



**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](http://www.southernshores-nc.gov)

**PITTS CENTER**

**Tuesday, February 04, 2025 at 5:30 PM**

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## **AGENDA**

### **Call Meeting to Order**

Pledge of Allegiance

Moment of Silence

### **Amendments to / Approval of Agenda**

#### **Consent Agenda**

- [1.](#) Budget Amendment #23-Commercial Garbage Collection
- [2.](#) Budget Amendment #24-Feasibility Study
- [3.](#) Minutes Approval-12.03.2024
- [4.](#) Resolution #2025.02.01 NCBIWA Resolution of Support for Updating the 2016 Beach and Inlet Management Plan (BIMP)

#### **Presentations**

5. Years of Service Recognition-Eric Brinkley
6. Ceremonial Swearing in of Police Officer Austin Jones
7. Special Presentation -Citizen Recognition
8. Chief Jennie L. Collins - Dare County EMS

#### **Staff Reports**

Deputy Town Manager/Planning Director

- Monthly Permit Report

-Planning Board Update

Police Chief

Fire Chief - wildfire risk educational awareness

Town Manager

-Juniper/Trinitie Bridge Update

Town Attorney

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

#### **Old Business**

#### **New Business**

- [9.](#) Public Hearing- ZTA-25-01, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Section 36-132(a) to revise the exemptions and requirements associated with the development and sale of certain nonconforming lots with

and without recombination in all zoning districts and to revise the requirements for the recombination of nonconforming lots of record in all zoning districts.

[10.](#) Cemetery Amendment-TCA-25-01

[11.](#) Council Rules of Procedure Amendment

[12.](#) Lease & Resolution- Conveyance to Non-profit Organization

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

**Council Business**

13. March Council Retreat Discussion-Meeting Specifics and Topic Ideas

**Adjourn**

# **Town of Southern Shores Budget Amendment Number #23**

[illegible]

Explanation: June 2024 commercial pickup. Bay misapplied payment and did not have resolved until after the fiscal year audit

Recommended By:

Approved By: Town Council

Cliff Ogburn, Town Manager

Elizabeth Morey, Mayor

Date \_\_\_\_\_

# **Town of Southern Shores Budget Amendment Number #24**

## Fire Increases

## Decreases

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
10-40-39909	<b><u>Revenues</u></b> Unassigned Fund Balance	\$9,975			
10-54-50120	<b><u>Expenditures</u></b> Contracted Services	\$9,975			
TOTAL			TOTAL		\$ -

Explanation: Half of the cost of feasibility study

Recommended By:

Cliff Ogburn, Town Manager

Approved By: Town Council

Elizabeth Morey, Mayor

Date



# Town of Southern Shores

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Town Council Meeting

December 3, 2024

## Present

Mayor Morey

Mayor pro tem Neal

Council Member Sherlock

Council Member Batenic

## Call Meeting to Order-December 3, 2024

Pledge of Allegiance

Moment of Silence

## Amendments to / Approval of Agenda

Mayor Morey asked if there were any amendments to the agenda. Council member Sherlock **moved** to approve the agenda as presented, Seconded by Council member Batenic. The motion passed unanimously.

## Consent Agenda

The consent agenda consisted of the following:

1. Resolution #2024.12.01 - 2025 Council Meeting Schedule
2. Minutes- October 1, 2024 and October 10, 2024

Mayor Morey presented the consent agenda. Council Member Batenic noted a correction was needed for the October 10 minutes. After discussion, Council Member Batenic made a **motion** to approve the consent agenda with the correction to the October 10 minutes, Seconded by Council member Sherlock. The motion passed unanimously.

## Staff Reports

### Planning/Deputy Town Manager

Planning Director/Deputy Town Manager Haskett provided a brief report for the month of November:

- 35 total permits issued in November and \$18,785.20 in fees collected by the planning department in November.
- Update on Southern Banks Hazard Mitigation Plan - draft expected to be ready this month and will be posted on website for public review before being sent to state and FEMA for comment
- Planning Board to meet December 16th to discuss potential text amendment regarding nonconforming lots.

**Police Chief**

Police Chief Kole presented the November police report. He shared photos from the annual awards lunch held November 13th, highlighting Officer Cooke receiving the Top Gun award and School Resource Officer (SRO) Tracy Mann being selected as Officer of the Year by her peers. Police Chief Kole recognized Deputy Chief Slegel as this was his last official meeting before retirement.

Deputy Chief Slegel presented Chief Kole with an award recognizing his 40 years of outstanding and dedicated service.

**Fire Chief**

Fire Chief Limbacher provided the monthly calls report for November.

**Town Manager**

Town Manager Ogburn provided updates on several projects:

- **Chicahauk Trail Bridge:** The bridge replacement project is set to commence with full closure of the bridge expected on December 9th. This closure will affect all traffic, including pedestrian and boat traffic. Prior coordination has been made with crews setting up road barricades preparing for the temporary closure.
- **NC 12 Multi-Use Path:** The construction of a new path on NC 12 has been completed. Further work has been contracted to replace the path around 3rd to 5th Avenue, and it is anticipated to start soon. This will be carried out by the same crew tasked with the previous path completion.
- **Tourism Impact Grant:** The town has been awarded \$91,000 as a tourism impact grant from the county. With a 25% matching fund requirement, this grant will facilitate continued path replacement efforts planned for 2025.
- **Town Hall Improvements:** Progress is being made on town hall improvements, with the reduced scope of the project. Staff will be utilizing some of the space in the Pitts Center to accommodate the storage needs. The door and other safety features will still be incorporated into the project.

Council member Sherlock asked for an update to Senate Bill 382

- **State Legislation Impact:** Recent amendments to zoning authority via Senate Bill 382 have drawn concern. The bill, initially unrelated to zoning, imposes consent requirements from property owners for any downzoning actions, such as reducing density or improving lot sizes. It also restricts municipalities from adding any prohibited uses in the code without consent. Discussions with other local council members and county officials are ongoing, on how to move forward and get this corrected as soon as possible.

**Town Attorney**

Town Attorney Hornthal had no report.

**General Public Comment**

Carolyn Hoover, 108 Last Hunt Lane-asked about traffic management plans during the Chicahauk Trail Bridge closure, particularly regarding traffic light timing at access to NC 12 and Chicahauk Trail.

Mark LeBlanc, 9 10th Avenue-spoke against adopting the proposed tree ordinance amendment on the agenda, expressing concerns about property rights restrictions and suggesting the town consider fire safety issues related to heavily wooded areas.

Anthony Mina 75 E Dogwood Trl-expressed concerns about alleged misconduct by staff related to zoning issues.

## Old Business

None

## New Business

### 2024 Beach Monitoring Update

Ken Wilson, Senior Program Manager at Coastal Protection Engineering provided a comprehensive update on the 2024 beach monitoring results, focusing on multiple aspects of the ongoing beach nourishment project in Southern Shores:

#### Project Goals

The project's primary goals are to ensure a reasonable level of storm damage reduction to public and private development along the coast, mitigate long-term erosion, and maintain a healthy beach that allows enough recreation area and supports offshore ecosystems, such as the habitat for small aquatic life. Ken Willson explained that the design aims to handle storms similar to Hurricane Isabel and plans for approximately a 20-year storm return interval.

1. Provides a reasonable level of storm damage reduction to public and private development
2. Mitigates long-term erosion that could threaten public and private development, recreational opportunities, and biological resources
3. Maintains a healthy beach that provides sufficient useable beach and supports valuable shorebird and sea turtle nesting habitat

#### Monitoring Methodology and Techniques

Ken Willson elaborated on the process of monitoring the beach's performance, which involves conducting surveys of 23 beach profiles. Each profile runs from the dune line into the nearshore waters, with survey teams using a combination of land-based measurements and sonar from boats to track changes in beach width and volume, well beyond just the visible shoreline. This tracking ensures that all sand, whether on the surface or underwater, is accounted for and that seasonal and storm-induced changes are adequately monitored.

- Data: Beach Profile Surveys – November 2022 (Post-Construction), June 2023 (Year-1), June 2024 (Year-2)
- 23 Beach Profiles Along Southern Shores Oceanfront
- **Shoreline Change Analysis:** Overall changes (Post-Construction baseline to June 2024) and Recent changes (June 2023 to June 2024)
- **Volume Change Analysis:** Overall changes (Post-Construction baseline to June 2024) and Recent changes (June 2023 to June 2024)

### Shoreline and Volume Change Data

Ken Willson presented detailed data showing both shoreline and volume changes since the nourishment project's inception. Using graphs, he illustrated that the northern sections saw significant volume gains due to the additional sand placed there in May 2023, which he noted was somewhat expected. There was a consensus that the "equilibration" process they observe—where sand naturally shifts offshore right after nourishment—was performing as anticipated. The central and southern sections also reported gains, but at lower rates.

MONITORING AREA	Shoreline Change Rate (Ft./Yr.) Nov. 2022 (Post-Con) to June 2024 (Year-2)	Shoreline Change Rate (Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)
NORTHERN SECTION (-197+12 TO -153+00)	+16.6*	0.8
CENTRAL SECTION (-153+00 TO -50+00)	-13.9	-4.0
SOUTHERN SECTION (-50+00 TO 0+00)	-18.3	-5.8
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	-7.7	-3.4

\* Additional Fill was added to the Northern Section during this time.

- North of 4th Ave widened beach by ~21 ft., South of 4th Ave widened the beach by ~124
- Added about 58,000 cy in Northern Section after the Nov. 2022 survey.
- Note South to North Construction in terms of higher rates.

### Shoreline Change Analysis Results:

MONITORING AREA	Shoreline Change Rate (Ft./Yr.) June 2023 (Year-1) to June 2024 (Year-2)	Shoreline Change Rate (Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)
NORTHERN SECTION (-197+12 TO -153+00)	+15.6	0.8
CENTRAL SECTION (-153+00 TO -50+00)	+18.6	-4.0
SOUTHERN SECTION (-50+00 TO 0+00)	-19.4	-5.8
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	+8.3	-3.4



### Volume Change Analysis Results:

MONITORING AREA	Project Volume Change (CY)	Volume Change (CY/Yr.) Post-Con to June 2024 (Year-2)
NORTHERN SECTION (-197+12 TO -153+00)	124,000	198,000*
CENTRAL SECTION (-153+00 TO -50+00)	580,800	185,200
SOUTHERN SECTION (-50+00 TO 0+00)	343,700	26,400
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	1,048,400	409,600

\* Additional Fill was added to the Northern Section during this time.

- Previous Numbers: North – 161,400, Central – 140,600, South – 97,900, Total – 399,900.
- Some of the gains in North are due to placement in May 2023, however, there was a measured gain of 37,000 CY between Year 1 and Year 2 surveys

### Volume Change Analysis Results:

MONITORING AREA	Volume Change Rate (CY/Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)	Volume Change Rate (CY/Ft.) Post-Con to June 2024 (Year-2)
NORTHERN SECTION (-197+12 TO -153+00)	5.7	27.8
CENTRAL SECTION (-153+00 TO -50+00)	0.1	11.3
SOUTHERN SECTION (-50+00 TO 0+00)	0.1	3.2
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	1.4	13.2

## Volume Change Analysis Results:

MONITORING AREA	Volume Change Rate (CY/Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)	Volume Change Rate (CY/Ft.) June 2023 (Year-1) to June 2024 (Year-2)
NORTHERN SECTION (-197+12 TO -153+00)	5.7	8.9
CENTRAL SECTION (-153+00 TO -50+00)	0.1	4.5
SOUTHERN SECTION (-50+00 TO 0+00)	0.1	-14.7
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	1.4	0.6

- Negative in the south is less than what was measured to have been gained in year 1

### Future Opportunities and Cost-saving Ideas

There is a potential cost savings for future nourishment cycles by extending time intervals between projects. Ken Willson outlined that instead of every 5 years, it might prove more cost-effective on an annualized basis to extend nourishment to a 6 or 7-year cycle, reducing overall costs long-term.

## Long Term Sand Needs:

Assumed Base Volume Per Project (CY)	3,200,000
Assumed Additional Volume for Additional Areas (CY)	500,000
<b>Total Volume Assumed Per Event:</b>	<b>3,700,000</b>

	Quantity Per Event (CY)	Number of Events	Total Maintenance Volume (CY)
Total Maintenance Volume	3,700,000	6	22,200,000

Additional Volume to Account For Storms (Total Maintenance Volume x 12.5%)	2,775,000
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<b>Targeted Volume</b> (Total Maintenance Volume + Additional Volume for Storms, multiplied by 1.5)	<b>~37.5 Million Cubic Yards</b>
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### ASSUMPTIONS:

- 3.2 Million CY Per Event based on 2022/2023 Project
- Potential for adding portions of Duck – 500,000 cy per project
- 30 Years requires 6 additional events (2057)
- Increase total by 12.5% based on potential storm damage repairs (BIMP)
- Target 1.5 times the required volume due to constructability

## Forecasted Budget For 2027 Project

November 2024 Update			
	Volume	Cost	Annual Cost Savings
Option 1 – 5-year Maintenance Cycle Volume	375,000	\$6,651,200	
Option 2 – 6-year Maintenance Cycle Volume	420,900 CY	\$7,132,800	\$141,440
Option 3 – 7-year Maintenance Cycle Volume	466,800 CY	\$7,631,700	\$239,997

### Updates on Funding and Regional Collaboration

Ken Willson also noted the recent state grant awarded to Dare County, amounting to \$7.5 million, intended for future nourishment projects, showing some financial relief and support for ongoing efforts to sustain local beach infrastructure projects. He shared optimism that such funding supports regional strategies to secure sustainable sand sources offshore, aligning with broader economic plans for coastal protection. He highlighted collaborations with other towns and the county for efficient resource utilization.

Council members appreciated Ken Willson's comprehensive presentation, which provided insight into the project's current status, challenges, and future planning considerations.

### **Public Hearing - ZTA-24-05**

Town Attorney Hornthal opened the public hearing for ZTA-24-05, a zoning text amendment proposed by the Town of Southern Shores to amend town code section 36-171.

Planning Director Haskett explained the purpose and contents of the proposed text amendment. The agenda summary read as, At the February 6, 2024 Town Council meeting, the Town Council directed Town Staff to draft Town Code amendments to modernize the Town Code. At the April 9, 2024 Town Council meeting, Council adopted ZTA-24-02 which established that a lot disturbance/stormwater management permit is required to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in the general commercial zoning district and the penalty for not obtaining a lot disturbance/stormwater management permit to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in the general commercial zoning district. In addition to adoption of ZTA-24-02, the Town Planning Board had recommended that the Council direct Town Staff to draft another ZTA that would apply the amendments to all other zoning districts.

At the June 17, 2024 Planning Board meeting, the Board unanimously (5-0) recommended additional amendments to Town Code Section 36-171 that would establish that a lot disturbance/stormwater management permit is required to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any

unimproved lot in all zoning districts. In addition, the Board recommended amending Town Code Section 36-171 to address diseased, dead, or hazardous trees. As a result, Town Staff has drafted ZTA-24-05 which establishes that a lot disturbance/stormwater management permit is required to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in all zoning districts, and exceptions from having to obtain a lot disturbance stormwater management permit to remove a tree greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in all zoning districts when a tree emergency is deemed to exist. If adopted, a tree emergency shall be deemed to exist when:

- (a) A tree has become an imminent danger or hazard to persons or property due to damage to the tree resulting from fire, motor vehicle accident, or natural occurrence such as lightning, windstorm, ice storm, flood, insect damage or disease, or other similar event; or
- (b) A tree must be removed in order to perform emergency repair or replacement of public or private water, sewer, electric, gas, or telecommunications utilities.

In the case of a tree emergency, the Zoning Administrator would have the authority to issue a lot disturbance-stormwater management permit within 72 hours after a tree is removed in a tree emergency, or waive the requirement for a lot disturbance-stormwater management permit. A person otherwise required to obtain a lot disturbance-stormwater management permit may take any reasonable action necessary to avoid or eliminate the immediate danger or hazard, or conduct emergency repair or replacement of the public or private utility. The person taking such action shall file an application for a lot disturbance-stormwater management permit within 72 hours after a tree is removed in a tree emergency, unless the requirement for a lot disturbance-stormwater management permit has been waived by the Zoning Administrator. In these instances, documentation of the need for the emergency tree removal must be provided which may include documentation from a certified arborist, a police report, photographs, and/or other information documenting the condition of the tree and circumstances surrounding its removal.

No members of the public spoke during the hearing. Town Attorney Hornthal closed the public hearing and returned the discussion to the council.

Council members briefly discussed the amendment, clarifying that it would keep the tree emergency provision while restricting tree removal permit requirements to commercial properties, as originally intended.

Mayor Morey noted that the buffer requirements are specifically pertinent to commercial areas.

With no further discussion, the motion to adopt the ZTA with the specified text omission carried unanimously.

**MOTION:** Mayor Pro Tem Neal moved to adopt ZTA-24-05 with the omission of text on page 3, line 13, thereby restricting the ordinance to only commercial properties. The motion was seconded by Council Member Batenic. The motion passed unanimously.

### **Consideration of Chicahauk Sidewalks Maintenance**

Town Manager Ogburn presented a proposal for the town to take over maintenance of sidewalks in the Chicahauk subdivision. The Chicahauk Property Owners Association (CPOA) has asked the Town to assume its maintenance responsibility for sidewalks located along the east side of Trinitie Trail, the north side of Chicahauk Trail, and the west side of Spindrift Trail. These responsibilities were previously addressed in an MOU dated September 18, 2019. In exchange, the Town is requesting additional space be incorporated into an existing easement, which was recorded on February 7, 2021, for the Town's use of a parking area on CPOA common area near Chicahauk Trail and NC 12 intersection. The easement provides for Town vehicular parking and pedestrian use along with assurances the Town must reasonably maintain the area.

The approximately 12,000 square feet intended use will be the same as its current use, as well as providing space for other potential future Town needs. The easement will need amending to allow a new use. A ten-foot vegetated buffer is included along property lines abutting residential uses. The CPOA has also requested notification and review of any proposed building in the easement area.

The cost of the present repairs needed on the sidewalks is \$72,500. This work was put out to bid earlier this year. At this time, staff believes the funding for the needed sidewalk repairs can come from savings from other projects in this year's budget, therefore a budget amendment is not needed at this time.

Council member Sherlock stated that CPOA has other properties, such as their parks, and asked what happens if they decide not to maintain them too. Town Manager Ogburn stated that would be a clearer issue because the parks are not in the right of way.

Council member Batenic felt taking on the maintenance burden without financial contribution from the property owners association was an unfair agreement.

Town manager Ogburn stated that other than the additional easement area, the association is not willing to contribute financially.

The council ultimately decided the liability issues and potential for expanded town use of the easement area justified approval.

**MOTION:** Mayor Morey moved to approve the staff's recommendation to approve the proposed amendments to the current easement to provide for the Town's expanded use and area, Seconded by Council member Batenic. The motion passed unanimously.

### **Historic Landmarks Commission (HLC) Re-appointments**

The appointment terms assigned to Historic Landmarks Commission members Charlie Andrews, Tony DiBernardo, and Michael Guarracino will expire on December 6, 2024. Charlie Andrews and Michael Guarracino have indicated that they are interested in serving another term. Tony DiBernardo has indicated that it is time to give other applicants the opportunity to serve the Town. There are currently no applications on file from residents that are interested in serving on the Historic Landmarks Commission, but alternate HLC member Wanda Brett-Jordan has indicated that she is interested in being appointed as a regular member to fill the vacant position created by Tony DiBernardo's departure.

307  
308 Mayor Morey proposed reappointing Charlie Andrews and Michael Guarracino to the Historic  
309 Landmarks Commission, and appointing Wanda Brett Jordan to fill the vacancy left by Tony  
310 DiBernardo.

311  
312 **MOTION:** Mayor Morey moved to reappoint Charlie Andrews and Michael Garrigan and appoint  
313 Wanda Brett Jordan to the Historic Landmarks Commission, Seconded by Council member  
314 Sherlock. The motion passed unanimously.

315  
316 **Public Comment**

317 **Town Manager Cliff Ogburn read a statement** *“to assure the citizens of Southern Shores that Wes*  
318 *Haskett has the full support of the town manager and all staff as he has since he began his*  
319 *employment. Wes Haskett has followed all laws and town ordinances and applied them fairly and*  
320 *consistently.”*

321  
322 Mayor pro tem Neal stated he would like to echo that statement and Mayor Morey stated she would  
323 like to add Council to that statement.

324  
325 Mark LeBlanc, 9 10th Avenue spoke in favor of Wes Haskett and apologized for going over his three-  
326 minute time limit previously.

327  
328 **Council Business**

329 Council Member Batenic provided an update from the Tourism Board, noting occupancy was down  
330 5% year-to-date but meals tax revenue was up slightly. He mentioned strong Thanksgiving numbers  
331 and ongoing efforts to promote events and tourism.

332  
333 Council Member Sherlock apologized for missing a recent grass planting event and praised the  
334 work done. She also reported on potential funding issues for the Mid-Currituck Bridge project (425-  
335 million-dollar federal grant not received), noting she would seek more information before the next  
336 meeting.

337  
338 Mayor pro tem Neal reported on recent meetings of the Corridor Committee and Housing Task  
339 Force, noting progress on defining scope and drafting reports.

340  
341 Mayor Morey noted this was the last meeting of 2024 and wished everyone happy holidays. She  
342 also commented on the popularity of beach grass planting efforts in the community.

343  
344 **Closed Session**

345 **Motion** to enter closed session per NCGS 143-318.11(a)(3) for attorney-client privilege made by  
346 Mayor Morey, seconded by Council member Batenic. Motion passed unanimously.

347  
348 Upon returning to open session, **by consensus of all council** it was determined that it is in the best  
349 interest of the town to authorize the town manager to hire a consultant in order to help with long-  
350 term town planning.

351  
352 **Adjourn**

353 Hearing no further business, Council member Batenic moved to adjourn the meeting at 7:55 PM,  
354 Seconded by Council member Sherlock. The motion passed unanimously.



## **Agenda Item Summary Sheet**

**Date:** 2/04/25

**Item #:** consent

**Item Title:** Consideration of Resolution of Support for Updating the 2016 Beach and Inlet Management Plan (BIMP)

**Item Summary:** The Town is a member of the North Carolina Beach, Inlet and Waterway Association (NCBIWA). NCBIWA is a 501(c)(3) non-profit tax-deductible association founded in 1998 with a mission to work on behalf of North Carolina's coast by seeking to encourage government action and funding, educate and advocate for effective Federal and State policy, and facilitate environmentally sound scientific and engineering solutions for the State's threatened beaches, inlets and waterways

The primary goal for NCBIWA is encouraging the General Assembly to fund an update to the NC Beach and Inlet Management Plan better known as the BIMP. The BIMP was first funded in 2007 from the General Assembly and updated in 2016 but there have been no updates since. This makes advocacy difficult when the latest numbers for both economic growth and costs for beach nourishment are gravely outdated. See attached one-pager regarding the background of the BIMP.

NCBIWA is asking their members to pass a resolution of support for updating the BIMP as well as adding this objective to their legislative agenda. Without correct updated data, it will be difficult to accurately project direct expenditure generated by the beaches and inlets as well as the number of jobs created and the total State tax revenue from all these sectors. In addition, it will be difficult to determine the recreational consumer surplus resulting from beaches and inlets nor will it be possible to accurately determine the scope and costs associated with beach nourishment and dredging projects in the state.

The Council is asked to consider adoption of the attached resolution.

**Staff Recommendation and Requested Action:** Staff recommends and requests Town Council approval of Resolution #2025-0201

**Attachments: Resolution #2025-0201**

Further information regarding the BIMP





# Town of Southern Shores

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

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

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Resolution #2025.02.01

## NCBIWA RESOLUTION OF SUPPORT FOR UPDATING THE 2016 BEACH AND INLET MANAGEMENT PLAN (BIMP)

WHEREAS, the first BIMP was funded via House Bill 1840 (Session Law 2000-67) and completed in 2009 which provided necessary information to address North Carolina's (N.C.) natural resources, funding mechanisms and strategies for the comprehensive management of the state's ocean & inlet shorelines; and

WHEREAS, the BIMP provided needed socioeconomic values of N.C. beaches & recommended management strategies; and

WHEREAS, in 2016, an updated BIMP provided new coastal & socioeconomic data & reflected policy changes implemented since the original Plan including the latest beach nourishment and dredging activities completed over the previous seven (7) years; and

WHEREAS, in 2016, an updated BIMP projected the necessary needed funding to maintain the state's coastline while offering several possible revenue options; and

WHEREAS, due to healthy growth in N.C. coastal communities, a regularly updated BIMP must be conducted to effectively steer state and local management resources in complex planning in support of 326 miles of ocean shoreline, barrier islands, and 19 active inlet complexes that collectively generate over \$4+ billion in annual revenues; and

BE IT FURTHER RESOLVED, that this Resolution of Support be made known to the members of the North Carolina General Assembly.

Adopted this 4<sup>th</sup> day of February 2025

S E A L

\_\_\_\_\_  
Elizabeth Morey, Mayor

ATTEST:

\_\_\_\_\_  
Sheila Kane, Town Clerk

## NCBIWA 2025-2026 Legislative Goals

1. **Update the Beach and Inlet Management Plan (BIMP)-2 Goals: Advocate for funding in the amount of \$500,000 to update the BIMP and Create legislation to have the BIMP automatically updated every 5 years.** The first BIMP was funded via House Bill 1840 (Session Law 2000-67) and completed in 2009. It provided necessary information to address our natural resources, funding mechanisms & strategies for the comprehensive management of the state's ocean & inlet shorelines. The BIMP also provided the necessary socioeconomic values of N.C. beaches and recommended management strategies. In 2016, an updated BIMP provided new coastal and socioeconomic data and reflected policy changes implemented since the original Plan. It also focused on the latest beach nourishment and dredging activities completed over the previous seven (7) years and projected the needed funding to maintain the state's coastline, while offering several possible revenue options. Due to healthy growth in N.C. coastal communities, an updated BIMP must be conducted to effectively steer state and local management resources in complex planning in support of 326 miles of ocean shoreline, barrier islands and 19 active inlet complexes that collectively generate over \$4 billion in annual revenues.
2. **Establish a recurring funding source for the Coastal Storm Damage Mitigation Fund (CSDMF).** The CSDMF, 143-215.73M, was established as a special revenue fund by the N.C. General Assembly to be used for costs associated with beach nourishment, artificial dunes, and other projects to mitigate or remediate coastal storm damage to the ocean beaches and dune systems of the State. The CSDMF does not have a recurring funding source and, as such, has to be funded each legislative session. Establishing a recurring funding source is critical to protecting and maintaining NC coastal communities.
3. **Create a Coastal Restoration and Resiliency Fund (Fund) to receive proceeds from alternative energy production in the coastal areas of North Carolina to provide for disposition of revenues and to provide for restrictions on the use of such revenues.** The RISEE Act in Congress presents the most logical and sustaining funding opportunity source for the Fund while saving the State billions of dollars in long-term coastal funding. Upon passage of the RISEE Act in 2022, NCBIWA recommends the creation of the Fund to ensure compliance of the acceptance, distribution, reporting and oversight of Federal dollars designated for coastal restoration, mitigation and resiliency projects. To ensure our coast does not leave itself vulnerable to coastal hazards we will need projects that are coordinated regionally and provide benefits across coastal communities. NC needs a commitment to a sustainable & dedicated funding source of at least \$25 million annually that results in a continued economic engine that provides a positive Return of Investment for the state.
4. **Continue funding the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund (Fund).** The Fund was established as a special revenue fund and has recurring

funding sources consisting of fees credited to it under G.S. 75A-3 (motor fuel excise tax revenue), G.S. 75A-38 (fee to transfer certificate of title) and taxes credited to it under G.S. 105-449.126 (Highway Fund) as well as funds contributed by non-State entities.

5. **House Bill for contract services and emergency equipment purchases following post-named storm/state of emergency declarations.** A draft bill to conduct construction and purchase equipment following post-named storm/state of emergency declaration (similar to the Dredge Contractor bill). Tie into FEMA rules. See 5-Law 835 or 735 help get bids for beach renourishment

## North Carolina Beach Inlet Management Plan

(summary provided by NCBIWA Executive Director Kathleen Reily)

The BIMP was first funded in 2007 from the General Assembly and updated in 2016. The state agencies involved include the NC DEQ, DWR and DCM. Moffatt & Nichol assisted the state with 1) data identification and acquisition of existing datasets, 2) determination of beach and inlet management regions, 3) scheduling and facilitation of stakeholder meetings, 4) development of draft beach and inlet management strategies, and 5) preparation of a final report.

The data contained in the BIMP is critical in understanding and evaluating the coastal natural systems. The nature of the beaches and inlets along the coast are influenced by factors such as geology, sediment, waves, sea level rise as well as storms and other natural disasters. In order to develop appropriate management regions and properly develop and assess management strategies, relevant coastal data.

The data presented in the BIMP is intended to serve as a resource, common reference, and starting point for beach and inlet projects and strategy discussions among stakeholders.

In addition to technical data, the BIMP also provides socio-economic values of the beaches and inlets. North Carolina beaches and inlets have tremendous economic importance to the state, providing billions of dollars in economic value through business and tourism, residential and commercial property value, water access for commercial and recreational fishermen, and the marina and boat building industries. The developed portions of the ocean shoreline also represent a considerable investment for the state however, the value of coastal property is at risk if the coastline is not protected.

In 2016, the primary focus of the update of the BIMP was to incorporate beach nourishment and dredging activities completed over the past seven years as well as refine the historical data evaluated in the initial report in order to develop an updated accurate estimate of the funding needed to maintain the State's beaches and inlets. **The more comprehensive data set served as the basis for refining the volume and cost projections of dredging and beach nourishment for current and future managed shorelines.** Potential funding sources to establish a statewide beach preservation fund were identified and evaluated. Similarly, the funding needed for appropriations to the state's deep draft navigation fund were also identified. Revisions to the socio-economic impact study of the state's beaches and inlets were conducted to highlight the importance of these vital resources and the need for the state to increase their participation in preserving them.

**Without correct updated data, it will be impossible to accurately project direct expenditures generated by the beaches and inlets as well as the number of jobs created and the total State tax revenue from all these sectors. In addition, it will be impossible to determine the recreational consumer surplus resulting from beaches and inlets nor will it be possible to accurately determine the scope and costs associated with beach nourishment and dredging projects in the state.**



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** February 4, 2025

**ITEM TITLE:** Public Hearing-ZTA-25-01

**ITEM SUMMARY:**

At the February 6, 2024 Town Council meeting, the Town Council directed Town Staff to draft Town Code amendments to modernize the Town Code. Town Code Section 36-132(a)(2) establishes the requirement to recombine adjacent nonconforming lots under the same ownership prior to sale or development. Town Code Section 36-132(a)(1) establishes exceptions which permit the development and sale of certain adjacent nonconforming lots under same ownership without the requirement of recombination.

On October 16, 2024, Town Staff received an application from Casey Varnell, Attorney for Garrison Beach, LLC, to appeal a formal interpretation issued by Town Staff on September 16, 2024, regarding the application of Section 36-132 of the Town Code. The formal interpretation addressed a scenario in which three adjacent nonconforming lots on Dolphin Run, all owned by Garrison Beach, LLC, may be developed without recombination. The subject properties include Lots 43, 44, and 45 (23 and 27 Dolphin Run). The Town's formal interpretation determined that, under the current version of Town Code Section 36-132(a)(2)a., Garrison Beach, LLC could not legally construct a single-family dwelling and customary accessory building upon Lots 43 and 44 without recombining them with Lot 45 prior to development.

Recognizing the need to modernize the Town Code, and in order to avoid an appeal to Superior Court, Town Staff and the Town Attorney worked with Mr. Varnell to develop a Zoning Text Amendment that would establish a new exemption in Section 36-132(a)(1), consistent with the purpose of the Town Code. The proposed Zoning Text Amendment will permit the construction of a single-family dwelling and customary accessory building on two or more currently nonconforming adjacent lots as a single development site, if at least one of two or more nonconforming adjacent lots is located adjacent to a single nonconforming lot that is under the same ownership and on which there is located an existing single-family dwelling, and the adjacent improved land is made up of no more than two lots all of which are nonconforming. The proposed Zoning Text Amendment will also clarify the applicability of the existing exemptions to the recombination requirement referenced in Section 36-132(a) of the Town Code, and further clarify the requirements for the recombination of adjacent nonconforming lots under same ownership that do not qualify for an exemption.

**STAFF RECOMMENDATION:**

Approval of ZTA-25-01.

**REQUESTED ACTION:**

Motion to approve ZTA-25-01.

## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** February 4, 2025  
**Case:** ZTA-25-01  
**Prepared By:** Wes Haskett, Deputy Town Manager/Planning Director

### GENERAL INFORMATION

**Applicant:** Town of Southern Shores  
**Requested Action:** Amendment of Town Code Section 36-132(a)

### ANALYSIS

At the February 6, 2024 Town Council meeting, the Town Council directed Town Staff to draft Town Code amendments to modernize the Town Code. Town Code Section 36-132(a)(2) establishes the requirement to recombine adjacent nonconforming lots under the same ownership prior to sale or development. Town Code Section 36-132(a)(1) establishes exceptions which permit the development and sale of certain adjacent nonconforming lots under same ownership without the requirement of recombination.

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

- LUC 3.1: Support development design and approvals that reinforce the low-density

nature of the community and are at an appropriate scale for the commercial district.

**RECOMMENDATION**

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously recommended approval (5-0) of the application at the January 29, 2025 Special 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

Item 9.

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

Date: 1 / 2 / 2025

Filing Fee: \$200

Receipt No.: N/A

Application No.: ZTA-25-01

**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 ☒ Zoning Ordinance

Whaskett  
Signature

1-2-2025  
Date

\* Attach supporting documentation.



## Town of Southern Shores

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ZTA-25-01

1-23-2025

Ordinance 2025-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 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**, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another.

**WHEREAS**, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town; and

**WHEREAS**, the Town desires that two nonconforming lots which are adjacent to a single nonconforming lot under the same ownership that contains a single-family dwelling be developable as a single development site; and

**WHEREAS**, the Town's currently adopted Comprehensive Land Use Plan contains the following Policy that is applicable to the proposed amendments,

**LUC 3.1:** Support development design and approvals that reinforce the low-density nature of the community and are at an appropriate scale for the commercial district.

**WHEREAS**, the Town finds that by enacting this amendment, the Town will not increase the number of nonconforming lots and will, instead, clarify certain specific circumstances under which currently nonconforming lots may be developed; and

1           **WHEREAS**, in accordance with the findings above, the amendment of the Town's  
 2 Zoning Ordinance as stated below will serve a public purpose and advance the public  
 3 health, safety and general welfare.

4  
 5 **ARTICLE II. Construction.**

6  
 7 For purposes of this ordinance amendment, underlined words (underline) shall be  
 8 considered as additions to existing Town Code language and strikethrough words  
 9 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the  
 10 adopted Town Code which are not repeated herein but are instead replaced by an ellipses  
 11 ("...") shall remain as they currently exist within the Town Code.

12  
 13 **ARTICLE III. Amendment of Zoning Ordinance.**

14  
 15 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of  
 16 Southern Shores, North Carolina, that the Town Code shall be amended as follows:

17  
 18 **PART I.** That **Sec. 36-132. Regulation of structures and uses nonconforming.** Be  
 19 amended as follows:

20  
 21 **Sec. 36-132. Regulation of structures and uses nonconforming.**

22  
 23 (a) *Nonconforming lots of record.*

- 24 (1) *Development and sale of certain nonconforming lots without recombination.* In  
 25 any district in which single-family dwellings are permitted, a single-family  
 26 dwelling and customary accessory building may be erected on any currently  
 27 nonconforming single lot, or two or more currently nonconforming adjacent  
 28 lots as a single development site as described in sub-section (a)(1)(e.) below,  
 29 ~~which if such lots~~ met all legal requirements at the time of its creation and  
 30 recording in the Dare County public registry if:

- 31 a. The single lot is not under the same ownership as any adjacent lot;  
 32 b. The single lot meets or exceeds the lot area requirements for the district  
 33 and is located adjacent to a single conforming lot under the same  
 34 ownership on which is located an existing single-family dwelling;  
 35 c. The single lot is one of three or less adjacent nonconforming lots under the  
 36 ownership of related siblings on September 6, 2019; or  
 37 d. The single lot is located adjacent to land under the same ownership on  
 38 which is located an existing single-family dwelling, and the adjacent land  
 39 is made up of:  
 40 1. No more than two lots all of which are nonconforming; or  
 41 2. A single conforming lot not adjacent to any other land under the same  
 42 ownership (other than the nonconforming single lot in issue) that was

created after January 1, 2015 due to a recombination of two previously nonconforming lots.

e. At least one of two or more nonconforming adjacent lots is located adjacent to a single nonconforming lot that is under the same ownership and on which there is located an existing single-family dwelling, and the adjacent improved land is made up of:

1. No more than two lots all of which are nonconforming.

If a currently nonconforming single lot meets the requirements of subsection (a)(1)a, b, c or d then the lot may be sold without being recombined with the remaining land ~~if recombination would have been required by~~ notwithstanding the requirements of subsection (a)(2) below. All applicable dimensional requirements other than lot area and lot width shall be met for development or redevelopment of such a lot except that a lot having a lot width of 50 feet or less may use a side yard setback of 12 feet. In circumstances under which subsection (a)(1)(e.) applies, recombination shall be required as provided in Section (2) below in the event the applicable lots remain vacant at the time of such sale.

(2) *Recombination required.* If any of the following situations apply, all adjacent lots under the same ownership shall be recombined into: (i) a single lot which may or may not meet the minimum requirements for the district in which such lots are located; or (ii) multiple lots which all meet the minimum requirements for the district in which such lots are located:

- a. Development is proposed upon land which includes one or more nonconforming lots adjacent to one or more other lots under the same ownership;
- b. Demolition or redevelopment exceeding 50 percent of an existing structure's value is proposed and any portion of the existing structure or associated use is currently or has been within the previous seven years located upon or occurring on two or more lots under the same ownership, as measured from the time of application;
- c. Development is proposed of a new structure or use to be located on two or more adjacent lots under the same ownership;
- d. Prior to the sale or transfer of land when any portion of the land being sold or transferred was a parcel or part of a parcel of land upon which an existing structure or associated use is currently or has been within the previous seven years located upon or occurring on two or more lots under the same ownership, as measured from the time of application; or
- e. Prior to the sale or transfer of land including a nonconforming lot or lots adjacent to one or more other lots under the same ownership;

A plat prepared by a North Carolina licensed surveyor showing the recombination shall be recorded in the Dare County public registry, and a copy of the recorded plat shall be provided to the town prior to the



issuance of a zoning or building permit for development or redevelopment upon any of the newly created lots. Lots created by a recombination required by this section shall be deemed to equal or exceed the standards of the town under chapter 30, and are exempt from the subdivision process under chapter 30.

...

**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, comprehensive land use plan and any other officially adopted plan that is applicable; for all the above-stated reasons, including but not limited to it encourages the use of low impact development techniques and sound environmental preservation practice, encourages lot preparation methods that preserve natural vegetation and minimize clear cutting and furthers the founder's original vision for Southern Shores of a low-density residential community served by a small commercial district. 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 \_\_\_\_\_, 2025.

\_\_\_\_\_  
Elizabeth Morey, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

1 Date adopted:  
2

3

4

Motion to adopt by Councilmember:

5

6

Motion seconded by Councilmember:

7

8

Vote: \_\_AYES\_\_NAYS





This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

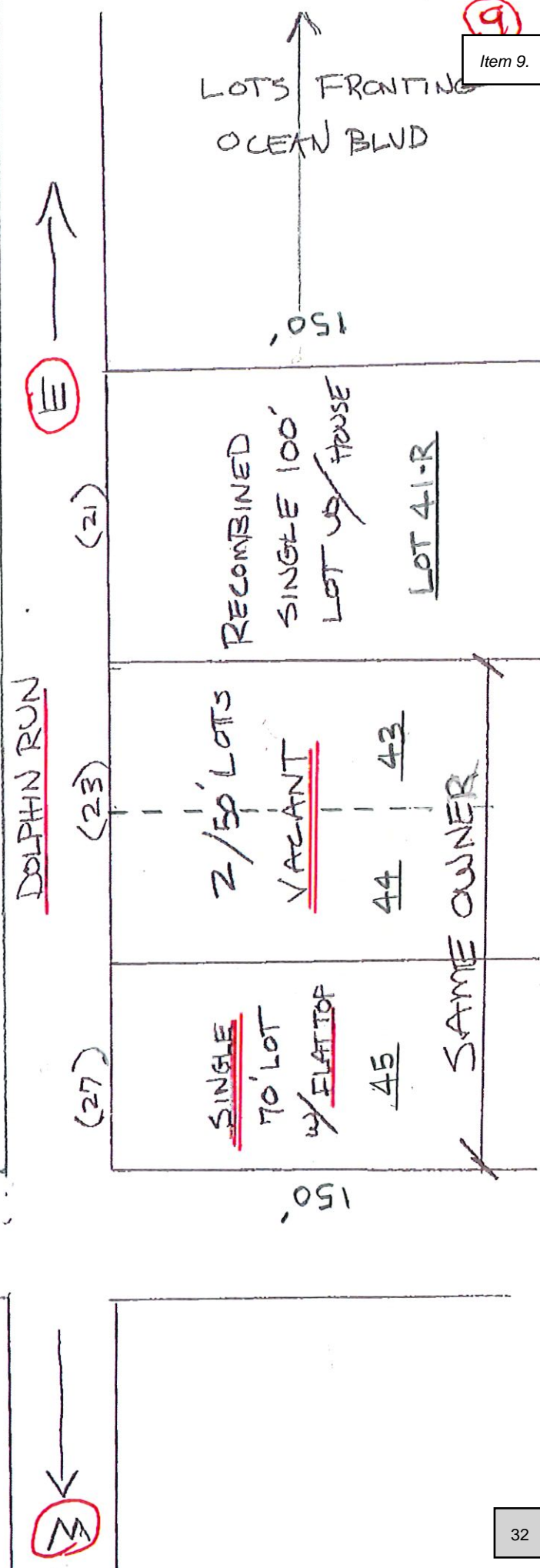




\* This is an example of a single nonconforming lot (~70' wide) with a dwelling adjacent to 2-50' lots all under same ownership.

← 

Duck Rd







## **Agenda Item Summary Sheet**

**Date:** 2/4/25

**Item #:** 10

**Item Title:** Consideration of Amendments to Town Code Sec. 10-1. Municipal cemetery established; cemetery fund; monitoring of operations.

**Item Summary:** In recent months the Town has evaluated the condition of the Town Cemetery. This evaluation led to staff reviewing the Town Ordinance governing the administration of the cemetery and the drafting of amendments which better reflect actual practices. At its November 2024 Council meeting, Council directed this item be removed from that agenda so that staff could meet with Mayor Morey and Councilwoman Sherlock to further consider the draft amendments and bring the item back to a future meeting. The attached TCA reflects the discussion held at that meeting.

**Staff Recommendation and Requested Action:** Staff recommends and requests Town Council approval of TCA-2025-01.

**Attachments:** TCA 25-01



## Town of Southern Shores

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

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

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TCA 25-01

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

#### ARTICLE I. Purpose(s) and Authority.

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

**WHEREAS**, the Town finds that the Town of Southern Shores has authority to establish, operate, and maintain cemeteries pursuant to North Carolina General Statute 160A-341; and

**WHEREAS**, the Town further finds that the Town of Southern Shores has authority to adopt by ordinance rules and regulations concerning all matters of the use, operation, and maintenance of Town cemeteries, and may impose a schedule of prices for lots; 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 Cemeteries Ordinance in the Town Code of Ordinances as stated below.

#### ARTICLE II. Construction.

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

#### ARTICLE III. Amendment of Town Code.

**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. 10-1. Municipal cemetery established; cemetery fund; monitoring of operations.** Be amended as follows:

**Sec. 10-1. Municipal cemetery established; cemetery fund; monitoring of operations.**

- (a) The town shall establish, operate and maintain a municipal cemetery on that parcel of land, the gift of the Southern Shores Civic Association, bounded on the north by Kitty Hawk Land Company Lot No. 8, Block 202, on the west by Dogwood Trail and on the south and east by the property of the Outer Banks Recreation Association.
  - (b) The cemetery shall be known as the Southern Shores Cemetery.
  - (c) The cemetery development, operation and maintenance costs shall be paid for from revenues derived from the sale of lots in the cemetery. A cemetery fund shall be established in the town budget to account for revenues and expenditures.
  - (d) The mayor, with the approval of the town council, may appoint a councilmember to monitor cemetery operations and policies established by the town council and make recommendations to the council as appropriate.
  - (e) The council may establish further regulations regarding the management or maintenance of the cemetery.
- (1) A certificate of burial rights shall be issued for the right to use, for burial purposes and in exchange for payment, lot or lots in Southern Shores Cemetery and is issued subject to the rules, regulations and ordinances governing the cemetery adopted by the town council. ~~The right conveyed by a certificate is for a period of 20 years from the date of execution of the certificate by the town and thereupon shall expire. Once a lot is used for a family member, however, the entitlement to use one other lot owned by that family vests in perpetuity to the family without renewal requirements. Any remaining lots may be retained by the family as long as renewal requirements are met.~~ The right to use the above described cemetery lot as burial place is vested to the grantee and any member of his/her immediate family which is defined as spouse, brother, sister, parent, child or grandchild or the spouse of any of those and shall not be assigned to any other person.
  - (2) ~~Should no immediate family burial occur within 20 years from the date of the certificate expiration, then, upon tender of a renewal fee of \$10.00 within five years following the expiration date of the original certificate, the certificate may be renewed for a period of ten years from the expiration date of the original certificate. It is the responsibility of the grantee or his family, to advise the town of any change of address and renew the certificate. Automatic cancellation of burial rights will occur if the certificate is not duly renewed within five years following the expiration date of the original certificate.~~ No more than four lots may be owned by any one family, unless town council determines otherwise, based on number of children, grandparents, spouses. Upon written request of the certificate holder, the town may purchase lots back

at the original purchase price. ~~Current purchase price is \$500.00 for town property owners, \$2,000.00 for non-property owners.~~

~~(3) Lots containing trees shall only be used for burial of cremains.~~

(43) The town clerk shall be notified, in writing, by a deceased's representative of any marker placement, internment or dis-internment in or from a cemetery lot prior to such action.

(54) The town reserves the right to determine, establish, modify, alter or change the grade of any vacant lot, road, driveway, pathway or part thereof, and it shall not be liable to anyone for any such action.

(65) No lot owner shall make any changes or alterations in or on any lot, including the removal or change in position of any memorial or marker, removal of trees or shrubs without the written consent of the town manager.

a. No coping, curbing, fencing, hedging, borders, perennial plantings, shrubs, corner posts, or enclosure of any kind will be allowed around a gravesite. No walks of brick, cinders, tile, stone, sand, cement, gravel or wood or other materials will be allowed on any cemetery lot.

b. ~~No trinkets, toys, shells, glass jars, tin cans, sand, flagpoles, lights or any article determined to be unsightly by the town manager shall be allowed on a grave. Any such articles may be removed without notice and the town will not be responsible for the loss or destruction of the same.~~

Lot owners have the duty to maintain items placed on the lot. The town reserves the right to reasonably remove any item without notice deemed damaged or unsightly or any item that interferes with the routine maintenance of the cemetery.

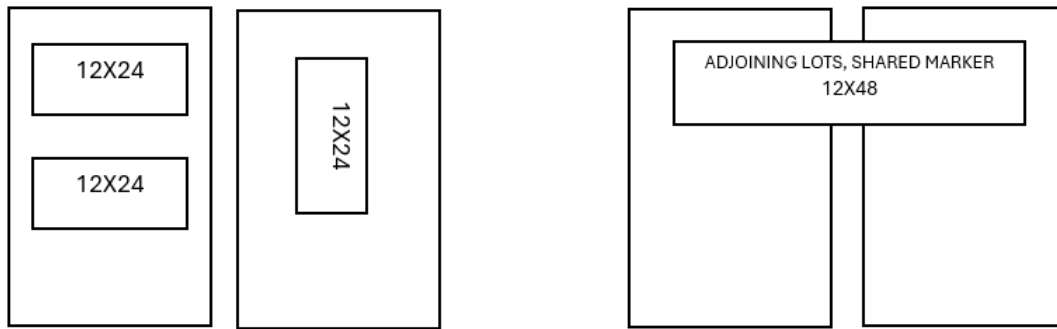
(76) Besides being subject to these rules and regulations, all interments, dis-interments and removals are made subject to the orders and laws of the properly constituted authorities of the county and state.

(87) Grave markers shall not be in excess of 12 by 24 inches in size and shall be made of permanent material.

(a) Adjoining family graves may share a common marker whose size shall not exceed 12 by 48 inches and shall be made of permanent material and centered between the two adjoining lots.

b. Markers shall be located at the head of the grave, center measured one-foot from each side, readable west to east with long dimension of the marker to be on a North/South axes only. Additional 12 by 24-inch markers, shall be placed parallel to the 24-inch dimension of the head marker; (See diagram)

## PERMITTED MARKER PLACEMENTS

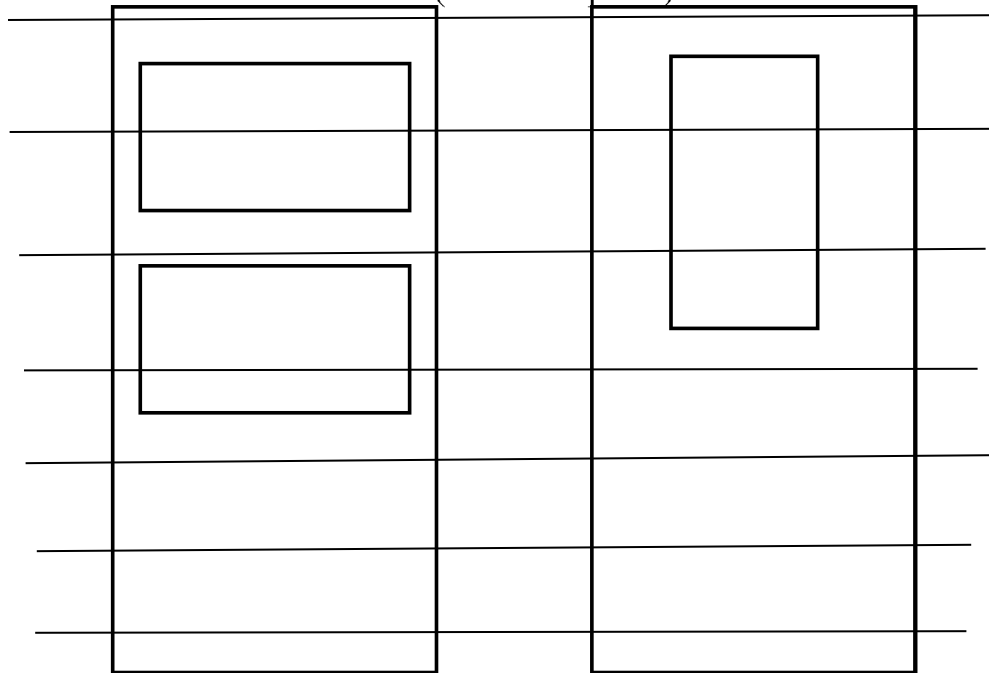


CORRECT

INCORRECT

## PERMITTED MARKER PLACEMENT:

(see description)



Right

Wrong

- c. The top of a marker shall be flush and flat with the ground.
- d. Grave markers with porcelain or photographs are not permitted.

(10) ~~Markers shall be located at the head of the grave, center measured one foot from each side, readable west to east with long dimension of the marker to be on a North/South axis only. Additional 12 by 24 inch markers, shall be placed parallel to the 24 inch dimension of the head marker; (See diagram)~~

~~(11) The top of a marker shall be flush and flat with the ground.~~

~~(12) Grave markers with porcelain or photographs are not permitted.~~

~~(13) No loitering shall be allowed in the cemetery.~~

#### **ARTICLE IV. 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 V. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the 4th day of February 4, 2025.

\_\_\_\_\_  
Elizabeth Morey, Mayor

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: 2/4/25**

**Item # 11**

**Item Title:** Amendment to Council's Rules of Procedure Section 17. Public Address to the Council.

**Item Summary:** amendment to the wording in Section 17 of Council Rules of Procedure, consistent with North Carolina General Statute §160A-81.1

**Attachments:** Council Rules of Procedure Section 17. Public Address to the Council.

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

### **Section 1. Applicability.**

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

### **Section 2. Open meeting policy.**

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

### **Section 3. Location of meetings.**

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

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

### **Section 4. Quorum generally.**

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



## **Section 5. Organizational meeting.**

Item 11.

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

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

## **Section 6. Meetings.**

- (a) Regular meetings. The Council shall hold a regular meeting on the first Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. In addition to the regular meeting, the Council may hold a work session on the third Tuesday of the month.
- (b) Special meetings. The Mayor, the Mayor pro tempore or any two members of the Council may at any time call a special meeting of the Council by signing a notice stating the time and place of the meeting and the subjects to be considered. At least 48 hours before a special meeting is called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (a) delivered to the Mayor and each Council member or left at the usual dwelling place of each Council member; (b) posted on the Council's principal bulletin board, or if none, at the door of the Council's usual meeting room; and (c) mailed, emailed, or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transacted at a special meeting.
- (c) Emergency meetings. The Mayor, the Mayor pro tempore or any two members of the Council may at any time call an emergency meeting of the Council due to generally unexpected circumstances that require immediate consideration by the Council. An emergency meeting may be initiated by the signing of a notice stating the time and place of the meeting, a general description of the circumstances giving rise to the emergency and the subjects to be considered at the emergency meeting. The person or persons calling an emergency meeting, or their designees shall take reasonable steps to notify the remaining members of the Council of the emergency meeting using any appropriate method including, but not limited to, e-mail, telephone or instant messaging. In accordance with NCGS §143-318.12(b)(3), the Town shall cause public notice of an emergency meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire services, or station's telephone number, for emergency notice with the Town Clerk. This public notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the Council and shall be given immediately after notice has been given to those members. This public notice shall be given at the expense of the party notified. Town Staff and/or the person or persons calling the emergency meeting may provide additional public notice. Only business connected with the emergency may be considered at an emergency meeting.
- (d) Work sessions and informal meetings. The Council may schedule work sessions, committee meetings, or other informal meetings of the Council or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the Council. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special Council meetings.
- (e) Sunshine list. Any individual and any newspaper, wire service, radio station, and television station may file a written request with the Town Clerk for notice of all regular and special meetings of the Council. Requests by individuals and news organizations must be renewed annually by December 31.

## **Section 7. Recessed & Cancelled Meetings**

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the Council may recess the meeting to another date, time, or place by a procedural motion made and adopted, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the Council has a website maintained by one or more city employees, notice of the recessed meeting's date, time, and place must appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.

(c) Cancelling Meetings due to Declared Emergencies. The Mayor, the Mayor pro tempore or any two members of the Council may cancel or reschedule any regular, special, or emergency meeting during declared emergencies. Notice is to be provided (a) to the Mayor and each Council member; (b) posted on the Council's principal bulletin board, or if none, at the door of the Council's usual meeting room; (c) posted on the Town website; and (d) emailed to each newspaper, radio station, television station, and person who has filed a written request for notice with the Town Clerk.

(d) Cancellation of Meetings. The Mayor, the Mayor pro tem or any two Council Members may cancel a regular, special, or emergency meeting due to unforeseen emergencies. Whenever there is no pending business before the Council, or whenever the Mayor is notified by the clerk that a quorum will not be present, the Mayor or Mayor pro tem may dispense with a regular or special meeting by instructing the clerk to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting and having a notice of cancellation posted at the meeting place declaring such.

## **Section 8. Electronic Participation in Town Council Meetings & Electronic Meetings of Town Council**

The Town of Southern Shores Town Council (the "Council") is committed to conducting its meetings in compliance with Article 33C of Chapter 143 of the North Carolina General Statutes ("the North Carolina Open Meetings Law"). To enable all Council members to participate fully in Council meetings, the following requirements shall apply whenever Council member(s) are unable to be physically present and are only able to participate in a Council meeting through electronic means:

1. Where a quorum of the Council members are physically present in the Council chambers for the meeting:
  - A. A remote Council member must be able to hear the Council's discussion and any presentations made to the Council during the meeting.
  - B. Technical arrangements must be made so that a remote Council member's comments can be heard by all present for the meeting, including the public.
  - C. A remote Council member must notify the Town Clerk sufficiently in advance of the meeting to ensure that all requirements for remote participation, including technical and equipment needs can be addressed in advance of the meeting.
  - D. A remote Council member may not vote on any matter.
  - E. A remote Council member will not be included in determining whether a quorum is present for the meeting.
  - F. A remote Council member may not participate in a closed session.

- G. A remote Council member may not participate in any quasi-judicial proceeding.
  - H. The Council minutes must reflect that a remote Council member was not physically present.
  - I. A Council member is discouraged from participating remotely in more than 3 regular Town Council meetings in a 12-month period.
2. In the event of a declared State of Emergency and/or when health or safety of the public, the Town Council members and Town staff may be adversely affected by the presence of Town Council members in the Council chamber or same meeting room the following rules apply:
- A. The Council may meet electronically pursuant to these requirements without a quorum physically present in the Council chambers so long as a quorum of the Council is participating whether the Council members are acting remotely or present in the Council chambers. A remote Council member must be able to hear the Council's discussion and any presentations made to the Council during the meeting.
  - B. A remote Council member must notify the Town Clerk sufficiently in advance of the meeting to ensure that all requirements for remote participation, including technical and equipment needs can be addressed in advance of the meeting. Technical arrangements must be made so that a remote Council member's comments can be heard by all present for the meeting, including the public.
  - C. Remote Council members may vote on matters before the Council as if they are present in the Council chambers.
  - D. The Council may hold a closed session if otherwise allowed by law when it would be unreasonable to wait until a future in-person meeting to hold the closed session, and when the Council can confirm that the technology being used does not allow anyone who would not be allowed to participate in the closed session to intercept or participate in the closed session.
  - E. The Council should take reasonable precautions to limit voting actions to those items which must be voted on at that time or within the time that an in-person meeting could safely and conscientiously occur. Except for exigent circumstances and then only with the applicant's consent, quasi-judicial proceedings should be rescheduled, postponed or continued to the time when an in-person meeting can safely and conscientiously occur.
  - F. The Council shall comply with N.C. Gen. Stat. Sec. 143-318.13 as same may be amended from time to time, including providing a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by law shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged to each listening member of the public to defray in part the cost of providing the necessary location and equipment. In addition, Council shall make a reasonable attempt to allow for:
    - i. Real time transmission of audio of the meeting to the public, and if such transmission is not possible, then a reasonable attempt to publish the audio and video, if any, on the Town's website as soon as reasonably possible;
    - ii. Public participation during a public comment period if the meeting is a regular meeting and the only regular meeting of the Council that month; and
    - iii. Public participation for any public hearings required by law for the decisions being made during the meeting.
  - G. The Council should also consider taking action at the next meeting having an in-person quorum to ratify any actions taken electronically under this provision which occurred without a physically present quorum and without all the necessary votes for the action physically present in the Council chambers.

## **Section 9. Closed sessions.**

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

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

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

## **Section 10. Public hearings – Generally.**

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

## **Section 11. Quorum at public hearings.**

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

## **Section 12. Minutes.**

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

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

## **Section 13. Office of Mayor.**

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

- (a) Rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purpose;

- (b) Determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and entertain and rule on objections from other members on this ground;

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- (c) Entertain and answer questions of parliamentary law or procedure;

- (d) Call a brief recess at any time;

- (e) Adjourn in an emergency.

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

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

#### **Section 14. Office of Mayor Pro Tempore.**

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

#### **Section 15. Agenda generally.**

- (a) The Town Clerk shall prepare a proposed agenda for each meeting. The Mayor shall approve the proposed agenda before it is made available to Council members and the public. The Town Clerk shall make a diligent effort to make the proposed agenda available to Council members and the public, including electronically to the extent possible, at least five (5) business days before the meeting to which the proposed agenda applies. A request to have an item of business placed on the proposed agenda must be received at least ten (10) business days before the meeting. Any Council member, the Town Manager and the Town Attorney may, by a timely request, have an item placed on the proposed agenda.
- (b) The Town Clerk shall make a diligent effort to make the agenda package available to each Council member and to the public, including electronically to the extent possible, no more than two (2) business days following date of proposed agenda release. The agenda package shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce at the time of the release of the agenda package. A copy of all proposed ordinances shall be included within the agenda package.
- (c) The Council may, by majority vote, add items to or subtract items from the proposed agenda.

#### **Section 16. Appointments.**

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

The Town Council may establish and appoint members for such temporary town committees as are needed to help carry on the work of the town government.

Item 11.

### **Section 17. Public address to the Council.**

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

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

### **Section 18. Action by the Council.**

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

### **Section 19. Motions generally.**

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

### **Section 20. Substantive motion.**

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

### **Section 21. Procedural motions.**

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

- (1) To appeal a procedural ruling of the presiding officer. The decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council, as specified in Section 11. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.
- (2) To adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.

- (3) To recess.
- (4) To call to follow the agenda. The motion must be made at the first reasonable opportunity or it is waived.
- (5) To suspend the rules. The motion requires a vote equal to a quorum.
- (6) To go into closed session.
- (7) To leave closed session.
- (8) To divide a complex motion and consider it by paragraph.
- (9) To defer consideration or table. A substantive motion whose consideration has been deferred or tabled expires 100 days thereafter unless a motion to revive consideration is adopted.
- (10) To call the previous question. The motion is not in order until there has been at least 20 minutes of debate and every member has had one opportunity to speak.
- (11) To postpone to a certain time or day.
- (12) To refer to committee. Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council, regardless of whether the committee has reported the matter back to the Council.
- (13) To amend.
  - (a) An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion.
  - (b) There may be an amendment to the motion and an amendment to an amendment, but no further amendments.
  - (c) Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.
- (14) To revive consideration. The motion is in order at any time 100 days after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires 100 days after the deferral, unless a motion to revive consideration is adopted.
- (15) To reconsider. The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before adjournment.
- (16) To prevent reconsideration for six months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of Council members, whichever occurs first.

## **Section 22. Debate.**

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

- (a) The introducer, i.e., the member who made the motion, is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has spoken;

- (c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

### **Section 23. Duty to vote.**

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

### **Section 24. Secret voting prohibited.**

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

### **Section 25. Action by reference.**

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

### **Section 26. Introduction of ordinances, resolutions, orders.**

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

### **Section 27. Adoption of ordinances generally.**

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

### **Section 28. Adoption of budget ordinance.**

- (a) Notwithstanding the provision of any general law or local act:
- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Council by a simple majority of those present and voting, a quorum being present;
  - (2) No action taken with respect to the adoption or amendment of the budget ordinance may be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council;
  - (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any local act concerning initiative or referendum.
- (b) During the period beginning with the submission of the budget to the Council and ending with the adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of G.S. 143-318.12, which continue to apply, provisions of law concerning the call of a special



meeting do not apply during the period so long as (1) each member of the Council has actual notice of each special meeting called for the purpose of considering the budget; and (2) no business other than consideration of the budget is taken up. This section does not allow the holding of closed meetings or closed sessions by the Council otherwise prohibited by law from holding such a meeting or session, and may not be construed to do so.

Item 11.

Approved the 8<sup>th</sup> day of November 2006.

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

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

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

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

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

\* Amended March 3, 2015 Section 14. Appointments

\*Amended June 2, 2015 Section 6. (c) Emergency Meetings

\*Amended April 5, 2016 Section 14. Appointments

\*Amended September 6, 2016 Section 13 Agenda Generally

\*Amended October 4, 2016 Section 15. Public address to the Council.

\*Amended December 6, 2016 Section 14. Appointments.

\*Amended January 3, 2017 Section 6. Meetings.

\*Amended March 20, 2020 Section 7. Recessed & Cancelled Meetings & Section 8. Electronic Participation in Town Council Meetings (addition of new Section 7 & 8, remaining sections re-numbered)

\*Amended April 7, 2020 Section 8. Electronic Participation in Town Council Meetings

\*Amended September 1, 2020 Section 7. Recessed & Cancelled Meetings (addition of subsection (d))



## **Agenda Item Summary Sheet**

**Date:** 2/04/2025

**Item #:** 12

**Item Title:** Resolution authorizing relocation of Southern Shores Civic Association and Chicahauk Property Owners Association to 13 Skyline Road.

**Item Summary:** The Town purchased the property at 13 Skyline Road in May of 2023 with the primary intention to use the single-family dwelling as temporary employee housing. To date, the house has been unused. Upon evaluating the cost of renovations to the existing Town Hall that included an expansion to house records secured by the Planning and Code Enforcement Department, it was determined that space presently leased to the Southern Shores Civic Association and the Chicahauk Property Owners Association would be suitable for this purpose.

Since at least 1995, the Town has leased space to the SSCA and to the CPOA since at least 1999 located within the Pitts Center, to carry out their functions as 501c3 organizations that provide services and facilities customarily provided by a local government. By freeing up the space they currently lease from the Town, it will allow the Planning Department the additional space it needs. Prior to the Town's purchase of 13 Skyline Road, the property had been used as office space since 2008.

Approval of the resolution would allow the town manager to amend the current rental agreements with the SSCA and CPOA, upon review and approval of the town attorney. Monthly lease payments would remain the same and the two entities would become responsible for all utility costs. The annual lease will continue to renew upon mutual agreement.

**Requested Action:** A motion to approve the attached Resolutions.

**Attachments:** Resolution 2025-0202 & 0203

Current Lease Agreements with SSCA and CPOA



# 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](http://www.southernshores-nc.gov)

## **Resolution Authorizing Lease of Town Property to Southern Shores Civic Association, Inc., Pursuant to G.S. 160A-272 Resolution #2025-0202**

**WHEREAS**, the Town of Southern Shores (the “Town”) owns all of the real property located at 13 Skyline Road in Southern Shores, North Carolina (the “Property”), which is more particularly described as follows:

All those certain lots or parcels of land together with the houses and improvement thereon, lying and being in Southern Shores, in Atlantic Township, Dare County, North Carolina, and known and designated as and being Lots No. 5 and 6, Block A, Amended Portion Section 1 of the subdivision know as Southern Shores, as shown and delineated on a map or plat of said subdivision designated “Amended Portion Section 1, Southern Shores, Kitty Hawk, N.C.” made by D.H. Lawrence, Registered Surveyor, and duly recorded in Map Book 1, Page 91, in the office of the Register of Deeds of Dare County, North Carolina, reference to which is hereby made for a more particular description thereof. The property herein described was acquired by the Grantor by deed recorded in Book 1746 at Page 326, in the Public Registry of Dare County.

**WHEREAS**, North Carolina General Statute § 160A-272(a) authorizes the Town to lease real property if the council determines that the Property will not be needed by the Town for the term of the lease; and

**WHEREAS**, North Carolina General Statute § 160A-272(b) authorizes the Town to enter into a lease agreement or rental for a term of one (1) year or less without having to publish notice of its intention to enter into a lease or rental agreement, and further authorizes the Town to delegate to the Town Manager or some other Town administrative officer the authority to lease or rent Town property for terms of one (1) year or less; and

**WHEREAS**, the Town of Southern Shores currently leases real property located in the Pitts Center, which has a physical address of 5375 N. Virginia Dare Trail (the “Pitts Center”), to the Southern Shores Civic Association (“SSCA”), for use as its office; and

**WHEREAS**, the Town has determined it has a need for the Pitts Center currently leased to the SSCA to conduct Town business; but does not need the Property to conduct Town business; and

**WHEREAS**, the Town intends to enter into a new lease agreement with SSCA for its rental of the Property, for a term of no more than one (1) year.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town hereby certifies that the Property will not be needed by the Town for the term of the lease agreement with SSCA.

**BE IT FURTHER RESOLVED**, that the Town manager is hereby authorized to negotiate a lease agreement for the Property with SSCA for a period of no more than one (1) year, and execute all documents necessary to effectuate the same, subject to the approval of the Town Attorney.

Adopted this 4<sup>th</sup> day of February, 2025.

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Elizabeth Morey, Mayor  
Southern Shores

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Sheila Kane, Town Clerk  
Southern Shores



# 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](http://www.southernshores-nc.gov)

## **Resolution Authorizing Lease of Town Property to Chicahauk Property Owners Association, Inc., Pursuant to G.S. 160A-272 Resolution #2025-0203**

**WHEREAS**, the Town of Southern Shores (the “Town”) owns all of the real property located at 13 Skyline Road in Southern Shores, North Carolina (the “Property”), which is more particularly described as follows:

All those certain lots or parcels of land together with the houses and improvement thereon, lying and being in Southern Shores, in Atlantic Township, Dare County, North Carolina, and known and designated as and being Lots No. 5 and 6, Block A, Amended Portion Section 1 of the subdivision know as Southern Shores, as shown and delineated on a map or plat of said subdivision designated “Amended Portion Section 1, Southern Shores, Kitty Hawk, N.C.” made by D.H. Lawrence, Registered Surveyor, and duly recorded in Map Book 1, Page 91, in the office of the Register of Deeds of Dare County, North Carolina, reference to which is hereby made for a more particular description thereof. The property herein described was acquired by the Grantor by deed recorded in Book 1746 at Page 326, in the Public Registry of Dare County.

**WHEREAS**, North Carolina General Statute § 160A-272(a) authorizes the Town to lease real property if the council determines that the Property will not be needed by the Town for the term of the lease; and

**WHEREAS**, North Carolina General Statute § 160A-272(b) authorizes the Town to enter into a lease agreement or rental for a term of one (1) year or less without having to publish notice of its intention to enter into a lease or rental agreement, and further authorizes the Town to delegate to the Town Manager or some other Town administrative officer the authority to lease or rent Town property for terms of one (1) year or less; and

**WHEREAS**, the Town of Southern Shores currently leases real property located in the Pitts Center, which has a physical address of 5375 N. Virginia Dare Trail (the “Pitts Center”), to the Chicahauk Property Owners Association (“CPOA”), for use as its office; and

**WHEREAS**, the Town has determined it has a need for the Pitts Center currently leased to the CPOA to conduct Town business; but does not need the Property to conduct Town business; and

**WHEREAS**, the Town intends to enter into a new lease agreement with CPOA for its rental of the Property, for a term of no more than one (1) year.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town hereby certifies that the Property will not be needed by the Town for the term of the lease agreement with CPOA.

**BE IT FURTHER RESOLVED**, that the Town manager is hereby authorized to negotiate a lease agreement for the Property with CPOA for a period of no more than one (1) year, and execute all documents necessary to effectuate the same, subject to the approval of the Town Attorney.

Adopted this 4<sup>th</sup> day of February, 2025.

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Elizabeth Morey, Mayor  
Southern Shores

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Sheila Kane, Town Clerk  
Southern Shores



## MEMORANDUM OF AGREEMENT

This agreement is between the Town of Southern Shores ("TOWN") and the Southern Shores Civic Association ("SSCA"). It is effective January 1, 2021; and, unless extended or modified by mutual agreement, it expires December 31, 2022.

The TOWN hereby authorizes the SSCA to utilize office number 106 in the Kern P. Pitts Center ("PITTS CENTER"); said office consisting of an approximately 12 foot by 13 foot area, for their use in providing civic association services to members. SSCA may from time to time desire to request the temporary usage of other PITTS CENTER space including the Main Council Meeting Room and the Downstairs Small Conference Room. SSCA may be allowed to use such facilities, if available, by contacting the Town Hall administrative personnel who keep an appointment calendar for the facilities and can advise if the space is available at the requested times. SSCA personnel and their authorized visitors may utilize rest rooms and parking facilities at the PITTS CENTER in common with TOWN. SSCA shall not sublease any portion of their assigned space.

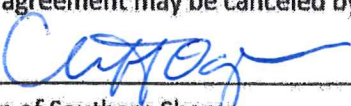
SSCA acknowledges that TOWN incurs certain costs to operate the PITTS CENTER including electricity, water, insurance, and maintenance/repair expense. SSCA agrees to pay TOWN \$100.00 per month to assist in sharing these costs. Said payments are due on the first of each month and SSCA will be in default if not paid by the tenth of any month. If such default occurs Town shall have the right to re-enter the premises and remove SSCA and all of its property therefrom without further notice. SSCA will provide its own telephone and copying equipment and pay its own telephone and copying expenses.

SSCA will consult with the TOWN for approval of any alterations or improvements it may wish to make to PITTS CENTER.

SSCA shall reimburse TOWN for any damage to PITTS CENTER caused by it or its agents and visitors and will maintain personal injury and property damage liability insurance with limits of not less than \$1,000,000 in respect to bodily injury and \$100,000 for property damage, and with TOWN named as an insured.

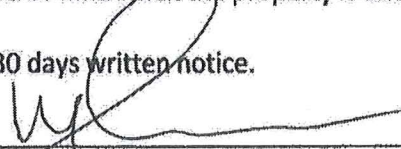
In case of damage by fire or other casualty to PITTS CENTER without fault of the SSCA, if the damage is so extensive as to amount practically to the total destruction of the building, this agreement shall cease and the rent shall be apportioned to the time of damage. In all other cases where the PITTS CENTER is damaged by fire or other casualty without fault of SSCA, the TOWN shall repair the damage with reasonable dispatch, and if the damage has rendered the leased property untenable, in whole or in part, there shall be an abatement of the rent until the damage has been repaired. TOWN shall not be responsible for any loss of business during such period of time when the property is untenable.

This agreement may be canceled by either party on 30 days written notice.

  
 Town of Southern Shores  
 Town Manager

DATE:

11-24-2020

  
 Southern Shores Civic Association  
 President

DATE:

11/24/20

## MEMORANDUM OF AGREEMENT

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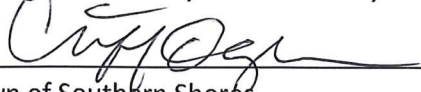
CPOA acknowledges that TOWN incurs certain costs to operate the PITTS CENTER including electricity, water, insurance, janitorial and maintenance/repair expense. CPOA agrees to pay TOWN \$100.00 per month to assist in sharing these costs. Said payments are due on the first of each month and CPOA will be in default if not paid by the tenth of any month. If such default occurs Town shall have the right to re-enter the premises and remove CPOA and all of its property therefrom without further notice. CPOA will provide its own telephone and copying equipment and pay its own telephone and copying expenses.

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CPOA shall reimburse TOWN for any damage to PITTS CENTER caused by it or its agents and visitors and will maintain personal injury and property damage liability insurance with limits of not less than \$1,000,000 in respect to bodily injury and \$100,000 for property damage, and with TOWN named as an insured.

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Town of Southern Shores  
Town Manager

11.23.2020  
DATE:

  
Chicahauk Property Owners Association  
President

11.23.20  
DATE: