



TOWN OF SOUTHERN SHORES
TOWN COUNCIL REGULAR MEETING

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

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

www.southernshores-nc.gov

PITTS CENTER

Tuesday, July 08, 2025 at 5:30 PM

AGENDA

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Amendments to / Approval of Agenda

Consent Agenda

1. Approval of Minutes (emailed)
2. Resolution #2025.07.01 Opposition to Offshore Drilling, Seismic Testing, and Leasing
3. Resolution #2025.07.02 in Opposition to Ferry Tolls

Presentations

4. Employee Appreciation-20 Years of Service, Corporal Darrell Brickhouse

Staff Reports

Deputy Town Manager/Planning Director- Monthly Permit Report & Planning Board Update

Fire Chief

Town Manager-Beach Nourishment Update

Town Attorney

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

Old Business

New Business

5. Public Hearing-ZTA-25-04 to consider a Zoning Text Amendment application submitted by Anthony S. Mina to amend Town Code Section 36-362(b) to establish a 90-day exemption for property owners in all zoning districts to submit any applications to the Town to seek governance under the Town Code prior to June 6, 2023.
6. Public Hearing-LGC Resolution- to consider the Town's issuance of a debt obligation in the amount of approximately 4,900,000.00 Pursuant to an installment financing contract for the purpose of financing the Southern Shores Fire Department building located at 15 S. Dogwood Trail, Southern Shores.
7. Historic Landmarks Commission Appointment
8. Planning Board Appointments

Council Business

Adjourn



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RESOLUTION IN RESPONSE TO BOEM'S REQUEST FOR INFORMATION REGARDING THE 11TH NATIONAL OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM

Resolution #2025.07.01

WHEREAS, the Bureau of Ocean Energy Management (BOEM), pursuant to Section 18(f)(5) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(f)(5)) and 30 CFR 556.202, has requested information from coastal states concerning the potential impacts of future offshore oil and gas development as part of the development of the 11th National OCS Oil and Gas Leasing Program; and

WHEREAS, BOEM has requested that states submit specific information concerning the environmental, economic, and social impacts of Outer Continental Shelf (OCS) development activities, including their relationship to coastal zone management programs and potential impacts to marine and coastal environments and economies.

NOW, THEREFORE, BE IT RESOLVED that the Southern Shores Town Council hereby submits the following information in direct response to BOEM's request for input:

Coastal Zone Management Programs

The Town of Southern Shores supports and participates in the North Carolina Coastal Area Management Act (CAMA), developed under Section 305 and 306 of the Coastal Zone Management Act of 1972. The goals of this program prioritize conservation, protection of natural resources, and sustainable development. Offshore oil and gas activities, including seismic testing, exploration, and drilling, pose direct risks to these goals by threatening sensitive ecosystems, increasing the risk of oil spills, and introducing industrial infrastructure incompatible with the coastal character of the Outer Banks.

Environmental Risk and Potential Damage

The risks associated with OCS oil and gas activity include catastrophic oil spills, chronic pollution, habitat degradation, and disruption of marine life through intense underwater noise from seismic testing. These risks threaten essential habitats in nearby federal and state-protected areas such as Cape Hatteras National Seashore, Pea Island National Wildlife Refuge, and multiple designated Essential Fish Habitats including salt marshes, oyster reefs, and seagrass beds. The cumulative impact on marine biodiversity, water quality, and shoreline integrity is incompatible with existing conservation and resource protection objectives.

Other Uses of the Sea and Seabed

The waters off the town of Southern Shores and the greater Outer Banks support robust commercial and recreational fishing industries, research and education programs, maritime transportation, and a thriving tourism-based economy. Offshore oil and gas development creates potential user conflicts, limiting public access, introducing navigation hazards, and degrading the aesthetic and ecological quality essential to these uses.

Equitable Sharing of Developmental Benefits and Environmental Risks

The Outer Banks region would assume disproportionate environmental and economic risks associated with OCS development while receiving minimal long-term benefit. Energy companies would profit from resource extraction, while coastal communities bear the consequences of potential spills, degraded tourism, fisheries loss, and the costs of emergency preparedness and response. There is no equitable mechanism currently in place that ensures local communities share in financial returns or have adequate resources to manage increased risks.

Economic and Employment Impacts

In 2024, tourism generated over \$2.1 billion in visitor spending in Dare County alone and supported over 13,000 jobs. North Carolina as a whole reported \$36.7 billion in travel spending and over 230,000 tourism-related jobs. The economic value of tourism, fisheries, and clean ocean industries far exceeds the speculative and long-term returns from offshore drilling. Any disruption to these sectors from oil and gas activity would cause disproportionate economic harm and threaten local employment stability, tax revenue, and property values.

OCS Resource Values and Environmental Impacts

The Outer Banks region values all OCS resources-biological, geological, recreational, and aesthetic. The development of oil and gas resources undermines the protection of these assets. Oil spills, industrial infrastructure, and increased maritime traffic pose long-term threats to marine ecosystems, public health, and the overall quality of life for residents and visitors alike. Marine noise pollution, air emissions, and habitat disruption from exploration and production activity contradict the region's commitment to environmental stewardship and climate resilience.

BE IT FURTHER RESOLVED, the Southern Shores Town Council urges BOEM to exclude the Mid-Atlantic Planning Area-including the waters off North Carolina's coast-from further leasing consideration in the 11th National Program and to prioritize sustainable, non-extractive uses of the ocean that are aligned with state and local coastal management goals.

ADOPTED THIS 8TH DAY OF JULY 2025, by Southern Shores Town Council.

Elizabeth Morey, Mayor

Attest:

Sheila Kane, Town Clerk





Town of Southern Shores

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RESOLUTION OPPOSING SENATE BILL 257 INSTITUTION OF TOLLS AND INCREASE OF EXISITING TOLLS ON NC FERRY SERVICE OPERATIONS

Resolution #2025.07.02

WHEREAS, the residents of the Town of Southern Shores, Dare County, and the greater Northeastern North Carolina region pay taxes that support the statewide transportation system, including all highways and ferry services; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) Ferry System, and in particular the Hatteras-Ocracoke route, is a designated component of the State Highway System, providing the only viable mode of transportation between islands in many parts of eastern North Carolina; and

WHEREAS, U.S. President Dwight D. Eisenhower emphasized the principle that highway use taxes should be reinvested in transportation infrastructure, not imposed as barriers to access and the NC Constitution suggests that access to publicly funded transportation infrastructure, including ferries, should not be based on ability to pay; and

WHEREAS, Senate Bill 257-the 2025 Appropriations Act-proposes amendments to Chapter 136 of the NC General Statutes to impose new tolls on currently free ferry routes and increase tolls on existing routes, based on vehicle size and destination; and

WHEREAS, routes such as Bayview-Aurora, Cherry Branch-Minnesott, Currituck-Knotts Island, and Hatteras-Ocracoke are currently toll-free, while Cedar Island-Ocracoke, Swan Quarter-Ocracoke, Southport- Fort Fisher, and Hatteras-Ocracoke Silver Lake already carry tolls; and

WHEREAS, ferry routes function as critical extensions of public highways in areas where constructing bridges is cost-prohibitive, and have long provided equitable and toll-free access for residents, essential workers, emergency services, vendors, and tourists alike; and

WHEREAS, the imposition of new or increased tolls would disproportionately burden residents of coastal counties-including Dare, Hyde, Beaufort, Carteret, Craven, Brunswick, Currituck, and Pamlico, as well as businesses that rely on ferry access to move goods and services; and

WHEREAS, the Town of Southern Shores shares the concerns that such tolls would have adverse effects on the region's economy, tourism industry, and working residents by

discouraging travel, reducing discretionary visitor spending, and creating unnecessary administrative and infrastructure costs; and

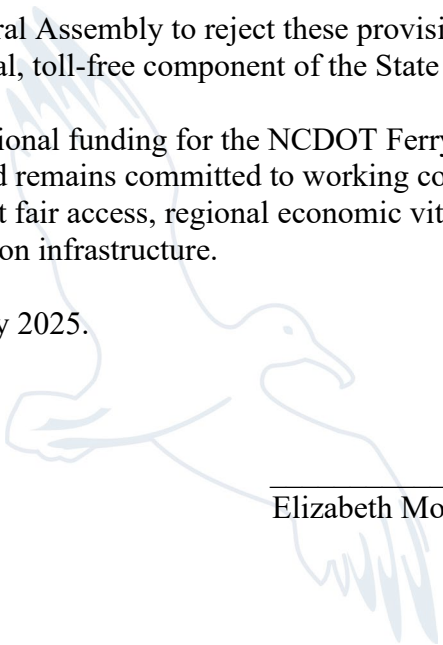
WHEREAS, the proposed tolls appear to be inconsistent with NC General Statutes §136-89.187 and §136-89.197, which govern toll facility designation and administration within the state; and

WHEREAS, the mission of the NCDOT is to connect people, products, and places safely and efficiently while enhancing the vitality of the state - a mission threatened by measures that restrict or penalize access.

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

- 1) Formally opposes Senate Bill 257, specifically Sections 43.15(a) and 43.15(b), which call for the implementation of new ferry tolls and an increase in existing tolls across NC's ferry routes;
- 2) Urges the NC General Assembly to reject these provisions in their entirety, and to protect ferry access as a vital, toll-free component of the State Highway System;
- 3) Supports full operational funding for the NCDOT Ferry System on par with all other highway divisions and remains committed to working collaboratively with local and state partners to support fair access, regional economic vitality, and responsible management of transportation infrastructure.

Adopted this 8th day of July 2025.



Elizabeth Morey, Mayor

Attest:

Sheila Kane, Town Clerk



AGENDA ITEM SUMMARY FORM

MEETING DATE: July 8, 2025

ITEM TITLE: Public Hearing-ZTA-25-04

ITEM SUMMARY:

The Applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Section 36-362(b) to establish a 90-day exemption for property owners in all zoning districts to submit any applications to the Town to seek governance under the Town Code prior to June 6, 2023. The proposed language would apply to property owners who owned the property, were under contract to purchase the property, rented the property, or occupied the property on June 6, 2023.

In July 2024, the Applicant submitted two applications to subdivide the property at 75 E. Dogwood Trl. that were denied. In October 2024, the Town Planning Board considered a Variance application submitted by the Applicant to allow the subdivision of 75 E. Dogwood Trl. that was denied. In January 2025, the Applicant submitted another request to subdivide the property at 75 E. Dogwood Trl. that was denied. In March 2025, the Planning Board considered an Appeal application submitted by the Applicant to allow the subdivision of 75 E. Dogwood Trl. that was denied. In March 2025, the Applicant submitted a ZTA to amend Town Code Section 36-414 to exempt himself and other affected property owners from having to comply with the lot width requirements established in ZTA-23-03 that was adopted on June 6, 2023 which was denied. The proposed amendment to Section 36-362(b) is another attempt by the Applicant to exempt himself and other affected property owners from having to comply with the lot width requirements established in ZTA-23-03 that was adopted on June 6, 2023.

STAFF RECOMMENDATION:

Town Staff has determined that the proposed amendment is inconsistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends disapproval of the application. 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. The ZTA does not identify any Comprehensive Land Use Plan policies that are consistent with the proposed amendment. The Town Planning Board unanimously (5-0) recommended disapproval of the proposed amendment at the June 16, 2025 Planning Board meeting and found that their action (to recommend disapproval) was consistent with the Town's currently adopted Comprehensive Land Use Plan, that it was reasonable, and in the public's interest.

REQUESTED ACTION:

Motion to deny ZTA-25-04 and affirm that the action of denying the proposed amendment is consistent with the Town's currently adopted Comprehensive Land Use Plan, is reasonable, and in the public's interest.

STAFF REPORT

To: Southern Shores Town Council
Date: July 8, 2025
Case: ZTA-25-04
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
 75 E. Dogwood Trl.
 Southern Shores, NC 27949

Requested Action: Amendment of Town Code Section 36-362(b)

ANALYSIS

The Applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Section 36-362(b) to establish a 90-day exemption for property owners in all zoning districts to submit any applications to the Town to seek governance under the Town Code prior to June 6, 2023. The proposed language would apply to property owners who owned the property, were under contract to purchase the property, rented the property, or occupied the property on June 6, 2023.

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RECOMMENDATION

Town Staff has determined that the proposed amendment is inconsistent with the Town's currently adopted Comprehensive Land Use Plan and Town Staff recommends disapproval of the application. 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. The ZTA does not identify any Comprehensive Land Use Plan policies that are consistent with the proposed amendment. The Town Planning Board unanimously (5-0) recommended disapproval of the proposed amendment at the June 16, 2025 Planning Board meeting and found that their action (to recommend disapproval) was consistent with the Town's currently adopted Comprehensive Land Use Plan, that it was reasonable, and in the public's interest.



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

Date: 5/16/2025 Filing Fee: \$200 Receipt No. 182668 Application No. 27A-25-04

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

Anthony S. Mina

Address:

75 E. Dogwood Trail
Southern Shores, NC 27949

Phone

610-642-3905 Email chestercountyjawn@yahoo.com

Applicant's Representative (if any)

Name

Agent, Contractor, Other (Circle one)

Address

Phone

Email

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

Address:

Zoning district

Section

Block

Lot

Lot size (sq.ft.)

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

PUD (Planned Unit Development) Subdivision Ordinance Vested Right

Variance

Change To: Zoning Map X Zoning Ordinance

Signature

Anthony S. Mina

Date

May 16 / 2025

All property effected
by zoning
amendments made
without posted notice
pursuant to Town
Code 36-36,
which also
requires mail
notice

* Attach supporting documentation.



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ZTA-25-XX

X-XX-2025

Ordinance 2025-XX-XX

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

ARTICLE I. Purpose(s) and Authority.

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

WHEREAS, in accordance with the finding above, the amendment of the Town's Zoning Ordinance and Town Code Ordinances as stated below will serve a public purpose and advances the public health, safety and general welfare.

WHEREAS, This amendment is in the best interest of all property owners because at the current time Town manager Cliff Ogburn is refusing to use the Southern Shores's newsletter email address to notify property owners that a lot width amendment was made on June 6, 2023 to take the right to subdivide from property owners without notifying the effected property owners with posted notice as required by Town Code 36-414(b) which provides: **In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.** (Southern Shores does not have any zoning code giving the words "and where" the meaning of the word "if" and Southern Shores employees and board members claiming the words "and where" mean "if" are speaking a language not recognized in the United States or taught in schools)

WHEREAS, This amendment is in the best interest of all property owners because on May 15, 2023 the Planning Board (Board of Adjustments) passed Wes Haskett's March 31, 2023 lot width amendment which regulates land use without Wes Haskett notifying effected property owners pursuant to Town Code 36-362(b) which provides: **Notices. Notice of hearings conducted pursuant to this article shall be mailed to: (i)**

Town of Southern Shores, NC
ZTA-25-XX
X-XX-2025
Page X of X

1 the person or entity whose appeal, application, or request is the subject of the hearing;
 2 **(ii) to the owner of the property that is the subject of the hearing if the owner did**
 3 **not initiate the hearing;** (iii) to the owners of all parcels of land abutting the parcel of
 4 land that is the subject of the hearing; and (iv) to any other persons entitled to receive
 5 notice as provided by this chapter. In the absence of evidence to the contrary, the town
 6 may rely on the Dare County tax listing to determine owners of property entitled to
 7 mailed notice. The notice must be deposited in the mail at least ten days, but not more
 8 than 25 days, prior to the date of the hearing. **Within that same time period, the town**
 9 **shall also prominently post a notice of the hearing on the site that is the subject**
 10 **of the hearing or on an adjacent street or highway right-of-way.**

11
 12 **WHEREAS,** This amendment is in the best interest of all property owners because
 13 a true and correct copy of a **Public Records Request** proving mailed Notice of the May
 14 **15, 2023 Planning Board (Board of Adjustments) hearing on the lot width**
 15 **amendment was not provided and proof that Wes Haskett lied and said the**
 16 **Planning Board did not hear the lot width amendment on May 15, 2023 is attached**
 17 **to the Zoning Text Amendment Application dated May 16, 2025 as "Exhibit A"**
 18 **(Wes Haskett's June 1, 2023 email proves Wes Haskett has knowledge the Planning**
 19 **Board heard/Board of Adjustments voted to recommend approval of the lot width**
 20 **amendment).**

21 **WHEREAS,** This amendment is in the best interest of all property owners because Wes
 22 Haskett indicates that exceptions and leniency to local codes are considered by the Board
 23 of Adjustments, which Wes Haskett states must comply with Town Code 36-362(b) but
 24 when Wes Haskett must prove he complied with Town Code 36-362(b) for his lot width
 25 amendment heard on May 15, 2023 he lies and says the lot width amendment was not
 26 heard. Section 36-365 (a) provides: *Hearings authorized.* The board shall hear and
 27 decide requests for variances of the provisions of this chapter and appeals of
 28 decisions of administrative officials charged with enforcement of this chapter. The
 29 board shall follow quasi-judicial procedures when deciding appeals and requests for
 30 variances. **The board shall hear and decide all matters upon which it is required**
 31 **to pass under any statute or ordinance that regulates land use** or development
 32 that provides for the board to hear such matters. Wes Haskett's March 31, 2023
 33 amendment clearly effects land use by requiring lots to be 100' wide to be approved
 34 for a single family home.

35
 36 **WHEREAS,** This amendment is in the best interest of all property owners
 37 because during the time the Town was supposed to have posted notice at effected
 38 properties of the lot width amendment heard by the Planning Board/Board of
 39 Adjustments on May 15, 2023 and Town Council on June 6, 2023 Deputy Town Manager
 40 Wes Haskett was hiding the proposed zoning amendment from Applicant in (4) emails
 41 during the month of May, 2023 when Applicant was specifically asking about the 75 E
 42 Dogwood Trail subdivision and lot width requirements. During the month of May, 2023

the previous owner of 75 E. Dogwood Trail was able to negotiate an additional \$75,000 from applicant for a property that was subdividable because Haskett was illegally hiding the proposed lot width amendment from Applicant. Deputy Haskett and Southern Shores clearly are aware of the damages their fraud has caused and have yet to correct the fraud caused by rezoning subdividable property to unsubdividable with a lot width amendment that was made without complying with Town Code 36-414(b) and Town Code 36-362(b). A true and correct copy of Wes Haskett hiding the March 31, 2023 lot width amendment after being asked "Can you please tell me anything that would prevent me from subdividing the 75 E Dogwood Trail lot so I could build another house" is attached to the Text Amendment Application dated May 16, 2025 as Exhibit "B".

WHEREAS, This amendment is in the best interest of all property owners because the nature of the Town's Code Of Ethics prohibits the Town from defrauding property owners intentionally and in the event of a mistake requires the fraud to be corrected. A true and correct copy of the Town's Code of Ethics is attached to the Zoning Text Application dated May 16, 2025 as Exhibit C.

WHEREAS, This amendment is in the best interest of all property owners because when property owners question the validity of zoning amendments made to their property Deputy Town Manager Haskett lies and claims Southern Shores had a legal basis to amend zoning code. A true and correct copy of a false police report made to Chief Kole by Wes Haskett in violation of North Carolina General Statute 14-225 claiming he had a legal basis to amend zoning code on June 6, 2023 by deleting the strictures of Town Code 36-414(b) is attached to Zoning Text Application dated May 16, 2025 and marked Exhibit D.

WHEREAS, This amendment is in the best interest of all property owners because when they ask the Planning Board for a decision to be made about a zoning code amended without the property owner being notified pursuant to Town Code 36-414(b) Deputy Town Manager Haskett lies and states all notification requirements were satisfied. A true and correct copy of Haskett's staff report lying about notification requirements being complied with prior to the lot width adoption on June 6, 2023 is attached to the Zoning Text Amendment Applications as Exhibit E. A true and correct copy of a public records response from the Town proving posted notice was not placed at effected property(s) pursuant to Town Code 36-414(b) is attached to the Zoning Text Amendment Application Dated May 16, 2025 as Exhibit F.

WHEREAS, This amendment is in the best interest of all property owners because when criminal complaints are made against Town employee Wes Haskett to Police Chief Kole for violating N.C.G.S. ss 14-225-false reports to law enforcement and N.C.G.S. § 20-112- false sworn testimony Chief Kole refuses to arrest Wes Haskett with claims that the crimes are "civil matters". (Wes Haskett claimed to

Chief Kole and the Planning Board (Board of Adjustments) notification requirements were met prior to the June 6, 2023 lot width amendment.

WHEREAS, This amendment is in the best interest of all property owners because when they pay \$350 for the Planning Board to make a decision about a zoning amendment made without compliance with posted notification requirement Town Code 36-414(b) the following people fraudulently misrepresent the language of Town Code 36-414(b) and are on video fraudulently misrepresenting Town Code 36-414(b) at the October 21, 2024 Variance hearing online at www.youtube.com/watch?v=SAHrZazLlz8&t=18617s

A) Town Attorney Lauren Womble on behalf of Deputy Town Manager Haskett at 1:41-1:44, 3:24-3:29, 3:48-3:51, 5:09-5:11

B) Planning Board Attorney Jay Wheless on behalf of the Planning Board and Haskett at 3:09-3:12, 3:48-3:51 of the video

C) Planning Board Chair Andy Ward at 4:27 of the video

WHEREAS, This amendment is in the best interest of all property owners because when they pay \$350 for the Planning Board to make a decision on whether an amended zoning code can be enforced when there is proof indicating Town Code 36-414(b) was not complied with, the Planning Board votes unanimously to enforce illegally adopted zoning code. Please see youtube video of the March 19, 2025 Special Hearing from 1:02-1:13 at www.youtube.com/watch?v=gVweO1hKUo8

WHEREAS, This amendment is in the best interests of the Town because **North Carolina law provides that a court must construe ambiguous contract terms against the drafter. Cosey v. Prudential Ins. Co. of Am., 735 F.3d 161, 170 (4th Cir. 2013). Paying filing fees to Southern Shores establishes a contract under law and the Town Code.** So, terms Southern Shores claims to be ambiguous in their code, such as notification requirements needed to effectuate a zoning amendment must be interpreted against Southern Shores.

WHEREAS, This amendment is in the best interests of the Town because North Carolina Statutes of limitations for fraud, injury to personal property and contract law is 3 years. The Town is currently liable for a class action lawsuit from property owners suing the town for defrauding property owners with zoning amendments adopted to take the right to subdivide property with a lot width amendment on June 6, 2023. Taking the right to subdivide substantially decreases property value, according to licensed realtors, and the Town has refused to Order Dare County to reduce property taxes on property they have devalued.

1 **WHEREAS**, This amendment is consistent with the Town's Code of Ethics and
 2 is imperative under North Carolina State and Federal Laws protecting property owner's
 3 due process rights and their right not to be subjected to public corruption crimes
 4 committed by local governments.

5
 6 **WHEREAS**, the amendment of the Town's Zoning Ordinance and Town Code
 7 Ordinances as stated below is based on reasonable consideration, among other things, as to
 8 the character of the district, suitability for uses in the area, conserving value of buildings
 9 and encouraging the most appropriate use of land throughout the Town.

10
 11 **WHEREAS**, the Town's currently adopted Land Use Plan contains Policies and
 12 Action Items that are applicable to the amendments, including but not limited to the
 13 following:

14
 15 **Policy: Southern Shores Code Of Ethics**

16
 17 **Policy: Town Code 36-362(b) requiring mailed notice and posted notice at**
 18 **property(s) effected by zoning amendment rezoning them (for reasons**
 19 **including, but not limited to rezoning from subdividable to unsubdividable).**

20
 21 **Policy: Town Code 36-205(d)(2) regulated lot width requirements.**

22
 23 **Policy: North Carolina State Law and Federal Law, including Federal Rights**
 24 **Protecting property owners "property rights" and "due process rights".**

25
 26
 27 **ARTICLE II. Construction.**

28
 29 For purposes of this ordinance amendment, underlined words (underline) shall be
 30 considered as additions to existing Town Code language and strikethrough words
 31 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
 32 adopted Town Code which are not repeated herein but are instead replaced by an ellipses
 33 ("...") shall remain as they currently exist within the Town Code.

34
 35 **ARTICLE III. Amendment of Zoning Ordinance.**

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

39
 40 **PART I.** That **Section 36-362 Meetings Of The Board Of Adjustments** Be
 41 amended as follows:

42 (b) *Notices.* Notice of hearings conducted pursuant to this article shall be mailed to: (i)
 43 the person or entity whose appeal, application, or request is the subject of the
 44 hearing; (ii) to the owner of the property that is the subject of the hearing if the owner

1 did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel
 2 of land that is the subject of the hearing; and (iv) to any other persons entitled to
 3 receive notice as provided by this chapter. In the absence of evidence to the contrary,
 4 the town may rely on the Dare County tax listing to determine owners of property
 5 entitled to mailed notice. The notice must be deposited in the mail at least ten days,
 6 but not more than 25 days, prior to the date of the hearing. Within that same time
 7 period, the town shall also prominently post a notice of the hearing on the site that is
 8 the subject of the hearing or on an adjacent street or highway right-of-way. **Property**
 9 **owner(s) that have been effected by the March 31, 2023 lot width amendment**
 10 **without being notified with posted notice and/or mailed notice as a property**
 11 **subject to the zoning amendment prior to the May 15, 2023 hearing pursuant to**
 12 **Town Code Section 36-362(b) shall have 90 days from the adoption of this**
 13 **amendment to submit any applications to the Town seeking governance under**
 14 **the Town Code prior to the Amended Ordinance effectuated on June 6, 2023.**
 15 **This section applies only to property owners who owned the property, were**
 16 **under contract to purchase the property, rented the property or occupied the**
 17 **property at the time the lot width amendment was adopted on June 6, 2023.**

18
 19 **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**
 20 **Reasonableness.**

21
 22 The Town's adoption of this amendment is consistent with the Town's adopted
 23 comprehensive zoning ordinance, land use plan and any other officially adopted plan that
 24 is applicable. For all of the above-stated reasons and any additional reasons supporting the
 25 Town's adoption of this ordinance amendment, the Town considers the adoption of this
 26 ordinance amendment to be reasonable and in the public interest. **THE ADOPTION OF**
 27 **THIS AMENDMENT IS IMPERATIVE UNDER STATE LAW, FEDERAL LAW**
 28 **AND THE SOUTHERN SHORES TOWN CODE OF ETHICS.**

29
 30 **ARTICLE V. Severability.**

31
 32 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
 33 hereby repealed. Should a court of competent jurisdiction declare this ordinance
 34 amendment or any part thereof to be invalid, such decision shall not affect the remaining
 35 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
 36 Town of Southern Shores, North Carolina which shall remain in full force and effect.

37
 38 **ARTICLE VI. Effective Date.**

39
 40 This ordinance amendment shall be in full force and effect from and after the ____ day of
 41 _____, 2025.

42
 43
 44

Elizabeth Morey, Mayor

45 **ATTEST:**

Town of Southern Shores, NC
ZTA-25-XX
X-XX-2025
Page X of X

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Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: __AYES__NAYS

FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

From: Phillip Hornthal (phornthal@hrem.com)
 To: chestercountylawn@yahoo.com
 Cc: skane@southernshores-nc.gov
 Date: Wednesday, October 30, 2024 at 02:57 PM EDT

Mr. Mina:

Please find attached and below the Town's response to your earlier, above referenced, Public Records Request.

Thank you.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law
 Direct: 252.698.0214
 Office: 252.335.0871
 Fax: 252.335.4223 Attn: P. Hornthal
 Email: phornthal@hrem.com
 301 East Main Street
 Elizabeth City, NC 27909
www.hrem.com



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 Legal Notices & Privacy Policy](#)



From: Sheila Kane <skane@southernshores-nc.gov>
 Sent: Wednesday, October 30, 2024 2:09 PM
 To: Phillip Hornthal <PHornthal@hrem.com>
 Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

>>Warning! The source of this email is from outside of the firm.<<

Phillip:

On October 24, 2024, Mr. Mina filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- All notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment.

Please find all records that pertain to this request attached. Also, a response from Wes Haskett can be seen in the email below, explaining the notice requirements.

Sheila Kane, CMC, NCCMC
 Town Clerk
 Town of Southern Shores
 5375 N Virginia Dare Trail
 Southern Shores, NC 27949
 (252) 261-2394 phone
 (252) 255-0876 fax
skane@southernshores-nc.gov

From: Wes Haskett <whaskett@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 10:37 AM
To: Sheila Kane <skane@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

See attached documents to be included with the response to Mr. Mina's request below. The Planning Board did not hold a hearing for TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also were no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required.

Wes Haskett
 Deputy Town Manager/Planning Director
 Town of Southern Shores
 (252) 261-2394 (ph)
 (252) 255-0876 (fx)
www.southernshores-nc.gov



7-19-21 PB Mtg Public Notice.pdf
 77.7kB



7-14-21 PB Mtg Notice.pdf
 345.6kB



7-19-21 PB Mtg Sunshine List Notice.pdf
 415.7kB

A

RE: 75 E Dogwood Trail Subdivision

chestercountyla.../inbox



Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor. However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



Wes Haskett's July 16th, 2024 subdivision denial (Variance "Exhibit 1B") confirmed lot widths met town code as the drawing referenced in this email was provided on a plat prepared by a surveyor and is found as Variance "EXHIBIT 2B"

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



WES HASKETT ADMITTING ON JUNE 1, 2023 THE LOT WIDTH REQUIREMENTS FOR A SUBDIVISION WERE MET, BUT THEN TELLING APPLICANT FOR THE 1ST TIME THAT LOT WIDTH REQUIREMENTS OF 100' AT THE FRONT BUILDING SETBACK LINE WERE BEING CHANGED ON JUNE 6/2023 TO REQUIRE THE ENTIRE LOT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

TO BE 100' WIDE. (ATTACHMENT EXPLAINED PROPOSED ZONING AMENDMENT)

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

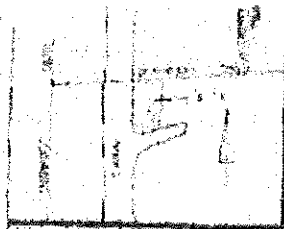
Thank you for your help.

Anthony S Mina

1 File 2.2MB



5-16-23 ZTA-23-03 Lot Width.pdf
2MB

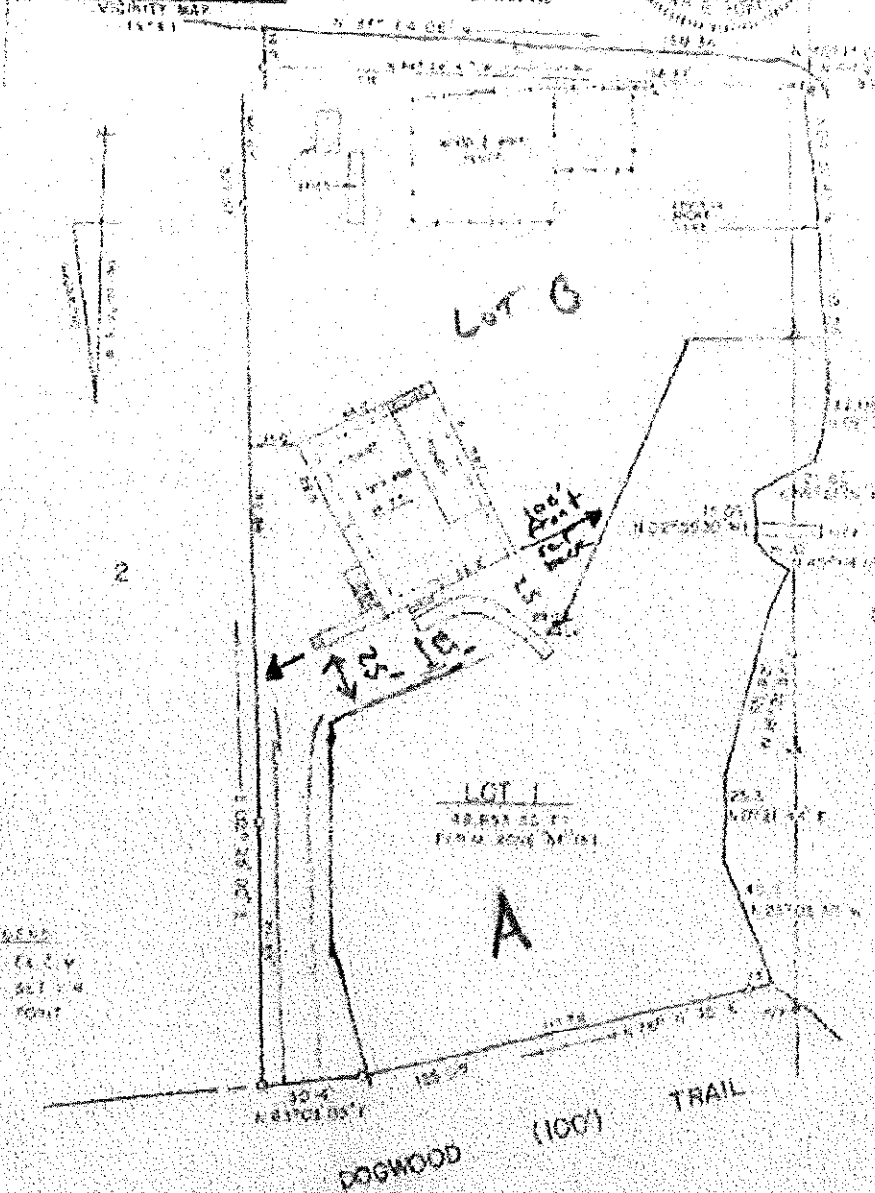


BEFORE ME, the undersigned authority, on this 14th day of March, 1997, personally appeared **LINDA L. LAUBY**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 14th day of March, 1997.

 Notary Public
 State of North Carolina

LY 2801
 REGISTRATION NUMBER



LOT A
 New single family
 dwelling pursuant
 to RSP zoning
 requirements,
 including 100' lot
 width at front
 set back
 Lot size:
 20,000 sq. ft.

LOT B
 EXISTING HOME
 WITH STREET
 FRONTAGE

SURVEYED FOR
 LINDA L. LAUBY
 LOT 1, BLOCK 105
 SOUTHERN SHORES
 ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE: MARCH 8, 1997	SCALE: 1" = 40'
FILE: 2437-72-71	OR. BY: RDR
REV. M. E. 2, PG. 182	
TRAN. NO. 270430 0001 5 (4/8/93)	
JIN 48	

KIRK R. FOREMAN
 LAND SURVEYING COMPANY
 P.O. BOX 160
 KILL DEVIL HILL, NC 27948
 (919) 281-1321

SUBDIVISION LINES NOT TO SCALE

RE: 75 E. Dogwood Trail Subdivision

chestercounty/la.../Inbo

Item 5.



Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountyawn@yahoo.com>

May 23, 2023 at 2:13 PM

Good afternoon. I had a good weekend and I hope the same for you. Purchasing land from the adjacent property owner (both properties and structures meet all requirements) or removing a portion of the building would resolve the setback issue. Can you please explain or show on a drawing how the Town's 100 ft. lot width requirement would be satisfied for both lots?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT
HIDING JUNE 6, 2023
LOT WIDTH AMENDMENT

-----Original Message-----

From: Anthony Mina <chestercountyawn@yahoo.com>
Sent: Monday, May 22, 2023 12:41 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Subdivision

Hello,

I hope you had a good weekend.

I am writing you again about 75 E. Dogwood Trail. I apologize if I am asking a lot of questions. My last job in Pennsylvania was building an addition onto a house on a non-conforming lot and I feel like the job went smoothly because I asked the building inspector lots of questions before I even started getting my building plans (and as of right now, I still don't even live at 75 E Dogwood Trail).

Can I ask you how you would suggest I go about subdividing 75 E. Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)?

I believe my options are (assuming the house is 14' from the 73 E. Dogwood Trail property line):

- Remove one foot of the existing home (the back left corner of the home) and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

- Apply for a variance and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

- Purchase a few square feet of property from 73 E. Dogwood Trail so the property line angles around the house of 75 E Dogwood Trail so there is at least 15' between the house and property line. Some examples of property lines literally wrapping around houses like I am describing are at 233 N Dogwood Trail and 378 Sea Oats Trail. Then the lot would then again be subdivided with a "flag lot" in the back.

Thank you for your help,
Anthony S Mina

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=loginitem&mail_id=1684773651-3b8T3-23fXSS&address=whaskett@340southernshores-nc.gov&report=1

Re: 75 E. Dogwood Trail Zoning Question

chestercountyla.../Ser...

May 18, 2023 at 2:54 PM

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>

Thank you for your help. I am not going to ask to meet with you next Tuesday to review my proposed subdivision for 75 E. Dogwood Trail, but I hope to provide you the drawing of the subdivision before then. I will talk to you soon. Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



WES HASKETT HIDING
JUNE 6, 2023 PROPOSED
LOT WIDTH AMENDMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lot that has an existing structure that could possibly be 14' from the property line. See Town Code Section 30-97(2):

https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTICOR_CH30SU_ARTIVMISTDEGE_630-97/DESI

-Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. An exception would be in the form of a Variance. Our Town Planning Board considers Variances which are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. See attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the building (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing home if the home was really built 14' from a property line that required 15'. Please submit a drawing showing what you have in mind, including the existing structure and measurements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with other approved subdivisions and existing zoning requirements. I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you,
Anthony S Mina

On Wednesday, May 17, 2023, 11:31:21 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Anthony. I'm doing well and I hope the same for you. I don't believe that creating two lots that front E. Dogwood Trl. would work either, unfortunately. This is due to our minimum lot width requirement which is 100 ft. so both lots would have to be 100 ft. wide and front E. Dogwood Trl. However, I'd be glad to take a look at a sketch if you'd like to draw what you have in mind. The other issue is the existing structure not being at least 15 ft. from the side property line. Our ordinance requires compliance with all zoning requirements whenever new lots are created.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov



WES HASKETT HIDING JUNE
6, 2023 PROPOSED LOT
WIDTH REQUIREMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, May 18, 2023 11:51 AM

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Item 5.

Good Morning,

I hope you are doing good. I'm a little confused about the Southern Shores local codes governing subdivision plans. Can you tell me why 75 E. Dogwood Trail could not be divided so each of the (2) new lots has street frontage. There is about 155' of street frontage and it does not matter to me if the lots shared the driveway or each had their own driveway. I believe that a second house could be built at 75 E Dogwood Trail and positioned so each lot has at least a 75' width at the side of the house closest to Dogwood Trail.

Thank you for your help,
Anthony S Mina

On Monday, May 1, 2023, 01:54:54 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. I'm doing well and I hope the same for you. I don't think a subdivision of 75 E. Dogwood Trl. would be allowed per Town Code Section 30-96(f) in our Subdivision Ordinance which states: All lots shall front upon a public road. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----

From: Anthony Mina <chestercountyflawn@yahoo.com>
Sent: Monday, May 1, 2023 12:50 PM
To: Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Zoning Question

Hello,

I hope you are doing good.

I have attached a survey with a sketch of a proposed subdivision for 75 E. Dogwood Trail and wanted to make sure I am correct to believe that the lot can be subdivided as a right to the homeowner because the lot is larger than one acre. The only thing I noticed that did not meet the current zoning code requirements is a 14' setback from the existing home to the property line on the left side (I believe there should be 15').

Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property.

Thank you,
Anthony S Mina

CC Ashton Herrell, MM & J Law Firm

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Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT C"



Wes Haskett <whaskett@southernshores-nc.gov>

To: Anthony Mina <chestercountylawn@yahoo.com>

Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>,

Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21, 2024 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ____." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. 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. A notice of such hearing shall be given one week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), \$200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

"EXHIBIT D"

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
 75 E. Dogwood Trl.
 Southern Shores, NC 27949

Property Owners: Anthony S. Mina
 75 E. Dogwood Trl.
 Southern Shores, NC 27949

Jennifer L. Franz
 75 E. Dogwood Trl.
 Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:
 North-Residential; RS-1, Single-Family Residential District
 South-Canal
 East- Residential; RS-1, Single-Family Residential District
 West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards.
 Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section

EXHIBIT E

30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
 - There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

4 EXHIBIT E

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
 - Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.
- (4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
 - The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
 - The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
 - The Town Code Text Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
 - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
 - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

"EXHIBIT E"

Jun 20, 2024 at 5:07 PM

Public Records Request Regarding TCA-21-06 and ZTA-23-03

Sheila Kane <skane@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**
2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
 1. **Coastland Times Advertisement Invoices and copies of notices are attached. A 1/2 of a page size is NOT REQUIRED**
3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
 1. **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**
4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
 1. **NOT REQUIRED**
 2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov



11 Files 13.9MB

" EXHIBIT F "



Sheet

Agenda Item Summary

Date: 7/08/2025

Item #: 6

Item Title: Public Hearing North Carolina Local Government Commission application

Item Summary: Now that the Town operates the fire department as a municipal department and will be holding the debt for the fire station, an application to the North Carolina Local Government Commission (LGC) will need to be approved. The North Carolina General Statutes require that the LGC review and monitor local government debt to be issued over one million dollars (\$1,000,000).

The previous contract with the Southern Shores Volunteer Fire Department for fire protection services required the Town to include the debt payment for the fire station built in 2019. The current 25- year loan has an interest rate of 3.15% and there are 6 years remaining on the loan before the 10-year T-bill rate review. The outstanding balance is \$ 4,828,649.40

One of the requirements of the application is that a public hearing be held on a resolution approving the application by the Town Council. Town staff are confident that the application will be approved as approval will not change the annual appropriation already being paid for fire station debt since its construction and opening in 2019. Approval will also allow the Town to maintain the present bank loan with a low interest rate.

Staff Recommendation and Requested Action: Conduct a public hearing and approve resolution.

Attachments: Resolution
Loan Modification and Assumption Agreement
Payment Schedule



Town of Southern Shores

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

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

info@southernshores-nc.gov

www.southernshores-nc.gov

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTES § 160A-20

WHEREAS, the Town of Southern Shores, North Carolina desires to assume the obligations of the Southern Shores Volunteer Fire Department (SSVFD) contained in the installment loan documents under which HomeTrust Bank financed through installment financing (Loan) the construction of Fire Station 12 for the SSVFD, which is located in the corporate limits of the Town (the “Project”) to continue to better serve the citizens of the Town of Southern Shores; and

WHEREAS, since the commencement of the Loan, the Town of Southern Shores has been indirectly paying all of the debt service for the Loan through a subsidy paid by the Town to the SSVFD pursuant to a fire services contract between the Town and the SSVFD dated February 26, 2019; and,

WHEREAS, both the Town and the SSVFD have mutually agreed that the Town will create and operate a Municipal Fire Department to replace the SSVFD’s fire service operations effective July 1, 2025; and

WHEREAS, in anticipation of the planned dissolution of the SSVFD, the Town seeks to be authorized under North Carolina General Statute 160A, Article 3, Section 20 to assume the obligations of the SSVFD under the Loan documents; and

WHEREAS, maintaining the current Loan installment contract is preferable to the Town refinancing the Loan because the Loan’s interest rate of 3.15% is lower than current market interest rates available to the Town; and

WHEREAS, findings of fact by the Town Council of the Town of Southern Shores, North Carolina must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract for the Town to assume the Loan obligations of the SSVFD.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Southern Shores, North Carolina, meeting in regular session on the 8th day of July, 2025, makes the following findings of fact:

1. An installment contract to pay the debt service presently exists. The Town has been indirectly paying the debt service as a subsidy to the SSVFD pursuant to the fire

protection services contract between the Town and the SSVFD. Fire Protection Services are now a municipal department. Adding the Town to the existing installment contract is necessary in order for the Town to directly fund the installment payments on the Loan and to maintain the present interest rate of 3.15%.

2. The current installment contract is preferable to refinancing the loan because its interest rate is lower than today's interest rates.
3. Once the Town assumes the loan obligations under the Loan documents, there will be no change to the interest rate, payment amount, or other terms of the Loan payment except for the substitution of the Town in place of the SSVFD as the obligor under the Loan.
4. The sums that fall due under the installment loan contract are adequate and not excessive for the proposed purpose because there is no new impact on the Town's operating budget.
5. The Town of Southern Shores debt management procedures and policies have been carried out in strict compliance with the law, and assurance is provided that debt management will hence forth be carried out.
6. The Town of Southern Shores is not in default in any of its debt service obligations.
7. There are no increases in property tax that are necessary as a result of this application.
8. The attorney for the Town of Southern Shores has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to act on behalf of the Town of Southern Shores in filing an application with the North Carolina Local Government Commission for approval of the Project and the existing financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption on this 8th day of July, 2025.

The motion to adopt this resolution was made by Councilmen _____ and seconded by Councilmen _____ and passed by a vote of _____ to _____.

Mayor

ATTEST:

Town Clerk

This is to certify that this is a true and accurate copy of Resolution No. _____ adopted by the Town of Southern Shores Town Council on the 8th day of July, 2025.

Town Clerk

Date



Space Above This Line For Recording Data

MODIFICATION AND ASSUMPTION AGREEMENT

NORTH CAROLINA
DARE COUNTY

THIS MODIFICATION AND ASSUMPTION AGREEMENT is effective as of _____, 2025, by and between the TOWN OF SOUTHERN SHORES, NORTH CAROLINA, a North Carolina municipal corporation, whose mailing address is 5375 N. Virginia Dare Trail, Southern Shores, NC 27949; SOUTHERN SHORES VOLUNTEER FIRE DEPARTMENT, INC., a North Carolina nonprofit corporation, whose mailing address is 15 S. Dogwood Trail, Southern Shores, NC 27949; FIRE SERVICE REAL ESTATE, INC., a North Carolina nonprofit corporation, whose mailing address is 15 S. Dogwood Trail, Southern Shores, NC 27949; and HOMETRUST BANK, a North Carolina banking corporation, whose mailing address is Attn. John M. Tench, Senior Vice President, PO Box 10, Asheville, NC 28802-0010.

DEFINED TERMS

The following defined terms may be used in this Modification Agreement:

“2019 Financing Documents” means collectively (1) the Assignment of Fire Services Contract; (2) the Municipal Lease and Option Agreement, (3) the Ground Lease, (4) the Sublease Agreement, (5) the UCC Financing Statement, and (6) the Revenue Pledge and Security Agreement.

“Modification Agreement” means this Loan Modification and Assumption Agreement.

“2025 Financing Documents” collectively means (1) this Modification Agreement, (2) the Assignment of Amended and Restated Fire Services Contract, and (3) the Amendment to UCC Financing Statement.

“Effective Date” means the date of this Modification Agreement.

“Assignment of Fire Services Contract” means the Assignment of Fire Services Contract dated February 26, 2019 and recorded in Book 2286, Page 871, Dare County Registry, by and between the Fire Department and FSRE as Assignor and Bank as Assignee.

“Municipal Lease and Option Agreement” means the Municipal Lease and Option Agreement dated February 28, 2019 by and between Bank as Lessor/Pledgee and Fire Department and FSRE as Lessee/Pledgor.

“Ground Lease” means the Ground Lease dated February 28, 2019 and recorded in Book 2286, Page 855, Dare County Registry, by and between Fire Department and FSRE as Lessor and Bank as Lessee.

“Sublease Agreement” means the Sublease Agreement dated February 28, 2019 and recorded in Book 2286, Page 864, Dare County Registry, by and between Bank as Sub-lessor and Fire Department and FSRE as Sub-lessee.

“UCC Financing Statement” collectively means UCC Financing Statement recorded on March 1, 2019 in Book 2287, Page 79, Dare County Registry, and the UCC Continuation Statement recorded on February 26, 2024 in Book 2720, Page 800, Dare County Registry, by and between Fire Department and FSRE as Debtor and Bank as Secured Party.

“2025 UCC Amendments” collectively mean the UCC Financing Statement Amendments, the forms of which are attached as **Exhibit B**.

“Revenue Pledge and Security Agreement” means the Revenue Pledge and Security Agreement dated February 28, 2019 by and between Fire Department and FSRE as Lessee/Pledgor and Bank as Lessor/Pledgee.

“Town” means the Town of Southern Shores, a North Carolina municipal corporation.

“Fire Department” means the Southern Shores Volunteer Fire Department, a North Carolina nonprofit corporation.

“FSRE” means Fire Service Real Estate, Inc., a North Carolina nonprofit corporation.

“Bank” means HomeTrust Bank, a North Carolina banking corporation.

“Party” means individually the Town, the Fire Department, FSRE, or the Bank, all of whom may be collectively referred to as the “Parties.”

“Fire Services Contract” collectively means the Fire Services Contract dated February 26, 2019 by and between the Town, the Fire Department, and FSRE, and a Memorandum of Contract dated February 26, 2019 and recorded in Book 2280, Page 427, Dare County Registry.

"2025 Fire Services Contract" collectively means the 2025 Fire Services Contract dated _____, 2025 between the Town and FSRE, and the 2025 Memorandum of

Contract dated _____, 2025 and recorded in Book _____, Page _____, Dare County Registry.

“2019 Financing” means the financing from Bank evidenced and documented by the 2019 Financing Documents.

“Land” means the real property located at 15 S. Dogwood Trail, Southern Shores, NC 27949 which is owned by FSRE and which is more particularly defined and described in the 2019 Financing Documents.

“Equipment” means the fire station and associated equipment, fixtures, and other property that has been constructed on the Land and which is more particularly defined and described in the 2019 Financing Documents.

Other terms defined in the 2019 Financing Documents may be used in this Modification Agreement and shall have the same meaning as defined in the 2019 Financing Documents.

RECITALS

WHEREAS, Fire Department is one of the parties to the 2019 Financing Documents; and

WHEREAS, currently and in the past the Town has funded the substantial portion of the Fire Department’s budget, which funding was used by the Fire Department in part to make the scheduled payments to the Bank under the 2019 Financing Documents; and

WHEREAS, the Fire Department is in the process of dissolving itself in order to transition to and become a municipal department of the Town; and

WHEREAS, the Fire Services Contract has been amended and restated as the 2025 Fire Services Contract as part of the Fire Department’s dissolution and transition to become a municipal department of the Town; and

WHEREAS, the Parties have agreed to and desire to substitute the Town in place of the Fire Department as an obligor on the 2019 Financing and as a party to the 2019 Financing Documents, and to release the Fire Department from any obligations under the 2019 Financing and the 2019 Financing Documents; and

WHEREAS, FSRE has agreed to convey title to the Land and Equipment to the Town upon the Town’s full satisfaction of all debt obligations to the Bank under the 2019 Financing Documents and the 2019 Financing; and

WHEREAS, as of the date hereof, all payments under the obligations under the 2019 Financing and the 2019 Financing Documents are current.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Loan Modification and Assumption.

a. Municipal Lease and Option Agreement. The Town is hereby substituted for the Fire Department as the lessee under the Municipal Lease and Option Agreement.

b. Ground Lease. The Town is hereby substituted for the Fire Department as the lessor under the Ground Lease.

c. Sublease Agreement. The Town is hereby substituted for both the Fire Department and FSRE as the sub-lessee under the Sublease Agreement.

d. Revenue Pledge and Security Agreement. The Town is hereby substituted for the Fire Department as a Lessee/Pledgor under the Revenue Pledge and Security Agreement.

e. Assignment of Fire Services Contract. The Assignment of Fire Services Contract is hereby replaced by the Assignment of 2025 Fire Services Contract in the form attached hereto as **Exhibit A**.

f. UCC Financing Statement. The UCC Financing Statement is hereby amended to add the Town as a debtor and to remove the Fire Department as a debtor. The UCC Amendments shall be in the two forms attached hereto as **Exhibit B**.

g. Town hereby assumes all of Fire Department's obligations under the 2019 Financing Documents, except as modified by this Modification Agreement.

h. Occupancy. The Town is hereby approved as the sole occupant of the Land and the Equipment.

i. Release of Fire Department. Bank hereby fully and unconditionally releases Fire Department as a Party to and from all of Fire Department's obligations under the 2019 Financing and the 2019 Financing Documents.

2. All Payments and Other Obligations Current. All payments and other obligations under the 2019 Financing and the 2019 Financing Documents are current as of the Effective Date.

3. Termination and Transfer. Upon full satisfaction of all obligations under the 2019 Financing Documents (as modified herein), (a) the Sublease Agreement shall terminate; (b) the 2019 Financing Documents shall be deemed satisfied in full and terminated, and (c) FSRE shall thereupon convey to the Town, by general warranty deed and a bill of sale, the fee simple absolute title to the Land and the Equipment, free and clear of all liens and encumbrances except for recorded easements of record.

4. Cumulative Effect. In the event of any conflict between the terms of the 2019 Financing Documents and the terms of this Modification Agreement, the terms of this Modification Agreement shall control. Except as otherwise modified in this Modification Agreement, the 2019 Financing Documents remain in full force and effect.

5. General Provisions.

a. Entire Agreement. This Modification Agreement and its exhibits constitute the entire agreement of the parties and supersede all prior agreements and understandings.

b. Amendments. No amendment or modification of this Modification Agreement shall be valid unless in writing and signed by all parties hereto.

c. Governing Law. This Modification Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

d. Severability. If any provision herein is found invalid or unenforceable, the remainder shall remain in full force and effect.

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

(signatures begin on the following page)

IN WITNESS WHEREOF, each of the parties has caused this Modification Agreement to be duly executed and delivered as of the day and year first above written.

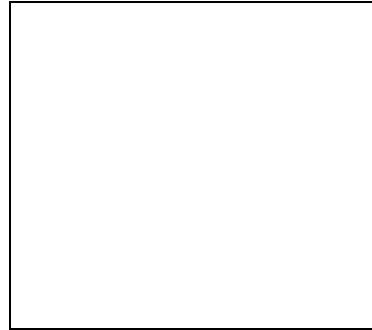
TOWN:

TOWN OF SOUTHERN SHORES, NORTH
CAROLINA

BY: _____
Elizabeth Morey, Mayor

ATTEST:

Shelia Kane, Town Clerk

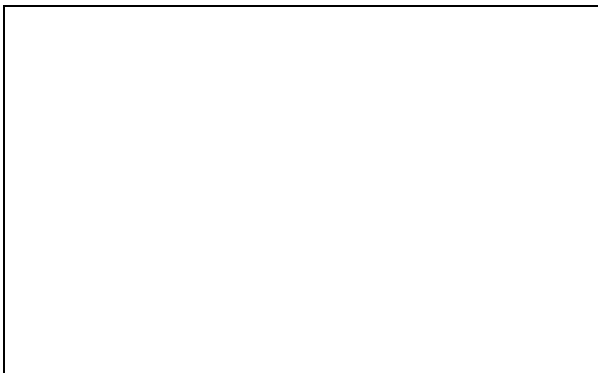


(AFFIX TOWN SEAL IN THIS BOX)

North Carolina, Dare County

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Elizabeth Morey, Mayor of the Town of Southern Shores, North Carolina, and Shelia Kane, Town Clerk for the Town of Southern Shores, North Carolina.

Witness my hand and seal this ____ day of _____, 20 ____.



Affix Notary Seal Inside This Box

Signature of Notary Public

Typed or printed name of Notary Public

My commission expires: _____

IN WITNESS WHEREOF, each of the parties has caused this Modification Agreement to be duly executed and delivered as of the day and year first above written.

FIRE DEPARTMENT:

SOUTHERN SHORES VOLUNTEER FIRE
DEPARTMENT, INC.

BY: _____
Edward Hayman, Chair

North Carolina, Dare County

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Edward Hayman, Chair of Southern Shores Volunteer Fire Department, Inc.

Witness my hand and seal this _____ day of _____, 20____.



Affix Notary Seal Inside This Box

Signature of Notary Public

Typed or printed name of Notary Public

My commission expires: _____

IN WITNESS WHEREOF, each of the parties has caused this Modification Agreement to be duly executed and delivered as of the day and year first above written.

FSRE:

FIRE SERVICE REAL ESTATE, INC.

BY: _____
Grant Dick, Chair

North Carolina, Dare County

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Grant Dick, Chair of Fire Service Real Estate, Inc.

Witness my hand and seal this ____ day of _____, 20____.



Affix Notary Seal Inside This Box

Signature of Notary Public

Typed or printed name of Notary Public

My commission expires: _____

IN WITNESS WHEREOF, each of the parties has caused this Modification Agreement to be duly executed and delivered as of the day and year first above written.

BANK:

HOMETRUST BANK

BY: _____
John M. Tench, Senior Vice President

North Carolina, Buncombe County

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: John M. Tench, Senior Vice President of HomeTrust Bank.

Witness my hand and seal this _____ day of _____, 20____.



Affix Notary Seal Inside This Box

Signature of Notary Public

Typed or printed name of Notary Public

My commission expires: _____

EXHIBIT A

Approved Form of Assignment of 2025 Fire Services Contract

[See Attached]

EXHIBIT B

Approved Forms (2) of UCC Amendments

[See Attached]

Loan Modification and Assumption Agreement v2.docx

DRAFT

**MUNICIPAL LEASE AND OPTION AGREEMENT
SCHEDULE B: PAYMENT SCHEDULE**

LESSEE: Southern Shores Volunteer Fire Department, Inc.
and Fire Service Real Estate, Inc.

INVESTMENT: \$5,419,223.00

PAYMENT: \$78,505.00

TERM: 100 Quarterly Payments

COMMENCEMENT DATE:

FIRST PAYMENT DATE:

PMT NO.	PAYMENT	INTEREST	PRINCIPAL	CONCLUDING
1	\$78,505.00	\$42,676.38	\$35,828.61	\$5,544,896.22
2	\$78,505.00	\$42,394.23	\$36,110.76	\$5,507,702.13
3	\$78,505.00	\$42,109.86	\$36,395.14	\$5,470,215.14
4	\$78,505.00	\$41,823.25	\$36,681.75	\$5,432,432.94
5	\$78,505.00	\$41,534.38	\$36,970.62	\$5,394,353.20
6	\$78,505.00	\$41,243.23	\$37,261.76	\$5,355,973.59
7	\$78,505.00	\$40,949.80	\$37,555.20	\$5,317,291.73
8	\$78,505.00	\$40,654.05	\$37,850.94	\$5,278,305.26
9	\$78,505.00	\$40,355.97	\$38,149.02	\$5,239,011.77
10	\$78,505.00	\$40,055.55	\$38,449.44	\$5,199,408.84
11	\$78,505.00	\$39,752.76	\$38,752.23	\$5,159,494.04
12	\$78,505.00	\$39,447.59	\$39,057.41	\$5,119,264.91
13	\$78,505.00	\$39,140.01	\$39,364.98	\$5,078,718.98
14	\$78,505.00	\$38,830.01	\$39,674.98	\$5,037,853.74
15	\$78,505.00	\$38,517.57	\$39,987.42	\$4,996,666.70
16	\$78,505.00	\$38,202.67	\$40,302.33	\$4,955,155.30
17	\$78,505.00	\$37,885.29	\$40,619.71	\$4,913,317.01
18	\$78,505.00	\$37,565.41	\$40,939.59	\$4,871,149.23
19	\$78,505.00	\$37,243.01	\$41,261.99	\$4,828,649.39
20	\$78,505.00	\$36,918.07	\$41,586.92	\$4,785,814.66
21	\$78,505.00	\$36,590.57	\$41,914.42	\$4,742,643.00
22	\$78,505.00	\$36,260.50	\$42,244.50	\$4,699,131.17
23	\$78,505.00	\$35,927.82	\$42,577.17	\$4,655,276.68
24	\$78,505.00	\$35,592.53	\$42,912.47	\$4,611,076.84
25	\$78,505.00	\$35,254.59	\$43,250.40	\$4,566,528.93
26	\$78,505.00	\$34,914.00	\$43,591.00	\$4,521,630.20
27	\$78,505.00	\$34,570.72	\$43,934.28	\$4,476,377.89
28	\$78,505.00	\$34,224.73	\$44,280.26	\$4,430,769.22
29	\$78,505.00	\$33,876.03	\$44,628.97	\$4,384,801.38
30	\$78,505.00	\$33,524.57	\$44,980.42	\$4,338,471.55
31	\$78,505.00	\$33,170.35	\$45,334.64	\$4,291,776.87
32	\$78,505.00	\$32,813.34	\$45,691.65	\$4,244,714.46
33	\$78,505.00	\$32,453.52	\$46,051.47	\$4,197,281.44
34	\$78,505.00	\$32,090.87	\$46,414.13	\$4,149,474.89
35	\$78,505.00	\$31,725.35	\$46,779.64	\$4,101,291.86
36	\$78,505.00	\$31,356.96	\$47,148.03	\$4,052,729.39
37	\$78,505.00	\$30,985.67	\$47,519.32	\$4,003,784.49
38	\$78,505.00	\$30,611.46	\$47,893.54	\$3,954,454.14
39	\$78,505.00	\$30,234.30	\$48,270.70	\$3,904,735.32
40	\$78,505.00	\$29,854.17	\$48,650.83	\$3,854,624.97
*RATE REVIEW OCCURS AT PMT # 40 BASED ON THE TEN YEAR US TREASURY BILL				
41	\$78,505.00	\$29,471.04	\$49,033.96	\$3,804,120.00
42	\$78,505.00	\$29,084.90	\$49,420.10	\$3,753,217.30
43	\$78,505.00	\$28,695.71	\$49,809.28	\$3,701,913.74
44	\$78,505.00	\$28,303.47	\$50,201.53	\$3,650,206.16
45	\$78,505.00	\$27,908.13	\$50,596.87	\$3,598,091.39
46	\$78,505.00	\$27,509.68	\$50,995.32	\$3,545,566.21
47	\$78,505.00	\$27,108.09	\$51,396.90	\$3,492,627.40
48	\$78,505.00	\$26,703.34	\$51,801.65	\$3,439,271.70
49	\$78,505.00	\$26,295.40	\$52,209.59	\$3,385,495.82
50	\$78,505.00	\$25,884.25	\$52,620.74	\$3,331,296.45



AGENDA ITEM SUMMARY FORM

MEETING DATE: July 8, 2025

ITEM TITLE: Historic Landmarks Commission Appointment

ITEM SUMMARY:

There is currently one vacant regular member position and one vacant alternate member position on the Town's Historic Landmarks Commission. The regular member position became vacant following former HLC member Michael Guarracino's resignation on May 17, 2025. Town Staff has received one application to serve on the HLC from Jennifer Adams-Falconer.

STAFF RECOMMENDATION:

Appointment of Jennifer Adams-Falconer as a regular member on the Town's Historic Landmarks Commission with a term that begins immediately and expires on December 6, 2027.

REQUESTED ACTION:

Motion to appoint Jennifer Adams-Falconer as a regular member on the Town's Historic Landmarks Commission with a term that begins immediately and expires on December 6, 2027.

DATE: 6/3/2025

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

Historic landmark Committee

NAME:

Janifer Adams-Fabner

PHONE: (HOME)

PHONE: (WORK)

207 8701

Email:

jadams8701@gmail.com

ADDRESS:

234 Wax Myrtle fr 35

OCCUPATION (Past & Present)

Builder

EMPLOYER

Excel Contracting LLC

EDUCATIONAL BACKGROUND

School(s)

Dates

Area of Study

Cert or Degree

St. Paul's School for Girls69-80Building Const TechHSDGarrett College1979-1981Building Const TechAFT

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

I started spending summers on the outer Banks on my 3rd Birthday. Mom & Dad bought a lot in Sea Crest Village the next year. We reamed Southern Shores as kids picking up bottles on side of Ocean Blvd & trading them in for Comics & Penny candy at Andersons trading post. Hopping a ride back to 5th Ave with Floyd Hopkins who drove the food truck. We would walk the beach at night finding friends families having bonfires & sing along. Many of these families owned Flat tops that we were invited to often. Soon after we sold the lot on 5th Ave & ~~built~~ our 1st house on 3rd known

as Harvins Gardens, ~~built~~ as a cinder block duplex.

Selling that we built our 1st house on 6th Ave, a 4 bedroom, 2 bath single story. Mom & Dad retired there in 1980. Few years later

they built their 2nd house on 6th. Now I have a house on Wax Myrtle fr that I built in 1986.

The Flat tops have always been a landmark to me - We would cross Currituck sound to see the ocean 1st & then the row of Flat tops on

other side of Ocean Blvd - naming them off.

Every time someone bought & tore down one of these incredible homes it hurt my soul.

I would love to see all of the remaining
Flat tops & the older homes that came after
~~Preserved~~ so that the beginnings of Southern
Shores is not forgotten.

Item 7.

SOUTHERN SHORES HISTORIC LANDMARKS COMMISSION
MEMBER STATUS AS OF 6/2/2025

[illegible]

SOUTHERN SHORES HISTORIC LANDMARKS COMMISSION
MEMBER STATUS AS OF 6/2/2025



AGENDA ITEM SUMMARY FORM

MEETING DATE: July 8, 2025

ITEM TITLE: Planning Board Appointments

ITEM SUMMARY:

The appointment terms assigned to regular Planning Board members Jan Collins and Tony DiBernardo expired on June 30, 2025. Jan Collins has indicated that she is interested in serving another three-year term. Former Planning Board member Tony DiBernardo notified Town Staff in June that after careful consideration, he decided not to extend his membership on the Planning Board for another three-year term. Town Staff has two applications to serve on the Board on file from Natalie Painter and Richard Filling.

STAFF RECOMMENDATION:

Appointment of first alternate member Michael Zehner as a regular member on the Town Planning Board with a term that begins immediately and expires on June 30, 2028, appointment of Charles Ries as the first alternate member on the Town Planning Board with a term that begins immediately and expires on June 30, 2027, and appointment of Natalie Painter or Richard Filling as the second alternate member on the Town Planning Board with a term that begins immediately and expires on June 30, 2027.

REQUESTED ACTION:

Motion to appoint first alternate member Michael Zehner as a regular member on the Town Planning Board with a term that begins immediately and expires on June 30, 2028, appoint Charles Ries as the first alternate member on the Town Planning Board with a term that begins immediately and expires on June 30, 2027, and appoint Natalie Painter or Richard Filling as the second alternate member on the Town Planning Board with a term that begins immediately and expires on June 30, 2027.

Date: February 28, 2024

Application for Southern Shores Planning Board

NAME: Richard W. Filling

PHONE: (Cell) 410-977-5190

Email: rwfilling@comcast.net

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

OCCUPATION

EMPLOYER

Current:

Retired

Prior:

Baltimore Gas & Electric (1972 to 2002)

Relevant positions:

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

EDUCATIONAL BACKGROUND

School	Dates	Area of Study
Baltimore Polytechnic Inst.	1970	Engineering
Community College of Baltimore	1971	Engineering
Johns Hopkins University	1985	Engineering

Specific experience, training, or interest:

Professional:

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

Volunteer Experience:

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

Interest:

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

**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

Item 8.

DATE: March 18, 2024

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

Planning Board

NAME: Natalie Painter

PHONE: (HOME) _____

PHONE: (WORK) 252-256-9535

Email: natalie@homesontheOBX.com

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

OCCUPATION (Past & Present)

Real Estate

EMPLOYER

Self-Employed, Business Owner and Entrepreneur

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>Old Dominion University</u>	_____	<u>Bachelors of Science</u>	<u>Yes</u>
_____	_____	_____	_____
_____	_____	_____	_____

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

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

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

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

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

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

SOUTHERN SHORES PLANNING BOARD
BOARD MEMBER STATUS AS OF 7/1/2025

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SOUTHERN SHORES PLANNING BOARD
BOARD MEMBER STATUS AS OF 7/1/2025
