



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, June 01, 2021 at 5:30 PM

MINUTES

June 1, 2021, Minutes: Regular Council Meeting

Location: Pitts Center -5377 N Virginia Dare Trail, Southern Shores, NC 27949

Council Members Present: Mayor Tom Bennett, Mayor pro tem Elizabeth Morey and Councilmen Matt Neal, Jim Conners, and Leo Holland.

Council Members Absent: None

Others Present: Town Attorney Ben Gallop, Town Manager Cliff Ogburn, Deputy Town Manager/Planning Director Wes Haskett, Town Clerk Sheila Kane, Finance Officer/ HR Director Bonnie Swain, Police Chief David Kole, and Fire Chief Ed Limbacher.

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Amendments to / Approval of Agenda

Motion made by Council Member Conners to approve the agenda as presented, Seconded by Council Member Holland. Motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Consent Agenda

1. Approval of Minutes
2. Budget Amendment-Seasonal Cut thru Traffic Measures (No left turn weekend-June 26 & 27)

Motion made by Council Member Holland to approve the consent agenda as presented, Seconded by Council Member Conners. Motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Staff Reports

The following department heads presented reports for the month:

- Deputy Town Manager/Planning Director Wes Haskett presented the department's monthly permit report for the month of May. The Planning Board will consider temporary healthcare structures at their next regular meeting, June 21st.
- Police Chief David Kole presented the Police Department's report for May.
- Fire Chief Ed Limbacher presented the Fire Department's report for May. Fire Chief Ed Limbacher introduced the new Deputy Chief Matt Dudek.
- The Town Manager presented the Manager's report on operations highlights:
 - Staff was directed to look into stretching out the Pelican Watch assessment from 5 year to 10 years. Per the attorney and the School of Government, state statutes will not allow this change.
 - The Town Engineer will have the plans of the last segment of Hillcrest Drive completed next week.
 - SEPI will present the pavement study report to Council at their July 6th meeting, and then it will be passed on to the streets committee.
 - Sea Oats Trail road improvement project is on schedule.
- Town Attorney Gallop had nothing to report.

General Public Comment

The following citizen's provided comment either in person or by email:

Public Comment-Andy and Penny Lobred (emailed)- are in the process of closing on a new home on Sea Oats Trail and just learn that our new "special" place is overridden with unnecessary, inconvenient, and dangerous cut through traffic. A priority issue that needs to be resolved.

Public Comment (emailed)-Tim Panoff-104 Ocean Blvd.-asking the town council to be sensitive to how much additional benefit they assign to those in MSD1 and MSD2. Different options allow the town to generate the revenue for the project without undue burden on any one property owner. Even with a \$.06 tax increase for the non-MSD properties that is \$25 a month for a \$500,000 property. Using \$.09 increase in MSD 1 is \$112 a month for a \$1,500,000 property. This is proportionate and places more financial burden on the property owners in MSD1. This I believe is the intent of having the MSD.

Public Comment (emailed)-Wendy Hawkins-96 S. Dogwood-A decision to stop excessive vehicular traffic on our residential streets needs to be addressed, funded, and implemented. Perhaps use the millions of dollars being taxed for your wanted sand, not needed sand, to make our town better and safer and stop the cut through traffic now.

Public Comment (emailed)-Van and Karen Price-willing to pay their fair share for the beach nourishment project, but current tax rates suggested are unfair. The 11/7/5 plan emailed to Council is a fair plan.

Public Comment (emailed)-Worthington-363 Sea Oats- The traffic that was allowed through the Sea Oats Trail road improvement project area during the construction phase was unnecessary and the worst since 2014. We have no complaints about Barnhill as they have done an excellent job of addressing any concerns or problems the neighborhood has presented to them. The placing of barricades or signage placed in an offset manner with Road Closed Except for Local Traffic at the intersections of 11th/Sea Oats and NC12/ Sea Oats while it may not cut down on all traffic it may help cut it back to a manageable and livable level.

Public Comment-Lilias Morrison- Exploratory Committee for a Potential Branch Library, the committee made good progress up until COVID. Town Bank's offer of one of their properties is still confirmed. The committee went to Dare County seeking funding for the branch library. Support continues but more funding will be needed. The committee will follow up with a report once they hear more from the county.

[Emailed comments are hereby attached as Exhibit A]

Old Business

None

New Business

Public Hearing -Town Manager's FY2021-22 Recommended Budget

Town Attorney Gallop opened the public hearing for the Town Manager's Recommended Budget FY2021-22. He called on Town Manager Ogburn for his presentation, followed by citizen comments.

The agenda summary read as; the Public Hearing is being held on the Manager's Recommended Budget which was presented to the Council at its May 4 Council Meeting. The recommended budgeted has been available and meets the requirements listed in the below General Statute.

NCGS § 159-12. Filing and publication of the budget; budget hearings.

(a) On the same day that he submits the budget to the governing board, the budget officer shall file a copy of it in the office of the clerk to the board where it shall remain available for public inspection until the budget ordinance is adopted. The clerk shall make a copy of the budget available to all news media in the county. He shall also publish a statement that the budget has been submitted to the governing board and is available for public inspection in the office of the

clerk to the board. The statement shall also give notice of the time and place of the budget hearing required by subsection (b) of this section.

(b) Before adopting the budget ordinance, the board shall hold a public hearing at which time any persons who wish to be heard on the budget may appear. (1927, c. 146, s. 7; 1955, cc. 698, 724; 1971, c. 780, s. 1; 2020-3, s. 4.27(a).)

As a result of the budget workshop discussion held by the Town Council on May 18, 2021, the following adjustments to the Manager's recommended budget are presented for your consideration.

Ad valorem taxes increase from \$3,449,975 to \$4,332,526. The adjustment is due in large part to the inclusion of revenue generated from the tax increases for both municipal service districts and town wide beach nourishment. Vehicle tax revenues were calculated twice. Increases to budgeted revenues for Interest Income (\$1,000), Building Permits (\$35,000), Occupancy (\$25,000), Sales (\$30,000) and Land Transfer taxes (\$25,000) to make up the difference.

In order to increase the contract service for Limb and Branch removal by \$25,000, Storm Debris Removal and Brush Trimming were reduced by \$12,500 each.

Previously, the Council approved the purchase of radio communication equipment from current year funds, reducing next fiscal year Police budget from \$1,902,726 to \$1,848,776.

These adjustments represent no increase in taxes or fees.

Staff recommends approval of the May 4 recommended budget with adjustments presented here. Further consideration should also be given to the recommended municipal service district tax rates as well as the town wide tax increase for the purpose of paying debt service on the planned 2022 beach nourishment project.

Public Comment-Dave Mackey-218 Ocean Blvd- The 11/7/5 plan is more equitable. Many citizens within the MSD's have done their homework, worked with the spreadsheets. He appreciates the Town Manager and Council for all their work.

Public Comment-Paula Sherlock-66 Ocean Blvd- In favor of the 11/7/5 plan. There is a fine line between MSD 1 and MSD 2. MSD 2 properties are the ones that load the beaches, and are getting all the benefits, while MSD 1 is carrying the burden. The gap between MSD 1 and 2 needs to be narrowed. They need to carry more than what is being proposed. The beach means a lot, it is our economic engine.

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

Mayor pro tem Morey stated Council has heard from many citizens within MSD 1 and MSD 2, and a few internal properties. The Town Manager's Recommended Budget seems a little low with the town-wide rate, but she does not want to go to .05 cents. One million dollars is also being

contributed to the project from the unassigned fund balance, which is a town-wide contribution. Mayor pro tem Morey stated she was more comfortable with .04 cents as a town-wide rate.

Councilman Conners was okay with the 11/7/5 plan proposed by some citizen's but was more comfortable with the town wide rate of .04 cents. He understands taking some of the burden off MSD 1 and placing that on MSD 2.

Councilman Neal stated he has looked at the spreadsheets and is focused on the debt share, not the cents. There needs to be a proportionate amount of debt share. To make the town-wide rate .05 cents, is to carry 50% of the project, that is not a fair debt proportion.

Mayor pro tem Morey sked Councilman Neal about whether or not he included the contribution of the undesignated fund balance as part of the 'town' share of the debt for the beach nourishment project. Councilman Neal replied he did not.

Councilman Holland asked Councilman Neal what was negotiable in his spreadsheets, if the town wide was .04 cents? He further stated the project will not happen if the bids come back over the engineers estimates.

Mayor Bennett stated .04 cents town wide is more reasonable.

Mayor pro tem Morey stated she was leaning towards option #2 (7.15/3/4 rate). Councilman Holland agreed.

Councilman Neal stated the 11/7/5 puts the burden back on the town. He would like to see MSD 2 carry more of a proportion amount of the debt.

Motion made by Mayor pro tem Morey to adopt option #2 for the MSD and town-wide rates (MSD one a rate of 7.15 cents, MSD two a rate of 3 cents, and town-wide a rate of 4 cents on each one hundred (\$100) valuation of real and personal taxable property). The motion was seconded by Council Member Conners. Motion passed unanimously (5-0). Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

[Clerk's Note: Mayor pro tem Morey originally stated adopt option #2 but read the total rate column of 14.15 cents for MSD one, 7 cents for MSD two, and 4 cents town-wide, she clarified numbers under option two of a tax rate of 7.15 cents for MSD 1, 3 cents for MSD 2, and a town-wide increase of 4 cents.]

Councilman Neal was conflicted with MSD two seemingly not carrying a proportionate amount of debt and was reluctant to vote without working through some additional options. Ultimately, Councilman Neal voted with the majority. Council clarified that this rate was for one year and will be voted on again next fiscal year.

Councilman Neal stated he would like to continue with budget discussions, but the traffic item he would like to address will actually impact the current budget. He proposed starting the no left turn weekends sooner than the planned start of June 26th.

Motion made by Councilman Neal to approve a budget amendment in the amount of \$7600.00 from unassigned fund balance to increase no left turn coverage for the month of June; the dates of

June 12th and 13th (13th dependent on availability of the contractor), and the weekend of June 19th and 20th. These are in addition to the already scheduled weekends. Motion seconded by Council Member Holland. Motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Councilman Neal further stated as part of the discussion, he would like the road improvement contractor on Sea Oats Trail to try and manage the traffic on the road during construction.

Town Manager Ogburn reported starting tomorrow there is going to be a road closure, except for local traffic. The question is what to do on weekends when the contractor is not working.

Mayor Bennett stated Sea Oats Trail at Hillcrest needs to be closed with proper signage.

Mayor pro tem Morey stated the signage will discourage some drivers but there will still be those that drive around the signs.

Council discussed additional use of signage on streets if the no left turn events are not modifying the issue enough. The consensus of Council was to give the Town Manager the authority to make that decision if the traffic is not reduced significantly during the next couple weekends.

Motion made by Councilman Neal to delegate the authority to the Town Manager to perform temporary thru traffic blocking on Hickory Trail, Hillcrest, Sea Oats, and Wax Myrtle Trail at his discretion after observing conditions over the next couple weekends. Motion seconded by Councilman Holland.

Councilman Neal stated the point is to mitigate the problem, not eliminate the problem.

Upon recommendation from the Town Attorney, Councilman Neal amended his motion to include amending the traffic map to portray existing conditions as they are implemented. The amended motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Mayor pro tem Morey stated the next budget item she would like discussed is the limb/branch chipping program. Although not monetarily significant, she would like to have clarification of the limb/branch chipping increase request of \$25,000.

Town Manager Ogburn stated the consideration for diesel expense has been removed. Chipping of the whole town time wise has almost doubled. The quantity of piles and several contracts generated piles has increased significantly. Staff and Atlantic Tree have taken steps to address some contributing factors and is being monitored by the Public Works Director.

With no further budget discussion, Mayor pro tem Morey moved forward with the adoption of the budget ordinance.

Motion made by Mayor pro tem Morey to adopt Budget Ordinance 2021-06-01 with the amended MSD rates, Seconded by Council Member Conners. Motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Public Hearing-N.C.G.S. 160A-538.1 Reduction of Service Districts- Requests for Removal of Property from the Town's Beach Erosion Control and Flood and Hurricane Protection Works Municipal Service District.

Town Attorney Gallop opened the legislative public hearing and called on Town Manager Ogburn to present, followed by Mr. Motosko property owner of 26 Tenth Avenue, Southern Shores.

Town Manager Ogburn stated two requests for removal from the established Municipal Service Districts have been received from Jeanne Motosko for 26 Tenth Avenue, and Timothy Panoff for 104 Ocean Blvd. Mr. Panoff has withdrawn his request at this time.

The North Carolina General Statutes provide an opportunity for property owners within the boundaries of an established MSD to request removal.

§ 160A-538.1. Reduction of service districts.

(a1) Request for Reduction by Owner. – A property owner may submit a written request to the city council to remove the owner's tract or parcel of land from a service district. The owner shall specify the tract or parcel, state with particularity the reasons why the tract or parcel is not in need of the services, facilities, or functions of the proposed district to a demonstrably greater extent than the remainder of the city and provide any other additional information the owner deems relevant. Upon receipt of the request, the city council shall hold a public hearing as required by subsection (a) of this section. If the city council finds that the tract or parcel is not in need of the services, facilities, or functions of the district to a demonstrably greater extent than the remainder of the city, the city council may, by ordinance, redefine the service district by removing therefrom the tract or parcel.

(b) Effective Date. – The removal of any tract or parcel of land from any service district shall take effect at the end of a fiscal year following passage of the ordinance, as determined by the city council.

(b1) Passage of Ordinance. – No ordinance reducing a service district as provided for in this section shall be finally adopted until it has been passed at two meetings of the city council by majority vote of the voting members present, and no service district shall be reduced except by ordinance.

(c) Historic District Boundaries Reduction. – A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries reduced to exclude territory which has been removed from the historic district. (1977, c. 775, s. 3; 1987, c. 621, s. 3; 2016-8, s. 4.)

Staff recommends denial of both requests. The boundaries of Municipal Service Districts One and Two were drawn to include properties that are in greater need and receive greater benefit from the beach nourishment project than those properties not in a Municipal Service District.

Consistent with the recommendation to not exclude properties from the MSDs prior to their establishment, staff finds nothing unique about these properties that distinguishes them from the

rest of the district. The Town Council passed an ordinance establishing the Municipal Service Districts by finding that each of the proposed districts is in need of the beach nourishment project to a demonstrably greater extent than the remainder of the town to meet the needs and goals of the project due to, among other things, their increased need for beach erosion, flood control and hurricane protection works; their proximity to the Atlantic Ocean; their general elevation and topography; the influence of the ocean on the use of the properties within each district; their substantial tax base; their location seaward of the primary thoroughfare, NC12, and associated infrastructure; and the historic significance of the area and properties within the districts. Staff finds that the two properties requesting removal fit the needs described above.

Mr. Motosko, property owner of 26 Tenth Avenue, restated his reason as previously provided to Council by mail [copy of request for removal is hereby attached as Exhibit B].

Hearing no other citizen wishing to comment, Town Attorney Gallop closed the public hearing and turned the meeting back to Mayor Bennett and Council for consideration of request for removal.

Motion made by Council Member Neal to deny the request of removal from the MSD given the property is not distinct enough from other properties in that MSD, Seconded by Mayor pro tem Morey. The motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Public Hearing-279 Hillcrest Dr. Preliminary Subdivision Plat

Town Attorney Gallop opened the public hearing and called on Deputy Town Manager/Planning Director Wes Haskett for a report, followed by comment/request from the applicant and public.

Deputy Town Manager/Planning Director Wes Haskett briefed Council on the application.

The Town's Subdivision Ordinance establishes a review process for subdivisions that requires Planning Board and Town Council review of all preliminary and final subdivision plats (except for exempted subdivisions). The applicant is requesting to subdivide the lot located at 279 Hillcrest Dr. into two new lots. The existing single-family dwelling and other improvements currently situated at 279 Hillcrest Dr. are proposed to be located on new Lot 4A with a lot size of 65,393 sq. ft. and the remaining property is proposed to be located on new Lot 4B with a lot size of 34,720.3 sq. ft. Both lots as proposed meet the Town's minimum lot size requirement of 20,000 sq. ft. and lot width of 100 ft. Both lots also meet the Town's frontage requirement by providing at least 30 ft. of frontage that abuts a public right-of-way or easement. With respect to access, a minimum pavement width of 16 ft. and a minimum 20 ft. turnaround area should be provided. The Town Planning Board recommended approval of the preliminary plat at their May 17, 2021 meeting with the following conditions:

1. Prior to the approval of the final plat, an improved access shall be installed with a minimum pavement width of 16ft. and a minimum 20 ft. turnaround area in accordance with Section 30-76(1) and subject to approval by the Southern Shores Volunteer Fire Dept.
2. The public easement specifics, including maintenance, shall be shown on the final plat or in a separate document to be recorded.

3. A 15 ft. side setback requirement shall apply to Lot 4A along the easement and turnaround area.
4. Maintenance of the easement area shall be the responsibility of the property owners.

Conditions 2, 3, and 4 are not based on specific Sections from the Town's Subdivision Ordinance with which the preliminary plat does not comply. Town Staff recommends approval of condition 1 and the following:

5. A note shall be provided on the final plat that dedicates the access easement for public use with the option for the Town to accept maintenance in the future.

Staff recommends approval of the preliminary subdivision plat for 279 Hillcrest Dr. with Town Staff's recommended conditions.

Comment: Applicant Lauren Kirby-Van Ripper stated she has followed the ordinance as requested. She does not agree with the road maintenance and twenty foot turn around but will follow the ordinance.

Mike Mullen -283 Hillcrest Dr.-resides at the property directly north of the applicant. Mr. Mullen believes the approval of the subdivision will affect his property value and ability to sell negatively, the topography of the land will drastically be changed, and requests denial of the subdivision request.

Sally Gudus-156 Wax Myrtle-asked for clarification on "public access" as stated on the preliminary plat.

Ann Sjoerdsma-232 N Dogwood- The subdivision request is troubling and was not the intent of the original founders. If Council allows the subdivision, they are setting a precedence and many other property owners will take advantage of this option.

Mayor Bennett asked Mr. Mullen if his concern with the topography was the possibility of the soil giving away. Mr. Mullen stated he was concerned with what the potential structure may be.

Councilman Holland inquired as to the material of the driveway/road. Planning Director Haskett stated it would be a pervious material.

Councilman Neal inquired if the Town could not take use of maintaining the street (access easement). Town Attorney Gallop stated the Town would not have maintenance of the public access easement.

Councilman Neal also stated he would like to see the turn around on the plat. He stated this is essentially a flag lot and the ordinance does not allow flag lots. If an easement is not created than the subdivision would not be allowed.

Mayor pro tem Morey asked the applicant if she was okay with conditions one and five. Ms. Van Ripper replied she will have to be happy with it.

Councilman Connors inquired if the Fire Chief has an issue with the access easement and turnaround. The Fire Department had no issue.

Mayor pro tem Morey asked Town Attorney Gallop in his legal opinion, has the applicant met all the conditions of the ordinance? Town Attorney Gallop stated the turnaround and dedication are not shown on the preliminary plat but will required to be on the final plat.

Town Attorney Gallop stated Council can add conditions of their own.

Councilman Neal asked Planning Director Haskett if such a request has ever come up before. Mr. Haskett stated not since 2009, his length of employment with the Town of Southern Shores.

Town Attorney Gallop called on the applicant for any further comment.

Lauren Kirby Van Ripper stated she was sold the property as subdividable; it is part of the original use. She has followed all the rules and has had the preliminary plat redrawn several times per the planning departments' request. She is not trying to increase the density.

Hearing no further comments, Town Attorney Gallop closed the public hearing.

Motion made by Council Member Conners to approve the preliminary plat with conditions one and five; and a condition that a 15-foot side setback requirement be shown along the northern property line of lot 4A and that the turnaround area be shown on the plat, Seconded by Mayor pro tem Morey. The motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Immediately following and in an effort to avoid such a request again, **Motion** made by Councilman Neal to direct Deputy Town Manager/Planning Director Wes Haskett to work with the Planning Board to amend the language that removes "easement" from the subdivision language, Seconded by Mayor pro tem Morey. The motion passed unanimously (5-0). [Clerk's Note: Councilman Neal's motion is referencing a zoning ordinance requirement.]

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

Public Hearing-ZTA 21-02 Eaves

Public Hearing-ZTA 21-05 Use & Occupancy

Motion made by Mayor Bennett to table the last two items; public hearing on ZTA-21-02 Eaves and ZTA-21-05 Use and Occupancy until the July 6, 2021, Council meeting, Seconded by Mayor pro tem Morey. The motion passed unanimously (5-0).

Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

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

Mayor Bennett called for comment, hearing no citizen wishing to speak, Mayor Bennett closed public comment.

Council Business

Council Member Holland provided a Tourism Board report for the month of March. He stated March occupancy was up 693%, 263% year to date. Meals were up 139% for the month of March, 45% year to date. He also reported that Cape Hatteras National Seashore hosted a record 588,904 visits from January-April 21, 2021.

Councilman Conners stated that covenants and ordinances need to change with time. Our founding fathers, as he stated as being referenced earlier in the meeting, established covenants for Southern Shores that discriminated against individuals according to race. Ordinances and or covenants need to be updated as times change.

Adjourn

Motion made by Mayor pro tem Morey to adjourn, Seconded by Council Member Holland. The motion passed unanimously (5-0). The time was 8:53 P.M.

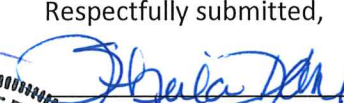
Voting Yea: Mayor Bennett, Mayor pro tem Morey, Council Member Conners, Council Member Holland, Council Member Neal

ATTEST:

Respectfully submitted,



Thomas G. Bennett, Mayor



Sheila Kane, Town Clerk



Hello Council and Ms Sheila Kane,

My wife and I are in the process of closing on a new home on Sea Oats Trail. We are life-long visitors to the area and simply love it as all of you do. In fact, when recently deciding whether to relocate from Richmond to other coastal areas, we chose Southern Shores over Hilton Head, Wilmington NC, Charleston and Savannah. We did this because of the unique attributes that you can only find in a soundside and ocean community like Southern Shores. Add the wonderful community amenities/people and you have a special place.

To just learn that our new "special" place is overridden with unnecessary, inconvenient and dangerous cut through traffic is beyond disappointing. I've read quite a bit on this over the past month, including the traffic study that was done. We have also experienced it during a recent visit. The inaction that has been taken to address this is troubling and irresponsible.

The fact that a meager \$30,000 has been allocated to traffic mitigation in this year's \$8,800,000 budget speaks volumes about the disinterest local leaders apparently have in addressing the problem.

As new homeowners, can someone kindly explain to us why this has not been a priority issue to resolve? With all due respect, how would you like an RV parked in front of your house for over an hour because of the traffic on a residential side street barely wide enough to accommodate two oncoming cars, much less an oversized RV? Or stacks and stacks of cars "parked" in front of your house for hours during summer weekends?

It seems to us that blocking turns at the key access roads that cut-thru traffic uses in the community are worth exploring and pursuing for the betterment of our entire community.

Please take action now. Thank you.

Sincerely,

Andy and Penny Lobred

AndyLobred@gmail.com

Annual Budget, Traffic Public Comments

Wendy Hawkins <mrswendyhawkins@hotmail.com>

Our Elected Officials,

A decision to stop excessive vehicular traffic on our residential streets needs to be addressed, funded and implemented tonight. This is a main issue of concern for the town of Southern Shores and it's a major issue. I have seen study after study, meeting after meeting and the only outcome seems to be, "Ignore."

As elected officials for the town of Southern Shores, why are you not stopping the now hazardous situation? I've heard what your options are, what your friends' opinions are, but why not listen to the wants and needs of it's citizens are?

We have all given up our weekends and we stay off the roads and our safety is at risk just being near the roads. I presume you will take full responsibility for my safety and the safety of all the Southern Shores citizens with respect to the cut through traffic until you decide to correct this ongoing situation?

Perhaps use the millions of dollars being taxed for your wanted sand, not needed sand, to make our town better and safer and stop the cut through traffic now.

We moved from Scottsdale to Duck. And, it didn't take long to decide we wanted to live in a residential neighborhood and not a tourist area. Over 15 years ago we moved from Duck to Southern Shores where we found our neighborhood. It is apparent that you, our town leaders, don't have the vision for keeping our neighborhoods and not addressing any of the safety issues and concerns.

Please correct the situation.

Wendy Hawkins

Sent from my iPhone

Sheila Kane

From: ncpierat1 <ncpierrat@gmail.com>
Sent: Monday, May 31, 2021 7:17 PM
To: Sheila Kane; Cliff Ogburn; Elizabeth Morey; Jim Conners; Matt Neal; Leo Holland; Wes Haskett
Subject: Sea Oats Trail Construction Project

Dear Elected Officials Town Officials,

I would like to give you an update on the hell our neighbors and I who live in this construction zone have endured during this Memorial Day Weekend. The traffic that was allowed through this area during the construction phase was unnecessary and the worst I have experienced since 2014. Constant traffic driving by and creating rock dust that has covered our yards, decks, porches, windows, pools, and automobiles. I cannot believe that there was not some signage posted in a serpentine manner stating the Road was Closed Except for Local Traffic.

I won't even get into the fact this project should not have even been attempted at all during this time of the year and for the fact that by improving the road more people will be using this as a cut through thereby causing even more traffic in the future. By doing this project all the town has done was to ensure that more people will be cutting through because you have made it even better for them doing so.

We have no complaints about Barnhill as they have done an excellent job of addressing any concerns or problems the neighborhood has presented to them. I just want to say that the placing of barricades or signage placed in an offset manner with Road Closed Except for Local Traffic at the intersections of 11th/Sea Oats and NC12/ Sea Oats while it may not cut down on all traffic it may help cut it back to a manageable and livable level.

I would like this letter read at the scheduled Town Council meeting Tuesday night.

Sincerely, Jon and Lori Worthington

--

Jon Worthington
405 Japonica Drive 363 Sea Oats Trail
Camden NC 27921 Southern Shores NC 27949
252-562-2914

NC State University 1989
University of Virginia 2007

228th Session Graduate



Dear Mayor Bennett and Town Council Members,

At the Town's budget meeting last week, the Council asked for suggestions concerning new plans and specific tax rates for funding the public town project of beach nourishment. Please review our 11 / 7 / 5 plan that we proposed on Wednesday, May 19th to the Mayor. This plan is the most fair and most equitable of all the plans with MSDs. Town Manager Ogburn reviewed the plan and said that it was doable. Under this plan, the tax payers in MSD1 still will pay a rate more than doubled those not in the MSDs and substantially more than those in MSD2. **Please understand that lowering the town wide tax rate from .05 to .04 will only save the average non MSD taxpayer \$50 a year; however, it increases the MSD1 taxpayer by about \$500 a year.** This is simply because there are so few people in the MSDs and so very many people not included in the MSDs. Saving non MSDs only \$50 costs me and my MSD taxpaying neighbors \$500 more! We are willing to pay our fair share as we will be paying a nearly 6 times the dollar amount in new taxes in our plan (\$1,430 versus \$250). According to the North Carolina State Constitution, tax rates must be fair and equitable. The Council's proposed tax rate plans are NOT fair or equitable.

The Southern Shores newsletter on Friday, May 21st was very misleading and deceiving. They claimed the average house in MSD1, MSD2, and the non MSDs was \$500,000. Anyone can tell you that this figure is misleading and false. The average beachfront house in MSD1 is at least \$1,300,000 and not \$500,000. Contrary to popular belief, we pay taxes based on a \$1,300,000 house, not a \$500,000 house. The average house in MSD2 is at least \$750,000. The average house not in an MSD is less than \$500,000. Obviously, the charts given by the town are flawed as they do NOT represent what the average taxpayer in each zone can realistically expect to pay. I am currently paying nearly \$9,000 in taxes each year. Under the town's tax plans, my tax bill will increase to nearly \$12,000 a year, which is too much. My increase in just town taxes is more than what those in non MSD will pay in total tax. This is not fair when everyone enjoys the Public beach.

Please see chart below that shows how the 11 / 7 / 5 plan for tax rate increase works and what the **average taxpayer** in each zone can expect to pay based on the **average property value** in that respective zone. The chart below clearly shows why the town wide tax rate must be .050 and the top MSD1 tax rate increase must not be higher than .110.

<u>Tax Zone</u>	<u>Average Home Value</u>	<u>Tax Rate Increase</u>	<u>Total Town Tax Bill Increase</u>
MSD1	\$1,300,000	.05 + .02 + .04 = .110	\$1,430
MSD2	\$750,000	.05 + .02 + 0 = .070	\$525
Non MSD	\$500,000	.05 + 0 + 0 = .050	\$250

Please compare the 11 / 7 / 5 Plan mentioned above to other Tax Plans proposed by the Council that are neither fair nor equitable. After analyzing the math, note that lowering the bottom rate from .050 to .040 only saves non MSDs about \$50 a year. As a consequence of this small savings, it increases MSD1 by nearly \$500 a year! The fact is that MSD1 is already paying the most taxes in Southern Shores and does not need to be singled out for another huge tax rate hike. With your proposed tax hikes, most taxpayers in MSD1 will see their total bill nearing \$12,000 a year while the average homeowner not in the MSDs will be paying only around \$3,000 a year in total taxes. Taxpayers in MSD1 are already paying more than their fair share for a public town project that is open to all and benefits the entire community. If the Town Council found it fitting to pay equally for the famous canal dredging project (the largest infrastructure project in town history) then it should apply the same criteria to this public town project. The beach is even more open and accessible than the canals are as there are 33 access points to the public beach and very few to the canals. Additionally, unlike the canals, the public beach attracts tourists and boosts the economy for the entire town.

Town wide tax rate plan with .040 non MSD tax rate is NOT fair or equitable as shown below:

<u>Tax Zone</u>	<u>Home Value</u>	<u>Tax Rate Increase</u>	<u>Total Town Tax Bill Increase</u>
MSD1	\$1,300,000	.040 + .030 + .0715 = .145	\$1,885
MSD2	\$750,000	.040 + .030 + 0 = .070	\$525
Non MSD	\$500,000	.040 + 0 + 0 = .040	\$200

Contrary to popular belief, **Southern Shores is a beach town**, and everyone benefits from the public beach. Access and proximity to the beach are used to sell and rent homes all over Southern Shores in the non MSD area. Simply put, the public beach is a huge selling factor and the best asset we all have as a town. We are willing to pay our fair share for the benefit of the community, but the rest of the town needs to pay their fair share as we did for the canals. Everyone paid equally for the canals, and we did not complain even though we did not receive any benefit from the canals. Remember that tourists spend their money for the beach, not the canals. People living in Southern Shores have jobs and businesses because of the beach. Thus, everyone benefits from the public beach. **It is reasonable to ask non MSDs to pay \$250 a year at a .050 town tax rate increase.**

Again, the 11 / 7 / 5 plan is the only fair proposal if you must use MSDs.

Thank you kindly. I can be reached at (903) 647-2345.

Van and Karen Price
18 Ocean Blvd.

May 23, 2021

Panoff
104 Ocean Blvd.

Please read for Public record 6/1/2021

Mayor and town council,

Thank you for the opportunity to have my comments read for the public record. As you all know I have been writing several notes to the council. I appreciate the responses and the engagement on my concerns as a property owner in Southern Shores. Today I want to review some points as you weigh the revenue requirements for beach nourishment.

1. Through several correspondence to the council and town manager I have laid out fair and equitable solutions that still have the owners in MSD 1 and 2 paying over 50% of the cost associated with beach nourishment. The scenario proposed by the town manager has the ocean front and Ocean side property owners (25% of the properties in Southern Shores) paying 73% of the Debt with a 100% tax increase. This is not proportional to the benefit. As you weigh how to pay for this project, I implore the town council to take into consideration total cost to property owners. Even with a 9/8/6 rate increase, taxes for owners in MSD 1 go up 50% vs 27% for those outside of the MSD's. A \$.09 cent increase raises my town taxes \$1170.00 vs \$300 for a \$500,000 property not in MSD1.
2. I ask the town council to be sensitive to how much additional benefit they assign to those in MSD1 and MSD2. There is no immediate need or protection that is required for the southern shores ocean front. In fact, the Engineering report identified only 27 structures that are at risk for the model storm. Of that, this project can only reduce that by ½ before you get to diminishing returns. 27 Structures. 1% of all properties in Southern Shores and 16% of the structures in MSD 1. Raising taxes 100% for MSD 1 for 14 properties does not seem fair. The additional options from staff still has MSD1 and MSD2 paying ~65% of the debt with ~75% increase in our town tax. Another view is 6% of the property owners (MSD 1) are paying 34% of the debt. Again MSD1 and MSD 2 Property owners are not getting a demonstrative benefit. The engineering report makes that clear. That

leaves the number 1 benefit. A wider beach for all to use. If our tourism is the focus of the town and the beach accessibility is our #1 commodity then I contend that the benefit weighting needs to be much different than the basis of location. Whether you rent your property or not the accessibility/health of the beach is what brings folks here and keeps all property values throughout the town.

3. The council has been offered many different scenarios that are significantly better than a 100% tax increase in MSD1. These different options allow the town to generate the revenue for the project without undue burden on any one property owner. Even with a \$.06 tax increase for the non MSD properties that is \$25 a month for a \$500,000 property. Using \$.09 increase in MSD 1 is \$112 a month for a \$1,500,000 property. This is proportionate and places more financial burden on the property owners in MSD1. This I believe is the intent of having the MSD.

Please vote for a fair taxation today. It is something that will benefit us all. Thank you again for your time.

Tim Panoff

[104 Ocean Blvd](#)