



TOWN OF SOUTHERN SHORES
TOWN COUNCIL REGULAR MEETING

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

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

www.southernshores-nc.gov

PITTS CENTER

Tuesday, June 04, 2024 at 5:30 PM

AGENDA

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Amendments to / Approval of Agenda

Consent Agenda

1. Approval of Minutes (emailed)
2. Pickups & Releases (Taxes)
3. Budget Amendment #31

Staff Reports

Deputy Town Manager/Planning Director

-Monthly Permit Report & Planning Board Update

- Affordable Housing Report -Planning Board Member Michael Zehner

Police Chief -Monthly Report

Fire Chief-Monthly Report

Town Manager

Town Attorney -Affordable Housing Lawsuit

4. Affordable Housing Lawsuit

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

Old Business

5. Presentation from Dr. Richardson and Consideration of a Comprehensive Survey and Treatment of Milfoil

New Business

6. Town Manager's Recommended Budget FY24-25
 - 6a.) Public Hearing
 - 6b.) Consideration of Budget Ordinance # 2024.06.01
7. Public Hearing- Consider ZTA-24-03, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Section 36-163(1)a. by amending the parking space width requirement for all uses other than single-family residential homes, adding section 36-163(4)f. by adding a reduction of required parking spaces for planting shade trees, amending Section 36-57 by adding the definition of finished area, adding the definition of finished area ratio, adding the definition of land area, and restating the definition of

substantial improvement, adding Section 36-179 to establish commercial design standards, and adding Section 36-299(b)(2)c.20. to establish that commercial design elements must be shown on a site plan, if applicable.

[8.](#) Public Hearing- Consider LDA-24-01, a Landmark Designation Application Submitted by the Town of Southern Shores to Designate 13 Skyline Rd. as a Historic Landmark

[9.](#) 2024 Street Improvement Project Bid Award & Budget Amendment

[10.](#) Planning Board Re-appointments

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

Council Business

Adjourn

**TOWN OF SOUTHERN SHORES
TAX DEPARTMENT**

6/4/2024

PICKUPS

RELEASES

March Real

\$ 148.66

TOTAL

\$0.00

\$ 148.66

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

**Capital Reserve Fund
Increases**

**Capital Reserve Fund
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
50-39996	Revenues Transfer IN from Capital Project Fund	\$70,559.43			
50-59997	Expenditures Transfer OUT to Other Funds-CRF-BN	\$70,559.43			
	TOTAL			TOTAL	\$ -

Explanation: To move money that was left from the Capital Project Fund for Beach Nourishment to Capital Reserve Fund

Recommended By:

Approved By: Town Council

Cliff Ogburn, Town Manager

Elizabeth Morey, Mayor

Date



Agenda Item Summary Sheet

Date: 6/4/24

Item #: 5

Item Title: Presentation from NC State Professor Dr. Richardson and Consideration of a Comprehensive Survey for Milfoil

Item Summary: At the May 7, 2024, Town Council meeting, staff presented a Memorandum of Understanding between the Town and the North Carolina Department of Environmental Quality for the treatment of milfoil in the town's canals. After discussion, staff was directed to bring back a MOU for a comprehensive survey to be performed to determine the presence of milfoil within the canal system. The MOU only is for the sole purpose of the survey and no treatment is included at this time. The results of the survey will help determine what if any action should be taken next.

Staff was also asked to schedule a professional in the field of aquatic weeds to provide information on milfoil treatment. Included in this presentation will be information on the use of 2, 4-D as the treatment method.

Staff Recommendation and Requested Action: Staff recommends the Town Council authorize the Town Manager to enter into a contract with NCDEQ to conduct a comprehensive survey for the presence of milfoil within the Town's canal system.

Attachments: Draft MOU for milfoil survey between North Carolina Department of Environmental Quality and the Town of Southern Shores



MOU NO. 0025
Aquatic Weed Control Grant for 2024

MEMORANDUM OF UNDERSTANDING
between the
North Carolina Department of Environmental Quality
and the
Town of Southern Shores

This Memorandum of Understanding (MOU) is hereby made and entered into by and between the **NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY** ("NCDEQ") and the **TOWN OF SOUTHERN SHORES**, (referred to as the "COOPERATOR"). "NCDEQ" and the "COOPERATOR" together are referred to as the "PARTIES".

1.0 MOU Background.

- 1.1 The North Carolina Aquatic Weed Control Program ("Program") is housed within the NCDEQ. The Program provides grant funds to units of local, state, and federal governments, academic institutions, and public utilities for the purpose of aquatic weed management and/or research (per Aquatic Weed Control Act of 1991, NC General Statutes, Article 15 of Chapter 113).
- 1.2 The COOPERATOR has requested assistance from the Program and/or applied for an Aquatic Weed Control grant.
- 1.3 The North Carolina Aquatic Weed Council has adopted a work plan for the 2024 weed season and the work plan includes one or more projects associated with the COOPERATOR.
- 1.4 This MOU establishes a cost-share arrangement for the purpose of pursuing one or more aquatic weed control projects.

2.0 MOU Period. This MOU shall be effective from the date upon which all PARTIES have signed to **December 31, 2024**, inclusive of those dates.

3.0 Performance Obligations and Duties. The PARTIES agree that the NCDEQ shall perform the services required herein set forth; provided that the NCDEQ is not and will not by virtue of this MOU acquire the status of an employee of the COOPERATOR:

- 3.1 **Aquatic Vegetation Survey:** The NCDEQ will conduct an aquatic vegetation survey in Jean Guite Creek and the Town of Southern Shores canals. The survey will be conducted between June 3, 2024 – August 30, 2024. The purpose of the survey is to document what species of submersed aquatic plants are present and approximate the number of acres occupied by each species. The survey methodology will include the collection of two sets of data: physical sampling and remote sensing. Physical sampling will be conducted with a metal rake. The rake will be used to collect vegetation from the water column and/or bottom. Vegetation collected via physical sampling will provide the species composition component. Remote sensing will be conducted with a recording fathometer device. This device leverages SONAR technology and GPS technology. The device is mounted on a boat and the operator will run tracks within the survey area. The two sets of data will be analyzed, and a report will be provided to the COOPERATOR. The report will include maps that show what species of aquatic vegetation was detected and where the vegetation occurred. The report will also include acreage estimates of the total area occupied by each species of vegetation.

4.0 Time of Essence. Time is of the essence in performing all activities regarding this MOU.



**MOU NO. 0025
Aquatic Weed Control Grant for 2024**

5.0 Compensation. Per G.S. 143-215.73F (c) (3) “The cost-share for an aquatic weed control project shall be at least one non-State dollar for every dollar from the fund”. To meet the cost-share requirement the COOPERATOR agrees to reimburse NCDEQ by paying the amount on invoices net thirty (30) days. The table below itemizes the project(s) and estimated cost(s):

Item	Cost	NCDEQ Share	COOPERATOR Share
Aquatic Vegetation Survey	\$2,000	\$1,000	\$1,000
Total	\$2,000	\$1,000	\$1,000

All costs incurred by providing these services require a 1:1 non-state dollar match. To meet the cost-share requirement the Division of Water Resources will invoice for 50% of the actual costs incurred. Invoicing will occur at the end of the weed season, except by special request.

COOPERATOR agrees to a 50/50 cost-share arrangement with the State of North Carolina. COOPERATOR will be invoiced by the Division of Water Resources for 50% of incurred costs, not to exceed \$1,000.00.

6.0 Payment Provisions. Payment under this MOU will be made upon receipt of an invoice with supporting documentation from the NCDEQ setting forth the amount due and payable pursuant to Section 5.0 Compensation. All services must be performed to the satisfaction of COOPERATOR prior to any payment being made. Payment terms are not later than thirty (30) calendar days after receipt of a correct invoice(s). Invoices shall be submitted to:

6.1 Town of Southern Shores
 Attn: Cliff Ogburn
 5375 N. Virginia Dare Trail
 Southern Shores, NC 27949

7.0 Availability of Funds. The PARTIES understand and agree that payment of the sums specified herein shall be subject to, and contingent upon, the allocation and appropriation of funds to NCDEQ for the purposes described in this MOU.

8.0 Contract Administrator. Rob Emens, Aquatic Weed Program Manager is hereby designated as the contract administrator for the Department under this Agreement. The contract administrator is responsible for monitoring the Vendor's performance, approving payment to the Vendor, and for providing evaluation of the Vendor.

Rob Emens Aquatic Weed Program Manager	919-707-9012	rob.emens@deq.nc.gov
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**MOU NO. 0025
Aquatic Weed Control Grant for 2024**

9.0 Point of Contact. All matters regarding this MOU and all official and binding communications shall be with the designated Point of Contact who is an authorized agent of their respective organization.

Cooperator	Point of contact	Phone number	Email address
Town of Southern Shores	Cliff Ogburn	252-216-8146	cogburn@southernshores-nc.gov

10.0 Amendments. This MOU shall not be amended orally, or by performance, but only by written amendments duly executed by all PARTIES.

11.0 Order of Precedence. In cases of conflict between specific provisions in this MOU or Amendments that may come to pass, the order of precedence shall be (high to low) (1) Amendments; (2) MOU.

12.0 Compliance with Laws. All PARTIES shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements applicable to its performance hereunder and/or the conduct of its business generally, including those of Federal, State, and local agencies having jurisdiction and/or authority.

13.0 Termination. This MOU may be terminated by the COOPERATOR at any time with thirty (30) days' notice in writing and duly executed by an authorized representative of the COOPERATOR to NCDEQ. In that event, NCDEQ shall pay for services satisfactorily completed by third party vendor(s), and the COOPERATOR will be invoiced their cost-share through the effective termination.

14.0 Acts and Omissions. Neither party shall be responsible for, or bear any liability associated with, the acts or omissions of the other party. Rather, each party shall be responsible for, and bear the liability associated with, its own acts and omissions. Moreover, nothing in this MOU is intended or shall be construed as a waiver by the parties of any claims or defenses in any legal action, or of any other rights or remedies available under applicable law. In particular, nothing herein is intended or shall be construed as waiving any claim or defense based on the principle of sovereign immunity if such claim or defense would otherwise be available under applicable law.

15.0 Force Majeure. Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations as the result of events or circumstances beyond its reasonable control. Such events or circumstances include, without limitation, war, hostile foreign action, acts of terrorism, blockades, embargoes, trade restrictions, riots, civil insurrection, power failures, nuclear explosions, floods, fires, earthquakes, hurricanes, tornados, and any other event or circumstance beyond the reasonable control of such party.

16.0 Choice of Law. This MOU is governed by the laws of North Carolina and the Parties agree that the courts of North Carolina have exclusive jurisdiction and that Wake County is the exclusive venue for any legal dispute or proceedings relating to this MOU.

17.0 Signature Warranty. The undersigned represent and warrant that they are authorized to bind their respective entities to the terms of this MOU and/or applicable law.



**MOU NO. 0025
Aquatic Weed Control Grant for 2024**

IN WITNESS WHEREOF the PARTIES execute this MOU by their duly authorized representatives on the day and year below.

NC DEPARTMENT OF ENVIRONMENTAL QUALITY

Signature

Printed Name and Title

Date

TOWN OF SOUTHERN SHORES

Signature

Printed Name and Title

Date



Agenda Item Summary Sheet

Date: 6/4/24

Item #: 6

Item Title: Public Hearing – Town Manager’s Recommended Budget FY 24-25

Item Summary: The North Carolina General Statutes require the governing board to hold at least one public hearing on the recommended budget. The recommended budget was presented to the Town Council at the May 7, 2024, Council meeting with a copy filed and made available with the Town Clerk and on the town’s website providing the public four weeks of review.

Recommended Budget Published Dates

Website under financials: 5/8/2025

Website public notice of recommended budget filed, published on front page: 5/8/2024

Website public hearing date, notice published on front page: 5/20/2024

Coastland Times Newspaper: Wednesday, May 8, 2024 & Sunday, May 19, 2024

Town Newsletter: May 17, 2024

(2) town Bulletin Board: Inside & Outside: 5/8/2024

Staff Recommendation: Town staff requests that an increase in police salaries and benefits of \$22,216 be considered and approved with the adoption of the FY 2024-2025 budget to ensure sufficient funding with a matching increase in the use of appropriated fund balance.

Requested Action: If appropriate upon the competition of the public hearing, staff requests a motion to adopt the attached budget ordinance #2024.06.01.

Attachments: FY 2024-2025 Budget Ordinance #2024.06.01



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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Ordinance No. 2024-06-01

An Ordinance of the Southern Shores Town Council Adopting a Budget and Tax Rate for FY 2024-25

BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina that the following be the various budgets for FY 2024-25:

SECTION I. GENERAL FUND

- A. Appropriations: The following amounts are appropriated for the operation of the Town government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Administration Department	\$ 1,465,842
Code Enforcement & Inspections Department	\$ 426,067
Fire Department	\$ 1,207,335
Ocean Rescue Services	\$ 229,245
Police Department	\$ 2,431,709
Public Works Department	\$ 733,924
Public Works Department – Streets, Bridges, Beaches & Canals	* \$ 5,235,462
Sanitation Services	\$ 991,125
Contribution to Capital Reserve Fund for Canals	\$ 75,000
Total General Fund Appropriations	\$ 12,795,709

- B. Estimated Revenues: It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2024 and ending June 30, 2025 to meet foregoing appropriations:

Property Taxes- Current Year	\$ 3,214,207
NCVTS- Current Year	\$ 139,022
MSD 1 Taxes	\$ 198,177
MSD 2 Taxes	\$ 177,863
Town Wide – Beach Nourishment	\$ 653,363
Property & Vehicle Taxes- Prior Years, Penalties and Interest	\$ 8,000
Subtotal: Property and Vehicle Taxes	\$ 4,390,632

Land Transfer	\$ 375,000
Local Option Sales Tax	\$ 1,813,847
Occupancy Tax	\$ 1,863,995
Other Intergovernmental Revenues	\$ 774,397
Building Permits & Fees	\$ 196,750
Transfer IN from Capital Reserve Fund	\$ 35,000
Unassigned Fund Balance	\$ 2,940,988
Other Revenues	\$ 405,100
	\$ 8,405,077

Total General Fund Revenues **\$ 12,795,709**

The tax rate is based on an estimated total valuation of real and personal property for the purpose of taxation in MSD 1 as \$279,579,474, MSD 2 as \$601,676,604 and Town Wide as \$1,639,146,365 with an estimated collection rate of 99.65%. The estimated rate of collection is based on the fiscal year 2022-23 collection rate pursuant to NCGS 159-13(b)(6).

SECTION V. EXPENDITURES

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

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

In accordance with G.S. 143-64.32 and as outlined in Town Council Resolution #2024-03-01, the Budget Officer is authorized to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000 and provided that exemption be in writing.

SECTION VI. LEASE REVENUES

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

SECTION VII. FIRE SERVICES

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

SECTION VIII. BUDGET OFFICER LINE TRANSFER AUTHORIZATION

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

SECTION IX. BUDGET OFFICER RESTRICTIONS

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

SECTION X. UTILIZATION OF BUDGET AND BUDGET ORDINANCE

This Ordinance and the Budget Document shall be the basis of the financial plan for operations of the Town of Southern Shores, North Carolina Municipal Government during the fiscal year 2024-25. Copies of this Budget Ordinance shall be furnished to the Clerk of the Town Council and to the Budget Officer and Finance Officer and is to be kept on file by them for their direction in the disbursement of funds.

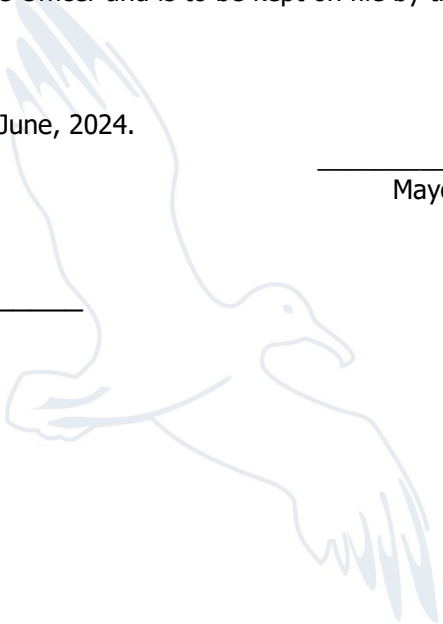
ADOPTED this _____ day of June, 2024.

Mayor Elizabeth Morey

ATTEST:

Sheila Kane, Town Clerk

seal



Town Manager's Recommended Budget FY24-25

Link to town website:

https://www.southernshores-nc.gov/sites/default/files/fileattachments/finance/page/2291/tm_recommended_fy_24-25_budget_filed_with_clerk.pdf



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 4, 2024

ITEM TITLE: Public Hearing-Consider ZTA-24-03

ITEM SUMMARY:

The Town Planning Board began discussing potential commercial design standards to add to the Town Zoning Ordinance at the November 21, 2022 Planning Board meeting. The discussion began with reviewing the commercial design standards that have been adopted by the Towns of Duck, Kill Devil Hills, and Nags Head. At the February 22, 2023 Planning Board meeting, the Board continued their discussion and provided feedback to Town Staff on potential commercial design standards to include in a Zoning Text Amendment (ZTA) application. Based on that feedback, Town Staff drafted ZTA-24-03.

The Planning Board considered ZTA-24-03 at the April 15, 2024 Planning Board meeting and provided feedback to Town Staff. Town Staff revised ZTA-24-03 based on the feedback provided and the Board reconsidered ZTA-24-03 again on May 20, 2024. The proposed amendments include amendments to Town Code Section 36-163(1)a. by amending the parking space width requirement for all uses other than single-family residential homes, adding section 36-163(4)f. by adding a reduction of required parking spaces for planting shade trees, amending Section 36-57 by adding the definition of finished area, adding the definition of finished area ratio, adding the definition of land area, and restating the definition of substantial improvement, adding Section 36-179 to establish commercial design standards, and adding Section 36-299(b)(2)c.20. to establish that commercial design elements must be shown on a site plan, if applicable.

The Planning Board also discussed adding a maximum building area or finished area ratio for commercial buildings. Town Staff compiled a table showing the building area and finished area to land area ratios of existing commercial buildings:

Building Area/Finished Area to Land Area Ratios					
<u>Location</u>	<u>Building Area</u>	<u>Finished Area</u>	<u>Land Area</u>	<u>BA Ratio</u>	<u>FA Ratio</u>
Taco Bell	2,367.00	1,088.00	18,260.00	0.13	0.06
S. S. Crossing	24,676.00	25,222.00	211,759.00	0.12	0.12
TowneBank	7,759.00	9,594.00	69,701.00	0.11	0.14
Marketplace	159,873.00	158,814.00	788,746.00	0.20	0.20

The Board agreed to add a maximum Finished Area Ratio for all buildings of 0.35 and to add definitions for “Finished Area”, “Land Area”, and “Finished Area Ratio”. “Finished Area” means enclosed

conditioned areas within a structure that are designed or constructed for human habitation. All conditioned areas within a structure are presumed to be constructed for human habitation unless affirmatively shown to be to the contrary in a manner such that the use of the area cannot be modified, i.e. a conditioned wine cellar or refrigerated storage area. "Land Area" is the net acreage of a lot which is the total area to be developed minus any area covered by waterways, marshes, or wetlands. "Finished Area Ratio" is the Finished Area divided by the Land Area.

STAFF RECOMMENDATION:

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the application with the exception of requiring a sketch plan review by using "may" instead of "shall" in proposed Section 36-179(a). The Town Planning Board recommended approval (3-2) of the application at the May 20, 2024 Planning Board meeting. The Board also noted that the ZTA is for informational purposes, a first pass, and the Board encourages the Town Council to consider a larger evaluation or study of the Town's commercial properties in the commercial corridor.

REQUESTED ACTION:

Motion to approve the application with the exception of requiring a sketch plan review by using "may" instead of "shall" in proposed Section 36-179(a).

STAFF REPORT

To: Southern Shores Town Council
Date: June 4, 2024
Case: ZTA-24-03
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of the Town Code by amending Town Code Sections 36-163(1)a. and Section 36-57 and adding Sections 36-163(4)f, Section 36-179 and Section 36-299(b)(2)c.20.

ANALYSIS

The Town Planning Board began discussing potential commercial design standards to add to the Town Zoning Ordinance at the November 21, 2022 Planning Board meeting. The discussion began with reviewing the commercial design standards that have been adopted by the Towns of Duck, Kill Devil Hills, and Nags Head. At the February 22, 2023 Planning Board meeting, the Board continued their discussion and provided feedback to Town Staff on potential commercial design standards to include in a Zoning Text Amendment (ZTA) application. Based on that feedback, Town Staff drafted ZTA-24-03.

The Planning Board considered ZTA-24-03 at the April 15, 2024 Planning Board meeting and provided feedback to Town Staff. Town Staff revised ZTA-24-03 based on the feedback provided and the Board reconsidered ZTA-24-03 again on May 20, 2024. The proposed amendments include amendments to Town Code Section 36-163(1)a. by amending the parking space width requirement for all uses other than single-family residential homes, adding section 36-163(4)f. by adding a reduction of required parking spaces for planting shade trees, amending Section 36-57 by adding the definition of finished area, adding the definition of finished area ratio, adding the definition of land area, and restating the definition of substantial improvement, adding Section 36-179 to establish commercial design standards, and adding Section 36-299(b)(2)c.20. to establish that commercial design elements must be shown on a site plan, if applicable.

The Planning Board also discussed adding a maximum building area or finished area ratio for commercial buildings. Town Staff compiled a table showing the building area and finished area to land area ratios of existing commercial buildings:

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The Board agreed to add a maximum Finished Area Ratio for all buildings of 0.35 and to add definitions for “Finished Area”, “Land Area”, and “Finished Area Ratio”. “Finished Area”

means enclosed conditioned areas within a structure that are designed or constructed for human habitation. All conditioned areas within a structure are presumed to be constructed for human habitation unless affirmatively shown to be to the contrary in a manner such that the use of the area cannot be modified, i.e. a conditioned wine cellar or refrigerated storage area. “Land Area” is the net acreage of a lot which is the total area to be developed minus any area covered by waterways, marshes, or wetlands. “Finished Area Ratio” is the Finished Area divided by the Land Area.

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

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

RECOMMENDATION

Town Staff has determined that the proposed amendments are consistent with the Town’s currently adopted Land Use Plan and Town Staff recommends approval of the application with the exception of requiring a sketch plan review by using “may” instead of “shall” in proposed Section 36-179(a). The Town Planning Board recommended approval (3-2) of the application at the May 20, 2024 Planning Board meeting. The Board also noted that the ZTA is for informational purposes, a first pass, and the Board encourages the Town Council to consider a larger evaluation or study of the Town’s commercial properties in the commercial corridor.



Town of Southern Shores

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Item 7.

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

Date: 4 / 3 / 2024 Filing Fee: \$200 Receipt No.: N/A Application No.: ZTA-24-03

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

Please check the applicable Chapter/Article:

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

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

Applicant

Name Town of Southern Shores

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

Phone (252) 261-2394 Email whaskell@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

Whaskell
Signature

4-3-24
Date

* Attach supporting documentation.



Town of Southern Shores

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info@southernshores-nc.gov

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ZTA-24-03

5-20-24

Ordinance 2024-XX-XX

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

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction. Pursuant to this authority and the additional authority granted by N.C.G.S. § 160D-702, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, the North Carolina General Assembly adopted 2019 N.C. Sess. Law 111 to clarify and change the land-use regulatory laws of the State, including the recodification of many existing land-use regulatory laws in a newly created N.C.G.S. Chap. 160D pursuant to 2019 N.C. Sess. Law 111, Part II; and

WHEREAS, the Town desires to amend its Town Code to conform to N.C.G.S. Chap. 160D as provided in Part I of these ordinance amendments; and

WHEREAS, the Town desires to enhance the Town’s appearance in the general commercial district by adopting commercial design standards; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, and general welfare for the Town to amend the Town’s Zoning Ordinance as stated below.

ARTICLE II. Construction.

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

ARTICLE III. Amendment of Zoning Ordinance.

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

3
4 **PART I.** That **Sec. 36-163. Off-street parking requirements.** Be amended as
5 follows:

6
7 **Sec. 36-163. Off-street parking requirements.**
8

9 At the time of erection of any building or structure, or at the time any main building
10 or structure is enlarged or increased in capacity by adding dwelling units, guest rooms,
11 seats or floor area, or before conversion from one zoning use or occupancy to another,
12 permanent off-street parking space shall be provided according to the amounts and
13 specifications provided by this section.

14 (1) *General provisions.*

15 a. Each parking space, for other than single-family residential homes, shall
16 have a minimum length of 18 feet and a minimum width of nine ~~and one-~~
17 ~~half~~ feet. Drive aisle width shall be a minimum of 22 feet. It shall have
18 vehicular access to a publicly dedicated or town approved private street
19 and be located outside of any dedicated right-of-way.

20 ...

21
22 (4) *Minimum parking requirements.* The number of off-street parking spaces
23 required by this section shall be provided on the same lot with the principal use,
24 or in combination with adjacent lots, provided the applicant has secured a
25 shared parking agreement, and special use permit, as described in subsection
26 36-163(1j)., and the required number of off-street parking spaces specified for
27 each use shall be considered as the absolute minimum. Where a fraction of a
28 space is required by this article, the next whole number shall be provided. In
29 addition, a developer shall evaluate his own needs to determine if they are
30 greater than the minimum specified by this article.

31 ...

32 ...

33
34 f. *Reduction of required parking for providing trees.* The total parking
35 requirement for every 20 parking spaces for the proposed use or existing
36 use may be reduced by one parking space for each shade tree that is
37 provided within parking areas for up to five parking spaces. Each shade
38 tree that is planted shall be a minimum of six feet in height when planted.
39 Suitable tree types shall be those recommended for the coastal area by the
40 U.S. Department of Agriculture.

41

42

43 **PART II.** That **Sec. 36-57. Definition of specific terms and words.** Be amended as
44 follows:

1
2 **Sec. 36-57. Definition of specific terms and words.**

3
4 ...

5
6 Finished area. See living space.

7
8 Finished area ratio means the finished area divided by the land area.

9
10 ...

11
12 Land area means the net acreage of a lot.

13
14 ...

15
16 Substantial improvement means any combination of repairs, reconstruction,
17 rehabilitation, addition, or other improvement of a structure, taking place during any one-
18 year period for which the cost equals or exceeds 50 percent of the market value of the
19 structure before the start of construction of the improvement. The one-year period shall
20 be based on the date a certificate of occupancy is issued for the improvement. This term
21 includes structures which have incurred substantial damage, regardless of the actual
22 repair work performed. The term does not, however, include either:

- 23
24 (1) Any correction of existing violations of state or community health, sanitary, or
25 safety code specifications which have been identified by the community code
26 enforcement official and which are the minimum necessary to ensure safe
27 living conditions; or
28 (2) Any alteration of a historic structure, provided that the alteration will not
29 preclude the structure's continued designation as a historic structure and the
30 alteration is approved by variance issued pursuant to section 39-367.

31 ...

32
33 **PART III. That Sec. 36-179. Commercial design standards. Be added as follows:**

34
35 **Sec. 36-179. Commercial design standards.**

36
37 (a) Sketch plan review. Prior to submittal of a site plan review application for all uses
38 other than one and two-family dwelling units, the applicant shall submit to town
39 staff, at least fourteen days prior to a regularly scheduled planning board meeting, 9
40 copies of a sketch plan showing the proposed development for new construction or
41 substantial improvements in the general commercial district. The sketch plan shall

1 consist of a project narrative and conceptual renderings that show the proposed
2 buildings, building elevations, landscaping and parking areas. The planning board
3 shall review and comment on the proposed development and its consistency with the
4 standards in this section and other requirements in this chapter.

5

6 (b) Generally. In the general commercial district, for all uses other than one- and two-
7 family dwelling units, new construction and substantial improvements shall comply
8 with the following standards:

- 9 (1) Exterior building paint colors shall be subtle, neutral and earth tone colors;
- 10 (2) Mechanical equipment and dumpsters shall be screened and shall not be visible
11 from any right-of-way. Screening shall be constructed of wood, or match the
12 materials used for the building;
- 13 (3) Fences shall be constructed of wood, or match the materials used for the
14 building;
- 15 (4) No commercial building front shall remain unbroken (unpierced) by a window,
16 architectural element, entrance or functional general access doorway for more
17 than 50 feet;
- 18 (5) Windows shall comprise no less than 10% and not more than 40% of each
19 building’s vertical wall area;
- 20 (6) No awning or building projection on any building which encroaches on a
21 sidewalk or pedestrian walkway shall extend out from the building more than
22 the width of the sidewalk nor shall it at any point be less than 8 feet above the
23 sidewalk;
- 24 (7) Wall articulations (or breaks in the façade or roofline) shall be designed not less
25 than every 50 feet along the building façade;
- 26 (8) Architectural embellishments with a coastal design that add visual interest are
27 encouraged;
- 28 (9) Low impact development techniques utilized to mitigate potential stormwater
29 impacts are encouraged;
- 30 (10) The finished area ratio for all buildings shall not exceed 0.35. Sites with
31 multiple buildings, tenants, and/or occupants are encouraged to utilize multiple
32 buildings, of varying heights and design, rather than a singular building;
- 33 (11) Building elements that resemble animals, lighthouses, castles or pirate ships are
34 prohibited.

35

36 **PART IV. That Sec. 36-299. Application for building permits, zoning permits and**
37 **site plan requirements. Be amended as follows:**

38

39 ...

40

1 (b) *All uses other than one- and two-family dwelling units.*

2

3 ...

4

5 (2) Site plan requirements. Twelve copies of the site plan shall be submitted no
6 later than 30 days prior to the planning board meeting at which the plan is to be
7 reviewed. All plans shall be prepared, stamped and endorsed by a state
8 registered engineer, surveyor or architect, or other person duly authorized by
9 the state to prepare such plans. All plans shall contain at least the following
10 information:

11

12 ...

13

14 c. Site improvements, show all proposed site improvements including, but
15 not limited to:

16

17 ...

18

19 20. Commercial design elements pursuant to section 36-179, if
20 applicable.

21 ...

22

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

25

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

31

32 **ARTICLE V. Severability.**

33

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

39

40 **ARTICLE VI. Effective Date.**

41

42 This ordinance amendment shall be in full force and effect from and after the ____ day of
43 _____, 2024.

44

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21

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 FORM

MEETING DATE: June 4, 2024

ITEM TITLE: Public Hearing-Consider LDA-24-01

ITEM SUMMARY:

As directed by the Town Council, Town Staff prepared a Landmark Designation Application and report for the structure (Flat Top) located at 13 Skyline Rd. The Historic Landmarks Commission considered the application at the May 28, 2024 Historic Landmarks Commission meeting and unanimously (4-0) recommended approval of the designation. If approved, the structure (Flat Top) located at 13 Skyline Rd. would be designated as a Historic Landmark.

STAFF RECOMMENDATION:

Approval of the ordinance designating the structure (Flat Top) at 13 Skyline Rd. as a Historic Landmark.

REQUESTED ACTION:

Motion to approve the ordinance designating the structure (Flat Top) at 13 Skyline Rd. as a Historic Landmark.



TOWN OF SOUTHERN SHORES

5375 N Virginia Dare Trl, Southern Shores, NC 27949

(252) 261-2394 tel (252) 255-0876 fax

www.southernshores-nc.gov

Item 8.

Historic Landmarks Designation Application

Application No. LDA-24-01

Date March 22, 2024

This application initiates consideration of a property for designation as a Southern Shores Historic Landmark by the Southern Shores Historic Landmarks Commission and the Southern Shores Town Council. It enables evaluation of the resource to determine if it qualifies for designation. The evaluation is made by Town Staff and/or third party resources, which makes a recommendation to the Historic Landmarks Commission, which in turn makes its recommendation to the Town Council. Requirements and procedures are established in Chapter 17 of the Southern Shores Town Code. Please type if possible. Use 8-1/2" x 11" paper for supporting documentation and if additional space is needed. Return completed application to the Southern Shores Planning & Code Enforcement Department or mail to:

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trl.
Southern Shores, NC 27949

1. Name of Property (if historic name is unknown, give current name or street address):

Historic Name:

Unknown

Current Name:

N/A

2. Location:

Street Address:

13 Skyline Rd.

3. Legal Owner of Property (If more than one, list primary contact):

Name:

Town of Southern Shores

Address:

5375 N. Virginia Dare Trl.

City:

Southern Shores

State:

NC

Zip:

27949

Telephone No:
252-261-2394

E-Mail:
whaskett@southernshores-nc.gov

4. Applicant/Contact Person (If other than owner):

Name:
N/A

Address:
N/A

City:
N/A

Telephone No:
N/A

E-Mail:
N/A

5. General Data/Site Information:

Date of Construction and major additions/alterations:
Constructed in 1953. The structure has been modernized and upgraded over the years.

Number, type, and date of construction of accessory structures:
N/A

Approximate lot size or acreage:
17,196 sq. ft.

Architect, builder, carpenter, and/or mason:
Designed by Frank Stick. The builder is unknown.

Original Use:
Single-family dwelling.

Present Use:
Single-family dwelling.

6. Classification:

A. Category (check all that apply):

Structure(s) Object Site

7. Reason for Request:

In 2023, the Town of Southern Shores purchased the 1953 Flat Top located at 13 Skyline Rd. in large part to prevent the loss of another historic property. This purchase can be seen as evidence of the Town's desire and commitment to Historic Landmarks. It only seems logical for the Town to request that the structure be designated a Historic Landmark.

8. Supporting Documentation (Attach to application on separate sheets. Please type or print):

A. Photographs:

One set of current exterior photographs of all facades of the building and at least one photo of all other contributing and non-contributing resources. In addition to prints, all images should be submitted electronically (CD-R, email, thumb drive). Any additional exterior views and views of other structures on the property will be helpful. Photographs of interior spaces may be submitted voluntarily, however they are not required. When possible, photographs of the original structure should be submitted. All photos should be submitted as individual jpeg photos, as well as supporting photographs that illustrate architectural features, spatial relations, orientation, size, scale, and texture.

B. Boundary Map:

Please include a map showing the location of the property. A sketch map is acceptable, but please note street names and number. Any other structures on the property should also be shown. Please include a "North" arrow. Map should be no larger than 11" x 17". A tax map with boundaries marked is preferred, which can be found at: <http://gis.darecountync.gov/>.

C. Architectural Significance:

Describe the property, including exterior architectural features, additions, remodels, and alterations. Also describe significant accessory structures and landscape features. Include a statement regarding the architectural significance of the property.

D. Historic Significance:

Note any significant events, people, and/or families associated with the property. Include all major owners. Note if the property has ever been listed, nominated, or determined eligible for inclusion in the National Register of Historic Places. If so, who and when? Please include a bibliography of sources. Information regarding prior designations can be found by contacting the Survey and Planning Branch of the NC State Historic Preservation Office (NCSHPO) at 919-807-6570, 919-807-6573 or at: <http://www.hpo.dcr.state.nc.us/spbranch.htm>.

E. Special Significance Summary:

Include a one to two paragraph summary of those elements of the property that are integral to its historical, prehistorical, architectural, archaeological, and/or cultural importance.

F. Abstract

A clear summary statement of the property's significance and degree of integrity in two to three sentences. Why are you proposing designation for this property? Also please include a concise statement of what structure(s) and portion of land are to be included in the designation. Is it all of the legal parcel(s) historically and currently associated with the structure(s) or only a portion? The land area included should be, at minimum, that which is historically associated with and which continues to provide historic context for, the structure(s) for which designation is proposed.

G. Floor Plan

A sketch floor plan of the structure(s). It does not have to be of "draftsman quality" or exactly to scale, but should clearly show arrangement of spaces and their relationship to one another. Floor plans may be drawn by hand with a ruler and legible printing or may be created with graphics or drafting software.

A. Photographs

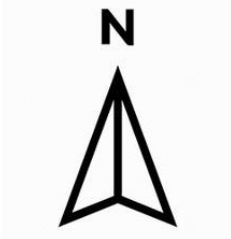






B. Boundary Map

The structure is situated along the west side of Skyline Rd., due north of the Town of Southern Shores Governmental Complex. The street address is 13 Skyline Rd. and the legal description is Lots 5 and 6, Block A, Section 1 of Southern Shores Amended. The metes and bounds description for the property can be found on a plat recorded at Plat Cabinet C, Slide 104C in the Dare County Registry. The property is identified in the Dare County Real Estate Assessor's Office by tax PIN# 987717011801 and Parcel # 022872000.







SKYLINE RD



Item 8.

022872-000 20-987717-109 03

<p>13 Skyline RD Southern Shores NC, 27949 Parcel: 022872000 Pin: 987717011801</p>	<p>Owners: Town Of Southern Shores - Primary Owner</p> <p>Building Value: \$118,800 Land Value: \$165,400 Misc Value: \$0 Total Value: \$284,200</p>	<p>Tax District: Southern Shores Subdivision: So/sh Amd Portion PlatA Sec 1 Lot BLK-Sec: Lot: 5-6 Blk A Sec 1 Property Use: Town Of Southern Shores Building Type: Residential 1 Family Year Built: 1955</p>
--	--	--

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.



C. Architectural Significance:

The 1,867 square foot, masonry frame structure reflects a former residence that was converted into an office building and the one (1) story building is constructed on a concrete slab. The exterior walls are painted block and the flat roof has a plastic membrane cover. The building is divided into a front office, rear office with bathroom, two (2) offices, kitchen, full bathroom, garage with HVAC and storage/utility space. Two (2) enclosed porches have been incorporated with the finished space.

The structure was constructed as a single-family dwelling in 1953 and it was converted into an office after it was gifted to the Outer Banks Community Foundation in 2007. The structure has been modernized and upgraded over the years, including current upgrades so that the structure can be used as a single-family dwelling again.

Some of the recent modernizations include caulking all floor heater/radiators, caulking/filling cracks in walls, painted each room, removal of all old shoe molding/1/4 round trim, removed all florescent ceiling light fixtures and conduit, replaced with ceiling fan/lights in living room, both bedrooms and kitchen, stained a large amount of cedar trim used to make custom covers for junction boxes and conduit in ceiling for all fans, repaired and filled numerous holes and damage in walls of living room, bathroom and bedrooms, removed old bathroom vanity and replaced it with new vanity/sink/faucet/drain, replacement of an old toilet, resurfaced/painted tile surround and cleaned and repaired tub and pitted chrome faucet/handles, installed LVT flooring in bathroom and caulked and installed shoe molding/1/4 round trim, installed new LVT flooring in the kitchen, installed 1/4 round trim, cleaned and painted under all kitchen lower cabinets, lined shelves, and closed in bottom cabinet with birch plywood.

D. Historic Significance:

1952	Kitty Hawk Land Company Inc.	to	Charles Hopkins
1968	Charles Hopkins	to	J.E. Sparks
1971	J.E. Sparks	to	John R. Tietjen

2007 John R. Tietjen to Outer Banks Community Foundation

2023 OBCF to Town of Southern Shores

The structure was constructed as a single-family dwelling in 1953 and it was converted into an office after it was gifted to the Outer Banks Community Foundation in 2007. The structure has been modernized and upgraded over the years, including current upgrades so that the structure can be used as a single-family dwelling again. The structure is a prime example of the Flat Top inspiration that Frank Stick brought to Dare County in the late 1940s. After World War II, Frank Stick acquired an option on a twenty-eight-hundred-acre tract north of Kitty Hawk for thirty thousand dollars. In the process of Mr. Stick building his own home, he creates a new vernacular architectural form: the Flat Top.



E. Special Significance Summary:

Frank Stick, (1884-1966), obtained an option on the land that is now Southern Shores, and supervised the platting of lots, the installation of roads, and the design and erection of the first Flat Top cottages. These now quaint architectural houses were reminiscent of the cottages he had seen in Florida, and were of cement block construction, with wide overhanging soffits, propped up shutters, and flat tar and gravel roofs. Characteristics of his architecture were the flat roofs, a structure built of blocks, at first made from local sand and

an extended overhang and whitewashed interior, both intended to keep the home cool. Around 100 Flat Tops were constructed in the 1950s and 1960s and around 25 remain.

Item 8.

The Flat Top was adapted for its barrier island setting from the single-story, flat-roofed block houses of Florida. To those design elements, Frank Stick added an extended overhang and a bright, whitewashed exterior. These features alone deflect the sun and intense heat, which makes these homes a cool relief during the hot and humid summer months. The exposed soffits and storm shutters were painted in brilliant shades of crimson, jade, emerald, and sapphire, introducing color to an otherwise monochromatic Outer Banks landscape.

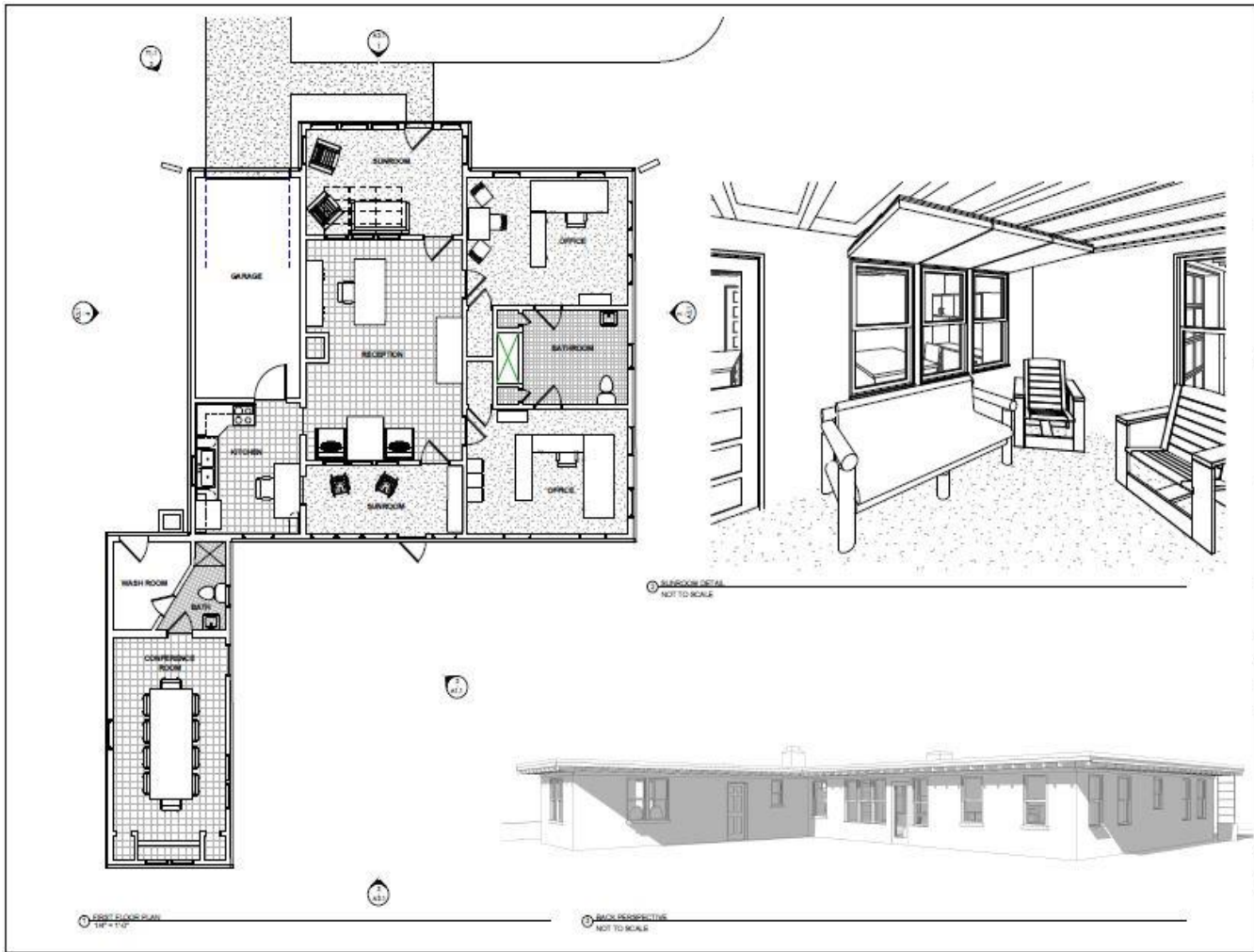
The Flat Top homes have plumbing and drain lines that are buried in the sand that have been covered by concrete and sealed. Frank Stick's Flat Top homes were second homes, which were designed so that middle-income families could enjoy the same amenities as wealthier clients. As the real-estate market fluctuated, site plans for Southern Shores were made, discharged, adopted, and abandoned during the early years of the community. The Flat Top houses become the idiom around 1965 when they become the predominant local form.

F. Abstract:

In 2016, The Town of Southern Shores created the Historic Landmarks Commission and adopted an ordinance to define the process of designating Historic Landmarks within the Town. In 2023, the Town of Southern Shores purchased the 1953 Flat Top located at 13 Skyline Rd. in large part to prevent the loss of another historic property. This purchase can be seen as evidence of the Town's desire and commitment to Historic Landmarks. It only seems logical for the Town to request that the structure located at 13 Skyline Rd. be designated a Historic Landmark.

G. Floor Plan:

Item 8.



BEACON
 ARCHITECTURE + DESIGN P.L.L.C.
 725 BUCK 100
 10711 HAVIL, NC 27849
 PH: (252) 461-9144 FAX: (252) 461-9144

PROJECT NAME:
**OBX
 COMMUNITY
 FOUNDATION**
 13 SKYLINE RD
 SOUTHERN SHORES
 NORTH CAROLINA

REVISIONS:	DATE:
AS-BUILT	7/29/16

DRAWING NAME:
**FIRST FLOOR
 PLAN**

PRELIMINARY DRAWINGS
 NOT FOR
 CONSTRUCTION

DRAWN BY: **DF**
 DATE: 7/29/16
 SCALE: SEE PLANS

STAMP:

BEACON ARCHITECTURE + DESIGN P.L.L.C. ALL RIGHTS RESERVED.

SHEET:
A1.1

Item 8.

N
S.C.

8371 AVENUE, LLC 3750
PH (252) 461-4247 FAX (252)
261-8545

PROJECT NAME:
**OBX
COMMUNITY
FOUNDATION**
13 SKYLINE RD
SOUTHERN SHORES
NORTH CAROLINA

REVISIONS:	DATE:
AS-BUILT	7/29/14

DRAWING NAME:
ELEVATIONS

PRELIMINARY DRAWINGS
NOT FOR
CONSTRUCTION

DRAWN BY: DP

DATE: 7/29/14

SCALE: SEE PLANS

STAMP:

8371 AVENUE ARCHITECTURE
DESIGN
& CONSTRUCTION, LLC ALL RIGHTS RESERVED

SHEET:
A2.1

EXTERIOR ELEVATION 1
3/8" = 1'-0"

EXTERIOR ELEVATION 2
3/8" = 1'-0"

EXTERIOR ELEVATION 3
3/8" = 1'-0"

EXTERIOR ELEVATION 4
3/8" = 1'-0"

Local Designation Report
13 Skyline Rd.
Southern Shores, North Carolina



March 22, 2024
Historic Landmark Designation Report

13 Skyline Rd.

Southern Shores, North Carolina

1. NAME OF PROPERTY:

Historic Name: N/A

Current Name: N/A

2. LOCATION:

13 Skyline Rd.

Southern Shores, NC

27949

3. LEGAL OWNER OF PROPERTY:

Town of Southern Shores

4. APPLICANT:

Town of Southern Shores

5375 N. Virginia Dare Trl.

Southern Shores, NC 27949

5. GENERAL DATA/SITE INFORMATION:

Approximate parcel size or acreage: 17,196 sq. feet

Original Use: Single-family dwelling

Present Use: Single-family dwelling

Architect: Designed by Frank Stick

Original Builder: Unknown

Ownership:

1952 Kitty Hawk Land Company Inc. to Charles Hopkins

1968 Charles Hopkins to J.E. Sparks

1971 J.E. Sparks to John R. Tietjen

2007 John R. Tietjen to Outer Banks Community Foundation

2023 OBCF to Town of Southern Shores

The Town of Southern Shores purchased the property from Outer Banks Community Foundation, Inc. on May 11, 2023 which had used the Flat Top as an office.

Appraised building value (tax): \$118,800

Appraised land value (tax): \$165,400

Total Tax Value (land and building): \$284,200

6. ARCHITECTURAL SIGNIFICANCE:

The 1,867 square foot, masonry frame structure reflects a former residence that was converted into an office building and the one story building is constructed on a concrete slab. The exterior walls are painted block and the flat roof has a plastic membrane cover. The building was divided into a front office, rear office with bathroom, two offices, kitchen, full bathroom, and garage with HVAC and storage/utility space. Two enclosed porches have been incorporated with the finished space. The structure was constructed as a single-family dwelling in 1953 and it was converted into an office after it was gifted to the Outer Banks Community Foundation in 2007. The structure has been modernized and upgraded over the years, including current upgrades so that the structure can be used as a single-family dwelling again.

Some of the recent modernizations include caulking all floor heater/radiators, caulking/filling cracks in walls, painted each room, removal of all old shoe molding/1/4 round trim, removed all florescent ceiling light fixtures and conduit, replaced with ceiling fan/lights in living room, both bedrooms and kitchen, stained a large amount of cedar trim used to make custom covers for junction boxes and conduit in ceiling for all fans, repaired and filled numerous holes and damage in walls of living room, bathroom and bedrooms, removed old bathroom vanity and replaced it with new vanity/sink/faucet/drain, replacement of an old toilet, resurfaced/painted tile surround and cleaned and repaired tub and pitted chrome faucet/handles, installed LVT flooring in bathroom and caulked and installed shoe molding/1/4 round trim, installed new LVT flooring in the kitchen, installed 1/4 round trim, cleaned and painted under all kitchen lower cabinets, lined shelves, and closed in bottom cabinet with birch plywood.

7. HISTORIC SIGNIFICANCE:

The structure was constructed as a single-family dwelling in 1953 and it was converted into an office after it was gifted to the Outer Banks Community Foundation in 2007. The

structure has been modernized and upgraded over the years, including current upgrades so that the structure can be used as a single-family dwelling again. The structure is a prime example of the Flat Top inspiration that Frank Stick brought to Dare County in the late 1940s. After World War II, Frank Stick acquired an option on a twenty-eight-hundred-acre tract north of Kitty Hawk for thirty thousand dollars. In the process of Mr. Stick building his own home, he creates a new vernacular architectural form: the Flat Top.

8. SPECIAL SIGNIFICANCE SUMMARY:

Frank Stick, (1884-1966), obtained an option on the land that is now Southern Shores, and supervised the platting of lots, the installation of roads, and the design and erection of the first Flat Top cottages. These now quaint architectural houses were reminiscent of the cottages he had seen in Florida, and were of cement block construction, with wide overhanging soffits, propped up shutters, and flat tar and gravel roofs. Characteristics of his architecture were the flat roofs, a structure built of blocks, at first made from local sand and an extended overhang and whitewashed interior, both intended to keep the home cool. Around 100 Flat Tops were constructed in the 1950s and 1960s and around 25 remain.

The Flat Top was adapted for its barrier island setting from the single-story, flat-roofed block houses of Florida. To those design elements, Frank Stick added an extended overhang and a bright, whitewashed exterior. These features alone deflect the sun and intense heat, which makes these homes a cool relief during the hot and humid summer months. The exposed soffits and storm shutters were painted in brilliant shades of crimson, jade, emerald, and sapphire, introducing color to an otherwise monochromatic Outer Banks landscape.

The Flat Top homes have plumbing and drain lines that are buried in the sand that have been covered by concrete and sealed. Frank Stick's Flat Top homes were second homes, which were designed so that middle-income families could enjoy the same amenities as wealthier clients. As the real-estate market fluctuated, site plans for Southern Shores were made, discharged, adopted, and abandoned during the early years of the community. The Flat Top houses become the idiom around 1965 when they become the predominant local form.

9. ABSTRACT:

In 2016, The Town of Southern Shores created the Historic Landmarks Commission and adopted an ordinance to define the process of designating Historic Landmarks within the Town. In 2023, the Town of Southern Shores purchased the 1953 Flat Top located at 13 Skyline Rd. in large part to prevent the loss of another historic property. This purchase

can be seen as evidence of the Town's desire and commitment to Historic Landmarks. It only seems logical for the Town to request that the structure located at 13 Skyline Rd. be designated a Historic Landmark.



East Side



Northwest Side



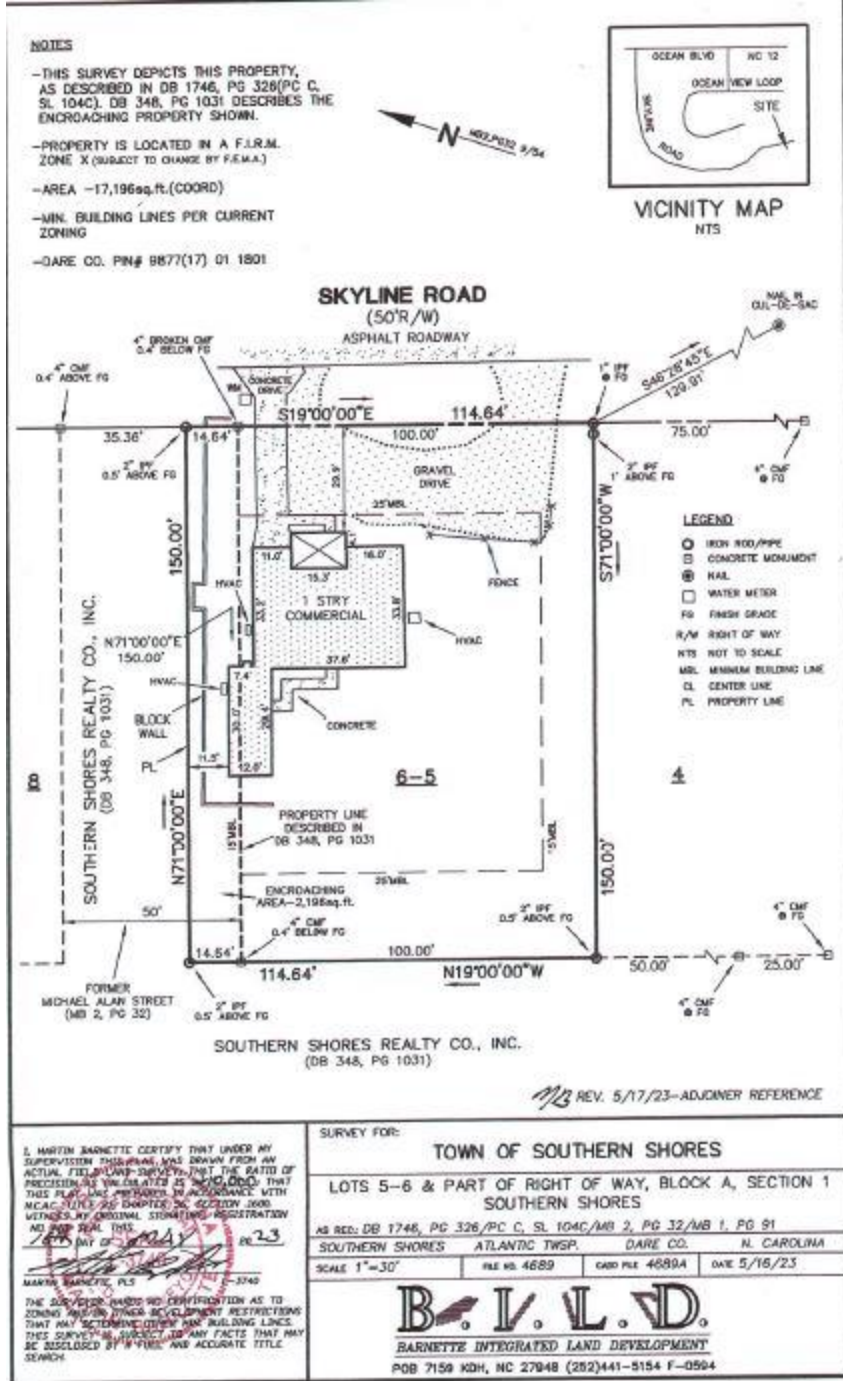
Northeast Side



West Side



South Side





BEACON
ARCHITECTURE & DESIGN, P.L.L.C.
1077 HAVEN RD. SW #100
NORTH CAROLINA 27959
PH: (252) 461-4074 FAX: (252) 281-1622

PROJECT NAME:
OBX COMMUNITY FOUNDATION
18 SKYLINE RD
SOUTHERN SHORES
NORTH CAROLINA

REVISIONS:	DATE:
AS-BUILT	7/29/14

DRAWING NAME:
ELEVATIONS

PRELIMINARY DRAWINGS:
NOT FOR CONSTRUCTION

DRAWN BY: DF

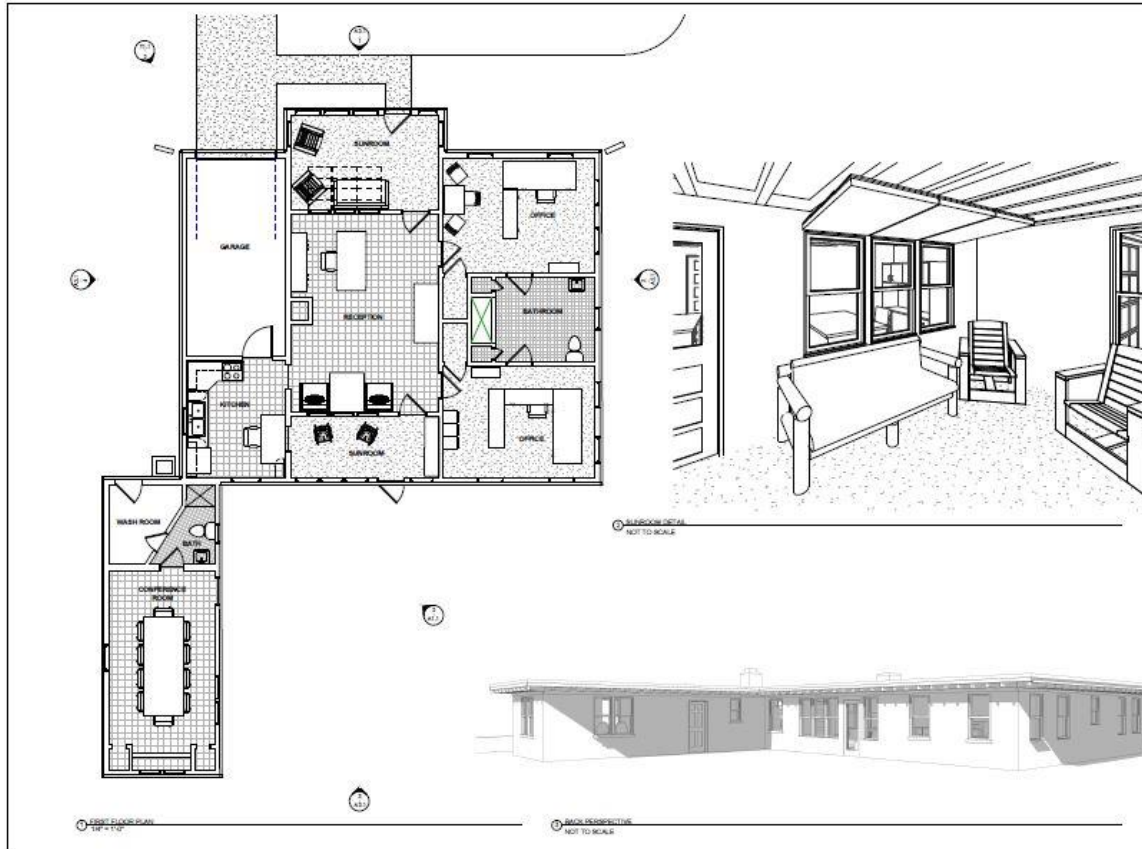
DATE: 7/29/14

SCALE: SEE PLANS

STAMP:

BEACON ARCHITECTURE & DESIGN, P.L.L.C.
1077 HAVEN RD. SW #100
NORTH CAROLINA 27959
PH: (252) 461-4074 FAX: (252) 281-1622

SHEET:
A2.1



BEACON
ARCHITECTURE & DESIGN, P.L.L.C.
1077 HAVEN RD. SW #100
NORTH CAROLINA 27959
PH: (252) 461-4074 FAX: (252) 281-1622

PROJECT NAME:
OBX COMMUNITY FOUNDATION
18 SKYLINE RD
SOUTHERN SHORES
NORTH CAROLINA

REVISIONS:	DATE:
AS-BUILT	7/29/14

DRAWING NAME:
FIRST FLOOR PLAN

PRELIMINARY DRAWINGS:
NOT FOR CONSTRUCTION

DRAWN BY: DF

DATE: 7/29/14

SCALE: SEE PLANS

STAMP:

BEACON ARCHITECTURE & DESIGN, P.L.L.C.
1077 HAVEN RD. SW #100
NORTH CAROLINA 27959
PH: (252) 461-4074 FAX: (252) 281-1622

SHEET:
A1.1

Bibliography

Nason, Christopher, AIA. Submitted documentation.

McNaughton, M. (n.d.). Outer Banks Architecture. Retrieved March 22, 2024, from

https://www.southernshoresnc.gov/sites/default/files/fileattachments/historic_landmark_commission/page/2489/completed-bk2.pdf.

Dare County. (n.d). <https://maps.darecountync.gov/>.

The Coastland Times. (n.d). <https://www.thecoastlandtimes.com/>.

Flat Tops OBX website. (n.d). <https://www.flattopsobx.com/>.



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

ORDINANCE 2024-XX-XX

ORDINANCE DESIGNATING THE STRUCTURE LOCATED

AT 13 SKYLINE RD. AS A HISTORIC LANDMARK

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in N.C.G.S. § 160D-945 and an ordinance creating the Southern Shores Historic Landmarks Commission (the “Historic Landmark Designation and Historic Landmarks Commission Ordinance”) have been met and;

WHEREAS, Southern Shores Historic Landmarks Commission has undertaken an inventory of properties of historical, architectural, prehistoric and cultural significance within the Town of Southern Shores and caused to be made an investigation and report on the historic, architectural, prehistoric, educational or cultural significance of the structure located at 13 Skyline Rd. in the Town of Southern Shores; and

WHEREAS, the record owner of the structure is the Town of Southern Shores; and

WHEREAS, a written application was received from the record owner requesting the structure be designated as a historic landmark; and

WHEREAS, the Southern Shores Historic Landmarks Commission held a public hearing on May 28, 2024 to consider designating 13 Skyline Rd. as a historic landmark; and

WHEREAS, the Southern Shores Town Council has taken into full consideration all statements and information in the application and the designation report prepared for the Southern Shores Historic Landmarks Commission and presented to the Southern Shores Town Council on the 4th day of June, 2024, on the question of designating the structure located at 13 Skyline Rd. currently owned by the Town of Southern Shores as a historic landmark, and

WHEREAS, the structure located at 13 Skyline Rd. in the Town of Southern Shores and more particularly described as the house and lots shown as Lots 5 & 6, Block A, Section 1, as shown and described in Exhibit A attached hereto, remains as an excellent example of the Flat Top vacation house form designed by famed Outer Banks developer Frank Stick; and

WHEREAS, the structure located at 13 Skyline Rd. in the Town of Southern Shores is a prime example of the Flat Top inspiration that Frank Stick brought to Dare County in the late 1940s; and

WHEREAS, the structure located at 13 Skyline Rd. in the Town of Sothern Shores was developed in 1953 which incorporated the Flat Top roof design inspired by preexisting properties developed by Frank Stick; and

WHEREAS, the Southern Shores Historic Landmarks Commission has recognized the special significance of the structure located at 13 Skyline Rd. in terms of its historical, prehistoric, design, setting, workmanship, materials, feeling and/or association and has recommended that the structure be designated a “historic landmark” as outlined in Section 17-3 of the Historic Landmark Designation and Historic Landmarks Commission Ordinance; and

WHEREAS, the Division of Archives and History of the North Carolina Department of Cultural Resources has reviewed and commented on the application and designation report for the structure located at 13 Skyline Rd.

NOW, THEREFORE BE IT ORDAINED by the Southern Shores Town Council that:

Section 1. The structure, located at 13 Skyline Rd. in the Town of Southern Shores, North Carolina jurisdictional area, more particularly described in Exhibit A, is hereby designated a historic landmark pursuant to N.C.G.S. § 160D-945 and the Southern Shores Historic Landmark Designation and Historic Landmarks Commission Ordinance.

Section 2. The owner(s) and occupants (s) of the structure located at 13 Skyline Rd. be given notice of this ordinance as required by applicable law and that a copy of this ordinance be filed and indexed in the office of the Register of Deeds of Dare County, as required by applicable law.

Section 3. In accordance with N.C.G.S. § 160D-945 and Southern Shores Historic Landmark Designation and Historic Landmarks Commission Ordinance, a second copy of the ordinance shall be kept on file in the office of the Southern Shores Town Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be kept on file with the Southern Shores Planning and Code Enforcement Department.

Section 4. In accordance with N.C.G.S. § 160D-945 of the General Statutes of North Carolina and the Southern Shores Historic Landmark Designation and Historic Landmarks Commission Ordinance, the exterior and site features of all historic landmarks are always under the purview of the Southern Shores Historic Landmarks Commission’s Certificate of Appropriateness provisions.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Any part of the ordinance determined by a court of competent jurisdiction to be in violation of any law or constitutional provision shall be deemed severable and shall not affect the validity of the remained.

Section 7. In the event the demolition, removal, or destruction of the structure is authorized as provided by law, such action may be delayed up to 365 days as provided by Section 17-9 of the Historic Landmark Designation and Historic Landmarks Commission Ordinance.

Section 8. This ordinance shall become effective immediately upon its adoption.

ATTEST:

Elizabeth Morey, Mayor

Sheila Kane, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date Adopted:

Motion to adopt by Council Member:

Motion seconded by Council Member:

Vote: 0 Ayes 0 Nays

EXHIBIT A



022872-000 20-987717-109 03/11

13 Skyline RD
 Southern Shores NC, 27949
 Parcel: 022872000
 Pin: 987717011801

Owners: Town Of Southern Shores -
 Primary Owner

Building Value: \$118,800
 Land Value: \$165,400
 Misc Value: \$0
 Total Value: \$284,200

Tax District: Southern Shores
 Subdivision: So/sh And Porton Plat A
 Sec 1
 Lot BLK-Sec: Lot: 5-6 Blk- A, Sec 1
 Property Use: Town Of Southern Shores
 Building Type: Residential 1 Family
 Year Built: 1955

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.

13 Skyline Road, Southern Shores, North Carolina 27949

Circa 1956 original construction with subsequent renovations and additions over time

Christopher Nason, AIA author of this description

The house at 13 Skyline Road in Southern Shores was originally designed in 1952 for Charles and Lovenia Hopkins and it was built in 1953. At the time, the house sat on a tall sand dune looking out at the Atlantic Ocean. Currently, the neighborhood is more built up with houses and the view of the ocean has been obscured by foliage. The town district is residential and many of the new homes are quite a bit larger and taller than this home. The lot is narrow and close to the end of a cul-de-sac. The grade of the lot drops off towards the back of the home (to the West).

The home sits low to the ground on CMU block foundations and is one story. The exterior has a horizontal feel with flat roof with broad articulated support beams. Architecturally, it is similar in construction and design to the Flat Top modernist homes in the area. Original masonry chimneys puncture the roof at the back of the house. In plan, the house is an "L" shape with the main house towards the front and a secondary dwelling unit at the rear. Currently, there is no circulation between the two dwelling units even though the forms are connected.

The current colors are predominately white with a horizontal zip of teal at the line of the eave. Double hung wood windows are present with some horizontal muntin splitting each pane. It appears that the front and back screen porch has been filled enclosed as the window style does not match the other ones. The front façade has a prominent garage door while an angled trellis's flank both sides. The other building facades are simple white stucco over CMU block.



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary Darin J. Waters, Ph.D.

April 19, 2024

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 North Virginia Dare Trail
Southern Shores, NC 27949

Email: whaskett@southernshores-nc.gov

RE: Proposed Designation of the Charles Hopkins House, 13 Skyline Rd., Southern Shores, Dare County.

Dear Mr. Haskett:

Thank you for the report you submitted on behalf of the Southern Shores Historic Preservation Commission for the proposed designation of Charles Hopkins House, 13 Skyline Rd., Southern Shores, Dare County. We have reviewed the report and offer the following comments in accordance with North Carolina General Statute 160D-946.

According to the report, the house is of special local significance because it is a prime example of the Flat Top style that Frank Stick brought to Dare County in the 1940s.

We have shared recommendations with staff to make some additions to the report. With these additions, we feel the report will provide the preservation commission and local governing board sufficient information to determine whether the Charles Hopkins House possesses the requisite special local significance and integrity for local historic landmark designation.

Local landmark designation means the community recognizes the property is worthy of preservation because of its special significance to the local community. Any substantial changes in design, materials, and appearance of the property would be subject to the design review procedures of the preservation commission. The owner may receive an annual deferral of up to fifty percent of the property taxes for as long as the property is designated and retains significance and integrity. (N.C.G.S. 105-278 *et seq.*).

Thank you for the opportunity to comment on the report. Please note, our comments are advisory only and therefore, non-binding. Once the governing board has received a recommendation from the Southern Shores Historic Preservation Commission, it should proceed in the same manner as would otherwise be

required for an amendment to the zoning ordinance. Once the decision has been made, please return a completed copy of the enclosed form or the ordinance to our office.

This letter serves as our comments on the proposed designation of the Charles Hopkins House, 13 Skyline Rd., Southern Shores, Dare County. Please contact me at Kristi.brantley@dncr.nc.gov or 919-814-6576 should you have any questions about our comments.

Sincerely,

A handwritten signature in black ink that reads "Kristi Brantley". The signature is written in a cursive, flowing style.

Kristi Brantley
Local Preservation Commissions/CLG Coordinator

CC: Commission Chair

Enclosure

BK 2701 PG 307 - 315 (9)

DOC# 700133155

This Document eRecorded:

09/29/2023 12:23:08 PM

Fee: \$26.00

Excise Tax: \$0.00

Dare County, North Carolina

Transfer Tax: \$0.00

Cheryl L. House, REGISTER OF DEEDS

Dare County Land Transfer No.: 2892-23 Land Transfer Tax: 0.00 1985 Sessions Law Chapter 570 (HB 215)

EASEMENT

This instrument prepared by Robert B. Hobbs, Jr., a licensed North Carolina Attorney
Return to Hornthal, Riley, Ellis & Maland, LLP, 2502 S. Croatan Hwy., Nags Head, NC 27959

Excise Tax: \$-0-

Transfer Tax: \$-0-

Tax Parcel: Portion of 022882000 and portion of 022872000

LT Number _____

North Carolina, Dare County

THIS ENCROACHMENT EASEMENT (this "Agreement"), made this 21 day of September, 2023 (the "Effective Date"), by and between SOUTHERN SHORES REALTY COMPANY, INC., also known as SOUTHERN SHORES REALTY CO., INC., a North Carolina corporation, whose postal mailing address is PO Box 150, Kitty Hawk, NC 27949-0150, and whose physical delivery address is 5 Ocean Blvd., Southern Shores, NC 27949 ("SSRC"), and the TOWN OF SOUTHERN SHORES, a North Carolina municipal corporation, and its successors and assigns, whose postal mailing address and physical delivery address is 5375 N. Virginia Dare Trail, Southern Shores, NC 27949 (the "Town"). SSRC and Town may be individually referred to herein as a "Party" and collectively the "Parties."

RECITALS:

A. SSRC is the owner of property described as Parcel No. 15 in that certain deed to SSRC dated January 1, 1982 and recorded in Book 348, Page 1031, Dare County Registry (the "SSRC Property").

B. Town is the owner of that certain property described as follows:

All those certain lots or parcels of land together with the improvements 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 3, Block A, Amended Portion Section 1 of the subdivision known 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 "13 Skyline Property").

C. The parties have learned that portions of the improvements and vegetation owned by Town encroach upon the SSRC Property as shown on the survey attached hereto as Exhibit A and incorporated herein by this reference (collectively, the "Encroachments").

D. The Parties desire to acknowledge the presence of the Encroachments and provide for the permissive use and continued existence of the Encroachments on the Property as set forth in this Agreement.

AGREEMENT:

In consideration of the Recitals, and other good and valuable consideration in hand paid, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Existing Structure Encroachment.** As of the Effective Date, a structure along with associated HVAC equipment are situated on the 13 Skyline Property and are shown and identified as "1 STRY COMMERCIAL" and "HVAC" on the survey by Martin Barnette, P.L.S. (the "Barnette Survey") attached as EXHIBIT A (collectively, the "Structure"). The Barnette Survey shows an encroachment of a portion of the Structure (collectively, the "Structure Encroachment") onto the SSRC Property. SSRC hereby acknowledges the encroachment of the Structure Encroachment.

2. **Structure Encroachment Easement.** SSRC grants to Town, its successors and assigns, an exclusive and perpetual right and easement (the "Structure Encroachment Easement") for the continued presence of the Structure Encroachment on the SSRC Property. The Structure Encroachment Easement shall be appurtenant to the 13 Skyline Property and shall continue and survive any transfer or conveyance of title to the 13 Skyline Property during the term of this Agreement. This grant of easement shall not apply to or be construed to allow the construction of any new encroachments arising after the date of this Agreement and shall not give SSRC the right to use the Structure Encroachment; the which are for the sole and exclusive use and benefit of Town, and its successors and assigns.

3. **Maintenance of Structure Encroachment Easement.** Following execution of this Agreement, Town, its successors and assigns, shall have the exclusive obligation to ensure that the Structure Encroachment is maintained, functioning properly and in a good state of repair, at Town's sole cost and expense. In the event that SSRC shall discover that Town has failed to repair, replace or maintain the Encroachments and such failure is a material threat to cause damage to the Property, SSRC shall have the right to give Town written notice of such condition and Town shall have a period of sixty (60) days after receipt of such written notice to repair, replace or perform the maintenance necessary to correct such condition. If Town fails to promptly undertake said repairs, maintenance or replacement within the sixty (60) day period, SSRC or its successors in title shall be entitled, but not obligated, to undertake to correct such condition. In the event that SSRC or its successors in title undertake repairs, maintenance or replacement to correct the condition pursuant to this section, then Town shall reimburse the entity undertaking the work no later than thirty (30) days after written request for the same, provided that such request is accompanied by a detailed and itemized invoice outlining the work undertaken and the costs for the same. This responsibility shall include prevention of any

excessive drainage of water onto the SSRC Property that may be caused by the Structure Encroachment.

4. **Structure Maintenance Easement.** SSRC also grants to Town, its successors and assigns, a maintenance easement to allow Town and its successors and assigns the right to temporarily access a ten-foot wide area on all sides of the Structure Encroachment Easement and within the SSRC Property for occasional maintenance and repairs to the Structure located within the Structure Encroachment Easement (the "Structure Maintenance Easement").

5. **Duration of Structure Encroachment Easement and Structure Maintenance Easement.** The Structure Encroachment Easement and the Structure Maintenance Easement shall continue and exist for as long as the Structure exists, but upon the occurrence of Substantial Damage or demolition of the Structure, the Structure Encroachment Easement and the Structure Maintenance Easement shall terminate. For purposes of this Section 5, "Substantial Damage" means damage of any origin sustained by the Structure during any one-year period whereby the cost of restoring the Structure to its before-damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred. Upon the Structure being demolished or incurring Substantial Damage, the Structure Encroachment shall not be rebuilt or reconstructed within the Structure Encroachment Easement.

6. **Easement for Maintenance of Existing Cinderblock Wall.** SSRC grants to Town, its successors and assigns, an exclusive appurtenant easement for the continued encroachment of the portion of the cinderblock wall ("the Encroaching Wall") that is encroaching into the SSRC Property as shown on the Barnette Survey attached as EXHIBIT A (the "Encroaching Wall Easement"). The Encroaching Wall Easement may be unilaterally terminated by SSRC with 90-day advance written notice to Town or the then-owner of the 13 Skyline Property, and upon such notice of termination and the expiration of the 90-day notice period, any removal of the Encroaching Wall by SSRC would be at SSRC's sole cost and expense. The notice from SSRC to the then-owner of the 13 Skyline Property to terminate the Wall Encroachment Easement would specify exactly what the SSRC plans to remove. SSRC agrees to refrain from giving a notice to terminate the Encroaching Wall Easement for a period of six (6) months after the Effective Date of this Agreement.

7. **Easement for Maintenance of Existing Shrubs; Replacement Vegetative Buffer.**

a. SSRC grants to Town, its successors and assigns, an exclusive appurtenant easement for the continued encroachment a row of existing mature evergreen shrubs (the "Encroaching Shrubs") currently located on the SSRC Property parallel to and immediately to the south of the Encroaching Wall ("the Vegetation Easement"). Town, its successors and assigns, shall maintain the Encroaching Shrubs in a good and safe condition at its sole expense. The Vegetation Easement may be unilaterally terminated by SSRC with 90-day advance written notice to Town or the then-owner of the 13 Skyline Property, and upon such notice of termination and the expiration of the 90-day notice period, any removal of the Encroaching Shrubs by SSRC would be at SSRC's sole cost and expense. The notice from SSRC to the then-owner of the 13 Skyline Property to terminate the Vegetation Easement would specify exactly what the SSRC plans to remove. SSRC agrees to refrain from giving a notice to terminate the

Encroaching Shrubs for a period of six (6) months after the Effective Date of this Agreement.

b. At such time as SSRC removes the Encroaching Shrubs as provided above, SSRC also agrees to replace the Encroaching Shrubs by installing, planting and maintaining a new vegetative buffer ("Replacement Vegetative Buffer") between the Structure and any future road or driveway which SSRC may install on the SSRC Property adjacent to the 13 Skyline Property. The size and types of plantings included in the Replacement Vegetative Buffer shall be at the sole discretion of SSRC. SSRC shall install and maintain any such Replacement Vegetative Buffer at SSRC's sole cost and expense.

8. **Indemnification.** Town and its successors and assigns will indemnify and hold SSRC harmless for any damages, claims, liability related to the use or occupancy of the Structure Encroachment.

9. **Notices.** Notices hereunder shall be effective and deemed given when deposited in the United States Mail, postage prepaid, certified mail with return receipt requested. Alternatively, the Party may use a nationally recognized commercial overnight delivery service. Notices shall be addressed to the address for each Party provided on Page 1 of this Agreement. Any Party may change the address to which such notices are to be addressed by giving each other Party notice in the manner herein set forth.

A copy of all notices to SSRC shall be provided to the following:

Maynard Nexsen PC
4141 Parklake Avenue, Suite 200
Raleigh, NC 27612
Attn: Tonya B. Powell

A copy of all notices to the Town shall be provided to the following:

Hornthal, Riley, Ellis & Maland, LLP
301 E. Main St.
Elizabeth City, NC 27909
Attn: L. Phillip Hornthal, III, Town Attorney

10. **Miscellaneous.** This Agreement constitutes the entire agreement between the Parties on this subject matter. No modification or amendment of this Agreement shall be binding unless in writing and signed by the Party against which it is sought to be enforced. No waiver of any right or remedy shall be effective unless in writing and nevertheless shall not operate as a waiver of any other right or remedy or of the same right or remedy on a future occasion. The provisions and terms of this Agreement shall be fully enforceable as against the Parties and their successors and assigns in ownership to the properties respectively. The provisions of this Agreement shall operate as a covenant running with the titles to both the SSRC Property and the 13 Skyline Property. This Agreement shall be binding upon and shall inure to the benefit of the parties and their successors and assigns. This Agreement shall be construed in accordance with the laws of the State of North Carolina without giving effect to its conflict of laws principles. All words and phrases used in this Agreement in any one number or gender shall be construed to include any other number or gender as the context requires. In the event either Party shall

institute an action to enforce the provisions of this Agreement, the Party prevailing in such action, whether by adjudication, arbitration, or settlement, shall be entitled to recover suit costs, including reasonable attorney's fees, from the other Party. The waiver by either party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of the same or any other provision of this Agreement. The headings, subheadings and captions in this Agreement and in any exhibit hereto are for reference purposes only and shall not affect the meaning or interpretation of this Agreement. The invalidity or unenforceability for any reason of any particular provision or provisions of this Agreement shall not affect the other provisions hereof, and the Agreement shall be construed in all respects as if such invalid and unenforceable provisions were omitted.

[The remainder of this page is intentionally blank. Signature pages follow]

IN WITNESS WHEREOF, this Agreement was executed and delivered as of the Effective Date.

SSRC:

SOUTHERN SHORES REALTY COMPANY, INC.
a North Carolina corporation

By: *Michael K. Stone*

Name: Michael K. Stone

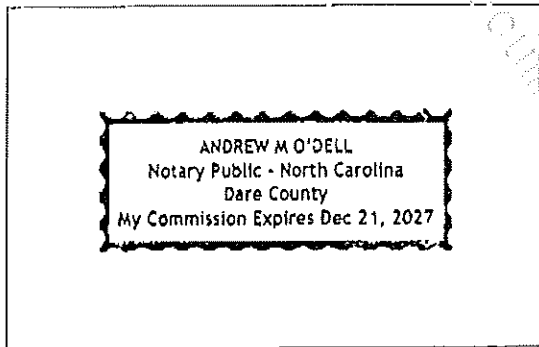
Title: Vice President / Secretary

STATE OF NORTH CAROLINA

COUNTY OF Dare

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Mike Stone

Witness my hand and seal this 21 day of September, 2023.



Affix Notary Seal Inside This Box

Andrew Michael O'Dell
Signature of Notary Public

Andrew Michael O'Dell
Typed or printed name of Notary Public

My commission expires: 12/21/27

IN WITNESS WHEREOF, and under penalty of perjury, the Town of Southern Shores has caused this instrument to be executed in its name and behalf by its Town Manager, attested by the Town Clerk and its seal affixed hereto, all as the act and deed of its Town Council, pursuant to a resolution adopted on the 5 day of September, 2023, all the day and year first above written.

TOWN OF SOUTHERN SHORES

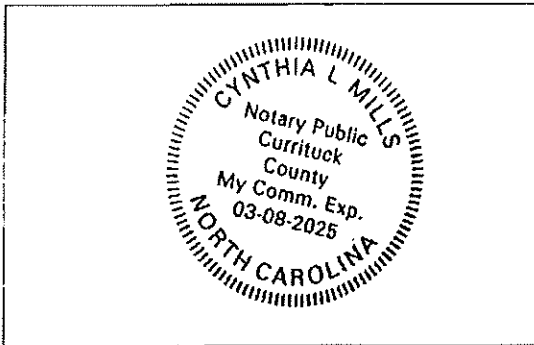
By: [Signature]
Cliff Ogburn, Town Manager

ATTEST:
[Signature]
Sheila Kane, Town Clerk



I, Cynthia L Mills, a Notary Public of the County and State aforesaid, certify that Cliff Ogburn personally came before me this day and acknowledged that he is Town Manager of the Town of Southern Shores, a North Carolina municipal corporation, and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by Sheila Kane, its Town Clerk.

Witness my hand and seal this 5th day of September, 2023.



Affix Notary Seal Inside This Box

[Signature]
Signature of Notary Public

Cynthia L Mills
Typed or printed name of Notary Public

My commission expires: 03/08/2025

EXHIBIT A

Barnette Survey

(See attached)

NOTES

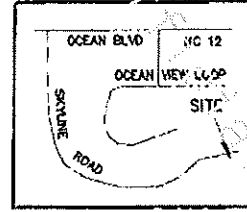
-THIS SURVEY DEPICTS THIS PROPERTY, AS DESCRIBED IN DB 1746, PG 326(PC C, SL 104C), DB 348, PG 1031 DESCRIBES THE ENCROACHING PROPERTY SHOWN.

-PROPERTY IS LOCATED IN A F.I.R.M. ZONE X (SUBJECT TO CHANGE BY F.E.M.A.)

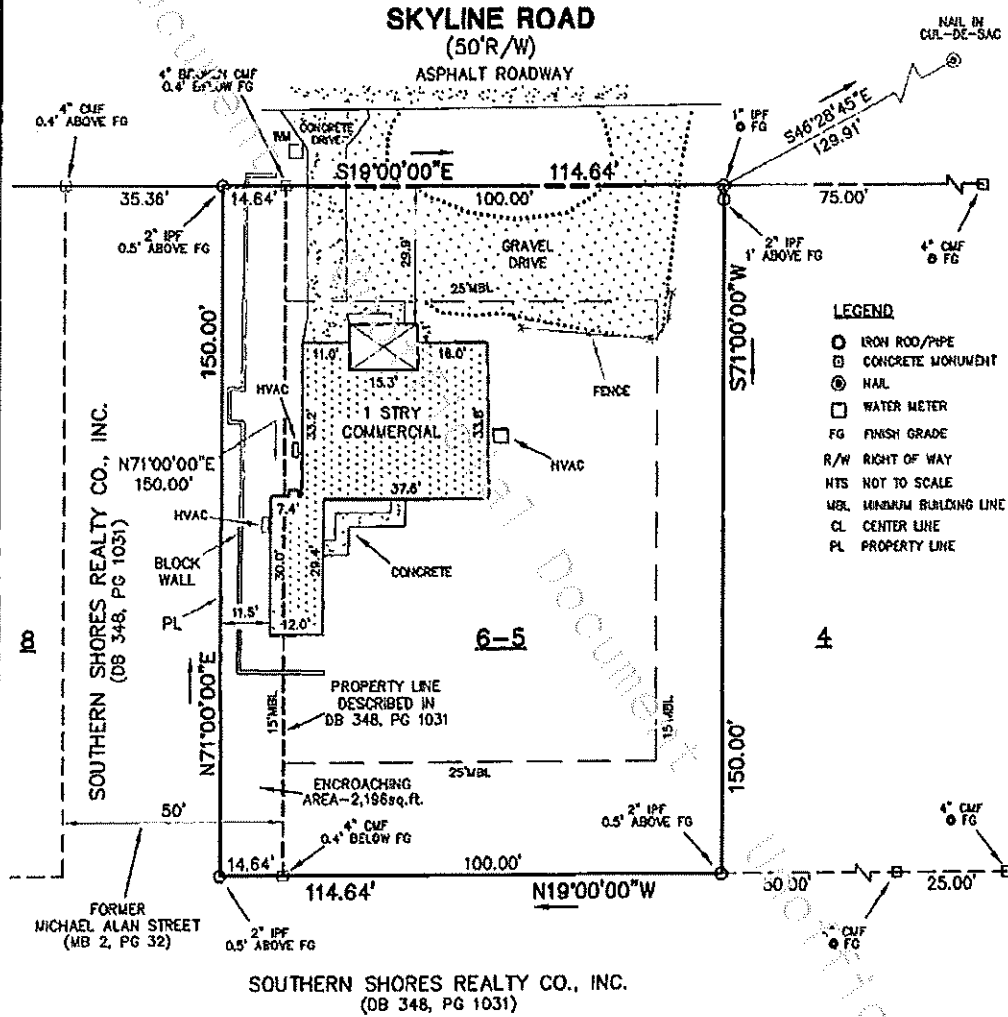
-AREA -17,186sq.ft.(COORD)

-MIN. BUILDING LINES PER CURRENT ZONING

-DARE CC. P.A.# 8877(17) 01 1801



VICINITY MAP
NTS



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

MB REV. 5/17/23-ADJONER REFERENCE

I, MARTIN BARNETTE CERTIFY THAT UNDER MY SUPERVISION THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD LAND SURVEY THAT THE RATIO OF PRECISION WAS CALCULATED AS 1/100,000 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH N.C.A.C. TITLE 21, CHAPTER 36, SECTION 1600. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NO. AND SEAL THIS 16th DAY OF MAY 2023

MARTIN BARNETTE, PLS (6-3740)

THE SURVEYOR MAKES NO CERTIFICATION AS TO ZONING AND OR OTHER DEVELOPMENT RESTRICTIONS THAT MAY APPLY TO THE OTHER MIN. BUILDING LINES. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

SURVEY FOR:			
TOWN OF SOUTHERN SHORES			
LOTS 5-6 & PART OF RIGHT OF WAY, BLOCK A, SECTION 1 SOUTHERN SHORES			
AS REC'D: DB 1746, PG 326/PC C, SL 104C/MB 2, PG 32/MB 1, PG 91			
SOUTHERN SHORES	ATLANTIC TWSP.	DARE CO.	N. CAROLINA
SCALE 1"=30'	FILE NO. 4689	CADD FILE 4689A	DATE 5/16/23
B. I. L. D.			
BARNETTE INTEGRATED LAND DEVELOPMENT			
POB 7159 KDH, NC 27848 (252)441-5154 F-0594			



Agenda Item Summary Sheet

Date: 6/4/24

Item #: 9

Item Title: 2024 Street Improvement Project-Consideration of Bid Award

Item Summary: The Town contracted with SEPI Engineering in 2021 for a Pavement Condition Survey and Capital Improvement Plan. The first year of the plan in 2022 included mostly “patching” work. Patching is accomplished by removing the existing pavement and placing new asphalt back into the excavation in compacted lifts, reconstructing the pavement. This work is done ahead of resurfacing the entire street. Patching work included in subsequent years of the plan was not recommended for funding in year two or in the present plan (year 3) presented before Council. It is now recommended that mill and fill to a depth of two inches and overlaying with new asphalt as the preferred treatment option. This allows the town to improve more streets faster. The goal of this plan as presented is to continue to improve streets with a lower pavement condition score while including street segments in close proximity, reducing the cost of mobilization.

All work on the street segments listed below includes 2in asphalt mill and fill. This method of street improvement includes patching but eliminates leveling and surface patching due to the removal of the entire pavement surface in a uniform 2in cut with a milling machine. The milling process removes the weathered and cracked asphalt surface course which is replaced with new materials. Milling allows for tying into existing grades and has less complications when working in curb and gutter areas or locations with lots of driveways.

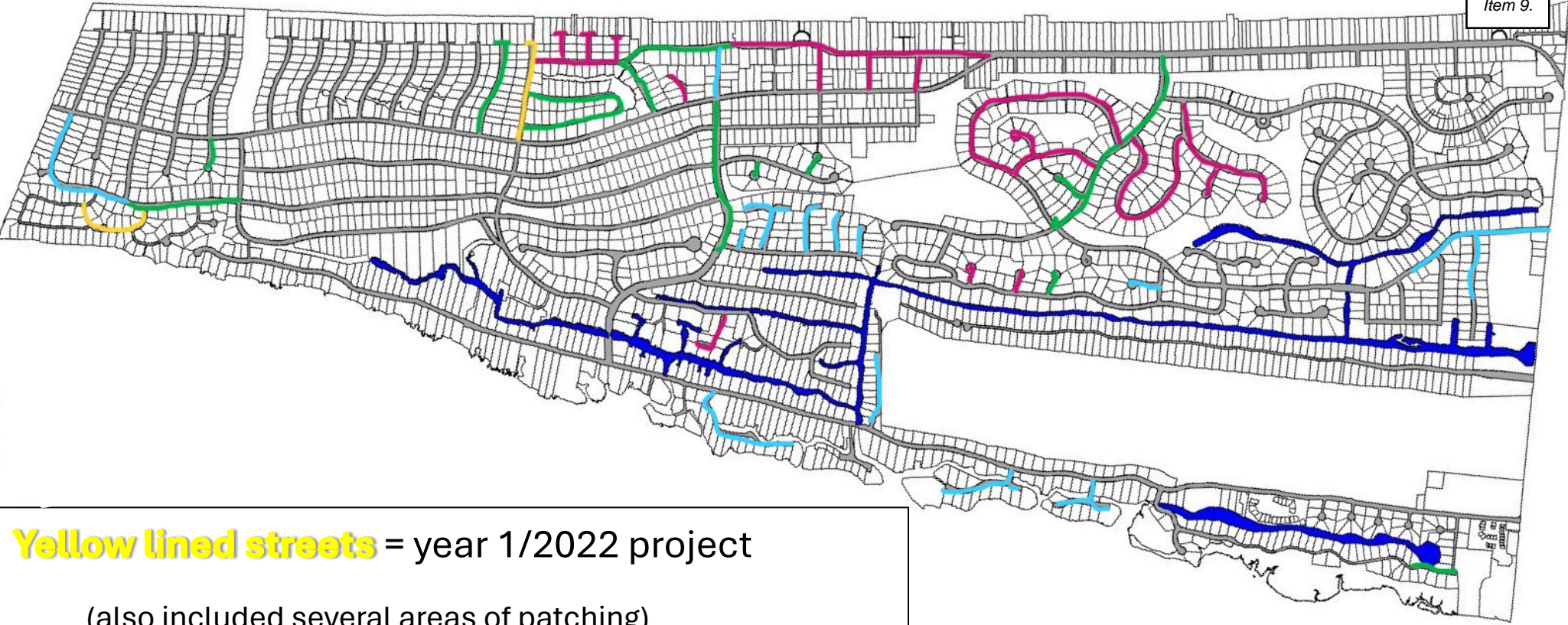
The average pavement condition score of street work was 66.37 in year one, 52.65 in year two and 64.38 in proposed year 3. Approximately 2.75 miles of streets were included in work completed in year two work and nearly 3.8 miles in the proposed project.

The Town has committed nearly \$1 million dollars each year for the last 3 years for annual street work.

STREET NAME	BEGINNING STREET	END DESCRIPTION
Ocean Blvd	Hickory Trail	Periwinkle Place
Mockingbird Lane	Entire Street	Entire Street
Sand Piper Lane	Entire Street	Entire Street
Purple Martin Lane	Entire Street	Entire Street
Clam Shell Trail	Otter Slide Lane	Chicahauk Trail
Otter Slide Lane	Entire Street	Entire Street
Ocean Blvd	E Dogwood Trail	NC12
Sandfiddler Court	Entire Street	Entire Street
Dolphin Run	Ocean Blvd	NC12
Trout Run	Entire Street	Entire Street
Porpoise Run	Ocean Blvd	NC12
Oyster Bed Lane	Entire Street	Entire Street
Bent Oak Court	Entire Street	Entire Street
Twisted Tree Court	Entire Street	Entire Street
Crooked Back Loop	Entire Street	Entire Street
Tea Plant Court	Entire Street	Entire Street
Pudding Pan Lane	Entire Street	Entire Street
Birch Lane	Entire Street	Entire Street

Staff Recommendation and Requested Action: Staff recommends the Town Council authorize the Town Manager to enter into a contract with the lowest bidder for street work. This would require a budget amendment of \$264,589. If approved, the increase in cost would reduce the amount of work funded in year 4's plan.

Attachments: Bid Form for 2024 Pavement Project



Yellow lined streets = year 1/2022 project

(also included several areas of patching)

Green lined streets = year 2/2023 project

Purple lined streets = proposed project

Blue lined streets = recent projects

Navy Blue lines = canals

Town of Southern Shores

STREET IMPROVEMENT PROJECT YEAR 3 #24 PAVE

Bid Opening May 24, 2024 10:00am

Name	Bid Package Requirements Satisfied	Lump Sum
Fred Smith Company Construction	Yes	\$1,197,975.00
Barnhill Contracting Company	Yes	\$1,194,481.18
C. D. Rose Construction	Yes	\$1,287,000.00

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

Recorded by:
David Bradley
Public Works Director

**Town of Southern Shores
Budget Amendment Number # 30**

**Public Works- Streets
Increases**

**Public Works Streets and Admin.
Decreases**

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	Revenues Unassigned Fund Balance	\$264,789			
57-50996	Expenditures Road Improvements Year 3	\$264,789			
	TOTAL			TOTAL	\$ -

Explanation: Additional amount needed for Year 3 Road Improvement Project

Recommended By:

Approved By: Town Council

Cliff Ogburn, Town Manager

Elizabeth Morey, Mayor

Date



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 4, 2024

ITEM TITLE: Planning Board Re-appointments

ITEM SUMMARY:

The appointment terms assigned to regular Planning Board members Andy Ward and Robert McClendon and alternate Planning Board members Michael Zehner and Charles Ries will expire on June 30, 2024. Each member has indicated that they are interested in serving another three-year term. There are currently three applications on file from residents that are interested in serving on the Board.

STAFF RECOMMENDATION:

Appointment or reappointment of two regular Planning Board members and two alternate Planning Board members to three-year terms that begin on July 1, 2024 and expire on June 30, 2027.

REQUESTED ACTION:

Motion to appoint or reappoint two regular Planning Board members and two alternate Planning Board members to three-year terms that begin on July 1, 2024 and expire on June 30, 2027.

SOUTHERN SHORES PLANNING BOARD
BOARD MEMBER STATUS AS OF 3/13/2024

		Cycle and Term	Term of Appt. Vacancy Created by Departure of:	TERM OF APPOINTMENT			
				Start Term	End Term		
SEATED MEMBERS (Voting)							
1	Ed Lawler	B1	Glenn Wyder	1-Jul-23	30-Jun-26	Seated	
2	Jan Collins	A2	Lynda Burek	1-Jul-22	30-Jun-25	Seated	
3	Robert McClendon	C1	David Neal	1-Jul-21	30-Jun-24	Seated	
4	Andy Ward	C2	Sam Williams	1-Jul-21	30-Jun-24	Chair	
5	Tony DiBernardo	A1	Elizabeth Morey	1-Jul-22	30-Jun-25	Seated	
ALTERNATE MEMBERS (Non-Voting)							
1	Michael Zehner	C3	Dan Fink	1-Jul-21	30-Jun-24	Alternate 1st	
2	Charles Ries	B2	Michael Zehner	1-Jul-21	30-Jun-24	Alternate 2nd	
ETJ MEMBER (Votes on items that affect Martin's Point)							
	COUNTY APPOINTED						
	John Finelli	C3		1-Jul-21	30-Jun-24	ETJ	

SOUTHERN SHORES PLANNING BOARD
BOARD MEMBER STATUS AS OF 3/13/2024

Item 10.

Date: February 28, 2024

Application for Southern Shores Planning Board

NAME: Richard W. Filling

PHONE: (Cell) 410-977-5190

Email: rwwfilling@comcast.net

ADDRESS: 131 Crooked Back Loop., Southern Shores, NC.

OCCUPATION

EMPLOYER

Current:

Retired

Prior:

Baltimore Gas & Electric (1972 to 2002)

Relevant positions:

- Director, Project Engineer
- Senior Account Director, Major Accounts
- Senior Environmental Permit Specialist

EDUCATIONAL BACKGROUND

School

Dates

Area of Study

Baltimore Polytechnic Inst.
 Community College of Baltimore
 Johns Hopkins University

1970
 1971
 1985

Engineering
 Engineering
 Engineering

Specific experience, training, or interest:

Professional:

I retired from Baltimore Gas and Electric after a successful career as a project manager and utility engineer. I have extensive experience in land development, as well as Federal, state and local permitting (including Corp of Engineers, Fish & Wildlife, DOT, Chesapeake Bay Critical Area Commission (similar to CAMA)) for large utility pipeline, substation and powerline projects. I managed large zoning projects from application to approval across the state of Maryland. I have conducted multiple interagency projects for construction as well as wetland/forestry mitigation. On retirement, I started a second career as a home improvement contractor and finish carpenter. I am fully retired now. While I have hung up my contractor's belt, I am still actively engaged in handyman and other carpentry tasks as we complete a renovation.

Volunteer Experience:

- Better Beaches (OBX)
- N.E.S.T
- Southern Shores Volunteer Fire Department Rehab Unit
- Southern Shores Volunteer Fire Department Photographer
- CPOA maintenance volunteer
- former member of the Architectural Review Committee for Ashland HOA (Hunt valley, MD - 200 home historic community)
- Past President of the National Kidney Foundation of Maryland
- Boy Scouts of America Youth Protection Coordinator, past
- BSA Eagle Scout
- America's 911 Foundation, fundraiser

Interest:

I am interested in supporting the town of Southern Shores Planning Board to maintain the coastal small-town community while balancing greater demands for infrastructure and development. I want to help bring solutions as we face significant changes in the area -- the need for housing, weekend traffic, need for employees -- all of the key elements that will ensure we are living in a thriving community. I also have extensive storm/emergency response experience from my professional career that I can leverage for hurricane preparedness and response.

TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION

DATE: March 18, 2024

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

NAME: Natalie Painter PHONE: (HOME) _____

PHONE: (WORK) 252-256-9535

Email: natalie@homesontheOBX.com

ADDRESS: PO Box 1828, Kitty Hawk, NC 27949; Physical: 98 Duck Woods Drive, Southern Shores

<p>OCCUPATION (Past & Present)</p> <p><u>Real Estate</u></p> <p>_____</p> <p>_____</p>	<p>EMPLOYER</p> <p><u>Self-Employed, Business Owner and Entrepreneur</u></p> <p>_____</p> <p>_____</p>
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EDUCATIONAL BACKGROUND			
School(s)	Dates	Area of Study	Cert or Degree
<u>Old Dominion University</u>	_____	<u>Bachelors of Science</u>	<u>Yes</u>
_____	_____	_____	_____
_____	_____	_____	_____

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

Planning Board, Town of Kill Devil Hills (Moving to Southern Shores, will force me to leave my current role with KDH)

2023 President, Outer Banks Association of REALTORS®, 2020 Rising Star Award, NC REALTORS®

Co-Chair Town of Kill Devil Hills, Community Appearance Committee (2018-2021), Alternate KDH Zoning Board of Adjustment

Volunteer Meals on Wheels Dare County, Foster Family for OBX SPCA, community volunteer and activist

After graduating from Old Dominion University, I relocated back to the Outer Banks. My family has a long-standing history here on the Outer Banks dating back to 1790. I have a unique perspective centered around respect and appreciation for the historic nature of our community, while embracing the needs of our citizens and families like my own.

DATE: May 30, 2012

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

NAME: MIKE GUARRACINO PHONE: (HOME) ^{CEU} 540 735 6323

PHONE: (WORK) N/A
Email: MQUARRACINO@VERIZON.NET

ADDRESS: 118 Tall Pine Ln

OCCUPATION (Past & Present)
DEP MARSHAL OF THE COURT
DEP DIRECTOR FP/AT
NAVAL ENLISTED & COMMISSIONED OFFICER

EMPLOYER
SUPREME COURT OF THE US
DEPARTMENT OF DEFENSE
US NAVY

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>NMIA</u>		<u>Security Management</u>	<u>BA</u>

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

SERVED ON THE COURTS ARCH REVIEW COMMITTEE & Managed Projects as Part of the Courts 120 million DOLAN MODERNIZATION

SERVED AS A MEMBER OF 2 NOA ARB's and President x 3

SERVE ON TOSS HLC

SERVED ON THE SSCA BOD