



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

Council Meeting
March 5, 2013
7:00 p.m.-Pitts Center

Mayor Denny called the meeting to order at 7:00 p.m. in the Pitts Center with the following Council Members present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members George Kowalski, David Sanders and Larry Lawhon. Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny led the Pledge of Allegiance and held a Moment of Silence for all our troops serving around the world.

APPROVAL OF AGENDA

Mayor Denny stated the Town Manager has requested that under New Business item VIII. B Budget Amendment #8 be removed. Mayor Denny moved to approve the agenda as amended. Mayor pro tem Hess seconded. The motion passed unanimously.

CONSENT AGENDA

Approval of Minutes-February 19, 2013

Mayor pro tem Hess moved to approve February 19, 2013 minutes as presented. Council Member Lawhon seconded. The motion passed unanimously.

STAFF REPORTS

Town Planner

Wes Haskett presented monthly report.

[Clerk's Note: A copy of the planner's report is hereby attached as Exhibit A].

Police Department

Chief Kole presented the monthly report. He also provided the 2012 Annual Police Department report to Council.

Southern Shores Volunteer Fire Department – None

REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS

Planning Board

Bill Gleason, planning board member, reported Planning Board met on January 13 to discuss the submitted application for a zoning text amendment to consider allowing an automated ice vending machine to be placed in the commercial zone. The Planning Board recommended approval 4 to 1 and found the amendment consistent with the Town's Land Use Plan.

Southern Shores Civic Association

Ross Mitchell gave an update on improvements being made to their properties.

Chicahawk Property Owner's Association

Leo Holland stated the CPOA annual membership meeting will be held on March 23.

GENERAL PUBLIC COMMENT

Amanda Lotas, 256 Sea Oats Trail, stated she is concerned to learn that the Town is considering allowing AT&T to place a cell tower in town. She stated there have been many studies regarding the health issues that may be caused by these towers and she does not support this. She would like Council to not consider approval in a residential area.

PUBLIC HEARING

ZTA-13-01–Automated Ice Vending Machine Zoning Text Amendment Application

The Town planner provided a brief report. The ZTA-13-01 application is a request from Tom and Gordon Blanchard to amend the Town Zoning Ordinance regarding the Sections: 36-57, Definition of Specific Terms and Words; Section 36-165, Regulations Governing Signs; and Section 36-207, C General Commercial District. The applicants are proposing to add language to allow for automated ice vending machines. The proposed language, if approved, would allow automated ice vending machines as an accessory use to shopping centers, in the C, General Commercial zoning district following approval of a Conditional Use Permit by the Town Council. In the proposed language, an automated ice vending machine means an enclosed, free standing, unmanned structure that produces and vends bagged and bulk ice that may only be an accessory use to a shopping center with signage not exceeding 20 percent of the exposed finished wall surface. Town Staff recommends approval of the proposed amendment and that the application is consistent with the Town's currently adopted Land Use Plan.

The Town attorney opened the public hearing and hearing no public comment he closed the public hearing.

Mayor Denny moved to approve zoning text amendment 13-01 as presented Council Member Sanders seconded.

Council Member Kowalski asked for clarification on allowable signage for the structure as the ordinance is written, specifically section 36-165 (9) d.4. Following discussion Council Member Kowalski moved to amend the ordinance to read:

4. Ice vending structure (automated). Wall signs placed against the exterior walls of structure shall not extend more than six inches beyond the structure wall surface and shall not

exceed 20 percent of the exposed finished wall surface on which the signage is located including openings.

Council Member Lawhon seconded.

After further discussion Mayor Denny called the question on the original motion as amended. The motion passed unanimously.

[Clerk's Note: Copies of documents as related to the public hearing are hereby attached as Exhibit B: application, Planning Board minutes dated January 22, 2013, staff report dated February 27, 2013, applicant narrative, and draft ordinance 2013-03-01].

OLD BUSINESS-None

NEW BUSINESS

Honeysuckle Lane Street Rebuild Project Contract – Recommended lowest/most qualified bidder

The Town manager stated this informal bidding process resulted in two bids with RPC Contracting being the lowest bidder. He recommends to Council approval of the RPC Contracting bid in the amount of \$138,540.00 which is already appropriated in the street budget.

Council Member Sanders moved to approve the bid recommendation made by the Town manager. Council Member Lawhon seconded. The motion passed unanimously.

Recommended FY 12-13 Budget Amendments to fund street improvement projects

The Town manager presented FY 2012-13 budget amendment #7 to Council for approval.

Mayor Denny moved to approve budget amendment #7 as presented. Council Member Lawhon seconded. The motion passed unanimously.

[Clerk's Note: A copy of Budget Amendment #7 is hereby attached as Exhibit C].

Proposed Town Policy and Position Paper

Following discussion at the Council's annual retreat regarding a vision and policy for the use and acquisition of properties owned, controlled, administered or maintained by the Town for public purposes a draft vision and policy statements were submitted to Council for consideration.

Upon review by Council, and following suggestions to make two minor grammatical changes, Mayor Denny moved to adopt Resolution 2013-03-01 as amended. Mayor pro tem Hess seconded. The motion passed unanimously.

[Clerk's Note: A copy of the proposed Town Policy and Position Paper (showing corrections) is hereby attached as Exhibit D].

OTHER ITEMS

Town Manager

The Town manager reported on several issues, including:

- A meeting is scheduled for tomorrow at 5:30 p.m. (on site) with the Honeysuckle Lane residents to review the street project plans.
- NCDOT will be re-paving of the Trinitie Trail Bridge. No date has been set at this time.
- The FY2013-14 street improvement list will be submitted for the March 19 agenda.
- He requested Mayor Denny set a public hearing for the March 19 Council meeting as required by the Local Government Commission (LGC) as part of the loan financing package for Phase 2 of the canal maintenance dredging project. He stated he is planning on meeting with the LGC on April 3 to deliver the loan package for LGC consideration.
- Following the canal project bid opening on March 28, a lowest most qualified bidder will hopefully be presented for consideration at the April 5th Council meeting.

Town Attorney-None

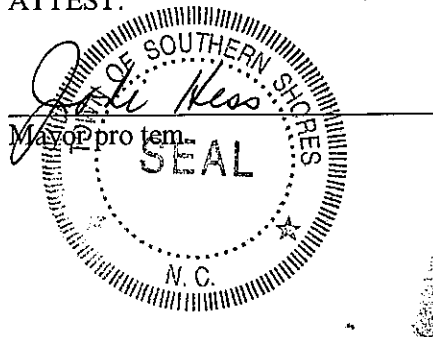
Mayor

Mayor Denny set March 19 for a public hearing that is required by the Local Government Commission for the loan financing of Phase 2 of the Canal Maintenance Dredging Project.

Council-None

Hearing no other business Mayor Denny moved to adjourn the meeting at 8:10 p.m. Mayor pro tem Hess seconded. The motion passed unanimously.

ATTEST:



Respectfully submitted:



Town Clerk

Exhibit A

3-5-13 TC Report

Town Planner

Month of February

1. Permitting and Inspections for February, 2013

-5 Zoning Permits were issued.

-1 lot Disturbance Permit was issued.

-30 building permits were issued: 1 new single-family dwelling, 1 addition, 2 remodels, and 26 others.

-58 building inspections were conducted (38 job sites).

-11 single-family dwellings and one bank are currently under construction.

-Total amount of fees collected in February was \$8,450.72.



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27919
Phone 252-261-2391 / Fax 252-255-0076
info@southernshores-nc.gov
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PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 1/1 Filing Fee: \$200 Receipt No. _____ Application No. _____

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

Please check the applicable Chapter/Article:

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

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

Applicant

Name Tom & Gordon Blanchard
Address: 917 Burnside Rd. Manteo, NC 27954
Phone 704-533-5969 & 252-305-9372 Email tom@sterling-technology.com
gordonb@kclogg-supply.com

Applicant's Representative (if any)

Name _____
Agent, Contractor, Other (Circle one)
Address _____
Phone _____ Email _____

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

Address: 5543 N. Croatan Highway, Southern Shores, NC 27949 Zoning district _____
Section _____ Block _____ Lot _____ Lot size (sq. ft.) _____

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

Change To: Zoning Map Zoning Ordinance

Signature

Date 12-18-12

**Planning Board Meeting
January 22, 2013
7:00 p.m., Pitts Center**

MEETING MINUTES

I. CALL TO ORDER:

Chairperson Sam Williams called the meeting to order at 7:00 pm. Planning Board Members Bill Gleason, Jay Russell, Sam Williams, alternate member Gray Berryman, alternate member Elizabeth Morey, and Town Planner Wes Haskett were present. Planning Board members Mike Florez, Bob Palombo, and ETJ member John Finelli were absent with excuse. Alternate members Gray Berryman and Elizabeth Morey served as voting members.

II. PLEDGE OF ALLEGIANCE:

Chairperson Sam Williams led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Chairperson Williams suggested revising the agenda by moving Planning Board Rules of Procedure from New Business to Announcements. Bill Gleason motioned to approve the agenda as amended. Jay Russell seconded the motion. The motion passed unanimously (5-0).

IV. APPROVAL OF MINUTES:

Bill Gleason motioned to approve the minutes of the September 17, 2012 Planning Board Meeting. Gray Berryman seconded the motion. The motion passed unanimously.

V. PUBLIC COMMENT:

None

VI. OLD BUSINESS:

None

VII. NEW BUSINESS:

A. ZTA-13-01: Automated Ice Vending Machine Zoning Text Amendment Application

Chairperson Williams introduced the application and called on Wes Haskett to present the Staff Report (attached).

Since the proposed ice vending structure also includes a water dispensing option, Bill Gleason asked if the distribution of water (in addition to ice) should be addressed during this Zoning Text Amendment (ZTA) discussion.

Wes Haskett stated that, if the proposed ZTA was approved, the discussion of the distribution of water (in addition to ice) should be discussed during the Conditional Use Permit review.

Gray Berryman asked if the automated ice vending machine should be tied to only shopping centers.

Wes Haskett stated that the applicants are proposing that the machine be an accessory use to shopping centers.

Elizabeth Morey asked if the wall sign would be limited to 20% and if the sign could extend 6 inches from the surface.

Wes Haskett stated that the wall sign(s) would not be allowed to exceed 20% of the total exposed finished wall surface and that the sign(s) could extend up to six inches from the wall surface.

Bill Gleason asked if the shopping center owners determined where the machine would be located.

Wes Haskett stated that they would have a say in its location which would be reviewed in the Conditional Use Permit application if the proposed ZTA is approved.

Chairperson Williams asked if the proposed Section 36-165, (9), d, 4 was duplicating existing signage requirements.

Wes Haskett stated that the proposed language was taken from and was almost identical to Section 36-165, (9), a. The only difference between the two is that the word "building" is replaced by "structure." He also pointed out that the proposed language was in Section 36-165, (9), d. Retail shopping center. The requirements for shopping center signage are different from the signage requirements in the general commercial zoning district. If the Planning Board wanted to place additional / different signage requirements on the proposed ice vending structures it is recommended that those requirements be placed in Section 36-165, (9), d.

Chairperson Williams asked if all of the shopping centers have enough existing parking spaces under the current zoning requirements to accommodate an a proposed automated ice vending structure.

Wes Haskett stated that the proposed structure would require one parking space and that the Marketplace has enough existing parking spaces to meet the zoning requirement for both the existing shopping center and the proposed structure. An inventory of existing parking spaces at the other shopping centers would have to be performed to verify that they have enough existing parking spaces to meet the current zoning requirements for parking spaces and the one additional parking space required for the proposed structure.

Chairperson Williams asked if the proposed use could be considered a Group Development as defined in the Zoning Ordinance.

Wes Haskett stated no, not be definition. A Group Development means multiple principal buildings on a single lot of less than ten acres. The proposed use is an accessory use/building to a shopping center.

Gordon Blanchard, one of the applicants, introduced himself and provided background information on the proposed ZTA. He stated that there is a need/demand for ice and that this is an opportunity to provide it and do it tastefully. He indicated that they tried to develop the proposed ZTA in a way that would be consistent with existing zoning regulations and make it easy for the Planning Board and Town Council to understand, review and approve. We hope to locate the ice vending facility in the Marketplace shopping center and have 15,000 to 20,000 vends a year. An island behind Wells Fargo may be the site. We will hire a local surveyor to look at the site to see how it would fit and make sure that it does not interfere with traffic flow. We believe in this business. It is a simple unmanned machine which is easy to keep clean and maintain.

Chairperson Williams stated that in the photos, it is unclear if the machine has signage on the back and that the photos of the machine show signage that could exceed 20%. Gordon Blanchard stated that signage can be located anywhere on the machine as decals and the size of the signage can be adjusted to meet the zoning requirements.

Chairperson Williams stated that the proposed ZTA for an automated ice vending machine would preclude manned structures and suggested taking out "automated". If you look at other retail uses permitted in the general commercial district, none are listed as automated. Also, if someone wants to add a coffee service it wouldn't be permitted.

Bill Gleason stated that the proposed use could be called an "Ice Dispensing Facility".

Jay Russell agreed with Bill Gleason.

Elizabeth Morey stated that by introducing humans, there are certain health standards which must be met and suggested leaving the proposed use as automated.

Gray Berryman agreed with Elizabeth Morey and suggested removing "ice".

Bill Gleason suggested taking out "machine" and using "facility".

Wes Haskett stated that the proposed definition uses "structure".

Chairperson Williams suggested that the proposed use be listed as "Ice Vending Structure (automated)".

Jay Russell asked if the approval of the proposed use would lead to problems at the shopping center, including traffic. Also, we didn't want and our current ordinance does not allow for drive-thru windows.

Chairperson Williams stated that he believes that the Zoning Ordinance was well written but things change. New ideas come along. I doubt this use was thought of twenty five to thirty years ago. If traffic is an issue, it can be addressed in the Conditional Use Permit application. We still have to check on parking at the other shopping centers.

The Planning Board amended the proposed ZTA 13-01 by replacing the term "automated ice vending machine" with "ice vending structure (automated)" throughout the proposed ZTA.

Chairperson Williams motioned to recommend ZTA-13-01 be approved as amended and that it is consistent with the Town's currently adopted Land Use Plan. Gray Berryman seconded the motion. The motion passed 4-1.

VIII. PUBLIC COMMENT:

None

IX. PLANNING BOARD MEMBER COMMENTS:

None

X. ANNOUNCEMENTS:

Chairperson Williams stated that the February 19, 2013 Planning Board meeting has been cancelled being that there is no business to consider.

Chairperson Williams noted that the Planning Board and Town Council established a chart outlining the process for identifying issues, drafting and reviewing materials, and making recommendations on future projects. This chart was never referenced in the text

of the Planning Board's Rules of Procedure. Bill Gleason stated that Section 5 makes it seem like the Planning Board meets each month and suggested adding a clause which would allow the cancellation of meetings. Chairperson Williams suggested adding that the Planning Board Chairperson may cancel a regular meeting if there is no business to consider. Text referencing the chart, the approved chart, changes to Section 5, cancellation of a meeting by the chairperson when there is no business to consider, and a few cleanup items were approved by the Planning Board to be added to the Rules of Procedure.

Chairperson Williams motioned to approve the Rules of Procedure as amended. Bill Gleason seconded the motion. The motion passed unanimously.

XI. ADJOURNMENT:

Bill Gleason motioned to adjourn. Elizabeth Morey seconded the motion. The motion passed unanimously and the meeting adjourned at 7:50 p.m.

ATTEST:

RESPECTFULLY SUBMITTED:

Sam Williams, Chairperson

Wes Haskett, Town Planner

STAFF REPORT

To: Southern Shores Town Council
Date: February 27, 2013
Case: ZTA-13-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicants: Tom and Gordon Blanchard
917 Burnside Rd.
Manteo, NC 27954

Requested Action: Amendment of the Town Zoning Ordinance regarding the following Sections: 36-57, Definition of Specific Terms and Words; Section 36-165, Regulations Governing Signs; and Section 36-207, C General Commercial District.

ANALYSIS

The applicants are proposing to amend Section 36-57, Definition of Specific Terms and Words, Section 36-165, Regulations Governing Signs, and Section 36-207, C General Commercial District by adding language to allow for automated ice vending structure (automated). The proposed language, if approved, would allow ice vending structures (automated) as an accessory use to shopping centers, in the C, General Commercial zoning district following approval of a Conditional Use Permit by the Town Council.

In the proposed language, an ice vending structure (automated) means an enclosed, free standing, unmanned structure that produces and vends bagged and bulk ice that may only be an accessory use to a shopping center with signage not exceeding 20 percent of the exposed finished wall surface.

RECOMMENDATION

Town Staff recommends approval of the proposed amendment and that the application is consistent with the Town's currently adopted Land Use Plan. The Town Planning Board recommended approval (4-1) of the application at their January 22, 2013 meeting and that it is consistent with the Town's currently adopted Land Use Plan.

Narrative-My brother Gordon and I thank you for your time and consideration of this amendment to the Southern Shores zoning codes. As Outer Banks natives, we have a great appreciation for the spirit of our great community and hope you'll find our proposal consistent with high standards of Southern Shores. Our family has owned and operated Kellogg Supply Company on the Outer Banks since 1946. Gordon works at our Duck location and will be responsible for the day to day operations of the icehouse, while I manage the financial side of the business.

Ice vending machines are new to the area and we'd love for Southern Shores to be our first location in the heart of the Outer Banks. To help visualize these icehouses, they are small structures that actually produce 6000lbs of freshly chipped ice a day. Our customers insert money into a bill acceptor like they would any other vending machine, but instead of a Coke, 16lbs of bagged ice is dispensed on a stainless steel shoot or 20lbs directly into a cooler. In addition, our ice vending machine produces and sells purified water. Through a series of water softeners and other filtration methods, we are able to sell fresh water in both 1 gallon and 5 gallon amounts.

Gordon and I are equal owners in White Pick Investments, a company what was founded for the purpose of placing Icehouse America icehouses on the Outer Banks. We established our first location in Buxton, NC in May of 2010. We've owned and operated this icehouse since that time and have been pleased with its success. As a result, we are looking establish our second location in Southern Shores.

In addition to being a worthy business, we also enjoy the ability to help the people of Southern Shores save a few dollars. In these economic times, every penny counts. We currently price our product at \$2 for 20lbs of ice. By comparison, the standard bag of ice you'll find in an ice chest outside a convenience store is only 10lbs and typically sold for around \$2.50-\$3.50. This offers a pretty significant savings for

our customers. They're also purchasing ice that was made possibly the same day vs. ice that was made a week ago and shipped in on a truck. The cost savings for our water is very similar to the ice.

Thank you very much for your consideration of this amendment. Tom

Draft Ordinance 2013-03-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

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

ARTICLE III. Amendment of Zoning Ordinance.

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

PART I. That Section 36-57 [Definitions of specific terms and words] be amended as follows:

Sec. 36-57. Definition of specific terms and words.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ice vending structure (automated) means an enclosed, free standing, unmanned structure that produces and vends bagged and bulk ice

PART II. That Section 36-165 [Regulations governing signs] be amended as follows:

Sec. 36-165. Regulations governing signs.

(9) *Signs permitted in commercial (C) district.* Total signage for each lot, tract or parcel in business use is limited to one square foot of sign area for each two linear feet of frontage facing on a public street right-of-way, not to exceed 64 square feet, and subject to the following limitations and qualifications:

a. Wall signs placed against the exterior walls of buildings shall not extend more than six inches beyond the building wall surface and shall not exceed 20 percent of the exposed finished wall surface including openings.

b. One freestanding sign per lot may be located either temporarily or permanently on the ground but shall not exceed 32 square feet in area and shall not exceed 12 feet in height above street grade.

c. Window signs shall be placed only inside a commercial building and shall not exceed 75 percent of the glass area of the pane upon which the sign is displayed.

d. Retail shopping center. In lieu of the above requirements for signs in the commercial (C) district, retail shopping centers may have the following on-site signage:

1. Freestanding sign. Only one freestanding sign shall be allowed. The sign structure shall be located permanently on the ground and the sign structure and the sign shall not exceed 12 feet above street grade. The sign shall be limited to 64 square feet of sign display area on each sign face. There shall be no more than two sign faces on the freestanding sign. The sign structure shall be proportional to the sign display area, but in no event greater than 1½ times the approved sign display area. No messages shall be displayed on the sign structure other than on the sign display area on the sign face.

2. Wall signs. One square foot of business sign area for each linear foot of store frontage shall be allowed. Stores which are corner stores or end stores shall be entitled to the amount of linear footage based on the total frontage of the store front and adjacent exterior side. Wall signs shall be placed on the exterior wall of the building which it advertises and shall not extend more than 15 inches beyond the wall surfaces.

3. Canopy sign. One under-canopy sign, visible from the sidewalk, will be permitted for each store and shall not exceed four square feet in sign area, nor be a hazard to pedestrians.

4. Ice vending structure (automated). Wall signs placed against the exterior walls of structure shall not extend more than six inches beyond the structure wall surface and shall not exceed 20 percent of the exposed finished wall surface on which the signage is located including openings.

PART III. That Section 36-207 [C general commercial district] be amended as follows:

Sec. 36-207. C general commercial district.

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

(10) Ice vending structure (automated)

a. May only be an accessory use to a shopping center

ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.

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

ARTICLE V. Severability.

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

ARTICLE VI. Effective Date.

This ordinance amendment shall be in full force and effect from and after the 5th day of March, 2013.

ATTEST:

Mayor
Date: 3/5/2013

Town Clerk

Vote: 5 Ayes 0 Nayes

APPROVED AS TO FORM:

Town Attorney

Exhibit C

**Town of Southern Shores
Budget Amendment Number # 7**

**Streets
Increases**

**Streets
Decreases**

Account Number	Description	Amount
40-39909	Revenues Undesignated Fund Balance	\$28,015
57-50953	Expenditures East Dogwood	\$2,315
57-50954	Fern Drive	\$25,700

Account Number	Description	Amount
		\$0

Explanation: To remove 1700 lf line and layout & stripe with glass beads, install DOT arrows and stop pars with glass beads on East Dogwood and to re-build Fern Drive entrance

Recommended By:

Approved By:

J. Peter Rascoe, III, Town Manager

Hal Denny, Mayor

Date

Resolution Adopting a
Statement of Vision and Policy
Regarding Use and Acquisition of Properties
Owned, Controlled, Administered, or Maintained for Public Purposes

Whereas the Town Council met in Annual Retreat on Tuesday March 19, 2013; and

Whereas a major part of that Retreat was spent discussing each Council member's vision for the future of the Town regarding "Planning for future land use, acquisition, and development", including the more specific sub-topics of:

- Acquisition of Town-owned sites for canal access
- Town-owned sites for beach access
- Town-owned sites for other Town services (i.e., recreation)
- Town acquisition of necessary street right-of-way for multi-use paths
- Possible adoption of a Policy Statement for Land Acquisition
- Possible adoption of a Vision Statement regarding use of Town-owned facilities by only residents and property owners versus being open for use and enjoyment by the general public; and

Whereas the Town must have access to the public trust areas and open spaces which are owned, controlled, administered, or maintained by the Town of Southern Shores; and

Whereas after thorough discussion by the members of the Council, it was the consensus that the Town should be open to the general public as well as to residents and property owners, and that all citizens should be able to use and enjoy the facilities and amenities provided by the Town of Southern Shores; and

Whereas the Council reached consensus that the Town should be committed to seek and act on any opportunity to acquire, in fee simple title or by easement, land to be used for public purposes for enjoyment by its residents, property owners, and the general public; further, the Town is committed to acquiring land for such public uses by gift, donation, negotiated sale, or eminent domain proceeding;

Now, Therefore, Be It Resolved, that the Town Council of the Town of Southern Shores does hereby adopt the following as a Vision Statement and related Policy Statement reflecting the sentiments of each of its members:

Vision Statement

The Town of Southern Shores shall be an inviting place to live and visit. Residents and the general public shall be encouraged to use and enjoy any resources, infrastructure, services, natural areas, recreation areas, public trust areas, and open spaces owned, controlled, administered, or maintained by the Town of Southern Shores. The Town of Southern Shores shall ~~always~~ reserve the right to enact ordinances and policies regarding fees, licenses, or permits to ensure users of such facilities equitably contribute towards the cost of acquisition and maintenance.

Policy Statement

The Town of Southern Shores is committed to ensuring that its residents and the general public, including citizens with disabilities, have reasonable access to natural areas, recreation areas, public trust areas, and open spaces which are now, or in the future, owned, controlled, administered, or maintained by the Town of Southern Shores.

To ensure that the Town of Southern Shores remains an inviting place to live and visit for its residents and the general public, the Town is committed to seek and act on any [reasonable] opportunity to acquire, in fee simple title or by easement, land to be used for public purposes described in these statements. The Town of Southern Shores is committed to acquiring land for such public uses by gift, donation, negotiated sale, or imminent domain proceeding.

Adopted this the 5th day of March, 2013.

Hal Denny, Mayor

Attest: _____

Carrie Gordin, Clerk