



**Town of Southern Shores
Council Meeting
September 3, 2013**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 7:00 p.m. on September 3, 2013

COUNCIL PRESENT: Mayor Pro Tem Jodi Hess, Council Members
George Kowalski, David Sanders and Larry Lawhon.

COUNCIL ABSENT: Mayor Hal Denny

OTHERS PRESENT: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Sheila Kane.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Pro Tem Hess called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, and held a Moment of Silence.

APPROVAL OF AGENDA

MOTION: Council Member Lawhon moved to approve the agenda as presented. The motion was seconded by Council Member Sanders. The motion passed unanimously.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- August 20, 2013 minutes

MOTION: Council Member Kowalski moved to approve the consent agenda. The motion was seconded by Council Member Lawhon. The motion passed unanimously.

STAFF REPORTS

Town Planner:

Town Planner, Wes Haskett, presented his monthly report containing the following:

- Permitting and Inspections for August, 2013

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

Police Department:

Chief Kole presented his monthly report.

Southern Shores Volunteer Fire Department:

Chief Harvey presented his monthly report.

REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS

Town Planning Board:

No Report

Southern Shores Civic Association (SSCA):

Ross Mitchell gave an informational report on behalf of the SSCA.

Chicahawk Property Owner's Association (CPOA):

Leo Holland gave an informational report on behalf of the CPOA.

PUBLIC HEARING

ZTA-13-05 Temporary Uses

Town Planner, Wes Haskett presented the following report and staff recommendations.

Town Staff finds that the temporary use of land by the Town or its agents to support the construction, repair, replacement and maintenance of Town owned, leased, operated or maintained facilities, which include, but are not limited to buildings, streets, utilities, beach accesses, multi-use paths and canals, is a reasonable and appropriate use of land in all zoning districts within the Town. As a result of this finding, Town Staff is proposing to amend Section 36-168 by adding language to help enable the Town to periodically perform construction, repair, replacement and maintenance of Town owned, leased, operated or maintained facilities, which include, but are not limited to buildings, streets, utilities, beach accesses, multi-use paths and canals.

Town Staff proposes to add the following language to Section 36-168: *"Within any zoning district, the use of land by the Town or its agents to support the construction, repair, replacement, renovation, remodel, rehabilitation and maintenance of Town owned, leased, operated or maintained facilities, which include, but are not limited to buildings, streets, utilities, beach accesses, multi-use paths and canals, for a temporary period which reasonably corresponds to the duration of the project."* The proposed language would be added to the list of current Temporary Uses which are considered permitted uses in all zoning districts.

RECOMMENDATION

Town Staff recommends approval of the proposed amendment and that the application is consistent with the Town's currently adopted Land Use Plan.

ACTION: Mayor Pro Tem Hess opened the public hearing and called for public comment. Upon hearing no comments Mayor Pro Tem Hess closed the public hearing.

MOTION: Council Member Lawhon moved to approved ZTA-13-05 Temporary Uses. The motion was seconded by Council Member Sanders. The motion passed unanimously.

[Clerk's Note: A copy of ZTA-13-05 is hereby attached as Exhibit B]

GENERAL PUBLIC COMMENT: None

OLD BUSINESS

Review of Rules of Procedure-Clarifications

Mayor Pro Tem Hess presented Council a proposed preamble to the Rules of Procedure, and

also presented proposed revisions to Section 14. Appointments and Section 15. Public address to the Council. Council held a brief discussion clarifying wording.

MOTION: Council Member Sanders moved to accept the preamble as written. The motion was seconded by Council Member Lawhon. The motion passed unanimously.

MOTION: Mayor Pro Tem Hess moved to approve the revisions to Section 14 and Section 15. The motion was seconded by Council Member Sanders. The motion passed unanimously.

[Clerk's Note: A copy of the Rules of Procedure is hereby attached as Exhibit C].

NEW BUSINESS

Approval of Planning Board Officers for June 30, 2013 – June 30, 2014

MOTION: Council Member Lawhon moved to approve Sam Williams as Chair and Mike Florez as Vice Chair to the Planning Board. The motion was seconded by Council Member Sanders. The motion passed unanimously.

OTHER ITEMS

Town Manager's Report

The Town Manager addressed several issues:

- Barnhill Contracting will begin the street repair project next week.
- The Town has received the Canal Dredging Phase II CAMA modification permit. The dredging contractor, Salmon Dredging has been notified and a pre-dredging conference will be scheduled. The dredging contractor plans on starting mobilization the last week in September with dredging to begin at the northern sites first.
- He announced some sporting events for the next year which will take place in town. The 5th annual surfing charity event will take place September 7th at Chicahauk beach. In cooperation with the Tourism Bureau, Runcations has scheduled a 10K, 5K and kid's fun run on December 21st. On June 5th, 2014, Runcations will celebrate National Run Day with a 5k run in Town.

Council Member Lawhon inquired about boat removal from the canals in preparation of the dredging project. The Town Manager stated that some verbal notifications have taken place and the Town will include more formal notifications in the Broadcast News and on the Town website.

Town Attorney: none

Mayor's comments: none

Council Members' comments:

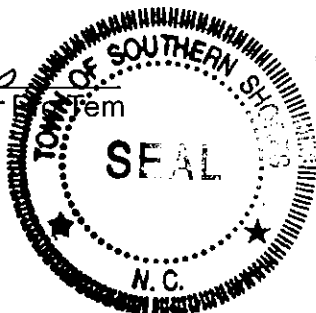
ADJOURN

MOTION: Mayor Pro tem Hess moved to adjourn. The motion was seconded by Council Member Sanders. The motion passed unanimously. The time was 7:31 p.m.

ATTEST:

Respectfully submitted,


Jodi Hess, Mayor Pro Tem




Sheila Kane, Town Clerk

9-3-13 TC Report

1. Permitting and Inspections for August, 2013

-6 Zoning Permits were issued.

-23 building permits were issued: 1 new single-family dwellings, 5 addition, 3 remodel, and 13 others.

-77 building inspections were conducted (43 job sites).

-9 single-family dwellings and one bank are currently under construction.

-Total amount of fees collected in August was \$4,719.

EXHIBIT B



Town of Southern Shores

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

ZTA-13-05

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 finds that the public health, safety and welfare require the Town to periodically perform construction, repair, replacement and maintenance of Town owned, leased, operated or maintained facilities, which include, but are not limited to buildings, streets, utilities, beach accesses, multi-use paths and canals; and

WHEREAS, the Town finds that the temporary use of land by the Town or its agents to support the construction, repair, replacement and maintenance of Town owned, leased, operated or maintained facilities, which include, but are not limited to buildings, streets, utilities, beach accesses, multi-use paths and canals, is a reasonable and appropriate use of land in all zoning districts within the Town; and

WHEREAS, the Town finds that there is a large amount of Town maintained facilities within the Town; and

WHEREAS, the Town finds that there is limited access to many of those facilities: and

WHEREAS, the Town finds that there is an enormous amount of residential land in Town compared to a lack of land for staging and support of maintenance; and

WHEREAS, the Town finds that there is a great economic and logistical cost of staging outside of 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 36-168 [Temporary Uses] be amended as follows:

Sec. 36-168. Temporary Uses.

(4) Within any zoning district, the use of land by the Town or its agents to support the construction, repair, replacement, renovation, remodel, rehabilitation and maintenance of Town owned, leased, operated or maintained facilities, which include, but are not limited to buildings, streets, utilities, beach accesses, multi-use paths and canals, for a temporary period which reasonably corresponds to the duration of the project.

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 ____ day of _____, 2013.

_____, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: __AYES__ NAYS

EXHIBIT C

**TOWN OF SOUTHERN SHORES
RULES OF PROCEDURE FOR TOWN COUNCIL**

As provided under the NC Laws and the Town Charter, the Town of Southern Shores operates under the Council-Manager form of government. This means that the Town Council is responsible for the development and oversight of a general framework under which the Town government can meet the needs of the community. The Town Manager reports to, and receives direction from, the entire Town Council and is responsible for managing all functions of the Town government on a day-to-day basis. A key element for success of a Council-Manager government is acceptance of, and adherence to, the principle that individual council members have no direct management, administrative, or supervisory power over any member of staff...management of staff is solely in the hands of the Town Manager. The following Rules of Procedure govern how the Town Council of Southern Shores conducts the public's business in public session.

Section 1. Applicability.

These Rules of Procedure shall apply to all meetings of the Town Council at which the Council is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

Section 2. Open meeting policy.

- (a) The public policy of the state and of the town is that the hearings, deliberations, and actions of the Council and its committees be conducted openly.
- (b) Except as otherwise provided in this policy and in accordance with applicable state law, each official meeting of the Town Council shall be open to the public, and any person may attend.
- (c) For the purposes of the provisions of this policy concerning open meetings, an official meeting of the Council is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of council members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the Council.

Section 3. Location of meetings.

All meetings shall be held within the boundaries of the Town except as otherwise provided in this section.

- (a) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, the Council reserves the right to vote separately on all matters coming before the joint meeting.
- (b) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of the Town to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in the City of Raleigh or other such place as stated in the call of the meeting.

- (c) Retreats, work sessions, or other special meetings may be held outside of the Town provided that the meetings are advertised in accordance with North Carolina General Statutes.

Section 4. Quorum generally.

A majority of the Council membership shall constitute a quorum. The number required for a quorum shall not be affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he shall be counted as present for the purposes of determining whether a quorum is present.

Section 5. Organizational meeting.

On the date and at the time of the first regular meeting in December following a general election in which Town Council members are elected, the newly elected members of the Council shall take and subscribe the oath of office as the first order of business.

The retiring Mayor will preside until the new Mayor is sworn in. As the second order of business, the Council shall elect a Mayor pro tempore from among its members.

Section 6. Meetings.

- (a) Regular meetings. The Council shall hold a regular meeting on the first Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. In addition to the regular meeting, the Council shall hold a work session on the third Tuesday of the month.
- (b) Special meetings. The Mayor, the Mayor pro tempore or any two members of the Council may at any time call a special meeting of the Council by signing a notice stating the time and place of the meeting and the subjects to be considered. At least 48 hours before a special meeting is called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (a) delivered to the Mayor and each Council member or left at the usual dwelling place of each Council member; (b) posted on the Council's principal bulletin board, or if none, at the door of the Council's usual meeting room; and (c) mailed, emailed, or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transacted at a special meeting.
- (c) Emergency meetings. The Mayor, the Mayor pro tempore or any two members of the Council may at any time call a special meeting of the Council by signing a notice stating the time and place of the meeting and the subjects to be considered. If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this section do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting at least six hours before the meeting. Local news organizations shall be notified of such emergency meetings by the same method used to notify Council members. Only business connected with the emergency may be discussed at the meeting.
- (d) Work sessions and informal meetings. The Council may schedule work sessions, committee meetings, or other informal meetings of the Council or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the Council. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special Council meetings.

- (e) Sunshine list. Any individual and any newspaper, wire service, radio station, and television station may file a written request with the Town Clerk for notice of all regular and special meetings of the Council. Requests by individuals and news organizations must be renewed annually by December 31.

Section 7. Closed sessions.

The Council may hold closed sessions as provided by law. The Council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G. S. §143-318.11(a) (1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential.

If the motion is based on G. S. §143-318.11(a) (3) (consultation with an attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session.

The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Council shall terminate the closed session by a majority vote. Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

Section 8. Public hearings – Generally.

Public hearings required by law shall be scheduled on a meeting agenda as directed by the Mayor in accordance with Section 13, or may otherwise be scheduled by the Clerk pursuant to action by the Council. In giving notice, of such a public hearing, the Town Clerk shall set forth the subject, date, place and time of the hearing as well as any rules regarding the length of time of each speaker as may be set by the Mayor or Council. At the appointed time, the Mayor or Mayor's designee shall call the hearing to order and preside over it. When the allotted time expires or no one who has not yet spoken wishes to do so, the presiding officer shall declare the hearing ended.

Section 9. Quorum at public hearings.

A quorum of the Council shall be required at all public hearings required by law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Council meeting without further advertising.

Section 10. Minutes.

Full and accurate minutes of the Council, including closed sessions, shall be kept. The minutes shall be open to public inspection, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the council, the "ayes" and "no's" upon any question shall be taken.

Minutes of closed sessions may be sealed by action of the council. Sealed minutes may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Section 11. Office of Mayor.

The Mayor shall preside at all meetings of the Council and may vote in all cases and make motions. A member must be recognized by the Mayor in order to address the Council. The Mayor shall have the power to:

- (a) Rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purpose;
- (b) Determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and entertain and rule on objections from other members on this ground;
- (c) Entertain and answer questions of parliamentary law or procedure;
- (d) Call a brief recess at any time;
- (e) Adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the Council upon motion by any member. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time.

The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

Section 12. Office of Mayor Pro Tempore.

At the organizational meeting, the Council shall elect from among its members a Mayor pro tempore to serve at the Council's pleasure for a term of two years. A Council member who serves as Mayor pro tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Council may confer on the Mayor pro tempore any of the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the Council may by unanimous vote declare that he or she is incapacitated and confer any of his or her duties on the Mayor pro tempore. When a Mayor declares that he or she is no longer incapacitated and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and Mayor pro tempore are absent from a meeting, the Council shall elect from among its members a temporary chair to preside at the meeting.

Section 13. Agenda generally.

- (a) The Town Clerk shall prepare a proposed agenda for each meeting. The Mayor shall approve the agenda before it is advertised. A request to have an item of business placed on the agenda must be received at least ten (10) business days before the meeting. Any Council member, the Town Manager and the Town Attorney may, by a timely request, have an item placed on the proposed agenda.
- (b) The agenda package shall include, for each item of business placed on it, as much

background information on the subject as is available and feasible to reproduce. A copy of all proposed ordinances shall be attached to the agenda. Each Council member shall receive a copy of the proposed agenda and the agenda package. Copies shall also be available for public inspection.

- (c) The Council may, by majority vote, add items to or subtract items from the proposed agenda.

Section 14. Appointments.

When advised of potential vacancies on boards and committees, the Council will direct the Town Manager to seek applications from interested residents of the Town. The list of applicants will be presented to the Council for discussion, nomination and a vote.

Section 15. Public address to the Council.

The Council shall provide a period for public comment at regular meetings, consistent with North Carolina General Statute §160A-81.1, for anyone to address the Council on any matter not on the agenda for public hearing. The Mayor may set and enforce appropriate time limits for such comments.

The Council will take under advisement the comments made by a member of the public, but will not respond during this period.

Section 16. Action by the Council.

The Council shall proceed primarily by motion. Any member may make a motion. Each motion shall have a second. The Council may proceed by consensus for matters including: direction to staff, information received with no action taken, ratify action already taken. The Mayor shall state the consensus reached and the minutes shall reflect the consensus.

Section 17. Motions generally.

- (a) One motion at a time. A member may make only one motion at a time.
- (b) Adoption by majority vote. A motion shall be adopted by a majority of the votes cast, unless otherwise required by this division or state law.
- (c) Renewal. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
- (d) Withdrawal. A motion may be withdrawn by the introducer at any time before the vote.

Section 18. Substantive motion.

A substantive motion is out of order while another substantive motion is pending.

Section 19. Procedural motions.

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order or priority, if applicable, the procedural motions are:

- (1) To appeal a procedural ruling of the presiding officer. The decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond

reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council, as specified in Section 11. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

- (2) To adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
- (3) To recess.
- (4) To call to follow the agenda. The motion must be made at the first reasonable opportunity or it is waived.
- (5) To suspend the rules. The motion requires a vote equal to a quorum.
- (6) To go into closed session.
- (7) To leave closed session.
- (8) To divide a complex motion and consider it by paragraph.
- (9) To defer consideration or table. A substantive motion whose consideration has been deferred or tabled expires 100 days thereafter unless a motion to revive consideration is adopted.
- (10) To call the previous question. The motion is not in order until there has been at least 20 minutes of debate and every member has had one opportunity to speak.
- (11) To postpone to a certain time or day.
- (12) To refer to committee. Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council, regardless of whether the committee has reported the matter back to the Council.
- (13) To amend.
 - (a) An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion.
 - (b) There may be an amendment to the motion and an amendment to an amendment, but no further amendments.
 - (c) Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.
- (14) To revive consideration. The motion is in order at any time 100 days after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires 100 days after the deferral, unless a motion to revive consideration is adopted.

(15) To reconsider. The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before adjournment.

(16) To prevent reconsideration for six months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of Council members, whichever occurs first.

Section 20. Debate.

The Mayor shall state the motion and then open the floor to debate according to the following general principles:

- (a) The introducer, i.e., the member who made the motion, is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has spoken;
- (c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Section 21. Duty to vote.

It is the duty of each member to vote unless excused by a majority vote according to law. The Council may excuse members from voting on matters involving their own financial interest or personal conduct. A member who wishes to be excused from voting shall so inform the Mayor, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Section 22. Secret voting prohibited.

No vote may be taken by secret ballot. If the Council decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Section 23. Action by reference.

The Council shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Section 24. Introduction of ordinances, resolutions, orders.

A proposed ordinance shall be deemed introduced on the date the subject matter is first voted on by the Council.

Section 25. Adoption of ordinances generally.

To be adopted at the meeting at which it is first introduced, an ordinance or any action with the effect of an ordinance must receive an affirmative vote equal to or greater than two thirds of the membership of the Council, including the Mayor, excluding vacant seats.

Section 26. Adoption of budget ordinance.

(a) Notwithstanding the provision of any general law or local act:

(1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Council by a simple majority of those present and voting, a quorum being present;

(2) No action taken with respect to the adoption or amendment of the budget ordinance may be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council;

(3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any local act concerning initiative or referendum.

(b) During the period beginning with the submission of the budget to the Council and ending with the adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of G.S. 143-318.12, which continue to apply, provisions of law concerning the call of a special meeting do not apply during the period so long as (1) each member of the Council has actual notice of each special meeting called for the purpose of considering the budget; and (2) no business other than consideration of the budget is taken up. This section does not allow the holding of closed meetings or closed sessions by the Council otherwise prohibited by law from holding such a meeting or session, and may not be construed to do so.

Approved the 8th day of November 2006.

* Amended May 1, 2007 **Section 13. Order of Business** to allow Council members to follow Mayor and Town Manager.

*Amended January 5, 2010 **Section 6. Meetings (a) Regular Meetings** changing the work session from the 4th Tuesday to the 3rd Tuesday of the month.

*Amended September 7, 2010 **Section 13. Order of Business** deleted in its entirety. Remaining Sections re-numbered

*Amended March 6, 2012 **Sections: 6. (a) & (b) Meetings, 8. Public hearings – Generally and 15. Public address to the Council.**

*Amended September 3, 2013 **Sections: Preamble, Section 14. Appointments, Section 15. Public address to the Council**