



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

January 8, 2019

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
 - i. Council Meeting Minutes – December 11, 2018 **EMAILED**
2. Presentation-Tim Sweeney, College of the Albemarle-Certification Pathways Offered to High School Students and the Community-requested by Councilman Newberry
3. Staff Reports
 - A. Deputy Town Manager/Planning Director
 - B. Police Chief
 - C. Fire Chief, Southern Shores Volunteer Fire Department
 - D. Town Manager's Report
 - E. Town Attorney's Report
4. Board Reports
 - A. Report of Planning Board
5. 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.)

6. Old Business
7. New Business
 - A. Planning Board Appointment **TAB 2**
 - B. Proposed Changes to the Dominion Energy Load Balancing Project in Southern Shores- Lucian Gregory, Dominion Energy Project Manager **TAB 3**
 - C. Resolution 2019-01-01- Resolution of The Town Council of The Town of Southern Shores, North Carolina Requesting The North Carolina General Assembly to Consider Adoption of Certain Legislation Relating to Regulating the Density Of Population And Occupancy By Limiting The Number Of Bedrooms In One- And Two-Family Structures Within The Town's Jurisdiction- requested by Mayor Bennett **TAB 4**
8. General Public Comment (Limit: 3 minutes per speaker.)
9. Other Business
 - A. Mayor's Comments & Responses
 - B. Council Member's Comments & Responses
10. Adjourn

MINUTES-EMAILED

January 2, 2019

MEMORANDUM FOR MEETING PACKETS

To: Town Council

From: Town Manager



Re: Council Appointment Process - Planning Board

Due to the recent vacancy on the Planning Board, applications from interested Town residents seeking appointment have been received. Those applications are attached (along with the current schedule of appointment terms for each seated and alternate member), and in accord with Section 14 of the Council-adopted Rules of Procedure are being *presented to the Council for discussion, nomination and a vote*. As a reminder, the process of appointment of a member to the Planning Board is a Council function pursuant to Sec. 24-24 of the Town Code. The Council may establish its own process for specific board and committee appointments.

TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION

DATE: 12/11/18

Municipal Board(s) or Committee(s) interested in: SS Town Planning Board

NAME: Patrick Regan PHONE: (HOME) _____

PHONE: (WORK) (816) 665-2797

Email: pregan123@gmail.com

ADDRESS: 1 Ninth Avenue

OCCUPATION (Past & Present)

30+ Years Food Industry General Mgmt

EMPLOYER

Unilever, AIPC, Ralcorp, ConAgra Foods

Currently retired

EDUCATIONAL BACKGROUND

School(s)

Dates

Area of Study

Cert or Degree

New Jersey Institute of Tech 9/79-6/83

Business, Engineering

Bachelor Science

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

- General Manager in business which requires organization, leadership, interpersonal, communication and decision making skills.
- Played support role with SSVFD Fire Chief to professionally plan, design, communicate and execute a new Fire Station for the Town.
- On Board of Directors at Beach Food Pantry driving fund raising to find, buy and remodel a permanent building for the BFP to operate in.
- Involved with Caring Hands, a faith-based group that provides maintenance and repairs for Davie County residents that are unable to afford them.

**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

DATE: 12-19-2018

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

Planning Board

NAME: Anthony DiBernardo PHONE: (HOME) 261-4365
PHONE: (WORK) _____

Email: Anthony081949@ICloud.com

ADDRESS: 329 Ave W Southern Shores

OCCUPATION (Past & Present)

EMPLOYER

Retired
State parole agent, Supervisor,
Deputy District Director Hearing Examiner
for the State of Pa.

Commonwealth of PA.

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>Temple U.</u>	<u>Grad. 1972</u>	<u>Anthropology</u>	<u>BA</u>
<u>CCP</u>	<u>Grad. 1968</u>	<u>Liberal Arts</u>	<u>AA</u>

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

Hearing Examiner - Legally Review cases, Rule on cases and either sentence or Release Accused. Review the eligibility of inmates for Parole

S.S. Vegetation Board/Committee - Developed Vegetation Ordinance for the Town

ARB Civic Association - Chairman for 3 years of ARB which Reviews construction and Renodel Applications for compliance with covenants.

Historical Landmark Commission - Vice Chair since its inception Reviews and evaluates applications for acceptance as a Historical Landmark property

**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

DATE: 12/05/18

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

NAME: Ed Lawler PHONE: (HOME) 261-5482
PHONE: (WORK) 216-8354
Email: edward.lawler@icloud.com

ADDRESS: 81 Gravey Pond Lane

OCCUPATION (Past & Present)	EMPLOYER
<u>Project Manager</u>	<u>Self</u>
_____	_____
_____	_____

EDUCATIONAL BACKGROUND			
School(s)	Dates	Area of Study	Cert or Degree
<u>College of William & Mary</u>	<u>1972-1976</u>	<u>Marine Science</u>	<u>M. A. Marine Sci</u>
<u>Belmont Abbey College</u>	<u>1967-1972</u>	<u>Biology</u>	<u>Biology</u>
_____	_____	_____	_____

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

- Treasurer - Chicahauk Property Owners Assoc.
- Project Manager- LKC Engineering
- Project Manager- Hobbs, Upchurch & Assoc.
- _____
- _____
- _____
- _____
- _____

Peter Rascoe

From: Jason A Hathcock <jason.a.hathcock@dominionenergy.com>
Sent: Tuesday, December 11, 2018 12:27 PM
To: Peter Rascoe
Subject: Proposed changes to the Dominion Energy load balancing project in Southern Shores
Attachments: SKETCH 1.pdf; SKETCH 2.pdf; SKETCH 3.pdf

Hello Peter. I am writing to inform you that Dominion Energy has proposed some field changes to Phase 1 of the Load Balancing project in Southern Shores in an effort to underground additional overhead lines and create a more reliable system. Sketches of the proposed changes are attached.

The field changes would involve drilling an additional underground primary power line from transformer HL37 on Dogwood Trail to transformer GK52 located on Tall Pine Lane. Another piece of primary cable would also be drilled from Dogwood Trail near transformer EN86 to Yaupon Trail and over to Sassafras Lane ending at transformer GA11. This field change would allow for the removal of the overhead line from HO18 to GO06 that crosses the canal on Yaupon Trail. In order to complete this field change, we would need to acquire additional right of way from Southern Shores along the proposed path.

We would like to share our proposed field changes with you to discuss any concerns or questions that you or the community may have with this change. If Southern Shores and the residents are in favor of this field change, we would like to move forward with obtaining the additional right of way easements from Southern Shores to accommodate the field changes. Please let me know what I can provide you in order for the Southern Shores community to make a decision on these field changes. Once we have agreement from Southern Shores and the residents, we will forward the easement for your review and signature. Thanks Peter.

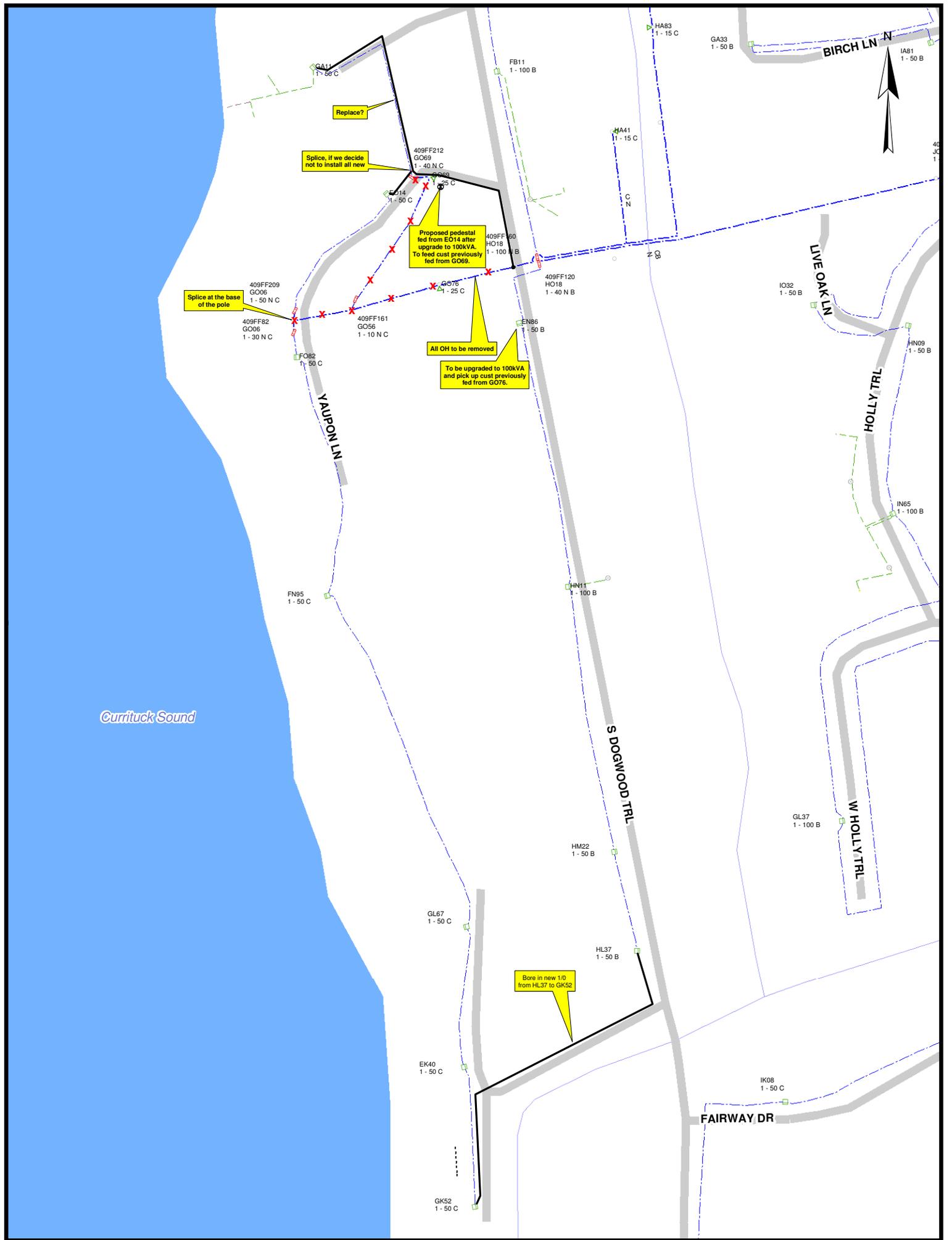
Have a great day.

Jason Hathcock
Electric Distribution Project Designer
Power Delivery Group

Dominion Energy North Carolina
5300 The Woods Rd.
Kitty Hawk, NC 27949
252-255-2559 (office)
252-255-2171 (fax)
<https://ebuilder.dom.com/>
<https://www.dominionenergy.com/library/domcom/pdfs/business/load-letter>



CONFIDENTIALITY NOTICE: This electronic message contains information which may be legally confidential and or privileged and does not in any case represent a firm ENERGY COMMODITY bid or offer relating thereto which binds the sender without an additional express written confirmation to that effect. The information is intended solely for the



Currituck Sound

BIRCH LN N
IA81 1-50 B

LIVE OAK LN
IQ32 1-50 B

HOLLY TRL
HN09 1-50 B

W HOLLY TRL
IN65 1-100 B

S DOGWOOD TRL
HM22 1-50 B

FAIRWAY DR
IK08 1-50 C

Replace?

Splice, if we decide not to install all new

Proposed pedestal led from EO14 after upgrade to 100kVA. To feed cust previously fed from GO69.

All OH to be removed

To be upgraded to 100kVA and pick up cust previously led from GO76.

Splice at the base of the pole

Bore in new 1/0 from HL37 to GK52

GA1 1-50 C

FB11 1-100 B

HA83 1-15 C

GA33 1-50 B

HA41 1-15 C

409FF212 GO69 1-40 N C

EO14 1-50 C

409FF60 HO18 1-100 B

409FF120 HO18 1-40 N B

409FF209 GO06 1-50 N C

409FF82 GO06 1-30 N C

409FF161 GO59 1-10 N C

GO76 1-25 C

EN86 1-50 B

FO82 1-50 C

FN95 1-50 C

HN11 1-100 B

IO32 1-50 B

HN09 1-50 B

IN65 1-100 B

GL37 1-100 B

HM22 1-50 B

GL67 1-50 C

HL37 1-50 B

EK40 1-50 C

GK52 1-50 C





Currituck Sound

SASSAFRAS LN

GA11
1 - 50 C

FB11
1 - 100 B

Replace?

Splice, if we decide
not to install all new

409FF212
GO69
1 - 40 N C

EO14
1 - 50 C

GO69
1 - 25 C

Proposed pedestal
fed from EO14 after
upgrade to 100kVA.
To feed cust previously
fed from GO69.

409FF160
HO18
1 - 100 N B

409FF
HO18
1 - 40

Splice at the base
of the pole

409FF209
GO06
1 - 50 N C

409FF82
GO06
1 - 30 N C

409FF161
GO56
1 - 10 N C

GO76
1 - 25 C

All OH to be removed

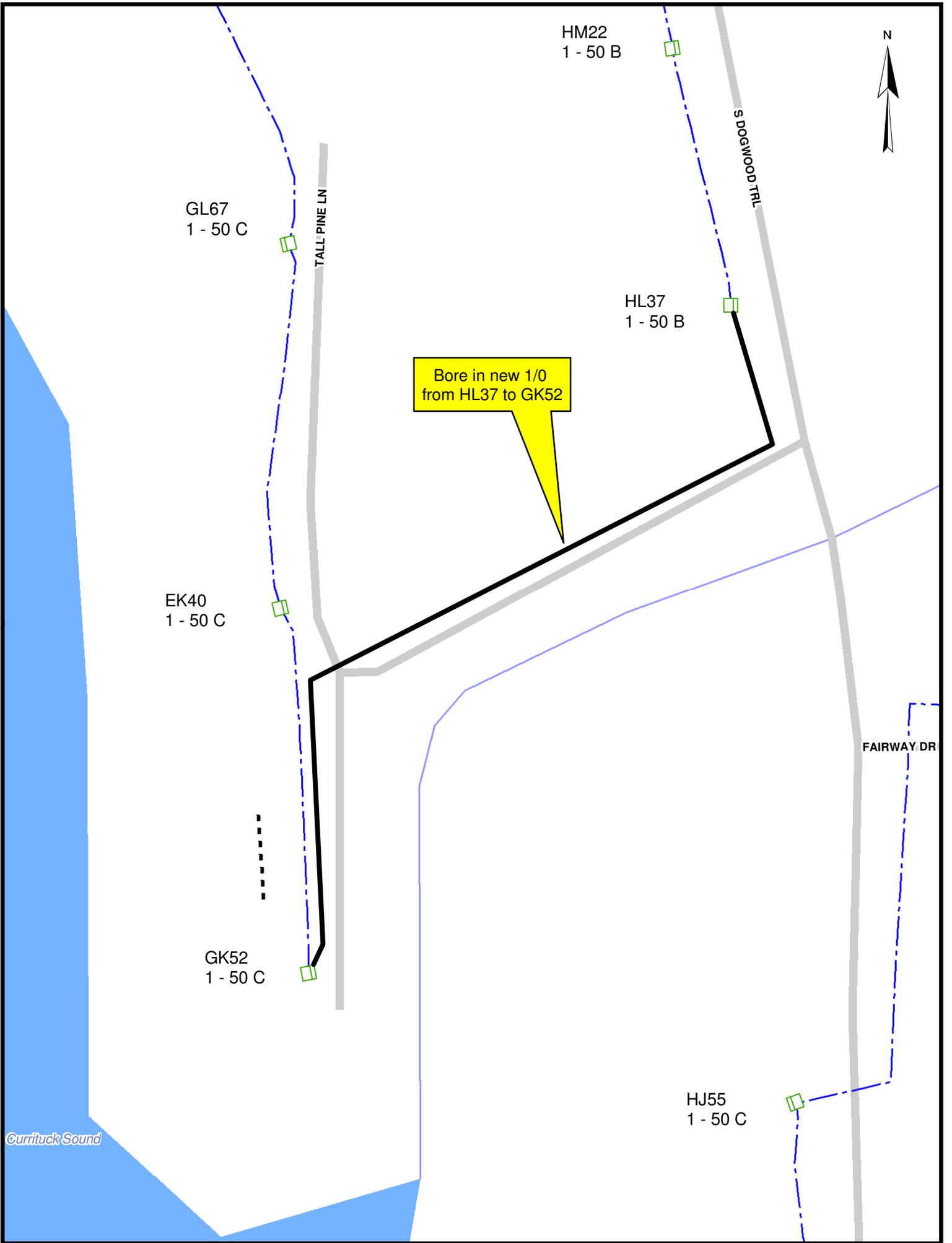
To be upgraded to 100kVA
and pick up cust previously
fed from GO76.

EN86
1 - 50 B

FO82
1 - 50 C

YALPORN LN

S DOGWOOD TRL



HM22
1 - 50 B



GL67
1 - 50 C

TALL PINE LN

S DOGWOOD TRL

HL37
1 - 50 B

Bore in new 1/0
from HL37 to GK52

EK40
1 - 50 C

FAIRWAY DR

GK52
1 - 50 C

HJ55
1 - 50 C

Currituck Sound



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

December 20, 2018

Hon. Bob Steinburg
N.C. House of Representatives
300 N Salisbury Street, Room 301B
Raleigh, NC 27603-5925

Dear Representative Steinburg,

First, I would like to offer a more formal congratulation to you on your recent election to the NC State Senate representing District One.

As you may know, the Town of Southern Shores is a predominately residential community. Our residents and non-resident property owners alike, place great value in maintaining the character of our Town. Historically we relied on lot coverage, set-backs, and building height to control the actual size of residential structures on any given property. Concurrently, we relied on limiting the density of a residential structure's occupancy by limiting the design and construction to no more than seven bedrooms, along with permitted septic capacity for a maximum of fourteen persons. We believed these regulations were important for our Town to maintain its busy but not over-crowded public beach, which helps make us one of the most desirable family vacation destinations on the Outer Banks. Unfortunately, Senate Bill 25 enacted in 2015 and amending NCGS § 160A-381, effectively eliminated this ability for our Town to limit the occupancy of new residential construction, whether used as a residence or a vacation rental. We have struggled now for almost two years, trying to find ways to limit the occupancy of residences to our earlier accepted standards. Being able to do so would allow us to continue efforts to preserve the appealing character of our Town.

The most reasonable and least complicated way to resolve this would be to allow Southern Shores, and other Towns that may find it in their best self-interest, authority to regulate the number of bedrooms and septic capacity for new residential construction to control occupancy. This involves no specific design or architectural controls and does not limit home size or style. Attached is a draft resolution to be considered by our Town Council at its next meeting. I would appreciate the opportunity to meet with you, at your earliest convenience, to discuss this matter.

Respectfully,

Tom Bennett, Mayor

Cell: 252-619-5996 Email: tbennett@southernshores-nc.gov



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

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES,
NORTH CAROLINA REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY
TO CONSIDER ADOPTION OF CERTAIN LEGISLATION RELATING TO
REGULATING THE DENSITY OF POPULATION AND OCCUPANCY BY LIMITING
THE NUMBER OF BEDROOMS IN ONE- AND TWO-FAMILY STRUCTURES
WITHIN THE TOWN'S JURISDICTION**

(Resolution #2019-01-01)

WHEREAS, the Town of Southern Shores (the "Town") is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single-family dwellings; and

WHEREAS, The Town is a quiet seaside residential community comprised primarily of small low density neighborhoods consisting of single family homes primarily on large lots (i.e., at least 20,000 sq ft); and

WHEREAS, the Town has long desired to maintain its low density residential character by not permitting large oversized homes, increased commercial development and increased density. The Town recognizes that increases in density increase the need for public services related to safety, fire prevention, water supply, schools and traffic congestion; and

WHEREAS, the Town recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings, but which are often designed for and after construction and permitting advertised, maintained and used as vacation rentals or event facilities for large numbers of people; and

WHEREAS, 2015 N.C. Sess. Law 86 made substantial changes to the text of N.C.G.S. § 160A-381(h) which limited the Town's authority to regulated "building design elements." In particular, the changes to N.C.G.S. § 160A-381 prohibit the Town from regulating density, occupancy or use of residential structures through restrictions on the number of bedrooms as the Town historically has with a maximum limit of seven (7) bedrooms; and

WHEREAS, the Town finds that the inability to regulate the density of population within the Town via limitations on the number of bedrooms following the adoption of 2015 N.C. Sess. Law 86 has forced the Town to enact increasingly stricter regulations upon the size and bulk of residential structures within its jurisdiction.; 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 have the authority to regulate the density of population and occupancy by limiting the maximum number of bedrooms in residential structures so long as the limit adopted is not less than seven (7) bedrooms.

NOW, THEREFORE BE IT RESOLVED, the Town Council hereby respectfully requests that the North Carolina General Assembly consider and pass the attached proposed act entitled as follows:

“AN ACT TO ALLOW FOR THE TOWN OF SOUTHERN SHORES TO REGULATE DENSITY AND OCCUPANCY BY SETTING A MAXIMUM NUMBER OF BEDROOMS WITHIN ONE- AND TWO-FAMILY DWELLINGS”

Adopted this ____ day of _____, 2019.

Tom Bennett, Mayor

Attest:

Sheila Kane, Town Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2019

SESSION LAW 2019-__
HOUSE BILL _____

AN ACT TO ALLOW FOR THE TOWN OF SOUTHERN SHORES TO REGULATE DENSITY AND OCCUPANCY BY SETTING A MAXIMUM NUMBER OF BEDROOMS WITHIN ONE- AND TWO-FAMILY DWELLINGS

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-381 is amended by adding a new subsection to read:

“(h1) To regulate density of population and limit occupancy, a zoning or unified development ordinance may limit the maximum number of bedrooms within structures subject to regulation under the North Carolina Residential Code for One- and Two-Family dwellings so long as the limit adopted is not less than seven (7) bedrooms.”

SECTION 2.

This act applies only within the zoning and development jurisdiction of the Town of Southern Shores.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the ____ day of _____, 2019.

President of the Senate

Speaker of the House of Representatives