



# Town of Southern Shores

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Town of Southern Shores

Council Meeting

May 5, 2009

7:00 p.m.-Pitts Center

The Southern Shores Town Council met on May 5, 2009 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: 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 our troops serving around the world.

## **APPROVAL OF AGENDA**

Council Member Hess moved to amend the agenda to add two items to go into closed session at the end of the regular business and to recognize David Cowan. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

## **PRESENTATION**

Mayor Smith read and presented a Certificate of Appreciation and retirement badge to David Cowan, Code Enforcement Officer.

Mayor Smith read a Certificate of Appreciation for Ross Mitchell, chairman of the Town's 30<sup>th</sup> Anniversary. Mr. Ross was not present.

## **PUBLIC COMMENT**

Mayor Smith opened the public comment section.

Lori Williams, 109 Pudding Pan Lane, presented Council with a Certificate of Appreciation for their support of the Dare County Citizen's Guide sponsored by the League of Women Voters.

Robert Hawk, 97 Duck Woods Drive, asked Council to be good stewards as has been done in the past when working with the canals, streets and the town.

Rupert Wilson, 112 Duck Woods Drive, stated he is representing 59 of the Duck Woods Drive residents who submitted a signed petition opposed to the destruction at the proposed spoil site. They ask that Council look at other options and make them a priority. He stated he attended the SSCA meeting this morning to present their case.

Jeff Graham, 44 Duck Woods Drive, stated he wants to work with everyone for an equitable solution for the canal spoil site. He is not sure the number of spoils as stated in previous documents is accurate. He stated the loss of trees is inevitable if the site is used but whether they are taken down or not it will ruin the look of the street. He stated in 2007 Joe Walter provided a presentation on the canal dredging project and it was stated at that time this site was not appropriate. He read from portions of the home business ordinance he thinks to allow the use of this site is in opposition. He stated the home owners are to abide by SSCA covenants as defined in "creation of a nuisance" then why doesn't the SSCA need to abide as well to green space even though it is not defined as "lots".

Jan Wilson, 112 Duck Woods Drive, begged Council to not destroy the eight (8) acres of maritime forest. She provided a picture of a dredge site. She pleaded not to destroy our wildlife and asked that Council do something else with the spoils.

Jeff Johnson, 23 Duck Woods Drive, stated the entrance to Duck Woods Drive is pleasing in appearance and sets the tone for the street and the Outer Banks. He asked that another site be found.

Ray Midgett, 154 Duck Woods Drive, stated he is happy on Duck Woods Drive and the entrance is beautiful. Council has been through this several times and he wished Council would have talked to the residents first. He stated the development of the Dare County Visitor Center and the Courts used dredge spoils for construction and it is not pretty. He stated the spoils will need to be turned in order to dry the spoils. He asked Council to think about the appearance of the Town before making a decision.

Matthew Fretwell, 21 Duck Woods Drive, stated he doesn't want his kids to be growing up near there. Birds will be displaced as well as the deer and the Audubon Society wants them to stay there. The trees are a buffer from the wind during hurricanes. He stated many people in this town do not want trees to be cut down. He stated the Duck Woods Drive residents are taking the brunt at the beginning of the canal dredging when other parts of the canals are being done. He opposes this and asks Council to look at other properties.

Jim Conners, 83 Duck Woods Drive, stated he attended a public meeting between the SSCA and Council where no public comment was allowed. He provided a conceptual landscaping plan for that site after the dredging was completed and he would like everyone to see. He stated he caught some flack over it. He stated the property belongs to SSCA and he wishes it would not be clear cut but even now some trees need to cut out that are dead and some of the weeds could be removed and it could be opened up for a play area of some sort. He stated there is too much misinformation going around. He stated there should be a town meeting for everyone to hear the correct information. He stated there has been some talk about realigning Duck Woods Drive and Birch Lane (Kitty Hawk) and like everything else some are for it and some are not. He responded to Mr. Wilson by saying not everyone on Duck Woods Drive is opposed to using the site.

Deane Helms, 47 Duck Woods Drive, stated a lot has been said already but the trees protect our area from the salt spray and to take away the trees will cause electric bills to increase. He stated there is not enough transparency on this issue and the site should not be clear cut. We don't need a park. We should ask ourselves do we want or need this. It is a nice entrance and he is concerned about the aftermath if it is done.

Gilly Hendrix, 28 Duck Woods Drive, asked who wants a recreational park at the end of a five-lane highway. We don't need to realign the roads Duck Woods Drive people can get out of their street. He doesn't want to see the site destroyed and look like the picture that was submitted. He knows what the "muck" looks like that will be dredged he has walked in the canal.

Cindy Stone, 27 Duck Woods Drive, stated she is appalled at the thought of destroying that site and disturbing the wildlife. Kids can learn how to protect the environment and they don't need more organized activity parks. We are suppose to be thinking "Green" and protecting our environment not destroying it.

George Kowalski, 135 Duck Woods Drive, stated he is against the use of the proposed site for spoils. He has listened to this over four years from attending meetings and listening to presentations and opinions by previous town managers, mayors, council members, current town engineer and a new project manager. He feels the current council needs to examine the rational of their thinking when actively pursuing this spoil site. The town's dredging philosophy has always been to impact the least number of individuals and create the least amount of nuisance to the residents impacted. The Hillcrest site would have affected five households, who would have received fill and financial assistance from the town. The Cove site would impact the least and it would the spoils. The Duck Woods site affects 154 property owners. He has heard it be said from Town Council "government is not your friend", this is a "green" town, use canvas shopping bags, we will not allow clear cutting, go solar, get wind power, buy a Prius. He stated except for the statement "government is not your friend. He stated hypocrisy abounds in seeking this site. He stated Council thinks it is okay to clear cut civic association property (7 3/4 acres) with a current value of 1.6 million dollars and turn it into a spoil site. The Maritime Forest will be destroyed and it will take thirty years to recover, all the wildlife will be lost as well as the ambience. He stated both sides of the street will be filled with smelly dredging spoils piped along canals, four miles from the Northern dredging site of phase one pushed by bull dozers with loaders putting the dried remain into dump trucks. Dredge slurry will be poured onto the land. The site if used will remain in a deforested condition for 2-4 years. He stated Council preaches pro-environmental initiatives and concerns but practices the complete opposite. He asked what about the people of Duck Woods Drive driving daily through the filth; will they be able to sell their property? Should they suffer? Council has spent three and half years fighting to get a permit but is ill prepared once granted. Many knowledgeable staff, council members, and town managers have come and gone in the interim and the town is caught unprepared. So what to do? Pick a site quickly, intimidate the resistance, throw out a carrot, slide through the paperwork, be indignant and hold the high ground when the protestation come. After all, it's for the common good and so what if the residents of Duck Woods Drive take the financial loss because of the environmental and ecological calamity does the end justify the means. The environmental, ecological and monetary costs are unknown for phase one. There is no money for phase two. There have been no bids, the cost data estimates are four years old, the knowledge and understanding is limited in all aspects of this project. This project needs to be done correctly, wisely, not cheaply, with sound ecological and environmental criteria. It should affect the least number of residents and it should leave the native flora and fauna alone. If this project costs more to abide within these parameters then so be it.

Peggy Stone, 52 Duck Woods Drive, stated she has been a long time resident and she loves her street, it is the prettiest in the town. She wants the message to get out SOS "Save Our Street".

Tom May, 104 Duck Woods Drive, stated he wants the canals dredged and he doesn't care where the spoils go. If the canals aren't dredged then our property values will be affected. He stated he has had three boats and sold them all the canals need to be dredged. He's listened to all the comments and someone is going to have to give in or the canals will turn into marsh land. He is scared with all the comments made on how bad the dredging will be it is ridiculous. He asked can't we get an expert group to put on a presentation and let the people hear and vote by popular vote or by referendum if needed.

Stephanie Massoth, 95 Duck Woods Drive, is employed by Kitty Hawk Land Company and she is sharing her thoughts from Mickey Hayes who is against this use for this site. She read from some historical

documents on how the property was to be used and it does not include the cutting of trees and this is not the intent. She asked that the spoils not be put there.

Michael Roderer and his son Rob, 51 Duck Woods Drive, Mr. Roderer stated he loves the entrance into Duck Woods Drive and the maritime forest. He opposes the use of this site for spoils, He know the canals need to be dredge and at some point other sites were discussed like Duck Wood Country Club and he doesn't know what happened. He stated the area will be destroyed if used and he agrees with most of the comments made tonight. He stated his son grew up and played on that site and everyone that is against using that site he will stand shoulder to shoulder with them.

Rob Roderer stated it is a great place for children to play. He stated he is not opposed to dredging. He stated he feels to clear cut the site would take away our oxygen and affect the ozone.

Hearing no other comments Mayor Smith closed public comment.

**APPROVAL OF MINUTES**- April 7, 2009 and April 14, 2009 Special Meeting.

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

**CONSENT AGENDA**

FY 2008-09 Budget Amendment #8-Fire

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

[Clerk's Note: Copy of FY 2008-09 Budget Amendment #8-Fire is hereby attached as Exhibit A].

**PUBLIC HEARING**-Town's 10-year Solid Waste Plan

Merrie Smith, Executive Assistant, provided a short Power Point Presentation. She reported the state requires a plan and the Town joins its plan with the Dare County plan.

There were no public comments.

Mayor Smith read Resolution 2009-05-01 regarding the plan. Council Member McDonald moved to approve Resolution 2009-05-01 as presented. Council Member Stroud seconded.

Council Member Hess asked if this plan is a plan where each town fills in the appropriate numbers. She asked how the town actually meets some of the goals as stated in the plan.

M. Smith stated yes the town does fill in its numbers on the plan. She received help from the Albemarle Solid Waste Authority in preparing the plan. She stated it is difficult to determine some of the numbers due to the Construction Debris is sometimes taken to Currituck County where it is recycled.

The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

[Clerk's Note: A copy of Resolution 2009-05-01 is hereby attached as Exhibit B. The plan can be seen at Town Hall].

## REPORTS

### Quarterly Financial

Bonnie Swain, Finance Officer, presented the quarterly financial report.

B. Swain reviewed several revenues and stated that most revenues are down which will have an affect on the FY2009-2010 Budget.

[Clerk's Note: A copy of the quarterly financial report can be seen at Town Hall or on the Town website].

### Planning Board

Nancy Wendt, Chairman, stated there was no Planning Board meeting held in April. However, there was a Transportation meeting and a Wireless meeting. She stated recommendations will be presented at the June 1 joint meeting between the Planning Board and Council.

### Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report.

### Police Department

Chief Kole presented the monthly report.

### Southern Shores Civic Association (SSCA)

Dan Shields, chairman, stated the SSCA is looking forward to the season. He reported the trash cans will be put back at Hillcrest Beach for the season. He stated once the Town removed the cans from Public Works area the SSCA had to remove their cans. They were not there for the general public to use.

### Chicahauk Property Owners Association (CPOA)

Marianna Landrum, representative, asked what the status of the Transportation Plan is. She stated CPOA is concerned about Poteskeet Trail and feels it is a safety issue and it should be considered. She stated everyone did a great job on the 30<sup>th</sup> Anniversary.

Council Member McDonald responded to her by saying Poteskeet Trail is not scheduled at this time. He stated it is several years out and is a million dollar project.

### Canal Dredging Project Update

The Town Attorney reported the Town has received a settlement agreement from CAMA and the Town is ready to move ahead on the project but currently needs to identify a legal spoil site. He stated the Town engineer has a timeline and the bidding process needs to start by June 1. He stated everyone has been working on this and the town is working with the SSCA on a site and are looking for other sites. He stated one site, The Cove, maybe a viable site but it may require the town to purchase the property but the property price is higher than the cost of dredging.

**CONDITIONAL USE HEARING**-Pledger Palace Day Care Center Application (LDA #090115).

[Note: This application falls within the Town's Extra-Territorial Jurisdiction, Martin's Point].

Ben Gallop, Town Attorney, explained the process for a conditional hearing, it is a quasi-judicial procedure and anyone wishing to speak is required to be sworn in to give testimony. He stated any voting member that has participated in deliberation with someone involved in this hearing may be recused from the vote if it is found that discussion may cause the member to form a fixed opinion.

Mayor Smith stated he met with the representative of the Martin's Point Homeowner's Association to discuss jet-skis and he did ask to discuss the day care center but Mayor Smith stated he could not respond to this issue.

The Town Attorney stated he does not see this as a reason to preclude Mayor Smith from the vote.

The Town Clerk swore in Alvin Rountree, Code Enforcement Administrator; Pat Forrester, Permit Officer; Patricia Pledger, applicant; Dominic Pledger; Mike Robinson, engineer for the applicant; John Finnelli, president, Martin's Point Homeowner's Association; Jill Kelly and Allison Berryman.

The Town attorney opened the hearing.

Alvin Rountree, Code Enforcement Administrator, presented the application and read the section of the North Carolina Building Code that relates to day care centers and he stated there are two classification uses; institutional and educational. He stated this day care falls under the educational use. He stated the Planning Board reviewed and approved the application with twelve (12) conditions to be met. He reviewed each condition.

Patricia Pledger, applicant, is asking Council for approval of the application.

Mike Robinson, project engineer, for the applicant.

Dominic Pledger, son of the applicant, here in support of the project.

John Finnelli stated day care is a much needed facility and hears the applicant's is a qualified and experienced individual. He stated Martin's Point does have some concerns that the day care center is outside the entry to Martin's Point and only 200' from Hwy. 158. He stated the concerns are what kind of traffic impact the center will have and the trash pickup. He stated it appears on the site plan there is no room for the trash truck to turn around in the parking lot by using existing parking spaces to turn around. He stated the previous tenants and other businesses in that area have been putting the cans in the streets and that needs to be addressed. He stated the town has parking standards for other types of businesses but not for a day care and he stated if this day care was in Dare County 50 parking spaces are required but the town requires 16 spaces. He stated the applicant has addressed the drop-off times and the site plan shows sixteen (16) parking spaces but does not show an over-flow parking plan. He asked Council to look at the parking facilities.

Jill Keller stated she supports the day care center and her children have attended for the last three years at the current center and it is run wonderfully. She stated the capacity of a center does not affect parking space, there will be no traffic backup. She stated if the adjacent store is having a sale there may be a large group of people there is no difference. She stated there are a number of people in support of the day care center and she has a letter from Mommy & Me supporting the center.

Allison Berryman stated she supports the day care center.

Mr. Rountree stated the Town does have a parking standard as found in Chapter 11, Section 6.01-C.2 of the Town Zoning Ordinance and is applicable to an elementary school which we have and the sixteen (16) parking spaces are more than enough. He stated the dumpster is the same dumpster in the same place as the previous business which was approved by Dare County. He stated our zoning ordinance does not require and over-flow parking plan.

The Town Attorney asked if staff feels all conditions of the ordinance have been met. Mr. Rountree said yes.

Mike Robinson stated that Mr. Rountree has summed up everything and he agrees with the dumpster placement. The application does meet the town parking requirements and he will go line by line on the conditions also, if needed, and that he has the needed documentation.

Council Member Stroud asked if storm water has been addressed. Mr. Robinson stated yes and in the beginning the applicant asked for a loop driveway but NCDOT and Martin's Point ETJ representative was not happy and that idea was scraped but storm water is addressed properly as well as the lighting and landscaping plans are attached to the site plan.

Council Member McDonald asked Mrs. Pledger if she feels comfortable with site and that traffic can be controlled. She stated she does.

Hearing no other comments Mr. Gallop closed the hearing.

Council Member Hess stated the application presented was very thorough. She moved to approve the conditional use application (Pledger Palace Day Care Center LDA-090115) with the noted conditions and that the use as proposed will conform with the Town's Land Use Plan and will be compatible with the area in which it is to be located if developed in accordance with the conditions specified in the ordinance and additionally required by the Town Council as authorized by the ordinance. Mayor Smith seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

[Clerk's Note: A copy of the Council Executive Summary is hereby attached as Exhibit C].

### **OLD BUSINESS**

#### **East Holly Trail Cul-de-Sac Road Improvement Project Contract**

The Town Manager reported two bids were received and met all requirements and all needed easements have been received. He stated the two bids were (1) Barnhill Contracting Company in the amount of \$30,000 and (2) RPC Contracting, Inc. in the amount of \$32,970.00 and is under budget.

Council Member Hess moved to authorize the Town Manager to execute the contract with Barnhill Contracting Company in the amount of \$30,000. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

### **NEW BUSINESS- None**

## OTHER ITEMS

### Town Manager

The Town Manager requested Council set the FY2009-2010 Proposed Budget Public Hearing for June 2, 2009, 7 p.m.-Pitts Center. Council agreed.

He provided an update on the Hickory Trail Road project. He stated the sub-base is in the process of being removed and will be replaced with six inch ABC sub-base and storm-water improvements will be done on the north end and next week the conduit installation and fine grading will begin.

He reported the 30<sup>th</sup> Anniversary was a great success and under budget by \$4,000.

He stated there are three finalists for the canal dredging project manager. He asked Council to advise him on how they would like to proceed. He stated since Council Member Hess was appointed as the canal dredging council representative would they like her to meet with the finalist for a final interview or authorize him to make the final selection. Council Member Hess stated she would like to meet with each of the finalist. Council agreed.

He stated the town clerk requests Council approve staff to submit reviewed Town Code proof to Municipal Code Corporation (MCC) for final print.

Council Member Hess stated she did look quickly at the document and she has some concerns.

The town clerk stated misspelled words and some other grammatical errors have been sent to MCC. There are other noted changes as suggested by staff that will not be changed until we receive the new Code and Council will be asked to review those changes for approval at a later date.

The Town Attorney stated the process is to rearrange (format) the document and nothing will be repealed; changes may be made by removing language that ordinarily is not found in the Code, like franchise language, the ordinance remains.

He stated following the process the Town Code will be on-line as printed. Council will be able to work from a stable platform to make needed changes following the requirement for amending the Code.

Mayor Smith moved to submit the proof to MCC to be published. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

### Town Attorney-None

### Mayor

Mayor Smith announced and congratulated Charlie Read, Town Manager, for completing the School of Government Municipal Government Course in Chapel Hill. He stated there was 33 county and 64 municipality persons in attendance including Bobby Outten, Dare County attorney, soon to be the new county manager. He stated two other staff members have attended the course and speak highly of the course.

The Town Manager thanked Council for the opportunity to attend the classes.

Mayor Smith announced the Town Manager's son got married over the weekend.

He read and adopted a Safe Boating Proclamation sponsored by the U.S. Coast Guard.

[Clerk's Note: Safe Boating Proclamation is hereby attached as Exhibit D].

He stated Senator Basnight called for an emergency meeting in Manteo in which no one was told what the subject matter was but Council Members Pfizenmayer and Hess, the Town Manager and he attended, as well as 100 people, to hear a discussion on prohibiting the use of plastic bags in grocery stores or charging for the use of them. He suggested the town get public input on this issue before Council takes a stand.

Council Member Stroud stated he agrees in getting public input. He stated in the proposal people would be required to pay if they use plastic bags, it is just another way to tax the people. He stated Senator Basnight is sponsoring this by a local bill that would only affect this area.

Council Member Pfizenmayer agreed we should hear from the citizens before we decide to support it.

Council Member McDonald stated it is admiral to get rid of the plastic bags it would save our environment but in today's economy the Senator and his staff should be concerned about the homeowner's insurance rate increase. He stated this affects the twenty coastal counties by \$850 million dollars. He stated the Senator needs to stand up for us and have his staff working on decreasing the insurance rate increases not on plastic bags. He stated insurance is a shared risk but the coastal counties are taking the brunt. He stated the Insurance Commissioner is an elected position and he is standing against the coastal counties and standing with the insurance companies.

Mayor Smith encouraged everyone to contact Senator Basnight on these issues.

#### Council

Council Member McDonald stated Council has been talking with Duck Woods Country Club, SSCA, CPOA and others on trying to find a spoil site, board members have changed, property owners have said not in my back yard, some sites are not big enough and taxes may need to be raised if the Town has to buy property (Cove) for the spoils. He stated the SSCA gave the canals to the Town to get them dredged and the opportunity may be lost if the state money is lost because there is no spoil site. He stated if the canals are not dredged it affects all the property owners. He said it is time to ask is it better for the community. He asked what ideas do you have. He stated the canal dredging depths have been lessened which makes for less spoils but our roads cannot handle 17,000 truck loads. He stated the town has asked SSCA for a site to put on the permit application so we can get a permit and then go out to bid and then we will be able to provide answers to the public. We still need to get a federal permit. He stated if he could put it in his backyard he would. He stated the Mayor would have had it in his backyard if the Chicahauk site were used.

Council Member Hess stated there should be a public meeting but this has been going on for seven years but until we can get a permit and a bid there isn't much else that can be said.

Council Member Pfizenmayer agreed. He said he has been working on this as long as anybody and he is willing to talk to anyone.

Council Member Stroud asked what is needed once we have a spoil site. The Town Attorney stated a document showing a legal interest in a spoil site and a design of the site need to be submitted to Division of Coastal Management for their approval as well as some minor approvals. He stated the Town will still need to be get federal approval and they will not move ahead until the state permit is acquired.

Council Member Stroud stated it seems a monetary agreement needs to be met with the SSCA for the use of the Duck Woods Drive site and needs to be met soon.

Council Member McDonald asked if it is known what the asking price is for the Cove site. The Town Attorney stated 2.5 million dollars. Council Member McDonald commented the tax rate would need to be raised an additional twelve cents.

### PUBLIC COMMENT

Mayor Smith opened the public comment.

A man stated he hates plastic bags and some places give you two cents off for using your own bags.

Ursula Bateman, 360 Sea Oats Trail, asked if the Cove understands the value of their property. The Town Attorney said yes but the property owner is having financial issues.

She stated three property owners at Hillcrest got tired of waiting after five years. She asked can the Town ask CPOA again. Mayor Smith stated when the CPOA Board agreed and they received pressure from the property owners and they backed out. He stated the town would need to go to court, spend the time and money and the project would not get done.

Council Member McDonald stated the town is under the gun to get the dredging down in this cycle but it can be done at another time. He stated the canals will need to be dredged again in 10-15 years and the Town will need a space again.

The Finance Officer stated if the Town can get under contract with a dredging contractor we have a better chance in keeping the state funds.

Council Member McDonald stated the canals have not been dredged for years and they will need to get in a dredging cycle. There will always be a need for a spoil site but we are out of time to meet this dredging cycle if something isn't done quickly.

Mr. Wilson asked are you saying the Duck Woods Drive site would become a spoil site again. Council Member McDonald stated this could happen or another site would be needed.

Hearing no other comments Mayor Smith closed public comment.

Hearing no other regular business Council Member Hess moved to go into closed session in accordance to G.S. 143-318.11 (a) (3) to consult with the attorney retained by the Town in a manner preserving the attorney-client privilege with regard to: (1) the Town of Southern Shores v. Division of Coastal Management (2) Town of Southern Shores v. Elwang and (3) other matters not in litigation; in accordance to G.S. 143-318.11 (a) (6) to discuss a confidential personnel matter relating to a public employee or officer; and in accordance to G.S. 143-318.11 (a) (5) to establish or to instruct staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of a contract or proposed contract for the acquisition of the following real property: (1) The parcels of property located at 14, 12, 10, 8, 7 and 9 Spindrift Trail and 5391 North Virginia Dare Trail all under the record ownership of Southern Shores Realty Company, Inc. for the purpose of obtaining a lease or an easement for disposal of or facilitation of the disposal of the dredge spoils created by the Town's canal dredging project; (2) The two parcels of property located on the east and west sides of Duck Woods Drive located at add 0 Duck Woods Drive under the recorded ownership of the Southern Shores Civic Association, Inc. for the purpose of obtaining a lease or an easement for disposal of or facilitation of the disposal of the dredge



**Exhibit A**

**Town of Southern Shores  
Budget Amendment Number # 8**

<b>Fire Department Increases</b>			<b>Fire Department Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
54-50400	<b>Expenditures</b> Fire Protection	\$20,250.00			
40-39909	<b>Revenues</b> Undesignated FB	\$20,250.00			

Explanation: To cover the change in the Fire Department contract

Recommended By:

\_\_\_\_\_  
Charles B. Read, Jr Town Manager

Approved By:

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

\_\_\_\_\_  
Date

**Town of Southern Shores Council**

Resolution to Approve  
Southern Shores  
Solid Waste Management Plan Update  
For 2009 - 2019

WHEREAS, better planning for solid waste management will help protect public health and the environment, provide for an improved solid waste management system, better use of our natural resources, control the cost of solid waste management; and

WHEREAS, North Carolina General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan; and

WHEREAS, the Town of Southern Shores was actively involved in the planning process;

NOW, THEREFORE, BE IT RESOLVED that the Town of Southern Shores Council approves the comprehensive solid waste management plan.

Adopted this 5<sup>th</sup> day of May, 2009.

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

ATTEST:

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

**Exhibit C**

**I. PERMIT APPLICATIONS**

**LDA #090115 Pledger Palace** – This is a permit application to convert the former Outer Banks Appliance retail store into a Child Day Care Center for up to 100 children to be operated by a staff of 12. The proposed use is a permitted conditional use within the commercial zoning district of Southern Shores. The proposed use is fully consistent with the Town Ordinance, CAMA Land Use and LR Comprehensive Plans for Southern Shores. The Planning Board and the Code Enforcement staff unanimously recommend approval of this permit application contingent upon the conditions stipulated below.

**CONDITIONS OF APPROVAL**

1. Ownership – The applicant needs to acquire the property in order to proceed with a building permit application following a decision by the Town Council. The applicant currently has a contract to purchase the property.

2. Dept of Human Services (Child Day Care License) – the applicant has obtained a preliminary license approval. Department of Human Services' approval is required prior to issuance of a building permit.
3. Dept of Health – the applicant has obtained preliminary permit approval contingent on recommended changes and upgrades to the waste water / septic system. Department of Health approval is required prior to issuance of a building permit.
4. Fire Inspector – the Fire inspector has reviewed the application. The site plan will be reviewed with the SSVFD during the building permit issuance process.
5. Dept of Transportation – the applicant needs to review the proposed use and potential traffic impacts with DOT.
6. Transportation and Transportation Systems – the applicant shall be responsible for ensuring that the operation of the proposed Child Day Care Center does not create any traffic and/or overflow parking issues. If any issues arise the applicant shall be responsible for mitigating them.
7. Hours of Operation – The hours of operation shall not exceed Monday through Saturday 6:30am to midnight.
8. Noise – In order to mitigate the impact of noise from Pledger Palace on adjacent properties, the applicant shall limit the use of outdoor play areas to the following shifts:
  - a. 10:00am to noon and 3:15pm to 5:30pm from October through May
  - b. 10:00am to noon and 3:15pm to 7:30pm from June through September
  - c. All children at the center shall be cared for indoors after 7:30pm
9. Landscaping – the applicant needs to provide a landscaping plan that reflects the changes and improvements to the vegetative buffers that were discussed including:
  - a. Install a 6' high wooden fence following the contour of the land along the northern property line that separates Pledger Palace from the Martin's Point residential district.
  - b. Plant a vegetative buffer to consist of a row of cedars between the wooden fence along the Pledger Palace property line and the fence along the buffer zone that separates Southern Shores' commercial district from Martin's Point residential district.
10. Security Lighting – the applicant needs to provide an exterior lighting plan that shows the placement and specifications of all exterior and security lighting fixtures. These fixtures shall shield 70 degrees light emissions and limit illumination at the property line to 1 candle power or less.
11. Stormwater – the applicant shall provide for on site stormwater retention to accommodate the maximum runoff expected during a 10 year 2 hour storm event. Updated site plans need to show the drainage of all runoff to the retention basin in the front of the property.
12. Final Site Plan – The applicant shall provide a final updated site plan package that includes all changes and revisions discussed on March 16 to accompany the Planning Board's recommendation to the Town Council.



**Whereas,** on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

**Whereas,** the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

**Whereas,** a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

**Whereas,** modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public.

**Therefore,** I, Mary Smith, do hereby support the goals of the North American Safe Boating Campaign and proclaim May 16-22, 2009, as National Safe Boating Week and the start of the year-round effort to promote safe boating.

**In Witness Thereof,** I urge all those who boat to "Boat Smart. Boat Safe. Wear it." and practice safe boating habits.

Given under my signature and the seal of

Daniel C. Smith

at the city of Southern Shores

this 5<sup>th</sup>

day of May, 2009.



Product under a grant from the Sport Fish Restoration and Boating Trust Fund, administered by the U.S. Coast Guard.

