



**Town of Southern Shores
Regular Council Meeting
June 5, 2018**

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, June 5, 2018.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Chris Nason and Council Members Fred Newberry, Jim Conners and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Mayor pro tem Nason moved to approve the agenda as presented. The motion was seconded by Councilman McDonald. The motion passed unanimously (5-0)

CONSENT AGENDA

The consent agenda consisted of the following items:

- i. Council Meeting Minutes – May 1, 2018
- ii. Proposed Resolution Supporting Funding of Coastal Storm Damage Mitigation Fund

MOTION: Councilman McDonald moved to approve the consent agenda as presented. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

STAFF REPORTS

The following Department Heads presented Department reports for the month:

- o Town Planner Wes Haskett presented monthly reports for both April and May.
- o Police Chief David Kole presented a monthly report for May.
- o Fire Chief Ed Limbacher presented the Fire Department's monthly report for May.
- o The Town Manager presented the Manager's report and addressed several matters:
 - o Ocean Rescue service is up and running with both stationary stands and roving guards.
 - o Preparations for the "No-left turn" weekend are still underway. The Police Department will have traffic counters out.
 - o A draft Southern Shores Volunteer Fire Department contract is currently being reviewed by the parties' attorneys, the draft should be available by the end of summer.

BOARD REPORTS

PLANNING BOARD

Chairman Williams presented the monthly Planning Board report. He stated that the Planning Board finished Module One in May and that after over nine years of service on the Planning Board, he would not be seeking another term when his current term expires on June 30, 2018.

REPORT AND RECOMMENDATION OF CAPITAL INFRASTRUCTURE IMPROVEMENT PLANNING COMMITTEE (CIIP) -

Councilman Jim Conners (CIIP Committee Co-Chairman) provided a brief summary of the April 4, 2018 committee meeting, along with recommendation for Council consideration.

1. April 4, 2018 Capital Infrastructure Improvement Planning Committee recommendation to Council - #1: (to be either accepted or not accepted by Council in its discretion)

The CIIP Committee's recommendation to Council regarding a complaining citizen and some other complaining property owners on public Fairway Drive that further improvements should be made to public Fairway Drive:

Upon motion of Committee member Jim Kranda, seconded by Committee Andy McConaughy, the CIIP Committee unanimously (6-0) recommends that "Council not expend any funds on capital improvements to Fairway Drive at this time".

2. April 4, 2018 Capital Infrastructure Improvement Planning Committee recommendation to Council - #2: (for report only - to be placed on the agenda for action at Council's July 10, 2018 meeting following a Public Hearing)

Upon motion of Committee Co-Chairman Tom Bennett and seconded by Committee Member Al Ewerling, the CIIP Committee unanimously (6-0) recommends to Council the attached Capital Infrastructure Improvement Plan for Fiscal Year 2018-2019 with the added recommendation that "It be approved by Council as authorizing Town staff to expend appropriated capital funds on surveying and design of lesser prioritized streets if it becomes apparent during the fiscal year that all appropriated funds will not be expended on the budgeted higher-priority streets."

Councilman Conners stated CIIP committee member Carlos Gomez has been unable to attend several meetings and suggested Councilman McDonald may want to consider appointing another citizen representative to fill Mr. Gomez's position. Councilman McDonald acknowledged the suggestion.

MOTION: Following a brief discussion, and per the Capital Infrastructure Improvement Planning Committee recommendation, Council voted (3-2) to not expend any funds on capital improvements to Fairway Drive at this time. Mayor Bennett, Mayor pro tem Nason, and Councilman Conners voted affirmative; Councilman Newberry and McDonald opposed.

GENERAL PUBLIC COMMENT

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

1. Joe VanGieson-228 N Dogwood-traffic counters need to be in place to collect the data necessary for the no-left turn onto Dogwood Trail the weekend of June 23rd. Counters need to be located on Sea Oats, Wax Myrtle, coming off the Wright Memorial Bridge

- and some data from previous and post weekends. Councilman Conners' comment about "doxing" Town Staff was incorrectly applied.
2. Steve Kiouis-74 Spindrift Trl- Business man himself who supports Spiros and the ice cream shop. The family has an interest in this town, design is David Stick flat top style. Traffic will not back up on Juniper Trail. Previous meetings objections just did not make sense to him.
 3. Kurt Stafurik-48 Duck Woods Dr-Would like a police speed radar sign placed on Duck Woods Dr. the weekend of June 23rd (no-left turn weekend).
 4. George Berry-239 N Dogwood-homeowners could have the mini cell towers installed on their own property. They could deal directly with the wireless cell tower companies. Construction on lots of 50 ft wide size will take away from the ambience of the Town.
 5. Chad Weeks-4015 Creek Rd, Martins Point -supports ice cream shop. Bringing something local that will be in Southern Shores for a long time.
 6. Charles Gregory-170 Tall Cliff-supports Spiros and the ice cream shop, Southern Shores could use a positive business. Wendys and Steamers restaurant recently went in and they have not backed up traffic.
 7. Ursula Bateman-360 Sea Oats Trl-would like to make sure traffic counters are installed for June 23rd. Weekend traffic will be backed up as usual on Sea Oats, possibly earlier in the day.

OLD BUSINESS

Prior to the start of Old Business (Items 5A &5B), Mayor pro tem Nason recused himself due to a financial interest.

Town Attorney Gallop requested Council action to recuse Mayor pro tem Nason from deliberation on Agenda Items 5.A and 5.B. Mayor pro tem Nason also requested recusal by Council. The Mayor called for a vote of all Council Members in support of recusal. All four Council Members voted in the affirmative (4-0).

5.A) SECOND READING - ZTA-18-05, A ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY 5415 OBX LLC TO AMEND THE SOUTHERN SHORES TOWN CODE BY AMENDING SECTION 36-57, SECTION 36-163, AND SECTION 36-207 TO ESTABLISH A DRIVE-THROUGH FACILITY OR ESTABLISHMENT (SMALL) AS A CONDITIONAL USE IN THE C, GENERAL COMMERCIAL ZONING DISTRICT AND APPLICABLE PARKING REQUIREMENTS. FIRST READING PASSED 3-1 ON MAY 1, 2018.

Both Councilman McDonald and Newberry questioned the Town Attorney about the possible effects on commercial property along Hwy.158 (allowing drive-through facilities) and to make sure this zoning text amendment will not pertain to commercial property on Juniper Trail.

Councilman Newberry stated he was concerned what future development could bring.

Councilman Conners stated this facility will sit between two banks, both having drive-through access.

Mayor Bennett called for the second reading and asked Councilman McDonald if he would like to make a motion of approval.

MOTION: Councilman McDonald moved to approve ZTA-18-05 a Zoning Text Amendment application submitted by 5415 OBX LLC to amend the Southern Shores Town Code by amending Section 36-57, Section 36-163, and Section 36-207 to establish a Drive-through facility or

establishment (small) as a Conditional Use in the C, General Commercial zoning district and applicable parking requirements. The motion was seconded by Councilman Connors. The motion passed unanimously (4-0).

5.B) QUASI-JUDICIAL LAND-USE MATTER: CUP-18-01, A CONDITIONAL USE PERMIT APPLICATION SUBMITTED BY 5415 OBX LLC TO OPEN A DRIVE-THROUGH FACILITY OR ESTABLISHMENT (SMALL) AT 5415 N. CROATAN HWY.

Town Attorney Gallop opened the public hearing for CUP-18-01 and asked any interested parties wishing to give testimony to be sworn in by the Town Clerk.

Planning Board Chairman Williams reported the Town Planning Board unanimously (4-0) recommended approval of the application (CUP-18-01) with the following conditions:

1. The following permits shall be issued prior to submittal of a Building Permit application:
 - a. Storm Water Management Permit as issued by the NCDEQ;
 - b. NCDOT Encroachment Agreement for work within the ROW of Hwy 158 as issued by the NCDOT;
 - c. Improvement Permit and Authorization to Construct a new wastewater collection, treatment and disposal system as issued by the DCHD and reviewed and approved by the NCDHHS;
 - d. Review and approval of potable water distribution system modifications or extensions by the DCWD Engineer;
2. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.

Town Planner, Wes Haskett, presented the staff report stating the applicant seeks a Conditional Use Permit to construct a 910 sq. ft. Ice Cream Shop with a drive-through at 5415 N. Croatan Hwy. The proposed Ice Cream Shop includes a walk-up service area, drive-through service area, and twelve outdoor seats under a canopy. The proposed improvements incorporate pervious pavement as established in Section 36-207, (d), 5 and a landscaping buffer which contains Japanese Black Pines planted 10 ft. on center. A detailed lighting plan has also been submitted which demonstrates compliance with the Town's lighting requirements.

A Zoning Text Amendment application has been submitted concurrently (passed 4-0) with the application which would establish Ice Cream shops with or without a drive-through facility as a permitted use in the C, General Commercial District provided that a Conditional Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board. In granting any Conditional Use Permit, the Town Council may prescribe appropriate conditions and safeguards in conformity with Article X, Administration and Enforcement. Before granting any Conditional Use Permit, the Town Council shall make affirmative findings that:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.

d. That the use as proposed will not overburden the Town Volunteer Fire Department's fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

Mr. Haskett further stated the Land Use Plan identifies this area as Commercial in the C, General Commercial zoning district which is consistent with the improvements proposed in the application. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are applicable to this application have been identified or are addressed in the recommended conditions. Should the Board recommend approval of the application to the Town Council, Town Staff offers the following conditions for consideration:

1. The following permits shall be issued prior to submittal of a Building Permit application:
 - a. Storm water Management Permit as issued by the NCDEQ;
 - b. NCDOT Encroachment Agreement for work within the ROW of Hwy 158 as issued by the NCDOT;
 - c. Improvement Permit and Authorization to Construct a new wastewater collection, treatment and disposal system as issued by the DCHD and reviewed and approved by the NCDHHS;
 - d. Review and approval of potable water distribution system modifications or extensions by the DCWD Engineer;
2. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.

The applicant, Spiros Giannakopoulos, spoke on the history of Nu Quality Ice Cream and that it will cater to the local residents. He stated a great deal of thought went into the building design for this location.

Mr. Strader, applicant's engineer, stated that all required state permits have been acquired, allowing the project to move ahead.

Town Attorney Gallop closed the public hearing and called for Council deliberation.

During the CUP-18-01 presentation, Councilman Conners asked the question of the applicant's presenting engineer – whether the site's design features being proposed are *Low Impact Development (LID)* features. The applicant's engineer, Mike Strader replied - absolutely, they are indeed low impact development.

Councilman Conners also suggested using a different species of plant rather than the proposed Japanese Black Pine. The Mayor concurred with this suggestion.

MOTION: Councilman Conners moved to approve CUP18-01- findings as required by the ordinance and stated by the Staff report are affirmatively found, along with the inclusion of conditions as listed in 1. A-D and 2. as provided in the staff report. The motion was seconded by Mayor Bennett. The motion passed unanimously (4-0).

NEW BUSINESS

PUBLIC HEARING: PROPOSED FY 18-19 OPERATING BUDGET - AND CONSIDERATION OF FY18-19 BUDGET ORDINANCE 2018-06-01

Town Manager/ Budget Officer Peter Rascoe gave a detailed summary of the proposed FY 2018-2019 Budget. Items highlighted were the following:

- o No tax increase proposed
- o Balanced budget
- o New employee classification as of July 1, 2018 and unanimously approved on February 6, 2018
- o Construction of East Dogwood Trail Pedestrian Path as directed on February 20, 2018.
- o Increase in annual appropriation for capital street improvements as directed on February 20, 2018.
- o Implement an architect's assessment of Town facility needs as directed on February 20, 2018.
- o Implement coastal engineer's beach vulnerability study as directed on March 6, 2018.
- o The Town continues to be free of all debt; provides the most services with the lowest tax rate
- o The Fire Department proposed expenditure of \$267,700 for projected debt service cost reimbursement to the Fire Department for remainder of FY18-19 in case of the Town Council committing to participation in the Fire Department's financing construction of a new fire station
- o Ad Valorem taxes account for 50% of the Town's annual revenues
- o Occupancy Tax (Tourism Tax) account for 35% of the Town's annual revenues

Councilman McDonald suggested since a potential debt service payment is included in the Fire Department budget line items, the name of that line item should be adjusted to reflect this.

Town Attorney Gallop opened the public hearing and called for comment:

1. Joseph Van Gieson (signed up but did not speak) stated Town Manager's presentation answered his question.
2. Ann Sjoerdsma-69 Hickory Trail- instead of the citizen giving comment, Mayor Bennett consented to the Town Manager answering her posed questions. The Town Manager answered her questions regarding the Town's three financial funds and their fund balances. The Town Manager confirmed with her that by State fiscal law, any funds transferred from the Capital Reserve Fund to the General Fund have to be used for capital projects. He also replied to her, despite reports, there was never any "unbalanced" or "preliminary budget" presented to the Council prior to May 1, 2018. The only budget was the balanced budget presented to Council on May 1, 2018. Council only received projected expenditures and revenues from the Budget Officer during the previous workshop, not a budget.

Hearing no other citizens wishing to speak, Town Attorney Gallop closed the public hearing and called for Council deliberation.

Councilman Connors confirmed Council was presented a list of projected revenues and expenses during the workshop, not a proposed budget.

Councilman Newberry asked where the revenues were going to come from in the future years to service the debt for the Fire Department, assuming Council was to vote to proceed. Town Manager Rascoe stated that is something for next spring's budget planning and he would work with the Council on any such matter before them at that time.

Councilman Newberry questioned if expenses needed to be trimmed or taxes raised for the revenues needed to fund the Fire Department. Town Manager Rascoe stated that is up to the Council, as it is a function of the Council. He further stated if Council wants to direct him to reduce the services of the Town in order to trim the budget's expenses, that is up to Council. He also stated the act of increasing revenues by raising taxes is up to the Council.

Mayor pro tem Nason stated there will be some tough decisions to deal with next year and Council is not even sure if they are going forward yet.

Councilman McDonald stated on the Streets, Bridges and Canals Department he does not see the Yaupon Bulkhead rollover. Town Manager Rascoe stated Council, by Budget Amendment, previously voted to transfer \$195,000 of unused capital improvement funds in the FY 17-18 General Fund budget in to the Town's Capital Reserve Fund. A transfer from the Capital Reserve Fund is now proposed in the recommended budget to fund a portion of the proposed of FY18-19 Infrastructure Improvement Projects expense already directed by Council in the amount of \$654,870. Council will consider the specific recommended capital improvement projects for FY 18-19 prioritization at its upcoming July 10 meeting, for which completion of the Yaupon Trail capital improvement is one of those projects recommended for priority consideration.

Councilman McDonald stated the capital infrastructure improvements line was being reduced since it wasn't showing the \$195,000 being rolled over and designated for Yaupon Trail. He further stated, "we have a deficit we are covering, we could take it from the Unassigned Fund Balance and do the same thing."

Town Manager Rascoe replied Council did not rollover the \$195,000 for any assigned or particular designated project, rather Council enacted a budget amendment transferring \$195,000 of unused budgeted funds into the Capital Reserve Fund to be used for future capital improvement projects. If the unused funds had not been placed into the Capital Reserve Fund, they would have reverted back into the Unassigned Fund Balance at the end of FY17-18.

Councilman McDonald suggested to the Town Manager he should go back and read the motion made and passed at the time Council approved the transfer of funds to the Capital Reserve Fund. The Town Manager replied he has read the motion and action taken by Council several times. He replied the recorded action to transfer funds to the Capital Reserve Fund by Council was clearly not for any designated or assigned project.

Councilman Nason stated the \$195,000 went into the Capital Reserve Fund. He stated the Town is also doing an additional \$200,000 in capital projects on top of the Capital Infrastructure Improvement line of \$654,870.

Town Manager Rascoe reminded Council the proposed budget is his recommendation only, and that Council may accept it or change it.

Councilman Conners asked Council McDonald if Council were to keep \$195,000 in the Capital Reserve Fund, what services would he want to cut to balance the budget? Councilman McDonald said we could have done that in May had we known where we are going.

Councilman Conners replied we are not in May, if you want to keep those funds in the Capital Reserve Fund, what would you want to cut? Councilman Conners further stated he would vote leaving the budget as it is and would just adopt it.

MOTION: Mayor Bennett moved to adopt Budget Ordinance 2018-06-01 - *An Ordinance of the Southern Shores Town Council Adopting a Budget and Tax Rate for FY 2018-2019 as presented.* The motion was seconded by Councilman Conners.

Councilman McDonald moved to amend the original motion to designate \$195,000 specifically for Yaupon Trail bulkhead improvements - and then pull \$195,000 out of the Town's Unassigned Fund

Balance to balance the Manager's proposed budget. Councilman McDonald's Motion failed for lack of a second to his motion.

The Mayor then called for a vote on the original motion to adopt Budget Ordinance 2018-06-01 as presented. The motion passed (4-1) with Mayor Bennett, Mayor pro tem Nason, Councilman Conners, and Councilman Newberry all voting in the Affirmative - and Councilman McDonald voting in the Negative.

NEXT AGENDA ITEM

PUBLIC HEARING-ZTA-18-06, A ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY THE TOWN OF SOUTHERN SHORES TO AMEND THE SOUTHERN SHORES TOWN CODE BY AMENDING SECTION 36-175, WIRELESS TELECOMMUNICATIONS SITES, FACILITIES AND TOWERS.

Planning Board Chairman Williams presented the Planning Board report which recommended approval.

Town Planner Wes Haskett presented the staff report:

ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-175, Wireless Telecommunications Sites, Facilities and Towers by adding additional regulations to address the placement of new utility poles used for attaching small cell wireless facilities. The proposed amendments include the following additional regulations:

- 1. No new utility pole may be installed for the principal use of wireless facilities if a pole exists within twenty (20) feet of a desired location.*
- 2. The minimum distance of a new pole from any residential structure shall be at least 150% of the pole height and shall not be located directly in front of any residential structure located in a residential zoning district.*
- 3. Along streets and within subdivisions where there are no existing utility poles (all underground utilities), wireless facilities may be attached to street lights in the public right-of-way.*
- 4. New poles may not be erected in a residential area solely for wireless communication equipment attachment unless the applicant has demonstrated it cannot reasonably provide service by:*
 - Installing poles outside of the residential area;*
 - Attaching equipment to existing poles within the right-of-way; or*
 - Installing poles in rights-of-way not contiguous to parcels used for single family residential purposes.*

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 amendment is consistent with the Town's currently adopted Land Use Plan and Town Staff recommends that the Board consider this when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

Town Attorney Gallop opened the public hearing and called for comment:

1. George Berry-239 N. Dogwood-leave an option for property owners to deal directly with the wireless cell providers.

Hearing no other citizens wishing to speak the Town Attorney closed the public hearing and turned the meeting back over to the Mayor for Council deliberation.

The Mayor questioned the complications involved and what rights do the homeowners have.

Town Planner Wes Haskett stated the original ordinance already states homeowners could work directly with wireless providers.

MOTION: Councilman McDonald moved to approve ZTA-18-06 as presented, amending section 36-175, wireless telecommunications sites, facilities and towers. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

NEXT AGENDA ITEM

PUBLIC HEARING-ZTA-18-07, A ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY THE TOWN OF SOUTHERN SHORES TO AMEND THE SOUTHERN SHORES TOWN CODE BY AMENDING SECTION 36-132, REGULATION OF STRUCTURES AND USES NONCONFORMING.

Planning Board Chairman Williams presented the Planning Board report. He stated Town Council directed staff to develop a ZTA addressing 50 ft wide lots and 12 ft. wide setbacks. The planning Board recommended approval of ZTA-18-07.

Town Planner Wes Haskett presented the staff report:

ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming to address the development of legally nonconforming lots. Since 2016, the Town has received and the Town Planning Board, performing the duties of the Town Board of Adjustment, has approved several requests for variances to reduce the side yard setback requirements for nonconforming lots from 15 feet to 12 feet. The proposed language addresses scenarios that would require the recombination of previously platted lots in order to preclude the development of individual nonconforming lots that would be contrary to the Town's currently adopted Land Use Plan. The proposed language also includes a reduction in the side yard setback requirements from 15 feet to 10 feet which would apply in certain instances when the development of an individual nonconforming lot may be allowed.

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 amendment is consistent with the Town's currently adopted Land Use Plan and Town Staff recommends that the Board consider this when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

Town Attorney Gallop opened the public hearing and called for comment:

1. George Berry-239 N. Dogwood Trail-if a current homeowner has three fifty-foot lots, make it an option that an adjacent neighbor could purchase the additional third lot rather than forcing recombination of all three.
2. Rick House-House Engineering- has been the engineer in three of the four granted variances. This would affect homeowners who are in the process of applying for variance.
3. Anne Sjoerdsma-69 Hickory Trail-in the instance of 315 N Dogwood Trail that is for sale, how is a lot advertised for sale if it doesn't meet the 20,000-sq. ft. ordinance.

Hearing no other citizens wishing to speak Town Attorney Gallop closed the public hearing.

Councilman McDonald gave a brief history on the 50ft wide lots and setbacks in Southern Shores.

Councilman Conners asked about the 10-12 number produced as the number of isolated 50 ft lots. Planning Board Chairman Williams stated that is an approximate number of vacant 50 ft wide lots left. There are many more which already have a structure built on them.

Both Mayor Bennett and Mayor pro tem Nason felt that homeowners were going to be penalized for having that third additional lot and more thought needed to go into the zoning text amendment.

Councilman Conners stated the zoning text amendment needed to be passed. It will be runaway development like in KDH and Kitty Hawk "as some people have characterized it".

MOTION: Councilman McDonald moved to approve ZTA-18-07 as written. The motion was seconded by Councilman Newberry. The motion passed 3-2 (will require second reading).

[Clerk's Note: Although a proposed ordinance may pass by a majority vote, a "super majority" is required for an ordinance to be enacted on its first reading. This statutory requirement applies to any ordinance or action having the effect of an ordinance. Therefore, a second reading of ZTA-18-07 will be required to pass by at least a simple majority vote before the ordinance is enacted.]

GENERAL PUBLIC COMMENT

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

1. George Berry-239 N Dogwood Trail-The Town of Duck has passed regulations for use of golf carts and Low Speed Vehicles (LSV) on Town property. You cannot go on RT 12 but can cross it. Look at the regulations in Duck-legalize golf carts.

Town Manager Peter Rascoe reminded that Low Speed Vehicles (LSV) are allowed in the Town of Southern Shores.

MAYOR COMMENTS & COUNCIL COMMENTS

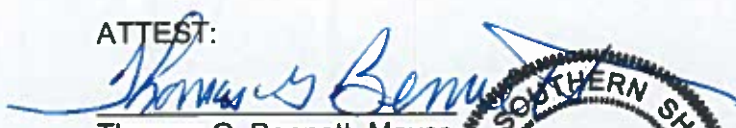
Mayor Bennett and all Council members thanked Planning Board Chairman Sam Williams for his nine years of volunteering for the Town and appreciated all of his dedicated service.

Councilman Conners added that there are many opportunities for the community to volunteer throughout the entire County.

ADJOURN

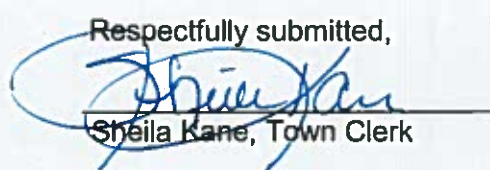
MOTION: Hearing no other business, Councilman McDonald moved to adjourn. The motion was seconded by Councilman Nason. The motion passed unanimously (5-0). The time was 8:53 p.m.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk



Town of Southern Shores

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

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

www.southernshores-nc.gov

Resolution 2018-06-01

A RESOLUTION

REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY TO FUND THE COASTAL STORM DAMAGE MITIGATION FUND

WHEREAS, North Carolina tourism represents an economic engine that is vital to North Carolina's future economic prosperity and generates State tax revenue that benefits all North Carolinians; and

WHEREAS, one of the cornerstones of North Carolina's tourism economy are its pristine beaches that attract visitors from around the world; and

WHEREAS, in order to sustain North Carolina's tourism economy and safeguard the tax revenue that it generates, it is imperative that the State's shorelines remain healthy, vibrant, and sustainable; and

WHEREAS, the shorelines of North Carolina are under constant threat of natural hazards and erosion, which has an adverse impact on wildlife, public infrastructure, and private property; and

WHEREAS, in recent years, federal funds for beach nourishment projects have decreased significantly forcing coastal communities, such as the Town of Southern Shores, to use local dollars to fund a beach nourishment project; and

WHEREAS, as more of the State's shoreline becomes vulnerable and in need of nourishment or re-nourishment, local dollars alone are unable to fund the amount that is needed to sustain and preserve North Carolina's beaches and safeguard the benefit that coastal tourism contributes to the State's economy; and

WHEREAS, multiple areas in our coastal communities have undergone significant beach erosion in recent years that cannot be sufficiently addressed with local resources alone; and

WHEREAS, the North Carolina Legislature in 2017 had the foresight to include in HB56 a provision to create a Coastal Storm Damage Mitigation Fund that would be used for costs associated with beach nourishment, artificial dunes, and other projects to mitigate or remediate coastal storm damage; and

WHEREAS, the Coastal Storm Damage Mitigation Fund would match local dollars on a cost-shared basis thus allowing local beach nourishment funds to be effectively leveraged for maximum benefit; and

WHEREAS, although the Coastal Storm Damage Mitigation Fund has been created, a funding source has not yet been allocated by the State to provide the infrastructure benefit that the General Assembly intended in establishing the special revenue fund.

NOW THEREFORE BE IT RESOLVED that the Southern Shores Town Council respectfully requests that the North Carolina General Assembly vote in the upcoming short session to fund the Coastal Storm Damage Mitigation Fund as an urgent matter of public importance to safeguard and protect the shoreline infrastructure that fuels the engine of North Carolina's tourism economy and that no current local revenue streams, including any already authorized by the General Assembly for beach nourishment, be affected or used for the purpose of funding the separate Coastal Storm Damage Mitigation Fund.

Adopted this the 5th day of June, 2018.

Tom Bennett, Mayor

ATTEST:

Sheila Kane, Town Clerk

Recommendations to Council of the Capital Infrastructure Improvement Planning Committee, April 4, 2018:

1. April 4, 2018 Capital Infrastructure Improvement Planning Committee recommendation to Council - #1: (to be either accepted or not accepted by Council in its discretion)

The CIIP Committee's recommendation to Council regarding a complaining citizen and some other complaining property owners on public Fairway Drive that further improvements should be made to public Fairway Drive:

Upon motion of Committee member Jim Kranda, seconded by Committee Andy McConaughy, the CIIP Committee unanimously (6-0) recommends that "Council not expend any funds on capital improvements to Fairway Drive at this time".

2. April 4, 2018 Capital Infrastructure Improvement Planning Committee recommendation to Council - #2: (to be placed on the agenda for action at Council's July 10, 2018 meeting with a Public Hearing)

Upon motion of Committee Co-Chairman Tom Bennett and seconded by Committee Member Al Ewerling, the CIIP Committee unanimously (6-0) recommends to Council the attached Capital Infrastructure Improvement Plan for Fiscal Year 2018 -2019 with the added recommendation that "it be approved by Council as authorizing Town staff to expend appropriated capital funds on surveying and design of lesser prioritized streets it becomes apparent during the fiscal year that all appropriated funds will not be expended on the budgeted higher-priority streets."

Members present at April 4, 2018 CIIP Committee Meeting:

Glenn Riggin, Andy McConaughy, Al Ewerling, Jim Kranda, Tom Bennett (Co-Chair), Jim Conners (Co-Chair).

Committee member absent from April 4, 2018 CIIP Committee Meeting:

Carlos Gomez

April 4, 2018 recommendation of CIIP Committee to the Town Council of the following FY2018-2019 Capital Infrastructure Improvement Plan with authorization for Town staff to expend appropriated capital funds on surveying and design of lesser prioritized streets if it becomes apparent during the fiscal year that all appropriated funds will not be expended on the targeted higher-priority streets.

Group A, Recommended "Targets" in Order of priority for FY 18-19:

1. Yaupon Trail - Phase 1 (north end) - 700 LF (+/-) and all remaining bulkheading
2. Yaupon Trail - Phase 2 (south end) - 1,000 LF (+/-)
3. Juniper Trail - Remaining segment - 2,447 LF (+/-)

Group B, In order of priority subsequent to completion of Group A:

4. Clamshell Trail - Otter Slide east to Chicahauk Trail - 3,440 LF (+/-)
5. Gingulte Trail - southern segment - 2,000 LF (+/-)
6. Hillcrest Drive - Hickory Trail intersection to SSCA tennis courts - 3,700 LF (+/-)
7. Gingulte Trail - Northern segment - 1,800 LF (+/-)
8. Chicahauk Trail - NC Hwy 12 to Trinitie Trail intersection
9. Sea Oats Trail - 11th Avenue north to Sea Oats Court
10. Bayberry Trail - entire length - 1,775 LF (+/-) Incl. Dewberry Ln. - 230 LF (+/-)
11. West Holly Trail - entire length - 830 LF (+/-)
12. Wax Myrtle Trail - East Dogwood Trail south to end 2,720 LF (+/-)
 - Incl. Dolphin Run - 410 LF (+/-)
 - Incl. Porpoise Run - 425 LF (+/-)

Group C, "Other":

13. South Dogwood Trail - entire length 12,408 LF (+/-)
14. Spindrift Trail/High Dune Loop/Wild Pony Lane intersection - 160 LF (+/-)
15. East Dogwood Trail - entire length (excl. previous rebuild segment) - 5,000 LF (+/-)
16. Wax Myrtle and Hickory Trail intersection - 170 LF (+/-)
17. Pintail Trail - entire length - 750 LF (+/-)
18. Land Fall Loop - entire length - 330 LF (+/-)
19. Happy Indian Lane cul-de-sac - 320 LF (+/-)
21. Teal Court - S. Dogwood to cul-de-sac - 275 LF (+/-)
22. North Dogwood Trail - entire length - 5,966 LF (+/-)
23. Turtle Pond Court - entire length - 470 LF (+/-)
24. Trinitie Trail (s/w impr. emphasis) - Clam Shell int. to CPOA Park - Design Only

**Town of Southern Shores Capital Infrastructure Improvement (CIIP) Committee
Meeting Minutes
April 4, 2018 9:00 o'clock AM
Pitts Center**

April 4, 2018 Meeting of the Town of Southern Shores Capital Improvement Infrastructure Planning (CIIP) Committee as appointed by the Town Council September 5, 2017.

The following Committee Members were in attendance:

Mayor Tom Bennett, Co-Chairman - Appointed by Town Council
Town Councilman Jim Conners, Co-Chairman - Appointed by Town Council
Andy McConaughy - Appointed by Councilman Chris Nason
Jim Kranda - Appointed by former Councilman Leo Holland
Al Ewerling - Appointed by Councilman Fred Newberry
Glenn Riffin - Appointed by Mayor Tom Bennett

The following Committee Member was not in attendance:

Carlos Gomez - Appointed by Councilman Gary McDonald

Town Staff in attendance:

Town Manager Peter Rascoe, Finance Officer Bonnie Swain, Public Works Supervisor David Bradley,
Town Engineer Deel Engineering, Inc. - Andy Deel, P.E. & Joe Anlauf, P.E., and Town Planner Wes Haskett

The meeting was called to Order by Co-Chairman Tom Bennett at 9:00 AM.

A copy of the meeting agenda is attached to these minutes.

Co-Chairman Bennett asked the Town Manager to facilitate this meeting.

The Town Manager asked the Town Engineers to please brief the Committee on several matters before getting into today's actual agenda. The Town Engineers briefed the Committee on progress of the current fiscal year's capital street improvement projects, explained why Juniper Trail capital improvement had not been able to be designed yet, and explained why "partial" improvements and fixes to Juniper Trail - without the entire remaining street section being improved - was not beneficial to the Town due to having to subsequently replace the partial work.

The Town Manager then commenced Committee discussion of Agenda Item #2 since it could affect Agenda Item #1.

2. Action Needed: Recommend to Council Necessity of Any Further Capital Improvements to Public Fairway Drive-

The Town Manager reminded the Committee the Council had charged it with making a recommendation to the Council in this matter which involves a recent desire by a complaining citizen and several of her neighboring property owners that the Town engage in further improvements to Fairway Drive after the Town's 2014 capital improvement project there. Also mentioned was the fact the complaining citizen had recently written the Council again asking to be notified of its decision. The Town Manager stated the Mayor has replied to the complaining citizen's latest communication stating the Council would be receiving a recommendation from the CIIP Committee on her complaint and that she would be notified immediately following any Council action.

Each attending Committee member stated he had personally visited Fairway Drive, and each stated he saw no need for the Town to engage in any further capital improvement of the street or its right-of-way.

Following further discussion of the actual improvement items requested by the complaining citizen and those requested or commented on by some of her neighboring property owners, Committee Member Jim Kranda moved that the Committee recommend to the Council it not expend any funds on capital improvements to Fairway Drive at this time. The motion was seconded by Committee Member Andy McConaughy. The motion passed unanimously (6-0) with each Committee member in attendance voting in the affirmative and none voting in the negative.

The Town Manager then commenced discussion of the remaining agenda item:

1. Action Needed: Recommend to Council Streets for FY 18-19 Capital Improvement-

Continuing discussion of capital street need prioritization from last meeting, Committee Co-Chairman Tom Bennett moved for the Committee to recommend a Capital Street Infrastructure Improvement Plan to the Council for Fiscal Year 2018-2019 as attached – with the added recommendation that it be approved by Council also authorizing Town staff to expend appropriated capital funds on surveying and design of lesser prioritized streets if it becomes apparent during the fiscal year that all appropriated funds will not be expended on the targeted higher-priority streets. The motion was seconded by Committee Member Al Ewerling. The motion passed unanimously (6-0) with each Committee member in attendance voting in the affirmative and none voting in the negative.

By consensus of the attending Committee members, the next CIIP Committee will attempted to be scheduled in June 2018.

The meeting was adjourned at approximately 11:00 AM without objection.

April 4, 2018 recommendation of CIIP Committee to the Town Council of the following FY2018-2019 Capital Infrastructure Improvement Plan with authorization for Town staff to expend appropriated capital funds on surveying and design of lesser prioritized streets if it becomes apparent during the fiscal year that all appropriated funds will not be expended on the targeted higher-priority streets.

Group A, Recommended "Targets" in Order of priority for FY 18-19:

1. Yaupon Trail - Phase 1 (north end) - 700 LF (+/-) and all remaining bulkheading
2. Yaupon Trail - Phase 2 (south end) - 1,000 LF (+/-)
3. Juniper Trail - Remaining segment - 2,447 LF (+/-)

Group B, In order of priority subsequent to completion of Group A:

4. Clamshell Trail - Otter Slide east to Chicahauk Trail - 3,440 LF (+/-)
5. Ginguite Trail - southern segment - 2,000 LF (+/-)
6. Hillcrest Drive - Hickory Trail intersection to SSCA tennis courts - 3,700 LF (+/-)
7. Ginguite Trail - Northern segment - 1,800 LF (+/-)
8. Chicahauk Trail - NC Hwy 12 to Trinitie Trail intersection
9. Sea Oats Trail - 11th Avenue north to Sea Oats Court
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 - Incl. Dolphin Run - 410 LF (+/-)
 - Incl. Porpoise Run - 425 LF (+/-)

Group C, "Other":

13. South Dogwood Trail - entire length 12,408 LF (+/-)
14. Spindrift Trail/High Dune Loop/Wild Pony Lane intersection - 160 LF (+/-)
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17. Pintail Trail - entire length - 750 LF (+/-)
18. Land Fall Loop - entire length - 330 LF (+/-)
19. Happy Indian Lane cul-de-sac - 320 LF (+/-)
21. Teal Court - S. Dogwood to cul-de-sac - 275 LF (+/-)
22. North Dogwood Trail - entire length - 5,966 LF (+/-)
23. Turtle Pond Court - entire length - 470 LF (+/-)
24. Trinitie Trail (s/w Impr. emphasis) - Clam Shell int. to CPOA Park - Design Only

Capital Infrastructure Improvement Planning Committee
Wednesday April 4, 2018 2:00 p.m.
Meeting location: Pitts Center

Meeting Agenda

- **Meeting Call to Order**
- **Items for Consideration and Recommendation Action:**
 - 1. Action Needed: Recommend to Council Streets for FY 18-19 Capital Improvement – possibly including Recommendation of Funding Amount**
 - 2. Action Needed: Recommend to Council Necessity of Any Further Capital Improvements to Public Fairway Drive**
 - 3. Adjourn**



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: 3/14/2018 Filing Fee: \$500 Receipt No. _____ Application No. ZTA-18-05

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 5415 OBX, LLC, Attn: Spiros Giannakopoulos (Applicant must be property owner by Town policy)
Address: 800 North Hughes Boulevard
Elizabeth City, NC 27909
Phone _____ Email spirogiannakopoulos@yahoo.com

Applicant's Representative (if any)

Name Michael W. Strader, Jr., PE, Quible & Associates, P.C.
Agent, Contractor, Other (Circle one)
Address P.O. Drawer 870
Kitty Hawk, NC 27949
Phone 252-491-8147 Email mstrader@quible.com

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

Address: 5415 N. Croatan Highway Zoning district C

Section B Block 53 Lot 5&6 Lot size (sq.ft.) 18,260

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

3-15-18
Date

* Attach supporting documentation and twelve copies of the site plan.



Town of Southern Shores

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

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Ordinance 2018-05-02

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

WHEREAS, the Town 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 and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

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

ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that Section 36-163 the Town Code shall be amended as follows:

PART I. That Section 36-57 [Definitions of specific terms and words] be amended as follows:

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

3 The following words, terms and phrases, when used in this chapter, shall have the
4 meanings ascribed to them in this section, except where the context clearly indicates a
5 different meaning:
6

7 *Drive-through facility or establishment (large)* means a customer service facility
8 located on a lot greater than or equal to 2.5 acres within the principal structure, which is
9 intended to enable the customer to transact business with a customer service person
10 located within the principal structure without exiting the motor vehicle. It is presumed
11 that the motor vehicle exits the premises immediately upon the transaction of business.
12

13 *Drive-through facility or establishment (small)* means a customer service facility
14 located on a lot less than 20,000 square feet within the principal structure, which serves
15 items over a general service counter for the customer to carry to a small seating area, to a
16 motor vehicle, or off-premises.
17

18 *Restaurant* means a business engaged in the service of food and beverages to
19 patrons seated inside a building, on a deck as delineated in a site plan approved by the
20 town or in a vehicle at a drive-through facility. To qualify as a restaurant, an
21 establishment shall have all the following:

- 22 (1) A food preparation area occupying at least 20 percent of the gross square
23 footage of the establishment;
24 (2) At least 75 percent of all customer seats designated for either fast casual or
25 full-service, full-menu, dining; and
26 (3) No more than 15 percent of the total square footage of the establishment
27 devoted to the following permitted accessory entertainment uses,
28 including and limited to; dance floor, stage, live performance and disc
29 jockey areas. Accessory entertainment uses referenced in this definition
30 shall be permitted in a restaurant provided these uses are clearly
31 subordinate in area, extent, hours of operation, and purpose to areas
32 designated for food preparation, service, and consumption.
33

34 **PART II.** That Section 36-163 [Off-street parking requirements] be amended as follows:
35

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

37 (3) *Minimum parking requirements.*

38 c. *Retail and office uses.*

- 39 1. Animal hospitals: five spaces per veterinarian, plus one space for each
40 employee, but not less than 16 spaces.
41 2. Funeral home: one parking space for each four seats in the chapel or
42 parlor.
43 3. Garden center/nursery: one space for every 500 square feet of outdoor
44 retail display area.

4. General or professional offices, banks (doctors and dentists, see clinic requirements): one parking space for each 300 square feet of gross floor space, plus one space for each two employees.
5. Grocery or appliance stores: one parking space for each 500 square feet of gross floor area.
6. Municipal building: one parking space for each 200 square feet of net office area, plus one space for each two seats in municipal council chambers.
7. Municipal complex: one parking space for each 200 square feet of gross floor space.
8. Restaurant: one parking space for each three customer seats, plus one additional parking space for each employee.
9. Retail uses not otherwise listed: one parking space for each 300 square feet of floor area.
10. Theaters: one parking space for each three seats.
11. Nonprofit entities: a minimum of three parking spaces shall be provided.
12. Drive-through facility or establishment (small): one parking space for each three customer seats, plus one additional parking space for each employee.

d. *Off-street parking and/or storage of certain vehicles prohibited.*

1. Trucks, trailers, semitrailers, (self-propelled or detached) and prefabricated cargo shipping containers or similar containers shall not be used as a storage or other type of accessory structure in any zoning district.
2. Nothing in this section shall apply to any vehicle stored in compliance with applicable town codes. This regulation shall not be interpreted to prohibit the timely unloading and loading of commercial trailers in any district.

- e. *Reduction of required parking for commercial uses within group developments with the use of bicycle racks holding at least four bicycles.*
The total parking requirement for every 50 parking spaces for the proposed use may be reduced by one parking space for each bicycle rack located on the site for up to four bicycle racks.

**PART III. That Section 36-207 [C general commercial district] be amended as follows:
Sec. 36-207. C general commercial district.**

- (c) *Conditional uses.* The following uses shall be permitted as a conditional use, subject to the requirements of this district; shall be subject to conditions and

1 modifications relating to impacts on adjacent properties, transportation and
2 transportation systems, transportation interconnectivity, stormwater, utilities and
3 telecommunications facilities (including capacity), vegetation and other elements of the
4 natural environment, noise, hours of operation, and other factors that the town council
5 finds applicable; and additional regulations and requirements imposed by the town
6 council, as provided in article X of this chapter:

- 7
8 (1) Restaurants without a drive-through facility or with a drive-through
9 facility, provided:
- 10 a. Restaurants with a drive-through facility shall not exceed 2,500
11 square feet.
 - 12 b. The location of the drive-through facility is a minimum of 100'
13 from any residentially zoned property.
 - 14 c. It allows for stacking of a minimum of six (6) cars.
- 15
16 (2) Drive-through facility or establishment (small), provided:
- 17 a. Drive-through facility or establishment (small) shall not exceed
18 2,500 square feet.
 - 19 b. The location of the drive-through facility is a minimum of 100'
20 from any residentially zoned property.
 - 21 c. It allows for stacking of a minimum of six (6) cars.
 - 22 d. Lot shall have frontage along US Hwy 158.
- 23

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

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

32
33 **ARTICLE V. Severability.**

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

40
41 **ARTICLE VI. Effective Date.**

42
43 This ordinance amendment shall be in full force and effect from and after the ____ day of
44 _____, 201__.

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ATTEST:

Deputy Clerk

APPROVED AS TO FORM:

Town Attorney

Mayor

Date: _____

Vote: Ayes Nays

STAFF REPORT

To: Southern Shores Town Council
Date: April 24, 2018
Case: ZTA-18-05
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: 5415 OBX LLC
Attn: Spiros Giannakopoulos
800 North Hughes Blvd.
Elizabeth City, NC 27909

Representative: Michael W. Strader, Jr., P.E.
Quible & Associates, P.C.
P.O. Drawer 870
Kitty Hawk, NC 27949

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-57, Definition of Specific Terms and Words; 36-163, Off-street Parking Requirements; and 36-207, C General Commercial District.

ANALYSIS

The applicant is proposing to amend the Town Zoning Ordinance by amending Section 36-57, Section 36-163, and Section 36-207 to establish drive through facilities or establishments (small) as a Conditional Use in the C, General Commercial zoning district. The proposed language defines a drive-through facility or establishment (small) as a customer service facility located on a lot less than 20,000 square feet within the principal structure, which serves items over a general service counter for the customer to carry to a small seating area, to a motor vehicle, or off-premises. The proposed parking requirement for the proposed use is one parking space for each three customer seats, plus one additional parking space for each employee.

The proposed language also requires that drive-through facilities or establishments (small) not exceed 2,500 sq. ft., the location must be a minimum of 100 ft. from any residentially zoned property, it must allow stacking for a minimum of six (6) cars in the drive-through area, and lots containing a drive-through facility or establishment (small) shall have frontage along US Hwy 158. Finally, the language proposes to amend the Town's current definition of a drive-through facility or establishment by adding (large) which requires that such uses must be located on lots greater than or equal to 2.5 acres.

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

- **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 and the Town Planning Board have determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and the Town Planning Board recommended approval of the application (4-1).



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: 3/14/2018 Filing Fee: \$500 Receipt No. _____ Application No. CUA-18-01

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 5415 OBX LLC, Attn: Spiros Giannakopoulos (Applicant must be property owner by Town policy)
Address: 800 North Hughes Boulevard
Elizabeth City, NC 27909
Phone _____ Email spirosgiannakopoulos@yahoo.com

Applicant's Representative (if any)

Name Michael W. Strader, Jr., PE, Quible & Associates, P.C.
Agent, Contractor, Other (Circle one)
Address P.O. Drawer 870
Kitty Hawk, NC 27949
Phone 252-491-8147 Email mstrader@quible.com

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

Address: 5415 N. Croatan Highway Zoning district C

Section B Block 53 Lot 5&6 Lot size (sq.ft.) 18,260

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

3.15.18
Date

* Attach supporting documentation and twelve copies of the site plan.

STAFF REPORT

To: Southern Shores Planning Board
Date: April 24, 2018
Case: CUP-18-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: 5415 OBX LLC
Attn: Spiros Giannakopoulos
800 North Hughes Blvd.
Elizabeth City, NC 27909

Representative: Michael W. Strader, Jr., P.E.
Quible & Associates, P.C.
P.O. Drawer 870
Kitty Hawk, NC 27949

Requested Action: Conditional Use Permit application to construct an Ice Cream Shop with a drive-through facility.

PIN #: 986720803969
Location: 5415 N. Croatan Hwy.
Zoning: C, General Commercial District

Existing Land Use: "Commercial"

Surrounding Land Use & Zoning:

North- Commercial; C, General Commercial District
South- Highway 158, Town of Kitty Hawk
East- Commercial; C, General Commercial District
West- Commercial; C, General Commercial District

Physical Characteristics: Developed

Applicable Regulations: Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

ANALYSIS

The applicant seeks a Conditional Use Permit to construct a 910 sq. ft. drive-through facility or establishment (small) at 5415 N. Croatan Hwy. The proposed drive-through facility (small) is an ice cream shop which includes a walk-up service area, drive-through service area, and twelve outdoor seats under a canopy. The proposed improvements incorporate pervious pavement as established in Section 36-207, (d), 5 and a landscaping buffer which contains Japanese Black Pines planted 10 ft. on center. A detailed lighting plan has also been submitted which demonstrates compliance with the Town's lighting requirements.

A Zoning Text Amendment application has been submitted concurrently with this application which would establish a drive-through facility (small) as a permitted use in the C, General

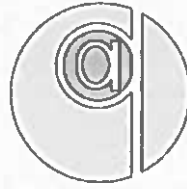
Commercial District provided that a Conditional Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board. In granting any Conditional Use Permit, the Town Council may prescribe appropriate conditions and safeguards in conformity with Article X, Administration and Enforcement. Before granting any Conditional Use Permit, the Town Council shall make affirmative findings that:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

RECOMMENDATION

The Land Use Plan identifies this area as Commercial in the C, General Commercial zoning district which is consistent with the improvements proposed in the application. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are applicable to this application have been identified or are addressed in the recommended conditions. The Town Planning Board unanimously (4-0) recommended approval of the application with the following conditions:

1. The following permits shall be issued prior to submittal of a Building Permit application:
 - a. Stormwater Management Permit as issued by the NCDEQ;
 - b. NCDOT Encroachment Agreement for work within the ROW of Hwy 158 as issued by the NCDOT;
 - c. Improvement Permit and Authorization to Construct a new wastewater collection, treatment and disposal system as issued by the DCHD and reviewed and approved by the NCDHHS;
 - d. Review and approval of potable water distribution system modifications or extensions by the DCWD Engineer;
2. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.



SITE NARRATIVE
Nu-Quality Ice Cream
Town of Southern Shores
Dare County, North Carolina

Prepared for:
Spiros Giannakopoulos
5415 OBX, LLC
800 N. Hughes Boulevard
Elizabeth City, NC 27909

Prepared by:
Quible & Associates, P.C.
PO Drawer 870
Kitty Hawk, NC 27949

March 16, 2018
P15167.1



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Appendices

Appendix A - On-site Soils Report

Appendix B - Stormwater Calculations

Overview

The subject property is located at 5415 N. Croatan Highway, Town of Southern Shores, NC approximately 2,135 feet west of Ocean Boulevard (N.C. 12) and Caratoke Highway (U.S. 158) intersection. The property is located along the north side of Caratoke Highway in Dare County. The site development proposes the construction of a 910 sq. ft. Ice Cream Shop. The project development will include the associated parking, drainage, water, and septic improvements for the development of the 0.42 acre lot. The site is zoned Commercial (C) and a Conditional Use Permit for an Ice Cream Shop with a drive through will be required.

Access

The proposed Building will be accessed from N. Croatan Highway (U.S. 158). The proposed access will provide a minimum 22' wide drive aisle at the front of the building. Side and rear access allow for a one-way 12' wide drive aisle that exits on the adjacent property. Private ingress/egress access agreements will be obtained from the adjacent property owner prior to construction.

A loading and unloading zone is required per The Town of Southern Shores, Section 36-163. (2) g. A 12 ft. by 25 ft. loading area has been provided and shown on the plan set. A reduced length loading berth is proposed due to the building size and use.

Parking

The number of proposed parking spaces for the site development is 8. The proposed building has 12 seats and 4 employees. Parking requirements are calculated using 1 space per employee and 1 space per 3 seats. 4 parking spaces are required for employees and 4 spaces are required for patrons. A total of 8 spaces are required and 8 spaces have been provided (including 1 ADA accessible parking spaces).

Signage will be provided within the parking area to notify employees and visitors of the one-way drive aisle. Parking lot lighting is proposed and provided within the plan set.

Stormwater Management Plan

Per 15A NCAC 02H.1005 (a) (3) (B) High Density Coastal Development is required to meet particular criteria. This development is proposed to have 25.5% of impervious coverage within the entire lot. This lot coverage calculation excludes all permeable pavements. There are two proposed infiltration basins onsite and they are designed in accordance with NCDEQ Requirements to store, control, and treat the stormwater runoff from all surfaces generated by the one and one-half inch of rainfall. Permeable pavements onsite have been sized to store a 1:1 BUA ratio to address off-site impervious coverage that is currently draining into the site. In addition to these requirements, a minimum 50' vegetative buffer from surface waters is provided.

Collection

Runoff from the proposed vehicular area is to be collected and conveyed to the infiltration basins via sheet flow and vegetated swales. Runoff draining from the proposed building will be collected by roof drains and will discharge into the rear infiltration basin.

Treatment

The proposed infiltration system will offer several methods of treatment prior to release.

Runoff from vehicular areas will be directed to the infiltration basin via vegetated swales. The vegetated swales will provide the first level treatment for these areas and will provide filtration of small particulates and nutrients prior to entering the infiltration basin.

The primary treatment of runoff will be provided within the infiltration basins. The infiltration basin bottom and side slopes will be grassed according to general seeding specifications. The runoff will undergo filtration of fine particulates and pollutants by the vegetation within the basin. The filtration by vegetation is considered the primary method of treatment. A secondary method of treatment is also available when the stormwater runoff infiltrates into the subsurface. The soil particles between the basin bottom and the season high water table (SHWT) will offer additional filtration and/or absorption of particulates and pollutants prior to reaching the water table. The season high water table (SHWT) is at an elevation of 4.7'. Separation of greater than 2' between the seasonal high water table and the bottom of the basin has been provided per NCDEQ minimum design criteria 2.

Storage

Permeable pavements have been designed to store a 1:1 BUA ratio within the site per NCDEQ minimum design criteria 7. All built upon area draining to these pavements is existing and from off-site development and include impervious surfaces. All pervious off-site runoff has been prevented from reaching the permeable pavement to the greatest extent possible. A void space of 40% within the porous gravel base will be required for all permeable pavements. The thickness of the storage area with the proposed permeable pavements has been provided at a minimum of 8" thick per calculations as required by NCDEQ minimum design criteria 5.

Two infiltration basins are proposed at the site. The front infiltration basin has been designed with a top elevation of 9.5' and bottom of 8.0'. This infiltration basin provides approximately 1.5 inches of stormwater storage and treats predominately off-site impervious coverage. The rear infiltration basin is designed with a top elevation of 9.7' and a bottom of 8.0'. This infiltration basin provides approximately 2.74 inches of storage. Detailed calculations are provided within **Appendix B**.

Disposal

The infiltration basin's primary mode of disposal is through infiltration. Per an onsite soils information (provided in **Appendix A**), infiltration rates appear to be approximately 5.95 inches per hour for the anticipated soils at the site. This infiltration rate will allow the front basin to drawdown within 3.03 hours and the rear basin will draw down within 3.43 hours. Supporting calculations for this drawdown time have been provided within **Appendix C**.

Calculations for the proposed infiltration basins have been provided in **Appendix B**. The rear infiltration basin design allows for storage up to elevation 9.7' and the front infiltration basin design allows for storage up to elevation 9.5'. The basin would overflow into the adjacent stormwater network starting at elevation 9.5'. A summary of the storage available within the provided stormwater calculations.

Soils

The USDA NRCS Soil Survey lists the soil in the vicinity of the stormwater detention basin as described below:

FrD – Fripp fine sand

This soil typically has 2 to 30 percent slope. Fripp fine sand typically has a very low runoff class and is excessively drained. This soil is categorized in Hydrologic Soil Group: A.

Quible and Associates conducted a soil boring test in the vicinity of the wet detention basin. The soils observed were consistent with the NRCS soil description and the seasonal high-water table is located at approximately 4.7'. The NRCS soil survey data is available in **Appendix A**.

Utilities

The site has an existing water meter. This service connection will be reused with the proposed building. The existing water supply is provided by Dare County Water. The existing service size will be reviewed and confirmed during design of the building plans to determine if the existing meter is an adequate size. Changes to the existing waterline within the private right-of-way is not proposed, therefore, a permit to construct from NC DEQ Public Water Supply is not required. The proposed water service shall be installed per Dare County Water standard water specifications and details. Two existing fire hydrants are within 400' of the proposed site.

The proposed on-site wastewater is proposed to handle 480 gallons per day. This anticipated amount is in excess of the anticipated flows, 400 gallons per day. Wastewater calculations include 4 employees at 25 gpd/employee and 12 seats at 25 gpd/seat. An onsite evaluation is ongoing with Dare County Health Department to determine acceptable site characteristics.

Buffers and Site Vegetation

Parking area plantings are required to cover 15% of the parking area. Currently a 5' wide perimeter of plantings at 10' on center is proposed adjacent to Croatan Highway and adjacent properties. These plantings account for 22.6% of the parking area, in excess of the 15% requirement. These plantings will be installed in accordance with Section 36-163 of the Town of Southern Shores Ordinance.

Appendices

Appendix A - On-site Soils Map and Data



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Dare County, North Carolina**

Nu-Quality Ice Cream



March 15, 2018

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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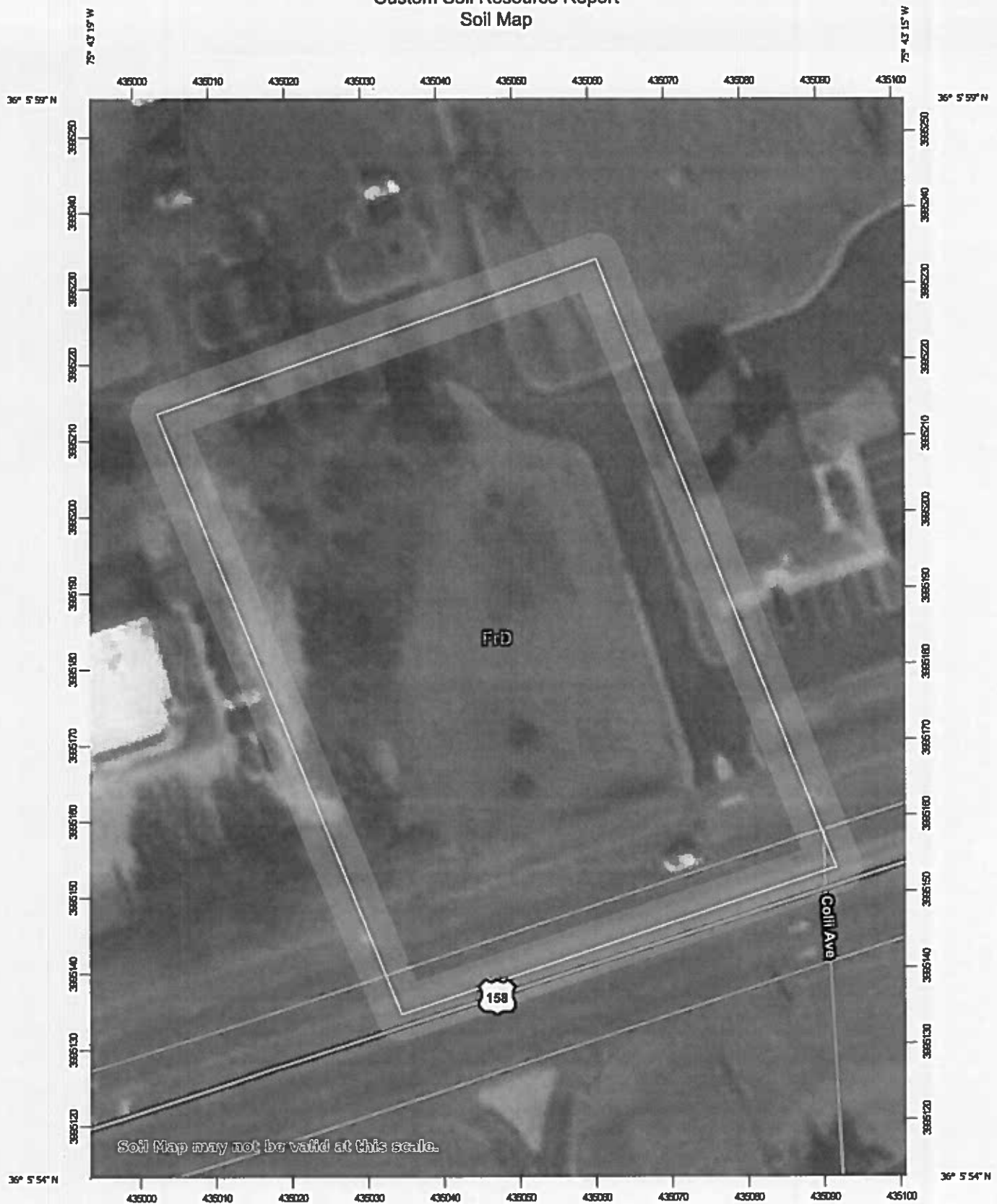
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Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Soil Map may not be valid at this scale.

Map Scale: 1:692 if printed on A portrait (8.5" x 11") sheet.

0 10 20 40 60 Meters

0 30 60 120 180 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)		Spoil Area
Area of Interest (AOI)		Stony Spot
Soils		Very Stony Spot
Soil Map Unit Polygons		Wet Spot
Soil Map Unit Lines		Other
Soil Map Unit Points		Special Line Features
Special Point Features		Water Features
Blowout		Streams and Canals
Borrow Pit		Transportation
Clay Spot		Rails
Closed Depression		Interstate Highways
Gravel Pit		US Routes
Gravelly Spot		Major Roads
Landfill		Local Roads
Lava Flow		Background
Marsh or swamp		Aerial Photography
Mine or Quarry		
Miscellaneous Water		
Perennial Water		
Rock Outcrop		
Saline Spot		
Sandy Spot		
Severely Eroded Spot		
Sinkhole		
Slide or Slip		
Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Dare County, North Carolina
Survey Area Data: Version 17, Sep 26, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Feb 23, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
FrD	Fripp fine sand, 2 to 30 percent slopes	1.3	100.0%
Totals for Area of Interest		1.3	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

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An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Dare County, North Carolina

FrD—Fripp fine sand, 2 to 30 percent slopes

Map Unit Setting

National map unit symbol: 3qgz

Elevation: 0 to 20 feet

Mean annual precipitation: 42 to 58 inches

Mean annual air temperature: 61 to 64 degrees F

Frost-free period: 190 to 270 days

Farmland classification: Not prime farmland

Map Unit Composition

Fripp and similar soils: 85 percent

Minor components: 5 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fripp

Setting

Landform: Dunes

Landform position (two-dimensional): Backslope, shoulder

Landform position (three-dimensional): Side slope

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Eolian sands and/or beach sand

Typical profile

A - 0 to 4 inches: fine sand

C - 4 to 90 inches: fine sand

Properties and qualities

Slope: 2 to 30 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Excessively drained

Runoff class: Low

Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water storage in profile: Very low (about 1.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: A

Hydric soil rating: No

Minor Components

Conaby, undrained

Percent of map unit: 5 percent

Landform: Depressions, pocosins

Down-slope shape: Linear

Across-slope shape: Concave

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Hydric soil rating: Yes

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Appendix B - Stormwater Calculations

NCDEQ Stormwater Calculations

Coverage Breakdown

	A(offsite)	A(onsite)	B(onsite)	B(offsite)	TOTALS
Concrete	30	295	163	0	488
Asphalt	6,689	0	1,407	0	8,096
Building	0	0	2,240	0	2,240
Perm. Patio	0	336	0	0	336
Perm. Conc.	0	890	2,547	0	3,437
Perm. Pavers	0	2,469	26	0	2,495
Total Imp.	6,719	295	3,810	0	10,824
Total Pervious	0	3,695	2,573	0	6,268
Totals	6,719	3,990	6,383	0	17,092
Total onsite 10,373 sf					

3,359 sf Permeable Conc. + Permeable Pavers (890 sf + 2,469 sf = 3,359 sf)

3,252 sf of offsite impervious asphalt to be conveyed and stored directly into permeable conc. & pavers section

3,467 sf Adjusted offsite impervious (6,719 sf - 3,252 sf = 3,467 sf)

Storage Calculations

	A (FRONT)		B (REAR)	
	(sq.ft.)	(acre)	(sq.ft.)	(acre)
Drainage Area =	15,675	0.36	14,746	0.34
Open Space	15,380	0.35	10,831	0.25
Pond =	0	0.00	0	0.00
Onsite Impervious =	295	0.01	3,915	0.09
Offsite Impervious =	3,467	0.08	0	0.00
Total Impervious =	3,762	0.09	3,915	0.09

Runoff generated by Rainfall Event (NCDEQ Simplified Method)

Ia = Impervious Percentage = Impervious Area/Drainage Area

Rv = Runoff Coefficient, 0.05+0.9Ia

Rd = Rain fall depth

V = Runoff Volume, 3630*Rd*Rv*A

	A (on-site only)	A (on-site + off site)	B
Ia =	1.9%	24.0%	26.6%
Rv =	0.07	0.27	0.29
Rd (in.) =	1.5	1.5	1.5
A (ac.) =	0.36	0.36	0.34
V (cf.) =	131	521	533

Total Storage Required by NCDEQ = 664 cf (excluding offsite)

Total Storage Provided = 1512 cf (see below)

Infiltration Basin Stormwater Calculations for NCDEQ

Above Grade Storage Provided In Infiltration Basins

A (FRONT) - Above Grade Storage				
Elev	Area (sf)	Avg area (sf)	Volume (cf)	Cum Vol. (cf)
8.00	83			
		233	233	
9.00	383			233
		610	305	
9.50	836			538 (Vg)

Above Grade Storage NCDEQ = 538 cf

Equivalent Storage (On site runoff only) = 6.14 in

Equivalent Storage (On site + Off site runoff) = 1.55 in

B (REAR) - Above Grade Storage				
Elev	Area (sf)	Avg area (sf)	Volume (cf)	Cum Vol. (cf)
8.00	190			
		334	334	
9.00	478			334
		914	640	
9.70	1350			974 (Vg)

Above Grade Storage NCDEQ = 974 cf

Equivalent Storage = 2.74 in

Front Infiltration Basin Drawdown Calculations

Hydraulic Conductivity = 5.95 in/hr

Max Stored Depth = 18 in

Drawdown Time = Stored Depth / Hydraulic Conductivity

Drawdown Time = 3.03 hrs or 0.13 days

Rear Infiltration Basin Drawdown Calculations

Hydraulic Conductivity = 5.95 in/hr

Max Stored Depth = 20.4 in

Drawdown Time = Stored Depth / Hydraulic Conductivity

Drawdown Time = 3.43 hrs or 0.14 days



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

March 22, 2018

Permit # 2731

Subject: Driveway Permit – Nu-Quality Ice Cream Shop
County: Dare

Spiros S. Giannakopoulos – 5415 OBX, LLC
800 N. Hughes Blvd.
Elizabeth City, NC 27909

Dear Applicant,

Attached for your files is a copy of a Commercial / Residential Driveway Permit, which has been properly executed. Please note any comments, which may appear on the reverse side of the permit form.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Midgett", written over a large, loopy flourish.

Randy Midgett, P.E.
District I Engineer

Attachments

Cc: Division Engineer (W/Attachments)

1929 North Road Street, Elizabeth City, NC 27909
4739

Phone: (252)331-4737; Fax: (252)331-

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No. 2731	Date of Application March 16, 2018	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County: Dare County			
Development Name: Nu-Quality Ice Cream Shop			
LOCATION OF PROPERTY:			
Route/Road: N. Croatan Highway - US 158			
Exact Distance 2,135	☐ Miles ☒ Feet	N ☐ S ☐ E ☐ W ☐ ☐ ☐ ☒	
From the Intersection of Route No. NC 12		and Route No. US 158 Toward Currituck Sound	
Property Will Be Used For: ☐ Residential /Subdivision ☒ Commercial ☐ Educational Facilities ☐ TND ☐ Emergency Services ☐ Other			
Property: ☒ Is ☐ Is not within Southern Shores Commercial City Zoning Area.			
AGREEMENT			
• I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. • I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. • I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. • I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. • I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. • I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. • I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". • I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. • I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. • I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. • I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. • I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. • I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. • The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. • I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees. • I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.			
2004-07 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation TEB 65-04rev. 61-03419			

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)
 COMPANY Spiros S. Giannakopoulos - 5415 OBX, LLC
 SIGNATURE [Signature]
 ADDRESS 800 N. Hughes Blvd
Elizabeth City, NC 27909 Phone No. _____

WITNESS
 NAME Cathleen Saunders
 SIGNATURE [Signature]
 ADDRESS P.O. Drawer 870
Kitty Hawk, NC 27949

AUTHORIZED AGENT
 COMPANY Quible & Associates, P.C.
 SIGNATURE [Signature]
 ADDRESS P.O. Drawer 870
Kitty Hawk, NC 27949 Phone No. 252-491-8147

WITNESS
 NAME Damian Conyers
 SIGNATURE [Signature]
 ADDRESS P.O. Box 1068
Manteo, NC 27954

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE

3-21-18

DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE

TITLE

DATE

APPLICATION APPROVED BY NCDOT

SIGNATURE

TITLE

DATE

INSPECTION BY NCDOT

SIGNATURE

TITLE

DATE

COMMENTS:



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

March 22, 2018

0011-028-18-4928

Siros S. Giannakopoulos – 5415 OBX, LLC
800 N. Hughes Blvd.
Elizabeth City, NC 27909

County: Dare

Subject: Encroachment to allow you to install a 30 square feet concrete walkway along with a 22' commercial entrance.

Dear Applicant,

Attached for your records is a copy of the approved encroachment package to allow you to install a 30 square feet concrete walkway along with a 22' commercial entrance. **Any and all damages done to State Routes must be properly repaired.** This approval will expire on March 22, 2019 unless construction has started or been completed prior to that date.

Please feel free to contact Randy W. Midgett at (252) 331-4737 if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to be "R. Midgett", written over a large, stylized oval.

Randy W. Midgett, PE
District Engineer

Attachments

Cc: Division Engineer (W/Attachments)
County Maintenance Engineer (W/Attachments)



Encroachment Special Provisions

Our mission is to safely and efficiently manage and facilitate as much as practicable the accommodation of utilities along NCDOT Highways while protecting our public infrastructure.

US 158 DARE COUNTY

- M 4** All driveways/sidewalks/multi-use paths/curb & gutter altered or disturbed during construction shall be returned to a state comparable with their condition and integrity prior to construction to the satisfaction of the District Engineer. Any replacements shall be done with like or better materials as approved by the District Engineer.
- M 7** All roadway signs which are removed due to construction shall be reinstalled as soon as possible and must be replaced the same day. If necessary, temporary signage shall be provided by the encroaching party for regulatory functions such as stop signs, yield signs, etc.
- M 8** All temporary and final pavement markings are the responsibility of the encroaching party. Final pavement markings and sign plans shall be submitted to the Division Traffic Engineer. All installation shall be by an approved NCDOT pavement-marking contractor. Pavement markings shall match the existing pavement markings along the route unless approved or directed by the District Engineer.
- M 11** All roadway sections, ditch lines and slopes, and shoulders affected by the operations under this encroachment shall be restored to the satisfaction of the District Engineer.
- RD 4** Concrete curb and gutter shall be constructed in accordance with Standard Drawing No. 846.01.
- RD 6** Curb cuts and ramps shall be constructed in conformance with the NCDOT Guidelines for Curb Cuts and Ramps for Handicapped Persons manual, Standard Drawing No. 848.01 and 848.05



Encroachment General Provisions

Our mission is to safely and efficiently manage and facilitate as much as practicable the accommodation of utilities along NCDOT Highways while protecting our public infrastructure.

US 158 DARE COUNTY

- TC 1** NCDOT WORK ZONE TRAFFIC CONTROL QUALIFICATIONS AND TRAINING PROGRAM: a. Effective July 1, 2010, all flagging operations within NCDOT Right of Way require qualified and trained Work Zone Flaggers; b. Effective July 1, 2011, qualified and trained Work Zone Traffic Control Supervisors will be required on Significant Projects; c. Training for this certification is provided by NCDOT approved training sources and by private entities that have been pre-approved to train themselves. If you have questions, contact our web site at www.ncdot.org/-wztc, or contact Stuart Boume, P.E. with NCDOT Work Zone Traffic Control Unit at (919) 250-4159 or sboume@ncdot.gov.
- G 1** The encroaching party shall notify the District Engineer's Office prior to beginning construction and after construction is complete. Contact information: Randy Midgett, P.E. @ (252) 331-4737
- G 3** An executed copy of this encroachment agreement will be present at the construction site at all times during construction. If safety or traffic conditions warrant such an action, NCDOT reserves the right to further limit, restrict or suspend operations within the right of way.
- G 4** NCDOT does not guarantee the right of way on this road, nor will it be responsible for any claim for damages brought about by any property owner by reason of this installation. Encroachment within the Right of Way does not imply approval for encroachment onto adjacent property.
- G 6** The encroaching party is required to contact the appropriate Utility Companies involved and make satisfactory arrangements to adjust the utilities in conflict with the proposed work prior to beginning construction. The encroaching party or its agent shall be responsible
- G 7** The encroaching party shall comply with all applicable local, state, and federal environmental regulations, and shall obtain all necessary local, state, and federal environmental permits, including, but not limited to, those related to sediment control, storm water, wetlands, streams, endangered species, and historical sites.
- G 8** The contractor shall not begin the major portion of work which includes any clearing, grubbing, and/or grading operations until after the traffic control and erosion control devices necessary for the work have been installed to the satisfaction of the District Engineer. The preparatory work for and the installation of erosion control and traffic control devices shall be considered to be part of the construction contemplated in the associated encroachment agreement.
- G 9** Trenching, bore pits and/or other excavations shall not be left open or unsafe overnight.
- G 10** The Contractor shall comply with all OSHA requirements and provide a competent person on site to supervise excavation at all times.
- G 11** All materials and workmanship shall conform to the current NCDOT Standard Specifications for Roads and Structures and the NCDOT Roadway Standard Drawings.
- G 12** Strict compliance with the Policies and Procedures for Accommodating Utilities on Highway Rights of Way manual shall be required.
- G 13** Failure to comply with any portion of the provisions shall be grounds for immediate suspension of all activities in the Right of Way and possible grounds for revocation of the encroachment as determined by the District Engineer.
- G 14** Any alteration or deviation concerning the location, type, material, etc. of the proposed utility as authorized by the signed encroachment agreement and its supplements/attachments shall not be allowed until written approval in the form of an approved revision has been applied for, approved, and made part of the on-site agreement.



Encroachment General Provisions

Our mission is to safely and efficiently manage and facilitate as much as practicable the accommodation of utilities along NCDOT Highways while protecting our public infrastructure.

US 158 DARE COUNTY

- G 15 The NCDOT reserves the right to further limit, restrict, or suspend operations with the Right of Way if, in the opinion of the NCDOT, safety or traffic conditions warrant such action.
- G 16 The encroaching party may delegate the performance of certain provisions of this agreement to contractors or other parties. However, this shall not in any way release the encroaching party from its obligations to the terms and provisions of the encroachment.
- G 17 The encroaching party shall assume all responsibility, obligation, and liability for maintenance and operation of the installation permitted under this encroachment agreement. This condition shall be conveyed in any future buy, lease, sell or rental agreement. In the event that the encroaching party, or any future responsible party should fail to satisfy this condition, NCDOT reserves the right close or remove the installation at the encroaching party's expense.
- G 18 NC DOT Traffic Engineer's Office must be notified by telephone, (252) 482 1850, 8:00a.m.-5:00p.m., Monday-Friday, 48 hours prior to beginning work if encroaching within 500 feet of a signalized intersection.
- G 19 A one-year warranty shall be required on all work performed within the NCDOT right of way. It shall commence after District review and acceptance of the completed work associated with the encroachment.
- TC 2 The party of the second part agrees to provide traffic control devices, lane closures, road closures, positive protection and/or any other warning or positive protection devices necessary for the safety of road users during construction and any subsequent maintenance. This shall be performed in conformance with the latest NCDOT Roadway Standard Drawings and Standard Specifications for Roads and Structures and Amendments or Supplements thereto. When there is no guidance provided in the Roadway Standard Drawings or Specifications, comply with the Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part. The NCDOT reserves the right to require a written traffic control plan for encroachment operations. Proper maintenance of all traffic control shall be required even during periods of inactivity.
- TC 3 Two-way traffic shall be maintained at all times unless designated by the District Engineer. Traffic shall not be rerouted or detoured without the prior written approval from the Division Engineer. No lane closures will be allowed on state holidays and weekends from 7:00 PM the night before through 7:00 AM the day following or local events without prior approval from the District Engineer. All lanes of traffic are to be open during the hours of 6:00-9:00 AM and 4:00-6:00pm.
- TC 5 Construction is authorized to be performed on Monday through Friday during the hours between sunrise and sunset. Night Time operations will NOT be allowed unless written approval is received from the District Engineer. If night time work is allowed, all signs must be retro-reflective.
- EC 1 Vegetative cover shall be established on all disturbed areas in accordance with the recommendations of the Division Roadside Environmental Engineer.
- EC 2 Proper temporary and permanent measures shall be used to control erosion and sedimentation in accordance with all local, State and Federal regulations. All erosion and pollution control devices and measures shall be constructed, installed, maintained, and removed by the encroaching party in accordance with all applicable Federal, State, and Local laws, regulations, ordinances, and policies.
- EC 3 The encroaching party shall be responsible to keep fully informed to comply with the applicable and most current regulations of all legally constituted authorities relating to pollution prevention and control including erosion control. In the event of conflict between laws, regulations, ordinances, policies, specifications, or other requirements, the more restrictive requirement shall apply.



Encroachment General Provisions

Our mission is to safely and efficiently manage and facilitate as much as practicable the accommodation of utilities along NCDOT Highways while protecting our public infrastructure.

US 158 DARE COUNTY

- EX 1 All backfill shall meet the Statewide Borrow Criteria and shall be placed in accordance with section 300-6 of NCDOT Standard Specifications for Roads and Structures latest version. All fill areas/backfill shall be compacted to 95% density in accordance with AASHTO T99 as modified by the North Carolina Department of Transportation. All material to a depth of 8 inches below the finished surface of the subgrade shall be compacted to a density equal to at least 100% of that obtained by compacting a sample of the material in accordance with AASHTO T99 as modified by the Department. The subgrade shall be compacted at a moisture content which is approximately that required to produce the maximum density indicated by the above test method. The contractor shall dry or add moisture to the subgrade when required to provide a uniformly compacted and acceptable subgrade.
- UG 1 Existing utilities shall be shown on the plan sheets to mitigate future issues with conflicts in particular relating to our facilities. Level C SUE is required which is defined as the visual survey of above-ground facilities and correlates with utility records. For crossed sewer, storm sewer, and water utilities; provide size and type of conduits and associated cover.
- UG 2 The installation must be nearest to the R/W line as possible. Markers shall also be placed at the R/W line. If this cannot be achieved, justification must be provided. Large groves of trees, conflicts with nearby utilities, CA fence preservation are a few examples.
- UG 4 If areas where placing utility cannot be within 5' of the Right of Way line, the following shall be adhered to: i) the installation shall be placed nearest the tree line (outside the NCDOT maintained area) and/or on the backside of any ditch. ii) Directional borings and hand holes/vaults shall be at least 5' on the backside (away from traffic) of guardrail assemblies with 10' preferred. iii) Markers shall be placed at tree line.
- CO 1 Note that this review is intended for the general conformance with the policies and procedures concerning the protection of current and potential future facilities located within the NCDOT rights of way and easements. This review and associated plan comments in no way construes any design, design change, or change in the intent of the design by the Owner, Design Engineer, or any of their representatives.

ROUTE U.S. 158 PROJECT NU-QUALITY ICE CREAM SHOP COUNTY OF STATE OF NORTH CAROLINA
TOWN OF SOUTHERN SHORES,
DARE COUNTY

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY ENCROACHMENT AGREEMENT

-AND-
5415 OBX, LLC

PRIMARY AND SECONDARY HIGHWAYS

THIS AGREEMENT, made and entered into this the 22 day of March 20 18 by and between the Department of Transportation, party of the first part; and 5415 OBX, LLC

party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) N. CROATAN HIGHWAY - US 158, located ± 2,135 FT WEST OF THE
INTERSECTION OF OCEAN BOULEVARD (N.C. 12) AND N. CROATAN HIGHWAY (US 158)
with the construction and/or erection of: ±450 SQUARE FEET OF 22' WIDE COMMERCIAL ENTRANCE CONNECTING TO US 158, AND 30 SQUARE FEET CONCRETE WALK INSTALLATION.

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

- a. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B

of the Regulations.

- c. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
 - (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

R/W (161) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (161) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

ATTEST OR WITNESS

DEPARTMENT OF TRANSPORTATION

BY:

DIVISION ENGINEER

5415 OBX, LLC

X

Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered City official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

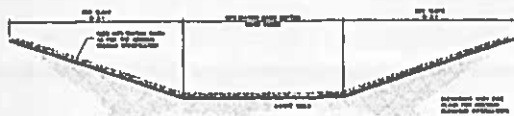
When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the existing and/or proposed encroachment.
4. Length, size and type of encroachment.
5. Method of installation.
6. Dimensions showing the distance from the encroachment to edge of pavement, shoulders, etc.
7. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
8. Drainage structures or bridges if affected by encroachment (show vertical and horizontal dimensions from encroachment to nearest part of structure).
9. Method of attachment to drainage structures or bridges.
10. Manhole design.
11. On underground utilities, the depth of bury under all traveled lanes, shoulders, ditches, sidewalks, etc.
12. Length, size and type of encasement where required.
13. On underground crossings, notation as to method of crossing - boring and jacking, open cut, etc.
14. Location of vents.

GENERAL REQUIREMENTS

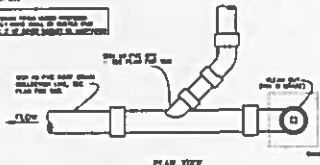
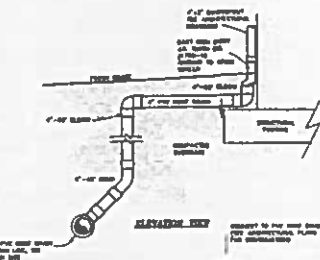
1. Any attachment to a bridge or other drainage structure must be approved by the Head of Structure Design in Raleigh prior to submission of encroachment agreement to the Division Engineer.
2. All crossings should be as near as possible normal to the centerline of the highway.
3. Minimum vertical clearances of overhead wires and cables above all roadways must conform to clearances set out in the National Electric Safety Code.
4. Encasements shall extend from ditch line to ditch line in cut sections and 5' beyond toe of slopes in fill sections.
5. All vents should be extended to the right of way line or as otherwise required by the Department.
6. All pipe encasements as to material and strength shall meet the standards and specifications of the Department.
7. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
8. The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.



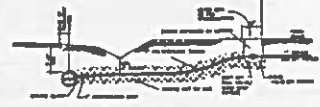
TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S11



TYPICAL STAKE
S12



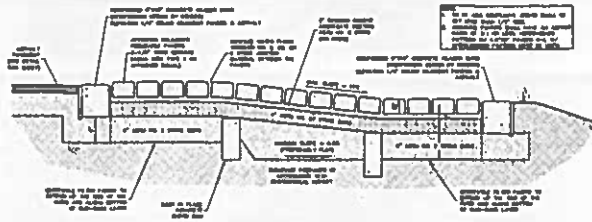
TYPICAL PERMEABLE PAVEMENT INSTALLATION DETAIL
S14



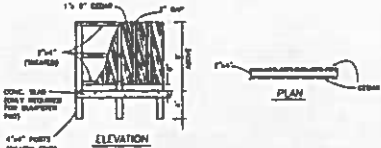
TYPICAL ASPHALT SECTION
S15



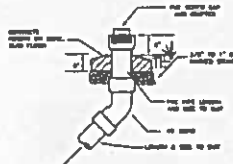
TYPICAL CONCRETE PAVEMENT SECTION (DRAINAGE PAV)
S16



TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S17



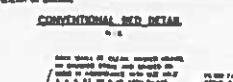
TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S18



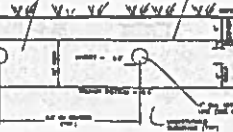
TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S19



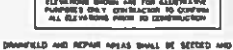
TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S20



TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S21



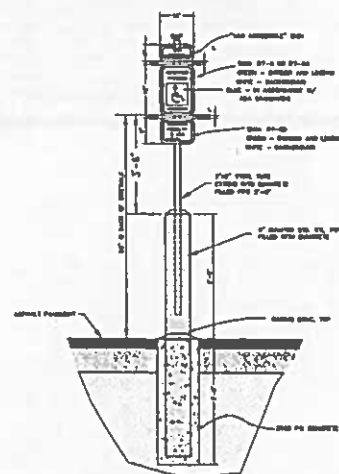
TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S22



TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S23

CONSTRUCTION NOTES:
1. ALL INFILTRATION BASINS SHALL BE CONSTRUCTED TO THE DEPTH OF THE INFILTRATION BASIN.
2. ALL INFILTRATION BASINS SHALL BE CONSTRUCTED TO THE DEPTH OF THE INFILTRATION BASIN.
3. ALL INFILTRATION BASINS SHALL BE CONSTRUCTED TO THE DEPTH OF THE INFILTRATION BASIN.

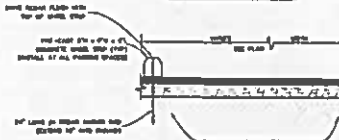
CONSTRUCTION NOTES



TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S24

CONSTRUCTION NOTES:
1. ALL INFILTRATION BASINS SHALL BE CONSTRUCTED TO THE DEPTH OF THE INFILTRATION BASIN.
2. ALL INFILTRATION BASINS SHALL BE CONSTRUCTED TO THE DEPTH OF THE INFILTRATION BASIN.
3. ALL INFILTRATION BASINS SHALL BE CONSTRUCTED TO THE DEPTH OF THE INFILTRATION BASIN.

CONSTRUCTION NOTES



TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S25



TYPICAL INFILTRATION BASIN CROSS-SECTION DETAIL
S26

Quible & Associates, P.C.
10000 10th Avenue, Suite 100
North Carolina, NC 27613
Phone: (919) 487-1000
Fax: (919) 487-1001
www.quible.com



Professional Engineer
State of North Carolina
No. 10000
Exp. 12/31/2010

Project No. 10000
Sheet No. 10000
Date: 10/10/10

Scale: 1" = 10'-0"

North Arrow

Site Details

NO-QUALITY ICE CREAM
TOWN OF SOUTHERN SHORES

Final Drawings for Permitting Only

Project No. 10000
Sheet No. 10000
Date: 10/10/10

Scale: 1" = 10'-0"

North Arrow

5
OF 5 SHEETS

Nu Quality Ice Cream Southern Shores, NC



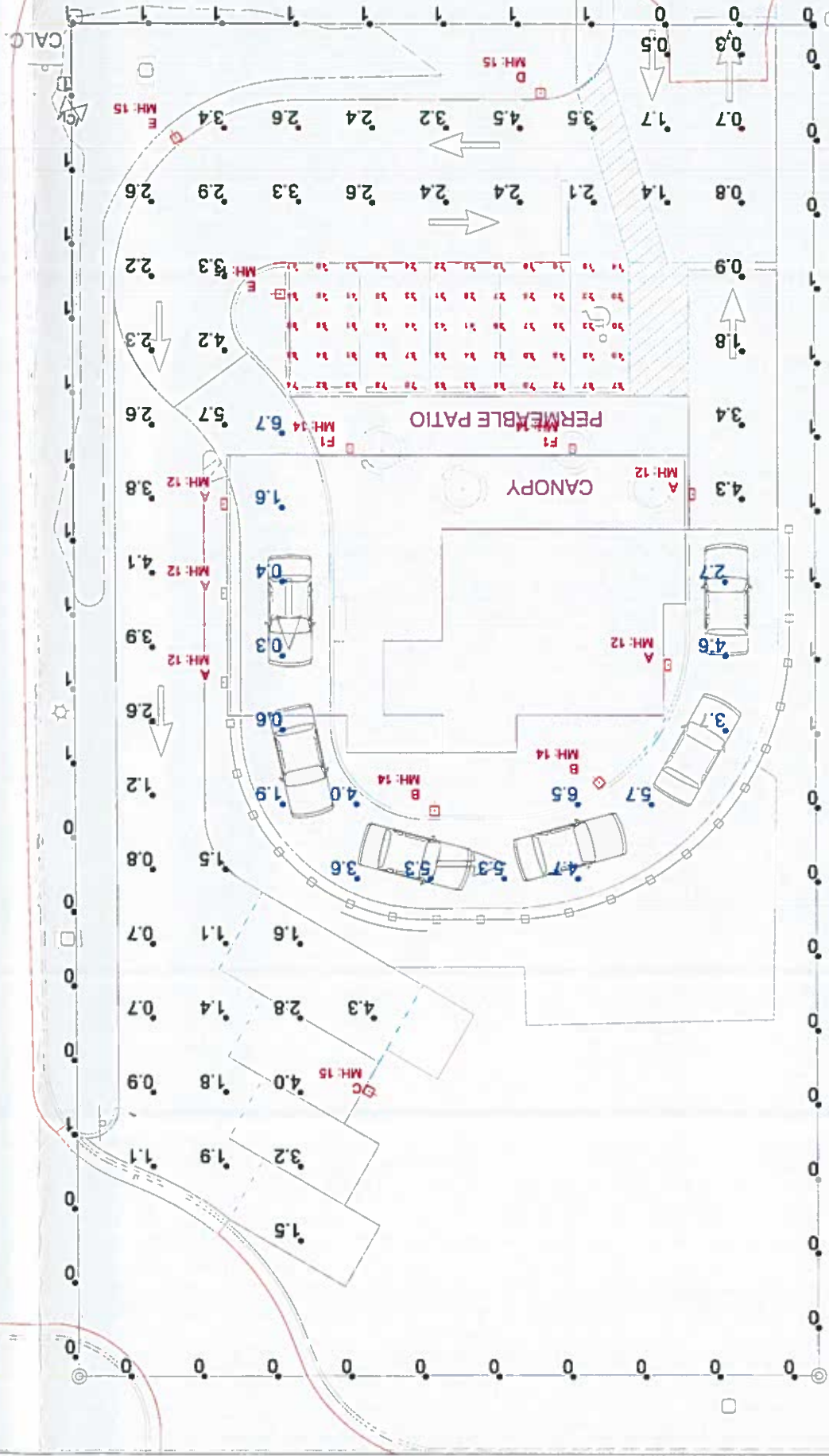
Rev #	Date:	Comments:
Rev A	3/6/18	
Rev 2	4/18/18	changed text with literature
Rev 3	4/18/18	added note to have painting area

Revisions

[illegible]

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
Drive Thru	illuminance	Fc	3.60	8.7	0.3	22.33
Parking Lot and Side Driv	illuminance	Fc	2.38	5.7	0.3	19.00
Parking lot front	illuminance	Fc	4.49	8.3	1.4	5.93
Property Line	illuminance	Fc	0.46	1	0	N.A.

Luminaire Schedule						
Symbol	Qty	Label	Description	Arrangement	LLF	Lum. Watts
⬢	5	A	LWP-QM-25-DB-1-NW	SINGLE	0.890	24.77
⬢	2	B	LFS-SAL-30-DB-T2	SINGLE	0.890	30.5
⬢	1	C	LFS-SAL-60-T4	SINGLE	0.890	59.98
⬢	1	D	LFS-SAL-SFL-30-T3	SINGLE	0.890	30.48
⬢	2	E	LFS-SAL-30-T4	SINGLE	0.890	30.38
⬢	2	F1	LAL-SB-60-DB-T3-1-NW-ESS-X-X-SINGLE		0.890	54.7
						5772



Mr. Quality Ice Cream







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

Ordinance No. 2018-06-01

An Ordinance of the Southern Shores Town Council Adopting a Budget and Tax Rate for FY 2018-2019

BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina that the following be the various budgets for FY 2018-19:

SECTION I. GENERAL FUND

- A. Appropriations: The following amounts are appropriated for the operation of the Town government and its activities for the fiscal year beginning July 1, 2018 and ending June 30, 2019:

Administration Department	\$ 1,007,163
Code Enforcement & Inspections Department	\$ 300,472
Fire Department	\$ 813,614
Ocean Rescue Services	\$ 163,500
Police Department	\$ 1,692,147
Public Works Department	* \$ 546,444
Public Works Department – Streets, Bridges & Canals	* \$ 1,123,597
Sanitation Services	\$ 688,465
Contribution to Capital Reserve Fund for Canals	\$ 20,000
Total General Fund Appropriations	\$ 6,355,402

- B. Estimated Revenues: It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2018 and ending June 30, 2019 to meet foregoing appropriations:

Property Taxes- Current Year	\$ 2,903,049
Vehicle Taxes (NCVTS)- Current Year	\$ 100,000
Property & Vehicle Taxes- Prior Years, Penalties and Interest	\$ 10,500
Subtotal: Property and Vehicle Taxes	\$ 3,013,549
Land Transfer	\$ 230,437
Local Option Sales Tax	\$ 934,840
Occupancy Tax	\$ 964,262
Other Intergovernmental Revenues	\$ 631,886
Building Permits & Fees	\$ 124,000
Other Revenues	\$ 173,600
Transfer in From Capital Reserve Fund	\$ 282,828
	3,341,853
Total General Fund Revenues	\$ 6,355,402

SECTION II. CAPITAL RESERVE FUND AND EXPENDITURES

FY 18-19 Appropriations Authorized:

Transfer OUT to General Fund "Canal and Channel Maintenance"	\$ 20,000
Transfer OUT to General Fund "Other Capital Projects"	<u>\$ 262,828</u>
	\$282,828

FY 18-19 Revenues Anticipated:

Transfer IN from General Fund for "Canal and Channel Maintenance"	\$ 20,000
Unassigned CRF Fund Balance (Non-Canal) Cap. Project	<u>\$ 262,828</u>
	\$282,828

Council-authorized withdrawals from the Capital Reserve Fund may continue to be made by the Council for the purposes outlined in that Fund's establishing resolution adopted March 6, 2007 as amended June 19, 2012. Withdrawals authorized by this Ordinance and transferred to the General Fund are for such purposes consistent with the provisions outlined in NCGS §159-22.

Notes:

-Capital Reserve Fund Balance (as of 4/30/18)	\$ 420,932
-FY 18-19 appropriation to "Public Works Department – Streets, Bridges & Canals" for funding any portion of the Town's capital improvement infrastructure expenditures:	- \$ 282,828
-FY 18-19 appropriation from General Fund to Capital for "Canal and Channel Maintenance"	<u>+ \$20,000</u>
-Capital Reserve Fund Balance (upon adoption-estimated)	\$158,104
-Balance upon adoption comprised of:	
- Reserved for Canal and Channel Maintenance	\$ 78,000
- Total estimated remaining balance for non-Canal capital projects	\$ 80,104

SECTION III. CEMETERY FUND

Appropriations Authorized:

Cemetery Maintenance and Beautification	\$ 640
--	---------------

Revenues Anticipated:

Proceeds from Sales of Cemetery Plots	\$ 640
---------------------------------------	--------

CEMETERY FUND-UBF (as of 6/30/17) \$ 56,718

SECTION IV. TAX RATE ESTABLISHED

There is hereby levied a property tax of twenty-two cents (\$0.22) on each one hundred dollars (\$100) valuation of real and personal taxable property in the Town of Southern Shores, as listed for taxes as of January 1, 2018 by the Dare County Tax Department, for the purpose of raising revenue included in "Property Taxes – Current Year" and "Vehicle Taxes – Current Year" in the General Fund, being Section I. B. of this Ordinance.

The rate of tax is based on an estimated total valuation of real and personal property for the purpose of taxation of \$1,314,004,639 with an estimated collection rate of 99.65%, and an

estimated total valuation of vehicles of \$45,454,545, with an estimated collection rate of 99.96%. The estimated rate of collection is based on the fiscal year 2016-2017 collection rate pursuant to NCGS §159-13(b)(6).

SECTION V. EXPENDITURES

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

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

- * Notwithstanding Town policies regarding purchasing and bidding, the Budget Officer is authorized to execute documents for the following items or services in accordance with specific appropriations established by this Ordinance or as the budget may be amended during the fiscal year: Contracting for services for Council-approved infrastructure improvement projects. An amount of \$ 1,123,597 is included (as shown on adopted line item budget) in the total amount appropriated in Section 1. A. for "Public Works Department - Streets, Bridges & Canals". This amount represents the total appropriation for capital street improvements for the fiscal year beginning July 1, 2018 and ending June 30, 2019. The Budget Officer is authorized to award and enter into contracts and purchase agreements to expend these funds in accordance with the terms of this Budget Ordinance, but only upon subsequent and separate adoption of an Ordinance establishing an "Infrastructure Improvement Plan with Authority to Implement" by the Town Council for the fiscal year beginning July 1, 2018 and ending June 30, 2019. Upon award of a contract or purchase agreement to expend these specific funds for a Council-approved infrastructure improvement project and in accordance with current Town policy, the Budget Officer shall report such award to the Council, for information purposes only, at a Council meeting subsequent to award.
- * Any budgeted item or service requiring additional procurement of separate architectural, engineering, or surveying services and for which a budgeted expense amount (estimated professional fee) is less than \$50,000, is hereby exempted from the provisions of Article 3D of Chapter 143 of the North Carolina General Statutes pursuant to NCGS § 143-64.32.

SECTION VI. ADOPTION OF UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Pursuant to the U.S. Office of Budget and Management directive for compliance with Federal requirements for purchasing and procurement using Federal grant and loan funds, the following provisions are hereby made a part of the TOWN OF SOUTHERN SHORES PURCHASING AND BID REQUIREMENTS POLICY last revised April 1, 2014:

Uniform Guidance Procurement Standards

The Town and its subrecipients are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Rules) codified at 2 C.F.R. part 200. Contracts funded with federal grant funds shall be procured in a manner in compliance with all applicable Federal laws, policies, and standards as well as state and local policies. All local policies and applicable state laws will be followed except to the extent that federal requirements are more restrictive than local policies and state law. If there is an overlap, and none of the rules are more restrictive, the Federal rules shall apply.

Conflict of Interest

In accordance with Federal Law 2 C.F.R. 200.318, officers, employees, agents of the Town, as well as the Town's subrecipients, spouses, immediate family members, partners, and current or soon-to-be employers are prohibited from receiving a real or apparent financial or other interest or personal tangible benefit from the contract. Conflict of interest violations include loss of federal funds, disciplinary action, and/or other remedies for noncompliance listed at Federal Law C.F.R. 200.338.

Gift Ban

In accordance with Federal Law 2 C.F.R. 200.318, all officers, employees, and agents of recipients and subrecipients are prohibited from receiving gifts from current or future contractors or vendors, excluding unsolicited gifts of nominal value. Violations include loss of federal funds, disciplinary action, and/or other remedies for noncompliance listed at 2 C.F.R. 200.338.

SECTION VII. LEASE REVENUES

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

SECTION VIII. FIRE SERVICES

An amount of \$267,700 is included (as shown on adopted line item budget) in the total amount appropriated in Section 1. A. for "Fire Department". Contingent only upon separate Council approval for expenditure upon the Fire Department's receipt of favorable construction and financing bids to also be approved by Council, this funding is to be used for reimbursement to the Fire Department of debt service costs incurred during FY 2018-2019 for the construction of a new fire station. Recognizing the provisions of Article 3 of Chapter 143 of the North Carolina General Statutes do not regulate the Southern Shores Volunteer Fire Department, Inc.'s selection process for a construction firm and lender for its construction of a new fire station, the Fire Department's process for selection of a general contractor and a lender shall be at direction of the Town.

SECTION IX. BUDGET OFFICER LINE TRANSFER AUTHORIZATION

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

SECTION X. BUDGET OFFICER RESTRICTIONS

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

SECTION XI. UTILIZATION OF BUDGET AND BUDGET ORDINANCE

This Ordinance and the Budget Document shall be the basis of the financial plan for operations of the Town of Southern Shores, North Carolina Municipal Government during the fiscal year 2018-19. Copies of this Budget Ordinance shall be furnished to the Clerk of the Town Council and to the Budget Officer and Finance Officer, and is to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this _____ day of June, 2018.

Mayor Tom Bennett

ATTEST:

Sheila Kane, Town Clerk

seal



Town of Southern Shores

Fiscal Year 2018-2019



Proposed Operating Budget

Filed and Submitted May 1, 2018

CONTENTS

- Budget Message
- FY 2018 - 2019 Assessed Value, Levy, and Tax Rate
- Budget Development Calendar for FY 2018 - 2019
- General Fund Expenditures Graph
- General Fund Revenues Graph
- Occupancy Tax Graph
- Proposed Line Item Budgets including Departmental Justifications:
 - General Fund
 - Cemetery Fund
 - Capital Reserve Fund
- Employee Position & Pay Classifications for Graded Positions



Town of Southern Shores

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

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

www.southernshores-nc.gov

May 1, 2018

Budget Message
Fiscal Year 2018-2019
[NC General Statute §159-1]

To the Honorable Mayor and Members of the Town Council:

I am pleased to report to you today submittal and filing of the proposed balanced budget - proposing no property tax increase in the Town's current property tax rate of 22.0 cents per \$100 of taxable property value. The Town of Southern Shores continues to provide the most services with the smallest work force at the lowest tax rate of any local government in Dare County. The proposed budget is balanced by projecting \$6,355,402 in revenues to fund \$6,355,402 in projected expenses to maintain the same level of services to citizens.

In accordance with the State of North Carolina's *Local Government Budget and Fiscal Control Act*, the proposed Town of Southern Shores operating budget for upcoming fiscal year 2018-2019 was filed today with the Town Clerk and will be available for public inspection beginning May 2, 2018. Public Notice of the proposed operating budget will be posted on the Town's bulletin boards, the Town's website, the Town's social media outlets, and in a Notice of Public Hearing to be published in accordance with NCGS §159-12 for a Public Hearing to be held June 5, 2018 at 5:30 PM in the Town Hall complex's Pitts Center.

During the Town's current fiscal year, a Budget preparation calendar was published by the Town giving Notice to the public of the annual budget preparation process outlined by State fiscal law, including meeting dates of the Town Council to direct any changes in Town policies, programs or services which the Budget Officer must project expenses and revenues for in the proposed budget. (Copy attached).

After the June 5, 2018 Public Hearing on the Budget Officer's filed proposed budget, the Town Council may further deliberate at its discretion on the components of this proposed budget. The Council may act after the Public Hearing and prior to July 1, 2018 - by either adopting the budget as proposed, or amending the proposed budget and adopting it as amended.

Real property development and construction industries in the Town of Southern Shores continue to experience growth. This translates into an increase in taxable property values and increased revenue for Town operations. The other major sources of revenue for the Town of Southern Shores, being occupancy tax, sales tax, and land transfer tax, are distributed to all municipalities in Dare County based on a formula established by State law. Each of these tax revenues are distributed to the municipalities in proportion to the amount of ad valorem taxes levied by each Dare County municipality for the preceding fiscal year.

The overall fiscal goal of the Town's administration continues to be the best possible delivery of all the Town's public municipal services in an economically feasible manner. By successfully accomplishing this goal each year, end-of-year budget savings and any realized unanticipated revenues automatically transfer into the Town's unassigned fund balance.

During the months of January and February of this calendar year and in accordance with the *Local Government Budget and Fiscal Control Act*, the Town's Budget Officer gathered from Department Heads the estimated costs of continuing to provide to our taxpayers the same basic services for the next fiscal year. Projected costs have been adjusted to indicate increases or decreases as appropriate. There are expenses for services which cannot be adjusted due to contractual obligations (i.e. fire protection, lifeguard services, solid waste collection, etc.). Funds from the Capital Reserve Fund have been proposed to fund a portion of the upcoming fiscal year's capital improvement projects. Prior to today's filing, an adjustment was made by the Budget Officer for the proposed \$20,000 annual expense for canal and channel maintenance reserve to reflect it being funded from the actual Capital Reserve Fund itself rather than from the General Fund.

For this upcoming fiscal year, an open-meeting budget work session was conducted on April 17th by the Town Council. Projected draft expenses and revenues (not a proposed, draft or preliminary budget) had been previously published on the Town website and released to the Town's sunshine list. Two Public Comment sessions were advertised on the meeting agenda and were offered at the meeting for the public to offer comment. The Town Manager-Budget Officer, the Finance-Human Resources Officer, and all Department Heads were present to assist in fully explaining projected costs and proposed expenses for their Departments to be able to deliver the Town's ongoing services. Each line of the projected operating expenses for next fiscal year was reviewed. A video replay of this budget session has been available on the Town's website since April 18, 2018 for the public to review at <https://www.youtube.com/watch?v=7ZPNnmaQ5Tk&feature=youtu.be>. The April 17th budget planning session meeting offered opportunity to any member of the Town Council to move the Council to direct any changes in Town policies, programs, or services - which would have resulted in the Budget Officer adjusting the projected expenses and revenues in the proposed budget filed today.

Proposed Budget Highlights for Fiscal Year beginning July 1, 2018:

1. Council-Directed Proposed Budget Expenses

Establish new employee classification for Deputy Town Manager/Town Planner increase effective July 1, 2018, Unanimous Approval February 6, 2018, Motion by Councilman Gary McDonald, Seconded by Mayor Pro Tem Chris Nason - \$ 13,477

Construction of East Dogwood Trail Pedestrian Path, Unanimous Approval February 20, 2018, Motion by Mayor Tom Bennett, Seconded by Councilman Gary McDonald - \$ 250,000

Increase in Annual Appropriation for Capital Street Improvements, Unanimous Approval February 20, 2018, Motion by Councilman Gary McDonald, Seconded by Councilman Fred Newberry - \$ 138,870

Implement an Architect's Assessment of Town Facility Needs, Unanimous Approval February 20, 2018, Motion by Mayor Tom Bennett, Seconded by Councilman Gary McDonald - \$ 26,370

Implement Coastal Engineer's Beach Vulnerability Study and Survey Update, Unanimous Approval March 6, 2018, Motion by Mayor Tom Bennett, Seconded by Councilman Jim Connors - \$ 94,000*

*Beach Survey Update portion (\$34,000) directed to not be proposed for FY 18-19, Unanimous Approval April 17, 2018, Motion by Mayor Tom Bennett, Seconded by Mayor Pro Tem Chris Nason.

2. Annual Town Work Force Expenses

- As reported to the Council prior to and during its April 17 budget work session, proposed employee expenses for this year make up 37% of the proposed budget (median of Dare County municipalities), will fund the smallest local government employed workforce in Dare County, and include the following for the Town's employee-positions' expenses:

Cost of Living Adjustment	2.50%
Health Insurance Premiums Increase	4.50%
FICA Contribution	7.65%
Retirement Contribution - Regular	7.75%
Retirement Increase - Law Enforcement Employees	8.50%
Employer 401k Contribution - Non-Law Enf. Employees	5.00%
Employer 401k Contribution - Law Enforcement Employees	5.00%
Dependents' Health Ins. Coverage Offset - "In Lieu of Benefits"	\$ 7,800

3. Finance/Administration Department

- As in previous years' recommended budgets, the projected budget for the upcoming fiscal year does not recommend any property tax rate increase.
- The Town continues to remain free of all debt obligations.
- The Town continues to maintain a healthy unassigned fund balance, well exceeding the Town's policy minimum, as determined by the Auditor as of June 30 of each fiscal year and for use in case of emergencies and unanticipated but necessary expenses.

4. Planning and Code Enforcement Department

- The project to update the existing Town Code of Ordinances continues into FY 18-19.

5. Police Department

- The continuation of the successful School Resource Officer program for protection of students and personnel at Kitty Hawk Elementary School is budgeted for this upcoming year.
- The Police Department will again be providing officers for the mutual effort of area local governments in having a presence at the US Highway 158 and NC Highway 12 intersection on "check-in" and "check-out" days this summer for the purpose of preventing traffic back-ups in the actual intersection itself.
- The Police Department will again be applying for several government grants for the purposes of obtaining modern equipment to enhance public safety in the Town. These grants have been appropriately budgeted as revenues and expenses accordingly.
- The Police Department's Community Resource Officer Program will continue this summer as a vital asset for recreational use of the Town's public trust ocean beach.

6. Public Works Department & Infrastructure Improvements

- Since 2015, by practice the Town Council holds a separate Public Hearing after budget adoption for proposed adoption of a prioritization of capital street improvements for the upcoming year based on a recommendation from the Council's Capital Infrastructure Improvement Planning (CIIP) Committee. This additional procedure adds yet another layer of opportunity for public input for attention to needed infrastructure improvements. The CIIP Committee's upcoming recommendation to the Council may be viewed on the Town's website at

<https://www.southernshores-nc.gov/wp-content/uploads/2018/04/CIIP-Apr-4-2018-Meeting-Minutes.pdf> .

- This year's proposed budget again recommends an appropriation to be used for Town-owned bulkhead repair and replacement.
- Funds for the expense of annual stabilization of the dunes along the public trust ocean beach (vegetation planting) are again projected in the annual budget. The revenue for this expense is obtained annually from the Town's designated portion of Dare County occupancy tax.

7. Planning for Fire Department Future Facility Needs

This year's proposed budget recommends an increase in compensation of \$60,000 to the Southern Shores Volunteer Fire Department, Inc. for its contracted fire services, based on the Fire Department's critical need of an employed Deputy Fire Chief as was previously briefed to the Council by the Fire Chief and requested in the Department's annual submitted budget. Also included in the budget is a proposed expenditure of \$ 267,700 for projected debt service cost reimbursement to the Fire Department for the remainder of FY 18-19 in the case of the Town Council committing (after construction and finance bid openings in Fall 2018) to participation in the Fire Department's financing construction of a new fire station.

8. Budget Rollovers

- As reported to the Council at its April 3rd and April 17th meetings, certain projected expenses - for the current Fiscal year 2017-2018 - which are legally obligated -will not be totally incurred by June 30, 2018 and will therefore revert to the Town's unassigned fund balance at midnight June 30, 2018. These legal obligations will continue beyond June 30, 2018, and therefore in accordance with accounting standards will need to be re-appropriated by the Town Council in the form of adoption of recommended budget amendments at the next available meeting of the new fiscal year 2018-2019.

Peter Rascoe
Budget Officer/Town Manager

**FY 18-19 Assessed Value and Levy
and Tax Rate Equivalency**

\$ 1,314,004,639 Assessed Value as of Jan 1, 2018

(x) .22 current ad valorem Tax Rate

(+) 749 Late Listing Penalties

(=) \$ 2,891,559 Total Levy

(+) growth

(x) 99.65% FY 16-17 Collection Rate

(=) \$ 2,903,049 Ad Valorem Tax Revenue Budgeted

(÷) .22 Current ad valorem Tax Rate

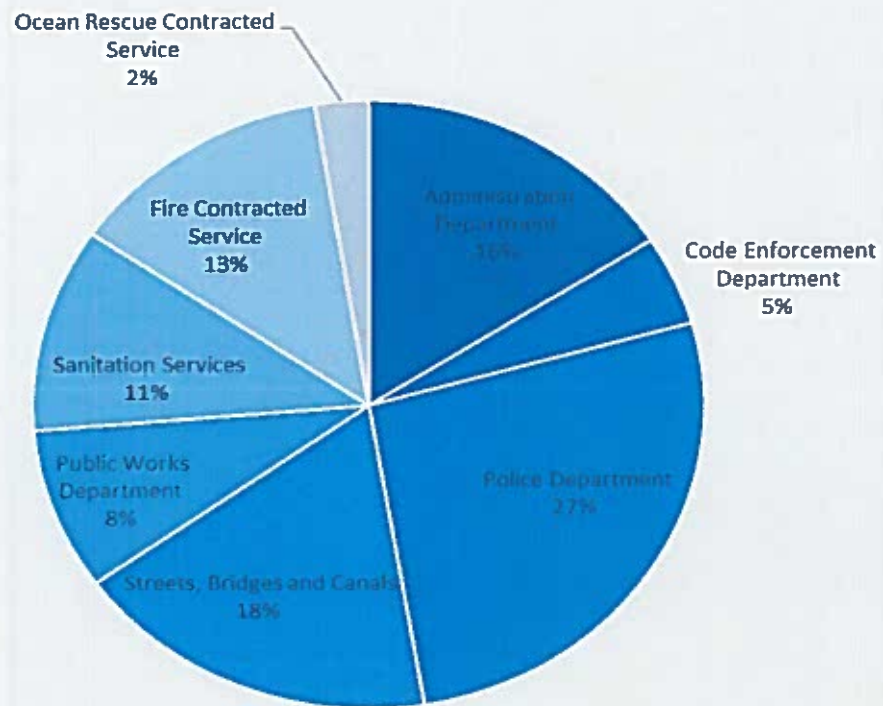
(=) One penny (.01) of the tax rate generates revenue of \$ 130,974

Budget Preparation Calendar for Fiscal Year 2018-2019

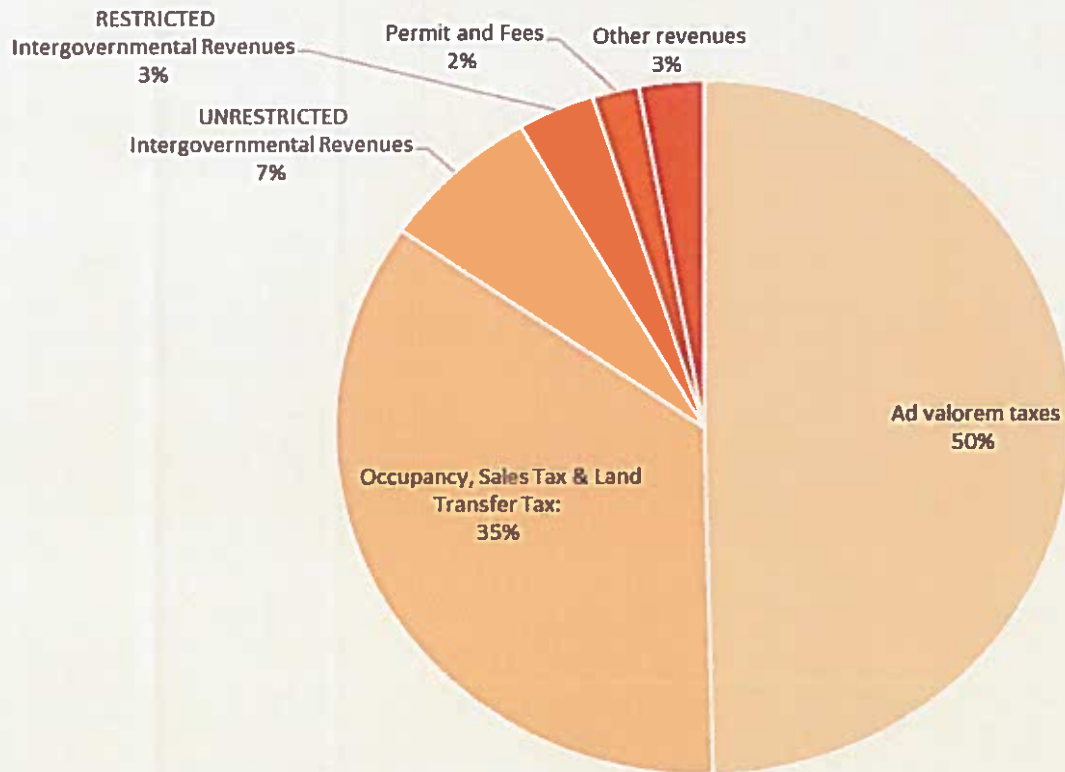
In accordance with Chapter 159 of the NC General Statutes [NC Local Government Budget and Fiscal Control Act]

- **March 20, 2018 - 9:00 AM Special Meeting (Work session for annual budget planning)** - projected budgeted expenditures review – Changes in Budget Officer's draft projections may be directed by action of the Council. (Cancelled due to Town not receiving projected revenues to be distributed to each municipality by state law as computed by the Dare County Finance Office.)
- **April 17, 2018 - 9:00 AM Special Meeting (Work session for annual budget planning)** - projected revenues review and further projected expenditures review - Changes in Budget Officer's draft projections may be directed by action of the Council.
- **May 1, 2018 - 5:30 PM Regular Meeting** - Budget Officer officially files his recommended budget to Council (inclusive of any previous Council directives) with the Clerk - (Clerk makes Budget Officer's filed-recommended budget document available for public inspection, and publishes notice of June 5, 2018 Public Hearing
- **June 5, 2018 - 5:30 PM Regular meeting** - Public Hearing (separate from public comment periods) on the FY 2018-2019 filed recommended budget. Council may adopt, with changes, after the public hearing, and must adopt at any time through June 30.
- **June 5, 2018 - 5:30 PM Regular Meeting** - Publication of CIIP Committee-recommended Capital Infrastructure Improvement Plan for FY 2018-2019.
- **July 10, 2018 - 5:30 PM Regular Meeting** - Public Hearing on CIIP Committee-recommended Capital Infrastructure Improvement Plan for FY 2018-2019 - Council may direct changes prior to adoption, or not adopt.

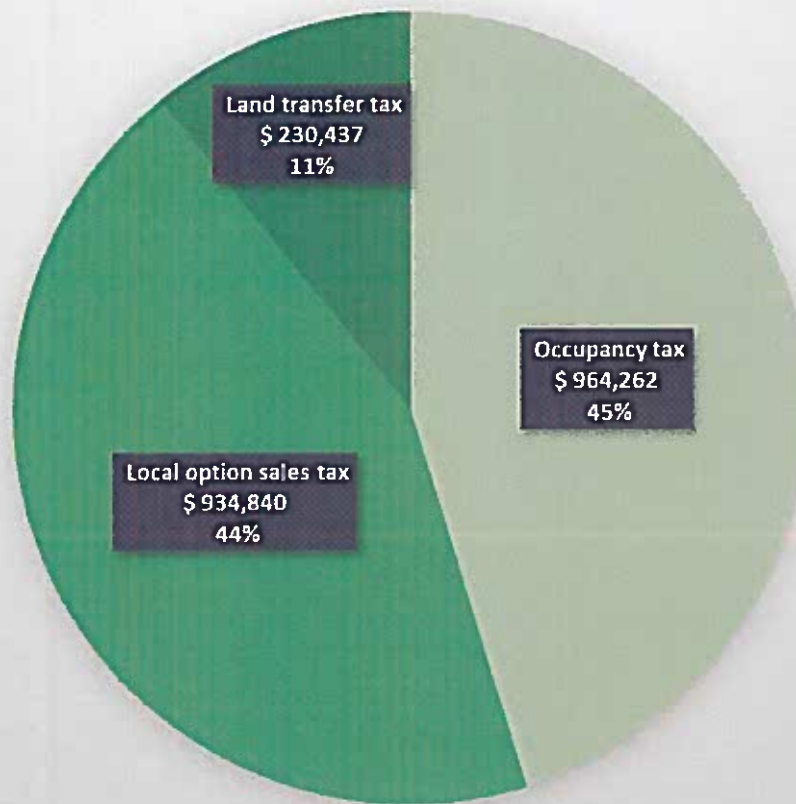
General Fund Expenditures FY 18-19



General Fund Revenues



Occupancy, Sales Tax & Land Transfer Tax



GENERAL FUND SUMMARY						
	FY 15-16 Actual	FY 16-17 Actual	FY 17-18 Amended	FY 18-19 Requested	FY 18-19 Recommended	FY 18-19 Adopted
Revenues:						
Ad valorem taxes	2,935,930	2,951,740	2,980,030	3,013,549	3,013,549	
Occupancy, Sales Tax & Land Transfer Tax:	2,079,459	2,072,762	2,070,273	2,129,539	2,129,539	
UNRESTRICTED Intergovernmental Revenues	479,417	455,591	450,600	426,622	426,622	
RESTRICTED Intergovernmental Revenues	1,007,043	870,805	201,514	205,264	205,264	
Permit and Fees	122,769	132,252	115,000	124,000	124,000	
Other revenues	77,599	67,693	533,060	173,600	173,600	
SubTotal:	6,702,217	6,550,843	6,350,477	6,072,574	6,072,574	
Transfer IN from Cap. Res. Fund for Cap. Projects	-	-	22,000	282,828	282,828	
Appropriated-Undesignated Fund Balance	-	-	447,251			
Total:	6,702,217	6,550,843	6,819,728	6,355,402	6,355,402	
Expenditures:						
Administration Department	954,363	916,080	982,780	1,007,163	1,007,163	
Code Enforcement Department	210,681	222,603	287,468	300,472	300,472	
Police Department	1,438,850	1,460,868	1,662,310	1,692,147	1,692,147	
Streets, Bridges and Canals	1,754,576	1,594,164	1,611,664	1,123,597	1,123,597	
Public Works Department	406,739	406,564	432,826	546,444	546,444	
Sanitation Services	674,620	630,540	657,486	688,465	688,465	
Fire Contracted Service	475,505	476,880	749,625	813,614	813,614	
Ocean Rescue Contracted Service	158,126	161,550	161,550	163,500	163,500	
Total Operating General Fund Expenditures	6,073,460	5,869,249	6,545,709	6,335,402	6,335,402	
Transfer OUT to Capital Reserve Fund- Canals	20,000	20,000	20,000	20,000	20,000	
Transfer OUT to Capital Reserve Fund			254,019			
			6,819,728	6,355,402	6,355,402	
REVENUES OVER (UNDER) EXPENDITURES	628,757	681,594	-	-		
.01 = \$130,974						

GENERAL FUND						
	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 18-19	FY 18-19
REVENUES	Actual	Actual	Amended	Requested	Recommended	Adopted
AD VALOREM TAXES:						
Property taxes - current year	2,832,305	2,849,641	2,877,530	2,903,049	2,903,049	
Property taxes - prior years	9,523	2,422	5,000	5,000	5,000	
Vehicle taxes - prior years	69	5	2,500	2,500	2,500	
NCVTS	90,626	96,829	92,000	100,000	100,000	
Tax penalties and interest	3,407	2,843	3,000	3,000	3,000	
Total Ad Valorem Taxes	2,935,930	2,951,740	2,980,030	3,013,549	3,013,549	
Occupancy, Sales Tax & Land Transfer Tax:						
Occupancy tax	948,488	926,873	942,358	964,262	964,262	
Local option sales tax	894,212	923,481	910,799	934,840	934,840	
Land transfer tax	236,759	222,408	217,116	230,437	230,437	
Total Occupancy, Sales Tax & Land Transfer	2,079,459	2,072,762	2,070,273	2,129,539	2,129,539	
UNRESTRICTED INTERGOVERNMENTAL REVENUES:						
Utilities franchise tax	281,555	259,610	254,000	237,120	237,120	
Video Programming Tax	69,122	70,180	70,000	67,372	67,372	
Telecommunications tax	27,499	27,398	25,000	23,730	23,730	
PEG Channel Revenue	28,071	27,683	28,500	25,000	25,000	
ABC revenues	59,175	55,571	58,000	58,000	58,000	
Beer and Wine Tax	12,599	13,198	13,000	13,000	13,000	
Solid Waste Disposal Tax	1,396	1,951	2,100	2,400	2,400	
Total Unrestricted Intergovernmental Revs	479,417	455,591	450,600	426,622	426,622	
RESTRICTED INTERGOVERNMENTAL REVENUES:						
Powell Bill	119,567	119,047	119,000	119,000	119,000	
Governor's Crime Commission	13,693	-	29,764	-	-	
COPS Grant- DOJ	41,173	47,126	-	-	-	
GHSP Grant	-	-	18,750	15,000	15,000	
GCC Grant	-	-	-	37,264	37,264	
Controlled Substance tax	406	75	-	-	-	
Government Access Channel Grant	10,000	4,200	10,000	10,000	10,000	
Shoreline Stabilization	24,000	24,000	24,000	24,000	24,000	
NCDOT Grant	798,204	218,125	-	-	-	
US Dept of Homeland Security- FEMA	-	373,776	-	-	-	
NC Dept Public Safety-DEM-FEMA	-	84,456	-	-	-	
Total Restricted Intergovernmental Revs	1,007,043	870,805	201,514	205,264	205,264	

REVENUES	FY 15-16 Actual	FY 16-17 Actual	FY 17-18 Amended	FY 18-19 Requested	FY 18-19 Recommended	FY 18-19 Adopted
PERMITS AND FEES:						
Building permits	103,446	106,618	96,000	103,000	103,000	
Plan review fees	8,176	11,670	7,000	8,000	8,000	
CAMA fees	3,380	2,740	2,500	2,500	2,500	
Planning board fees	2,450	3,350	1,000	2,000	2,000	
Court costs and fees	1,017	974	1,000	1,000	1,000	
Parking and other fines	4,300	6,900	7,500	7,500	7,500	
Total Permits and Fees	122,769	132,252	115,000	124,000	124,000	
Other Revenues:						
Interest income	11,251	26,230	22,000	45,000	45,000	
Charter Communications	18,324	1,587	-	-	-	
Sale of fixed assets	10,222	20,722	-	-	-	
Rental Income	9,900	1,700	2,400	2,400	2,400	
Miscellaneous	2,138	5,945	5,960	5,000	5,000	
Body Armour Grant	1,951	1,065	1,200	1,200	1,200	
Outer Banks Community Foundation	1,500	1,000	1,500	1,000	1,000	
Insurance proceeds	22,313	9,444	-	-	-	
Dare County Beach Noursihment Grant	-	-	500,000	-	-	
Dare County Tourism Bureau	-	-	-	119,000	119,000	
Total Other Revenues	77,599	67,693	533,060	173,600	173,600	
Total Other Revenues	3,766,287	3,599,103	3,370,447	3,059,025	3,059,025	
TOTAL REVENUE BEFORE TRANSFERS						

ADMINISTRATION DEPARTMENT	FY 15-16 Actual	FY 16-17 Actual	FY 17-18 Amended	FY 18-19 Requested	FY 18-19 Recommended	FY 18-19 Adopted
Salaries	355,769	362,528	370,119	375,114	375,114	
FICA	25,490	25,951	29,737	30,120	30,120	
Retirement	42,208	44,580	46,265	47,827	47,827	
Group Health Insurance	44,968	42,424	45,809	47,565	47,565	
Council Compensation	15,554	18,600	18,600	18,600	18,600	
Council Travel & Training	-	-	1,500	2,000	2,000	
Unemployment Payments	519	-	-	-	-	
Legal services	52,480	48,555	61,500	61,500	61,500	
Audit services	16,069	16,000	16,250	17,000	17,000	
Payroll services	7,861	6,410	7,500	7,500	7,500	
Computer services	58,384	72,970	52,200	58,887	58,887	
Insurance and bonds	84,036	67,818	75,000	75,000	75,000	
Advertising	823	770	1,000	1,000	1,000	
Travel	8,964	7,390	8,800	15,000	15,000	
Telephone	28,631	30,914	28,600	30,000	30,000	
Utilities	20,275	20,151	25,000	25,000	25,000	
Dues/subscriptions	7,564	6,903	10,000	10,000	10,000	
Training	7,792	4,269	10,300	13,500	13,500	
Supplies	9,847	8,669	10,000	13,000	13,000	
Postage	1,572	1,512	2,000	2,000	2,000	
Equipment lease & maintenance	22,605	8,931	12,000	12,000	12,000	
Municipal Elections	3,570	-	4,300	-	-	
Dare County & NCVTS tax collection	46,838	46,662	48,000	50,000	50,000	
Gov't. Access Channel (PEG Channel)	28,071	27,683	28,500	26,500	26,500	
Gov't. Access Channel Membership	1,000	1,000	1,000	1,000	1,000	
Municode publishing	2,835	2,896	5,000	5,000	5,000	
Vehicle Operations	171	140	500	500	500	
EE Recognition & Appreciation	7,290	7,020	8,500	8,500	8,500	
Wellness Initiative	868	2,692	3,000	3,000	3,000	
Contracted Services	1,068	2,635	-	3,000	3,000	
Misc.	-	3,067	10,000	10,000	10,000	
Technology Update- Pitts Center	10,276	4,200	10,000	10,000	10,000	
Recording of Meetings	5,242	5,350	11,800	7,050	7,050	
Cleaning of Town Buildings	16,430	17,390	20,000	20,000	20,000	
Capital Outlay- Vehicle	19,293	-	-	-	-	
Total	954,363	916,080	982,780	1,007,163	1,007,163	

PLANNING & CODE ENFORCEMENT						
	FY 15-16 Actual	FY 16-17 Actual	FY 17-18 Amended	FY 18-19 Requested	FY 18-19 Recommended	FY 18-19 Adopted
Salaries	125,029	127,206	150,961	178,938	178,938	
FICA	10,008	10,116	11,633	13,689	13,689	
Group Health Insurance	22,110	21,484	23,348	24,746	24,746	
Employee retirement	15,517	16,622	16,159	18,913	18,913	
Contracted Services	21,095	19,290	20,700	11,800	11,800	
Printing	202	475	1,000	1,000	1,000	
Advertising	528	834	1,000	1,000	1,000	
Travel	-	147	1,000	4,536	4,536	
Dues/subscriptions	170	120	500	350	350	
Training	-	200	1,500	5,000	5,000	
Supplies	404	634	1,200	1,000	1,000	
Vehicle Maintenance	-	-	2,000	1,000	1,000	
Capital Outlay- Vehicles	-	-	-	30,000	30,000	
Vehicle operations	788	652	1,000	1,000	1,000	
Homeowners Recovery fee	477	585	1,000	1,000	1,000	
Flood Zone Map Mailing	1,810	1,505	2,000	2,000	2,000	
Misc	14	100	1,000	1,000	1,000	
Historic Landmark Designation	-	-	5,000	2,000	2,000	
Town Code Update	12,529	22,633	44,467			
BOA transcription	-	-	2,000	1,500	1,500	
Total Code Enforcement	210,681	222,603	287,468	300,472	300,472	-

POLICE DEPARTMENT	FY 15-16 Actual	FY 16-17 Actual	FY 17-18 Amended	FY 18-19 Requested	FY 18-19 Recommended	FY 18-19 Adopted
Salaries	826,744	819,660	879,121	885,472	885,472	
Holiday	29,128	29,179	25,000	25,000	25,000	
Overtime	11,411	11,575	20,000	20,000	20,000	
FICA	65,767	64,986	70,697	71,182	71,182	
Group Health insurance	113,446	104,519	118,163	122,725	122,725	
Employees retirement	104,238	110,685	120,565	123,642	123,642	
Career Development	1,000	1,000	3,700	3,000	3,000	
Computer services	6,646	2,830	9,300	8,500	8,500	
Printing	-	-	1,000	1,000	1,000	
Advertising	-	603	-	-	-	
Travel	10,730	7,162	12,000	12,000	12,000	
Dues/subscriptions	1,899	1,045	1,500	1,500	1,500	
Training	5,697	12,199	15,500	15,000	15,000	
Medical testing	-	714	1,000	1,000	1,000	
Uniforms	15,428	14,070	14,000	20,000	20,000	
Supplies	32,146	33,138	37,200	37,200	37,200	
Contracted Services	9,105	13,718	22,500	19,000	19,000	
Equipment lease & maint.	3,050	4,250	5,000	5,000	5,000	
Equipment purchase	49,201	70,998	63,600	73,000	73,000	
Vehicle maintenance & repair	19,849	17,884	28,000	28,000	28,000	
Vehicle operations	25,057	25,566	35,000	35,000	35,000	
Misc.	107	-	5,000	10,000	10,000	
Capital Outlay- Vehicles	70,919	77,023	83,000	85,000	85,000	
GCC Grant- Radios	14,605	14,480	37,264	37,264	37,264	
GHSP Grant- Body Cams	-	-	25,000	25,000	25,000	
Total	1,416,173	1,437,284	1,633,110	1,664,485	1,664,485	-
Sep. Allowance Transferred to Pension Fund	22,677	23,584	29,200	27,662	27,662	
Total Police	1,438,850	1,460,868	1,662,310	1,692,147	1,692,147	-

Streets, Bridges and Canals	FY 15-16 Actual	FY 16-17 Actual	FY 17-18 Amended	FY 18-19 Requested	FY 18-19 Recommended	FY 18-19 Adopted
Street Sign Maintenance	4,974	6,414	4,000	4,000	4,000	
Engineering & Arborist Services	1,794	3,350	5,000	5,000	5,000	
Street Maintenance	54,278	19,250	57,202	57,202	57,202	
Brush Trimming	7,650	11,900	20,000	20,000	20,000	
Bridge Maintenance	915	2,125	1,500	2,125	2,125	
Beach Profile Study	-	850	33,108	60,000	60,000.00	
Beach Nourishment Engineering	-	40,316	-	-	-	
Beach Nourishment - Legal	-	29,636	-	-	-	
Beach Nourishment	-	0	1,000,000	-	-	
Hurricane Matthew Recovery	-	414,050	-	-	-	
Osprey Lane	-	154,082	850	-	-	
Juniper Trail	-	186,768	2,200	-	-	
Juniper/Trinite Trail Bridge	-	7,223	-	-	-	
Fairway Drive	150	-	225	-	-	
Pintail Court	4,918	-	-	-	-	
Scuppernon Lane	38	-	-	-	-	
N,S & E Dogwood Intersection	75	3,563	1,500	-	-	
Yaupon Trail	1,163	6,660	1,282	-	-	
N. Dogwood Trail # 280 293	59,397	-	-	-	-	
Beech Tree St. Project	166,532	56	-	-	-	
Bear Track Lane	71,563	-	-	-	-	
Wild Swan Lane	19	131,085	113	-	-	
Fox Grape Lane	249,751	75	-	-	-	
Hollow Beach Court	70,714	-	2,750	-	-	
Palmetto Lane	-	-	162,575	-	-	
Clam Shell Trail	-	-	187,754	-	-	
Skyline Dr. Intersection	-	-	52,898	-	-	
FY 17-18 Infrastructure Projects	-	-	1,593	-	-	
East Dogwood Bike Path	-	-	-	250,000	250,000	
FY 18-19 Infrastructure Projects	-	-	-	654,870	654,870	
Tall Pine Bridge	997,755	(12,923)	-	-	-	
Waterway Maintenance and Repair	400	400	400	400	400	
Storm Debris Cleanup	-	67,300	16,778	20,000	20,000	
Bulkhead Maintenance and Repair	62,490	79,110	45,000	50,000	50,000	
NC Hwy12-E. Dogwood Stormwater Flooding	-	412,874	14,936	-	-	
Dogwood Trail Physical Survey	-	30,000	-	-	-	
Total	1,754,576	1,594,164	1,611,664	1,123,597	1,123,597	

PUBLIC WORKS DEPARTMENT						
	FY 15-16 Actual	FY 16-17 Actual	FY 17-18 Amended	FY 18-19 Requested	FY 18-19 Recommended	FY 18-19 Adopted
Salaries	209,340	206,910	206,889	288,507	288,507	
FICA	15,092	14,774	15,827	22,071	22,071	
Group Health insurance	38,373	32,706	35,193	34,066	34,066	
Employee retirement	23,442	24,248	24,855	34,618	34,618	
Training	4,410	1,300	2,000	2,000	2,000	
Printing	-	225	600	600	600	
Travel	2,417	-	2,000	2,000	2,000	
Uniforms	3,779	3,582	3,500	3,500	3,500	
Dues and Subscriptions	489	753	330	330	330	
Supplies	3,204	36,226	7,960	8,500	8,500	
Advertising	1,096	723	450	450	450	
Safety Compliance	586	819	1,100	1,300	1,300	
Town buildings maintenance & repairs	25,948	30,276	33,022	33,022	33,022	
Beautification-grounds	11,499	5,028	5,000	5,000	5,000	
Equipment lease & maintenance	5,167	5,633	3,000	5,500	5,500	
Vehicle maintenance & repair	1,977	1,264	3,000	3,000	3,000	
Vehicle operations	5,434	4,987	7,000	9,000	9,000	
Misc	593	950	950	1,000	1,000	
Capital Outlay- Equipment	27,609	4,499	-	-	-	
Capital Outlay- Vehicle	-	-	-	35,000	35,000	
Medical Testing	131	294	150	150	150	
Equipment Purchase	-	-	26,000	4,460	4,460	
Boat purchase-(From CRF-Canals)	-	-	22,000	-	-	
Shoreline Stabilization	24,000	31,254	30,000	24,000	24,000	
Parking Lot Maintenance	2,153	113	2,000	2,000	2,000	
Facilities Assessment	-	-	-	26,370	26,370	
Total	406,739	406,564	432,826	546,444	546,444	-

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Administrative Services

Mission

The Administrative Services Department conducts the overall administration of the Town as prescribed by the North Carolina General Statutes. Personnel coordinate all Town operations and activities in accordance with the specific provisions and authorities of Chapter 160 (Cities and Towns) of the North Carolina General Statutes, the Town Charter of the Town of Southern Shores granted by the North Carolina General Assembly on March 26, 1979 in Chapter 203 of the 1979 Session Laws, the *North Carolina Local Government Budget and Fiscal Control Act* [NCGS Chapter 159, Article 3] and the Town of Southern Shores adopted *Council Rules of Procedure*. Personnel implement all policies and actions adopted and directed by the Town Council.

FY 18-19 Budget Highlights

Personnel

- **Salaries** – Includes annual 2.5% cost of living adjustment.
- **FICA** – Social Security and Medicare rate of 7.65%. Includes FICA withheld for Council Compensation.
- **Retirement** – Mandatory rates for FY 18-19 set by the State LGERS Board of 7.75% for General Employees. 5% annual Town contribution to 401k for all employees.
- **Group Health Insurance** – Insurance rates reflect approximately a 4.5% increase.
- **Council Compensation** – \$4,200/yr for Mayor, \$3600/yr for Council Members
- **Unemployment Rates** – Reimbursable employers are required to maintain 1% of taxable wages in their account. Town currently has required amount of \$5,800.00. Currently there are no pending claims, however if a claim is paid out in the future, budget will need to be increased to cover mandatory replacement of funds expended from account.

Professional Services

- **Legal Services** – Retainer cost is \$30,000/yr +\$185/hr).
- **Audit Services** – Cost of required annual audit. Contracted with Dowdy & Osborne, CPA firm in Nags Head.
- **Payroll Services** – Fees for processing payroll, quarterly payroll reports and COBRA administration.
- **Computer Services** – Third year of three-year service contract, includes monthly charges to replace all computers and will include service calls, Office 365 licenses and cloud based sharing. Includes quarterly charges for the website maintenance. Includes Stanley door update and network and wiring cleanup for the Public Works Shop.

Operations

- **Insurance** – All insurance (general liability, property and casualty, worker's compensation) and bonding costs.
- **Advertising** – Projected as actual costs for advertising for current FY 16-17. Includes cost of publishing notices for Council meetings and public hearings.
- **Travel** – Overnight stays, meals and mileage reimbursement for training for, Town Manager, Town Clerk, Finance/Personnel Officer and the Administrative Assistant.
- **Council Travel and Training** – training and travel for Council, including, but not limited to, the annual NCBIWA conference.

- **Telephone** – Land lines and cellphones for all Departments of the Town. Includes \$1800.00 for mask communication with Dare County.
- **Utilities** – Electricity, internet and water for all Town buildings and natural gas at PW building
- **Dues/Subscriptions** – Memberships for Chamber of Commerce, NC League of Municipalities, UNC School of Government, NC Beach, Inlet & Waterway Association, International Institute of Municipal Clerks, Organization of Municipal Personnel Officers, NC-International Personnel Management Association, International Personnel Management Association, NC Government Finance Officers Association, NC Association of Municipal Attorneys, and newspaper subscriptions.
- **Training** – NC City and County Manager's Conference, Clerk Certification Class, Finance Officer's Summer and Spring Conference, OMPO Fall Conference, NC-IPMA Spring Conference, IPMA Spring and Fall Conference, Public Employment Law Update, and training classes through UNC School of Government.
- **Supplies** – Cost of office supplies (paper, pens, staples, etc).
- **Postage** – Stamps for all mailings, bills, etc
- **Equipment Lease & Maintenance** – Town Hall copiers and water coolers.
- **Dare County Tax Collection** – Expense (1.5%) to Dare County for collection of Town property taxes.
- **Gov't Access Channel (PEG)** – Town receives this from the State and appropriates to Dare County for the Government Access Channel.
- **Gov't Access Channel membership** – Annual membership expense.
- **Town Code publishing** – Annual cost to MuniCode for constant publishing updates.
- **Vehicle Operations** – Fuel costs attributed to Administrative Dept. for use of Town vehicle.
- **EE Recognition & Appreciation** – Annual morale and appreciation events for Town employees. Annual July 4th employee and families, and Council members picnic, all-employee annual Christmas party, all-employee work anniversary luncheon, and monthly employee group birthday recognitions.
- **Wellness Initiative** – Annual expense providing reimbursement subsidies to qualifying employees establishing and maintain good physical fitness, health, and wellness – Results in lower rate of employee work absences due to illness and injury; and lower risk of work-related injury adversely affecting worker's compensation insurance premiums. Qualifying subsidies fund portions of active gym memberships, fitness training, run-cycle events, and diet counseling.
- **Misc** – Annual projection for unbudgeted and unanticipated necessary administrative costs.
- **Technology Update-Pitts Center** – Expense of any received grant money from Dare County Government Education Access Channel Committee to fund audio-visual technology upgrades at Pitts Center.
- **Recording of Meetings** – Videographing 12 night meetings @ 4 hours each (\$250 first 2 hours/\$100 per hour after) and 3 workshops @ 5 hours each.
- **Cleaning of Town Buildings** – Weekly janitorial of all Town buildings and Spring deep cleaning.

Planning & Code Enforcement

Mission

The Planning and Code Enforcement Department is responsible for planning, permitting, and code enforcement services for the Town. The primary goal of the Department is to provide citizens with timely and efficient permit issuance and administration and enforcement of building regulations, flood regulations, nuisances, subdivision regulations, zoning regulations, CAMA regulations, and hazard mitigation.

FY 18-19 Budget Highlights

Personnel

- ***Salaries*** – Salaries include a full year for the part time Building Inspector, and increases for Deputy Town Manager-Planner and Permit Officer for added duties and responsibilities.
- ***FICA*** – Social Security and Medicare rate of 7.65%. Includes FICA withheld for Council Compensation.
- ***Retirement*** – Mandatory rates for FY 18-19 set by the State LGERS Board of 7.75% for General Employees. 5% annual Town contribution to 401k for all employees.
- ***Group Health Insurance*** – Insurance rates reflect approximately a 4.5% increase. Actual numbers will come in May.

Contracted Services

- Funding for initial year subscribing to citizenserve permitting software.
- Includes \$9,800 for first year and \$2,000 for unexpected expenses. Each additional year fee is \$3,600

Printing

- Funding for printing services for cards, signage, and applications.

Advertising

- Funding for public/legal notice publications.

Travel

- Funding for meals and overnight accommodations usually associated with training.
- Increased by \$3,356 for meals and accommodations for UNC SOG Municipal and County Administration course in Chapel Hill, NC. from September, 2018 through April, 2019.

Dues/Subscriptions

- Funding for media subscriptions and employee certifications.
- Decreased by \$350 to reflect previous year's actual costs.

Training

- Funding for continuing education.

- Increased by \$3,500 UNC SOG Municipal and County Administration course in Chapel Hill, NC. from September, 2018 through April, 2019.

Supplies

- Funding for materials and equipment.
- Decreased by \$200 to reflect previous year's actual costs.

New Vehicle

- New item for \$30,000 for Ford F-150 4x4 including Town logo stickers.

Vehicle Maintenance and Repair

- Funding for maintenance and repairs for the Department's only vehicle.
- Decreased by \$1,000 due to acquisition of a new vehicle and releasing current Department's vehicle (Ford Escape).

Vehicle Operations

- Funding for vehicle fuel.

Homeowners Recovery Fee

- Funding for payment to the North Carolina Homeowner Recovery Fund as required by § 87, Article 1 A (payment of \$9 per permit issued for work performed by a licensed general contractor associated with a single-family dwelling that is over \$30,000).

Flood Zone Map Mailing

- Funding for printing and mailing of annual Community Rating System outreach projects to all property owners.

Misc.

- Funding for unexpected expenses.

Historic Landmarks Commission

- Decreased by \$3,000 due to in-house property research for potential Historic Landmark reports.
- Funding for plaques/monuments for designated Historic Landmarks.

Town Code Update

- Funding for contracted service with CodeWright Planners for the Town Code Update Project will need to be brought to Council in July or August for a budget amendment.
- Decreased to reflect remaining budget for project completion which includes work in Task 3, Task 4, graphics, and copies.

BOA Transcription

- Funding for a transcriptionist for Planning Board meetings in which the Board performs the duties of the Board of Adjustment.
- Decreased by \$500 to reflect previous year's actual costs.



Southern Shores Police Department

Budget Justification Summary Report 2018-2019

(proposals, prices, and needs noted below are subject to change without notice. They may also depend upon availability, prices and/or unforeseen needs that may arise during the FY2018/19. These proposals are not inclusive of all the department's needs/requirements, and are only a summary)

2/23/18

Line Item

Career Development- Decrease \$1500 from \$4500 to \$3000 – Tuition 2 officers, 4 yr. degrees possible for 2 officers

Computer Services- Same \$8500 RMS- \$4500.00, covers Shoshin non- contract for our MDT/Laptops. Install updates in vehicles. DCI Computer upgrade.

Printing- Remain same \$1000.

Advertising- Remain same 0.

Travel- Remain same \$12,000.00 To cover SRO refresher school, possible DARE refresher, covers officers schools/training, F/A, Radar, Taser, PT (\$12,000) covers meals/lodging.

Dues/Subscriptions- Same \$1500. (FBINA, FBINC, NCCOP, FA)

Training- Same \$15,000. **(\$500-Dare)**SRO refresher training, PO's training-P/T, F/A. DARE covers schools not free like Salemburg, Edneyville 8hr travel time. Gym-\$125 x 13=\$1625, Dare-\$1200, SRO Refresh-\$800,(\$4725) F/A's,Taser, Radar x 12 officers-Simunitions New training

Medical Testing- Same \$1000. Emerg. Need in case New hire (\$800) minimum

Uniforms- Remain same \$20,000 This includes officer dry cleaning – 1 shirt, 1 pair pants, Pant 5.50x2=11.00 shirt 3.50x2=7.00 =936.00 per officer per yr x 11 officers=\$10296.00. The average cost to replace worn/damaged basic Class A uniforms is approx. \$600.00 per officer, and this cost includes the basic: 2-pair of pants, 2-s/s shirts, 2-L/s shirts and 1-shoes x 2 (Class B's additional \$400 per officer). Galls.

Pants:	\$95.00
L/S Shirt:	\$65.00
S/S Shirt:	\$60.00
Shoes:	\$80-100.00.
Boots:	\$120-150.00

Jackets: \$170.00

<u>Supplies-</u>	Same \$37,200. (Additional supplies for training room/Officers) Additional increase in Ammo, SRO supplies. Dare supplies 4 New printers in cars- need Thermal paper, Inv. supplies, DATA recovery software, additional Simunitions for training equip \$2000.00, Additional Taser Training Carts-\$800.00. Targets.
<u>Contracted Services-</u>	Increase \$2500(LPR) (S. Dogwd) from \$16,500 to \$19,000.00. (TLO \$115x12=\$1380) DCI- \$2000, OSSI maint-\$2000, DCI & OSSI County license increased all department on beach affected. \$1000.00 annual range fees Additional *\$3000.00 for Taser Assurance replacement program x-3 years, Cloud in-car cams. (\$35per cam x 12mo=\$420. Per year x 11 cams=\$4620) LPR License(1200 Eltag=yr)/maint (Charter 100x12= 1200) \$4800.00 per yr. (\$19,000.00.)
<u>Equipment Lease/Maint-</u>	Same \$5000. Current lease UTV (\$3200x3yrs) Additional \$1200.00 for ATV (6 months) service=\$400. (\$4800)
<u>Equipment Purchase-</u>	Increase \$9,400 . From \$63,600 to \$73,000 . Required Interview/record system replacement \$10,000. 3 mobile radios (\$3700.x3=11,000.+ \$500-Installs) 3 portable radios (\$3,500x3=\$10,500) 1-Radar/Message board Trailer-\$12000.00. 11 body cams 12,000.(Grant) AED's \$1600x12=\$19,200. (\$73,000)
<u>Vehicle Maint. & Repair-</u>	Increase \$8000 . from \$20,000 to \$28,000 . (we had to move funds almost exhausted in 5 months) another Charger motor (\$4000) and other expensive repairs.
<u>Vehicle Operations-</u>	Reduce \$8000- from \$43,000 to \$35,000 depends on fuel cost (moved 8k to Vmaint)
<u>Contingency-Misc</u>	Increase \$5,000.00 from \$5000 to \$10,000.00 . (possible grant matches etc.)(Vehicle maint.)
<u>Capital -Outlay</u>	See Vehicle Replacement below
<u>Vehicle replacement-</u>	Increase \$2000 from \$83,000 to \$85,000 . 2 patrol vehicles fully equipped.1- SUV 4x4 AWD-\$34,048 + Equip.& Install \$9182=\$43,230. 1-P.U. 4x4 -\$34,901 + equip \$5854

(Inc. install)=\$40,755 State Contract Price. 2 year rotation
– (\$83,985)

CRO-

\$17.00 per hr Community Resource Officer

Grants- \$63,000.00 – Total see breakdown below;

<u>GHSP-</u>	<u>\$ Total</u>	<u>75%</u>	<u>25%</u>	
11 Body Cams	\$15,000	11,250	3,750	(Match may be 50%)
2 In-Car Cam	\$10,000	7,500	2,500	“ “

<u>GCC</u>	<u>\$total</u>	<u>75%</u>	<u>25%</u>
Port. Radios	\$37,264	(may not have to match)	

Totals: \$62,264.00

NOTE Salary request for a 3.0% COLA for all personnel.

Streets, Bridges and Canals

FY 18-19 Budget Highlights

Streets, Bridges, and Canals is budgeted as a separate budget component and is administered by the Public Works Department. The purpose is to implement projects for, and administer repairs and capital improvements to the Town's major street, bridge, and canal infrastructures.

Streets, Bridges and Canals

- **Street Sign Maintenance**- \$4,000 requested for street sign replacement budget
- **Engineering and Arborist Services**- \$5,000 for engineering services for small repair and drainage projects completed in-house; arborist services for evaluation of trees being considered for removal due to damage, disease or proximity to a Town asset.
- **Street Maintenance**- \$57,202 includes \$50,000 for contracted minor road maintenance repairs throughout the Town including repair of asphalt failures, edge failures, small full depth repairs and cracking due to root upheaval; \$3,202 for 4 pallets of pothole patching product; and \$4,000 for thermoplastic striping materials for a Town-wide refreshing of crosswalks and stop bars.
- **Brush Trimming**: \$20,000 proposed for tree removal in Town rights-of way and at the cemetery, and brush removal and disposal in the interior canals as needed. This work is performed under our Limb and Branch Removal service contract as an hourly rate service with Atlantic Tree Experts.
- **Bridge Maintenance**: \$2,125 proposed for any minor bridge repairs required due to DOT bridge inspections.
- **Beach Profile Study**: \$94,000 is for beach profile and vulnerability study.
- **Waterway Maintenance and Repair**: \$400 proposed as contribution to the Boat Club for buoys and channel marker maintenance.
- **Storm Debris Cleanup**: \$20,00 proposed for post-storm debris cleanup and disposal in the Town streets, rights-of-way, beaches and canals.
- **FY 18-19 Capital Street Rebuild Projects**: \$654,870 proposed annually for capital improvements to infrastructure - including specific capital projects to be recommended by the CIIP Committee for design and reconstruction of Town streets; annual proposed amount equivalent to revenue derived from 5 cents on the current tax rate.
- **Bulkhead Maintenance and Repair**: \$50,000 proposed for structural repairs/replacement of Town-owned bulkheads.
- **East Dogwood Bike Path**: \$250,000 proposed for the East Dogwood Bike Path.

Public Works Department

Mission

Public Works, through its dedicated employees, strives to protect and maintain the Town of Southern Shores' infrastructure and assets, including its streets, sidewalks, rights-of-way, canals, beach, parking areas and buildings, in the most environmentally respectful, financially efficient and highest quality manner possible. We are committed to being courteous and respectful to citizens, and to providing a safe, pleasant, respectful and productive workplace to our employees, and will always encourage education and training opportunities to further our staff's talents.

FY 18-19 Budget Highlights

Personnel

- **Salaries**– Includes annual 2.5% cost of living adjustment
- **FICA** – Social Security and Medicare Rate of 7.65%
- **Retirement** – Mandatory Rates for FY 18-19 set by the State LGERS Board of 7.75% for General Employees (Previously 7.50%). 5% annual Town contribution to 401k for all employees.
- **Group Health Insurance** – Insurance Rates reflect approximately a 4.5% increase.

Public Works

- **Training/Professional Development:** \$2,000 is requested for pesticide training class, continuing education classes for pesticide license and attendance at an American Public Works Association (APWA) NC Chapter conference (\$195).
- **Printing:** \$600 is requested to cover mailing costs for routine notice of street rebuild projects, environmental permitting required notices and of any shoreline stabilization measures.
- **Travel:** \$2,000 is requested for travel related to attendance of professional development/training classes; this includes any hotel accommodations needed to attend training.
- **Uniforms:** \$3,500 is requested for weekly uniform service for the Public Works Maintenance Technicians, purchase of hard toe safety shoes for five employees, and any new uniform needs.
- **Dues and Subscriptions:** \$330 is requested for American Public Works Association (APWA) membership renewal, which is a source of free and reduced cost training opportunities for staff.
- **Supplies:** \$8,500 is requested for supplies including small hand tools and parts for various repairs. Examples include nuts and bolts/nails, paper towels and toilet paper, water and Gatorade for the Maintenance Technicians, etc.
- **Advertising:** \$450 is requested for newspaper advertisement of employment positions.
- **Safety Compliance:** \$1,300 is requested- \$700 for emergency exit sign and fire extinguisher repair/replacement, emergency eye wash station, and Personal Protective Equipment (PPE) for the Public Works employees, including safety glasses, vests, etc.; and \$600 for fire hydrant reflectors supplied to the Southern Shores Volunteer Fire Department.
- **Town Buildings Maintenance & Repairs:** \$33,022 is requested- \$1,000 for painting the police department and replacing rotten wood; \$1,000 for lighting supplies; \$1,000 for refinishing of decking and painting of buildings; 10,000 to replace rotten doors and fascia and build new stairs at the Pitts Center; \$3,500 for Public Works shop upgrades (ventilation and storage needs); \$1,300 for flags; \$5,000 for fence and gate repairs; 5,000 for unforeseen repairs on the generator; and the remainder for miscellaneous repairs and upkeep of buildings and associated equipment including the generator service.
- **Beautification- grounds:** \$5,000 is requested- includes \$2,000 for beautification of the Town Hall complex and Town-maintained medians and parking lots, including new plants and mulch/fertilization/pesticides; and \$3,000 for any needed replanting of vegetation following major road projects.
- **Equipment Lease & Maintenance:** \$5,500 is requested for lease and maintenance of equipment, including purchase of mower blades, new tires for tractors/mowers, etc., and \$1,500 for new flail mower teeth.
- **Vehicle Maintenance & Repair:** \$3,000 is requested for regular maintenance and repair of the four Public Works' vehicles (four trucks) and boat.
- **Vehicle Operations:** \$9,000 is requested to cover fuel for Public Works' vehicles and equipment. This increase is to cover fuel costs for a new vehicle and ethanol free gas for the mowers.
- **Misc.:** \$ 1,000 is requested

- **Capital Outlay- Vehicle-** \$35,000 is requested for the purchase of a new vehicle on the state bid contract (four door four-wheel drive pickup truck).
- **Medical Testing:** \$150 is requested for any drug screenings needed.
- **Equipment Purchase:** \$4,460 is requested- includes the purchase of \$120 for air impact wrench, \$200 for impact socket set, \$120 for heavy duty vice, \$100 for post hole diggers, \$150 for shovels and rakes, \$120 for car battery charger, \$150 for portable jumpstart box, \$1,000 for safety lights on vehicles and equipment, \$2,500 for assorted power tools, and for any other equipment needs.
- **Shoreline Stabilization:** \$24,000 is requested for dune stabilization measures including beach grass and sea oats planting and fertilization. Funds to come from the Dare County Shoreline Stabilization Fund.
- **Parking Lot Maintenance:** \$2,000 is requested for maintenance and improvements to the Town-owned parking lots and beach access parking areas.
- **Facilities Assessment:** \$26,370 is requested for facilities assessment of Town owned buildings.

Sanitation

FY 18-19 Budget Highlights

The sanitation budget includes residential and commercial solid waste and recycling collection and disposal, large item pickup conducted twice annually, and the monthly residential limb and branch removal service.

Sanitation

- Residential Collection: \$173,225 (represents a 2% CPI adjustment)
- Commercial Collection: \$44,461 (represents a 2% CPI Adjustment)
- Landfill Tipping Fee: \$172,725 (In line with what will actually be spent in FY 17-18)
- Recycling Collection: \$156,200 (represents a 10% adjustment)
- Misc.: \$200 is requested for any miscellaneous pickups needed.
- Large Item Pickup: Two pickups per year (one in April and the other in October)
- Limb and Branch Removal: \$130,000 is requested for limb and branch removal. The fuel surcharge section has been removed from the contract starting July 1, 2018.

3/28/2018

Southern Shores Volunteer Fire Department Revised 2018-2019 SSVFD Budget - Updated

Accounts	Budget 2017-2018	Actual 6 Months 2017-2018	Estimated 2017-2018	Budget 2018-2019
301 - Dare County	105,856	55,018	103,315	120,570
302 - Southern Shores	481,925	240,963	476,880	545,914
304 - Dare Radio payment	0	0	0	0
306 - TOSS Radio Payment	0	0	0	0
Revenue	587,781	295,980	580,195	666,484
305 - Interest & Misc Income				
305.01 - Interest Earned		414	414	
305.02 - Donations		3,427	3,427	
305.03 - Special Donations	40,000	0	40,000	40,000
305.04 - T-Shirt Sales		1,017		
305.09 - Sign Program		180	300	
305.10 - FEMA Grant				
305.11 - Pension Refunds				
305.13 - NC Relief Fund				
305.XX - Rehab				
305.14 - Truck 121				
305.17 - Loan Proceeds				
305.18 - Sale of Assets				
305.19 - Other Income				
305.60 - Beach Wheel Chair Donations		465	465	
305.61 - Storm/Hurricane Reimbursement				
305.16 - Capital Reserves				

3/28/2018

Southern Shores Volunteer Fire Department 2018-2019 SSVFD Budget - Updated

310.01 - Grants		300		
399 - Special Income				
399.01 - Rent East Station	1	1	1	1
Interest & Misc Income	40,001	5,804	44,193	40,001
TOTAL	627,782	301,784	624,388	706,485

3/28/2018

Southern Shores Volunteer Fire Department 2018-2019 SSVFD Budget - Updated

Special District Name:

Expenses

Accounts -	Budget 2017-2018	Actual 6 Months 2017-2018	Estimated 2017-2018	Budget 2018-2019
501 - Operating Supplies	35,100	13,229	26,954	27,050
502 - Utilities	14,200	7,175	14,480	13,650
503 - People Costs	225,500	127,238	248,429	285,700
504 - Community	9,600	8,884	9,010	9,750
505 - Professional Services	37,000	38,764	37,021	40,500
506 - Bank Fees & Service Charges	1,500	773	1,580	1,750
507 - Rental	44,435	0	44,325	44,435
511 - R & M Vehicles	20,000	2,988	22,766	20,000
512 - R & M Radio Equipment	3,000	216	934	3,000
513 - R & M Other	21,350	7,751	14,731	18,850
515 - Repair and Maintenance	44,350	10,955	38,431	41,850
550 - Capital Equipment	75,547	58,380	76,400	38,185
570 - Debt Service	141,550	128,349	141,549	161,765
TOTAL Expenses	673,132	404,702	676,610	706,485

**TOWN OF SOUTHERN SHORES
PAY SCALE
7/1/2018**

<u>Grade</u>	<u>Classification</u>	<u>FLSA Status</u>	<u>Hiring Rate</u>	<u>Minimum</u>	<u>Maximum</u>
10			34,646	36,380	51,972
11	Public Works Maintenance Technician		36,380	38,199	54,570
12	Senior PW Maintenance Technician		38,199	40,107	57,298
13	Police Administrative Assistant		40,107	42,113	60,163
14	Permits Officer Police Officer School Resource Officer		42,113	44,219	63,172
15	Building Inspector Corporal		44,219	46,432	66,330
16	Administrative Assistant Public Works Supervisor Administrative Specialist		46,432	48,752	69,646
17	Police Sergeant Code Enforcement Officer		48,752	51,191	73,128
18	Town Clerk Police First Sergeant		51,191	53,751	76,784
19	Planner/Code Enforcement Officer	E	53,751	56,437	80,625
20	Police Lieutenant	E	56,437	59,259	84,655
21			59,259	62,223	88,889
22	Public Works Director	E	62,223	65,335	93,332
23	Deputy TM-Planning Director	E	65,335	68,600	97,997
24	Finance & Personnel Officer	E	68,600	72,032	102,896
25	Police Chief	E	72,032	75,632	108,043
26			75,632	79,414	113,444

E = Exempt from Fair Labor Standards Act (FLSA) Wage and Hour provisions



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: 4/20/18

Filing Fee: \$200

Receipt No. N/A

Application No. ZTA-18-06

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

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

Signature W. W. Hunt

Date 4-20-18

* Attach supporting documentation.



Town of Southern Shores
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
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Ordinance 2018-06-02

**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, N.C.G.S. § 160A-400.50 et seq. governs the Town's authority to regulate wireless telecommunications facilities. 2017 N.C. Sess. Law 159 made substantial changes to the text of N.C.G.S. § 160A-400.50 et seq. and become the law of North Carolina as of July 21, 2017. The changes to N.C.G.S. § 160A-400.50 et seq. affect the Town's regulations of wireless telecommunications facilities and require that the Town's Zoning Ordinance be updated accordingly; and

WHEREAS, N.C.G.S. § 160A-400.50 as amended provides that the Town is not authorized to require the construction or installation of wireless facilities or to regulate wireless services other than as set forth in N.C.G.S. § 160A-400.50 et seq.; and

WHEREAS, N.C.G.S. § 160A-400.54 provides that the Town shall not prohibit, regulate, or charge for the collocation of small wireless facilities other than as set forth in N.C.G.S. § 160A-400.50 et seq.; 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 and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the

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.**
5

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

9 **PART I.** That Sec. 36-175 Wireless telecommunications sites, facilities and
10 towers. be amended as follows:
11

12 **Sec. 36-175. Wireless telecommunications sites, facilities and towers.**
13

14 (2) *Use of town rights-of-way.* Wireless providers may use town rights-of-ways
15 in accordance with this section. Wireless providers may use Department of
16 Transportation rights-of-way pursuant to lawful authorization from the Department
17 of Transportation.
18

19 a. *Collocation of small wireless facilities:* Subject to the requirements
20 of Section 36-175(i)(1), a wireless provider may collocate small
21 wireless facilities along, across, upon, or under any town rights-of-
22 way.
23

24 b. *Utilities and poles within rights-of-way:* A wireless provider may
25 place, maintain, modify, operate, or replace associated utility poles,
26 city utility poles, conduit, cable, or related appurtenances and
27 facilities along, across, upon, and under any town rights-of-way.
28 The placement, maintenance, modification, operation, or
29 replacement of utility poles and city utility poles associated with the
30 collocation of small wireless facilities, along, across, upon, or under
31 any town rights-of-way shall be subject only to review or approval
32 under Section 36-175(i)(1) if the wireless provider meets all the
33 following requirements:
34

35 (1) Each new utility pole and each modified or replacement
36 utility pole or city utility pole installed in the rights-of-way
37 shall not exceed 50 feet above ground level.
38

39 (2) Each new small wireless facility in the rights-of-way shall
40 not extend more than 10 feet above the utility pole, city
41 utility pole, or wireless support structure on which it is
42 collocated.
43

44 c. *Application required to place or modify utility poles in rights-of-*
45 *way:* A wireless provider shall apply to place utility poles in the city
46 rights-of-way, or to replace or modify utility poles or city utility

1 poles in the public rights-of-way, to support the collocation of small
2 wireless facilities. The town shall accept and process the application
3 in accordance with the provisions of Section 36-175(i)(1),
4 applicable codes, and other local codes governing the placement of
5 utility poles or city utility poles in the town rights-of-way, including
6 provisions or regulations that concern public safety, objective
7 design standards for decorative utility poles or city utility poles, or
8 reasonable and nondiscriminatory stealth and concealment
9 requirements, including those relating to screening or landscaping,
10 or public safety and reasonable spacing requirements. The
11 application may be submitted in conjunction with the associated
12 small wireless facility application.

13
14 d. Installation of new poles in residential zoning districts:

- 15
16 (1) No new utility pole may be installed for the principal use of
17 wireless facilities if a pole exists within twenty (20) feet of a
18 desired location.
19
20 (2) The minimum distance of a new pole from any residential
21 structure shall be at least 150% of the pole height and shall
22 not be located directly in front of any residential structure or
23 vacant lot located in a residential zoning district.
24
25 (3) Along streets and within subdivisions where there are no
26 existing utility poles (all underground utilities), wireless
27 facilities may be attached to street lights in the public right-
28 of-way.
29
30 (4) New poles may not be erected in a residential area solely
31 for wireless communication equipment attachment unless
32 the applicant has demonstrated it cannot reasonably provide
33 service by:
34
35 i. Installing poles outside of the residential area;
36
37 ii. Attaching equipment to existing poles within the
38 right-of-way; or
39
40 iii. Installing poles in rights-of-way not contiguous to
41 parcels used for single family residential purposes.
42

43 ed. Rights-of-way use to comply with other requirements: Applicants for
44 use of a city rights-of-way shall comply with Chapter 28
45 undergrounding requirements prohibiting the installation of above
46 ground structures in the town's rights-of-way without prior

1 approval. In no instance in an area zoned single family residential
2 where the existing utilities are installed underground may a utility
3 pole, city utility pole, or wireless support structure exceed forty (40)
4 feet above ground level, unless the town grants a waiver or variance
5 approving a taller utility pole, city utility pole, or wireless support
6 structure.
7

8 **fe.** *Rights-of-way charges:* The town may assess a rights-of-way charge
9 for use or occupation of the rights-of-way by a wireless provider,
10 subject to the restrictions set forth under G.S. 160A-296(a)(6). In
11 addition, charges authorized by this section shall meet all of the
12 following requirements:
13

- 14 (1) The rights-of-way charge shall not exceed the direct and
15 actual cost of managing the city rights-of-way and shall not
16 be based on the wireless provider's revenue or customer
17 counts.
18
- 19 (2) The rights-of-way charge shall not exceed that imposed on
20 other users of the rights-of-way, including publicly,
21 cooperatively, or municipally owned utilities.
22
- 23 (3) The rights-of-way charge shall be reasonable and
24 nondiscriminatory.
25

26 The town may provide free access to town rights-of-way on a
27 nondiscriminatory basis in order to facilitate the public benefits of
28 the deployment of wireless services.
29

30 **gf.** *Consent required for use of private property:* No person may place,
31 maintain, modify, operate, or replace a privately owned utility pole
32 or wireless support structure or to collocate small wireless facilities
33 on a privately owned utility pole, a privately owned wireless support
34 structure, or other private property without the consent of the
35 property owner.
36

37 **hg.** *Damages to rights-of-way:* Wireless providers shall repair all
38 damage to a town rights-of-way directly caused by the activities of
39 the wireless provider, while occupying, installing, repairing, or
40 maintaining wireless facilities, wireless support structures, city
41 utility poles, or utility poles and to return the rights-of-way to its
42 functional equivalence before the damage. If the wireless provider
43 fails to make the repairs required by the town within a reasonable
44 time after written notice, the town may undertake those repairs and
45 charge the applicable party the reasonable and documented cost of
46 the repairs. The town may maintain an action to recover the costs of

the repairs.

ih. *Approval under section relates only to small wireless facility:* The approval of the installation, placement, maintenance, or operation of a small wireless facility does not authorize the provision of any communications services or the installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in the rights-of-way.

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 _____, 2018.

_____, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Vote: AYES NAYS

STAFF REPORT

To: Southern Shores Town Council
Date: May 30, 2018
Case: ZTA-18-06
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-175, Wireless Telecommunications Sites, Facilities and Towers

ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-175, Wireless Telecommunications Sites, Facilities and Towers by adding additional regulations to address the placement of new utility poles used for attaching small cell wireless facilities. The proposed amendments include the following additional regulations:

1. No new utility pole may be installed for the principal use of wireless facilities if a pole exists within twenty (20) feet of a desired location.
2. The minimum distance of a new pole from any residential structure shall be at least 150% of the pole height and shall not be located directly in front of any residential structure or vacant lot located in a residential zoning district.
3. Along streets and within subdivisions where there are no existing utility poles (all underground utilities), wireless facilities may be attached to street lights in the public right-of-way.
4. New poles may not be erected in a residential area solely for wireless communication equipment attachment unless the applicant has demonstrated it cannot reasonably provide service by:
 - Installing poles outside of the residential area;
 - Attaching equipment to existing poles within the right-of-way; or
 - Installing poles in rights-of-way not contiguous to parcels used for single family residential purposes.

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 and the Town Planning Board have determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and the Town Planning Board recommended approval of the application (5-0).



Town of Southern Shores

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info@southernshores-nc.gov

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

Date: 4-20-18

Filing Fee: \$200

Receipt No. N/A Application No. 2-7A-18-07

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 Trail
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

Signature [Signature]

Date 4-20-18

* Attach supporting documentation.



Town of Southern Shores

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

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

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Ordinance-2018-06-03

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 density of population and 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, pursuant to N.C.G.S. § 160A-371 et seq. the Town may enact and amend ordinances regulating the subdivision of land within its territorial jurisdiction; and

WHEREAS, prior to the incorporation of the Town, many lots were created within its jurisdiction that have become nonconforming due to their lack of sufficient lot width and area. Over time the character and density of the Town have been developed such that many of these smaller nonconforming lots were built upon as if they were combined with one another. In recent years, the Town has seen a trend towards redevelopment of such informally combined parcels to the ends of breaking them back into the smaller nonconforming lots and building dwellings upon the nonconforming lots. Such redevelopment is inconsistent with the low density character of the Town; and

WHEREAS, the Town desires to manage the development of the Town in a manner which maintains the low density character of the Town and requires formal recombination of lots to current Town standards toward a goal of reducing the existence of nonconforming lots. Similarly, the Town desires to allow for existing nonconforming lots that are not otherwise adjacent to lots owned by the same person or entity to be developed rather than vacant and unusable; 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 and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

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

6
7 **ARTICLE III. Amendment of Zoning Ordinance.**

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

11
12 **PART I.** That subsection (a) of Sec. 36-132 Regulation of structures and uses be
13 replaced in its entirety with the following:

14
15 **(a) Nonconforming lots of record.**

16
17 (1) In any district in which single-family dwellings are permitted, a single-family
18 dwelling and customary accessory building may be erected on any single lot not
19 under the same ownership as any adjacent lot and which met all legal requirements
20 at the time of its creation and recording in the Dare County public registry. All
21 applicable dimensional requirements other than lot area and lot width shall be met
22 for development or redevelopment of such a lot except that a lot having a lot width
23 of fifty (50) feet or less may use a side yard setback of twelve (12) feet.

24
25 (2) If any of the following situations apply, all adjacent lots under the same
26 ownership shall be recombined into: (i) a single lot which may or may not meet the
27 minimum requirements for the district in which such lots are located; or (ii) multiple
28 lots which all meet the minimum requirements for the district in which such lots
29 are located:

30
31 a. Development is proposed upon land under the same ownership which
32 includes one or more nonconforming lots adjacent to one or more other lots
33 under the same ownership;

34
35 b. Demolition or redevelopment exceeding 50% of an existing structure's
36 value is proposed and any portion of the existing structure or associated use
37 is currently or has been within the previous seven (7) years located upon or
38 occurring on two or more lots under the same ownership, as measured from
39 the time of application;

40
41 c. Development is proposed of a new structure or use to be located on two
42 or more lots under the same ownership;

43
44 d. Prior to the sale or transfer of land when any portion of the land being
45 sold or transferred was a parcel or part of a parcel of land upon which an
46 existing structure or associated use is currently or has been within the

1 previous seven (7) years located upon or occurring on two or more lots
2 under the same ownership, as measured from the time of application; or
3

4 e. Prior to the sale or transfer of land including a nonconforming lot or lots
5 adjacent to one or more other lots under the same ownership;
6

7 A plat prepared by a North Carolina licensed surveyor showing the recombination
8 shall be shall be recorded in the Dare County public registry, and a copy of the
9 recorded plat shall be provided to the Town prior to the issuance of a zoning or
10 building permit for development or redevelopment upon any of the newly created
11 lots. Lots created by a recombination required by this section shall be deemed to
12 equal or exceed the standards of the Town under Chapter 30, and are exempt from
13 the subdivision process under Chapter 30.
14

15 (3) For purposes of this subsection (a), the term "same ownership" shall be
16 construed broadly to effectuate the reduction of nonconforming lots within the
17 Town. Land and lots under the same ownership shall include, but not be limited to,
18 any of the following or any combination of the following:
19

20 a. A lot is owned, in whole or in part, by an individual and another lot is
21 owned by the same individual or by an Affiliate of the same individual;
22 and/or,
23

24 b. A lot is owned, in whole or in part, by a legal entity and another lot is
25 owned by the same legal entity or by an Affiliate of the same legal entity.
26

27 (4) For purposes of this subsection (a), the following definitions apply:
28

29 a. An "Affiliate" of an owner shall mean:
30

31 (i) In the case of an individual owner, a family member of the owner,
32 or a legal entity controlled by the owner.
33

34 (ii) In the case of a legal entity owner, an individual who controls
35 the legal entity, or another legal entity controlled by the owner.
36

37 b. "Controlled" or "controls" shall mean the power, by ownership, operation
38 of law or contract, whether exercised or not, directly or indirectly, actually
39 or effectively, to operate, supervise, or manage a legal entity, or to appoint
40 or elect the management of the legal entity, or to otherwise direct the
41 operation, supervision or management of the legal entity.
42

43 c. "Family member" of an owner shall mean the owner's spouse, lineal
44 descendants, siblings and parents whether related by blood or marriage.
45

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

3
4 The Town's adoption of this ordinance amendment is consistent with the Town's adopted
5 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
6 is applicable. For all of the above-stated reasons and any additional reasons supporting the
7 Town's adoption of this ordinance amendment, the Town considers the adoption of this
8 ordinance amendment to be reasonable and in the public interest.
9

10 **ARTICLE V. Severability.**

11
12 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
13 hereby repealed. Should a court of competent jurisdiction declare this ordinance
14 amendment or any part thereof to be invalid, such decision shall not affect the remaining
15 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
16 Town of Southern Shores, North Carolina which shall remain in full force and effect.
17

18 **ARTICLE VI. Effective Date.**

19
20 This ordinance amendment shall be in full force and effect from and after the ____ day of
21 _____, 2018.
22

23
24 _____, Mayor
25

26 **ATTEST:**

27
28 _____
29 Town Clerk
30

31 **APPROVED AS TO FORM:**

32
33
34 _____
35 Town Attorney
36

37 **Date adopted:**

38
39 _____
40 **Motion to adopt by Councilmember:**

41
42 **Motion seconded by Councilmember:**
43
44
45
46

Vote: __AYES__NAYS

STAFF REPORT

To: Southern Shores Town Council
Date: May 30, 2018
Case: ZTA-18-07
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming

ANALYSIS

Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-132, Regulation of Structures and Uses Nonconforming to address the development of legally nonconforming lots. Since 2016, the Town has received and the Town Planning Board, performing the duties of the Town Board of Adjustment, has approved several requests for variances to reduce the side yard setback requirements for nonconforming lots from 15 feet to 12 feet. The proposed language addresses scenarios that would require the recombination of previously platted lots in order to preclude the development of individual nonconforming lots that would be contrary to the Town's currently adopted Land Use Plan. The proposed language also includes a reduction in the side yard setback requirements from 15 feet to 12 feet which would apply in certain instances when the development of an individual nonconforming lot may be allowed.

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 and the Town Planning Board have determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and the Town Planning Board recommended approval of the application (5-0).