



**TOWN OF SOUTHERN SHORES**  
**TOWN COUNCIL REGULAR MEETING**

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

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

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

**PITTS CENTER**

**Tuesday, September 06, 2022 at 5:30 PM**

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## **AGENDA**

### **Call Meeting to Order**

Pledge of Allegiance

Moment of Silence

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

#### **Consent Agenda**

1. Minutes-August 2, 2022 Regular Mtg. & Closed Session
2. Budget Amendment #12 & #13
3. Tourism Board's Re-appointment of Council Member Holland through 2023
4. Government Access Channels Proposed Attendance Policy
5. Proclamation from Children and Youth Partnership -Diaper Need Awareness Week
6. Resolution in support of legislation re: digging dangerous holes on the beach

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

#### **Staff Reports**

##### **Deputy Town Manager/Planning Director**

Monthly Permit Reports

Planning Board Update

Police Chief

Fire Chief

Town Manager

Ginguite Trl. Stormwater Project Update

Beach Nourishment update

Street Paving project update

Town Attorney

#### **Old Business**

#### **New Business**

7. Public Hearing-PSP-22-01, a preliminary subdivision plat submitted by Matthew Casella to subdivide the property located at 267 Hillcrest Dr.
8. Public Hearing-ZTA-22-09, a Zoning Text Amendment application submitted by Mila Smith to amend Town Code Sections 36-163 and 36-207(b)(3)

[9.](#) Discussion of Potential Crosswalk at Tenth Ave

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

**Council Business**

**Adjourn**



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**PITTS CENTER**

**Tuesday, August 02, 2022 at 5:30 PM**

## MINUTES

**1 Call Meeting to Order**

2 Pledge of Allegiance

3 Moment of Silence

**5 Present**

6 Mayor Elizabeth Morey

7 Mayor pro tem Matt Neal

8 Council Member Leo Holland

9 Council Member Paula Sherlock

10 Council Member Mark Batenic

**12 Amendments to / Approval of Agenda**

13 **Motion** made by Council Member Holland to approve the agenda as presented, Seconded by Council  
 14 Member Sherlock. The motion passed unanimously (5-0).

15 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock,  
 16 Council Member Batenic

**18 Consent Agenda**

19 The consent agenda consisted of the following:

20 1. FY 2022-2023 Budget Amendments #2-#11 Encumbered Funds

21 2. Approval of Minutes-July 5, 2022

22 **Motion** made by Council Member Sherlock to approve the consent agenda as presented, Seconded by  
 23 Council Member Holland. The motion passed unanimously (5-0).

24 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock,  
 25 Council Member Batenic

**27 Staff Reports**

28 In absence of the Deputy Town Manager Wes Haskett, Town Manager Cliff Ogburn reported on the  
 29 Planning Board. The Planning Board will meet on August 15<sup>th</sup> at 5:00 p.m. and hear a request to have a  
 30 dance studio added to the list of permitted uses. There is the potential to hear a shared housing  
 31 request, but that item has yet to be confirmed.

32 Police Chief Kole presented the Police Department report for the month of July.

Fire Chief Limbacher presented the Fire Department report for the month of July.

Town Manager Cliff Ogburn provide the following operational highlights:

- Beach Nourishment Update- The beach nourishment schedule has changed again. The Town of Southern Shores is now scheduled mid to late September. The delay is due to one of the dredges experiencing mechanical issues but will be back in service shortly. Project completion substantial completion is dated for December 31<sup>st</sup>. Southern Shores will receive thorough daily progress and incidental reports from the contractor once they start.
- 2022 Street Improvement Project Update-Town staff placed a paving schedule in the newsletter on Friday and the contractor changed the schedule by Monday morning. With the change, street improvements have now begun on South Dogwood and are expected to last through the week. Once staff receives an updated schedule it will be made available.
- Water Main Break 7/21/22 Follow-up- Town Manager Ogburn thanked a list of people and departments that helped with the water main brake. This interruption detoured 7000 cars through South Dogwood because of this closure. Lightning was the expected cause of damage to the water line.
- Weekend Traffic Mitigation-Town staff will be placing the barricades back up this weekend, hopefully traffic has reached a manageable level.

Mayor Morey and all Council Members thanked the crews and staff involved in the July 21<sup>st</sup> incident. The vulnerability of our infrastructure was brought to light, and they are proud to know that our emergency services had a plan in place for a situation as such. The situation was handled professionally and speedily and gave a good perspective of who is working for the community.

Mayor Morey welcomed and reintroduced new Town Attorney Phillip Hornthal.

Council Member Sherlock asked the Town Attorney if they have heard anything from the amicus brief that was filed? Town Attorney Hornthal stated they have not heard anything but that was not unusual.

#### **General Public Comment**

None

#### **Old Business**

none

#### **New Business**

### **3. Southern Shores Fire Department Relief Fund Appointment (Town Rep)**

Fire Chief Limbacher presented the agenda item, stating the Fire Department Relief Fund is a board of five members, two of which are appointed by the Town Council. The Fire Chief serves as a tiebreaker vote only.



Fire Chief Limbacher introduced Mr. Rhodes who was in attendance. Mr. Rhodes is a former Dare County EMS helicopter paramedic and is a Southern Shores resident for over twenty years.

Tim Rhodes from 180 Clam Shell Trail is the recommendation from the Southern Shores Volunteer Fire Department for appointment of a Southern Shores citizen as a Trustee to the Southern Shores Fire District Firefighters' Relief Fund Board of Trustees. The Fire District Firefighters' Relief Fund is governed by state statutes of Article 84 of Chapter 58.

**Motion** made by Council Member Sherlock to appoint Tim Rhodes to the Southern Shores Fire District Fire Fighters Relief Fund Board of Trustees, Seconded by Council Member Holland. The motion passed unanimously (5-0).

Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

#### 4. Certification of Municipal Declaration to Repeal Speed Limits and Request for Concurrence

The agenda summary read as, In May of 2021, the Town Council discussed and considered a request for a lower speed limit on NC 12 through Southern Shores. As part of that discussion, a traffic study was requested of NCDOT to receive a recommendation based on data so as to have a basis for establishing the appropriate speed limit. In some cases, a municipality will request a specific speed limit for NCDOT to consider. The results of the study in that case will either confirm or contradict the request as the appropriate speed. The Town requested a study to determine what the recommended speed limit for NC 12 should be. The study considers several variables other than speed.

Roadways are initially designed to accommodate certain speeds. If requested for a State Highway System Road, a traffic engineer will perform an engineering and traffic investigation to determine the appropriate speed limit. These investigations examine:

- Road surface characteristics, shoulder conditions, roadway alignment and sight distance.
- Commercial and residential development, and roadside friction (number of driveways, parking, pedestrians, etc.).
- Safe speed for curves and other locations along the section of road being studied.
- Frequency and severity of crashes.
- 85th percentile speed —the speed at or below which 85 percent of the traffic is moving.

At present, the speed limit on NC 12 in Southern Shores is 45 mph except during May 15 to September 15 when the speed limit drops to 35 mph from the southern town line to Trout Run. The results of the study indicate that the present speed limits are consistent with the 85th percentile speed. Motorists traveling above the 85th percentile speed are considered to be exceeding the safe and reasonable speed for road and traffic conditions. The 85th

percentile speed should be taken from speed data collected during a 24-hour weekday period. Data for this study was collected during all four seasons in the year.

USLIMITS2 is a web-based tool designed to help practitioners set reasonable, safe, and consistent speed limits for specific segments of roads. For experienced engineers like those in our Division, USLIMITS2 can provide an objective second opinion and increase confidence in speed limit setting decisions. The USLIMITS2 recommendation is 40 mph.

Based upon all the criteria and data evaluated, the report's recommendation is to lower the speed limit the entire stretch of NC 12 through Southern Shores from 45 mph to 35 mph during the full year.

The NC General Statutes are written to give "local authorities" the authority upon the bases of an engineering and traffic investigation to set speed limits on state roads through their locality. Setting the speed limit at a consistent rate through town would be less confusing to all motorists. The lower speeds during the summer months were determined to be appropriate. The recommendation from the study performed by professional traffic engineers recommends the speed limit be 35 mph through town the entire year. Staff recommends that the Town Council concur with this recommendation. Shoulder seasons are reaching well beyond September and traffic remains heavy during a larger portion of the year. This increase in traffic will likely continue to make the case for the lower speed limit. The Council should be aware that the lower speed limit will permit LSV (low speed vehicles) to travel all of NC 12 year-round.

Mayor Morey stated the reduction of speed along NC12 has been discussed by members of the current council, and councils before us. Council Members and staff have received requests from citizens to reduce the speed limit on NC12 through town and last year there were several accidents which prompted the study from NCDOT. She further stated the crash data (page 16) from 2017-22 is higher than the state rate for this type of road, noting that was significant.

Council Member Sherlock stated this is a detailed report of over 50 pages. There are 202 residential driveways affected, 21 intersections without lights and several crosswalks within this 45mph speed limit. The report also mentions the amount of vegetation which create sight issues. She was in favor of lowering the speed limit to 35 mph year around. The heavy traffic volumes are no longer seasonal.

Mayor pro tem Neal stated he agreed with the consistency of having the speed limit the same for the whole stretch but did not necessarily agree with the need for it year-around. The crash data sighted many accidents at low speeds, mostly rear end occurrences.

Council Member Holland stated it was NCDOT recommendation to have it year around.

Police Chief David Kole stated mostly all the accidents in the report occurred in the 35-mph speed zone. Lowering the speed will only add 2-3 minutes of travel time to the Town of Duck

but it would allow the use of low-speed vehicle along the entire NC12 stretch in Southern Shores.

Council Member Batenic stated there are twelve crosswalks before Trout Run alone and they are very dangerous to cross with vehicles traveling at higher rates of speed. He further stated that the crosswalk light at Chicahauk is not working correctly. He was in favor of reducing the speed for the entire stretch of NC12 through Southern Shores.

Mayor Morey stated speed matters, whether it is 45mph or 35 mph, the accident interactions are going to occur but would expect one would have a potentially better outcome from a crash at a lower speed.

**Motion** made by Council Member Sherlock that in accordance with the recommendation by NCDOT and recommendation by staff, move to repeal the present speed limits on NC12 throughout Southern Shores and set the speed limit to 35 mph during the full year, Seconded by Council Member Batenic. The motion passed unanimously (5-0).  
Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

#### 5. Consideration of CAMA Land Use Plan Update Proposals

A Request for Proposals (RFP) for updating the Town's CAMA Land Use Plan was posted on the Town website and shared with the NCPlan listserv on July 1, 2022, with a deadline for submittals by 5:00 p.m. on July 22, 2022. The updated plan will also serve as the Town's Comprehensive Plan as required by N.C.G.S. Chapter 160D. Two proposals were submitted in response to the RFP and Town Staff confirmed that at least one other consulting group saw the RFP but did not feel that they could submit a competitive proposal. The first was submitted by N-Focus, based out of Kannapolis, N.C., and their estimated fee for the service is \$67,750 (not mentioned in their RFP). The second was submitted by Stewart, based out of Raleigh, N.C., and their estimated fee for the service is \$80,000. The Town Council approved \$80,000 for the project in the FY 2022-2023 budget.

The proposal submitted by Stewart touches on issues and considerations that are important to the Town, including maintaining community character. Stewart has also recently assisted the Towns of Duck and Manteo in updating their CAMA Land Use Plans (and worked with the Town of Kill Devil Hills). Although their fee is the highest of the two, Town Staff believes that they are the most qualified and responsible consultant for this project.

Council Member Batenic asked how long the projects would take and if they were usually completed on time. Town Manager Ogburn stated the project would take about 12-15 months and more often than most, they are not completed on time.

Town Manager Ogburn stated both contractors have done many Land Use Plans and we can be very specific from the beginning what our expectations are.

Council Member Holland stated the last Land Use Plan took about two years to complete.

Council Member Batenic felt the Stewart presentation was the better of the two proposals, stating the N-Focus proposal was hard to follow.

Council Member Sherlock was impressed with the Stewart presentation. She stated they picked up on a lot of current issues Southern Shores is currently dealing with and they place an emphasis on the public participation process, and she would hope that would be very broad based. Council Member Sherlock was in favor of the Stewart proposal.

Town Manager Ogburn stated Stewart just completed projects for the Town of Duck and Manteo, in which both towns stated they were pleased.

Mayor Morey stated she has spoken with the Town of Manteo, and they spoke highly of Stewart.

**Motion** made by Council Member Holland to accept Stewart's proposal to update the Town's CAMA Land Use Plan and authorization to issue a notice to proceed based on the budget estimate of \$80,000, Seconded by Mayor pro tem Neal. The motion passed unanimously (5-0). Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

Mayor Morey stated she is really looking forward to getting this project off the ground, getting public participation, and hopes it is robust and everyone take the time to participate.

6. Public Hearing-ZTA-22-07, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend multiple Articles in Chapter 36, Zoning to be consistent with N.C.G.S. 160D.

Town Attorney Hornthal opened the public hearing.

Town Manager Ogburn summarized the 160D requirements. The agenda summary presented read as, in 2019 the N.C. General Assembly enacted North Carolina General Statutes Chapter 160D, Local Planning and Development Regulation, which consolidated and clarified former Chapters 160A and 153A that addressed development regulations for Municipalities and Counties. The Chapter became effective January 1, 2021 with the requirement that all Municipalities and Counties update their ordinances to be compliant with it by July 1, 2021. Due to the Town Code Update project, Town Staff chose to postpone amending the Town Code to be compliant with Chapter 160D until the amendments from the Town Code Update project were complete.

As a result of that postponement, and in an effort to bring the Town Code into compliance with Chapter 160D without making numerous amendments, the Town Council adopted Town Code Amendment TCA-21-05 on July 6, 2021 that clarified that the North Carolina General Statutes (in particular Chapter 160D) must be satisfied whenever the Town Code conflicts with, contradicts or is otherwise inconsistent with the North Carolina General Statutes. At this point, we are moving forward with updating Chapter 36, Zoning to be consistent with N.C.G.S. 160D. The first of several ZTAs is ZTA-22-07 which includes amendments to multiple Articles in

Chapter 36 that remove all references to Conditional Use Permits and replaces them with Special Use Permits.

The proposed language also defines Special Use Permit as a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions. Like Conditional Use Permits, Special Use Permits require a recommendation from the Town Planning Board and Town Council approval following a quasi-judicial public hearing.

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board unanimously (6-0) recommended approval of the application at the July 18, 2022 Planning Board meeting.

Town Attorney Hornthal called for public comment. Hearing no one wishing to speak he closed the public hearing.

Council Member Sherlock stated this appears to be a housekeeping item.

**Motion** made by Council Member Sherlock to approve ZTA-22-07, Seconded by Council Member Holland. The motion passed unanimously (5-0).

Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

## 7. Approval of Planning Board Officers

At the July 18, 2022 Planning Board meeting, the Board reelected Andy Ward as Chairperson and Tony DiBernardo as Vice Chairperson. Section 24-24 of the Town Code states that the Planning Board shall elect its Chairperson and Vice Chairperson subject to the approval of the Town Council. If approved, they will serve as Chairperson and Vice Chairperson until July, 2023 when the next election of officers is held.

Council Member Sherlock stated they have both done an outstanding job and thanked them for their public service.

**Motion** made by Council Member Batenic to approve Andy Ward as Chairperson and Tony DiBernardo as Vice Chairperson, Seconded by Council Member Sherlock. The motion passed unanimously (5-0).

Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

Council Member Batenic thanked Andy Ward and Tony DiBernardo for their service.

8. Tourism Board Grant-Sidewalk on East Side of NC12 Between NC12/Ocean Blvd. Split to East Dogwood

The Dare County Tourism Board's Tourism Impact Grant (TIG) program was established to financially assist Dare County Governmental Units and other Non-profit Organizations with programs or services needed due to the impact of tourism on the County. Town Staff is seeking Council approval to submit a Dare County Tourism Board Tourism Impact Grant application for a sidewalk on the east side of NC 12 as follows:

- 5' wide conventional concrete walking path;
- 3,696 l.ft. extending from Ocean Blvd. north to E. Dogwood Trail running along the east side of NC Hwy 12;
- 6" path thickness;
- The volume of concrete is estimated at 342 cubic yards;
- The preliminary engineering cost estimate with a 20% contingency is \$164,256.00.

This grant has been used to offset the cost of previously constructed sidewalks and paths in the Town. If awarded, a 50% match from the Town will be required. The sidewalk was one of three sidewalks previously approved by Council as part of the Town's Capital Improvement Plan.

Council Member Holland stated Council and staff have had several requests for a path at this location.

Mayor pro tem Neal stated it is a dangerous location to walk without a sidewalk.

Town Manager Ogburn stated as part of the Land Use Plan, Council can get more input as far as the priority of these segments of walking paths.

Mayor Morey stated this was discussed at the budget workshop and this segment made it to the top of priority list for sidewalk locations. The opportunity to have the community weigh in on what they would like to see in terms of locations of sidewalks will be a great thing through our update on our Land Use Plan.

Council Member Batenic asked Town Manager Ogburn for an update to the sidewalk at Chicahauk. Town Manager Ogburn stated it would be placed out for bid in the fall.

**Motion** made by Mayor pro tem Neal to approve submittal of the Dare County Tourism Board Grant for the sidewalk from the split at Ocean Blvd to the East Dogwood intersection, Seconded by Council Member Holland. The motion passed unanimously (5-0).

Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

### General Public Comment

**Jerrica Rea-293 Sea Oats Trl-** would like Council to consider changing code 4-24 ban of fowl in town. Would like Council to consider allowing chickens in town, all issues can be managed by

regulations. There have been no nuisance complaints in neighboring towns where they are allowed.

**Carol Willett-291 Sea Oats**-neighbor to Ms. Rea and supports her request to allow chickens. The community has changed, and she does not believe homeowners will have an issue with allowing chickens, just not roosters.

**Ron Rosso-106 High Dune Loop**-not opposed to Jerrica Rea's request. Chicahauk may have covenants that would not allow chickens, but he supports the request.

### Council Business

Council Member Batenic thanked everyone for their quick response and job well done with the water main break. He expressed his concern with the safety of ebikes.

Council Member Holland provide the Tourism Board report for the month of May. Meals were off 1%, up 7% year to date. Meals are up 28% when compared to 2019 numbers. Occupancy was off 5%, up 4% year to date. Occupancy is up 87% when compared to 2019 numbers. The tax benefit from tourism saves Dare County residents approximately \$3500-3600 per person a year in tax dollars.

Council Member Sherlock stated she heard some concerns with the large trucks crossing Southern Shores bridges during the water main break emergency. She wanted the residents inquiring to know that the Town Manager has followed up with NCDOT and has it under control. She also thanked the manager for getting the potholes on South Dogwood handled so quickly.

### Mayor Morey called for a brief recess prior to a motion to go into closed session (6:45 p.m-6:52 p.m.)

Upon returning from a brief recess, **Motion** made by Mayor pro tem Neal to go into closed session pursuant to NCGS § 143-318.11(3) Attorney-Client Privilege and NCGS § 143-318.11(6) Town Manager's Annual Evaluation, Seconded by Council Member Sherlock. Motion passed unanimously (5-0).

9. Closed Session-Pursuant to NCGS § 143-318.11(3) Attorney-Client Privilege and NCGS § 143-318.11(6) Town Manager's Annual Evaluation

Upon returning to open session, **Motion** made by Council Member Holland to approve a merit raise of 2.5% for Town Manager Cliff Ogburn, Seconded by Council Member Batenic. The motion passed unanimously (5-0).

Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

### Adjourn

**Motion** made by Council Member Holland to adjourn at 8:15 p.m., Seconded by Mayor pro tem Neal. The motion passed unanimously (5-0).

Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

ATTEST:

Respectfully submitted,

\_\_\_\_\_  
A. Elizabeth Morey, Mayor

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

**The attached documents are incorporated herewith and are hereby made a part of these minutes.**



**Town of Southern Shores  
Budget Amendment Number # 12**

Police Increases			Police Decreases		
Account Number	Description	Amount	Account Number	Description	Amount
40-33500	<b>Revenues</b> Misc. Revenue	\$10,080			
51-50151	<b>Expenditures</b> Equipment Purchase	\$10,080			
TOTAL			TOTAL		\$ -

Money will be used to find service from another provider.

Approved By: Town Council

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Cliff Ogburn, Town Manager

Elizabeth Morey, Mayor

Date \_\_\_\_\_

**Town of Southern Shores  
Budget Amendment Number # 13**

[illegible]

Explanation: Increased Building Inspectors Salary as approved by Council. This amount reflects cost of increase plus benefits.

Recommended By:

Approved By: Town Council

Cliff Ogburn, Town Manager

Elizabeth Morey, Mayor

Date \_\_\_\_\_

**From:** [Cheryl Anby](#)  
**To:** [Sheila Kane](#)  
**Subject:** Tourism Board  
**Date:** Thursday, August 4, 2022 2:58:33 PM  
**Attachments:** [Tourism Board.doc](#)

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Hey Sheila: Since Dare County has one Board meeting a month now, I thought I better hop on the Tourism Board's appointments for Dec. 2022. Please provide me with an email advising if Leo Holland will serve another term - He serves on your Board through 2023, so I assume so. Thanks

**Cheryl Carnevale Anby**  
*Clerk to the Board of Commissioners*  
*Assistant to County Manager*  
P.O. Box 1000, Manteo, NC 27954  
252.475.5700 office  
252-473-7954 cell  
[www.darenc.com](http://www.darenc.com)



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**DARE COUNTY TOURISM BOARD**

(Two Year Term)

Effective January 1, 1992

The Tourism Board promotes travel to and tourism in Dare County and it's municipalities. Their objective is to promote and encourage tourism in Dare County with the aim of increasing visitation and revenue.

<b><u>MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>	<b><u>ACTION</u></b>
<b>Bambos Charalambous</b> 530 W. Aycock Street Kill Devil Hills, NC 27948 419-376-5306(C) <a href="mailto:Cyprus376@embarqmail.com">Cyprus376@embarqmail.com</a> <b>Outer Banks Chamber of Commerce</b>	12-22	Apptd. 01-21
Mark Ballog 2625 S. Bridge Lane Nags Head, NC 27948 252-573-9756(C) 252-255-5825(O) <a href="mailto:markballog@aol.com">markballog@aol.com</a> <b>DC Restaurant Assoc.</b>	12-23	Apptd. 12-21
<b>Jamie Chisholm</b> 525 West Landing Drive Kill Devil Hills, NC 27948 305-9547 (H), 261-1290 ext. 191 (O) <a href="mailto:Jamie.Chisholm@Hilton.com">Jamie.Chisholm@Hilton.com</a> <b>OB Hotel/Motel Assoc.</b>	12-22	Apptd. 1/19 Reapptd. 12/20
Gray Berryman 37 Skyline Road Southern Shores, NC 27949 <a href="mailto:Gray@GrayBerryman.com">Gray@GrayBerryman.com</a> 252.573.9503 <b>OB Assoc. of Realtors</b>	12-23	Apptd. 12/21
<b>Monica Tibodeau</b> 126 Sea Hawk Dr., W. Duck, NC 27949 252-207-7739(H) 252-255-6200(O) <a href="mailto:Monica.thibodeau@carolinadesigns.com">Monica.thibodeau@carolinadesigns.com</a> <b>Town of Duck</b>	12-22	Apptd. 12/20
<b>Leo L. Holland</b> 23 Spindrift Trail Southern Shores, NC 27949 252-255-5780(H) 252-256-2488(C) <a href="mailto:Lholland23@embarqmail.com">Lholland23@embarqmail.com</a> <b>Town of Southern Shores</b>	12-22	Apptd. 1/20 to fill term Reapptd. 12/20
David Hines 306 First Flight Run Kitty Hawk, NC 27949 <a href="mailto:Daviddcoastalncobx.com">Daviddcoastalncobx.com</a> 252-573-9547 (O) <b>Town of Kitty Hawk</b>	12-23	Apptd. 10/21

Ivy Ingram 1002 Swan Street Kill Devil Hills, NC 27948 <a href="mailto:ivyraying@gmail.com">ivyraying@gmail.com</a> 252-256-0423(H) <b>Town of Kill Devil Hills</b>	12-23	Apptd. 12/21
Michael Siers 4638 S Blue Marlin Way Nags Head, NC 27959 252.489.3861 <a href="mailto:mike.siers@nagsheadnc.gov">mike.siers@nagsheadnc.gov</a> <b>Town of Nags Head</b>	12-23	Apptd. 12/21
<b>Bobby Owens</b> P.O. Box 505 Manteo, NC 27954 252-473-2721 (H) <a href="mailto:owens@townofmanteo.com">owens@townofmanteo.com</a> <b>Town of Manteo</b>	12-22	Apptd. 1/18 to fill term Reapptd. 1/19; 12/20
Ervin Bateman 4148 Poor Ridge Road Kitty Hawk, NC 27949 252-216-1526 (C) <a href="mailto:Ervin.bateman@darenc.com">Ervin.bateman@darenc.com</a> <b>DC Commissioner</b>	12-23	Apptd. 1/20 Reapptd. 10/21
<b>Dennis Robinson</b> 58578 NC Hwy 12/Box 62 Hatteras, NC 27943 252-986-6335 (O) <a href="mailto:dennisir@midgettrealty.com">dennisir@midgettrealty.com</a> <b>Hatteras Island/ Member at Large</b>	12-22	Apptd. 10/21 (to fill term)
Timothy M. Cafferty 4628 Seascape Drive Kitty Hawk, NC 27949 252-202-9801 (H) 252-255-1220 (C) <a href="mailto:tim@outerbanksblue.com">tim@outerbanksblue.com</a> <b>Member at Large</b>	12-23	Apptd. 1/20 Reapptd. 10/21

**NOTES:****MEETING INFO:** 3<sup>rd</sup> Thursday of each month, 9:00 a.m., 1 Visitors Center Circle, Manteo, NC**CONTACT INFO:** Lee Nettles, Director, Outer Banks Visitors Center**MEMBERS COMPENSATED:** \$125 per meeting-Steering Committee Members, \$100 per meeting--other members**TERM LIMITS:** Members may only serve 2 consecutive 2-year terms  
Some members were appointed for one year in order to stagger the terms (1992)

Luther Daniels was apptd. 1/92 and resigned 5/92. Gus Granitzki was appointed to fill term.  
 Stuart Bell replaced RV Owens III 11/92; Terrence Gray replaced Cecil Williams 11/92.  
 Geneva Perry apptd. to fill term of Ozzie Gray 7/93; Don Bryan replaced Geneva Perry 11/93.  
 Carl Parrott replaced Paul Pruitt, Lacy McNeil replaced Terence Gray and Renee Cahoon replaced Don Bryan for Nags Head rep. 12/93. Geneva H. Perry apptd. to fill term of Robert Williams 11/94.

Myra Ladd replaced Stuart Bell as Ch. of Commerce rep. and Kern Pitts apptd. 12/94. Seat was left vacant by death of Wayne Gersen and Terry Gray apptd. to fill term of the late Lacy McNeil. Appt. for Town of Manteo was tabled 12/94. Edward Greene replaced Gus Granitzki 1/95; Dick Woods appointed to fill term of Kern Pitts 3/95. John Woolard replaced Mike Kelly; John Stubbings replaced Robert Middlebrooks & Stuart Bell replaced Don Bryan 12/95. Jimmy Hanks appointed to fill term of Terry Gray 1/96; Cliff Blakely replaced Warren Judge, Lee Tugwell replaced Edward Green, Tim Shearin replaced Mollie Fearing 1/97 & John Robert Hooper replaced Tim Midgett 1/97. Warren Judge replaced John Woolard 1/98; David L. Perrot replaced John Stubbings 1/98. Ken Hollowell replaced Carl Parrott 1/98; Sherry Rollason replaced Jimmy Hanks 1/98. George Farah III replaced Renee Cahoon and Stan White replaced Geneva Perry 1/98. Sterling Webster replaced Myra Ladd, Paul Sutherland replaced Dick Wood and Dawn Enochs replaced Tim Shearin 12/98. Tim Cafferty replaced David Parrott 12/99; Christine Nunemaker replaced Stuart Bell 12/99. Raju Uppalapati replaced Sterling Webster, Jeff Tack replaced Cliff Blakeley 12/00. Tim Midgett replaced John Robert Hooper, Tim Shearin replaced Dawn Enochs and Curtis Creech replaced Lee Tugwell 12/00; Bob Woodard replaced Sherry Rollason; Anna Sadler replaced George Farah III, John Robert Hooper replaced Stan White, Dawn Enoch replaced Christine Nunemaker and Doug Seay replaced Ken Hollowell 12/01; Sammy Moore replaced Warren Judge 2/02; Dellerva Collins appointed to fill term of Curtis Creech 6/02 Eugene Kennedy replaced Paul Sutherland 12/02; Neil Morrison replaced Tim Shearin 12/02. Barbara Connery replaced Tim Cafferty 12/03; Sherry Rollason replaced Bob Woodard & Bob Woodard replaced Dawn Enochs 12/03; Hal Denny filled term of Gene Kennedy 1/04. Lisa Cafferty replaced Raju Uppalapati 12/04; Michelle Pharr replaced Jeff Tack 12/04. Mike Johnson filled term of John Robert Hooper 1/05; Scott Leggat replaced Tim Midgett 1/05. Ervin Bateman replaced Doug Seay 12/05. Ben Sproul replaced Sammy Moore, Chuck Ball replaced Sherry Rollason, Renee Cahoon replaced Anna Sadler 1/06; David Farrow filled term of Dell Collins and Dan Shields apptd. to fill term of Hal Denny 1/06; Tim Shearin replaced Bob Woodard 2/06. Paul Buske apptd. to fill term of Chuck Ball 2/07; Jackie Myers replaced Barbara Connery 1/08. Ralph Buxton replaced Lisa Cafferty, Brian McDonald replaced Dan Shields & Allen Burrus replaced Scott Leggat 12/08; Sterling Webster replaced Michelle Pharr and Dave Wessel replaced Nancy Caviness 1/09; Paul Charron replaced Ben Sproul, Gary Perry replaced Ervin Bateman and Wayne Gray replaced Renee Cahoon 12/09, Mr. Gray declined appointment, Anna Sadler apptd. 1/10; Jack Shea replaced Mike Johnson 12/09; Scott Leggat replaced Tim Shearin 12/09; Monica Thibodeau apptd. to fill term of Dave Wessel & Jamie Daniels apptd. to fill term of David Farrow 1/10; Jodi Hess replaced Brian McDonald 1/11; Robert L. Woodard filled term of Paul Buske 4/11; Donnie King replaced Paul Charron 12/11; Tim Cafferty replaced Jackie Myers 12/11. Ernie Foster replaced Scott Leggat 12/11; Dorie Fuller replaced Ralph Buxton 12/12; Brent Sorensen replaced Sterling Webster 12/12; Natalie Kavanagh replaced Allen Burrus 12/12; Sheila Davies filled term of Robert Woodard 1/13. Ervin Bateman replaced Gary Perry 12/13; Susie Walters replaced Anna Sadler 12/13. Virginia Tillett replaced Jack Shea 12/13; Tonia Cohen filled term of Brent Sorensen 5/14. Nancy Caviness replaced Monica Thibodeau, 12/14; Leo Holland replaced Jodi Hess, Martha Wickre replaced Jamie Daniels and Wally Overman apptd. to fill term of Virginia Tillett 12/14. Bambos Charalambous replaced Donnie King, Stuart Pack replaced Tim Cafferty, Mike Hogan replaced Sheila Davies 12/15 & George Banks III replaced Ernie Foster 12/15; Myra Ladd-Bone replaced Dorie Fuller & Pat Weston replaced Natalie Kavanagh 12/16; Craig Garriss replaced Ervin Bateman 1/18; Christopher Nason filled term of Leo Holland 1/18; William "David" Pergerson replaced Stuart Pack, Webb Fuller replaced Susie Walters, Bobby Owens filled term of Martha Wickre & Jeff Pruitt replaced Craig Garriss who declined appointment 1/18; Chuck Burdick replaced Nancy Caviness and Jamie Chisholm replaced Tonia Cohen 1/19; Karen Loopman-Davis replaced Bambos Charalambous, Douglas R. Brindley replaced William Pergerson & Ervin Bateman replaced Wally Overman 1/20, Timmy M. Cafferty replaced George Banks, III; Leo Holland filled term of Christopher Nason & Ivy Ingram replaced Mike Hogan, 1/20; Bambos Charalambous replaced Myra Ladd-Bone, Monica Thibodeau replaced Chuck Burdick & Donna Peele replaced Pat Weston, 12/20. David Hines apptd. for Kitty Hawk, Dennis Robinson apptd. to serve remaining term of Donna Peele (Hatteras) until 12/22, Ervin Bateman reapptd. for another term and Timothy M. Cafferty reapptd. for another term as member at large. 12/6/21 appts: Mark Ballog for Restaurant Assoc., Gray Berryman for OB Assoc. of Realtors, Ivy Ingram for Kill Devil Hills and Michael Siers for Nags Head.

**REVISED 12/21**

## **Government Access Channels Proposed Attendance Policy**

1. Faithful attendance at all meetings of the committee shall be a condition of service. For purposes of this policy, "faithful attendance" at regular meetings of the committee is defined as 75% attendance of all meetings on an annual basis.
2. All candidates for appointment to serve on the committee shall affirm their commitment to faithful attendance consistent with this policy prior to appointment.
3. Any member who is unable to attend any meeting of the committee shall, to the extent practicable, inform the Chairman and/or Channels Manager of their inability to attend and the reason for such, prior to the scheduled meeting. Non-attendance determined by the Chairman to be legitimate (such as illness, death in the family, professional obligations which would result in hardship if canceled, etc.) shall be excused and shall not be considered failure to comply with the provisions of this policy.
4. Any member who consistently fails to comply with the attendance requirements of this policy shall tender his or her resignation to their participating entity and the Chairman of the committee. The participating entity would then be requested to appoint a new representative who is able to meet the attendance policy.

**From:** [Carla Heppert](#)  
**To:** [Sheila Kane](#)  
**Subject:** AGENDA ITEM: PROCLAMATION  
**Date:** Thursday, August 18, 2022 4:34:43 PM  
**Attachments:** [image001.png](#)  
[CYP Proclamation 2022- Southern Shores.docx](#)

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## AGENDA ITEM: PROCLAMATION

Good Afternoon,

My name is Carla Heppert and I am the Education & Program Evaluation Manager for Children & Youth Partnership for Dare County (CYP). At the start of the pandemic, CYP launched CYP's Diaper Bank to support families with young children in our community. Knowing the high cost of diapers and the struggles that so many families faced as a result of the onset of the pandemic, we knew this support was needed. Since that time, CYP's Diaper Bank has continued to grow in Dare County, allowing us to distribute over 5,000 packs of diapers to date, and reaching an average of 100 families monthly since the start of 2022.

At the end of September, Diaper Need will be highlighted at a national level, with September 24<sup>th</sup>-October 2<sup>nd</sup> being recognized as Diaper Need Awareness Week across the nation.

We at Children & Youth Partnership invite you to join us in recognizing Diaper Need Awareness Week, and highlighting the struggles that many families with young children face due to a lack of diapers in the home.

Attached is a Proclamation declaring September 24-October 2, 2022 as Diaper Need Awareness Week. We hope the Town of Southern Shores will consider signing and adopting this proclamation at their next meeting, in an effort to increase awareness about this national concern.

Please let me know if you have any questions or concerns. And if you could let me know that you received this, that would be wonderful!

Thanks so much! :)  
Carla Heppert



**Carla Heppert**  
 Education & Program Evaluation  
 Manager  
 252-441-0614 ext. 6  
[www.darekids.org](http://www.darekids.org)  
[cheppert@darekids.org](mailto:cheppert@darekids.org)

Like us on Facebook: [facebook.com/cypdarekids](https://facebook.com/cypdarekids)  
 Subscribe to Receive CYP Updates: [darekids.org/mailling-list](https://darekids.org/mailling-list)



report this email as spam.



**A PROCLAMATION  
DIAPER NEED AWARENESS WEEK  
SEPTEMBER 24 THROUGH OCTOBER 2ND, 2022  
#2022.09.01**

**WHEREAS**, diaper need, the condition of not having a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy, can adversely affect the health and well-being of babies, toddlers, and their families; and

**WHEREAS**, national surveys and research studies report that one in three families struggles with diaper need and 48 percent of families delay changing a diaper to extend their supply; and

**WHEREAS**, purchasing enough diapers to keep a baby or toddler clean, dry, and healthy can consume 14 percent of a low-wage family's post-tax income, making it difficult to obtain a sufficient supply; and

**WHEREAS**, a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and quality early-education programs; and

**WHEREAS**, without enough diapers, babies and toddlers risk infections and health problems that may require medical attention, and may prevent parents from attending work or school, thereby hurting the family's economic prospects and well-being; and

**WHEREAS**, the Southern Shores community recognizes that diaper need is a public health issue, and addressing diaper need can lead to economic opportunity for our families and community and improved health for children, thus ensuring all children and families have access to the basic necessities required to thrive and reach their full potential; and

**WHEREAS**, the Town of Southern Shores is proud to be home to trusted community-based organizations including Children & Youth Partnership for Dare County that recognize the importance of diapers in ensuring health and providing economic stability for families and thus distribute diapers to families through various channels.

**WE, THE TOWN OF SOUTHERN SHORES** do hereby proclaim the week of September 24 through October 2nd, 2022 as **DIAPER NEED AWARENESS WEEK**.

We thank Children & Youth Partnership, their staff and donors for their service through CYP's Diaper Bank, and encourage the citizens of our community to support CYP's Diaper Bank to help ensure that all Dare County children and families have what they need to thrive.

---

Elizabeth Morey, Mayor

---

Sheila Kane, Town Clerk



**TOWN OF SOUTHERN SHORES RESOLUTION IN SUPPORT OF LEGISLATION  
CONCERNING DIGGING DANGEROUS HOLES ON THE BEACH  
#2022.09.02**

**WHEREAS**, in recent years coastal communities, including communities on the Outer Banks, have seen an increase in the number and size of holes being dug on the beach by recreational beach users; AND

**WHEREAS**, large beach holes can collapse, trapping humans and marine life, in some cases resulting in serious injury or death; AND

**WHEREAS**, large holes on the beach can cause damage to vehicles and equipment, particularly after dark or in periods of low visibility; AND

**WHEREAS**, in May 2022 an 18-year-old boy was killed on the beach in New Jersey when he and his sister became trapped in a hole they were digging; AND

**WHEREAS**, Bradley Maron, an Assistant Professor of Medicine at Harvard Medical School has studied sand-hole collapses over the years; in a 2007 letter to the Editor of the New England Journal of Medicine, Maron documented 52 cases in the United States from 1997 to 2007 in which people were buried by collapsing beach sand; AND

**WHEREAS**; there is limited awareness of the dangers these holes pose, particularly by visitors to our coastal communities; AND

**WHEREAS**, several coastal communities have adopted ordinances that address this issue; however, these ordinances have limited remedies to promote effective compliance; AND

**WHEREAS**, the Town of Southern Shores Mayor has reached out to other North Carolina coastal towns and counties to gain support for an effort that would seek state legislation to provide stronger enforcement mechanisms for this issue; AND

**WHEREAS**, several communities have expressed interest in this issue and would be willing to support such an effort; AND

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Southern Shores, North Carolina expresses its support of state legislation which would increase our capacity to address the incredibly dangerous issue of holes on the beach.

Adopted this the 6th day of September 2022.

\_\_\_\_\_  
Elizabeth Morey, Mayor  
Town of Southern Shores

ATTEST:

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



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** September 6, 2022

**ITEM TITLE:** Public Hearing-PSP-22-01

**ITEM SUMMARY:**

The Town's Subdivision Ordinance establishes a review process for subdivisions that requires Town Council approval of all preliminary and final subdivision plats (except for exempted subdivisions). The applicant is requesting to subdivide the lot located at 267 Hillcrest Dr. into two new lots. The existing single-family dwelling and other improvements currently situated at 267 Hillcrest Dr. are proposed to be located on new Lot 1-B with a lot size of 70,360 sq. ft. and the remaining property is proposed to be located on new Lot 1-A with a lot size of 52,016 sq. ft. Both lots as proposed meet the Town's minimum lot size requirement of 20,000 sq. ft. and lot width of 100 ft. Both lots also meet the Town's frontage requirement by providing at least 30 ft. of frontage that abuts a public right-of-way or private street.

**STAFF RECOMMENDATION:**

Town Staff recommends approval of the preliminary plat with the following conditions:

1. The exemption certificate shown on the preliminary plat shall be deleted.
2. A certificate of approval by the Planning Board shall be added to the final plat.
3. A certificate of approval by the Town Council shall be added to the final plat.

The Town Planning Board unanimously (5-0) recommended approval of the preliminary plat with the above conditions at the August 15, 2022 Planning Board meeting.

**REQUESTED ACTION:**

Motion to approve PSP-22-01.

## STAFF REPORT

**To:** Southern Shores Town Council  
**Date:** September 6, 2022  
**Case:** PSP-22-01  
**Prepared By:** Wes Haskett, Deputy Town Manager/Planning Director

### **GENERAL INFORMATION**

**Applicant/Owner:** Matthew & Allison Casella  
 196 Bright Lantern Ln.  
 Southern Shores, NC 27949

**Requested Action:** Approval of Preliminary Subdivision Plat for 267 Hillcrest Dr.

**PIN #:** 986813234972

**Location:** 267 Hillcrest Dr.

**Zoning:** RS-1, Single-Family Residential District

**Existing Land Use:** “Residential”

#### **Surrounding Land Use & Zoning:**

**North-** Residential; RS-1, Single-Family Residential District

**South-** Residential; RS-1, Single-Family Residential District

**East-** Residential; RS-1, Single-Family Residential District

**West-** Residential; RS-1, Single-Family Residential District

**Physical Characteristics:** Developed

**Applicable Regulations:** Chapter 30, Subdivisions; Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VII, Schedule of District Regulations.

### **ANALYSIS**

The Town’s Subdivision Ordinance establishes a review process for subdivisions that requires Town Council approval of all preliminary and final subdivision plats (except for exempted subdivisions). The applicant is requesting to subdivide the lot located at 267 Hillcrest Dr. into two new lots. The existing single-family dwelling and other improvements currently situated at 267 Hillcrest Dr. are proposed to be located on new Lot 1-B with a lot size of 70,360 sq. ft. and the remaining property is proposed to be located on new Lot 1-A with a lot size of 52,016 sq. ft. Both lots as proposed meet the Town’s minimum lot size requirement of 20,000 sq. ft. and lot width of 100 ft. Both lots also meet the Town’s frontage requirement by providing at least 30 ft. of frontage that abuts a public right-of-way or private street.

### **RECOMMENDATION**

Town Staff recommends approval of the preliminary plat with the following conditions:

1. The exemption certificate shown on the preliminary plat shall be deleted.
2. A certificate of approval by the Planning Board shall be added to the final plat.
3. A certificate of approval by the Town Council shall be added to the final plat.

The Town Planning Board unanimously (5-0) recommended approval of the preliminary plat with the above conditions at the August 15, 2022 Planning Board meeting.



# Town of Southern Shores

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

Item 7.

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

Date: 8/4/22 Filing Fee: \$100/lot Receipt No. 667115 Application No. PSP-22-01

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

Please check the applicable Chapter/Article:

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

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

### Applicant

Name Matthew Casella  
Address: 196 Bright Lantern Lane  
Phone 804-201-0908 Email MWCasella@gmail.com

### Applicant's Representative (if any)

Name \_\_\_\_\_  
Agent, Contractor, Other (Circle one)  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

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

Address: 267 Hillcrest Drive Zoning district R5-1  
Section 94 Block 94 Lot 1 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

[Signature]  
Signature

8/4/22  
Date

\* Attach supporting documentation.



*This Plat is exempt from Town of Southern Shores subdivision review. Per Town Code Section 30-2 and N.C.G.S. 160A-376(b)*

State of North Carolina  
County of Dare

I, \_\_\_\_\_, Review Officer  
of Dare County, certify that the map or plat to which this certification  
is affixed meets all statutory requirements for recording.

Date \_\_\_\_\_ Review Officer \_\_\_\_\_

*I hereby certify that I am the owner of the property shown and described hereon, which property is located in the subdivision jurisdiction of Town of Southern Shores and that I hereby adopt this plan subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted.*

Matthew Casella Date \_\_\_\_\_

---

*Allison Casella*
*Date*

State of North Carolina  
County of Dare

I, \_\_\_\_\_, of the County and State aforesaid,  
 certify that Matthew Casella & Allison Casella, personally appeared before me this  
 day and acknowledged the execution of this foregoing instrument.

Witness my hand and official stamp or seal, this            day of            , 2022.

Notary Public

*My commission expires:* \_\_\_\_\_

I, Jamie E. Furr, Certify that this plat was drawn under my supervision from an actual survey made under my supervision (description recorded in Map No. 2, pg. 288) that the boundaries not surveyed are clearly indicated as drawn from information found in prior references, that the ratio of precision or positional accuracy as calculated is 1:10,000 and that this plat was prepared in accordance with G.S. 47-30 as amended. I further certify that this survey is of another category, such as the recombination of existing parcels, a court-ordered survey or other exemption or exception to the definition of subdivision. Witness my original signature, my office number and seal, this,

Day Of \_\_\_\_\_ 2023  
 Jamie E. Orr, Esq. L-4692

Note: Boundary Lines Not Surveyed  
Shown In Dashed Lines (— — — — —)

1. Area by coordinate computation as shown.
2. Physical address: 267 Hillcrest drive
3. Parcel ID #021406000, Pin #986813234972
4. Flood zone as shown; panel #3720986800k  
(F.I.R.M. zone subject to change by F.E.M.A.)
5. Recorded References: M.B. 2, Pg. 268, D.B. 2078, Pg. 619
6. It is the sole responsibility of the permitting municipality to verify site compliance with all ordinances, zoning, & setbacks requirements prior to the issuance of permits. Surveyor makes no certification as to compliances either shown or implied.
7. This survey is subject to any facts that may be disclosed by a full and accurate title search
8. Boundary from survey by Michael Barr dated 8/13/1982, recorded references listed and physical evidence found.



Curve Table				
Curve	Length	Radius	Direction	Chord
C1	134.91'	100.65'	S06°45'57"W	125.04'
C2	143.98'	606.41'	S38°21'53"W	143.64'
C3	44.74'	144.50'	N13°07'15"W	44.57'
C4	172.58'	202.01'	N28°43'33"W	167.38'

Line Table		
Line	Length	Bearing
L1	0.88'	S45°46'20"W
L2	0.61'	N00°00'09"W

# EASTERN GEOMATICS, PLLC

PHONE: 252-441-4590  
FIRM LIC#: P-0733

P.O. BOX 1026  
305 SOUNDVIEW DRIVE)  
KILL DEVIL HILLS, N.C. 27948

[illegible]

Matthew &amp; Allison Casella

LOT NO: **Lot 1-A & Lot 1-B, Block 94, Southern Shores**

ATLANTIC TOWNSHIP      DARE COUNTY      NORTH CAROLINA

RECOMBINATION PLAT FOR:

FILE NO.:  
**22-2061R-F**

SCALE

**SURVEYED**

**DRAWN**

**CHECKED**

DATE \_\_\_\_\_

**SHEET NO :**

1

OF 1 SHEETS





## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** September 6, 2022

**ITEM TITLE:** Public Hearing-ZTA-2209

**ITEM SUMMARY:**

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Sections 36-163 and 36-207(b)(3) to allow group fitness, aerobics, dance, martial arts, yoga, gym, and/or weight training as a permitted use in the C, General Commercial zoning district. The proposed amendments to Section 36-207(b)(3) establish the proposed use which would allow various group fitness service establishments. The proposed amendments to Section 36-163 establish the minimum parking requirement for the proposed use which requires one parking space for each 250 square feet of gross floor space. As a permitted use, such establishments could be approved administratively if they are proposed to be located in an existing building and a site plan is not required. If a site plan is required, it would have to be reviewed by the Planning Board and the Town Council.

**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 proposed ZTA. The Town Planning Board unanimously (6-0) recommended approval of the application at the August 15, 2022 Planning Board meeting.

**REQUESTED ACTION:**

Motion to approve ZTA-22-09.



## STAFF REPORT

**To:** Southern Shores Planning Board  
**Date:** September 6, 2022  
**Case:** ZTA-22-09  
**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 Sections 36-163, Off-street Parking Requirements and Section 36-207(b)(3), Service Establishments

### ANALYSIS

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Sections 36-163 and 36-207(b)(3) to allow group fitness, aerobics, dance, martial arts, yoga, gym, and/or weight training as a permitted use in the C, General Commercial zoning district. The proposed amendments to Section 36-207(b)(3) establish the proposed use which would allow various group fitness service establishments. The proposed amendments to Section 36-163 establish the minimum parking requirement for the proposed use which requires one parking space for each 250 square feet of gross floor space. As a permitted use, such establishments could be approved administratively if they are proposed to be located in an existing building and a site plan is not required. If a site plan is required, it would have to be reviewed by the Planning Board and the Town Council.

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 proposed ZTA. The Town Planning Board unanimously (6-0) recommended approval of the application at the August 15, 2022 Planning Board meeting.

# Town of Southern Shores

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

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

Date: 7 / 15 / 22

Filing Fee: \$200

Receipt No. 766792

~~27A-22-01~~ Application No.

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 Atlantic Dance / Mila Smith

Address: 1702 N. Croatan Hwy Kill Devil Hills. NC 27948

Phone 252-489-9309 Email mila@atlanticdance.com

### Applicant's Representative (if any)

Name \_\_\_\_\_

Agent, Contractor, Other (Circle one)

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

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

Address: \_\_\_\_\_ Zoning district \_\_\_\_\_

Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Lot size (sq. ft.) \_\_\_\_\_

**Request:** ☐ Site Plan Review ☐ Final Site Plan Review ☐ Conditional Use  
☐ Permitted Use

☐ PUD (Planned Unit Development) ☐ Subdivision Ordinance ☐ Vested  
Right ☐ Variance

**Change To:** ☐ Zoning Map ☒ Zoning Ordinance

Mila Smith  
Signature

7/15/22  
Date

**\* Attach supporting documentation.**



July 2022

To Whom It May Concern,

This letter is in regards to the zoning text amendment application that I am submitting today.

My name is Mila Smith and I own and operate a local dance studio currently located in Kill Devil Hills. We have been in business in The Dare Center for the past 27 years. We have taught hundreds of local children throughout these years and want to continue to do so in a new location that is better suited for our needs.

The majority of our 175 dance families live in the Southern Shores, Kitty Hawk area. Our hours of operation are after school until approximately 8:30pm Monday - Thursday and Friday mornings when we conduct our preschool program.

Most of our dancers are dropped off and picked back up at the end of their classes and a good deal of them carpool to and from the studio.

Our motto has always been:

We believe that children who have dance in their lives learn much more than the ability to just point their toes. Being a dancer is about hard work, passion, and commitment. The goal is to teach our girls life lessons through dance. What is being taught in class will carry them through to confidence, perseverance and creative skills in the real world.

Please consider approving this amendment so our girls can have the opportunity to dance and grow in a beautiful new space that they deserve.

Thank you for your time,

Mila Smith  
Atlantic Dance





**(Town of Southern Shores**

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

ZTA-22-09

8-15-22

Ordinance 2022-XX-XX

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

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

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

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

**ARTICLE II. Construction.**

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

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

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

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

**Sec. 36-163. Off-street parking requirements.**

...

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

...

b. *Public and semipublic uses.*

1. Churches: one parking space for each three seats in the sanctuary.
2. Clinic (medical and dental): five parking spaces for each doctor assigned plus one parking space for each employee, but not less than ten spaces total.
3. Elementary school: one parking space for each classroom and administrative office.
4. Event facilities: one space for each 150 square feet of floor area.
5. Public or private clubs: one parking space for each 200 square feet of gross floor space.
6. Telephone switching stations or electric substations: one parking space for each employee.
7. Group fitness, aerobics, dance, martial arts, yoga, gym, and/or weight training: one parking space for each 250 square feet of gross floor space.

...

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

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

...

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

...

(3) Service establishments, including such uses as:

- a. Banks.
- b. Barbershops and beauty shops.
- c. Business service—copying, photocopying and computer services.
- d. Churches.
- e. Dry cleaning and laundry pickup stations.
- f. Funeral homes.
- g. Group fitness, aerobics, dance, martial arts, yoga, gym, and/or weight training.
- gh. Indoor motion picture theaters.
- hi. Pharmacy, with or without a drive-through facility.
- ij. Radio and television broadcasting studios (excluding transmitter sites).
- jk. Shoe repair.

...

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

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

#### **ARTICLE V. Severability.**

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

#### **ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

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

1 Town Clerk

2  
3  
4 APPROVED AS TO FORM:

5  
6  
7 \_\_\_\_\_  
Town Attorney

8  
9 Date adopted:

10  
11 \_\_\_\_\_  
12 Motion to adopt by Councilmember:

13  
14 \_\_\_\_\_  
15 Motion seconded by Councilmember:

16  
Vote:\_\_\_AYES\_\_\_NAYS



Sea Oates

448 ft

12th Avenue

460 ft

11th Avenue

485 ft

10th Avenue

468

9th Avenue

415 ft

Hillcrest



**Findings**

- Request for crosswalk
- Less distinct trail with connectivity to Sea Oats Tr

**Recommendations**

- Study for future uncontrolled crosswalk with warning signs and overhead lighting
- Lesser priority due to proximity to 13<sup>th</sup> St crosswalk



**Findings**

- Request for crosswalk
- Trail connectivity to Sea Oats Tr
- Moderate pedestrian activity

**Recommendations**

- High visibility crosswalk across southern leg of NC 12 intersection
- W11-1 warning sign
- Overhead lighting



**Findings**

- Request for crosswalk
- Trail connectivity to Sea Oats Tr
- Moderate pedestrian activity

**Recommendations**

- High visibility crosswalk across southern leg of NC 12 intersection
- W11-1 warning sign
- Overhead lighting



## AGENDA ITEM SUMMARY # 9

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**MEETING DATE:** September 6, 2022

**ITEM TITLE:** Potential Crosswalk at 10<sup>th</sup> Avenue and Duck Road

**ITEM SUMMARY:** NC DOT Division 1 has agreed with a recommendation from an evaluation of the town's crosswalks done by the State Traffic Safety Engineer and a consultant from VHB Engineering for an additional crosswalk at 10<sup>th</sup> Ave and Duck Road. The study was performed as a cursory review while a study was being performed for the Town of Duck. DOT will fund the installation of the crosswalk and the Town will need to fund the cost for the overhead lighting.

**STAFF RECOMMENDATION And REQUESTES ACTION:** Staff recommends a motion to approve the installation of a crosswalk at 10<sup>th</sup> Avenue by NC DOT and a Town expense not to exceed \$4,000 to install the overhead solar lights.

**ATTACHMENTS:** maps depicting distance between crosswalks



