line 17 and 20 strike out building permit requirements and the exclusion of non-commercial charity event signs from the permit process.
- Page 4: lines 50-52 modify the prohibition of signs that copy "Stop" and "Danger" signs and allow those signs to be placed on the town owned multipurpose pathways.

- Page 5: lines 17-19 allows in Residential districts, for any permitted church, school, or other semi-public institution, signs or bulletin boards not to exceed 32 square feet in area, per face, and total height of 9 feet, excluding any support structure.
- Page 5: lines 25-26 increase the size of a "For Sale" sign to 5 square feet including riders from 3 ½ square feet, in any Residential District.
- Page 5: line 44, removes the descriptor of "in parking lots as described in Section 6.01 and allows Directional signs as long as they have no commercial information, in any Residential District.
- Page 6: line 12, Window signs, in a Commercial District, placed inside a commercial building, shall not exceed 75% of the glass area of the pane upon which the sign is displayed.
- Page 6: lines 36-40, Non-commercial signs, except non-commercial charity event signs, shall not exceed 6 square feet in area on each side and shall not be eliminated.
- Page 6: lines 46-58, Non-commercial signs must be taken down within 3 calendar days after the event. This change removes lines 49-58, which refer to Political Campaign signs.
- Page 7: lines 1-5, also are struck out and this removes all mention of political signs within this ordinance.
- Page 7: line 6, treats all Non-commercial signs, except non-commercial charity event signs, as Temporary Signs.

#### **Article V. Amends Section 6.03**

- Page 7: lines 12-28, create Subsection K, which describes the parameters of allowances of a Non Commercial Charity Event Sign. Listed within sub listings 1-6 are the requirements for allowance: the construction of the sign, where they can be attached, sponsor logos, size (no greater than 60 square feet,) top height limitation (10 feet,) Town Right of Way limitations, length of time of installation (4 weeks prior to the date of the event,) and the removal time after the event has taken place (3 days.)

## **Article VI. Amends Section 6.03**

- Page 7: line 34, creates Subsection L, which defines the parameters of allowances for Temporary Signs. These signs are allowed in all zones.
- Page 7: lines 40-45, allows the size of a temporary sign to a maximum of 6 square feet in all Residential Zones. In all other zones, the signs cannot exceed 32 square feet in aggregate or individual sign. 32 square feet is a measurement of one side of the sign and includes the entire display area.
- Page 7: lines 47-50, prevents the obstruction and impairment of signs to the access of streets, pathways, etc. and creating a hazard including a tripping hazard.
- Page 7: line 52, does not allow any illumination of the sign.
- Page 7: lines 54-55, requires the consent of the property owner or occupant.
- Page 7: lines 57-58, allows temporary signs to be posted for a period up to 90 days at which time the signs will be removed or replaced.
- Page 8: lines 2-4, requires a temporary sign shall not advertise or promote any commercial enterprise or event not conducted on the same building lot but may provide directional information to the public.

Subsequent to discussion, the Board, by motion, unanimously approved, that the Town Council adopts proposed Ordinance No. 2006-07-PB12. It is recommended that Council schedule a Public Hearing.

### **New Business:**

There was no new business.

### **Other Items:**

1. No concerns were raised by any members of the Planning Board.
2. Mike Hejduk stated that All Saints Church had two building permits issued and that they will begin construction in the near future.

### **Announcements:**

1. Next regular meeting: Monday, October 16, 2006; 7:00PM Pitts Center

**Adjournment:** Upon motion, the Planning Board meeting adjourned.

**EXHIBIT B**

Ordinance No. 2006-08-04

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

**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 Official Traffic Map for the Town of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on September 4, 1979 (Ordinance No. 79-0012) and as may have been subsequently amended.

**Article II: Amend Official Traffic Map**

The Official Traffic Map for the Town of Southern Shores is hereby amended to show that Ginguite Trail, Pintail Trail, and Pintail Court speed limit is reduced from 25 mph to 15 mph.

**Article III: Applicability**

The Official Traffic Map, as amended, is adopted in accordance with NCGS 160a-77, Southern Shores Town Code Sections 5-3 and 5-102, and in accordance with all other applicable federal, state and local laws.

**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 upon adoption.

Adopted this the 26<sup>th</sup> day of September 2006.

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

ATTEST:

S E A L

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

Approved as to form:

Vote: 5 Ayes 0 Nays

\_\_\_\_\_  
Ike McRee, Town Attorney