



Town of Southern Shores

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

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

www.southernshores-nc.go

July 11, 2017

COUNCIL MEETING-5:30 P.M.-PITTS CENTER

1. Opening
 - A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
 - B. Pledge of Allegiance
 - C. Moment of Silence
 - D. Amendments to / Approval of Agenda
 - E. Consent Agenda **(TAB 1)**
 - i. Minutes- June 20, 2017
2. Staff Reports
 - A. Town Planner
 - B. Police Chief
 - C. Fire Chief, Southern Shores Volunteer Fire Department
 - D. Town Manager's Report
 - E. Town Attorney's Report
3. Board Reports
 - A. Planning Board
4. General Public Comment (Limit: 3 minutes per speaker.)

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)
5. Old Business
6. New Business
 - A. Public Hearing and Consider adoption of a Capital Infrastructure Improvement Plan for Fiscal Year 2017-2018. **(TAB 2)**
 - B. Public Hearing and Consider ZTA-17-01, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Section 36-132, (c) of the Southern Shores Town Code to establish residential accessory structures existing as of January 1, 2017 which were otherwise lawful and duly permitted at the time of their construction or modification and which are nonconforming due solely to the inclusion of living space within the accessory structure as legally nonconforming. **(TAB 3)**
 - C. Budget Amendments (Projects Approved, Budgeted, and Contractually Encumbered in FY16-17, Yet Not Spent - Rollover to FY 17-18. **(TAB 4)**
 - i. Budget Amendment #1- \$44,467.00 CodeWright Contract-Town Code Rewrite Continuation
 - ii. Budget Amendment #2- \$850,000 Dare County Beach Nourishment Commitment – Re-booking Remaining TOSS Portion of Expense (\$350,000), and Re-booking County Portion of Expense (\$500,000) with Corresponding Revenue (\$500,00) to TOSS as per Interlocal Agreement w/ Dare County
 - iii. Budget Amendment #3- \$4,740.00 Street Improvement Projects - Still in Progress
7. General Public Comment (Limit: 3 minutes per speaker.)
8. Other Business
 - A. Mayor's Comments & Responses
 - B. Council Member's Comments & Responses
9. Adjourn



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**Town of Southern Shores
Regular Council Meeting
June 20, 2017**

12 The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare
13 Trail at 9:00 a.m. on Tuesday, June 20, 2017.

14
15 **COUNCIL MEMBERS PRESENT:** Mayor Bennett and Council Members Leo Holland, Chris
16 Nason, Fred Newberry, and Gary McDonald.

17
18 **COUNCIL MEMBERS ABSENT:** None

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20 **CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE**

21 Mayor Bennett called the meeting to order at 9:00 a.m., led the Pledge of Allegiance, and held a
22 moment of silence.

23
24 **AMENDMENTS / APPROVAL OF AGENDA**

25 **MOTION:** Council Member McDonald moved to approve the agenda. The motion was seconded
26 by Council Member Holland. The motion passed unanimously (5-0).

27
28 **CONSENT AGENDA**

29 The Consent Agenda consisted of the following items:

- 30 i. Minutes- May 16, 2017 & June 6, 2017
31 ii. Resolution 2017-06-02-Law Enforcement MOU Update
32 iii. Set Public Hearing for July 5, 2017 Regular Meeting – FY 17-18 Capital Infrastructure
33 Improvements

34
35 **MOTION:** Council Member McDonald moved to amend the agenda rescheduling the July 5th
36 Council meeting for July 11th at 5:30 p.m. including the public hearing and cancel the July 18th Council
37 meeting. The motion was seconded by Mayor pro tem Newberry. The motion passed unanimously (5-
38 0).

39 **MOTION:** Council Member McDonald moved to approve the consent agenda as amended. The
40 motion was seconded by Mayor pro tem Newberry. The motion passed unanimously (5-0).

41
42 **GENERAL PUBLIC COMMENT**

43 Mayor Bennett called for public comment and hearing no citizen wishing to speak, the Mayor
44 closed public comment.

45
46 **OLD BUSINESS**

47 **Agenda Item:** Ken Willson with CBI presented a PowerPoint update on the Southern Shores
48 Beach Nourishment Project. The tentative start date of Southern Shores sand placement is the
49 1st-2nd week in August.

50
51 The Town Manager asked Mr. Willson if he would comment on the pending Town staff proposal
52 (see "Next Agenda Item" under New Business below) to amend the Town's Waterways and
53 Beach Ordinance by adopting TCA-17-02 which would prohibit ocean front property owners

54 from pushing beach sand towards the dune line. Mr. Willson responded by stating it is advisable
55 not to allow beach pushes on an engineered nourished beach. The acceptable alternative to
56 nourished beach loss would be to re-nourish the beach with another engineered project at the
57 appropriate time.

58
59 [Clerk's Note: A copy of the PowerPoint presentation is attached]
60

61
62 **NEW BUSINESS:**

63 **Agenda Item:** Amendment to the Town's Noise Ordinance (Section 22-3, (c) - Exception for the
64 Work Associated with Public Beach Nourishment Projects – Staff Recommendation

65 **MOTION:** After a brief summary of the purpose by Mayor Bennett, Council Member McDonald
66 moved to amend the Town's noise ordinance by adopting TCA-17-01 as presented. The motion
67 was seconded by Council Member Holland. The motion passed unanimously (5-0).
68

69 **Next Agenda Item:** Amendment to the Town's Waterways and Beaches Ordinance (New Section
70 34-55, (e) – Prohibition of Bulldozing, Pushing, or Moving Sand on Town Beaches That Are Within
71 the Limits of a Completed Public Beach Nourishment Project – Staff Recommendation
72

73 Permit Officer Dabni Shelton gave an overview of the proposed amendment.
74

75 **MOTION:** Council Member McDonald moved to amend the Town's Waterways and Beach
76 Ordinance by adopting TCA-17-02 as presented. The motion was seconded by Council Member
77 Nason. The motion passed unanimously (5-0).
78

79 By consensus of all Council, Article III is to be corrected on proposed amendment TCA-17-01 and
80 TCA 17-02 reflecting the proper language.
81

82
83 **GENERAL PUBLIC COMMENT**

84 Mayor Bennett again called for public comment and the following citizens offered comment:
85

- 86 1. Al Ewerling, 187 S. Dogwood Trail, Southern Shores – the lane poles on the south west
87 corner of the NC12/East Dogwood project have created a very tight turn lane and larger
88 vehicles and trailers do not have enough turning room. Poles should be removed.
89
90

91 **Mayor's Comments & Response:**

92 Mayor Bennett stated Council received an invitation from ICO to attend their annual meeting at the
93 Ramada Inn in Kill Devil Hills on June 28th.
94

95 Mayor Bennett also stated Grey Berryman and Cub Scout Pack 117 sent a letter of appreciation to
96 Council, staff, the Fire Department and the Police Department for support in the Soap Box Derby
97 this year.
98

99 **Council Comments & Response:**

100 Mayor pro tem Newberry stated several residents have contacted him about the intersection of
101 NC12/ East Dogwood construction site. He stated he understands the sand fence has to stay up
102 until the vegetation or the grass starts growing but citizens are wanting to know what else is going
103 to be done to landscape that area because it is not that attractive right now. He further stated it
104 would probably be a good idea to inform people of the plans in the newsletter.
105

106 Mayor Bennett stated he addressed this at the last meeting and would be consulting with staff, and
107 local professionals to help with a design. He stated there is a lot on the table such as plantings and
108 screenings, wildflower mixes, and trees. He said it hasn't been decided yet and he would like to
109 consult the immediate neighbors as they are impacted the most. It will be addressed at the staff
110 level and publicly announced again once a decision is made.

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Council Member Nason stated it was reasonable to just announce a sentence stating that once a landscape decision is made it will be announced.

Council Member Holland stated the County passed its budget with a tax increase from \$0.43 to \$0.47 per \$100 of valuation.

MOTION: Council Member Nason stated now that the budget process is through, he would like to make a motion to suspend all mid-month meetings, unless needed as to be determined on a case by case basis. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

CLOSED SESSION

MOTION: Mayor Bennett moved for a Closed Session - NCGS § 143-318.11. (a)(6) - Consider a personnel matter regarding an individual public officer/employee of the Town. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

MOTION: Council Member Holland moved to adjourn. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0). The time was 10:00 a.m.

ATTEST:

Respectfully submitted,

Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk

For Town Council Consideration

**Staff-Recommended (Streets) and Town Council-Included by Consensus (Pedestrian Walkway)
Capital Infrastructure Improvements for Town Council Consideration FY 2017-2018
(Update initially transmitted to Town Council on February 7, 2017)
(Appropriated Funds per adopted FY 17-18 Budget = \$575,000)**

(Listed street portions as full depth rebuilds (unless noted) are recommended by staff to the Town Council for its consideration and possible decision for FY 17-18. Based on current street conditions.)

Targets' for Street Rebuild:

1. Yaupon Trail - (asphalt failure, edge failure and continuing tree root undermining.) [Include appropriate turn around development w/ bulkheading and land acquisition. [recommend phasing]
2. Juniper Trail - (asphalt failure in area south of the Juniper culvert bridge on both street and sidewalk) [funded for FY 16-17; in bid preparation process for possible Sping '17 project]; Including Palmetto Lane - midpoint of length of street to intersection with Juniper Trail
3. Clamshell Trail - western phase, Chicahauk Tr. intersection to Otter Slide (asphalt & subgrade failure) [include nearby storm water improvement for Trinite Trail]
4. Skyline Road and Highway 12 Intersection - (stormwater flooding issue)
5. Hillcrest Drive - north end from Hickory Trail intersection to SSCA tennis courts
6. Sea Oats Trail - north end from 11th Avenue to NC Highway 12
7. South Dogwood Trail - (block cracking, alligator cracking, edge failures, shoving and sloughing failures)
8. Wax Myrtle Trail - (block cracking, alligator cracking, & edge failures) [recommend partial]; Including Dolphin Run and Porpoise Run
9. Ginguite Trail - (alligator cracking, shoving and sloughing failures and subgrade failures) - [recommend partial segments]
10. Spindrift Trail/High Dune Loop/Wild Pony Lane Intersection -- (Edge failures and asphalt cracking failures)
11. Clamshell Trail - eastern phase, Otter slide to Chicahauk Trail intersection (asphalt & subgrade failure)
12. East Dogwood Trail - (asphalt & subgrade failures)
13. Wax Myrtle and Hickory Trail intersection
14. Pintail Trail - (tree root intrusion, block cracking)
15. West Holly Trail - (stormwater flooding and driveability issues)
16. Bayberry Trail including Dewberry Ln. - (asphalt and subgrade failures, root upheaval on Dewberry)
17. Land Fall Loop - (street rebuild: alligator cracking)
18. Happy Indian Lane - cul-de-sac rebuild (alligator cracking, eroded areas)
19. Teal Court-capital repair - (portion of road leading to cul-de-sac cracking)
20. North Dogwood Trail - (block cracking, alligator craking, edge failure, emergency vehicle access)
21. Turtle Pond Court - (asphalt failure, edge failure, alligator cracking)

(Included by Town Council consensus for consideration)

Other Capital Infrastructure:

1. South and East Dogwwod Trails pedestrian walkway - (Initial segment under design)

Information for Cost Consideration

I. Capital Streets

Approximate linear feet (LF) of target capital street improvements. Cost estimates, excluding engineering/design and any necessary easement acquisitions and extraordinary structural additions (i.e. bulkhead replacement), are subject to subsurface geotechnical findings (presence of peat requires more stone base, geogripping, and thicker asphalt) and any low impact development techniques incorporated for appropriate storm water management. Linear foot cost generally running \$150 / LF.

1. Yaupon Trail - Phase 1 (south end) - 1,000 LF (+/-)
- Phase 2 (north end) - 700 LF (+/-)
2. Juniper Trail - Remaining segment - 2,447 LF (+/-)
Incl. Palmetto Lane - midpoint street length to Juniper Trail - 700 LF (+/-)
3. Clamshell Trail - Chicahauk Tr. intersection to Otter Slide - 900 LF (+/-)
4. Skyline Road and Highway 12 intersection - (storm water management techniques)
5. Hillcrest Drive - Hickory Trail intersection to SSCA tennis courts - 3,700 LF (+/-)
6. Sea Oats Trail - north from 11th Avenue to NC Highway 12 - 1,947 LF (+/-)
7. South Dogwood Trail - entire length 12,408 LF (+/-)
8. Wax Myrtle Trail - East Dogwood Trail south to end 2,720 LF (+/-)
Incl. Dolphin Run - 410 LF (+/-)
Incl. Porpoise Run - 425 LF (+/-)
9. Ginguite Trail - Northern segment - 1,800 LF (+/-)
- Southern segment - 2,000 LF (+/-)
10. Spindrift Trail/High Dune Loop/Wild Pony Lane intersection - 160 LF (+/-)
11. Clamshell Trail - Otter Slide east to Chicahauk Trail - 3,440 LF (+/-)
12. East Dogwood Trail - entire length (excl. previous rebuild segment) - 5,000 LF (+/-)
13. Wax Myrtle and Hickory Trail intersection - 170 LF (+/-)
14. Pintail Trail - entire length - 750 LF (+/-)
15. West Holly Trail - entire length - 830 LF (+/-)
16. Bayberry Trail - entire length - 1,775 LF (+/-)
Incl. Dewberry Ln. - 230 LF (+/-)
17. Land Fall Loop - entire length - 330 LF (+/-)
18. Happy Indian Lane cul-de-sac - 320 LF (+/-)
19. Teal Court - S. Dogwood to cul de sac - 275 LF (+/-)
20. North Dogwood Trail - entire length - 5,966 LF (+/-)
21. Turtle Pond Court - entire length - 470 LF (+/-)

II. Other Capital Infrastructure

#1 below is being designed in segments. Estimated cost, excluding initial surveying and engineering/design, of each segment will be based on site preparation and grading, materials and construction, and any necessary supporting structures due to topography.

1. South and East Dogwood Trails pedestrian walkway - (segments) -

**Design Development Cost Estimate
for
East Dogwood Trail - 5' Wide Concrete Path - Option 1
Town of Southern Shores
Dare County
North Carolina**

Earthwork				
Item	Quantity	Unit	Unit Cost	Total Cost
Site Grading/preparation	3889	Yd*2	\$5.00	\$19,445.00
Seeding	1	Acres	\$3,100.00	\$3,100.00
Clearing & Grubbing	1	LS	\$15,000.00	\$15,000.00
Plantings	50	each	\$100.00	\$5,000.00
Subtotal 1				\$42,545.00

Paving				
Item	Quantity	Unit	Unit Cost	Total Cost
Asphalt Paving Demolition	1950	Yd*2	\$6.00	\$11,700.00
ABC Stone - (6")	51	Tons	\$45.00	\$2,295.00
Asphalt Paving - Superpave SF 9.5 A	18	Tons	\$105.00	\$1,890.00
Concrete Drives/Walks	302	Yd*3	\$325.00	\$98,150.00
Concrete Roll-back Curb/Parkway Curb	847	Fl.	\$24.00	\$20,328.00
Thermoplastic Crosswalk	305	Fl.	\$25.00	\$7,625.00
ADA Tactile Crosswalk Surface	25	each	\$500.00	\$12,500.00
Subtotal 2				\$154,488.00

Amenities				
Item	Quantity	Unit	Unit Cost	Total Cost
Municipal Garbage Cans	7	each	\$500.00	\$3,500.00
Municipal Recycling Cans	7	each	\$500.00	\$3,500.00
Shade Trellis 8'X10'	6	each	\$3,000.00	\$18,000.00
Bike Rack	4	each	\$800.00	\$3,200.00
Park Bench	8	each	\$600.00	\$4,800.00
Subtotal 3				\$33,000.00

Summary				
Earthwork				\$42,545.00
Paving				\$154,488.00
Amenities				\$33,000.00
Subtotal 4				\$230,033.00

General				
Item	Quantity	Unit	Unit Cost	Total Cost
Mobilization & Bonding	1	LS	\$5,750.83	\$5,750.83
Surveying	1	LS	\$11,501.65	\$11,501.65
Traffic Control	1	LS	\$2,300.33	\$2,300.33
Final Clean-up	1	LS	\$4,600.66	\$4,600.66
Subtotal 5				\$24,153.47
Project Price Range				Total
				\$254,186.47
				20% contingency
				\$305,023.76

Design Development Cost Estimates
for
East Dogwood Trail - Asphalt Path - Option 2
Town of Southern Shores
Dare County
North Carolina

Earthwork				
Item	Quantity	Unit	Unit Cost	Total Cost
Site Grading/preparation	3889	Yd*2	\$5.00	\$19,445.00
Seeding	1	Acres	\$3,100.00	\$3,100.00
Clearing & Grubbing	1	LS	\$15,000.00	\$15,000.00
Plantings	50	each	\$100.00	\$5,000.00
			Subtotal 1	\$42,545.00

Paving				
Item	Quantity	Unit	Unit Cost	Total Cost
Asphalt Paving Demolition	1950	Yd*2	\$6.00	\$11,700.00
ABC Stone - (6")	1093	Tons	\$45.00	\$49,185.00
Asphalt Paving - Superpave SF 9.5 A	300	Tons	\$250.00	\$75,000.00
Concrete Drives/Walks	47	Yd*3	\$325.00	\$15,275.00
Concrete Roll-back Curb/Parkway Curb	847	Ft.	\$24.00	\$20,328.00
Thermoplastic Crosswalk	305	Ft.	\$25.00	\$7,625.00
ADA Tactile Crosswalk Surface	25	each	\$500.00	\$12,500.00
			Subtotal 2	\$191,613.00

Amenities				
Item	Quantity	Unit	Unit Cost	Total Cost
Municipal Garbage Cans	7	each	\$500.00	\$3,500.00
Municipal Recycling Cans	7	each	\$500.00	\$3,500.00
Shade Trellis 8'X10'	6	each	\$3,000.00	\$18,000.00
Bike Rack	4	each	\$800.00	\$3,200.00
Park Bench	8	each	\$600.00	\$4,800.00
			Subtotal 3	\$33,000.00

Summary				
				\$42,545.00
				\$191,613.00
				\$33,000.00
			Subtotal 4	\$267,158.00

General				
Item	Quantity	Unit	Unit Cost	Total Cost
Mobilization & Bonding	1	LS	\$6,678.95	\$6,678.95
Surveying	1	LS	\$13,357.90	\$13,357.90
Traffic Control	1	LS	\$2,671.58	\$2,671.58
Final Clean-up	1	LS	\$5,343.16	\$5,343.16
			Subtotal 5	\$28,051.59

Project Price Range	Total	\$295,209.59
	20% contingency	\$354,251.51

**Design Development Cost Estimate
for
East Dogwood Trail - KBI Flexi-pave - Option 3
Town of Southern Shores
Dare County
North Carolina**

Earthwork				
Item	Quantity	Unit	Unit Cost	Total Cost
Site Grading/preparation	3889	Yd^2	\$5.00	\$19,445.00
Seeding	1	Acres	\$3,100.00	\$3,100.00
Clearing & Grubbing	1	LS	\$15,000.00	\$15,000.00
Plantings	50	each	\$100.00	\$5,000.00
			Subtotal 1	\$42,545.00

Paving				
Item	Quantity	Unit	Unit Cost	Total Cost
Asphalt Paving Demolition	1950	Yd^2	\$6.00	\$11,700.00
ABC Stone - (6")	51	Tons	\$45.00	\$2,295.00
#57 stone - (4")	642	Tons	\$50.00	\$32,100.00
KBI Flexi-pave - (1.5")	23996	sq.ft.	\$9.00	\$215,964.00
Weed Prevention Mat	2667	Yd^2	\$3.00	\$8,001.00
Concrete Drives/Walks	47	Yd^3	\$325.00	\$15,275.00
Concrete Roll-back Curb/Parkway Curb	847	Fl.	\$24.00	\$20,328.00
Thermoplastic Crosswalk	305	Fl.	\$25.00	\$7,625.00
ADA Tactile Crosswalk Surface	25	each	\$500.00	\$12,500.00
			Subtotal 2	\$325,788.00

Amenities				
Item	Quantity	Unit	Unit Cost	Total Cost
Municipal Garbage Cans	7	each	\$500.00	\$3,500.00
Municipal Recycling Cans	7	each	\$500.00	\$3,500.00
Shade Trellis 6'X10'	6	each	\$3,000.00	\$18,000.00
Bike Rack	4	each	\$800.00	\$3,200.00
Park Bench	8	each	\$600.00	\$4,800.00
			Subtotal 3	\$33,000.00

Summary				
Earthwork				\$42,545.00
Paving				\$325,788.00
Amenities				\$33,000.00
			Subtotal 4	\$401,333.00

General				
Item	Quantity	Unit	Unit Cost	Total Cost
Mobilization & Bonding	1	LS	\$10,033.33	\$10,033.33
Surveying	1	LS	\$20,066.65	\$20,066.65
Traffic Control	1	LS	\$4,013.33	\$4,013.33
Final Clean-up	1	LS	\$8,026.66	\$8,026.66
			Subtotal 5	\$42,139.97

Project Price Range	Total	\$443,472.97
	20% contingency	\$532,167.56

Tuesday July 11, 2017
 October 17, 2017, 9:00
 November 21, 2017, 9:00
 December 19, 2017, 9:00

4425 N. Virginia Dare Trail
 Manteo, NC 27954
 6-21, 28, 7-5, 12p



**Notice of Public Hearing
 Consideration of FY 2017-2018
 Capital Infrastructure Improvement
 Plan**

Notice is hereby given that the Southern Shores Town Council, as a part of its regular scheduled meeting agenda of July 11, 2017, will hold a Public Hearing to consider adoption of a Capital Infrastructure Improvement Plan for Fiscal Year 2017-2018. The regular meeting will be held at 5:30 pm on Tuesday July 11, 2017 at the Pitts Center, 5375 N. Virginia Dare Trail, Southern Shores, NC. The Town Council adopted an annual operation budget for Fiscal Year 2017-2018 on June 6, 2017. Included in that budget is an appropriation of \$ 575,000 for capital infrastructure projects to be designated and prioritized by the Town Council for implementation by the Town staff during the fiscal year.

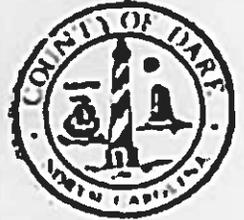
A proposed plan is viewable on the Town's website at <http://southernshores-nc.gov/wp-content/uploads/2015/02/fy-17-18-CIIP-recommended.pdf>, or a copy may be obtained at the Southern Shores Town Hall. Adopted budget documents are viewable on the Town's website at <http://southernshores-nc.gov/town-government/administration/public-documents/>, or copies may be obtained at the Southern Shores Town Hall. For additional information or questions, please contact Town Hall at (252) 281-2394.

Submitted by:
 Shelia Kane
 Town Clerk

6-21, 28c

your appearance by filing your appearance proceeding by filing your Appearance with the Clerk Court, Dare County, D. Justice Center, 902 Marsh Drive, Manteo, North Carolina above-entitled action, asserting your claim in v undersigned by July 210, to appear will subject an such orders as may be e matter.

This the 21st day of Jun
 James R. Gilreath, Jr.,
 Administrator CTA
 N.C. State Bar Number
 Rose, Harrison & Gilrea
 700 Blue Jay Street, Su
 Post Office Box 405
 Kill Devil Hills, North Ca
 Telephone: (252) 480-14
 Facsimile: (252) 480-176
 Email: jim@outerbanksla
 6



**PUBLIC NOTICE
 LEASE OF COUNTY PR**
 The Dare County Board sioners intends to enter int ment to lease space on Tower located at 24297 At Rodantho, NC, 27968. T intends to lease the prop Cellular for two (2) consec of five (5) years with annu of \$30,600. The start date will commence on March 20
 The Dare County Board sioners intends to authoriz agreement at the regularly meeting to be held Mond 7th, 2017, at 5:00 PM a County Administration Buik at 954 Marshall C. Co Manteo, NC.



PUBLIC HEARING

hereby given that on June 28, 2017 at 5:30 the Kill Devil Hills Board of rs will hold a public e meeting Room at the 1 Building, 102 Town Hall Mington Road. The pur-public hearing will be for receive public comment, and oral on the following to the Kill Devil Hills Town underlined language is to be added to the existing

DEFINITIONS

SINGLE-FAMILY. A building other than a mobile signed for or occupied by one family. The total enclosed habitable ce for any single-family will not exceed 6,000 square used habitable living space family dwellings shall be to also include any habitable living space that present in any accessory it is located on the same principal structure.

INTENT

also the intent of this section blish a set of regulations to promote and encourage the character of the residential

Order will be required to make deposit of five percent (5%) of or \$750.00, whichever is the remaining balance of amount to be paid on the day of expiration of the ten (10) day upset bid

person who occupies the pursuant to a rental entered into or renewed on October 1, 2007, may after this Notice of Foreclosure terminate the rental agreement by giving written notice of termination to the landlord, to be given on a date stated in the notice at least 10 days, but no more than 30 days, after the sale date stated in this Notice of Foreclosure provided that the mortgagor has not been in default at the time the notice is given. Upon termination of the rental agreement, the tenant is liable for the amount due under the rental agreement prorated to the effective date of termination.

Order for possession of the property being sold may be issued pursuant to N.C.G.S. §45-21.29 in favor of the purchaser and against the parties in possession, by the Superior Court of the county in which the property is sold.

The sale is set aside for any reason if the Purchaser at the sale shall fail to return of the deposit. The Purchaser shall have no recourse against the lender, the Mortgagee, the lender's attorney, or the Substitute

on the 8th day of June, 2017.
H DEBNAM NARRON DRAKE
TSING & MYERS, L.L.P.

B. Williams, Attorney for
J. Rogers, Substitute Trustee
Box 26268
Raleigh, NC 27611-6268
252-250-2000
(919)250-2211

6-28, 7-5c

This the 7th day of June, 2017
Elaine Jones
Assistant Clerk of Superior Court
Tyrrell County, North Carolina
6-14, 21, 28, 7-5c



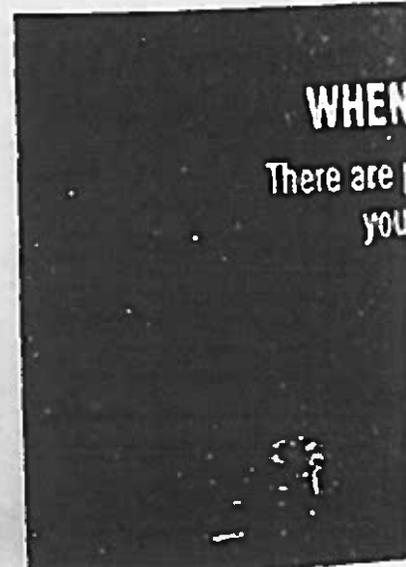
Notice of Public Hearing Consideration of FY 2017-2018 Capital Infrastructure Improvement Plan

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A proposed plan is viewable on the Town's website at <http://southernshores-nc.gov/wp-content/uploads/2015/02/ty-17-18-CIIP-recommended.pdf>, or a copy may be obtained at the Southern Shores Town Hall. Adopted budget documents are viewable on the Town's website at <http://southernshores-nc.gov/town-government/administration/public-documents/>, or copies may be obtained at the Southern Shores Town Hall. For additional information or questions, please contact Town Hall at (252) 281-2394.

Submitted by:
Sheila Kane
Town Clerk

6-21, 28c





Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27919

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 27919

Date: 5/19/17

Filing Fee: \$200

Receipt No. N/A Application No. 2TA-17-01

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

Please check the applicable Chapter/Article:

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

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

Applicant

Name Town of Southern Shores

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

Phone 252-2394 Email info@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

W. H. Hall
Signature

5-19-17
Date

* Attach supporting documentation.

STAFF REPORT

To: Southern Shores Town Council
Date: July 5, 2017
Case: ZTA-17-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Town Staff
Requested Actions: Amendment of the Town Zoning Ordinance by amending Section 36-132, (c) of the Southern Shores Town Code to establish residential accessory structures existing as of January 1, 2017 which were otherwise lawful and duly permitted at the time of their construction or modification and which are nonconforming due solely to the inclusion of living space within the accessory structure as legally nonconforming.

Amendment of the Town Flood Damage Prevention Ordinance by amending Section 16-5, (8) of the Southern Shores Town Code to establish residential accessory structures existing as of January 1, 2017 which were otherwise lawful and duly permitted at the time of their construction or modification and which are nonconforming due solely to the inclusion of working, sleeping, living, cooking or restroom space within the accessory structure as legally nonconforming so long as all such working, sleeping, living, cooking or restroom space is located above the regulatory flood protection elevation.

ANALYSIS

Town Staff is proposing a Zoning Text Amendment (ZTA) to amend Section 36-132, (c) of the Town Zoning Ordinance to establish residential accessory structures existing as of January 1, 2017 which were otherwise lawful and duly permitted at the time of their construction or modification and which are nonconforming due solely to the inclusion of living space within the accessory structure as legally nonconforming. Town Staff is also proposing to amend Section 16-5, (8) to establish residential accessory structures existing as of January 1, 2017 which were otherwise lawful and duly permitted at the time of their construction or modification and which are nonconforming due solely to the inclusion of working, sleeping, living, cooking or restroom space within the accessory structure as legally nonconforming so long as all such working, sleeping, living, cooking or restroom space is located above regulatory flood protection elevation.

The requests are a result of the fact that over the years, proposed accessory structures with living space have received permits and Certificates of Compliance/Occupancy while the Town Zoning Ordinance and Flood Damage Prevention Ordinance prohibited accessory structures from containing living space. By adopting the proposed amendments to Section 36-132, (c), all accessory structures containing living space which received permits prior to January 1, 2017 will become legally nonconforming with respect to the Town's Zoning Ordinance. By adopting the proposed amendments to Section 16-5, (8), all accessory structures within a Special Flood

Hazard Area which received permits prior to January 1, 2017 and contain working, sleeping, living, cooking or restroom space will become legally nonconforming with respect to the Town's Flood Damage Prevention Ordinance.

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

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square feet or larger) served by a small commercial district (56 acres out of 2,175 acres) 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 ZTA is consistent with the Town's currently adopted Land Use Plan and the Town Planning Board unanimously (5-0) recommended approval of the application.



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ZTA-17-01

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

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, 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 has adopted a flood damage prevention ordinance (the "Flood Ordinance" and has codified the same as Chapter 16 of the Town's Code of Ordinances; and

WHEREAS, the Town's Zoning Ordinance and Flood Ordinance currently disallow any living space to be constructed within accessory structures; and

WHEREAS, the Town has discovered that an undeterminable number of accessory structures within the Town have previously received permits and certificates of compliance or occupancy for accessory structures that include living space either before the adoption of or contrary to the restrictions in the Zoning Ordinance and Flood Ordinance; and

WHEREAS, the Town desires to allow for such living space to continue as legally nonconforming, and continue prohibition of the construction of future living space within accessory structures while regulation of such construction is further studied; 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, morals and general welfare for the Town to amend the Town's Zoning Ordinance, Flood Ordinance and Town Code 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

1 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
2 (“...”) shall remain as they currently exist within the Town Code.

3
4 **ARTICLE III. Amendment of Zoning Ordinance and Flood Damage Prevention**
5 **Ordinance.**

6
7 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
8 Southern Shores, North Carolina, that the Town Code shall be amended as follows:

9
10 **PART I.** That Town Code Sec. 36-132, (c) be amended as follows:

11
12 ...
13 (5) Residential accessory structures existing as of January 1, 2017 which were
14 otherwise lawful and duly permitted at the time of their construction or
15 modification and which are nonconforming due solely to the inclusion of living
16 space within the accessory structure shall be considered legally nonconforming
17 under this article. Such accessory structures may be modified in conformance
18 with this chapter and the nonconforming living space within them may continue
19 so long as the nonconformity is not expanded.

20
21 **PART II.** That Town Code Sec. 16-5, (8) be amended as follows:

22
23 ...
24 h. Residential accessory structures existing as of January 1, 2017 which were
25 otherwise lawful and duly permitted at the time of their construction or
26 modification and which are nonconforming due solely to the inclusion of working,
27 sleeping, living, cooking or restroom space within the accessory structure shall be
28 considered legally nonconforming under this chapter so long as all such working,
29 sleeping, living, cooking or restroom space is located above regulatory flood
30 protection elevation. Such accessory structures may be modified in conformance
31 with this chapter and the nonconforming working, sleeping, living, cooking or
32 restroom space within them may continue so long as the nonconformity is not
33 expanded.

34
35 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
36 **Reasonableness.**

37
38 The Town’s adoption of this ordinance amendment is consistent with the Town’s adopted
39 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
40 is applicable. For all of the above-stated reasons and any additional reasons supporting the
41 Town’s adoption of this ordinance amendment, the Town considers the adoption of this
42 ordinance amendment to be reasonable and in the public interest.

43
44 **ARTICLE V. Severability.**
45

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

7
8 **ARTICLE VI. Effective Date.**

9
10 This ordinance amendment shall be in full force and effect from and after the ____ day of
11 _____, 2017.

12
13
14
15 _____, Mayor
16

17
18
19 **ATTEST:**

20
21
22 _____
23 Town Clerk

24
25
26 **APPROVED AS TO FORM:**

27
28
29 _____
30 Town Attorney

31
32 **Date adopted:**

33
34 _____
35 **Motion to adopt by Councilmember:**

36 _____
37 **Motion seconded by Councilmember:**

38
39
40
41 **Vote: __AYES__ NAYS**

UNASSIGNED FUND BALANCE on June 30, 2016

\$ 3,761,481

(Unassigned Fund Balance as of the closing day of each Fiscal Year is determined by the Town Auditor per NCGS §159-8(a). Any daily balance of the UFB is subject to daily interest income, daily payables, daily receivables, taxable property base increases/decreases, budget performance, and reimbursements.)

Council FY 16-17 Draws (by enacted Budget Amendments) from UFB as of June 30, 2017:

Unspent/Reverted

Budget Amendment # 1- Code Update	65,470	44,467
Budget Amendment # 4- Historic Landmarks Designation	5,000	5,000
Budget Amendment # 5- Storm Debris Cleanup (Hermine)	40,000	
Budget Amendment # 7- HX Matthew Recovery	200,000**	
Budget Amendment # 10- Council travel to NCBIWA	1,170	
Budget Amendment # 11- Beach Nourishment Engineering & Profile Study	80,000	37,091
Budget Amendment # 12- Legal Fees & Recording of Meetings due to increased meetings	7,100	
Budget Amendment # 14- Lights at crosswalks	23,133	
Budget Amendment # 15- Beach Nourishment- Legal	25,000	
Budget Amendment # 16- Beach Nourishment	350,000	350,000
Budget Amendment # 17- Cash-Flow Assessed Portion Beach Nourishment	150,000***	150,000

** *Stafford Act* Reimbursement Applied For

*** To be Reimbursed by 5 yr. Collected Special Assessments

XX

CAPITAL RESERVE FUND as of April 12, 2017

Beginning CR Fund Balance as of 6/30/16	71,217
FY 16-17 contribution - reserved for canals	20,000
FY 16-17 contribution - other capital projects	85,506
FY 16-17 - Accrued Interest	1,000
FY 16-17 - transfer to GF for Demolition of 7 Skyline Rd	<u>11,000</u>
Current Capita Reserve Fund Total	\$ 166,723

XX

CEMETERY FUND as of April 18, 2017

6/30/16 Balance per Audit:	50,942
Cemetery Revenue through 4/18/17	10,510
Cemetery Expenses through 4/18/17	<u>< 8,009></u>
Current Cemetery Fund Total	\$ 53,443

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

**Planning
Increases**

Decreases

Account Number	Description	Amount	Account Number	Description	Amount
40-39909	Revenues Unassigned Fund Balance	\$44,467			
63-50132	Expenditures Town Code Rewrite	\$44,467			
	TOTAL			TOTAL	\$ -

Explanation: Cost to complete CodeWright contract

Recommended By:

Approved By: Town Council

J. Peter Rascoe, III, Town Manager

Tom Bennett, Mayor

Date

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

**Streets, Bridges, Canals
Increases**

Decreases

Account Number	Description	Amount	Account Number	Description	Amount
	Revenues				
40-39931	DC Beach Nourishment Grant	\$ 500,000			
40-39909	Unassigned Fund Balance	\$ 350,000			
	Expenditures				
57-50156	Beach Nourishment	\$850,000.00			

Explanation: Town's Beach Nourishment Project

Recommended By:

J. Peter Rascoe, III

Approved By:

Tom Bennett, Mayor

Date

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

Streets Increases			Streets Decreases		
Account Number	Description	Amount	Account Number	Description	Amount
40-39909	Revenues Unassigned Fund Balance	\$4,740			
57-50972	Expenditures Palmetto	\$1,240			
57-50970	Hollow Beach	\$2,650			
57-50185	Osprey	\$850			
	TOTAL			TOTAL	\$ -

Explanation: Street Improvement projects that were issued a purchase order prior to 6/30/17 but work not started until after 7/1/17. Money was appropriated in FY 16-17 but was not spent, therefore the money will rollover to UFB at 6/30/17 and must be re-appropriated in FY 17-18 budget.

Recommended By:

J. Peter Rascoe, III Town Manager

Approved By: Town Coucil

Tom Bennett , Mayor

Date