



TOWN OF SOUTHERN SHORES
TOWN COUNCIL REGULAR MEETING

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

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

www.southernshores-nc.gov

PITTS CENTER

Tuesday, August 03, 2021 at 5:30 PM

MINUTES

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Present

Mayor Tom Bennett

Mayor pro tem Elizabeth Morey

Council Member Jim Conners

Council Member Leo Holland

Council Member Matt Neal

Approval of Agenda

Motion made by Council Member Holland to approve the agenda as presented, Seconded by Mayor pro tem Morey.

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Consent Agenda

1. Minute Approval
2. Pickups and Releases
3. Emergency Paid Sick Leave and Emergency FMLA Policy-Update
4. Retitle of Position-Lieutenant to Deputy Chief

Motion made by Mayor Bennett to pull item 3. *Emergency Sick leave and Emergency FMLA Policy Update* from the consent agenda and place it under New Business as item 6A, Seconded by Mayor pro tem Morey. Motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Motion made by Council Member Conners to approve consent agenda as amended, Seconded by Council Member Holland. Motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Staff Reports

5. Planning Department- Planning Director Wes Haskett presented the department’s monthly report for July. He further stated the Historic Landmarks Commission met to consider designation of 92 Ocean Blvd; the applicant was disapproved.

Police Department- Police Chief Kole presented the department’s monthly report for July. Chief Kole additionally covered an explanation of court fees/costs and what the town receives when asked by Mayor pro tem Morey to provide a broad explanation of traffic fines.

Fire Department- Chief Ed Limbacher presented the department’s monthly report for July.

Town Manager Ogburn addressed the following operation highlights:

- Traffic report
- Beach nourishment- beach nourishment mandatory pre-bid meeting will take place on August 12th.
- BRIC grant application-deadline to apply for the FEMA Building Resilient Infrastructure and Communities (BRIC) Grant is October 1st.
- Future Tourism Impact Grant application- would like to be in a position to receive grant to construct sidewalks for safety and will bring agenda item back to Council at future meeting.

[Town Manager’s PowerPoint attached]

Town Manager Ogburn asked for Council direction when addressing the traffic report.

Traffic report-Steps taken to date

- Closed the median on E Dogwood Trl
- closures posted on Waze
- Blocked E Dogwood median at Hillcrest, Sea Oates and Wax Myrtle, close Hickory at E Dogwood Trail or Hillcrest Drive
- Potentially add additional signage and barricades at the intersection of Ocean Blvd. and NC 12 and on Juniper Trl.
- Traffic data numbers-

	26-Jun	10-Jul		17-Jul			
		-/+	%		-/+	%	
274 Wax Myrtle	408	992	584	143	1107	115	10
286 Sea Oats	821	536	285	35	910	374	41
274 Hillcrest	1430	1000	430	30	694	306	44
55 Hickory	1367	3403	2036	149	1417	1986	140
332 Sea Oats	2447	2108	339	14	2529	421	17
Trinitie	978	1226	248	25	917	309	34
13th Avenue	11318	11411	93	0.08	11063	348	3

Should we continue no left turns on Sunday?

	Saturday	Sunday	vs	Wednesday	Saturday Difference	Sunday Difference
June 12/13	3435	1645		1333	2102	312
June 19/20	2397	2292		1154	1243	1138
June 26/27	3341	1657		2096	1245	-439
July 3/4	4581	2037		1367	3214	670
July 10/11	4206	1533		1233	2973	300
July 17/18	3549	1239		1213	2336	26
July 24/25	3590	1557		1448	2142	109
July 31/Aug 1	3835	2558		1474	2361	1084
total	28,934	14,518		11,318	17,616	3,200
average	3,617	1,815		1,415	2,202	400

By **Consensus of all Council**, Town Manager Ogburn was authorized to cancel the last two no left turn events on Sundays only.

General Public Comment

Public Comment- Lionel Richard-10 Circle Drive-traffic along Ocean Blvd from the cell tower to Hickory has increased tremendously. Would like 25mph speed limit enforced more strongly.

Old Business- none

New Business

6A. Emergency Paid Sick Leave and Emergency FMLA Policy-Update

Councilman Neal stated there are only 25 employees and asked how the policy affects the employees that have not received the vaccination. He supported the one-day vacation time as an incentive but felt the policy should be left as is.

Mayor pro tem Morey stated the updated policy would require those unvaccinated to use their own accumulated sick time and they would not be eligible for the two-week emergency sick time. She supported the one-day vacation time incentive and would like to revisit the policy once a Covid vaccine receives FDA approval.

Councilman Holland stated many private sector businesses are now requiring employees to have the Covid vaccine. People need to realize the seriousness of this virus.

MOTION: Mayor pro tem Morey moved to approve a one-day vacationed time incentive for receiving the COVID vaccination and bring the policy back for consideration once FDA approval is received, Seconded by Councilman Neal. The motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Connors, Council Member Holland, Council Member Neal

6. Budget Amendments 1-10 Encumbered Funds

Finance Officer Bonnie Swain explained budget amendments 1-10 are encumbered funds from FY 20-21 budget. The goods or services were not delivered or complete before 6/30/21

so the funds must be budgeted in FY 21-22 budget to pay for the goods or services when they arrive, or services are rendered. This money will come from the undesignated fund balance.

Motion made by Council Member Neal to approve budget amendments 1-10 as presented, Seconded by Council Member Holland. The motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

7. **Planning Board Appointment**

An application from Richard Garganski (95 Osprey Ln.) to fill the currently vacant Alternate 2 position on the Town Planning Board was received. The term for the position began on July 1, 2021 and expires on June 30, 2024. There are currently no other applications on file.

Motion made by Mayor pro tem Morey to appointment Richard Garganski to fill the Alternate 2 position on the Town Planning Board, Seconded by Council Member Conners. The motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

8. **Approval of Planning Board Officers**

At the July 19, 2021 Planning Board meeting, the Board reelected Andy Ward as Chairperson and Tony DiBernardo as Vice Chairperson. Section 24-24 of the Town Code states that the Planning Board shall elect its Chairperson and Vice Chairperson subject to the approval of the Town Council. If approved, they will serve as Chairperson and Vice Chairperson until July, 2022 when the next election of officers is held.

Motion made by Council Member Holland to approve Andy Ward as Chairperson and Tony DiBernardo as Vice Chairperson on the Town Planning Board, Seconded by Council Member Conners.

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

9. **Public Hearing-TCA-21-06 General Requirements (Lots)**

Town Attorney Gallop opened the public hearing and called for comment.

Planning Director Wes Haskett reviewed the staff report/analysis. At the June 1, 2021 Town Council meeting, Council conditionally approved PSP-21-01 and instructed the Planning Board to recommend a Town Code amendment that would eliminate the possibility of subdividing property that does not have frontage on a public street. At the June 21, 2021 Planning Board meeting, Town Staff provided and the Planning Board recommended approval of ZTA-21-07, Lot Access Requirements. After further review of ZTA-21-07, it was determined that the ZTA would render existing lots with frontage on an easement nonconforming and Council took no action on it at the July 6, 2021 Town Council meeting. TCA-21-06 removes the possibility of creating a new lot or lots that only have frontage on an easement in Section 30-96 (f). It also removes suggestions with the word "should" in Section 36-96 (f) and (g), as recommended by

the Planning Board.

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed TCA:

- Policy 2: The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the proposed TCA. The Town Planning Board unanimously recommended approval (6-0) of the TCA, with additional amendments to Section 30-96 (f) and (g), at the July 19, 2021 Planning Board meeting.

Councilman Holland asked Planning Director Haskett how this impacts the applicant that has already applied. Mr. Haskett stated they have already received their preliminary approval.

Councilman Neal inquired about the deletions in the road name section, is that just cleaning up the language or does not not apply to this section? Planning Director Haskett replied that the Planning Board was cleaning up the language.

Hearing no further comment, Town Attorney Gallop closed the public hearing.

Motion made by Council Member Conners to adopt TCA-21-06 as written, Seconded by Mayor pro tem Morey. The motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

General Public Comment (Limit: 3 minutes per speaker.)

Public Comment-Ann Sjoerdsma-232 N Dogwood Trail-disappointed to hear the no left turn event will be cancelled for the last two Sundays.

Council Business

Mayor pro tem Morey stated she was in attendance of a presentation from faculty of NC State University at Jennette's Pier about sustainable tourism and the challenges the Outer Banks are facing. She is hoping that there will be future literature or a presentation that will be available to share.

Councilman Holland stated yesterday the Commissioners did approve the event site facility and will accommodate 300-2500 people. There are still many hurdles, but the project is on its way.

Councilman Conners attended two meetings recently, the library committee and the monarch flyway. The library committee is starting up where they left off a year ago and the monarch flyway committee will be planting 3000 milkweed plants in order to fulfill their commitment.

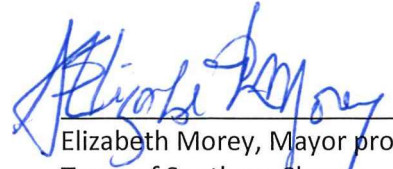
Adjourn

Motion made by Council Member Holland to adjourn the meeting at 6:50 PM, Seconded by Mayor pro tem Morey. Motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Attest: 
Sheila Kane, Town Clerk




Elizabeth Morey, Mayor pro tem
Town of Southern Shores



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

The Town provides eligible employees with emergency paid sick leave and emergency FMLA leave under certain conditions as required by the Families First Coronavirus Relief Act. These are two separate forms of leave that in some cases are governed by different rules, as set forth below.

Eligibility

All classes of employees are eligible for emergency paid sick leave and emergency FMLA leave. All employees are eligible for emergency paid sick leave under this policy regardless of the length of their employment. To be an “eligible” employee for purposes of emergency family or medical leave available under this policy, the employee must have been employed by the Town for at least 30 calendar days before requesting the leave and be fully vaccinated or provide proof from a doctor of a medical reason for not being vaccinated by 9/17/21.

A. Reason for Emergency Paid Sick Leave

You may take Emergency Paid Sick Leave if you are unable to work (or telework, if allowed) due to a need for leave because:

1. You are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. You are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
4. You are caring for an individual who is subject to an order as described in 1, above or who has been advised to quarantine or isolate due to concerns related to COVID-19;
5. You are caring for your own child (i) because their school or place of care is closed, or (ii) because your child’s childcare provider is unavailable, due to COVID-19 precautions; or
6. Obtaining a COVID-19 vaccination;
7. Recovering from an injury, disability, illness or condition related to COVID-19 vaccination; or

8. Seeking or awaiting results of COVID-19 testing or diagnosis because either the employee has been exposed to COVID-19 or the employer requested the test or diagnosis.

Duration/Compensation

Employees are entitled to Emergency Paid Sick Leave:

- **Full-time employees:** Up to 80 hours of pay for non-exempt employees, two weeks of pay for exempt employees, or a two-week equivalent of pay for police, at their regular pay rate. However, when caring for a family member (for reasons 4 or 5 above), Emergency Paid Sick Leave is paid at two-thirds the employee's regular rate.
- **Part-time employees:** Emergency Paid Sick Leave provided under this Policy is calculated based on the number of hours the employee works, on average, over a two-week period. Except in extraordinary circumstances, the two-week period used will be the two full weeks immediately preceding the date the leave is requested.
- Paid leave under this shall not exceed \$511 per day (\$5,110 in total) where leave is taken for reasons 1, 2, 3, 6, 7 & 8 described above (generally, an employee is unable to work because of their own illness or quarantine); or \$200 per day (\$2,000 in total) where leave is taken for reasons 4 or 5 (where the employee is unable to work due to a need to care for others or school closures).

Leave Rules

- You may elect to use Emergency Paid Sick Leave before using any accrued paid leave. You are not required to use any other paid leave before using Emergency Paid Sick Leave.
- No leave provided by the Town before April 1, 2020 may be credited against your leave entitlement. In addition, Emergency Paid Sick Leave provided under this Policy cannot be carried over after December 31, 2020 and will not be paid out upon termination.

Requesting Emergency Paid Sick Leave

- If you need to take Emergency Paid Sick Leave, provide notice as soon as possible. Normal call-in procedures apply to all absences from work. You are not required to search for or find a replacement employee to cover the hours during which you are using leave under this policy.

B. Reason for Emergency FMLA Leave

An eligible employee is entitled to Emergency FMLA Leave if the employee is unable to work (or telework, if allowed) due to a need for leave to care for their own child < 18 y.o. because the school or childcare facility for the child has been closed due to public health emergency, or because the childcare provider of such child is unavailable due to a public health emergency.

C. Reason for Emergency FMLA Leave

You may take Emergency FMLA Leave if you are unable to work (or telework, if allowed) due to a need for leave because:

1. You are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. You are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
4. You are caring for an individual who is subject to an order as described in 1, above or who has been advised to quarantine or isolate due to concerns related to COVID-19;
5. You are caring for your own child (i) because their school or place of care is closed, or (ii) because your child's childcare provider is unavailable, due to COVID-19 precautions; or
6. Obtaining a COVID-19 vaccination;
7. Recovering from an injury, disability, illness or condition related to COVID-19 vaccination; or
8. Seeking or awaiting results of COVID-19 testing or diagnosis because either the employee has been exposed to COVID-19 or the employer requested the test or diagnosis.

Duration/Compensation

- No pay is available for first 10 days of leave unless the employee elects to substitute any accrued vacation leave, sick leave or Emergency Sick Leave.
- After 10 days, part-time and full-time employees will receive two-thirds of the employee's regular rate of pay for the number of hours they would normally be scheduled to work, capped at \$200/day and \$10,000 total.

Leave Rules

You may elect to use any accrued paid leave during the first 10 days of Emergency FMLA Leave.

Requesting Emergency FMLA Leave

Where the need for Emergency FMLA Leave provided for in this policy is foreseeable, the employee must provide their supervisor with as much notice of the leave as is practicable.

Job Restoration

The return to work provision of the Town's FMLA Leave policy shall apply to an employee who takes Emergency FMLA leave under this policy.

D. General Provisions

Retaliation

The Town will not retaliate against any employee who requests or takes Emergency Paid Sick Leave or Emergency FMLA Leave in accordance with this policy.

Expiration

This policy and the leave options provided by it expires on December 31, 2020. On January 5, 2021, Town Council renewed this policy and the leave options provided by it until the end of the COVID-19 pandemic.

Adopted by Wes Haskett, Interim Manager 3/30/20

By Town Council on 4/7/20

Council approved updates to policy on 4/13/21, with a retroactive date of 4/1/21





AGENDA ITEM SUMMARY

MEETING DATE: August 3, 2021

ITEM TITLE: Budget Amendments #1-10 Encumbered Funds

ITEM SUMMARY:

Budget Amendments #1-10 are encumbered funds from FY 20-21 budget. The goods or services were not delivered or complete before 6/30/21 so the funds must be budgeted in FY 21-22 budget to pay for the goods or services when they arrive, or services are rendered.

STAFF RECOMMENDATION:

Staff recommends the approval of the budget amendments as presented.

REQUESTED ACTION: Council needs to vote to approve the budget amendments.

**Town of Southern Shores
Budget Amendment Number # 1**

**Public Works
Increases**

Decreases

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	Revenues Unassigned Fund Balance	\$39,642			
59-50151	Expenditures Equipment Purchase	\$39,642			
	TOTAL			TOTAL	\$ -

Explanation: The purchase of the Toro Dingo Equipped with 4 in 1 bucket, grapple rake and brush mower was authorized by Council at the May 2021 meeting. Equipment was ordered but has not been delivered. Money was encumbered from FY 20-21 budget.
 Recommended By: _____ Approved By: Town Council

Cliff Ogburn, Town Manager

Tom Bennett, Mayor

Date

**Town of Southern Shores
Budget Amendment Number #2**

Admin Increases			Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<u>Revenues</u> Unassigned Fund Balance	\$2,322			
42-50160	<u>Expenditures</u> NCDEQ ZEV Charging Station	\$2,322			

Explanation: Money encumbered from FY 21-22 budget for the installion and signage for car charging station.

Recommended By:

 Cliff Ogburn, Town Manager

Approved By:

 Tom Bennett, Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 3**

**Public Works
Increases**

Decreases

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	Revenues Unassigned Fund Balance	\$1,630			
59-50151	Expenditures Equipment Purchase	\$1,630			
	TOTAL			TOTAL	\$ -

Explanation: To encumber money from FY 20-21 budget for the purchase of pole saw, pole pruner and blowers for the Public Works Department.

Recommended By:

Approved By: Town Council

Cliff Ogburn, Town Manager

Tom Bennett , Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 4**

Streets, Beaches, Canals

Increases			Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<u>Revenues</u>				
40-39909	Unassigned Fund Balance	\$157,517			
	<u>Expenditures</u>				
57-50131	Beach Nourishment Permitting	\$5,844			
57-50135	Beach Nourishment Profile Study	\$11,724			
57-50154	Beach Nourishment Engineering	\$105,694			
57-50161	BN- Construction Monitoring	\$34,255			

Explanation: To encumber funds from FY 20-21 budget for beach nourishment expenses

Approved By:

Cliff Ogburn, Town Manager

Tom Bennett, Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 5**

**Streets
Increases**

Decreases

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<u>Revenues</u> Unassigned Fund Balance	\$14,998			
57-50980	<u>Expenditures</u> Sea Oats	\$14,998			
	TOTAL			TOTAL	\$ -

Explanation: To encumber funds from FY 20-21 budget for work not completed by 6/30/21.

Recommended By:

Approved By:

Cliff Ogburn, Town Manager

Tom Bennett, Mayor

Date _____

**Town of Southern Shores
Budget Amendment Number # 6**

Streets Increases			Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<u>Revenues</u>				
40-39909	Unassigned Fund Balance	\$3,650			
	<u>Expenditures</u>				
57-50983	FY 20-21 Infrastructure Project	\$3,650			
					\$0

Explanation: To encumber funds from FY 20-21 budget to complete the pavement study on town streets

Recommended By:

T. Cliff Ogburn, Town Manager

Approved By:

Tom Bennett, Mayor

Date

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

Admin Increases			Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	Revenues Unassigned Fund Balance	\$4,000			
42-50120	Expenditures Contracted Services	\$4,000			
	TOTAL			TOTAL	\$ -

Explanation: To encumber funds from FY 20-21 budget to complete the revision of the Town's personnel policy

Recommended By: _____
T. Cliff Ogburn, Town Manager

Approved By: _____
Tom Bennett, Mayor

Date _____

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

Police Increases			Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<u>Revenues</u> Unassigned Fund Balance	\$ 75,510			
51-50175	<u>Expenditures</u> Capital Outlay- Police Vehicles	\$ 75,510			

Explanation: To encumber funds from FY 20-21 budget for Police vehicles that were ordered but not delivered before 6/30/21.

Recommended By:

Approved By:

Cliff Ogburn, Town Manager

Tom Bennett, Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 9**

Police Increases			Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<u>Revenues</u> Unassigned Fund Balance	\$ 8,088			
51-50127	<u>Expenditures</u> Uniforms	\$ 8,088			

Explanation: To encumber funds from FY 20-21 for Police uniforms that were ordered but not delivered before 6/30/21.

Recommended By:

 Cliff Ogburn, Town Manager

Approved By:

 Tom Bennett, Mayor

Date

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

Police Increases			Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<u>Revenues</u>				
40-39909	Unassigned Fund Balance	\$38,808			
	<u>Expenditures</u>				
51-50151	Equipment Purchase	\$38,808			

Explanation: To encumber funds from the FY 20-21 budget for Police Radios that were ordered but not delivered before 6/30/21.

Recommended By:

Approved By:

Cliff Ogburn, Town Manager

Tom Bennett, Mayor

Date

TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION

Item 7.

DATE: 7-16-2021

Municipal Board(s), Commission(s), or Committee(s) interested in:

NAME: RICHARD A. GALGANSKI PHONE: (HOME) 252-619-6541
PHONE: (WORK) _____
Email: COROLLA FIRE CHIEF 6 @GMAIL.COM
ADDRESS: 95 OGPREY LN SOUTHERN SHORES

OCCUPATION (Past & Present)	EMPLOYER
<u>FIRE CHIEF (RET)</u>	<u>COROLLA FIRE & RESCUE 110C.</u>
<u>TRAILER DRIVER</u>	<u>UNITED PARCEL SERVICE</u>
<u>FIRE CHIEF (RET)</u>	<u>MILLSBOROUGH TWP, N.J.</u>

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>HIGH SCHOOL</u>	<u>6/1972</u>		
<u>EXTENSIVE FIRE CERTS</u>		<u>EQ-HIGH RISE - HAZ-MAT - CONDOS</u>	
		<u>CONSTRUCTION</u>	

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board, Commission, or Committee: (Use additional pages if needed)

FIRE CHIEF / FIRE ADVISORY BOARD / TRC-TECHNICAL REVIEW COMMITTEE
ARCHITECTURAL COMMITTEE - MOTERAY SHORES

STAFF REPORT

To: Southern Shores Town Council
Date: August 3, 2021
Case: TCA-21-06
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Subdivision Ordinance by amending Section 30-96, General Requirements

ANALYSIS

At the June 1, 2021 Town Council meeting, Council conditionally approved PSP-21-01 and instructed the Planning Board to recommend a Town Code amendment that would eliminate the possibility of subdividing property that does not have frontage on a public street. At the June 21, 2021 Planning Board meeting, Town Staff provided and the Planning Board recommended approval of ZTA-21-07, Lot Access Requirements. After further review of ZTA-21-07, it was determined that the ZTA would render existing lots with frontage on an easement nonconforming and Council took no action on it at the July 6, 2021 Town Council meeting. TCA-21-06 removes the possibility of creating a new lot or lots that only have frontage on an easement in Section 30-96 (f). It also removes suggestions with the word “should” in Section 36-96 (f) and (g), as recommended by the Planning Board.

The Town’s currently adopted Land Use Plan contains the following Policy that is applicable to the proposed TCA:

- **Policy 2:** The community values and the Town will continue to comply with the founder’s original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff has determined that the proposed amendments are consistent with the Town’s currently adopted Land Use Plan and Town Staff recommends approval of the proposed TCA. The Town Planning Board unanimously recommended approval (6-0) of the TCA, with additional amendments to Section 30-96 (f) and (g), at the July 19, 2021 Planning Board meeting.



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

TCA-21-06

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. § 160D-801, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the subdivision of land within its planning and development regulation jurisdiction. Pursuant to this authority, the Town has adopted a comprehensive subdivision ordinance (the “Town’s Subdivision Ordinance”) and has codified the same as Chapter 30 of the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, the Town further finds that in accordance with the finding above it is in the interest of and not contrary to the public's health, safety, and general welfare for the Town to amend the Town’s Subdivision 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 Subdivision 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 **Sec. 30-96. General requirements.** Be amended as follows:

Sec. 30-96. General requirements.

- (a) *Conformity to existing maps or plans.* The location and width of all proposed roads shall be in conformity with official plans or maps of the town and with existing or amended plans of the planning board.

- 1 (b) *Continuation of existing roads.* The proposed road layout shall be coordinated with
 2 the existing road system of the surrounding area and, where possible, existing principal
 3 roads shall be extended.
- 4 (c) *Access to adjacent properties.* Where, in the opinion of the planning board, it is
 5 desirable to provide access to an adjoining property, proposed roads shall be extended
 6 by dedication to the boundary of such property and a temporary turnaround shall be
 7 provided.
- 8 (d) *Large tracts or parcels.* Where land is subdivided into larger parcels than ordinary
 9 building lots, such parcels shall be arranged so as to allow for the opening of future
 10 roads and logical further resubdivision.
- 11 (e) *Contour map.* A subdivider shall submit to the planning board a contour map of a
 12 specified interval or a grid survey on 200-foot grids, or smaller if specified, to show
 13 natural drainage and improved street locations.
- 14 (f) *Lots.* All lots shall front upon a public road ~~or access easement. Double frontage lots~~
 15 ~~should be avoided.~~
- 16 (g) *Road names.* Proposed roads which are obviously in alignment with existing roads
 17 ~~should~~ shall be given the same name. In assigning new names, the proposed name shall
 18 not duplicate an existing name or ~~duplication should be avoided and in no case should~~
 19 ~~the proposed name~~ be phonetically similar to existing names, irrespective of the use
 20 of the suffix: street, avenue, boulevard, drive, place, court, etc.
- 21 (h) *Solid waste collection.* The planning board may require for each 25 lots an easily
 22 accessible site, not exceeding 400 square feet, to be reserved for the location of a solid
 23 waste container or containers for the unrestrained use of public or private waste
 24 collection.

25
 26 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
 27 **Reasonableness.**

28
 29 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
 30 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
 31 is applicable. For all of the above-stated reasons and any additional reasons supporting the
 32 Town’s adoption of this ordinance amendment, the Town considers the adoption of this
 33 ordinance amendment to be reasonable and in the public interest.

34
 35 **ARTICLE V. Severability.**

36
 37 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
 38 hereby repealed. Should a court of competent jurisdiction declare this ordinance
 39 amendment or any part thereof to be invalid, such decision shall not affect the remaining
 40 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
 41 Town of Southern Shores, North Carolina which shall remain in full force and effect.

42
 43 **ARTICLE VI. Effective Date.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

This ordinance amendment shall be in full force and effect from and after the ____ day of _____, 2021.

Tom Bennett, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: __AYES__NAYS