



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, June 06, 2023 at 5:30 PM

AGENDA

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Amendments to / Approval of Agenda

Consent Agenda

1. Minute Approval-emailed
- [2.](#) Budget Amendments
- [3.](#) Budget Amendment- Capital Project Ordinance Budget Amendment #3
- [4.](#) 2023 Street Improvement Projects Bid Award & Budget Amendment
- [5.](#) Tax Pickups & Releases

Staff Reports

Deputy Town Manager/Planning Director

Monthly Permit Reports

Planning Board Update

Police Chief

Fire Chief

Town Manager

Street Improvement Project

Town Attorney

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

Old Business

New Business

- [6.](#) Public Hearing-ZTA-22-08, a Zoning Text Amendment application submitted by Casey Varnell on behalf of Pledger Palace, CDEC, Inc. to amend Town Code Sections 36-57 and 36-207(b) to allow Shared space-Occupancy Dwellings in the Commercial zoning district.
- [7.](#) Public Hearing-on ZTA-23-04, a Zoning Text Amendment application submitted by Matthew Huband to amend Town Code Sections 36-207(c)(1)b., 36-207(c)(1.5)b., 36-207(c)(11)j., 36-207(c)(11)k., 36-207(d)(7), and 36-207(d)(8) to establish a 50 ft. setback requirement for restaurants from planned unit developments, a 50 ft. setback requirement for drive-through facilities or establishments (small) from planned unit developments, a 50 ft. setback

requirement for mixed use group developments from planned unit developments and residential districts, a 50 ft. setback requirement for commercial buildings and facilities from planned unit developments, a 20 ft. buffer requirement where a mixed use group development abuts a residential district or planned unit development, and a 20 ft. buffer requirement where a commercial use or zone abuts a residential district or planned unit development.

8. Public Hearing-ZTA-23-03, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Sections 36-57, 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) to clarify the Town's current lot width requirements.
9. Town Manager's Recommended Budget FY2023-2024 -
 - a. Public Hearing -purpose of receiving input from citizens wishing to comment on the proposed budget for FY2023-2024
 - b. Consideration of Budget Ordinance #2023.06.01
 - c. Amendment to the Unreserved Fund Balance Policy
10. Consideration of Town Hall Complex Building Maintenance Contract Award & Budget Amendment
11. Consideration of Contract Amendment-HREM
12. Beach Nourishment Monitoring Agreement-CPE
13. Planning Board Appointment
14. Discussion / Consideration of Speed Bumps

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

Council Business

Closed Session-pursuant to N.C.G.S. § 143-318.11(a)(5)

Adjourn

**Town of Southern Shores
Budget Amendment Number # 29**

Planning Increases			Planning Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-32900	Revenues Interest Income	\$5,700			
63-50120	Expenditures Contracted Services	\$5,700			
	TOTAL			TOTAL	\$ -

Explanation: Cost to update Town Zoning Map

Recommended By:

Cliff Ogburn, Town Manager

Approved By: Town Council

Elizabeth Morey, Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 31**

Admin Increases			Admin Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<u>Revenues</u>				
40-39999	Transfer IN from Other Funds ARPA	\$32,600			
	<u>Expenditures</u>				
42-50195	Municode Publishing	\$4,600			
42-50112	Supplies	\$2,500			
42-50111	Postage	\$500			
42-50104	Legal Fees	\$25,000			
	TOTAL			TOTAL	\$ -

Explanation: To increase for annual Civic Plus online Town Code Supplement, office supplies/bank fees, postage and legal fees.

Recommended By:

Cliff Ogburn, Town Manager

Approved By: Town Council

Elizabeth Morey, Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 32**

Streets Increases			Streets Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<u>Revenues</u>				
40-39999	Transfer IN from Other Funds ARPA	\$86,575			
	<u>Expenditures</u>				
57-48013	Channel Maintenance	\$1,500			
57-50994	13 Skyline	\$6,475			
57-50992	Pavement Plan Year 2	\$72,800			
57-50993	NC 12 Path Ocean Blvd- E. Dogwood	\$5,800			
	TOTAL			TOTAL	\$ -

Explanation: To determine water depth of channel, survey and attorney fees on 13 Skyline purchase, additional cost of phase I and II

Recommended By:

Cliff Ogburn, Town Manager

Approved By: Town Council

Elizabeth Morey, Mayor

Date

**Town of Southern Shores
Budget Amendment Number # 35**

Admin Increases			Revenues/Admin Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
42-59998	Transfer OUT to Other Funds CRF	\$52,000	40-39999	Transfer IN from Other Funds	\$52,000
TOTAL		\$52,000	TOTAL		\$ 52,000

Explanation: Less money needed from CRF Beach Nourishment due to money received from Dare County for debt service payment

Recommended By:

Cliff Ogburn, Town Manager

Approved By: Town Council

Elizabeth Morey, Mayor

Date



Town of Southern Shores

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BEACH NOURISHMENT PROJECT ORDINANCE AMENDMENT #3

BE IT ORDAINED by the Governing Board of the Town of Southern Shores, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance as adopted January 4, as follows:

Section 1. The project authorized is a locally funded beach nourishment project to be financed by the sale of special obligation bonds to be repaid from one of the following sources: contributions from Dare County, ad valorem revenues, grant funds from the North Carolina Department of Environmental Quality, or other sources of revenue.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the bond resolution and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering and Construction Oversight	\$415,047
Mobilization/Demobilization	\$1,700,345
Pumping & Construction Costs	\$9,134,853
Benthic Monitoring	\$40,000
Turtle Monitoring	\$15,674
Sand fencing	\$183,600
Professional Fees	\$151,013
Contingency	\$17,305
Transfer out to General Fund	<u>\$233,882</u>
	\$11,891,719

Detailed accounts are for analysis purposes only. The budget is adopted on a total project basis.

Section 4. The following revenues are anticipated to be available to complete this project:

Proceeds from special obligation bonds	\$5,545,541
NC Department of Environmental Quality Grant	\$1,414,205
Contribution from Dare County	\$4,371,401
(Project Savings)Additional Dare County Contribution	\$194,206
Engineering Reimbursement from Dare County	<u>\$366,366</u>
	\$11,891,719

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy federal, state, and local regulations. The terms of the bond resolution should also be met.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues in this capital project in every budget submission made to this Board.

Section 9. Copies of this project ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and Finance Officer for direction in carrying out this project.

Adopted this 6th day of June 2023.

Elizabeth Morey, Mayor

ATTEST:

Sheila Kane, Town Clerk



Agenda Item Summary Sheet

Date: 6/6/23

Item #: 4 consent

Item Title: Street Improvement Projects

Item Summary: The Town Solicited bids for two street improvement projects. The first Project is the Southern Shores Street Improvement Project Year Two #23 Pave Phase One. We received one bid for this project in the amount of \$624,450.00 from Fred Smith Company Construction. Because of the lower than anticipated cost of the first project, the Town was able to solicit bids for a second project. The second project is the Southern Shores Street Improvement Project Year Two #23 Pave Phase Two. We received three bids for this project with the lowest bid in the amount of \$448,349.95 from Fred Smith Company Construction.

Spring 2023 Street Work			
Street Name	BEGIN DESCRIPTION	END DESCRIPTION	Treatment (Spring of 2023)
Mizzenmast	entire cul-de-sac		1.5" overlay
Turtle Pond	entire cul-de-sac		1.5" overlay
Chicahauk Tr	NC 12	Crooked Back Loop	Rehab (Major) - Mill and Fill 2 in
Chicahauk Tr	Crooked Back Loop	Trinitie Trl	Rehab (Major) - Mill and Fill 2 in
Ginguite	Pintail	12 Ginguite	Rehab (Major) - Mill and Fill 2 in
OCEAN BLVD	PERIWINKLEPL	E DOGWOOD TRL	Rehab (Major) - Mill and Fill 2 in
PERIWINKLE PL	NC 12	OCEAN BLVD	Rehab (Major) - Mill and Fill 2 in
1ST AVE	DEAD END	DEAD END	Rehab (Major) - Mill and Fill 2 in
E DOGWOOD TRL	BAYBERRY TRL	NC 12	Rehab (Major) - Mill and Fill 2 in
SEA OATS TRL	SOUNDVIEW TRL	HILLCREST DR	Rehab (Major) - Mill and Fill 2 in
CIRCLE DR	entire street	entire street	Rehab (Major) - Mill and Fill 2 in
GOOSE FEATHER LN	CHICAHOUK TRL	DEAD END	Rehab (Major) - Mill and Fill 2 in
9th Avenue	NC 12	West side	Rehab (Major) - Mill and Fill 2 in
Hickory Trl			Crosswalk and Stop Bar
Rehabilitation Major – Mill and Fill 2in			
Rehabilitation Major Mill and Fill of 2 inches is an adaptation of the overlay treatment. This method of rehabilitation includes patching but eliminates leveling and surface patching due to the removal of the entire pavement surface in a uniform 2in cut with a milling machine. Milling removes the weathered and cracked asphalt surface course which is replaced with new materials. Milling allows for tying into existing grades and has less complications when working in curb and gutter areas or locations with lots of driveways. Mill and fill 2in operations are suited for higher traffic volume pavements in fair condition and lower traffic volume pavements in fair and poor condition. This type of treatment is necessary to rehabilitate distresses that are to severe or more frequently occurring than a minor overlay would be suitable for.			

Staff Recommendation: Staff recommends that Council award both projects to Fred Smith Company Construction.

Requested Action: Motion to award Fred Smith Company Construction the Southern Shores Street Improvement Project Year Two #23 Pave Phase One and the Southern Shores Street Improvement Project Year Two #23 Pave Phase Two contracts.

Attachments:

Southern Shores Street Improvement Project Year Two #23 Pave Phase One Scope of Work

Southern Shores Street Improvement Project Year Two #23 Pave Phase One Bid Tabulation Sheet

Southern Shores Street Improvement Project Year Two #23 Pave Phase Two Scope of Work

Southern Shores Street Improvement Project Year Two #23 Pave Phase Two Bid Tabulation Sheet

Town of Southern Shores Street Improvement Project Year Two

The Town of Southern Shores will receive sealed bids for the following Project:

**PROJECT NAME: Southern Shores Street Improvement
Project Year Two**

BID DUE DATE & TIME: April 18, 2023 AT 10:00 AM

SCOPE OF WORK: The proposed project is located within the right-of-way or easements on various streets in Southern Shores, NC. The project includes the repair, patching, and/or rehabilitation of the following streets:

STREET NAME	BEGINNING STREET	END DESCRIPTION
Chicahauk Trail	NC12/Duck Road	Crooked Back Loop
Chicahauk Trail	Crooked Back Loop	Trinitie Trail
Circle Drive	Entire Street	Entire Street
1 ST Avenue	Entire Street	Entire Street
Sea Oats Trail	11 th Avenue	Hillcrest Drive
9 th Avenue (West)	Entire Street	Entire Street
Ginguite Trail	Pintail Trail	12 Ginguite Trail
Hickory Trail (Crosswalk and stop bar only)	NC12/Duck Road	NC12/Duck Road

This advertisement will be posted on Town of Southern Shores website.

Interested bidders must obtain an official bid package in order to bid. Contract Documents are available at the following location:

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

One copy of the Contract Documents will also be available for reference at the Town Hall.

Town of Southern Shores

STREET IMPROVEMENT PROJECT #23 PAVE

Bid Opening May 1, 2023 10:00am

Name	Bid Package Requirements Satisfied	Lump Sum
Fred Smith Company Construction	YES	\$624,450.00

Bids will be evaluated and contract awarded in accordance with the requirements in the bid package

Recorded by:
David Bradley
Public Works Director

Town of Southern Shores Street Improvement Project Year Two Phase Two

The Town of Southern Shores will receive sealed bids for the following Project:

**PROJECT NAME: Southern Shores Street Improvement
Project Year Two Phase Two**

BID DUE DATE & TIME: May 24, 2023 AT 10:00 AM

SCOPE OF WORK: The proposed project is located within the right-of-way or easements on various streets in Southern Shores, NC. The project includes the repair, patching, and/or rehabilitation of the following streets:

STREET NAME	BEGINNING STREET	END DESCRIPTION	REPAIR DESCRIPTION
Mizzen Mast Lane	Entire Street	Entire Street	1.5" Overlay
Ocean Blvd	Periwinkle Place	E Dogwood Trail	2" Mill and Fill
Periwinkle Place	NC12	Ocean Blvd	2" Mill and Fill
Goose Feather Lane	Entire Street	Entire Street	2" Mill and Fill
Turtle Pond Court	Entire Street	Entire Street	1.5" Overlay
E Dogwood Trail	Bayberry Trail	NC12	2" Mill and Fill

This advertisement will be posted on Town of Southern Shores website.

Interested bidders must obtain an official bid package in order to bid. Contract Documents are available at the following location:

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

One copy of the Contract Documents will also be available for reference at the Town Hall.

Town of Southern Shores

STREET IMPROVEMENT PROJECT #23 PAVE PHASE TWO

Bid Opening May 24, 2023 10:00am

Name	Bid Package Requirements Satisfied	Lump Sum
Fred Smith Company Construction	YES	\$448,349.95
Barnhill Contracting Company	YES	\$515,376.53
C. D. Rose Construction	YES	\$677,373.45

Bids will be evaluated and contract awarded in accordance with the requirements in the bid package

Recorded by:
David Bradley
Public Works Director

**TOWN OF SOUTHERN SHORES
TAX DEPARTMENT**

6/6/2023

PICKUPS

RELEASES

November Real	\$	20.20
December Real	\$	20.62
January Real	\$	2.89
March Real	\$	72.12

TOTAL **\$0.00**

\$ 115.83



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 6, 2023

ITEM TITLE: ZTA-22-08

ITEM SUMMARY:

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Sections 36-57 and 36-207(b) to allow for Shared Space-Occupancy Dwellings (SSO) as a permitted use in the C, General Commercial zoning district. The application was submitted on June 17, 2022 but the Applicant withdrew the application from the July 18, 2022 Planning Board meeting agenda. The proposed language defines Shared Space-Occupancy Dwelling as a private structure in which shared spaces are offered for rent for the purpose of providing affordable sleeping accommodations, payable in money and other consideration, to persons who do not meet the definition of family. Each shared space offered for rent within the structure may accommodate up to ten (10) bunk units (maximum of twenty (20) occupants). Each shared space offered for rent within the structure shall exist within the confines of four walls, and separate and apart from any other shared space within the structure. Residents of the SSO shall share a kitchen facility and common living area with all other residents and shall share a bathroom facility with one or more other residents. The owner of the SSO shall not use the dwelling comprising the SSO as their primary residence. SSO does not include dormitory and residence halls, single-family dwellings, multi-family dwellings, motels, or vacation cottages.

The proposed requirements for Shared Space-Occupancy Dwellings (SSO) are:

- a. There shall be one (1) parking space for every seven (7) residents. The parking of any motor vehicle shall only occur in a designated parking space.
- b. Bathroom facilities shall be provided which accommodate separate use by males and females.
- c. The owner of the SSO shall obtain the requisite permit(s) from the Dare County Health Department.
- d. The owner of the SSO shall be responsible for ensuring that residents are, at all times, in compliance with all Town Code regulations, including the town noise ordinance.
- e. The Town of Southern Shores may complete periodic inspections of the SSO to ensure the SSO is providing for the health and safety of the occupants.

Since Town Code Section 36-207(b)(11) was established after the application was submitted, the proposed amendment to Town Code Section 36-207(b) should consist of the addition of (12) instead of

(11) as shown in the application.

STAFF RECOMMENDATION:

The applicant seeks to provide affordable housing for J-1 Work Visa students and others in need of affordable housing. During your consideration, questions and discussion should mainly focus on the ZTA and not on a specific property as it would apply to all lots in the Town's C, General Commercial zoning district. Policy 2 of the Town's Land Use Plan establishes the commercial district as a small district for convenience shopping and services. The Land Use Plan also establishes that incompatible uses in the commercial area are limited to "residential (low density)", educational, and conservation activities. Since the proposed use would consist of high-density housing in the C, General Commercial zoning district, Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan.

However, given the potential impacts of the proposed use on adjacent properties, Town Staff recommends disapproval of the application. The Town Planning Board recommended denial of the application (4-1) at the May 15, 2023 Planning Board meeting.

REQUESTED ACTION:

Motion to deny ZTA-22-08.

STAFF REPORT

To: Southern Shores Town Council
Date: June 6, 2023
Case: ZTA-22-08
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Pledger Palace CDEC, Inc.
 6325 N. Croatan Hwy.
 Southern Shores, NC 27949

Applicant's Representative: Casey C. Varnell, Attorney for Applicant
 P.O. Drawer 1027
 Kitty Hawk, NC 27949

Requested Action: Amendment of the Town Zoning Ordinance by amending Sections 36-57, 36-207(b)

ANALYSIS

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Sections 36-57 and 36-207(b) to allow for Shared Space-Occupancy Dwellings (SSO) as a permitted use in the C, General Commercial zoning district. The application was submitted on June 17, 2022 but the Applicant withdrew the application from the July 18, 2022 Planning Board meeting agenda. The proposed language defines Shared Space-Occupancy Dwelling as a private structure in which shared spaces are offered for rent for the purpose of providing affordable sleeping accommodations, payable in money and other consideration, to persons who do not meet the definition of family. Each shared space offered for rent within the structure may accommodate up to ten (10) bunk units (maximum of twenty (20) occupants). Each shared space offered for rent within the structure shall exist within the confines of four walls, and separate and apart from any other shared space within the structure. Residents of the SSO shall share a kitchen facility and common living area with all other residents and shall share a bathroom facility with one or more other residents. The owner of the SSO shall not use the dwelling comprising the SSO as their primary residence. SSO does not include dormitory and residence halls, single-family dwellings, multi-family dwellings, motels, or vacation cottages.

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Since Town Code Section 36-207(b)(11) was established after the application was submitted, the proposed amendment to Town Code Section 36-207(b) should consist of the addition of (12) instead of (11) as shown in the application.

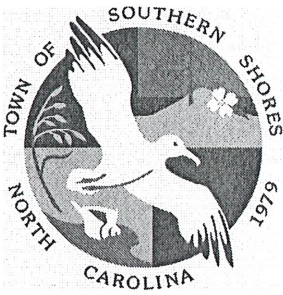
The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **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

The applicant seeks to provide affordable housing for J-1 Work Visa students and others in need of affordable housing. During your consideration, questions and discussion should mainly focus on the ZTA and not on a specific property as it would apply to all lots in the Town's C, General Commercial zoning district. Policy 2 of the Town's Land Use Plan establishes the commercial district as a small district for convenience shopping and services. The Land Use Plan also establishes that incompatible uses in the commercial area are limited to "residential (low density)", educational, and conservation activities. Since the proposed use would consist of high-density housing in the C, General Commercial zoning district, Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan.

However, given the potential impacts of the proposed use on adjacent properties, Town Staff recommends disapproval of the application. The Town Planning Board recommended denial of the application (4-1) at the May 15, 2023 Planning Board meeting.



Town of Southern Shores

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PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 6/17/2022 Filing Fee: \$200 Receipt No. 766761 Application No. 2TA-22-08

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

Please check the applicable Chapter/Article:

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

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

Applicant

Name Pledger Palace CDEC, Inc.
Address: 6325 N. Croatan Highway, Southern Shores, NC
Phone 252-261-8898 Email patricia@pledgerpalace.com

Applicant's Representative (if any)

Name Casey C. Varnell, Attorney for Applicant
Agent, Contractor, Other (Circle one)
Address P.O. Drawer 1027
Kitty Hawk, NC 27949
Phone 252-261-2126 Email varnell@ncobxlaw.com

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

Address: 6325 N. Croatan Highway Zoning district C-general commercial district
Section _____ Block _____ Lot 4 Lot size (sq.ft.) 27,000 sq. ft.

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

Change To: Zoning Map Zoning Ordinance

Signature

Date 6/17/2022

* Attach supporting documentation.

Patricia M. Pledger

Representing and Offering a Valuable Solution to Aid in Serving Our Local Community with
An Affordable Housing Solution
 For Our
 J-1 Visa Summer Work Travel Program

International students have been coming to the Outer Banks for more than 20+ years, through the J-1 Visa Summer Work Travel Program and they have become an increasingly important part of the Outer Banks tourist-fueled economy.

The infusion of Summer Work Travel students enables our businesses to stay open longer and at greater scale. It has been stated by countless business owners here on the Outer Banks “We cannot operate our businesses without the J-1 exchange visitors who come here.”

However, with somewhere in the neighborhood of 1,700 international students arriving each summer, businesses face a crisis these days when it comes to finding summer help due to a lack of affordable housing.

Despite the launch of several community housing initiatives in the past year, Outer Banks Chamber of Commerce President Karen Brown told the Sentinel in 2019 that the problem with finding affordable housing "has not gotten any better." She said she frequently hears from business owners about "the lack of workforce" compounded by "the struggle with finding housing for the workforce we do have."

Therefore, employers and sponsors have been working together to arrange housing for the students. “In a place where there's zero affordable housing, and the students are trying to find short-term leases. “Unless housing is arranged here, the students can't come here.”

Now, still here in 2022, we are still facing the same student housing issues, on top of still dealing with the residue of COVID-19 pandemic. On May 28, 2021 Michelle Wagner of the Outer Banks Voice printed. The Outer Banks International Student Outreach Program (ISOP) Chair Banjak said that the number of J-1 students here or in the pipeline is better than what was expected considering the COVID-related delays abroad, but that the numbers are still very low. And even if the Outer Banks is able to get 300 J-1 students this summer just a fraction of the students they typically get Banjak considers that a success. But the lack of housing, she added, continues to be biggest hurdle when it comes to placing J-1 students on the Outer Banks, even if they have been issued a visa.

“Where are we going to put 125 kids?” she asked. “If you don’t have a bed for them, none of this matters. They will be [rerouted] to places like Tennessee, Wisconsin and other areas where they have implemented workforce housing. If that visa is issued, there has to be available, affordable and suitable housing before a sponsor allows them to come to the Outer Banks.”

Therefore, as members of our Outer Banks community, I would like to offer my services by creating an affordable, safe, and secure environment where our visiting students are not falling victim to scammers.

Our fully surveillanced inside and out living environment will aid in reducing the threat of theft, behavior management issues, and allow the students to hang out in the back yard at night without worrying about their safety. This will aid in making the students' stay here as pleasant and productive as possible.

We operated a (5) Star childcare facility up until September 2019 that housed 104 students and 18 full time staff members for a total of 122 people. We are currently operating as only a Summer Camp for kids.

However, with it being a dire need here on the Outer Banks for housing for our J-1 students, we feel our facility would be a better service at this time to the community by creating quality living space for at least 95 students. This will aid our local community workforce with the struggle of finding housing for some of the J-1 exchange visitors who come here, which are an increasingly important part of the Outer Banks tourist-fueled economy.

Our Facility is located in a prime commercial area that is fueled by J-1 students, these businesses include but are not limited to; Food Lion, Wal-mart, Harris Teeter, Wendy's, and McDonald's. We are also just 6.4 miles from the joint venture of Dare County and Currituck County's H20BX Waterpark, which currently shuttles their students from Dare to Elizabeth City due to the lack of housing spacing in the local area. However, my facility could aid in cushioning some of that burden from our local businesses in less than a 2 mile radius.

Let's take a look at our current facility.

- As I stated earlier, we currently operate a childcare facility that houses 104 students and 18 full time staff members for a total of (122) we will be decreasing our numbers by 27 to house a total of only 95 students.
- Our septic is set for 15 people for every lavatory. We currently have 19 toilets, 40 hand washing facilities, 1 shower, a semi commercial kitchen, and a washer and dryer area as well. It is clear to see that we have more than enough septic space to hold the projected number of students at 95
- We have a total of 13 classroom spaces that can be used for the J-1 Students
- We have 2 fenced in playground areas
- 1 garage area
- 18 parking spaces
- We are fully surveillance inside and out

This is the perfect facility to create a healthy and secure living environment for some of our J-1 visiting Visa Summer Work Travel Program students as they have become an increasingly important part of the Outer Banks tourist-fueled economy.

Although it is clear that my facility will not solve the problem of the lack of housing for our students. It is clear that; it is a step in the right direction that we should be considering as a community. "Unless housing is arranged here, the students can't come here." We don't want our students to stop coming due to the lack of trying to find appropriate housing for them to live. Also, we need to do our part as a community to aid in ensuring our visiting students are not falling victim to scammers.

With all that being said; I am purposing some minor changes that will need to be adjusted and approved to ensure that our facility fits the students overall needs not just sleeping arrangements. I want these students to have a home away from home.

The changes I am purposing are as follows:

- We will **remove a total of (12) hand washing sinks** that are located inside some of the classrooms.
- We will create a male and female shower area inside one of the classroom that is already divided into two separate spaces with 8 existing hand washing areas and we will add an additional 4 on each side to give plenty of vanity spaces, along with **adding 6 showers on each side for a total of (12) showers in the "Shower Room"**
- We will add 4 additional washers and dryers
- Create and Outdoor living area for students to relax and enjoy
- Most importantly we will add in some bunk-beds to create private sleeping areas for male and females. Also, we will create these individual areas in a male and female room, which will still allow a more private buddy bunk bed system.

Concerns to cover:

- We will not have to remove any load bearing walls to create these spaces.
- Septic is over built for what our current use is licensed for. We will be reducing the usage of water as the majority of these students will be at work during the day hours and some nights which will greatly reduce the amount of water being and over all utilities being used.
- The electric panel was also over built so there is plenty of room for growth for the 4 additional washers and dryers.
- The commercial lighting will be reduced in some areas to create an easier on the eyes environment, which pulls less wattage.
- Security cameras will be removed from ALL rooms being used for sleeping areas and will be more focused on the common areas and outside parking and living areas to ensure safety for the students coming and going at night.

My goal is to achieve approval ASAP in order to start construction by the end of September to ensure the building is ready to go by January 2023, as the businesses start securing housing spots for the J-1 Visa Summer Work Travel Program at that time.

Reminder “time is of the essence”, in order for me to have the ability to create the perfect facility that gives these students whom have become an increasingly important part of the Outer Banks tourist-fueled economy a healthy and secure living environment on or before January 2023.

“Thank You” in advance for your approval for a service that is much needed and required for our local community.

Respectfully,

Patricia M. Pledger
President
Pledger Palace CDEC, Inc.
DBA: The OBX Voyager’s Club
6325 North Croatan Hwy
Kitty Hawk, NC 27949

Phone: 252-261-8898
patricia@pledgerpalace.com

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on June 02 2022

Primary (100%) Owner Information:

PLEDGER PALACE CHILD DEVELOPMENT & EDUCATION CENTER, INC
C/O PATRICIA PLEDGER 6325 N CROATAN HWY
KITTY HAWK NC 27949

Parcel Information:

Parcel: 021865004 PIN: 986606392109
District: 22- MARTIN'S POINT
Subdivision: MARTIN'S POINT COMMERCIAL LOTS
LotBlkSect: LOT: 4 BLK: SEC:
Multiple Lots: -
PlatCabSlide: PL: B SL: 74 Units: 0
Deed Date: 09/30/2009
BkPg: 1814/0048



Parcel Status: ACTIVE

Property Use: PRIVATE SCHOOL

6325 N CROATAN HWY

BUILDING USE & FEATURES	<u>Tax Year Bldg Value: \$506,800</u>	<u>Next Year Bldg Value: \$506,800</u>
Building Use:	DAY CARE CENTER	
Exterior Walls:		Actual Year Built: 2004
Full Baths:	Half Baths:	
Bedrooms:		
Heat-Fuel:		
Heat-Type:		Finished sqft for building 1: 7400
Air Conditioning:		Total Finished SqFt for all bldgs: 7400
MISCELLANEOUS USE	<u>Tax Year Misc Value: \$9,200</u>	<u>Next Year Misc Value: \$9,200</u>
Misc Bldg a: (PA1) PAVING ASPHALT PARKING	Year Built: 2004	sqft: 7500

LAND USE	<u>Tax Year Land Value: \$275,800</u>	<u>Next Year Land Value: \$275,800</u>
Land Description : 22-Commercial Highway Primary		

TOTAL LAND AREA: 27000.00 square feet

<u>Tax Year Total Value: \$791,800</u>	<u>Next Year Total Value: \$791,800</u>
---	--

*Values shown are on file as of June 02 2022

ZONING TEXT AMENDMENT APPLICATION

(APPLICANT: PLEDGER PALACE CDEC, INC.)

The proposals under this Zoning Text Amendment are to:

- A) Modify Chapter 36, Section 36-57 (*Definition of specific terms and words*) of the Town of Southern Shores' Zoning Ordinance to:
- 1) Define the term "Shared Space-Occupancy Dwelling (SSO)";
 - 2) The proposed definition of "Shared Space-Occupancy Dwelling (SSO)" is:

Shared Space-Occupancy Dwelling (SSO) means a private structure in which shared spaces are offered for rent for the purpose of providing sleeping accommodations, payable in money and other consideration, to persons who do not meet the definition of family. Each shared space offered for rent within the structure may accommodate up to ten (10) occupants. Each shared space offered for rent within the structure shall exist within the confines of four walls, and separate and apart from any other shared space within the structure. Residents of the SSO shall share a kitchen facility and common living area with all other residents and shall share a bathroom facility with one or more other residents. The owner of the SSO shall not use the dwelling comprising the SSO as their primary residence. SSO does not include single-family dwellings, multi-family dwellings, motels, or vacation cottages.

The intent of establishing SSO's as a permitted use within the C (General Commercial) zoning district is to provide for affordable housing to non-transient residents. The residents would generally be any single persons in need of affordable housing, which residents may include J-1 Work Visa students who commonly need housing on the Outer Banks during the tourist season.

*(**Please see attached report from applicant regarding J-1 Work Visa students.)*

B) Modify Chapter 36, Section 36-207(b) to:

- 1) Add “Shared Space-Occupancy Dwelling (SSO)” to the list of permitted uses within the C (General Commercial) Zoning District.
- 2) The proposed amendment language is as follows:

Sec. 36-207. - C general commercial district.

(b) *Permitted Uses.* The following uses shall be permitted by right:

(11) Shared Space-Occupancy Dwelling (SSO).

- a. There shall be one (1) parking space for every seven (7) residents. The parking of any motor vehicle shall only occur in a designated parking space.
- b. Bathroom facilities shall be provided which accommodate separate use by males and females.
- c. The location of an SSO shall be a minimum of 100 feet from any residentially zoned property.
- d. The owner of the SSO shall be responsible for ensuring that residents are, at all times, in compliance with all Town Code regulations, including the Town noise ordinance.

NOTE: The overwhelming majority of J-1 Work Visa students will not have a motor vehicle. The primary means of transportation for those residents will be either: 1) bicycle; or 2) on foot/pedestrian.

C) Modify Chapter 36, Section 36-209 to:

- 1) Delete Sec. 36-209(9); Dormitories and residence halls; as a prohibited use in all Southern Shores zoning districts.
- 2) This is being proposed only in the event it is the interpretation of the Town of Southern Shores that an SSO is the equivalent of a dormitory or residence hall.



(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-22-08
7-12-22
Ordinance 2022-XX-XX

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-701, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, 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, 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, and general welfare for the Town to amend the Town’s Zoning Ordinance 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 **Sec. 36-57. Definition of specific terms and words.** Be amended as follows:

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

...

1 Sexually oriented devices means as defined in G.S. 14-202.10(9) which is
2 incorporated herein by reference.

3 Shared space-Occupancy Dwelling (SSO) means a private structure in which shared
4 spaces are offered for rent for the purpose of providing affordable sleeping
5 accommodations, payable in money and other consideration, to persons who do not meet
6 the definition of family. Each shared space offered for rent within the structure may
7 accommodate up to ten (10) bunk units (maximum of twenty (20) occupants). Each
8 shared space offered for rent within the structure shall exist within the confines of four
9 walls, and separate and apart from any other shared space within the structure. Residents
10 of the SSO shall share a kitchen facility and common living area with all other residents
11 and shall share a bathroom facility with one or more other residents. The owner of the
12 SSO shall not use the dwelling comprising the SSO as their primary residence. SSO does
13 not include dormitory and residence halls, single-family dwellings, multi-family
14 dwellings, motels, or vacation cottages.

15 Sign means any writing, pictorial representation, illustration, decoration (including
16 any material used to differentiate sign copy from its background), landscaping form,
17 emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer,
18 spinner, ribbon, sculpture, statue, or any other figure or character that:

19

20 ...

21

22 **PART II. That Sec. 36-207. C general commercial district. Be amended as follows:**

23

24 **Sec. 36-207. C general commercial district.**

25

26 ...

27

28 (b) *Permitted uses.* The following uses shall be permitted by right:

29

30

31 ...

32

32 (11) Shared space-occupancy dwelling (SSO).

33

34 a. There shall be one (1) parking space for every seven (7) residents. The
35 parking of any motor vehicle shall only occur in a designated parking
36 space.

36

37 b. Bathroom facilities shall be provided which accommodate separate use by

38

39 c. The owner of the SSO shall obtain the requisite permit(s) from the Dare
County Health Department.

d. The owner of the SSO shall be responsible for ensuring that residents are, at all times, in compliance with all town code regulations, including the town noise ordinance.

e. The Town of Southern Shores may complete periodic inspections of the SSO to ensure the SSO is providing for the health and safety of the occupants.

...

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 _____, 2022.

Elizabeth Morey, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

1 _____
2 Motion seconded by Councilmember:
3
4

Vote: ___AYES___NAYS



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 6, 2023

ITEM TITLE: ZTA-23-04

ITEM SUMMARY:

A Zoning Map Amendment application was submitted by a resident (the Applicant) in Southern Shores Landing (“SSL”) to rezone the western portion of SSL from C, General Commercial to RS-10, Residential. Town Staff researched the history of SSL and found it was approved as a Planned Unit Development (“PUD”) in 2005. The Town’s Official Zoning Map (2007) shows approximately two thirds of SSL is zoned RS-10, Residential, and the remaining one third is zoned C, General Commercial. In reviewing the rezoning application, Town Staff investigated the history of the retained one-third commercial zoning district and determined there was no official Town amendment of the zoning map to RS-10 following SSL approval. The proper zoning of SSL is actually based on a 2005 Zoning Map Amendment wherein the entire development is zoned C, General Commercial. It is important to note, the Town and Town Staff have been operating as if SSL was zoned residential pursuant to the Zoning Map. Upon discovering this error, Town Staff advised the applicant to withdraw his application and the Town would proceed with a Zoning Map Amendment application (ZMA-23-01) to rezone Southern Shores Landing in its entirety to RS-10, Residential to reflect its current use and its designation on the Zoning Map.

Continued research by Town Staff determined PUDs were removed as a permitted use in the RS-10 district due to the limited size of the developments. This was done in 2005 pursuant to a moratorium after SSL was approved. At the time SSL was approved, PUDs were permitted in Residential Zoning Districts. PUDs are currently a permitted use within the C, General Commercial District per Town Code Section 36-265. Town Staff withdrew ZMA-23-01 as the proposed rezoning would convert a conforming use into a nonconforming use.

Following withdrawal of ZMA-23-01, Town Staff drafted a Zoning Text Amendment (ZTA-23-02) that established a 50 ft. setback requirement for restaurants from PUDs, a 50 ft. setback requirement for drive-through facilities or establishments (small) from PUDs, a 50 ft. setback requirement for mixed use group developments from PUDs and residential districts, a 50 ft. setback requirement for commercial buildings and facilities from PUDs, a 20 ft. buffer requirement where a mixed use group development abuts a residential district or PUD, and a 20 ft. buffer requirement where a commercial use or zone abuts a residential district or PUD.

After further consideration, Town Staff withdrew the ZTA from the March 20, 2023 Planning Board meeting agenda to further assess the correlation of PUDs in the Commercial District. On April 11, 2023, the Applicant submitted a public records request for the withdrawn ZTA (ZTA-23-02). On April 12, 2023,

the Applicant submitted the documents received (ZTA-23-02) as a proposed text amendment which is now identified as ZTA-23-04.

STAFF RECOMMENDATION:

The Town Planning Board unanimously (5-0) recommended approval of the application at the May 15, 2023 Planning Board meeting. The proposed amendments are not inconsistent with the Town's currently adopted Land Use Plan. However, Town Staff believes that the concerns regarding setback, stormwater, and buffer requirements can be more specifically addressed through conditions in Special Use Permits when a Special Use (restaurants, drive-through facilities or establishments (small) mixed use group developments, etc.) is proposed. Whenever a Special Use is proposed, the application is first considered by the Planning Board and subsequently considered by the Town Council following a public hearing. Town Code Section 36-207(c) establishes that Special Uses are subject to the requirements of the C, General Commercial District. They also are subject to appropriate conditions and modifications relating to impacts on adjacent properties, transportation and transportation systems, transportation interconnectivity, stormwater, utilities and telecommunications facilities (including capacity), vegetation and other elements of the natural environment, noise, hours of operation, and other factors that the Town Council finds applicable; and additional regulations and requirements imposed by the Town Council, as provided in Article X of the Zoning Ordinance. Such conditions can be recommended by the Planning Board which become effective if approved by the Town Council.

REQUESTED ACTION:

Motion to deny ZTA-23-04.

STAFF REPORT

To: Southern Shores Town Council
Date: June 6, 2023
Case: ZTA-23-04
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of the Town Code by amending Town Code Sections 36-207(c)(1)b., 36-207(c)(1.5)b., 36-207(c)(11)j., 36-207(c)(11)k., 36-207(d)(7), and 36-207(d)(8)

ANALYSIS

A Zoning Map Amendment application was submitted by a resident (the Applicant) in Southern Shores Landing (“SSL”) to rezone the western portion of SSL from C, General Commercial to RS-10, Residential. Town Staff researched the history of SSL and found it was approved as a Planned Unit Development (“PUD”) in 2005. The Town’s Official Zoning Map (2007) shows approximately two thirds of SSL is zoned RS-10, Residential, and the remaining one third is zoned C, General Commercial. In reviewing the rezoning application, Town Staff investigated the history of the retained one-third commercial zoning district and determined there was no official Town amendment of the zoning map to RS-10 following SSL approval. The proper zoning of SSL is actually based on a 2005 Zoning Map Amendment wherein the entire development is zoned C, General Commercial. It is important to note, the Town and Town Staff have been operating as if SSL was zoned residential pursuant to the Zoning Map. Upon discovering this error, Town Staff advised the applicant to withdraw his application and the Town would proceed with a Zoning Map Amendment application (ZMA-23-01) to rezone Southern Shores Landing in its entirety to RS-10, Residential to reflect its current use and its designation on the Zoning Map.

Continued research by Town Staff determined PUDs were removed as a permitted use in the RS-10 district due to the limited size of the developments. This was done in 2005 pursuant to a moratorium *after* SSL was approved. At the time SSL was approved, PUDs were permitted in Residential Zoning Districts. PUDs are currently a permitted use within the C, General Commercial District per Town Code Section 36-265. Town Staff withdrew ZMA-23-01 as the proposed rezoning would convert a conforming use into a nonconforming use.

Following withdrawal of ZMA-23-01, Town Staff drafted a Zoning Text Amendment (ZTA-23-02) that established a 50 ft. setback requirement for restaurants from PUDs, a 50 ft. setback requirement for drive-through facilities or establishments (small) from PUDs, a 50 ft. setback requirement for mixed use group developments from PUDs and residential districts, a 50 ft. setback requirement for commercial buildings and facilities from PUDs, a 20 ft. buffer requirement where a mixed use group development abuts a residential district or PUD, and a 20 ft. buffer requirement where a commercial use or zone abuts a residential district or PUD.

After further consideration, Town Staff withdrew the ZTA from the March 20, 2023 Planning Board meeting agenda to further assess the correlation of PUDs in the Commercial District. On April 11, 2023, the Applicant submitted a public records request for the withdrawn ZTA (ZTA-

23-02). On April 12, 2023, the Applicant submitted the documents received (ZTA-23-02) as a proposed text amendment which is now identified as ZTA-23-04.

The ZTA is consistent with the Town's Existing and Future Land Use Map in the Town's currently adopted Land Use Plan. The Town's Land Use Plan contains the following Policies and Action Items that are applicable to the proposed ZTA:

- **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.
 - **Action Item 2-b** The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling and redevelopment within Southern Shores.
- **Policy 7** Support stormwater management programs that reduce flooding and improve coastal water quality.
 - **Action Item 7-b** Encourage the use of Low Impact Development (LID), vegetative buffers to filter stormwater, impervious surface limits, and innovative stormwater management alternatives to reduce runoff and to improve water quality.
- **Policy 26** Promote open space, tree protection, and natural vegetation diversity.
 - **Action Item 26-b** Encourage lot preparation methods that preserve natural vegetation and minimize clear cutting.

CONCLUSION

The Town Planning Board unanimously (5-0) recommended approval of the application at the May 15, 2023 Planning Board meeting. The proposed amendments are not inconsistent with the Town's currently adopted Land Use Plan. However, Town Staff believes that the concerns regarding setback, stormwater, and buffer requirements can be more specifically addressed through conditions in Special Use Permits when a Special Use (restaurants, drive-through facilities or establishments (small) mixed use group developments, etc.) is proposed. Whenever a Special Use is proposed, the application is first considered by the Planning Board and subsequently considered by the Town Council following a public hearing. Town Code Section 36-207(c) establishes that Special Uses are subject to the requirements of the C, General Commercial District. They also are subject to appropriate conditions and modifications relating to impacts on adjacent properties, transportation and transportation systems, transportation interconnectivity, stormwater, utilities and telecommunications facilities (including capacity), vegetation and other elements of the natural environment, noise, hours of operation, and other factors that the Town Council finds applicable; and additional regulations and requirements imposed by the Town Council, as provided in Article X of the Zoning Ordinance. Such conditions can be recommended by the Planning Board which become effective if approved by the Town Council.



Town of Southern Shores

Item 7.

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

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 4/12/23 Filing Fee: \$200 Receipt No. 365986 Application No. ZTA-23-04

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

Please check the applicable Chapter/Article:

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

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

Applicant
 Name: Matthew Hbond
 Address: 110 Landing Trl
Southern Shores
 Phone: 252-450-9283 Email: CBKrealtors@gmail.com

Applicant's Representative (if any)
 Name: _____
 Agent, Contractor, Other (Circle one)
 Address: _____
 Phone: _____ Email: _____

Property Involved: ___ Southern Shores ___ Martin's Point (Commercial only)
 Address: _____ Zoning district _____
 Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

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

Change To: ___ Zoning Map Zoning Ordinance

Matthew Hbond
 Signature

4-12-23
 Date

* Attach supporting documentation.



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
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ZTA-23-04
4-12-23
Ordinance 2023-XX-XX

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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-701, 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. § 160D-702, 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, in accordance with the finding above, the amendment of the Town’s Zoning Ordinance and Town Code Ordinances as stated below will serve a public purpose and advances the public health, safety and general welfare.

WHEREAS, the amendment of the Town’s Zoning Ordinance and Town Code Ordinances as stated below is based on reasonable consideration, among other things, as to the character of the district, suitability for uses in the area, conserving value of buildings and encouraging the most appropriate use of land throughout the Town.

WHEREAS, the Town’s currently adopted Land Use Plan contains Policies and Action Items that are applicable to the amendment, including but not limited to the following:

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.

Action Item 2-b: The Town shall encourage the use of low impact development techniques and sound environmental preservation practices for all new development, remodeling and redevelopment within Southern Shores.

1 **Policy 7:** Support stormwater management programs that reduce flooding and
2 improve coastal water quality.

3
4 **Action Item 7-b** Encourage the use of Low Impact Development (LID),
5 vegetative buffers to filter stormwater, impervious surface limits, and innovative
6 stormwater management alternatives to reduce runoff and to improve water
7 quality.

8
9 **Policy 26:** Promote open space, tree protection, and natural vegetation diversity.

10
11 **Action Item 26-b** Encourage lot preparation methods that preserve natural
12 vegetation and minimize clear cutting.

13
14 **ARTICLE II. Construction.**

15
16 For purposes of this ordinance amendment, underlined words (underline) shall be
17 considered as additions to existing Town Code language and strikethrough words
18 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
19 adopted Town Code which are not repeated herein but are instead replaced by an ellipses
20 (“...”) shall remain as they currently exist within the Town Code.

21
22 **ARTICLE III. Amendment of Zoning Ordinance.**

23
24 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
25 Southern Shores, North Carolina, that the Town Code shall be amended as follows:

26
27 **PART I.** That **Sec. 36-207. C general commercial district.** Be amended as follows:
28 **Sec. 36-207. C general commercial district.**

29 ...
30 (c) Special Uses.

31 ...
32 (1) Restaurants without a drive-through or with a drive through facility, provided:

33 ...
34 b. The location of the drive-through facility is a minimum of 100 feet from any
35 residentially zoned property districts or a minimum of 50 feet from any planned
36 unit development.

37 (1.5) Drive-through facility or establishment (small) provided:

38 ...
39 b. The location of the drive-through facility is a minimum of 100 feet from any
40 residentially zoned property districts a minimum of 50 feet from any planned unit
41 development.

42 ...

1 (11) Mixed use group development of commercial and residential buildings,
2 provided:

3 ...

4 j. No building or other facility (such as parking spaces, incinerators, trash
5 collection areas, etc.) shall be located nearer than 50 feet to boundaries of
6 residential districts or planned unit developments.

7 k. Where a mixed use group development abuts a residential ~~zone~~ district or
8 planned unit development, a buffer of dense vegetative planting or natural
9 vegetation is required (see requirements in section 36-207(d)(8)).

10 ...

11 (d) *Dimensional requirements.*

12 ...

13 (7) No building or other facility (such as parking areas, incinerators, trash
14 collection areas, etc.) shall be located nearer than 50 feet to boundaries of
15 residential districts or planned unit developments.

16 (8) Where a commercial use or zone abuts a residential ~~zone~~ districts or planned
17 unit development, a buffer of dense vegetative planting or natural vegetation is
18 required. The buffer area shall have a minimum width of 20 feet with two rows of
19 planting material placed ten feet on center that are a minimum of five feet in
20 height when installed that expect to achieve a height of eight feet within three
21 years. Suitable plant types shall be those recommended for the coastal area by the
22 U.S. Department of Agriculture which can be expected to reach a mature growth
23 of eight to ten feet. Vegetation plan to be approved by the town council.

24
25 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
26 **Reasonableness.**

27
28 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
29 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
30 is applicable; for all the above-stated reasons, including but not limited to it encourages the
31 use of low impact development techniques and sound environmental preservation practice,
32 encourages lot preparation methods that preserve natural vegetation and minimize clear
33 cutting and furthers the founder’s original vision for Southern Shores of a low-density
34 residential community served by a small commercial district. The Town considers the
35 adoption of this ordinance amendment to be reasonable and in the public interest.

36
37 **ARTICLE V. Severability.**

38
39 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
40 hereby repealed. Should a court of competent jurisdiction declare this ordinance
41 amendment or any part thereof to be invalid, such decision shall not affect the remaining

1 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
2 Town of Southern Shores, North Carolina which shall remain in full force and effect.

3

4 **ARTICLE VI. Effective Date.**

5

6 This ordinance amendment shall be in full force and effect from and after the ____ day of
7 _____, 2023.

8

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Elizabeth Morey, Mayor

11

ATTEST:

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13

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Town Clerk

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APPROVED AS TO FORM:

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19

20

Town Attorney

21

22

Date adopted:

23

24

25

Motion to adopt by Councilmember:

26

27

Motion seconded by Councilmember:

28

29

Vote: __AYES__NAYS



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 6, 2023

ITEM TITLE: ZTA-23-03

ITEM SUMMARY:

On October 5, 2022, the Board considered APA-22-01, an appeal application that was submitted by Adam Ward to appeal the Zoning Administrator's decision to deny approval of a recombination plat for the property located at 55 Skyline Rd. The main reason for the denial was that Town Staff believed that the proposed lots did not meet the Town's 100 ft. minimum lot width requirement for the RS-1, Residential zoning district as established in Town Code Section 36-202(d)(2). Town Code Section 36-202(d)(2) currently requires a minimum lot width of 100 feet measured at the building setback line.

Town Code Section 36-57 defines "building setback line" as a line parallel to or concentric with the street right-of-way establishing the minimum allowable distance between such right-of-way and the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures. The Board voted to affirm the Zoning Administrator's decision (3-2) to deny approval of the recombination plat and the applicant subsequently appealed the Board's decision to Superior Court which resulted in a Consent Order.

At the March 21, 2023 Town Council meeting, Council directed Town Staff to draft a Zoning Text Amendment (ZTA) to amend the Town's minimum lot width requirements in all of the residential zoning districts so that the requirements are unambiguous. The proposed amendments include a new definition of "lot width" in Section 36-57 which is the horizontal distance between the side lot lines of a lot. The proposed amendments also include amendments to Sections 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) that establish that the minimum lot width for lots created after XX-XX-XXXX (date of adoption, if adopted) is measured from the front lot line at right angles to the rear lot line.

STAFF 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 application. The Planning Board recommended approval of the application (4-1) at the May 15, 2023 Planning Board meeting.

REQUESTED ACTION:

Motion to approve ZTA-23-03.

STAFF REPORT

To: Southern Shores Town Council
Date: June 6, 2023
Case: ZTA-23-03 (5-16-23)
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Code by amending Town Code Sections 36-57, 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) to clarify the Town's current lot width requirements.

ANALYSIS

On October 5, 2022, the Board considered APA-22-01, an appeal application that was submitted by Adam Ward to appeal the Zoning Administrator's decision to deny approval of a recombination plat for the property located at 55 Skyline Rd. The main reason for the denial was that Town Staff believed that the proposed lots did not meet the Town's 100 ft. minimum lot width requirement for the RS-1, Residential zoning district as established in Town Code Section 36-202(d)(2). Town Code Section 36-202(d)(2) currently requires a minimum lot width of 100 feet measured at the building setback line.

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

- **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 application. The Planning Board recommended approval of the application (4-1) at the May 15, 2023 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

PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 3/31/23 **Filing Fee:** \$200 **Receipt No. N/A** **Application No. ZTA-23-03**

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

Please check the applicable Chapter/Article:

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

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

Applicant

Name Town of Southern Shores

Address: 5375 N. Virginia Dare Trl.
Southern Shores, NC 27949

Phone (252) 261-2394 Email whaskett@southernshores-nc.gov

Applicant's Representative (if any)

Name _____

Agent, Contractor, Other (Circle one)

Address _____

Phone _____ Email _____

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

Address: _____ Zoning district _____

Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

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

Change To: ___ Zoning Map X ___ Zoning Ordinance

Whaskett
Signature

3-31-23
Date

* Attach supporting documentation.



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ZTA-23-03
5-16-23
Ordinance 2023-XX-XX

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-701, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, 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, 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, and general welfare for the Town to amend the Town’s Zoning Ordinance 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 **Sec. 36-57 Definition of specific terms and words.** Be amended as follows:

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

...

1 *Lot width* means the ~~width of a lot at the required building setback line measured at~~
2 ~~right angles to depth~~ minimum horizontal distance between the side lot lines of a lot
3 measured from the front lot line at right angles to the rear lot line.

4
5 ...

6
7 **PART II.** That **Sec. 36-202. RS-1 single-family residential district.** Be amended as
8 follows:

9
10 **Sec. 36-202. RS-1 single-family residential district.**

11 ...
12
13

14 (d) *Dimensional requirements.*

- 15 (1) Minimum lot size: 20,000 square feet.
- 16 (2) Minimum lot width for lots created after XX-XX-XXXX: 100 feet (measured at
17 the building setback line from the front lot line at right angles to the rear lot
18 line).

19
20 ...

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22 **PART III.** That **Sec. 36-203. RS-8 multifamily residential district.** Be amended as
23 follows:

24
25 **Sec. 36-203. RS-8 multifamily residential district.**

26 ...
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29 (d) *Dimensional requirements.*

30
31 ...

- 32 (2) Minimum lot width for lots created after XX-XX-XXXX: 75 feet (measured at
33 the building setback line from the front lot line at right angles to the rear lot
34 line).

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40 **PART IV.** That **Sec. 36-204. RS-10 residential district.** Be amended as follows:

41
42 **Sec. 36-204. RS-10 residential district.**

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(d) *Dimensional requirements.*

...

(2) Minimum lot width for lots created after XX-XX-XXXX: 75 feet (measured at the building setback line from the front lot line at right angles to the rear lot line).

...

PART V. That **Sec. 36-205. R-1 low-density residential district.** Be amended as follows:

Sec. 36-205. R-1 low-density residential district.

...

(d) *Dimensional requirements.*

...

(2) Minimum lot width for lots created after XX-XX-XXXX: 100 feet (measured at the building setback line from the front lot line at right angles to the rear lot line).

PART VI. That **Sec. 36-206. Government and institutional district.** Be amended as follows:

Sec. 36-206. Government and institutional district.

...

(d) *Dimensional requirements.*

...

(2) Minimum lot width for lots created after XX-XX-XXXX: 50 feet (measured at the building setback line from the front lot line at right angles to the rear lot line).

1 ...

2

3 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
4 **Reasonableness.**

5

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

11

12 **ARTICLE V. Severability.**

13

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

19

20 **ARTICLE VI. Effective Date.**

21

22 This ordinance amendment shall be in full force and effect from and after the ____ day of
23 _____, 2023.

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Elizabeth Morey, Mayor

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ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: ___AYES___NAYS



Agenda Item Summary Sheet

Date: June 6, 2023

Item #: 9 a

Item Title: Public Hearing -Town Manager's FY2022-23 Recommended Budget

Item Summary: The Public Hearing is being held so that citizens may provide comments on the Manager’s Recommended Budget, which was presented to the Council at its May 2, 2023 Council Meeting. The recommended budget has been available on-line and in the Town Clerk’s Office and meets the requirements listed in the below General Statute. The Town Council must hold at least one public hearing on the budget. The public hearing may be held at any time after the recommended budget is submitted to the Council. The Council has provided the public with 5 weeks for review before holding this public hearing.

NCGS § 159-12. Filing and publication of the budget; budget hearings.

(a) On the same day that he submits the budget to the governing board, the budget officer shall file a copy of it in the office of the clerk to the board where it shall remain available for public inspection until the budget ordinance is adopted. The clerk shall make a copy of the budget available to all news media in the county. He shall also publish a statement that the budget has been submitted to the governing board and is available for public inspection in the office of the clerk to the board. The statement shall also give notice of the time and place of the budget hearing required by subsection (b) of this section.

(b) Before adopting the budget ordinance, the board shall hold a public hearing at which time any persons who wish to be heard on the budget may appear. (1927, c. 146, s. 7; 1955, cc. 698, 724; 1971, c. 780, s. 1; 2020-3, s. 4.27(a).)



Agenda Item Summary Sheet

Date: June 6, 2023

Item #: 9 b

Item Title: Consideration of Budget Ordinance #2023.06.01

Item Summary:

The Council must wait at least ten days from the date that the budget officer submits the recommended budget to adopt the budget ordinance. If the budget ordinance is adopted at this meeting it will have been five weeks since it was submitted. When the Council adopts the budget ordinance it will necessitate the need to also adopt revisions to the Personnel Policy if approved.

Staff Recommendation: Staff recommends adoption of both the budget ordinance and revisions to the Personnel Policy.

Requested Action: Two motions.

- 1- A motion to adopt Budget Ordinance #2023.06.01 as presented.
- 2- A motion to adopt amendments to the Personnel Policy as presented.

Attachments:

Personnel Policy revisions

Longevity

Retiree insurance

Public Works Maintenance Technician job description

Police Department Career Development



Town of Southern Shores

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

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info@southernshores-nc.gov

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Ordinance No. 2023-06-01

An Ordinance of the Southern Shores Town Council Adopting a Budget and Tax Rate for FY 2023-24

BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina that the following be the various budgets for FY 2023-24:

SECTION I. GENERAL FUND

- A. Appropriations: The following amounts are appropriated for the operation of the Town government and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Administration Department	\$ 1,337,842
Code Enforcement & Inspections Department	\$ 422,729
Fire Department	\$ 1,073,539
Ocean Rescue Services	\$ 221,245
Police Department	\$ 2,334,697
Public Works Department	* \$ 679,569
Public Works Department – Streets, Bridges, Beaches & Canals	* \$ 2,690,329
Sanitation Services	\$ 921,500
Contribution to Capital Reserve Fund for Canals	\$ 50,000
Total General Fund Appropriations	\$ 9,731,450

- B. Estimated Revenues: It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2023 and ending June 30, 2024 to meet foregoing appropriations:

Property Taxes- Current Year	\$ 3,170,129
NCVTS- Current Year	\$ 130,113
MSD 1 Taxes	\$ 196,576
MSD 2 Taxes	\$ 176,015
Town Wide – Beach Nourishment	\$ 644,404
Property & Vehicle Taxes- Prior Years, Penalties and Interest	\$ 8,000
Subtotal: Property and Vehicle Taxes	\$ 4,325,237

Land Transfer	\$ 382,773
Local Option Sales Tax	\$ 1,678,069
Occupancy Tax	\$ 1,815,928
Other Intergovernmental Revenues	\$ 763,500
Building Permits & Fees	\$ 197,250
Transfer IN from Capital Reserve Fund	\$ 165,093
Other Revenues	\$ 403,600
	\$ 5,406,213

Total General Fund Revenues \$ 9,731,450

The tax rate is based on an estimated total valuation of real and personal property for the purpose of taxation in MSD 1 as \$276,312,512, MSD 2 as \$589,663,302 and Town Wide as \$1,619,105,234 with an estimated collection rate of 99.65%. The estimated rate of collection is based on the fiscal year 2021-22 collection rate pursuant to NCGS 159-13(b)(6).

SECTION V. EXPENDITURES

All expenditures must be made in accordance with governing North Carolina General Statutes and adopted Town policies regarding purchasing and bidding. The Budget Officer is authorized to expend funds consistent with the governmental functions and amounts shown as appropriated and to execute such documents necessary for same.

Notwithstanding Town policies regarding purchasing and bidding, the Budget Officer is authorized to execute documents for the following items or services in accordance with the specific appropriations established by this Ordinance or as the budget may be amended during the fiscal year: Multi-year lease, lease-purchase, or purchase of vehicles and equipment.

SECTION VI. LEASE REVENUES

The Budget Officer is hereby authorized to negotiate in the best interest of the Town and execute such documents necessary for the realization of revenues or other consideration from lease or use of any Town property with a term not to exceed three years.

SECTION VII. FIRE SERVICES

An amount of \$ 314,020 is included (as shown on adopted line item budget) in the total amount appropriated in Section 1. A. for "Fire Department". This funding is for reimbursement to the Southern Shores Volunteer Fire Department, Inc. (SSVFD) for that entity's debt service costs incurred during FY 2021-22 for funding for a new fire station as described in the effective contract for fire services between the Town and the SSVFD.

SECTION VIII. BUDGET OFFICER LINE TRANSFER AUTHORIZATION

The Budget Officer is authorized to re-allocate intra-departmental appropriations among the various objects of expenditures as he considers necessary for effective budget performance and is also authorized to affect inter-departmental transfers within the same Fund for effective budget performance. The Budget Officer is also authorized to affect, within the same Fund, intra-departmental and inter-departmental transfers from a Departmental contingency line appropriation established in accordance with NCGS §159-13(b)(3), with such contingency line transfers being in accordance with NCGS §159-13(b)(3).

SECTION IX. BUDGET OFFICER RESTRICTIONS

No salary increases may be made without approval of the Town Council. Inter-fund transfers not established in this budget document may only be performed by authorization of the Town Council.

SECTION X. UTILIZATION OF BUDGET AND BUDGET ORDINANCE

This Ordinance and the Budget Document shall be the basis of the financial plan for operations of the Town of Southern Shores, North Carolina Municipal Government during the fiscal year 2023-24. Copies of this Budget Ordinance shall be furnished to the Clerk of the Town Council and to the Budget Officer and Finance Officer and is to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this _____ day of June, 2023.

Mayor Elizabeth Morey

ATTEST:

Sheila Kane, Town Clerk

seal



-Personnel Policy Revisions-

computed on the basis of the last salary plus any salary increase to which the employee would have been entitled based upon performance and other compensation policies.

During the disability covered by Workers Compensation benefits, an employee continues to earn annual leave, sick leave, and will retain all accumulated sick or annual leave.

Employees may use compensatory time off, sick leave and/or vacation leave both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision.

Unemployment Compensation

Town employees who are separated due to a reduction in force or released from Town service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

Employee Assistance Program

All employees of the Town of Southern Shores and their spouse and children are encouraged to use the Vidant Employee Assistance Program. The services provided by the EAP are confidential and free for the first 6 visits. The EAP offers confidential counseling with a licensed behavioral health professional near your place of employment. To schedule an appointment employees may call 252-847-4357 or 877-843-7207. For more information about the Employee Assistance Program employees may also contact the Human Resources Department.

Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Town service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of one thousand dollars (\$1,000) per fiscal year. Satisfactory completion of the courses will be required for reimbursement Requests for tuition assistance shall be submitted to the Department Head prior to course registration. These requests are subject to the review and approval of Town Manager. These requests are also subject to the availability of funds.

Longevity Pay

Employees shall receive longevity pay in the payroll following his/her anniversary date that reflects years of service. Employees shall receive longevity pay according to the following schedule:

<u>Years of Service</u>	<u>Longevity Amount</u>
0 - 4	\$ 0
5-9	500-1,000
10-14	1000-2,000
15-19	1500-3,000
20-24	2000-4,000
25 or more	2500-5,000

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~~ **20** completed years of service with the Town, will have their premiums paid 100% by the Town, employees with 15-19 years of completed service with the Town, will have 75% of their insurance premiums paid by the Town and those employees with 10-14 years of completed service, will have 50% of their medical premiums paid by 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. ~~The Town will not pay for a plan richer in benefits than what is being offered for an active employee.~~ 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) Retirees 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 Town will not pay for a plan richer in benefits than what is being offered for an active employee.**

~~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 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
Revised

**PUBLIC WORKS MAINTENANCE TECHNICIAN
TOWN OF SOUTHERN SHORES, NORTH CAROLINA**

Primary Reason Classification Exists

To perform a variety of unskilled and semi-skilled manual labor tasks and other duties as required in the maintenance of Town streets, storm drains, sidewalks, signs, buildings and grounds.

Distinguishing Features of the Class

An employee in this class maintains public infrastructure, rights-of-way, and landscaping. Work includes mowing various public rights of way and lands, patching asphalt, maintaining street signs, and general building and facility maintenance. Work is performed under the direction of the Public Works Supervisor and is evaluated by visual inspection of work, periodic meetings, compliance with safety procedures, and overall quantity and quality of work performed.

Essential Duties

- Mows various public grounds including street rights-of-way, bike paths, and other areas; trims and removes paper; prunes trees and limbs for sight distance and other needs; sprays pesticides.
- Participates in patching pot holes, utility cuts, sidewalk or storm sewer system repair; rakes asphalt; mixes, pours, and finishes concrete; removes trash and leaves; unstops storm sewers using rake or shovel; installs and replaces street signs; cuts back trees and brush to improve sight distances using chain saws; re-seeds or grades areas.
- Washes and cleans assigned equipment; performs routine servicing such as checking fluid level, tire pressure, changes oil and filters.
- Covers windows with plywood for storms; checks beach access ramps for functionality and safety; makes minor repairs; performs or assists with landscape projects.
- Completes work orders and maintains other simple records of work activity in manual and electronic formats
- Sets up rooms for meetings; moves furniture
- Cleans beach areas, dune crossings and other areas.
- Operates riding mower, tractor, bush hog, front end loader, and related equipment.
- May be required to work outside normal work hours in an emergency or on-call basis.
- Weekly custodial duties including but not limited to: sweeping, vacuuming and mopping floors in town owned facilities, removing trash and recycling, cleaning windows and doors, dusting, cleaning of offices, kitchen and bathrooms.
- Performs related tasks as required

Knowledge, Skills, and Abilities

- Working knowledge of hazards and applicable safety precautions associated with assigned area of work.
- Some knowledge of asphalt and concrete repair work, landscaping and general building repair
- Ability to operate light and medium equipment.

- Skill in the use of equipment to which assigned.
- Ability to perform manual labor for extended periods.
- Ability to interact courteously with the public
- Ability to establish and maintain effective working relationships with supervisor and crew members.
- Ability to follow instructions; ability to establish and maintain effective working relationships with associates.

Physical Requirements

Work in this class is defined as heavy work requiring physical exertion of in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of frequently, and/or up to 20 pounds of force constantly to move objects. Employee has to perform physical activities such as climbing, balancing, stooping, kneeling, crouching, reaching, walking, standing, pushing, pulling, lifting, grasping, feeling talking, and hearing. Employee must have the visual acuity to visually inspect small defects or parts, operation or inspection of machines and earth moving equipment, use measurement devices, and to determine the neatness and accuracy of work assigned. Employee must have the stamina to work for extended periods some of which in emergency situations.

Working Conditions

Work is performed primarily in outside environmental conditions including extreme heat and cold with rain, snow and ice. Employee is subject to noise which may cause the employee to shout in order to be heard above the ambient noise level. Employee is subject to vibration, such as exposure to oscillating movements of the extremities or whole body and is also subject to workplace hazards including proximity to moving mechanical parts or exposure to chemicals, oils, fuels, and potential for blood borne pathogens in raw untreated sewage. Employee is subject to atmospheric conditions due to exposure to fumes, odors, dusts and oils. May work in close quarters, crawl spaces, shafts, man holes, small areas of water lines, and other areas which could cause claustrophobia.

Education

Graduation from high school or GED

Experience

One (1) – three (3) years' experience in general maintenance of facilities and buildings

Special Requirement

- Valid North Carolina driver's license
- May be required to assist in storm/disaster event preparation and aftermath

FLSA Status: Non-Exempt

Disclaimer

This classification specification has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and qualifications required of employees to perform the job. The Town of Southern Shores reserves the right to assign or otherwise modify the duties assigned to this classification.

Public Works Maintenance Technician
Town of Southern Shores
Page 3

July 2021

**Southern Shores Police
Career Development Program
5% raise for each step**

Classification	Grade	Years of Service	Performance Evaluations	Training
PO I		0-3	Must meet expectations on most recent annual evaluation	*Completion of Basic Law Enforcement Training (BLET) or lateral entry
POII		3 years (2 at SSPD or lateral transfer with 3 or more years of service)	Must meet expectations on most recent annual evaluation	*Radar Operator Certification *Intoximeter (DUI) *Mobile Data Terminal/ DCI * Introduction to Community policing or equivalent *50 hours of additional approved training *
Senior Police Officer		6 years (4 at SSPD)	Must meet expectations on most recent annual evaluation	*Police Law Institute *Field Training Officer *Alcohol Screening Testing Device *Standard Field Sobriety Testing
Senior Police Officer II		9 years (6 at SSPD)	Must meet expectations on most recent annual evaluation	* 50 Hours Of Additional approved training* *CIT Training * First Line supervisor School or othe approved supervisor school
Master Police Officer		12 years (9 SSPD)	Must meet expectations on most recent annual evaluation	*50 hours of additional approved training* *Leadership Development for law Enforcement or other approved leadership school * FTO Supervisor School *50 hours of additional approved training*

Master Officer II		15 years (12 at SSPD)	Must meet expectations on most recent annual evaluation	<p>*2 of the following courses - General Criminal Investigations or equivalent Crime Scene investigations or equivalent SRO Certification Dare Certification Advanced Traffic Crash Investigations or other advanced traffic crash or traffic enforcement related school Approved advanced supervisor school * 50 hours of Additional approved Training*</p>
Master Officer III		18 years (15 at SSPD)	Must meet expectations on most recent annual evaluation	<p>* Obtains Instructor status or obtains one of the following - criminal investigators certificate, traffic certificate, leadership certificate, school recourses officer certificate, community policing certificate or General Instructor Certification *100 hours of additional approved training *</p>
Corporal		Selected via assessment process	Must meet expectations on most recent annual evaluation	<p>* Intermediate Level Law Enforcement Certificate preferred</p>
Corporal II		3 years at Corporal	Must meet expectations on most recent annual evaluation	<p>*100 Hours of additional approved Training * Leadership Development for law Enforcement or other approved leadership school * FTO Supervisor School</p>

Corporal III	3 years as Corporal II	Must meet expectations on most recent annual evaluation	<ul style="list-style-type: none"> * Advanced Law Enforcement certificate preferred *100 hours of training specific to Leadership, Management or Supervision * Obtains Instructor status or obtains one of the following - criminal investigators certificate, traffic certificate, leadership certificate, school resources officer certificate, community policing certificate or General Instructor Certification
Sergeant	Selected via assessment process	Must meet expectations on most recent annual evaluation	*Intermediate Level Law Enforcement Certificate preferred
Sergeant II	3 years as Sgt	Must meet expectations on most recent annual evaluation	<ul style="list-style-type: none"> *100 hours of training specific to Leadership, Management or Supervision * Background Investigations * Leadership Development for Law Enforcement or other approved leadership school
Sergeant III	3 years as Sgt II	Must meet expectations on most recent annual evaluation	<ul style="list-style-type: none"> *100 additional hours of training specific to Leadership, Management or Supervision. Obtains General Instructors certification * General Instructor Certification *One of the following - criminal investigators certificate, traffic certificate, leadership certificate, school resources officer certificate, community policing certificate or General Instructor certification . * Advanced Law Enforcement certificate preferred

2.5 % raise for intermediate certificate
 5.0 % raise for advanced Certificate



Agenda Item Summary Sheet

Date: June 6, 2023

Item #: 9 c

Item Title: Amendment to the Unreserved Fund Balance Policy

Item Summary: The Town Council amended the Unreserved Fund Balance in October 2020 increasing the minimum amount of unreserved fund balance from \$1.75 million to \$3 million. This increase was approved to ensure that funds would be available for the avoidance of cash flow interruptions in the event of a natural disaster or significant financial downturns. An increase of an additional \$500,000 is recommended as an acknowledgement of the potential for the Town to one day assume the operation of fire services.

The contract for fire services between the Town and the Southern Shores Volunteer Fire Department outlines several reasons why the contract may become void. In the event the contract becomes void, the Town would assume ownership of the assets and responsibility to provide fire services. It is likely a Fire Department would be created and housed under Town government which would require new funding above and beyond the amount currently budgeted for the contract. While the increase of \$500,000 will only fund a portion of one year of operational expenses, it also recognizes the continued need to plan for potential financial responsibility.

Staff Recommendation: Staff recommends that the Town Council adopt the attached amended fund balance policy. Doing so should present a commitment on the Town's behalf to continue its strong financial position and conservative approach to managing its revenue and expenditures, which better positions the Town should it one day assume the role presently provided by the SSVFD.

Requested Action: A motion to amend the Fund Balance Policy as presented.

Attachments:

Draft amended Fund Balance Policy



Town of Southern Shores

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

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

www.southernshores-nc.gov

Adopted March 6, 2012
 Amended November 4, 2020
 Amended June 6, 2023

POLICY RELATED TO THE UNRESERVED FUND BALANCE

An unreserved fund balance is defined as revenue that has not been designated or obligated for any specific purpose and, therefore, can be used for any purpose deemed appropriate by the Town Council. An unreserved fund balance is necessary to ensure that there are sufficient revenues available to meet unanticipated expenses or interruptions or losses of revenues.

In order to maintain fiscal responsibility under the Local Government Budget and Fiscal Control Act, the North Carolina Local Government Commission recommends that municipalities maintain a minimum unreserved fund balance of eight percent (8%) of budgeted operating expenditures. However, as a coastal community that is susceptible to extreme weather conditions that can negatively impact revenues and cause significant increases in expenditures, an unreserved fund balance much higher than the minimum eight percent (8%) of budgeted operating expenditures is advisable. Such unreserved fund balance for emergency management purpose should allow the Town to respond to emergencies, plus continue basic operations for six months until federal or state assistance may become available.

The Town Council shall endeavor to establish, maintain, and grow the Town's unreserved fund balance but in no circumstance shall it be allowed to decrease to an amount less than 3.5 million dollars, unless it is to be used for an unforeseen emergency only.

The Town Council shall have broad authority to transfer revenue from the unreserved fund balance through a budget amendment approved by the majority of the members of Town Council; however, in general, revenue shall only be transferred from the unreserved fund balance to avoid cash flow interruptions, generate interest income, guard against the effects of an economic downturn, guard against the effects of natural or other disasters, and to temporarily replace lost revenues, to provide revenue for unanticipated capital expenditures, **for use should the Town take over operation of fire services**, and to mitigate against the volatility of the Town's tax base.



Agenda Item Summary Sheet

Date: 6/1/23

Item #: 10

Item Title: Town Hall Complex Upgrades

Item Summary: Council directed staff to solicit quotes according to the Town's purchasing policy for upgrades to be made at the Town Hall Complex. Two bidders submitted quotes and a third was unable to submit a quote in the given time frame. The list of work to be performed at the Town Hall includes: repair or the handicap ramp and deck at the west entrance, replace attic exhaust fan, repair trim and paint two gable and tower. The list of work to be performed at the Pitts Center includes: remove double doors on west wall and patch drywall, trims and siding. Remove Existing garage door and install new entry door. Patch and paint drywall, trims and siding. Repair rotted trims and siding throughout. Paint all siding and trim. The list of work to be performed and the Police Station includes: replacing two exterior doors. Install one new window with shutters. The lowest received quote was submitted by C & T Contracting in the amount of \$98,450.00.

Staff Recommendation: Staff recommends work be awarded to C & T Contracting.

Requested Action: Motion to award the Town Hall Complex Upgrades project to C & T Contracting and a budget amendment in the amount of \$98,450.00.

Attachments: Proposal Tabulation Sheet

Town of Southern Shores

Town Hall Complex Upgrades

Name	Proposal
C & T Contracting	\$98,450.00
Cynergy Home Solutions LLC	\$122,725.00

Recorded by:
David Bradley
Public Works Director

**Town of Southern Shores
Budget Amendment Number # 34**

Public Works Increases			Public Works Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39999	<u>Revenues</u> Transfer IN from Other Funds ARPA	\$98,450			
59-50978	<u>Expenditures</u> Building Upgrades	\$98,450			
	TOTAL			TOTAL	\$ -

Explanation: The cost to make upgrades to the buildings at Pitts Center, Town Hall and Police Dept.

Recommended By:

Cliff Ogburn, Town Manager

Approved By: Town Council

Elizabeth Morey, Mayor

Date



Agenda Item Summary Sheet

Date: June 6, 2023

Item #: 11

Item Title: Consideration of Contract Amendment - HREM

Item Summary: The Town is presently under contract with an effective date of July 1, 2019, with Hornthal, Riley, Ellis and Maland for legal services. The hourly rate for legal services has been \$205 attorneys and \$140 for paralegals since June 1, 2021. HREM is approaching all their municipal clients about across the board rate increases.

The requested increase is 15%. Rounded down, the new rate for attorney's fees would be \$235 and \$160 for paralegal fees. This change would be effective July 1, 2023. Staff feels as though sufficient funds are included in the FY 202 budget to absorb the increase.

Requested Action: Council consideration of this request.

Attachments:

Contract for Legal Services dated June 4, 2019

NORTH CAROLINA

DARE COUNTY

This instrument has been preaudited in the manner required by the Local Government Budgets and Fiscal Control Act.

Bonnie Swain
Finance Director

CONTRACT FOR LEGAL SERVICES

This Agreement for the employment of Town Attorney is entered into the 4 day of June, 2019, by and between Town of Southern Shores, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina (hereinafter "Town"), and Hornthal, Riley, Ellis & Maland, L.L.P. (hereinafter collectively referred to as "Attorney") and is effective as of the 1 day of July, 2019.

RECITALS

1. Town is in need of the legal assistance of a law firm to fill the position of Town Attorney.
2. The law firm is desirous of filling that position.
3. The parties desire to memorialize their agreement as hereinafter set forth.

NOW, THEREFORE, for and in consideration of the mutual covenants expressed herein it is agreed as follows:

1. Term of Employment: It is the agreement and understanding of the parties, that this is an appointed position and may be terminated at will by the Town provided, however, Attorney shall not cease employment in such manner as to prejudice any legal positions, whether by litigation or otherwise, the Town may be maintaining through the Attorney. In this regard, the Attorney shall not withdraw from any litigation, negotiations, drafting or the like without the specified permission of Town, if to do so would prejudice Town's position.

2. Services: Attorney shall provide to Town such legal services as Town requires and requests.

3. **Independent Contractor Status:** Attorney offers its services as an independent contractor and Town has no liability for payment of any benefits that would normally accrue to its employees by virtue of their employment with the Town.

4. **Reimbursement and Billing:** Attorney, including its partners, associates and paralegals, shall be reimbursed as follows:

- a. A non-refundable retainer of \$3,000.00 per month shall be paid to Attorney by the Town for the provision of any legal services including representation at meetings upon request and communications with Town staff and officials. Attorney shall submit monthly invoices to the Town indicating all work performed and actual expenses incurred. The invoices shall indicate legal services performed at the rate of \$195.00 per hour, paralegal services at a cost of \$140.00 per hour, law clerk services at \$140.00 per hour and the amount of actual expenses incurred. All fees for services shall be debited from the retainer first, with any remaining fees invoiced in excess of the expended retainer. Actual expenses shall be billed and paid without regard to the retainer.
- b. Beginning June 1, 2020 the hourly rate for legal services shall increase to \$200.00 per hour and on June 1, 2021 the hourly rate of legal services shall increase to \$205.00 per hour.

5. **Expectations:** Attorney recognizes the need of Town for accessibility and prompt service. To this end, it shall be the obligation of Attorney to diligently return phone calls, be available upon request, and otherwise meet reasonable deadlines imposed by the Town. Benjamin M. Gallop, partner of the firm, shall be primarily responsible for providing the requisite services to the Town. However, Town understands it is hiring the firm as opposed to an individual attorney. In the event of Mr. Gallop's unavailability, the Town shall seek advice from other Partners or Associates within the firm who shall comply with the Town's needs.

6. **Organization and Access to Services:** Attorney represents the Town Council and not administration. However, the Attorney shall be assigned legal tasks by the Town Manager pursuant to instructions from the Town Council and unless requested to the contrary, shall report to the Town Manager as to the progress and status of legal matters. In the event

Attorney recognizes a legal matter it deems in need of attention, the same shall be reported to the Town Manager for permission to proceed. Except in emergency situations, Attorney shall not initiate any legal action, or maintain any position on behalf of the Town, without the permission of the Town Council pursuant to the instruction of the Town Manager.

7. **Non-exclusive Obligation:** It is agreed and understood that Attorney is a private law firm with a substantial and varied practice. Nothing herein shall be construed as to prohibit the Attorney from continuing to serve its other clients and promote its practice outside representation of Town.

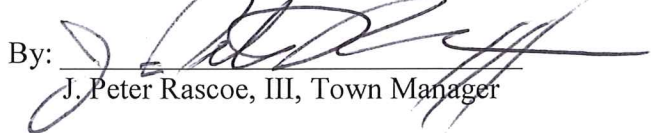
8. **Conflict of Interest:** During its representation, Attorney shall not undertake any new representation in conflict with the Town or any of its agencies. In the event a conflict of interest is discovered as a result of prior representation, the same shall immediately be reported by Attorney to the Town Manager. If the conflict is ethically irreconcilable, the Attorney shall not represent either the Town or its other client in the controversy.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

ATTEST:

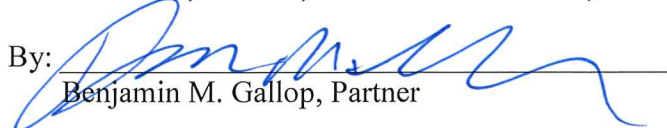

Town Clerk

TOWN OF SOUTHERN SHORES

By: 
J. Peter Rascoe, III, Town Manager



HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.

By: 
Benjamin M. Gallop, Partner



Agenda Item Summary Sheet

Date: June 6, 2023

Item #: 12

Item Title: Beach Nourishment Monitoring Agreement - CPE

Item Summary: Coastal Protection Engineering has provided this survey and data report in 2017, 2019, 2020, and 2021. This service was provided in 2022 as part of the beach nourishment contract with Weeks Marine. This work is performed annually to monitor the health of the beach as well as project performance by quantifying changes in sand volume from accretion and erosion. The results help develop future plans of action in an environmentally sustainable and affordable manner. This also allows the Town to be eligible for FEMA reimbursement for sand loss to declared storms by maintaining an engineered beach.

Staff Recommendation: Approval as presented.

Requested Action: A motion to authorize the Town Manager to sign the attached proposal for 2023 Annual Monitoring Services with Coastal Protection Engineering

Attachments:

Cover Letter and Contract for Proposal: 2023 Annual Monitoring Services



April 19, 2023

Cliff Ogburn
Interim Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949

Re: Proposal: 2023 Annual Monitoring Services, Town of Southern Shores, North Carolina

Dear Mr. Ogburn:

Coastal Protection Engineering of North Carolina, Inc. (CPE) is pleased to provide this proposal for professional services to the Town of Southern Shores (TOWN). The proposed services are associated with the 2023 annual beach profile monitoring associated with the Town's beach 2022 renourishment project. Under this proposal, CPE will conduct 2023 monitoring data acquisition, analysis, and update the TOWN's Beach Maintenance Plan. CPE will sub-contract portions of the data acquisition included in Task 1 as described in the respective sections within Exhibit A Scope of Professional Services.

The Scope of Professional Services (the Services) is attached to this proposal as Exhibit A. The work included under Tasks 1 – 2 will be performed for a lump sum fee of \$33,471.25. Exhibit B includes a breakdown of costs by Task. Exhibit C provides a list of deliverables and a schedule for each.

CPE's performance of the proposed Services is conditioned upon negotiation of mutually acceptable contract terms and conditions. In that regard, attached to this proposal is our standard Services Agreement for your consideration as the terms and conditions that will govern our performance of the proposed Services.

If this proposal is acceptable to you, please have the attached Services Agreement signed, and return it to me. CPE will then sign the Services Agreement and return a fully executed copy to you for your records.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Willson".

Ken Willson
Senior Program Manager
Coastal Protection Engineering of North Carolina, Inc

Office: 910-399-1905
Mobile: 910-443-4471
kwillson@coastalprotectioneng.com

COASTAL PROTECTION ENGINEERING OF NORTH CAROLINA, INC.
SERVICES AGREEMENT
FIXED PRICE BASIS

All in accordance with the following terms and conditions.

1. **SCOPE OF SERVICES: COASTAL PROTECTION ENGINEERING OF NORTH CAROLINA, INC. (“CPE”)** agrees to perform for the undersigned CLIENT, engineering and consulting (“Services”) described in the attached Proposal and/or as follows:

Proposal: Town of Southern Shores, North Carolina: 2023 Annual Monitoring Services

2. **FEES, INVOICES AND PAYMENTS:** The Services associated with Tasks 1 – 2 will be performed for the lump sum fee of **\$33,471.25 (Thirty-three thousand, four hundred seventy-one dollars and twenty-five cents).**

Invoices will be submitted by CPE no more frequently than every month, with payment due upon CLIENT’S receipt of invoice. Payment shall be in U.S. Dollars. CLIENT shall be responsible for payments (without deduction or offset from the total invoice amount) of any and all sales, use, value added, gross receipts, franchise and like taxes, tariffs and duties levied against CPE or its employees by any government or taxing authority. A service charge equal to one-half percent (1/2 %) per month, or the maximum rate permitted by law, whichever is less, will be added to all accounts which remain unpaid for more than thirty (30) calendar days beyond the date of the invoice. Should there be any dispute as payments to be made on a percent complete basis to any portion of an invoice, the undisputed portion shall be promptly paid.

3. **CLIENTS COOPERATION:** To assist CPE in performing the Services, CLIENT shall (i) provide CPE with relevant material, data, and information in its possession pertaining to the specific project or activity, (ii) consult with CPE when requested, (iii) permit CPE reasonable access to relevant

project sites, (iv) ensure reasonable cooperation of CLIENT's employees in CPE’s activities, and (v) notify and report to all regulatory agencies as required by such agencies.

4. **CONFIDENTIALITY:** In the course of performing Services, to the extent that CLIENT discloses to CPE, business or technical information that CLIENT clearly marks in writing as confidential or proprietary, CPE will exercise reasonable efforts to avoid the disclosure of such information to others. Likewise, to the extent that CPE discloses to CLIENT, business or technical information that CPE clearly marks in writing as confidential or proprietary, CLIENT will exercise reasonable efforts to avoid the disclosure of such information to others.

Nothing herein is meant to prevent nor shall be interpreted as preventing either party from disclosing and/or using any information or data (i) when the information or data are actually known to the receiving party before being obtained or derived from the transmitting party, (ii) when information or data are generally available to the public without the receiving party's fault at any time before or after it is acquired from the transmitting party; (iii) where the information or data are obtained or acquired in good faith at any time by the receiving party from a third party who has the same in good faith and who is not under any obligation to the transmitting party in respect thereto; (iv) where a written release is obtained by the receiving party from the transmitting party; (v) three (3) years from the date of receipt of such information; or (vi) when required by process of law; or by North Carolina Public Records Law; provided, however, upon service of such process, the recipient thereof shall use reasonable efforts to notify the other party and afford it an opportunity to resist such process.

5. DELAYS AND CHANGES IN CONDITIONS:

If CPE is delayed or otherwise in any way hindered or impacted at any time in performing the Services by (i) an act, failure to act or neglect of CLIENT or CLIENT's employees or any third parties; (ii) changes in the scope of the work; (iii) unforeseen, differing or changed circumstances or conditions including differing site conditions, acts of force majeure (such as fires, floods, riots, and strikes); (iv) changes in government acts or regulations; (v) delay authorized by CLIENT and agreed to by CPE; or (vi) any other cause beyond the reasonable control of CPE, then 1) the time for completion of the Services shall be extended based upon the impact of the delay, and 2) CPE shall receive an equitable compensation adjustment. Any such equitable adjustment shall be based on CPE's then current Time and Material Rates, as may be provided in a Rate sheet attached hereto.

6. INSURANCE: CPE is presently protected by Worker's Compensation Insurance as required by applicable law and by General Liability and Automobile Liability Insurance (in the amount of \$1,000,000 combined single limit) for bodily injury and property damage. Insurance certificates will be furnished to CLIENT on request. If the CLIENT requires further insurance coverage, CPE will endeavor to obtain said coverage, and CLIENT shall pay any extra costs therefor.

7. INDEMNITIES: CPE shall defend, indemnify and hold harmless CLIENT and its officers and employees from and against loss or damage to tangible property, or injury to persons, to the extent arising from the negligent acts or omissions or willful misconduct of CPE, its borrowed servants and their employer and its subcontractors, and their respective employees and agents acting in the course and scope of their employment. CLIENT shall defend, indemnify and save harmless CPE (including its borrowed servants and their employers and its officers, and employees) from and against, any loss or damage to tangible property, or injury to persons, to the

extent arising from the negligent acts or omissions or willful misconduct of CLIENT, its officers and employees.

8. LIMITATIONS OF LIABILITY:

a. GENERAL LIMITATION - CLIENT'S SOLE AND EXCLUSIVE REMEDY FOR ANY ALLEGED BREACH OF WARRANTY BY CPE SHALL BE TO REQUIRE CPE TO REPERFORM ANY DEFECTIVE SERVICES. CPE'S LIABILITY AND CLIENT'S REMEDIES FOR ALL CAUSES OF ACTION ARISING HEREUNDER WHETHER BASED IN CONTRACT, WARRANTY, NEGLIGENCE, , OR ANY OTHER CAUSE OF ACTION, SHALL NOT EXCEED EXCEPT FOR THE MUTUAL INDEMNIFICATIONS SET FORTH IN SECTION 7 ABOVE. IN THE CUMULATIVE AGGREGATE (INCLUDING ANY INSURANCE PROCEEDS) WITH RESPECT TO ALL CLAIMS ARISING OUT OF OR RELATED TO THIS AGREEMENT, WHATEVER MINIMUM AMOUNT MAY BE REQUIRED BY LAW OR, IF NONE, THE AMOUNT OF COMPENSATION FOR SUCH SERVICES,

b. CONSEQUENTIAL DAMAGES: FURTHER AND REGARDLESS OF ANY OTHER PROVISION HEREIN, CPE SHALL NOT BE LIABLE FOR ANY INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES (INCLUDING LOSS OF PROFITS, DECLINE IN PROPERTY VALUE, REGULATORY AGENCY FINES, LOST PRODUCTION OR LOSS OF USE) INCURRED BY CLIENT OR FOR WHICH CLIENT MAY BE LIABLE TO ANY THIRD PARTY OCCASIONED BY THE SERVICES OR BY APPLICATION OR USE OF REPORTS OR OTHER WORK PERFORMED HEREUNDER.

9. GOVERNING LAWS: This Agreement shall be governed and construed in accordance with the laws of the State of North Carolina.

10. **TERMINATION:** Either party may terminate this Agreement with or without cause upon forty five (45) days' written notice to the other party. Upon such termination, CLIENT shall pay CPE for all Services performed hereunder up to the date of such termination. In addition, if CLIENT terminates, CLIENT shall pay CPE all reasonable costs and expenses incurred by CPE in effecting the termination, including, but not limited to non-cancelable commitments and demobilization costs.
11. **ASSIGNMENT:** Neither CPE nor CLIENT shall assign any right or delegate any duty under this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, CPE may, upon notice to CLIENT, assign, pledge or otherwise hypothecate the cash proceeds and accounts receivable resulting from the performance of any Services or sale of any goods pursuant to this Agreement.
12. **MISCELLANEOUS:**
- a. **ENTIRE AGREEMENT, PRECEDENCE, ACCEPTANCE MODIFICATIONS:** The terms and conditions set forth herein constitute the entire understanding of the Parties relating to the provisions of the Services by CPE to the CLIENT. All previous proposals, offers, and other communications relative to the provisions of these Services by CPE, oral or written, are hereby superseded, except to the extent that they have been expressly incorporated by reference herein. In the event of conflict, the three pages of this Agreement shall govern. CLIENT may accept these terms and conditions by execution of this Agreement or by authorizing CPE to begin work. Any modifications or revision of any provisions hereof or any additional provisions contained in any purchase order, acknowledgement or other document issued by the CLIENT is hereby expressly objected to by CPE and shall not operate to modify the Agreement.
- b. **DISPUTES, ATTORNEY FEES** – Any dispute regarding this Agreement or the Services shall be resolved first by exchange of documents by senior management of the parties, who may be assisted by counsel. Any thereafter unresolved disputes shall be litigated in the state whose law governs under Section 9 hereunder. In any litigation, the Prevailing Party shall be entitled to receive, as part of any award or judgment, eighty percent (80%) of its reasonable attorneys' fees and costs incurred in handling the dispute. For these purposes, the "Prevailing Party" shall be the party who obtains a litigation result more favorable to it than its last formal written offer (made at least twenty calendar days prior to the formal trial) to settle such litigation.
- c. **WAIVER OF TERMS AND CONDITIONS** - The failure of CPE or CLIENT in any one or more instances to enforce one or more of the terms or conditions of this Agreement or to exercise any right or privilege in the Agreement or the waiver by CPE or CLIENT of any breach of the terms or conditions of this Agreement shall not be construed as thereafter waiving any such terms, conditions, rights, or privileges, and the same shall continue and remain in force and effect as if no such failure to enforce had occurred.
- d. **NOTICES** – Any notices required hereunder may be sent by orally confirmed US Mail, courier service (e.g. FedEx), orally confirmed telecopy (fax) or orally confirmed email (further confirmed by US Mail) to the addresses set forth below.
- e. **SEVERABILITY AND SURVIVAL** - Each provision of this Agreement is severable from the others. Should any provision of this Agreement be found invalid or unenforceable, such provision shall be ineffective only to the extent required by law, without invalidating the remainder of such provision or the remainder of this Agreement.
- Further, to the extent permitted by law, any provision found invalid or unenforceable shall be deemed automatically redrawn to the extent necessary to render it valid and enforceable

consistent with the parties' intent. The terms and conditions set forth herein shall survive the termination of this Agreement.

CLIENT and CPE agree to the foregoing **(INCLUDING THE LIMITATIONS ON LIABILITY IN SECTIONS herein)** and have caused this Agreement to be executed by their duly authorized representatives as of the date set forth below.

Executed on _____, 2023

COASTAL PROTECTION ENGINEERING OF NORTH CAROLINA, INC.

By (Sign): _____

Print Name: Kenneth Willson

Title: President

Address: 4038 Masonboro Loop Road,

Wilmington, North Carolina, 28409

Phone: (910) 399-1905

Fax: N/A

E-mail: kwillson@coastalprotectioneng.com

TOWN OF SOUTHERN SHORES, NORTH CAROLINA

By (Sign): _____

Print Name: _____

Title: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

EXHIBIT "A"
SCOPE OF PROFESSIONAL SERVICES
TOWN OF SOUTHERN SHORES, NORTH CAROLINA
2023 ANNUAL MONITORING SERVICES

Coastal Protection Engineering of North Carolina, Inc. (hereinafter "CPE") proposes to provide professional services to the Town of Southern Shores (hereinafter the "TOWN"), associated with annual monitoring of the TOWN's Beach Nourishment Project constructed in 2022 and 2023. CPE will sub-contract portions of the data acquisition included in Tasks 1 as described in the respective sections of this scope of work.

This proposal includes 2023 annual monitoring data acquisition, analysis, and updating the TOWN's Beach Maintenance Plan. Each task is described in detail in the following sections.

TASK 1 – 2023 ANNUAL BEACH PROFILE DATA ACQUISITION

The standard method used to monitor beach nourishment projects is to collect topographic and bathymetric data along a series of beach profiles on an annual or bi-annual basis. Comparison of this data can be used to track volumetric changes of sand along the beach and changes in the shoreline position. Furthermore, in order to be eligible for disaster assistance through the Federal Emergency Management Agency (FEMA), local sponsors of beach nourishment projects are encouraged to monitor the beach annually to document conditions of the project prior to the impact of a storm.

The 2023 beach profile surveys will be conducted along the TOWN to evaluate volume and shoreline change trends as well as performance of the TOWN's beach constructed in 2022/2023. The 2023 beach profile data acquisition will be conducted prior to June 30, 2023. Topographic data will be collected along each beach profile to include the dune, berm, and foreshore section of the beach, while bathymetric data will be collected along the offshore portion of the profile. Beach profile data acquisition will be conducted along twenty-two (22) profiles spaced approximately 1,000 feet apart. These twenty-two (22) profiles are from approximately baseline station -10+00 (located near Sea Bass Circle) to baseline station 197+12 (near 11th Avenue), and include intermediate profile at Station -153+05. Data for the beach profile located at the border of Southern Shores and Kitty Hawk (baseline station 0+00) will be collected by CPE under a separate contract with the Town of Kitty Hawk. CPE will sub-contract portions of this work to McKim & Creed.

Costs for mobilization of equipment and personnel to and from the project area will be costs shared with the Towns of Kitty Hawk and Kill Devil Hills as data acquisition for all three towns will be planned to be conducted concurrently. Additional mobilization costs will be required if monitoring data acquisition is conducted independently of the Towns of Kitty Hawk and Kill Devil Hills.

Beach profiles will extend landward from their respective baseline station until a structure is encountered or a range of 25 feet beyond the dune is reached, whichever is seaward. Elevation

EXHIBIT "A"
SCOPE OF PROFESSIONAL SERVICES
TOWN OF SOUTHERN SHORES, NORTH CAROLINA
2023 ANNUAL MONITORING SERVICES

measurements will also be taken seaward along the profile to a range of 3,000 feet beyond the shoreline or to the -30 NAVD88 contour, whichever is more landward.

Land-based or "upland" data collection will include all grade breaks and changes in topography to provide a representative description of the conditions at the time of the work. The maximum spacing between data points along individual profiles will be 25 feet. The upland work will extend into wading/swimming depths sufficiently to provide a minimum 50-foot overlap with the offshore data. This overlap between the topographic and bathymetric data acquisition provides quality control and quality assurance.

The hydrographic work or "offshore" portions of the beach profiles will be conducted with industry standard depth sounding equipment and real-time kinematic (RTK) global navigation satellite system (GNSS). Tide corrections will be obtained redundantly with RTK GNSS and a local tide gauge verified to meet the requirements for the specific work. Offshore data points shall also be collected with a maximum spacing of 25 feet.

Horizontal and vertical positioning checks will be conducted at the beginning and end of each day of data acquisition to confirm that control is undisturbed and meets the accuracy standards of this project with a horizontal limit of 0.66 feet and a vertical limit of 0.16 ft. for all electronic equipment. Vertical positioning checks for depth measuring equipment will be conducted at 5 ft. increments between -5 ft. and at least -25 ft. NAVD88. Sound velocity casts will be conducted at the project site at the start and end of each day of data acquisition to calibrate the sounding equipment.

As an appendix to the 2023 Post-Construction Monitoring Report described under Task 2, CPE will provide the TOWN with a survey report as an appendix. This appendix will include methodology, field notes for the data acquisition, control information, profile plots, cross sections, and digital XYZ data.

TASK 2 – ANNUAL 2023 BEACH PROFILE DATA ANALYSIS AND REPORT

CPE will conduct both shoreline and volume change analysis to evaluate volumetric and shoreline trends along the Town's oceanfront. Furthermore, the data collected will be used to evaluate project performance of the 2022/2023 project. Analysis will focus on the total shoreline and volume change that has occurred since the project was constructed in 2022 and 2023.

Given the contiguous nature of the beach nourishment project constructed from the north end of Southern Shores to approximately Prospect Avenue in Kill Devil Hills, CPE will prepare a comprehensive shoreline and volume change monitoring report that includes the Towns of Southern Shores, Kitty Hawk, and Kill Devil Hills. The report will include details of data collection and methods used as well as results of the various analyses. The results will be

EXHIBIT "A"
SCOPE OF PROFESSIONAL SERVICES
TOWN OF SOUTHERN SHORES, NORTH CAROLINA
2023 ANNUAL MONITORING SERVICES

reported in terms of the project area in total and broken up into Town-specific sections. The report will also include a discussion section and recommendations based on the report findings. Deliverables will include two (2) hardcopies of the report with CD or USB drive which will include digital versions of the report, appendices, and data. In addition to the report, one (1) in-person meeting is included to present the findings of the monitoring report to the TOWN.

Costs associated with the 2023 monitoring report will be costs shared with the Towns of Kitty Hawk and Kill Devil Hills. This not only provides each Town with a broader view of how their Town's project fits into the overall project length, but it also provides cost efficiencies by reducing redundancy. Additional costs will be required if the Town prefers to have a sperate report prepared that only includes their Town's portion of the project.

CPE will also update the TOWN's Beach Maintenance Plan as needed. The update will include any necessary updates to the project description, description of planning efforts, and monitoring methods or events to document compliance with FEMA guidance for disaster assistance. The Beach Maintenance Plan will be developed in a way consistent with the Public Assistance Program and Policy Guide –FP-104-009-2 (June 2020). Specifically, the costs and volume of fill placement will be updated along with re-nourishment requirements. CPE will coordinate with TOWN staff to identify current and future funding sources and document these in the maintenance plan. The future cost will be estimated on a 5-year horizon and will be categorized as Planning & Design, Construction, or Monitoring efforts. This task assumes there are no 'new' project initiatives for the TOWN project and assumes the existing maintenance plan is only being updated.

**EXHIBIT B:
BREAKDOWN OF COSTS
TOWN OF SOUTHERN SHORES, NORTH CAROLINA
2023 ANNUAL MONITORING SERVICES**

Table 1. Breakdown of the total cost of the 2023 Monitoring Services associated with the Town of Southern Shores (Tasks 1 – 2).

TASK	DESCRIPTION	COST
1	2023 Annual Beach Profile Data Acquisition	\$18,904.75
2	2023 Annual Monitoring Report	\$14,566.50
	TOTAL:	\$33,471.25

EXHIBIT C:
LIST OF DELIVERABLES
TOWN OF SOUTHERN SHORES, NORTH CAROLINA
2023 ANNUAL MONITORING SERVICES

Item 12.

The following items have been identified by Coastal Protection Engineering of North Carolina, Inc. (hereinafter “CPE”) as deliverables to the Town of Southern Shores (hereinafter “TOWN”) for the completion of this scope of work.

- Monthly Progress Reports
- Annual Beach Monitoring Report
- Beach Profile Data Appendix
- Beach Maintenance Plan Update

A detailed description and an individual schedule for each deliverable are provided below.

Monthly Progress Reports: CPE will provide a one (1) page summary of the project status via e-mail approximately every 30 days during the anticipated 8-month contract period. The letter will describe activities completed throughout the month and update the anticipated schedule of milestones as appropriate.

Beach Monitoring Report: Upon completion of the beach profile data acquisition described in Task 1 of the Scope of Services, CPE will provide a draft beach monitoring analysis report to the TOWN. The monitoring report will include description of methodology and results of the shoreline change and volume change analysis. Barring any unforeseen circumstances, a draft report will be provided within 120 days following completion of survey operations. Within two weeks following receipt of comments by the Town on the draft report, CPE will prepare a Final report and provide to the TOWN two hardcopies of the report with CD’s/USB drives, which will include digital versions of the report, appendices, and data. In addition to the report, one in-person meeting is included to present the findings of the monitoring report to the TOWN.

Beach Profile Data Appendix: Upon completion of the beach profile data acquisition described under Task 1, CPE will provide a record of the methodology used to acquire the data as well as data acquisition notes, control information, profile plots, cross sections, and digital XYZ data. Barring any unforeseen circumstances, a draft of this appendix will be available within 60 days following completion of data acquisition operations. The final appendix will be provided in both hard copy and digital copy along with the Beach Monitoring Report.

Beach Maintenance Plan Update: Along with the Beach Monitoring Report, an updated Beach Maintenance Plan will be provided to the TOWN. The update will include project and planning

**EXHIBIT C:
LIST OF DELIVERABLES
TOWN OF SOUTHERN SHORES, NORTH CAROLINA
2023 ANNUAL MONITORING SERVICES**

features to document compliance with FEMA guidance for disaster assistance. Barring any unforeseen circumstances, the draft update will be provided within 120 days following completion of survey operations. Once comments are received from the TOWN on the Draft update, a final update will be provided. Two (2) hardcopies and two (2) digital copies will be provided.



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 6, 2023

ITEM TITLE: Planning Board Appointment

ITEM SUMMARY:

The appointment term assigned to Planning Board member Ed Lawler expires on June 30, 2023. Mr. Lawler has indicated that he is interested in serving another three-year term. Town Staff has one application to serve on the Board on file from Charlie Ries.

STAFF RECOMMENDATION:

Reappointment of Ed Lawler with a term that expires on June 30, 2026.

REQUESTED ACTION:

Motion to reappoint Ed Lawler with a term that expires on June 30, 2026.

SOUTHERN SHORES PLANNING BOARD
BOARD MEMBER STATUS AS OF 6/1/2023

		Cycle and Term	Term of Appt. Vacancy Created by Departure of:	TERM OF APPOINTMENT		
				Start Term	End Term	
SEATED MEMBERS (Voting)						
1	Ed Lawler	B1	Glenn Wyder	1-Jul-20	30-Jun-23	Seated
2	Jan Collins	A2	Lynda Burek	1-Jul-22	30-Jun-25	Seated
3	Robert McClendon	C1	David Neal	1-Jul-21	30-Jun-24	Seated
4	Andy Ward	C2	Sam Williams	1-Jul-21	30-Jun-24	Chair
5	Tony DiBernardo	A1	Elizabeth Morey	1-Jul-22	30-Jun-25	Seated
ALTERNATE MEMBERS (Non-Voting)						
1	Dan Fink	C3	Jan Collins	1-Jul-21	30-Jun-24	Alternate 1st
2	Michael Zehner	B2	Dan Fink	1-Jul-21	30-Jun-24	Alternate 2nd
ETJ MEMBER (Votes on items that affect Martin's Point)						
	COUNTY APPOINTED					
	John Finelli	C3		1-Jul-21	30-Jun-24	ETJ

SOUTHERN SHORES PLANNING BOARD
BOARD MEMBER STATUS AS OF 6/1/2023

Item 13.



Agenda Item Summary Sheet

Date: June 6, 2023

Item #: 14

Item Title: Discussion / Consideration of Speed Bumps

Item Summary: At its May 2, 2023 meeting, the Town Council directed staff to present information regarding the use of speed bumps to calm traffic in residential areas. Police Chief Kole will present his findings.

Requested Action: Council discussion and consideration.