



**Town of Southern Shores
Council Meeting
April 1, 2014**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, April 1, 2014.

COUNCIL PRESENT: Mayor Tom Bennett, Mayor Pro Tem Jodi Hess, Council Members David Sanders, Larry Lawhon and Leo Holland.

COUNCIL ABSENT: None

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 Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a Moment of Silence.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Hess moved to approve the agenda as presented. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

CONSENT AGENDA

The Consent Agenda consisted of the following item:

- Approval of Minutes- March 4, 2014

MOTION: Council Member Lawhon moved to approve the consent agenda. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

PRESENTATION

Outer Banks Sporting Events (Race Director Dennis DiRaimondo and Executive Director Lynda Wood presenting) presented a power point presentation about the organization and their involvement with the community.

STAFF REPORTS

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

- Permitting and Inspections for March, 2014

[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 TOWN BOARDS

No reports

PUBLIC HEARINGS

Town Planner, Wes Haskett presented Staff reports and recommendations for the following:

ZTA-14-01 Board of Adjustment- Amendment of the Town Zoning Ordinance regarding the following: Chapter 36, Article XII (Mandated technical changes and consolidation with the Planning Board).

In October, 2013, new legislation adopted by the North Carolina General Assembly which applies to the Board of Adjustment went into effect. The new legislation mandates local changes regarding voting, decisions, hearing notices, appeals, and variances. The Town Zoning Ordinance must be amended in order to be consistent with the recently adopted legislation.

In addition to the required legislative changes, Town Staff is proposing consolidation of the Board of Adjustment with the Planning Board. The Board of Adjustment has not met to consider new business since November 20, 2008.

A recent survey of other Planning jurisdictions with a population under 5,000 asking if their Planning Board served as the Board of Adjustment produced 18 results. Out of the 18 results, 11 of the jurisdictions have assigned the duties of the Board of Adjustment to the Planning Board.

RECOMMENDATION

At its February 18, 2014 meeting, the Town Planning Board unanimously (5-0) recommended Council adoption of the proposed amendments, as well as a finding of consistency with the Town's currently adopted Land Use Plan.

ACTION: Town Attorney Ben Gallop opened the public hearing and called for public comment. Upon hearing no comments Mr. Gallop closed the public hearing.

MOTION: Council Member Lawhon moved to approved ZTA-14-01 Board of Adjustment. The motion was seconded by Council Member Holland. The motion passed unanimously.

ZTA-14-02 Amendment of the Town Zoning Ordinance regarding the following Sections: 36-175, Wireless Telecommunications Sites and Towers; 36-202, RS-1, Single-family District; 36-205, Low-density Residential District; 36-206, Government and Institutional District; and 36-207, C General Commercial District. (Mandated technical changes)

In October, 2013, new legislation adopted by the North Carolina General Assembly which applies to wireless facilities went into effect setting standards regarding local jurisdiction expedited review of collocations and minor modifications requests. The Town Zoning Ordinance must be amended in order to be consistent with the recently adopted legislation.

RECOMMENDATION

At its February 18, 2014 meeting, the Town Planning Board unanimously (4-0) recommended Council adoption of the proposed amendment, as well as a finding that the proposed amendment is consistent with the Town's currently adopted Land Use Plan.

ACTION: Town Attorney Ben Gallop opened the public hearing and called for public comment. Upon hearing no comments Mr. Gallop closed the public hearing.

MOTION: Council Member Lawhon moved to approved ZTA-14-02 Wireless Telecommunications Sites and Towers. The motion was seconded by Council Member Sanders. The motion passed unanimously.

[Clerk's Note: A copy of ZTA-14-01 and ZTA-14-02 is hereby attached as Exhibit B]

GENERAL PUBLIC COMMENT

Lori Williams 109 Pudding Pan

With election time fast approaching, the League of Women's Voters have several candidates' forums and receptions coming up. Two Board of Education Forums will be held in Hatteras and at Nags Head Elementary School. On April 6 a Primary Candidates Reception is being held at Kitty Hawk Town Hall from 2:00-4:00 p.m.

OLD BUSINESS

None

NEW BUSINESS

Recommended Amendment to Purchasing and Bid Policy

MOTION: Mayor Pro Tem Hess moved to approve a staff recommended amendment to the Town's Purchasing and Bid Policy. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Recommended Amendment to Retiree Health and Dental Insurance Benefits Policy

MOTION: Council Member Sanders moved to approve a staff recommended amendment to the Town's Retiree Health and Dental Insurance Benefits Policy. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

Recommended Amendment to Travel Policy

MOTION: Council Member Holland moved to approve a staff recommended amendment to the Town's Travel Policy. The motion was seconded by Council Member Lawhon. The motion passed unanimously (5-0).

Budget Amendment #10-Audio/Visual Upgrades to the Pitts Center, LPDI Grant

MOTION: Mayor Pro Tem Hess moved to approve staff recommended Budget Amendment #10. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

[Clerk's Note: A copy of all New Business items are hereby attached as Exhibit C]

OTHER ITEMS

Town Manager's report

The Town Manager addressed several issues:

- Early voting will be held at the Pitts Center from April 24th -May 2nd from 10-4 daily Monday through Friday.
- An information session to discuss the details of natural gas availability for properties located along Dogwood Trail will be held at the Pitts Center on Thursday May 8th at 5:30

p.m. Although the meeting focuses on properties along Dogwood Trail, the meeting is pertinent to any resident or property owner in Southern Shores interested in learning about how the utility makes decisions to extend its distribution lines to un-served areas.

- The finance committee will be meeting tomorrow April 2 to review the Manager's preliminary-draft-proposed budget which will be discussed at the Council's open meeting Budget Workshop scheduled for April 15, 2014 at 9:00 a.m. May 6th is the projected date that the formal budget for FY14-15 will be presented.
- Contracts for all current fiscal year's road projects have been now been awarded with the last project, Ocean View Loop improvements, being awarded to RPC Contracting.
- Lifeguard roving service will begin mid-May with two stands to being manned Memorial Day Weekend, and two additional stands being manned mid-June.
- The Police Department is currently seeking to fill its Community Resource Officer position for the season.
- Southern Shores Broadcast News now reaches 1,659 subscribers via email with a reading rate of 60% - which has doubled in the last three years. The Town website for March had 2,137 visitors, each staying an average of three minutes. Of those visits, 61.8 % were new visitors and 38.2 are returning visitors.

In response to a question presented by Council Member Holland pertaining to Deer Path Lane, the Town Manager stated the current commitment of the paving contractor is to initiate the warranty corrections by May 30th and to repave the entire street by September 30th.

Town Attorney:

None

Mayor's comments:

The Mayor stated he attended the ribbon cutting for Southern Bank which just opened an office in Southern Shores. He also wished the Town a happy anniversary stating it is now 35 years old.

Council Members' comments:

Council Member Holland stated he would like a reminder to citizens to pick up after their dogs in Town street right-of-ways be included in the next broadcast email news.

ADJOURN

MOTION: Mayor Bennett moved to adjourn. The motion was seconded by Council Member Holland. The motion passed unanimously. The time was 6:49 p.m.

ATTEST:


Mayor Bennett

Respectfully submitted,

Sheila Kane, Town Clerk



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~~(1012)~~ *Search ring*: The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

~~(1113)~~ *Stealth structure*: A wireless support structure designed to look like or incorporated within a structure which has a primary purpose as something other than a wireless support structure or is otherwise designed in a manner in which all wireless facilities attached to the structure are concealed from view, including, but not limited to trees, flag poles, slick sticks (flag poles without flags), clock towers, bell towers or church steeples.

~~(1214)~~ *Substantial modification*: The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.

b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.

c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

(15) *Telecommunications accessory equipment structure*: A building or cabinet-like structure located adjacent to, or in the immediate vicinity of a wireless support structure or antenna to house equipment incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.

~~(1316)~~ *Tower, short telecommunications*: A telecommunications tower with a height that is less than 70 feet.

~~(1417)~~ *Tower, tall telecommunications*: A telecommunications tower with a

1 of the original approval. This provision applies to wireless support
2 structures which are approved on or after December 1, 2007.

3
4 ~~(2) An application for collocation meets the requirements entitling an~~
5 ~~applicant to streamlined collocation procedures if all of the following~~
6 ~~conditions exist:~~

7
8 ~~a. The collocation does not increase the overall height or width of the~~
9 ~~tower or wireless support structure to which the wireless facilities~~
10 ~~are to be attached. The overall height and width of a tower shall be~~
11 ~~measured at the highest and widest points of the existing wireless~~
12 ~~support structure including all antennae and other equipment~~
13 ~~mounted on the structure.~~

14
15 ~~b. The collocation does not increase the ground space area approved~~
16 ~~in the site plan for equipment enclosures and ancillary facilities.~~

17
18 ~~c. The wireless facilities in the proposed collocation comply with~~
19 ~~applicable regulations, restrictions, or conditions, if any, applied to~~
20 ~~the initial wireless facilities placed on the tower or other wireless~~
21 ~~support structure.~~

22
23 ~~d. The additional wireless facilities comply with all federal, State and~~
24 ~~local safety requirements including accepted industry standards for~~
25 ~~wind loading, base stabilization and other critical engineering~~
26 ~~characteristics as defined by American National Standards Institute~~
27 ~~(ANSI), Telecommunications Industry Association (TIA) and~~
28 ~~Electronic Industry Alliance (EIA) 222-G or its successors.~~

29
30 ~~e. The collocation does not exceed the applicable weight limits for~~
31 ~~the wireless support structure as certified by a professional~~
32 ~~engineer registered in North Carolina, unless the applicant~~
33 ~~provides plans prepared and certified by a professional engineer~~
34 ~~registered in North Carolina depicting structural modifications that~~
35 ~~would sufficiently increase the structural capacity of the wireless~~
36 ~~support structure.~~

37
38 ~~(3) An application for collocation meets the requirements entitling an~~
39 ~~applicant to streamlined collocation procedures if the applicant is~~
40 ~~requesting only the collocation of emergency service antennas used by the~~
41 ~~town's police department and/or fire service provider and the wireless~~
42 ~~structure has sufficient structural capacity to support the antennae being~~
43 ~~collocated without substantial modifications.~~

44
45 ~~(4) An application for collocation is complete when all the necessary grounds~~
46 ~~stated in this section for entitlement to streamlined processing have been~~

permitted wireless telecommunications site.

(b) *Collocation.*

1. Collocation of new antennas, wireless facilities and other equipment on an existing wireless support structure or structures within the applicant's search ring shall be required whenever reasonably feasible. Collocation is not reasonably feasible if an applicant can show it is technically or commercially impractical for the applicant to collocate or if the owners of all of the telecommunication towers within the applicant's search ring where collocation would be technically practical are unwilling to enter into a contract for such use at fair market value.
2. Short telecommunications towers including the structure and fenced compound shall be designed to accommodate the wireless facilities of at least one provider plus space for emergency communication antennas used by the town's police and fire service provider.
3. Tall telecommunications towers including the structure and fenced compound shall be designed to accommodate collocation of the wireless facilities of at least three providers plus space for emergency communication antennas used by the town's police and fire service provider.

(c) *Location.*

1. Tall telecommunications towers shall not be located within one-half mile of any other tall telecommunications tower or within 250 feet of any other wireless support structure located within the expected geographic antenna coverage area of the proposed telecommunication tower.
2. Short telecommunications towers and stealth structures incorporated within another structure shall not be located within 250 feet of any other wireless support structure located within the expected geographic antenna coverage area of the proposed wireless support structure unless the applicant can show that locating the structure within the prescribed distance is necessary to insure adequate coverage and capacity. In the case of a stealth structure incorporated within another structure, the town council may

1 i.e. a tree, or that are incorporated within or upon any existing or
2 permitted structure are allowed if otherwise consistent with this
3 ordinance. Wireless support structures using other designs,
4 including, but not limited to guyed towers and lattice type towers
5 shall not be permitted.
6

7 (f) *Setbacks.*
8
9

10 1. Unless otherwise provided by this ordinance, the
11 dimensions of the entire lot shall be used to determine if a
12 wireless telecommunications site meets the dimensional
13 and setback requirements of this section. An existing use or
14 structure on the same lot shall not preclude locating a
15 wireless telecommunications site on a lot so long as
16 compliance with subsection 36-175(2)(a) is maintained.
17

18 2. The base of a wireless support structure shall be at located
19 at least one foot from the nearest property line for every
20 one foot of proposed height. In the case of stand alone
21 stealth structures only, the town council may in its
22 discretion consider publicly maintained roadways as
23 providing additional property for calculation of set backs
24 and/or reduce the setback requirement from this 1:1 setback
25 ratio to a setback of one-third of the height of the proposed
26 structure. The 1:1 setback requirement may only be
27 reduced to one-third of the height of the proposed structure
28 when a North Carolina registered professional engineer
29 certifies that the wireless support structure's fall zone is
30 equal to or less than the setback requested and that the
31 structure is designed to collapse within the setback
32 requested provided any or all of the following are also
33 shown by the applicant:
34

35 i. No dwelling unit is located or can be constructed
36 within the fall zone of the wireless support
37 structure; or
38

39 ii. Where a dwelling unit is located or can be
40 constructed within the fall zone of the wireless
41 support structure, all property owners within the fall
42 zone have agreed in writing or through sworn
43 testimony that they are willing to accept the risks of
44 the reduced setback.
45

46 3. When stealth structures are incorporated within or upon an

1 height of ten feet above average grade at the tower base,
2 shall not be visible from any publicly owned or maintained
3 roadway.
4

- 5 2. Screening is required along all exterior sides of the fence
6 described above excluding the gate. Screening shall be a
7 minimum width of ten feet with two staggered rows of
8 planting material placed ten feet on center, that are a
9 minimum of five feet in height when planted, and that are
10 expected to reach a height of eight feet within three years.
11 Suitable plant types shall be those recommended by the
12 U.S. Department of Agriculture to achieve a mature growth
13 height of eight to ten feet in the coastal area. The town
14 council may waive or modify this requirement where
15 existing trees, vegetation and/or structures provide suitable
16 screening and buffering.
17

18 (j) *Lighting.*
19

- 20 1. Telecommunication towers shall be lighted only if
21 specifically required by the Federal Aviation
22 Administration, in which case, Federal Aviation
23 Administration minimum lighting requirements shall be
24 applied.
25
26 2. When lighting is required by the Federal Aviation
27 Administration, strobe lights shall be avoided unless
28 specified by Federal Aviation Administration. When strobe
29 lights are required on telecommunication towers, a dual
30 lighting system of white strobes for daytime lighting and a
31 red flashing light atop the tower for nighttime lighting shall
32 be used unless other lighting is specifically required by the
33 Federal Aviation Administration, the U.S. Fish and
34 Wildlife Service or any state or federal agency having
35 regulatory authority over the applicant.
36
37 3. Except for lighting described in 2. above, all lighting at a
38 wireless telecommunications site shall be shielded and shall
39 comply with the provisions for outdoor lighting contained
40 in section 36-166.
41

- 42 (k) *Signage.* Wireless telecommunication sites shall not display
43 signage, logos symbols or any messages of a commercial or non-
44 commercial nature except for legal notices, identifications,
45 directional and informational signs erected or required by
46 governmental bodies, public utilities or civic associations with the

- 1 (9). ~~If the proposed wireless telecommunications site is to be located~~
2 ~~on lands owned by a party other than the applicant or the town,~~ A
3 copy of the lease agreement with the property owner along with
4 copies of any easement agreements necessary for ingress, egress
5 and use of the property.
6
- 7 (10). Documentation consisting of a certificate of insurance verifying
8 the existence of general liability insurance coverage of at least
9 \$5,000,000.00 at no cost to the town. The certificate shall contain a
10 requirement that the insurance company notify the town 30 days
11 prior to the cancellation, modification, or failure to renew the
12 insurance coverage required.
13
- 14 (11). For wireless telecommunications sites only, a copy of the approved
15 National Environmental Policy Act of 1969 (NEPA) compliance
16 report for all wireless support structures, antennas, wireless
17 facilities, accessory structures or equipment proposed for the site,
18 if such report is required to be produced pursuant to federal or state
19 law.
20
- 21 (12). For wireless telecommunications sites only, documentation from
22 the town's police and fire service providers regarding the number
23 and type of emergency communication antennas which are
24 necessary for the wireless telecommunications site to support such
25 communications along with a certification from a professional
26 engineer registered in the state stating that the wireless
27 telecommunications site is designed to support the attachment of
28 the necessary emergency communication antennas.
29
- 30 (13). For wireless telecommunications sites only, a memorandum of
31 understanding regarding removal of abandoned structures and
32 equipment located at the proposed wireless telecommunication
33 site. Any wireless telecommunications site that is not operated for
34 180 continuous days in a 12-month period shall be considered
35 abandoned. The owner of an abandoned wireless
36 telecommunications site shall be responsible for the removal of all
37 structures and equipment on the site within ninety (90) days of
38 receipt of such notification by the town. Failure to remove
39 abandoned equipment will result in its removal by the town at the
40 owner's expense. In its discretion, the town may condition approval
41 of a permit for building of the proposed wireless support structure
42 on the applicant providing a bond or letter of credit sufficient to
43 allow the town to remove the proposed structure if it is abandoned
44 and not removed within the allowed time period by the applicant.
45
- 46 (14). Any other documentation necessary to ensure compliance with this

1 section as well as applicable federal and state laws.
2

3 (4e) *Review process.* The town will use the following criteria in its review of
4 an application for any wireless telecommunication site, telecommunication tower,
5 wireless facility, antennae or accessory structure.
6

- 7 1. The proposed application meets or exceeds the standards of this
8 section.
- 9
- 10 2. The use will not materially endanger the public health, safety or
11 welfare if located where proposed and developed according to the
12 plan submitted.
- 13
- 14 3. The required conditions, specifications, and actions described in
15 this article have been met.
- 16
- 17 4. The location and character of the facility will be in harmony with
18 the area in which it is to be located.
19

20 (5a) *Consultants.* ~~The town may fix and charge an application fee,~~
21 ~~consulting fee, or other fee associated with the submission, review,~~
22 ~~processing, and approval of an application to site or modify wireless~~
23 ~~support structures or wireless facilities that is based on the costs of the~~
24 ~~services provided and does not exceed what is usual and customary for~~
25 ~~such services. Any charges or fees assessed by the town on account of an~~
26 ~~outside consultant shall be fixed in advance and incorporated into a permit~~
27 ~~or application fee and shall be based on the reasonable costs to be incurred~~
28 ~~by the town in connection with the regulatory review of an application.~~
29 ~~The town may impose additional reasonable and cost based fees for costs~~
30 ~~incurred should an applicant amend its application. On request, the amount~~
31 ~~of the consultant charges incorporated into the permit or application fee~~
32 ~~shall be separately identified and disclosed to the applicant. The town may~~
33 ~~fix and charge an application fee, consulting fee, or other fee associated with~~
34 ~~the submission, review, processing, and approval of an application to site new~~
35 ~~wireless support structures or to substantially modify wireless support~~
36 ~~structures or wireless facilities that is based on the costs of the services~~
37 ~~provided and does not exceed what is usual and customary for such services.~~
38 ~~Any charges or fees assessed by the Town on account of an outside consultant~~
39 ~~shall be fixed in advance and incorporated into a permit or application fee and~~
40 ~~shall be based on the reasonable costs to be incurred by the town in~~
41 ~~connection with the regulatory review authorized under this section. The town~~
42 ~~may incorporate such fees into its generally adopted fee schedule. The town~~
43 ~~may impose additional reasonable and cost based fees for costs incurred~~
44 ~~should an applicant amend its application. On request, the amount of the~~
45 ~~consultant charges incorporated into the permit or application fee shall be~~
46 ~~separately identified and disclosed to the applicant. The fee imposed by the~~

1 town for review of the application may not be used for either of the
2 following:

3
4 (i) Travel time or expenses, meals, or overnight accommodations
5 incurred in the review of an application by a consultant or other third
6 party.

7
8 (ii) Reimbursements for a consultant or other third party based on a
9 contingent fee basis or a results-based arrangement.

10
11 (b) *Conditions.* The town council may place reasonable conditions on
12 the issuance of a conditional use permit pursuant to this section regarding
13 public safety, land use, or zoning issues, including, but not limited to,
14 aesthetics, landscaping, land-use based location priorities, structural
15 design, setbacks, and fall zones. The town may condition approval of an
16 application for a new wireless support structure on the provision of
17 documentation prior to the issuance of a building permit establishing the
18 existence of one or more parties, including the owner of the wireless support
19 structure, who intend to locate wireless facilities on the wireless support
20 structure. The town shall not deny an initial land-use or zoning permit based
21 on such documentation.

22
23
24 (c) *Decisions.* The town shall issue a written decision approving or
25 denying an application under this section within a reasonable period of time
26 consistent with the issuance of other land-use permits in the case of other
27 applications, each as measured from the time the application is deemed
28 complete.

29
30 (d) *Annual review.* Any person who holds a zoning or conditional use permit
31 issued pursuant to this section shall annually submit an application for a renewal permit.

32
33 (1) *Procedure.* In order for a zoning or conditional use permit to remain valid,
34 a renewal permit must be issued within 365 days of the issuance of the
35 certificate of occupancy related to the initial permit or of the date of the
36 issuance of the previous annual renewal permit. The application for a
37 renewal permit must be received no less than ten days prior to nor more
38 than 30 days prior to the date a renewal permit must be issued. Upon
39 review of the application and determination of the applicant's compliance
40 with the annual review requirements of this section the town's code
41 enforcement and inspections department shall issue a renewal permit for
42 an additional 365-day period. A permit holder's renewal application packet
43 must include all of the following:

- 44
45 a. A renewal application fee in the amount set by the town.
46
47 b. A complete renewal application presented on a form prepared and

1 provided by the town's code enforcement and inspections
2 department.

3
4 c. Documentation consisting of a certificate of insurance verifying
5 the continued existence of general liability insurance coverage
6 meeting or exceeding the requirements of section 36-175(c)(3)j.
7 during the time period that the renewal permit will be valid.

8
9 d. Documentation signed and sealed by a state registered engineer
10 indicating that all structures and equipment have remained in
11 compliance with all local, state, and federal requirements,
12 including but not limited to, the requirements of this ordinance at
13 the time the original permit was issued and any requirements or
14 conditions stated in the original permit.

15
16 (2) *Noncompliance.* Upon a permit holder's failure to submit a timely renewal
17 application or the permit holder's failure to otherwise comply with this
18 section the previously issued permit and/or renewal permit shall be
19 suspended upon reaching the date that a renewal permit must be issued.
20 Once suspended, the permit shall remain suspended until the permit holder
21 submits an application and a review of the application by the town's code
22 enforcement and inspections departments determines that the permit
23 holder has complied with the annual review requirements of this section.
24 Upon such a showing, the town shall issue a renewal permit for an
25 additional 365-day period. If a suspension continues for more than 30
26 days, the permit holder's existing permit and/or renewal permit(s) shall
27 expire.

28
29 (eg) *Validity of permits.* A conditional use permit or zoning permit issued
30 pursuant to this section shall expire if the improvements permitted are not completely
31 constructed within 24 months of the date of the approval of a building permit.

32
33 (fh) *Waiver or modification of requirements:* If upon the review of any
34 application submitted pursuant to this section, the town council determines that denial of
35 a permit based on any requirement or requirements of this section as applied to the
36 application before the town council may be contrary to federal or state law, the town
37 council may in its sole discretion vary, modify or disregard any such requirement in a
38 manner which complies with the relevant law. The town council may continue any public
39 hearing on a permit application for a reasonable time to consider such a determination
40 and its actions thereon.

41
42 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
43 **Reasonableness.**

44
45 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
46 comprehensive zoning ordinance, land use plan and any other officially adopted plan that

1 is applicable. For all of the above-stated reasons and any additional reasons supporting
2 the Town's adoption of this ordinance amendment, the Town considers the adoption of
3 this ordinance amendment to be reasonable and in the public interest.
4

5 **ARTICLE V. Severability.**
6

7 All Town ordinances or parts of ordinances in conflict with this ordinance amendment
8 are hereby repealed. Should a court of competent jurisdiction declare this ordinance
9 amendment or any part thereof to be invalid, such decision shall not affect the remaining
10 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
11 Town of Southern Shores, North Carolina which shall remain in full force and effect.
12

13 **ARTICLE VI. Effective Date.**
14

15 This ordinance amendment shall be in full force and effect from and after the 1 day of
16 April, 2014.
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19

20 _____, Mayor
21
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23

24 ATTEST:
25
26

27 _____
28 Town Clerk
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30

31 APPROVED AS TO FORM:
32
33
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35 _____
36 Town Attorney
37

38 Date adopted:
39

40 _____
41 Motion to adopt by Councilmember:
42

43 _____
44 Motion seconded by Councilmember:
45
46

Vote: ___AYES___NAYS



TOWN OF SOUTHERN SHORES PURCHASING AND BID REQUIREMENTS POLICY

This purchasing and bid requirements policy is intended to serve as a guide for all departments in obtaining supplies, materials, equipment, apparatus, and services. The Town of Southern Shores' purchasing and bidding program is based on the principal of competitive bidding. A valid reason must be provided and documented when competitive bidding is not sought and obtained. The practice of favoritism, whether to the seller or the user department, is not permissible.

The Town's purchasing and bidding requirements are governed by North Carolina General Statutes and, therefore, must seek competitive offers from qualified sources of supply unless the items can be obtained through existing contracts established by NC State Purchasing and Contracts Division. Whenever possible, the Town of Southern Shores participates in the NC State Contracts. The Town's local purchasing and bidding requirements may cite provisions which are stricter in policy thresholds than the requirements of the applicable North Carolina General Statutes.

The Finance Officer relies on the Department Heads to fully identify their needs, obtain competitive pricing, and exercise sound and legal purchasing and contracting practices. Department Heads are responsible for communicating their needs to the Finance Officer on a timely basis in order to obtain the correct items at the best possible price.

Any and all purchases and contracts that are made on behalf of the Town of Southern Shores must be for the use of the Town. Such purchases can only be made if an appropriation has been set up in the approved annual budget.

A purchase order is needed for services, materials, supplies and equipment purchased that exceed \$250.00. The amount for shipping and handling along with sales tax should be included on the purchase order. The Finance Officer may not validate any purchase order unless sufficient unencumbered funds are available to pay at the time of purchase. A properly signed purchase order must **precede** the purchase. No invoice will be honored if the purchase order has not been issued and signed by the appropriate Department Head and Finance Officer. The purchase orders will be pre-numbered for control purposes and should include descriptions of the items being purchased. Unauthorized purchases are classified as a personal expense, and therefore, will be paid by the employee. In the event that the Finance Officer is not available, the purchase order can be signed by both the Department Head and the Town Manager.

The following steps must be taken:

1. All Department Heads will read and understand this policy;
2. All employees involved in the purchasing process will become familiar with the procedures outlined in this policy;
3. This policy will be kept where it is easily accessible for reference;
4. All comments or clarifications of contents contained in this policy will be directed to the Town Manager or the Finance Officer.

GENERAL RULES AND PROCEDURES FOR PURCHASING AND BIDDING

Note: all obligations evidenced by a contract or agreement, regardless of amount, must be certified as pre-audited by the Finance Officer.

Purchases of \$250.00 to \$29,999.99

All purchases between \$250.00 and \$29,999.99 (individually or in total) must be made with the use of a purchase order. The department wishing to make the purchase will prepare a purchase order and present it to the Finance Officer for approval. Town Council has given authority to the Town Manager to approve all contracts/purchases up to a maximum of \$29,999.99.

Informal Bidding Process

For all purchases, lease-purchases, and contracts above \$29,999.99 and below the state mandated thresholds for formal bidding prescribed by NCGS § 143-129, informal bids must be obtained. Notwithstanding, and consistent with an annual budget authorization, the Town Manager is authorized to renew or extend any service provider contract in effect as of the date of this policy as amended and determined by the Town Manager to be in the best interest of the Town. Only written informal proposals will be accepted. The purpose of public bidding is to obtain the best value for tax dollars, to provide fairness in contracting and prevent favoritism. Contracts will be awarded to the lowest responsible bidder, taking into consideration quality, performance and time. A Bid Form will be used for this process. Three (3) written proposals will be sought during the bidding process. In cases where available or appropriate vendors are limited, every effort will be made to obtain bids from at least two (2) vendors. In cases where the item or service is available from a single source, this information must be noted on the Bid Form. For any purchase, lease-purchase or contract cost not previously authorized by the Council in an annual budget appropriation, the Town Council must authorize the award of all bids over \$29,999.99. The Finance Officer will issue a purchase order to the chosen vendor and the Department Head will proceed with the purchase.

Formal Bidding Process

Expenditure of funds totaling or exceeding the state mandated thresholds for formal bidding prescribed by NCGS § 143-129, either for the purchase of apparatus, supplies, materials and equipment, or for construction or repair work, are required to be handled by the Formal Bid Process, and the bonding requirements of NCGS §44A-26 shall apply.

Note: Performance and payment bonds are required for contracts costing more than \$50,000 that are part of a project costing more than \$300,000.

The advertisement for bidders required by this section shall appear at a time where at least seven (7) full days shall lapse between the date on which the notice appears and the date of the opening of bids. The advertisement shall: (i) state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had; (ii) state the time and place for opening of the proposals; and (iii) reserve to the board or governing body the right to reject any or all proposals.

Purchases not requiring a Purchase Order

The following purchases do not require a purchase order:

- A. Advertising;
- B. Dues;
- C. Utilities;
- D. Insurance;
- E. Postage;
- F. Professional services for accounting, legal, engineering, etc. that are covered by a separate approved contract;
- G. Purchases less than \$250.00.
- H. Purchases obligated by written contract or agreement (These written obligations require Finance Officer certification, regardless of amount).

Emergency Purchases

An emergency is defined as a sudden, urgent, usually unexpected occurrence or occasion requiring immediate action. When an emergency does arise, and can be rectified only by immediate purchase or rental of equipment, supplies, materials or services, the following procedures must be followed:

- A. Secure a purchase order from the Finance Officer or the Town Manager. If the emergency occurs when offices are closed, the department should proceed to acquire only the materials of services necessary to meet the emergency;
- B. On the next working day, the Department Head must submit a requisition to the Finance Officer with the following information:
 - 1. Nature of the Emergency;
 - 2. Itemized list of purchases made;
 - 3. Cost per item;
 - 4. Vendor's name and address;
 - 5. Account Number
 - 6. Authorizing signature of the Department Head
 - 7. Purchase Order Number – if one was given.
- C. The Finance Officer will prepare a confirming purchase order and send the requesting department a copy of the purchase order. The employee receiving the requested items should verify that the purchase order information is correct. The employee should also make sure that the vendor knows who to invoice and the correct address for billing. All invoices should be made out to the appropriate Town Department. Failure to make sure this information is passed on to the vendor could result in the misplacement of the invoice, causing late payment on the invoice and loss of any possible discount. No emergency purchase orders will be given unless it is an emergency as described above. North Carolina General Statutes govern this procedure. Written approval for disallowed emergency purchases will have to be obtained from the Town Manager, with overall approval resting with the Town Council.

Telephone Purchase Order Procedures

In certain emergency or special situations, the Finance Officer will issue a purchase order number over the telephone to the requesting department. In such cases, the requesting department will be required to submit a supporting requisition to the Finance Officer the next business day. The requisition is to include the vendor, complete item description, quantity, price, and the purchase order number that was issued.

Credit Cards

The credit cards are kept under the control of the Finance Officer and should be signed out by the employee and returned to the Finance Officer once the purchase is completed. All purchases in excess of \$100.00 made with the Town credit card must be preceded with a purchase order. When traveling out of town for training purposes, the employee **may** use the credit card for hotel stays and for the purchase of fuel **only**, providing that pre-approval **is obtained** from the Town Manager or the Finance Officer. A purchase order must be filled out immediately upon return. **A cash advance may be issued for the employee's cost of meals while out of town for training. Prior to departure, the employee may fill out a travel advance request form,** and a check will be issued to the employee for the amount of per diem **meal costs** as stated on the website at <http://www.gsa.gov/portal/content/104877> for the length of their stay and as outlined in the Town's travel policy. The employee is not authorized to pay for meals on the Town credit card, unless specifically authorized by the Town Manager. The Department Head must approve purchases. Unauthorized purchases are a violation of this policy. If proper procedures are not followed, the employee may be personally liable for the payment.

Updated 1/28/08

Revised 7/6/10

Revised 1/22/13

Revised 10/1/13

Revised 4/1/14

Adopted
November 7, 2007

**TOWN OF SOUTHERN SHORES
RETIREE HEALTH AND DENTAL
INSURANCE BENEFITS
POLICY**

A. HEALTH INSURANCE FOR RETIREES HIRED ON OR AFTER NOVEMBER 1, 2007

For employees hired on or after November 1, 2007, the term "qualified retiree" is defined as an employee who:

- (1) Retires from the Town with **25** completed years of service with the Town; **and**
- (2) Retires with **unreduced benefits** from the NC Local Government Employee's Retirement System. See definition of unreduced benefits in Section F of this policy.

A qualified retiree will have their individual health and dental insurance coverage paid for by the Town if the retiree elects to retain health and dental insurance for themselves through the Town. In the event that the Town's health insurance plan does not provide retiree health coverage, the Town shall reimburse the qualified retiree for monthly health premiums paid by the qualified retiree for individual employee only coverage. This shall be done upon receipt of proof of payment. The amount the Town will pay for coverage or will reimburse a qualified retiree for coverage shall not exceed the then current health benefit paid by the Town for active employees for individual employee only coverage. The Town will pay the premium (as stated above), for health and dental coverage **only** until the qualified retiree becomes eligible for Medicare coverage. Upon a qualified retiree becoming eligible for Medicare coverage or reaching the age of 65 whichever comes first, the Town will no longer pay premiums for health or dental coverage of any kind.

B. HEALTH INSURANCE BENEFITS FOR RETIREES HIRED BEFORE NOVEMBER 1, 2007

For employees hired before November 1, 2007, the term "qualified retiree" is defined as an employee who:

- (1) Retires from the Town with **10** completed years of service with the Town; **and**
- (2) Retires with **unreduced benefits** from the NC Local Government Employee's Retirement System. See definition of unreduced benefits in Section F of this policy.

A qualified retiree will have their health and dental insurance coverage paid for by the Town if the retiree elects to retain health and dental insurance for themselves through the Town. In the event the Town's health insurance plan does not provide retiree health coverage, the Town shall reimburse the qualified retiree for individual employee only coverage. The amount the Town will pay for coverage or will reimburse a qualified retiree for coverage shall not exceed the then current health benefit paid by the Town for active employees for individual employee only coverage.

Upon a qualified retiree becoming eligible for Medicare coverage or reaching the age of 65 whichever comes first, the Town will ~~no longer~~ pay premiums for a Medicare supplement and prescription plan only. The Town will no longer pay dental or vision premiums. Under no circumstances will the Town pay more than the amount the Town pays for individual employee only coverage for employees actively participating in the Town's health program.

Dependent coverage may also be purchased, but must be paid entirely by the qualified retiree.

In the event of the death of the retired employee, covered dependents may continue coverage for 36 months under COBRA.

C. ELECTION OF RETIREE HEALTH INSURANCE COVERAGE

Qualified retirees must decide within thirty (30) days after their retirement if they wish to continue Town health/dental insurance coverage, if it is available through the Town's plan. Before insurance can be reinstated, the qualified retiree must make payment arrangements for any premium due during the 30 day election period. If a decision has been made not to continue coverage, coverage will not be reinstated at any future date.

D. PAYMENT OF PREMIUM

Payment of premiums for coverage on dependents and the portion of the qualified retiree's premium not covered by the Town must be made by the last business day of the month prior to coverage. For example, payments of premiums for coverage during the month of July must be made on or before June 30. (If June 30 is a Saturday, the payment must be made by June 29th). A 2% administrative fee may be charged in addition to the monthly premium. Payments can be made monthly or quarterly and can either be mailed or brought to the Town's Finance Department so long as the payment is actually received before the last business day of the month. Monthly statements will be sent out indicating any balances due. Failure to pay the required premium to the Town's Finance Department within thirty (30) days of the due date will result in cancellation and loss of coverage. Once coverage has been cancelled for any reason, it cannot be reinstated.

E. AMENDMENTS

This policy is subject to change from time to time as the coverage requirements of the NC Local Government Employee's Retirement System or other benefit plans sponsored by the Town change. All benefits are contingent on the financial condition of the Town and the provision for such funding in each annual budget. The insurance benefits are subject to change with or without notice and in no way should this section be construed as a contract or guarantee of provision of these benefits beyond the current fiscal year. This policy supersedes all other policies relating to health/dental benefits.

F. DEFINITION OF UNREDUCED BENEFITS

The NC Local Government Employee's Retirement System classifies unreduced benefits to be one of the following:

- Law Enforcement Employees who are age 55 and have completed 5 years of creditable service as an officer **OR** 30 years of creditable service at any age.
- All General Employee's who are age 65 and completed 5 years of creditable service **OR** age 60 with 25 years of creditable service **OR** 30 years of creditable service at any age.

Revised 7/6/10

Revised 4/1/14

TOWN OF SOUTHERN SHORES TRAVEL POLICY

Purpose

It is the intent of this policy to provide Town employees' a comprehensive reference for uniform interpretation of payment or reimbursement for travel expenses incurred while traveling on Town business.

All employees and officials of the Town are subject to this policy.

Employee & Council Member Responsibility

It is the responsibility of the Town employee or Council Member to use moderation in incurring travel expenses; thus the same care should be exercised in incurring expenses that a prudent person would exercise if traveling on personal business and spending personal funds. Excess costs, circuitous routes, luxury accommodations, and unnecessary and unjustified services in the performance of official business are not acceptable under this standard. Town employees and Council Members will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience. Where practical, a travel advance for meals will be issued to responsible Town employees as a tool to help minimize the personal financial impact of conducting Town business. Detailed documentation is required of all Town credit card use. Willful violation of this policy may result in dismissal from Town employment or other disciplinary action.

Transportation

Transportation expenses include personal automobile, taxi, bus, train, airplane, motor pool charges, auto rentals, tolls and parking fees. All travel expenses must be incurred by and for employees or Council Members while conducting official Town business to be eligible for reimbursement. Receipts are necessary for reimbursement for auto rentals and all other means of transportation when available. The Town will pay the allowable automobile mileage rate as established by the Internal Revenue Service. Whenever possible employees should ride together or use Town owned vehicles.

Lodging

The Town will pay actual expenses incurred for lodging. Moderately priced accommodations should be sought as well as a government rate where available.

Meals

The Town credit card cannot be used for purchasing meals while out of town, unless specifically authorized by the Town Manager. The Town will issue a check to the employee for meals, upon completion of a travel advance form according to the current guidelines under GSA (US General Services Administration). If, for reason unforeseen, an employee does not receive a cash advance, the Town will only pay the costs of meals, up to the current per diem GSA guidelines, when a request for reimbursement is accompanied by receipts

The per diem may not be used, when a meal is furnished as part of a conference registration or is otherwise provided without cost. Employees and Council Members may receive allowances for meals (as stated above) for partial days of travel when the partial day is the day of departure or the day of return. Below are the guidelines:

Breakfast: Depart duty station prior to 6:00 a.m.

Lunch: Depart duty station prior to 10:00 a.m. (day of departure). Return to duty station after 2:00 p.m. (day of return).

Dinner: Return to duty station after 8:00 p.m. If stopping for dinner would cause the employee to return after 8:00 p.m., when he/she would otherwise have returned before 8:00 p.m., dinner will not be reimbursed.

Travel Advances

Travel advances may be made at the request of the department head; upon submission of a travel advance request form. Within 10 working days after the travel is completed, actual expense receipts will be attached to the completed expense voucher and presented for settlement. No travel advances will be approved unless all previous advances have been cleared.

Other Expenses

The Town will reimburse for long distance calls that relate to Town business. Personal phone calls while traveling are at the employee's expense.

Local Expenses

The cost of meals may be reimbursed when an employee/official pays for someone else's meal as a legitimate guest of the Town. The Town will also reimburse for after hours meals when attendance is a matter of Town business. The Town will not reimburse employees for "working lunches".

The Town will pay the allowable rate for local mileage for use of personal vehicles on Town business. Transportation from home to office is not reimbursable. Local mileage reimbursement expenses shall be submitted within 90 days of occurrence.

Adopted September 2007
Revised 4/1/14

**Town of Southern Shores
Budget Amendment Number # 10**

**Administration
Increases**

**Administration
Decreases**

Account Number	Description	Amount	Account Number	Description	Amount
	Revenues				
40-39926	Government Channel Grant	\$23,000			
40-39909	Undesignated FB	\$10,000			
	Expenditures				
42-50144	Technology Upgrade at Pitts Center	\$33,000			

Explanation: Lighting and Video Upgrade at the Pitts Center

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Tom Bennett, Mayor

Date

4/1/2014