



Town of Southern Shores

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Town of Southern Shores

Council Meeting

November 25, 2008

8:00 AM.-Pitts Center

Minutes

The Southern Shores Town Council met on November 25, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Also present were: Charles Read, Town Manager, Carrie Gordin, Town Clerk and Ben Gallop, Town Attorney.

Mayor Smith called the meeting to order at 7:00 p.m., led the Pledge of Allegiance and held a moment of silence for the family Elmer Seuffert, a long time resident and a member of the Southern Shores Volunteer Fire Department for 20 years and for our troops serving around the world.

APPROVAL OF AGENDA

Mayor Smith moved to approve the agenda as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

GENERAL PUBLIC COMMENT- None

APPROVAL OF MINUTES – October 28, 2008

Council Member Hess moved to approve the October 28, 2008 minutes as presented. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

CONSENT AGENDA - None

REPORTS

Planning Board

Nancy Wendt, chairman presented the October 20, 2008 recap. She stated the Planning Board approved the LDA 2008-09-18 application for the Dare County Board of Education to construct two shade structures and a rain garden at the Kitty Hawk Elementary School.

She requested that Council approve a workshop to be held on January 5, 2009 to present the draft ordinance regarding non-conformities relating to side yard setbacks. Council agreed to the workshop date.

She stated, as follow-up to the Wireless Committee workshop held on November 13 there weren't many residents in attendance due to a conflicting meeting on storm water but that several industry representatives did attend as well as staff and some Council members. She asked if it is Council's intention is to retain the Wireless Committee to proceed and Council agreed they should continue as presented in the recap.

Council Member Hess commented that the Outer Banks Chamber has an economic group that is looking into this issue as well and suggested they should be contacted to discuss common issues.

Chairman Wendt stated the planning board is open to all discussion but each town is different. Council Member McDonald will be attending the Wireless Committee meetings as Council's representative.

Chairman Wendt addressed the proposed Milestone Tracker that is being developed and asked for suggestions or comments from Council over the course of its development. The Tracker is to provide an updated time line for all projects, ordinances, and committees and task forces.

Mayor Smith thanked Chairman Wendt and the Planning Board for all their work.

[Clerk's Note: A copy of the October 20, 2008 Planning Board recap is hereby attached as Exhibit A].

OLD BUSINESS

Status of Southern Shores Volunteer Fire Department Draft Contract

The Town Attorney stated he has not finalized the contract but he will have something for the parties to look at soon.

Ordinance 2008-11-01 Chapter 8 – Solid Waste

The Town Attorney asked for clarification from Council regarding how or if fines are to be a part of the ordinance. Council agreed they do not want to fine anyone for leaving the cans out but the wording in the ordinance should read that the cans should be removed within 24 hours after pickup. Also a change on page 7 to delete an extra word [*in*].

The Town Attorney stated there are other sections in the Town Code such as under Nuisances that allows enforcement for other kinds of civil violations. There is language in the ordinance that

Council Member Hess suggested the amended ordinance be placed on the December 2 agenda to allow time for the Town Attorney and staff prepare a clean document.

Council Member McDonald asked if billing of commercial businesses is in line with the other towns. He was told that all the towns charge for commercial trash collection/disposal through tax collections.

Council Member Stroud asked how it will be determined if a house needs additional cans. The Town Attorney stated there is language in the ordinance giving the Town Manager the authority to determine if a house needs additional cans. He stated there is a procedure in the ordinance to address this.

Mayor Smith asked if the Police officers report when they see trash on property. Chief Kole stated if an officer reports such an incident it is forwarded to the Code Enforcement Department and procedure is to write a letter informing the property owner of the problem and requests it be remedied within a certain period of time or then a violation is sent. He stated the rental companies are usually notified of a problem and Public Works also may be contacted to address an issue.

Merrie Smith, Executive Assistant, stated the rental companies are notified and sent a copy of the ordinance as it applies to the correct numbers of cans needed and when they should be pulled back.

Asphalt Rejuvenator Project Proposal

The Town Manager reported the asphalt rejuvenation project for Kingfisher and Soundview Trails is projected to be \$8,000 below budget. He stated there will be a Community Outreach as part of the Mayor's chat on December 2 to provide an update on the project by Joe Anlauf, town engineer.

Council Member McDonald moved to approve the contract in the amount of \$17,986.00 with Carolina Pavement. Mayor Smith second. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

Mayor Smith asked that an update on Hickory Trail road improvements be available at the next Town Council meeting.

NEW BUSINESS

Resolution 2008-11-04- Light Duty Policy

The Town Manager stated to clarify the Town's Personnel Policy on light duty John Leidy, attorney, drafted this same policy for the Town of Nags Head. He stated it is beneficial for the Town to have such a policy and he recommends approval of the policy as presented.

Council Member Hess asked what the pay rate would be for an employee on light duty status. The Town Manager stated the pay rate would remain at the current position the employee is hired not for the temporary position.

Council Member Hess moved to approve Resolution 2008-11-04 light duty policy as presented and to be made part of the Town's Personnel Policy. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

[Clerk's Note: A copy of Resolution 2008-11-04 is hereby attached as Exhibit B].

Resolution 2008-11-05- Supporting Post Labor Day School Start

The Town Manager stated the Dare County Tourism Board is requesting support of this resolution.

Council Member McDonald asked is this going around to the other towns. Willo Kelly stated the business organizations are in support of this, but the schools are not in favor due to sports and testing.

Council Member Pfizenmayer moved to approve Resolution 2008-11-05 as presented. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

[Clerk's Note: A copy of Resolution 2008-11-05 is hereby attached as Exhibit C].

Resolution 2008-11-06- Supporting Inlet Stabilization Pilot Program

The Town Manager stated he received this resolution from the Town of Nags Head who adopted it and forwarded it to other municipalities.

Council Member McDonald stated he would like to get more information before voting. Council Member Pfizenmayer agreed.

Council Member Hess feels there is a need to support inlet stabilization.

Mayor Smith stated he does not support this and he would like to see cost estimates and know where the money is coming from. He recommends holding off on this until more information is presented. Council agreed.

Albemarle Regional Solid Waste Authority Contract

The Town Manager stated the Dare County Attorney has provided local municipalities with a copy of Schedule C, part of the County Solid Waste Contract with Albemarle Regional Solid Waste Authority for Council consideration.

The Town Attorney stated he would like to give Council more details on this issue at the December 2 Council meeting before Council considers the contract. He stated he would contact Bobby Outten, County attorney to see if he could attend the meeting also. He stated this is a mandated contract and that all parties involved in the authority needs to approve it.

Council Member Stroud stated he is concerned about signing a contract with a term of 25 years. The Town Attorney stated there isn't any choice at this time since it would take 15 years to set up a new landfill.

The Town Manager stated it is better to have a longer contract it sets for lower rates and this contract assures there is a place for trash to be disposed of.

Council asked the Town Manager to check with the Town of Duck's manager to see what their costs are with Waste Management.

OTHER ITEMS

Manager

Request to lower speed limit on Hickory Trail

The Town Manager stated the Town received a petition in the form of a letter on October 6, 2008 from nine citizens/property owners along Hickory Trail advising that they had vehicular and pedestrian safety concerns and requested that the speed limit on Hickory Trail between E. Dogwood Trail and Hillcrest Drive be lowered to 15 mph.

He stated pursuant to this request, a traffic count was conducted and letters were sent to all remaining property owners along Hickory Trail seeking their input. All but one owner responded. He stated of those responding all requested a speed limit reduction to 15 mph with one exception where the respondent suggested a reduction to 20mph.

The traffic count documented that the vast majority 65% of traffic on Hickory already travels at less than the posted 25mph limit. The average speed was 23.5 miles per hour.

He stated subsequent to the initiation of this research, Council approved the new CIP and authorized a Full Depth Rebuild and slight widening of Hickory Trail which should address the concerns expressed above.

He stated on Tuesday November 18th the Town Traffic Safety Committee met and unanimously agreed that a reduction of the speed limit on Hickory Trail is unwarranted at this time.

Council agreed to wait until the road improvements are complete before making any recommendation in lowering the speed limit.

Dare County Tourism Board Appointee

The Town Manager stated the Dare County Board of Commissioners is requesting that three names, not two as in the past, be submitted for selection as a town representative on the Tourism Board. The Commissioners will appoint one. He asked which Council Members would like to have their names submitted. Council agreed to submit the names of Brian McDonald, Kevin Stroud and Jodi Hess.

The Town Manager stated that designated monies have been transferred to the Finistar Account as Council requested.

Attorney – None

Mayor

Mayor Smith reviewed agenda items for the December 2 Council meeting and reminded everyone of the Community Outreach on the asphalt rejuvenation project for Kingfisher/Soundview Trails will be held at the Mayor's Chat on December 2 at 6:00 p.m.

Council

Council Member Pfizenmayer wished everyone a Happy Thanksgiving.

GENERAL PUBLIC COMMENT

Ross Mitchell, Chairman of the 30th Anniversary Committee stated the team members have been appointed. He thanks Carrie Gordin for agreeing to chair the history team. The next meeting will be held on December 8 at 7 P.M. in the Pit Center and more volunteers are needed.

Hearing no other business Council Member McDonald moved to adjourn the meeting at 9:20 p.m. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud and Pfizenmayer voting aye; no council member voting no and Council Member absent.

ATTEST:


Don Smith, Mayor



Respectfully submitted:


Carrie Gordin, Town Clerk

Exhibit A

To: Southern Shores Town Council

Copies: Town Manager
Town Staff (David Cowan, Pat Forrester, Carrie Gordon,
Charles Read, Alvin Rountree, Merrie Smith)
Planning Board (Mike Florez, Bob Palombo, Dave Peckens, Jay Russell,
Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)

From: Nancy Wendt, Planning Board Chair

Date: November 5, 2008

Re: Recap, Planning Board Meeting of October 20, 2008

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL:

1. **APPROVE LDA 2008-09-18** – A land development application from the Dare County Board of Education to construct two shade structures and a rain garden at the Kitty Hawk Elementary School.
-

MEETING RECAP

- I. **CALL TO ORDER:** Chairperson Wendt called the meeting to order at 7:00pm. Planning Board Members Nancy Wendt, Jay Russell, Dave Peckens, Mike Florez, Bob Palombo, Alternate Sam Williams, and Alternate Bill Gleason were present. ETJ Representative Ed Overton was absent with excuse. Also in attendance were Executive Assistant Merrie Smith and Code Enforcement staff members Alvin Rountree, David Cowan and Pat Forrester.
- II. **APPROVAL OF AGENDA:** Nancy Wendt motioned to approve the agenda with one modification to distribute the Milestone Tracker following the Permit Applications so that everyone could use the new tool during the meeting. Jay Russell seconded the motion. The motion passed unanimously.
- III. **APPROVAL OF MINUTES:** Dave Peckens motioned to approve the minutes from the September 15, 2008 meeting. Jay Russell seconded the motion. The motion passed unanimously.
- IV. **PUBLIC COMMENT:**
 1. **Tony Di Bernardo – 32 9th Avenue**, addressed the Planning Board regarding his opposition to changing the height calculation method to an average of all four corners instead of the current calculation method which is based on the lowest corner. Mr. Di Bernardo believes that changing the calculation method unfairly benefits property owners who are the last to build at the expense of property owners who built earlier. He predicts that if the calculation method is changed, the new method will permit homes that are larger and higher and thus more likely to interfere with sightlines and views from existing homes. He urged the Planning Board not to change the calculation method, but to require property owners who find that height

calculations based on the lowest corner pose undo hardships for hilly lots to apply for and obtain a variance from the Board of Adjustments on a lot-by-lot basis.

V. LAND DEVELOPMENT APPLICATIONS (LDA's)

1. **LDA 2008-09-18 Kitty Hawk Elementary School** – Alvin Rountree reported that this application is complete and meets all the standard and special conditions that are applicable to the proposed shade structures and rain garden at the Kitty Hawk Elementary School.

Jim Winebarger, Dare County Board of Education (BOE), stated that the BOE has two objectives with respect to the proposed structures. One is to provide shade adjacent to the school's play areas during the warmer months of the year. Two is to create a rain garden to serve as a real world science classroom for 5th Grade students to build their understanding of ecosystems and the interaction of water with other elements in the environment.

The Planning Board had no questions about the site plan. Dave Peckens observed that the hand drawings that accompanied the BOE's application did not meet the Planning Board requirements for an elevation drawing. He requested that in the future elevation drawings be included in every application packet. There were no other comments, questions or further discussion.

Jay Russell motioned to approve the permit application and to send it to the Town Council with the Planning Board's recommendation for approval. Dave Peckens seconded the motion. The motion passed unanimously.

2. **LDA 2004-12-02 The Cove** – David Cowan reported that there has been no activity with respect to The Cove in the past month. Mr. Cowan also reported that the silt fence on the property has collapsed. Code Enforcement will contact the applicant and request that the needed repairs be made as soon as possible. Code Enforcement will update the Milestone Tracker to reflect the history of this permit and the timetable for completing construction.

VI. OTHER BUSINESS – OLD (Proposed Zoning Text Amendments – ZTA's)

1. **Proposed ZTA to Change Height Calculation Method** – Pat Forrester reported that the initial DRAFT ZTA prepared by Code Enforcement is being reviewed by the Town Attorney. As soon as the Town Attorney completes any necessary changes to the DRAFT, it will be presented to the Planning Board for review and discussion.
2. **Proposed ZTA to Grandfather Side-Yard-Setbacks** – Pat Forrester reported that the initial DRAFT ZTA prepared by Code Enforcement is being reviewed by the Town Attorney. As soon as the Town Attorney completes any necessary changes to the DRAFT, it will be presented to the Planning Board for review and discussion.

NOTE – Nancy Wendt reminded everyone that the Code Enforcement team opened the discussion on the proposed ZTA's in order to address several unintended consequences of the existing zoning ordinance that are causing problems. Based on the Code Enforcement team's presentation of these problems at the September 15, 2008 meeting, the Planning Board **asked** the Code Enforcement team to DRAFT a proposed ZTA to alleviate the current problems without unintentionally causing new ones such as the undesired bulking up of future dwelling units.

Code Enforcement is in the process of responding to this request. Once the ZTA's are written and discussed with the Planning Board, the next steps are:

1. Schedule an **educational workshop** to facilitate discussion and collaboration among all stakeholders (i.e., members of the community, the Town Council, the Planning Board and Code Enforcement) regarding:
 - The enforcement problems that need to be addressed;
 - The DRAFT ZTA being proposed to address these problems;
 - The ZTA's pluses, minuses and tradeoffs; and
 - Any other options for addressing the problems that should be considered.
2. Code Enforcement and the Planning Board will incorporate insights, ideas and suggestions from the workshop into a revised DRAFT ZTA.
3. The town attorney will review the revised DRAFT ZTA.
4. The revised DRAFT ZTA will be reviewed and voted on by the Planning Board.
5. The final DRAFT ZTA will be sent to the Town Council with a recommendation from the Planning Board either to approve or not to approve it.
6. The Town Council will review the final ZTA and either send it back for more work or schedule a Public Hearing prior to voting to or not to adopt the ZTA into law.

The purpose of adding the workshop step is to engage the community in the amendment process as early as possible and to ensure that the Town Council, the Planning Board, the Code Enforcement Office and the town attorney draw directly on the community's best thinking in shaping the text of ZTA's prior to the Public Hearing when positions in favor of or opposed to it may have hardened.

VII. OTHER BUSINESS – NEW

1. **NC DENR Grant Program for Sedimentation and Erosion Control Programs** -- Pat Forrester briefed the Planning Board based on Code Enforcement's assessment of this potential funding opportunity. In short, Code Enforcement concluded that this program is not a good match for Southern Shores for the following reasons:
 - Short turnaround time – The Town Manager received the grant information on October 3, 2008 and applications for grant funding are due no later than December 5, 2008 – too little elapsed time to consider if or how this grant program could benefit Southern Shores.
 - Southern Shores does not meet several of the grant criteria – We do not have an Erosion Control Ordinance; an erosion control plan or program; a subject parcel of land of one acre or more; or matching funds to meet the requirement of 60% from Southern Shores / 40% from grant program.

The Planning Board thanked Ms. Forrester for bringing this program to their attention. The Board agreed with Code Enforcement's conclusion not to pursue this specific opportunity and asked to be kept informed of future opportunities of this kind. The Planning Board found the briefing outline Ms. Forrester used helpful and suggested it be used for assessing future opportunities.

VIII. COMMITTEES: STATUS AND REPORTS

1. **INACTIVE Stormwater Management Committee:** (PB Member Russell)

Jay Russell & Code Enforcement attended the September 19, 2008 update on the State's Phase 2 Water Quality Standards that went into effect October 1, 2008. The new regulations only apply when lot coverage is over 10,000 sq ft and within ½ mile of the SA (shell fish) waters. This does not apply to Southern Shores since our lots average 20,000 sq ft and lot coverage is limited to 30% or 6000sq ft. which is below the 10,000 sq ft. minimum. Further, Southern Shores is not in a SA zone.

2. Wireless Committee: (Chair, Larry Lawhon; PB Members Peckens & Wendt)

Larry Lawhon reported that the Town Council approved the Workshop and it is scheduled for November 13th 2008 at 7pm at the Pitts Center.

Mr. Lawhon asked the Planning Board how many wireless sites currently exist within the state of NC and how many sites the wireless providers believe they will need within the next ten years to support the explosion of new wireless services. Larry reported that currently there are approximately 3,000 sites and wireless providers would like to see this number increase to 30,000 to 40,000 over the next ten years.

Mr. Lawhon suggested that the pertinent question is what actions does Southern Shores need to take in order to be ready for this expansion? This question is the subject of the November 13th Workshop. Mr. Lawhon asked Planning Board members to think about the issue, write down the questions it brings to mind for them and email these questions to him no later than October 27, 2008.

3. INACTIVE Hazard Mitigation Plan Committee (PB Members Florez & Palombo)

Mike Florez and Bob Palombo reported that there is a question regarding if and when Southern Shores needs to produce a new Hazard Mitigation Plan. Merrie Smith will investigate and report back at the November meeting.

4. ACTIVE Land Use Plan/ Steering Committee: (PB Members Florez & Williams)

Sam Williams reported no new activity. The CAMA LUP Steering Committee awaits the State's review of the DRAFT Final Plan that was submitted to them in September. The State has until March 2009 to respond.

5. INACTIVE Roads/Streets Committee: (PB Member Peckens)

Dave Peckens reported that the Town Council has approved approximately \$400K in the current budget to begin road repairs.

IX. Other Items:

1. Administrative Items

- a. Proposed Milestone Tracker – members of the Planning Board and Code Enforcement team found the concept promising and will provide comments and suggestions for improving the tool for the next meeting.
- b. Website and Planning Board Email – Merrie Smith reported that email accounts have been established for the Planning Board as a whole as well as for each member. Copies of all email messages addressed to members of the Planning Board are being sent to planningboard@southernshores-nc.gov. This action provides a permanent archive of Planning Board communications and a central repository for everyone to reference as needed. Merrie will work with website

technical support to determine the best way to add automatic forwarding and electronic document sharing functions for Planning Board members.

2. Code Enforcement Items:

None

3. Chairperson Items:

None

4. Planning Board Member Items:

None

X. ANNOUNCEMENTS:

Next regular meeting: Monday, November 17, 2008 7:00pm, in the Pitts Center.

XI. ADJOURNMENT:

Upon motion, the Planning Board meeting adjourned.

Exhibit B

Resolution 2008-11-04

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES,
NORTH CAROLINA, AMENDING PERSONNEL POLICY ARTICLE V, CONDITIONS OF
EMPLOYMENT-LIGHT DUTY**

WHEREAS, the Town Council for the Town of Southern Shores approved and adopted a personnel policy on August 5, 2003 (the "Town Personnel Policy"); and

WHEREAS, the Town Council approved and adopted the Town Personnel Policy in order to provide certain protections for the Town of Southern Shores and its employees; and

WHEREAS, the adoption and approval of an amendment to the Town's Personnel Policy detailing the eligibility, options and procedures associated with light-duty status would be in the best interests of the Town of Southern Shores and its employees.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Southern Shores that the Town Personnel Policy Article V – Conditions of Employment be hereby amended to add Section 11-Light Duty as stated below:

Section 1. Purpose

Ordinarily, the Town will not provide temporary job modifications to allow an employee to perform less than the usual or essential functions of their job. However, in order to serve as a cost-saving measure, to facilitate an employee's continued employment following a job related accident or occupational disease, and to minimize an employee's lost income during a temporary disability resulting from Town service, the Town may provide light-duty in accordance with this policy.

Section 2. Light Duty Defined

“Light-Duty” is non-strenuous work or work which requires minimal physical activity. Such duties will only be provided if approved by the employee’s physician and of benefit to the Town.

Section 3. Eligibility for Light-Duty Status

An employee is eligible for light-duty status when the following conditions are met:

- a. The employee suffers from a job-related injury or illness and their claim is accepted by the worker’s compensation administrator for the Town.
- b. The injury or disease temporarily restricts the employee’s ability to perform the essential functions of his or her job. The employee must provide the Town with the certification of a licensed physician knowledgeable about the employee’s condition(s) and the requirements of the job, which sets out a definite time after which the employee should be able to return to full duty. The physician must also certify that in the interim the employee can safely perform light-duty as described.
- c. Work beneficial to the Town must exist with duties which can safely be performed by a person within the restrictions indicated by the physician.

If all of these conditions are met, the Town may request and require the employee to return to light-duty work. An employee eligible for FMLA under the Town’s FMLA policy may accept, but may not be compelled to accept, a light-duty position during their FMLA leave. An employee who elects not to accept a light-duty assignment while on FMLA leave will not be terminated for such election during their FMLA leave, but could be subject to a suspension or decrease in their worker’s compensation benefits as determined by the worker’s compensation administration.

The Town is under no obligation to create a position in order to offer any employee light-duty.

Section 4. Approval Process for Light-Duty Status

- a. Light-Duty status will only be approved if the proposed duties are needed by the Town.
- b. Light-Duty status must be approved by the Town Manager following consideration of recommendations by the department head, and the Personnel Officer.
- c. Light-Duty status should not extend for more than thirty days without review, an updated medical certification and approval by the Town Manager, following consideration of recommendations by the department head, and the Personnel Officer. If extended, similar reviews must occur every thirty days.
- d. Current employees in existing positions may not be replaced solely for purposes of making a light-duty position available.

Section 5. Options Available for Light-Duty Status

Light-Duty status may deviate from an employee’s normal position, including, but not limited to as follows:

- a. The employee’s schedule may provide for fewer working hours and/or different working hours.
- b. Duties may be different and/or the same as required in the employee’s normal position.

- c. Light-Duty may be performed in a different department or under different supervision than the employee's normal position.
- d. Light-Duty responsibilities may be adjusted as the employee's recovery progresses.

Section 6. Return from Light-Duty Status to Regular Duty

An employee will be returned to regular duty as soon as the employee's conditions permit. However, before an employee placed on light-duty status may be transferred back to regular duty, the employee must provide a physician's certification that he or she can return to work without restrictions. Return to regular duty must be approved by the Town Manager, following consideration of recommendations by the department head and the Personnel Officer. Once approved, the employee must immediately return to regular duty. Failure to comply with any requirements during a light-duty assignment or to perform adequately while on light-duty is grounds for discipline, including dismissal.

In no event will an employee be allowed to remain on light-duty for longer than 12 months. Employees who are unable to return to duty on their usual schedule and perform the essential functions of their usual position with or without a reasonable accommodation for a period of 12 consecutive months will be terminated except in those situations where additional leave is required by the ADA.

Adopted this 25th day of November, 2008.

Don Smith, Mayor

Carrie Gordin, Town Clerk

Exhibit C

Resolution 2008-11-05

RESOLUTION SUPPORTING POST-LABOR DAY SCHOOL START

WHEREAS, tourism is a major component of the North Carolina economy, particularly in resort areas such as the mountain and coastal regions, including Dare County's Outer Banks; and

WHEREAS, the annual school start date in North Carolina has a significant economic impact on tourism; and

WHEREAS, the annual school year historically began after the Labor Day holiday, thereby providing quality family time for summer vacations throughout the warmest months of July and August; and

WHEREAS, approximately 92% of North Carolina school systems now start the annual school year between July 30 and August 12, thus eliminating most if not all of the month of August for family travel plans; and

WHEREAS, the number of North Carolina school systems implementing earlier start dates continues to increase; and

WHEREAS, the month of August is a more economically critical month of the summer tourism season than the late May and early June time periods that are available with an earlier school start date and end; and

WHEREAS, the timing of the annual school start date also has a direct impact upon the ability of employers to hire high school students and school teachers for summer employment; and

WHEREAS, Dare County Tourism Board supports SOS North Carolina, a volunteer coalition of parents, grandparents, education professionals, and others seeking to restore a more traditional school calendar for elementary and secondary schools, is actively engaged in a campaign to encourage the Governor and the North Carolina General Assembly to enact legislation requiring local school systems to schedule the first day of classes no earlier than the Tuesday following Labor Day; and

WHEREAS, Dare County Tourism Board advocates only a change in the annual school calendar dates, and not a reduction in the number of instructional days; and

WHEREAS, many other states competing for tourism business on the eastern seaboard of the United States start the annual school year after Labor Day,

NOW, THEREFORE, BE IT RESOLVED that the Southern Shores Town Council hereby supports the enactment of statewide legislation requiring local school systems to schedule the first day of classes no earlier than the Tuesday following Labor Day, and encourages the Governor and General Assembly to enact such legislation.

BE IT FURTHER RESOLVED that the Southern Shores Town Council supports the efforts of SOS North Carolina, and encourages all Dare County and North Carolina residents, property owners, and visitors to contact their representatives in the North Carolina General Assembly to indicate support for such legislation.

Adopted this 25th day November, 2008.

S E A L

Don Smith, Mayor

ATTEST:

Carrie Gordin, Town Clerk