



Town of Southern Shores
Special Meeting
March 16, 2021

MARCH 16, 2021 MINUTES: Special Meeting, Public Hearing

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 PARTICIPATING REMOTELY: None

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 Bonnie Swain, and Police Chief David Kole.

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, March 16, 2021.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

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

Mayor Bennett stated the purpose of the special meeting. The specific purpose of the special meeting for Tuesday, March 16, 2021 at 5:30 pm is as follows:

- **A Public Hearing to consider the establishment of two Municipal Service Districts related to the Town of Southern Shores Beach Erosion Control and Flood and Hurricane Protection Works Project.**

Mayor Bennett stated the purpose for the special meeting this evening is to allow each citizen, whether by zoom, email letter, or in person to voice their thoughts and opinions as they relate to the establishment of two or more service districts and the associated steps necessary to accomplish that project. He stated the tax rate will be set with the adoption of the budget; however, it is important to know the Council has consistently said that all properties in Southern Shores will see a tax increase that will go towards beach nourishment debt. Council has considered many scenarios but until the budget is discussed in June, Council will not know the tax rate. Council will be listening tonight and not directly answering questions. It is important that everyone has an opportunity to be heard, Council asks everyone to be patient and mindful

of each other's time. He further stated that no decisions are being made tonight, no votes will be taken on anything, this is a public hearing, and we are here for that sole purpose.

Town Manager Ogburn gave a brief introduction and highlights:

The project has three goals-

- o 1) Provide a reasonable level of storm damage reduction to public and private development;
- o 2) Mitigate long-term erosion that could threaten public and private development, recreational opportunities, and biological resources; and
- o 3) Maintain a healthy beach that provides sufficient useable beach and supports valuable shorebird and sea turtle nesting habitat.

Council was presented with five different options from our beach engineer coastal protection and engineering. The option chosen to best meet the objectives was option number four. Option number 4 places 878,300 cubic yards of sand on the entire length of the town's beach and was selected as the preferred option. The question is how to pay for this project. Municipal service districts have been the preferred method for which these projects have been funded in Dare County and throughout North Carolina. The purpose of the public hearing is so that property owners can voice their comments as they relate to the creation of two municipal service districts to help fund the Town's cost for the beach nourishment project.

MSDs are defined by North Carolina General Statute chapter 168 article 23. According to the North Carolina School of Government, a service district is a defined area within a municipality or county in which the unit's governing board levies an additional property tax in order to provide extra services to the residents or properties in the district. A service district is not a separate government. It is simply a mechanism whereby a local government may raise money to pay for services or projects from those property owners that most directly benefit from the services or projects. The general statutes also establish the purpose for which an MSD can be created. It says the Town Council of any town may define any number of service districts in order to finance, provide, or maintain for the district, one or more of the following services, facilities, or functions, in addition to a greater extent than those finance provided or maintained for the entire town:

- o beach erosion and flood and hurricane protection works

The statutes also require that there be a standard that must be met. The Town Council of any town made by ordinance to find a service district upon finding that a proposed district is in need of one or more of those services, this being beach nourishment, to a demonstrably greater extent than the remainder of the town. Because we know everyone in the town benefits for beach nourishment and every property will be assessed a tax to pay for the product but since those properties in the two MSD's benefit more directly from the beach project than those properties not located in the project area. It is reasonable that the property owners in the project area should pay additional taxes for the construction of a beach nourishment project. The town is committed to beach nourishment to maintain a wide recreation beach to protect structures of historic significance, to maintain a tax and economic base, and to protect infrastructure, including facilities for public recreational access. In order to maintain the aesthetic and environmental value of the beach, the Town Council for Southern Shores has determined that the creation of one or two or more municipal service districts for erosion control and hurricane protection works will be for the benefits of those properties located within the MSD. The process requires a public hearing that is properly noticed.

The prepared report for the public hearing is a map with the proposed district showing those boundaries, a statement showing that the proposed district meets the standards in a plan for providing those services.

The NC state statute allows for an owner of a parcel of land located within a proposed district, either at the public hearing or no later than five days after the date of the public hearing, the ability to submit written request to the Town Council for the exclusion of the parcel from the proposed district. The requirements state 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.

Passage of Ordinance - No ordinance defining a service district 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 defined except by ordinance.

[A copy of the Town Manager's PowerPoint is attached as Exhibit A]

Town Attorney Gallop restated the purpose of the public hearing. The public hearing is to consider municipal service districts on the oceanfront related to beach erosion control and hurricane flood protection works pursuant to NCGS 168-537. He stated Council will hear from participants via Zoom and those in attendance. Council has also received 37 written comments that will not be read out loud but will be posted online and made part of the minutes of this meeting.

[A total of thirty-seven (37) citizens submitted comment by email prior to the meeting, a copy of those emails are hereby attached as Exhibit B]

Town Attorney Gallop opened the public hearing and called for comment. The following citizens were in attendance and provided comment:

Public Comment-Robin Morgan-57 Deerpath Lane- questioned if the service districts are these going to be permanent and attached to the properties? How long will the municipal service district taxation last? If it is permanent, she hopes that the money just goes for that. If the Town receives additional money from the County, will it reduce the MSD tax rate?

Public Comment-Ken Rogers-7 Seventh Avenue-thanked Council for the consideration of doing the entire beach, not just a portion. He now understands that all Southern Shores will contribute towards the beach nourishment project, as they should. The town has installed lighting on all the crosswalks, that is for all residents across NC12 to be able to access the beach safely. All residents should contribute to beach nourishment, not just the east side of NC12.

Public Comment-Rod McCoughy-8 11th Avenue- the intended beach nourishment improvements will benefit all residents and visitors to Southern Shores and the cost should be shared more evenly. The town has set a precedence of sharing the cost of projects evenly. The oceanfront properties already carry some of the highest tax rates due to their value. If MSDs are necessary, an MSD for beachfront and a MSD for the rest of the Town.

Public Comment-Terry Scott- 233 Ocean Blvd -The beach nourishment idea is a good one, but it should be done by private funding donation, or maybe a beach philanthropists will stand up. Just display several plaques along the beach with contributors' names, giving them the deserved credit. Most importantly, he pays enough each year in taxes and at this point in his life.

Public Comment-Michael Iwashchenko-7 3rd avenue- owns two properties in MSD 1, and does not rent the houses out. He is adamantly opposed to beach nourishment. He is a geologist for over thirty years and has worked on numerous dredging projects. Even dividing the payment plan by all in the MSD's is just not fair. The cost should be incurred by all properties in Southern Shores evenly.

Public Comment-Ann Sjoerdsma-69 Hickory Trail- Her family has paid taxes and contributed to the occupancy tax basis in Southern Shores for 50 years. Currently they hold five properties in the proposed MSD and are poised to take quite a hit with this project. They are willing to pay their fair share to support Southern Shores. Mr. Gallop went through the legalities here, and he read the definition of the standard. For the creation of a multi-MSD service district, she would like to point out that nowhere in that definition, does the word benefit appear. It is all about the need. The last major storm to hit Southern Shores was the Ash Wednesday storm of 1962 and it was a nor'easter, not a hurricane. She does not believe that there is a need for these MSD's. The only property owners in this town that have a need are those down by Pelican Watch at the southern end of town.

Public Comment-Jane Smallwood-8 Purple Martin-Presented Council with a proposal. Those that live full time on the oceanfront (MSD 1) would be taxed the MSD 2 rate, since they do not receive any rental income.

Town Attorney Gallop called on citizens wishing to provide comment via Zoom:

Public Comment-Lisa Emig- 1 Mockingbird Lane- MSD 1 should not have to pay two tax districts (MSD 1 & 2). She does agree with the beach nourishment project and thankful the issue is being addressed.

Public Comment-Stephen Romine-4 Sandpiper Lane-applauds the sand nourishment plan. Believes all property owners will benefit directly and all should bear the cost. The difference is should there be differences in the district rates, and should people be bearing cost differently. Need to try and find some level of fairness in the costs. The public trust doctrine in North Carolina allows all people to use the beach. ocean front owners don't own the beach, they obviously are on the beach, but everybody gets to use the beach firstly. Secondly, ocean front owners are already being required to give a permanent easement to allow the nourishment to go forward without compensation, and I think there is some value in that conveyance as well. Property values across the town will be directly impacted and will increase. He agrees with some of the comments made earlier and I wants to be more of a unifier than being divided, but does believe strongly that we should all bear the cost.

Public Comment-Misty DeZutter-7 Pelicans Watch Way-Is a full-time resident at Pelican Watch. She is very happy with the 2017 beach nourishment project, it has helped and restored the dune. She does believe that residents should pay the same and there should not be one MSD that pays more than another.

Public Comment-Lorelei Dibernardo-32 Ninth Ave W-has already submitted comment but would like to reinforce the fact that she thinks the maps are unfairly drawn. The higher percentage of taxes will be on the northern end of town, which is not fair. She urges Council to come up with a more equitable map.

Public Comment-John Price-176 Ocean Blvd-recognized that all of Council are residents too and are affected as well. Does feel that a more equitable distribution of cost could be reached. We could do nothing and hope for the best, or we could embrace this plan or a version of it. Believes we all should do what you can to enhance and preserve our beaches. He strongly supports the project.

Public Comment-Dave Mackey-218 Ocean Boulevard- opposed to MSD's as a means of funding the beach nourishment project. The tax increase would be dramatic. The beach benefits everybody and those closer to the ocean should not be burdened.

Public Comment-Tom Peabody-13 Sixth Ave.- chose not to speak but to send comment via chat feature on Zoom. He stated he is opposed to beach nourishment, if the Council proceeds with the program, including expansion of the program north area that consultant had identified (north of 3rd Ave.).

Public Comment-Tim Panoff-104 Ocean Blvd.- Everyone should pay their fair share. It is not really double on MSD 1 and 2, it is triple. We have higher home values on the ocean front, we have MSD 1 and 2, which will then compound. Except for Pelican Watch area, he is not sure if he is on board with the nourishment project but agrees everyone does benefit. This should be applied across the board. As oceanfront property owners, we get a penalty on insurance, will get a penalty on taxes, we get a penalty on everything else already for being on the ocean front. And yes, we chose to be there, but everyone gets to benefit from the beach. He also thanked the Town Manager for his responsiveness when he had questions.

Public Comment-Paula Sherlock-66 Ocean Blvd.- Submitted her comment by email and agrees with a lot of Mr. Panoff's comments. She is very supportive of the beach nourishment project and is willing to pay her fair share, but the entire town benefits from saving the beaches. She is willing to do her part but would like to see it more equitable. She also thanked the Town Manager and Mayor pro tem Morey for their responsiveness to her questions.

Public Comment-Robert Moir-5 Eighth Avenue-already submitted a written statement. He very much supports the effort that has been made here and the concept of the project I would strongly urge, however, the Council work diligently to impose a more equitable burden to property owners in the town. If we must have municipal service districts, they need to be larger or we need a third district, because we needed to pick up a lot more of the individual properties.

Public Comment-Kenneth Rogers-74 Ocean Blvd- Father-in-Law is Kern Pitts. He would be very surprised to see how sophisticated and advanced the Town of Southern Shores has become but he would be very pleased by the progress, and I just encourage the town to try to allocate the burden of this obligation as fairly as possible.

Public Comment-John Althans-8 BlueFin Lane- against the beach nourishment project itself. Owner since 1980, flat top in 1986, rebuilt in 1990. Beach seems the same to him. Has looked at several other beach nourishment projects and they only last for so long. He likes Southern shores as it is but if this project is going to be done because it benefits all of Southern shores, then it should be shared equally.

Hearing no other citizens wishing to give comment, Town Attorney Gallop closed the public hearing.

Council Comment

Mayor Bennett stated he hears the overall theme, more equitable.

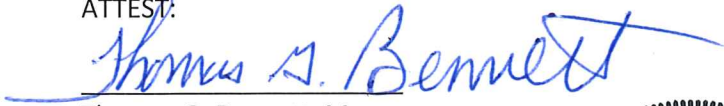
Councilman Conners stated because this was a public hearing and a legal type meeting this evening, he has been hesitant to reply to several emails received by Council and is sure the rest of Council feels the same. If a resident has emailed Council about the topic this evening and not heard back, please know Council is not ignoring your comments or your input, it is just simply because this is a legal type meeting and Council needs to be careful.

Mayor Bennett called for a motion to adjourn.

ADJOURN

MOTION: Councilman Holland moved to adjourn. The motion was seconded by Mayor pro tem Morey. The motion passed unanimously (5-0). The time was 6:46 p.m.

ATTEST:



Thomas G. Bennett, Mayor

Respectfully submitted,



Sheila Kane, Town Clerk



Municipal Service Districts

Public Hearing
March 16, 2021



The Project:

- 1) Provide a reasonable level of storm damage reduction to public and private development;
- 2) Mitigate long-term erosion that could threaten public and private development, recreational opportunities, and biological resources; and
- 3) Maintain a healthy beach that provides sufficient useable beach and supports valuable shorebird and sea turtle nesting habitat.

Project Volumes:

Design	Design Volume ⁽¹⁾	Diffusion Loss Volume ⁽²⁾	Advanced Fill Volume ⁽³⁾	Taper Volume ⁽⁴⁾	Total Volume	Avg. Fill Density ⁽⁵⁾
Option 1 ⁽⁶⁾	540,000	54,400	225,000	9,000	828,400	36
Option 2	N/A - Design Volumes and Transition Area Volumes are the Same as Option 1.					
Option 3 ⁽⁶⁾	720,000	68,800	225,000	12,000	1,025,800	48
Option 4	591,400	54,400	225,000	7,500	878,300	30
Option 5	681,400	54,400	225,000	7,500	968,300	35

⁽¹⁾ Volume (CY) necessary to achieve the design goal of each option. This number excludes diffusion loss, advanced fill, and tapers.

⁽²⁾ Volume (CY) included to account for diffusion losses and background erosion (APTIM, 2018).

⁽³⁾ Volume (CY) included to account for background erosion expected to occur throughout the nourishment interval. Re-nourishment interval assumed to be 5 years.

⁽⁴⁾ Volume (CY) to construct a 500-foot taper on the northern end of the beach fill. Taper is dependent on the fill density at the northern extent of the project.

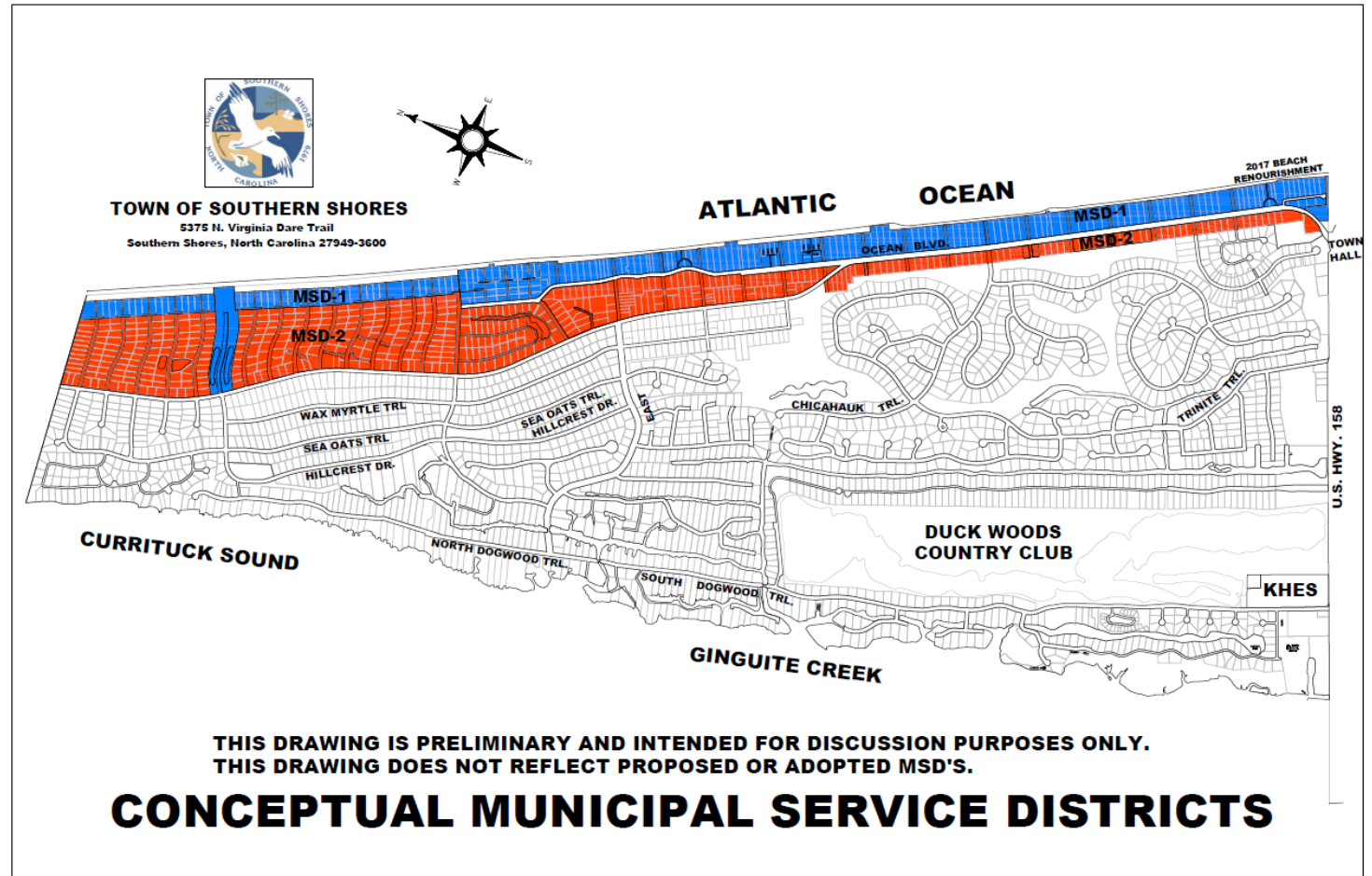
⁽⁵⁾ Total Volume included in the Design Volume divided by the length of the beach fill (CY/FT).

⁽⁶⁾ Options that only include placement of beach fill south of 3rd Avenue.

How are we
going to pay for
the project?



What is a Municipal Service District





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

Beach Nourishment Project Report Establishment of Two Municipal Service Districts For Beach Erosion Control and Flood and Hurricane Protection Works In Accordance with GS 160A-535 – 160A-544

1) Map of proposed Municipal Service District(s)

- District 1-**
- i. All properties east of Ocean Blvd/NC 12 beginning at the southern town limit extending to Ocean Blvd. and,
 - ii. All properties east of Ocean Blvd. from the split at Ocean Blvd/NC 12 extending to Hickory Trail, and,
 - iii. All properties north of Hickory Trail that abut the Atlantic Ocean extending to the northern town limit.

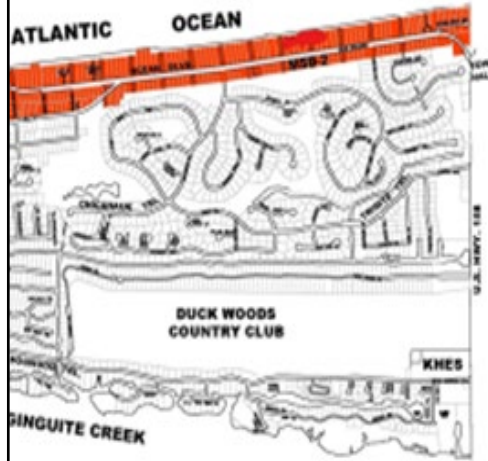


THIS DRAWING IS PRELIMINARY AND INTENDED FOR DISCUSSION PURPOSES ONLY.
 THIS DRAWING DOES NOT REFLECT PROPOSED OR ADOPTED MSD'S.

CONCEPTUAL MUNICIPAL SERVICE DISTRICTS

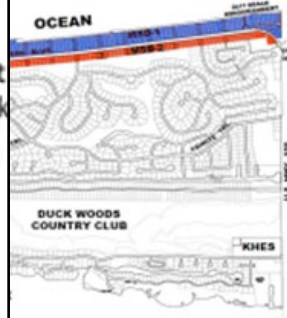
and,
 of Ocean Blvd/NC 12 and Duck Road/NC12
 town limit extending north to the northern town line

of and abutting Ocean Blvd/NC 12. beginning at
 ending north to 137 Ocean Blvd, and abutting Duck
 9 Duck Road extending north to 149 Duck Road.



INTENDED FOR DISCUSSION PURPOSES ONLY.
 NOT USED OR ADOPTED MSD'S.

MUNICIPAL SERVICE DISTRICTS



INTENDED FOR DISCUSSION PURPOSES ONLY.
 NOT USED OR ADOPTED MSD'S.

MUNICIPAL SERVICE DISTRICTS

Additional levy of property tax rates with a
 protection services to a greater extent

Districts to a demonstrably greater extent

The Council authorizes the Town to create one or
 more, or maintain for the district(s)
 on works which the Town's beach
 protection is demonstrably greater extent than the

The Council authorizes the Town to create one or
 more, or maintain for the district(s)
 on works which the Town's beach
 protection is demonstrably greater extent than the

Benefit from erosion and storms, thus
 District One receives
 to a greater degree by ocean
 storm damage than those in District Two
 same benefits but to a lesser extent

Benefit from the improvements, but to a greater extent

the Municipal Service Districts.

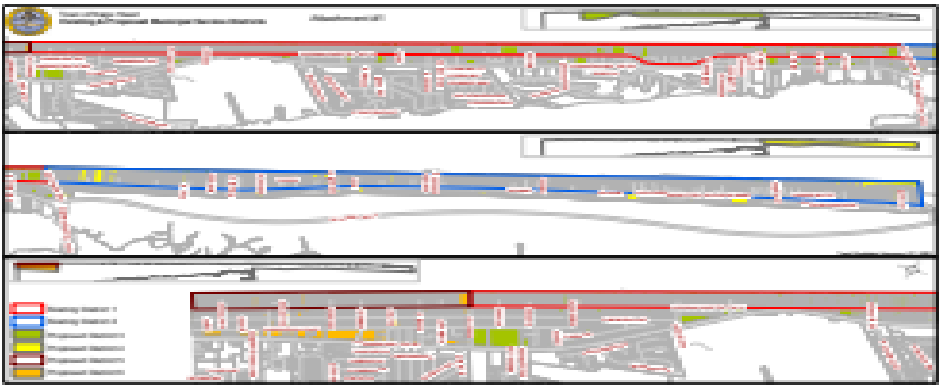
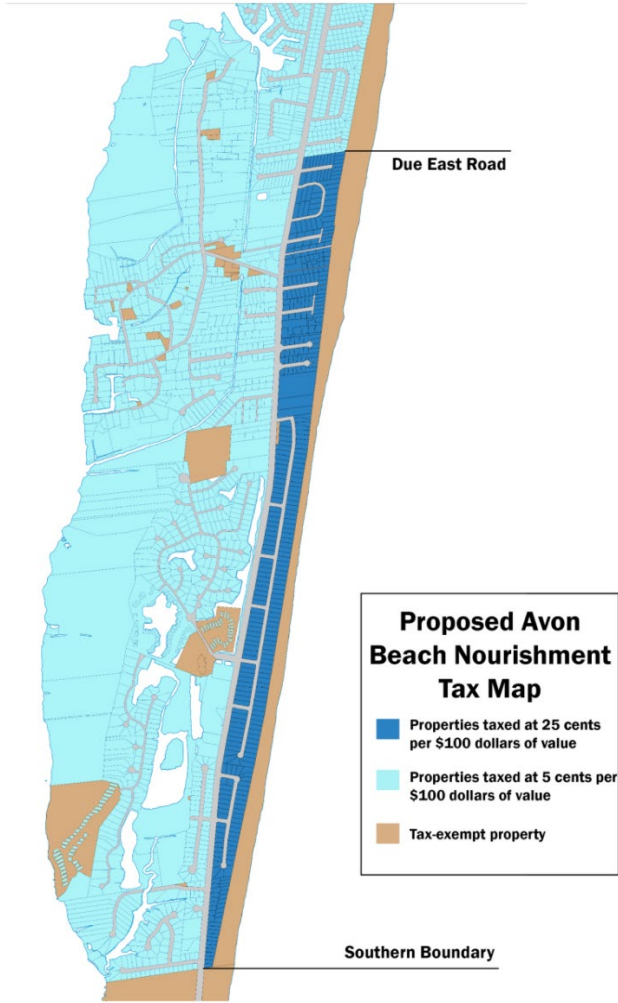
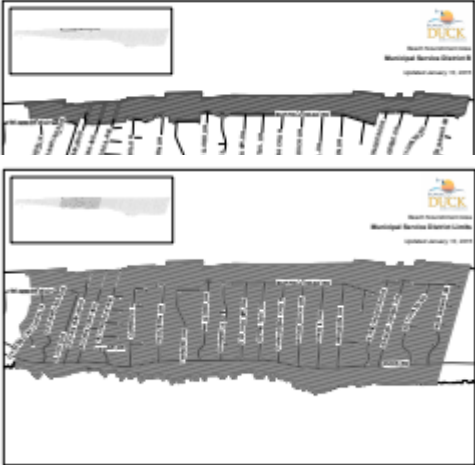
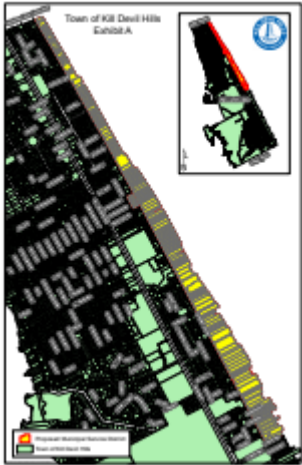
Evaluating storm vulnerability and useable beach along the
 line where beach nourishment should be considered.
 Carolina, Inc. (CPE-NC) developed a series of project
 of Southern Shores. In July of 2020, the Town
 nourishment project for the Town.

Environmental, and geotechnical services to the Town of
 nourishment project scheduled for 2022. The specific
 environmental documentation and permitting,
 investigations and design, and a baseline survey of the native

a long-term shoreline management program aimed at:
 1) Maintaining a level of storm damage reduction to public and
 long-term erosion that could threaten public and private
 resources, and biological resources; and 3) Maintaining a
 useable beach and supports valuable shorebird and sea
 life. The Town has already adopted an annual beach monitoring plan and
 beach profile monitoring event that spans the entire Town

The Town hired a coastal engineering consultant in 2018, and updated most
 recent construction of a beach fill project to meet the Town's
 needs. Sand is expected to be dredged from an offshore
 location that has already been designed and permitted. The
 project is estimated to be 100,000 cubic yards per linear foot of beach compatible sand, or a
 total of 286,900 cy is proposed to account for diffusion
 of the advance fill is to maintain the integrity of the
 project interval. The total volume to construct the project
 has an estimated cost of between \$14,000,000 -

Beach Nourishment Municipal Service Districts in Dare County



Project Costs:

Table 3. Project Option Cost Estimates

Option	Permitting/ Design Soft Cost ⁽¹⁾	Volume (cy) ⁽²⁾	Construction Cost ⁽³⁾	Construction Soft Cost ⁽⁴⁾	Construction Env. Monitoring Costs ⁽⁵⁾	Contingency Cost (10%)	TOTAL COST
1	\$435,000	828,400	\$11,758,000	\$235,500 ⁽⁶⁾	\$275,300	\$1,270,400	\$13,974,200
3	\$435,000	1,025,800	\$14,146,000	\$255,500	\$232,700	\$1,516,900	\$16,685,800
4	\$435,000	878,300	\$12,505,000	\$241,500	\$232,700	\$1,341,400	\$14,755,600
5	\$435,000	968,300	\$13,783,000	\$249,500	\$256,600	\$1,472,400	\$16,196,500

⁽¹⁾ Professional services costs associated with the permitting and design of the beach fill project. These costs include design surveys of the beach and offshore sand investigations.

⁽²⁾ Total volume (CY) estimated for the Option including design volume, diffusion losses, advanced fill, and tapers.

⁽³⁾ Costs associated with mobilization/demobilization, sand placement, and other costs paid directly to the dredge contractor.

⁽⁴⁾ Costs associated with development of construction bid package, bidding assistance, and construction administration.

⁽⁵⁾ Costs anticipated for estimated environmental monitoring that may be required by permit condition.

⁽⁶⁾ Updated Construction Soft Costs from those included in the September 2019 update. The updating of these cost estimates resulted in a slight decrease in the Total Cost estimate.

Project Cost and Sources of Funds

Option 4

Uses

Estimated Project Cost:	\$14,438,000
Cost of Issuance:	<u>\$100,000</u>
	\$14,538,000

Sources

County Contributed:	\$5,810,753
NC DEQ Grant:	\$1,408,247
Borrowed - Spec. Obs.	<u>\$7,319,000</u>
	\$14,538,000

Debt Service Estimate

FY	Principal	Interest	Total Debt Service
2023	\$ 1,463,800	\$ 256,165	\$ 1,719,965
2024	\$ 1,463,800	\$ 204,932	\$ 1,668,732
2025	\$ 1,463,800	\$ 153,699	\$ 1,617,499
2026	\$ 1,463,800	\$ 102,466	\$ 1,566,266
2027	\$ 1,463,800	\$ 51,233	\$ 1,515,033
Total:	\$ 7,319,000	\$ 768,495	\$ 8,087,495

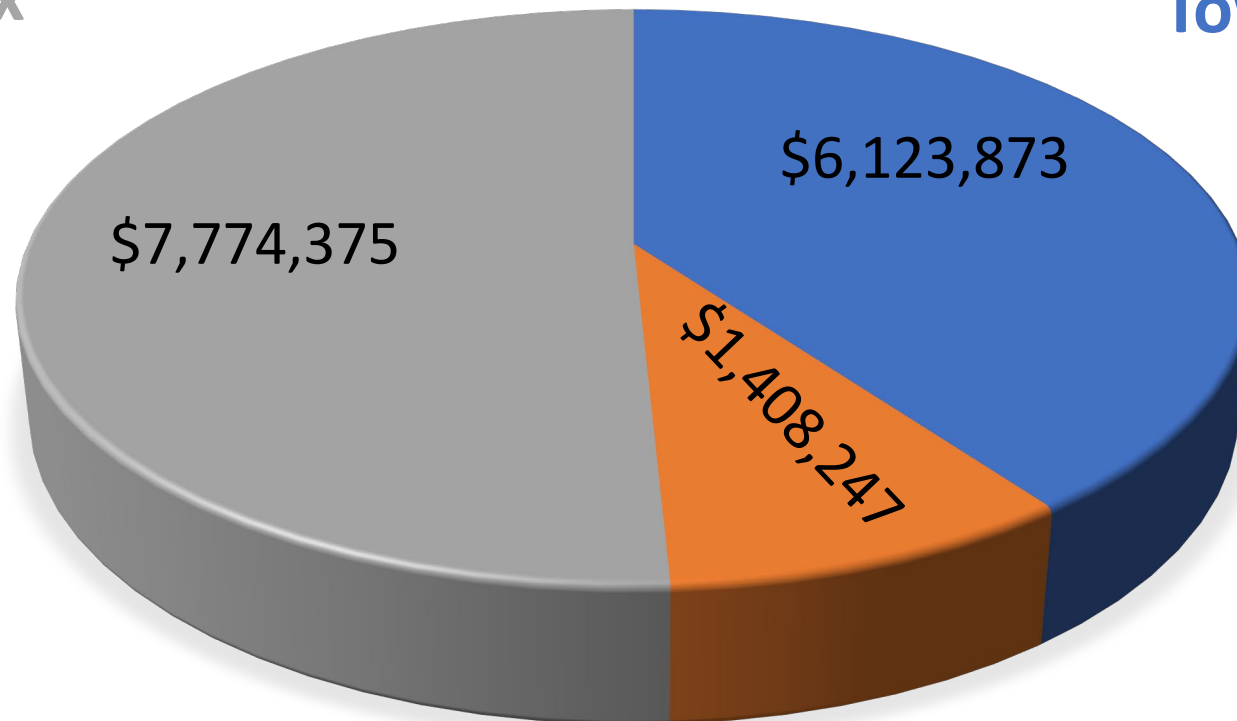
Debt Repayment Revenues

FY	County Contributed	Town Contributed	Total Revenue
2023	\$ 495,190	\$ 1,224,775	\$ 1,719,965
2024	\$ 443,957	\$ 1,224,775	\$ 1,668,732
2025	\$ 392,724	\$ 1,224,775	\$ 1,617,499
2026	\$ 341,491	\$ 1,224,775	\$ 1,566,266
2027	\$ 290,258	\$ 1,224,775	\$ 1,515,033
Total:	\$ 1,963,622	\$ 6,123,873	\$ 8,087,495

PROJECT COST AND SOURCE OF FUNDS

Dare County
Occupancy Tax
51%

MSD 1 / MSD 2 /
Town Wide
40%



NCDEQ Grant
9%

DARE COUNTY'S BEACH NOURISHMENT FUND

- Funds come from the Dare County occupancy tax (2% designated for Beach Nourishment Fund)
- This occupancy tax is projected to generate \$11.2 million for the fiscal year ending June 30, 2021, and \$10.3 million for the fiscal year ending June 30, 2022.



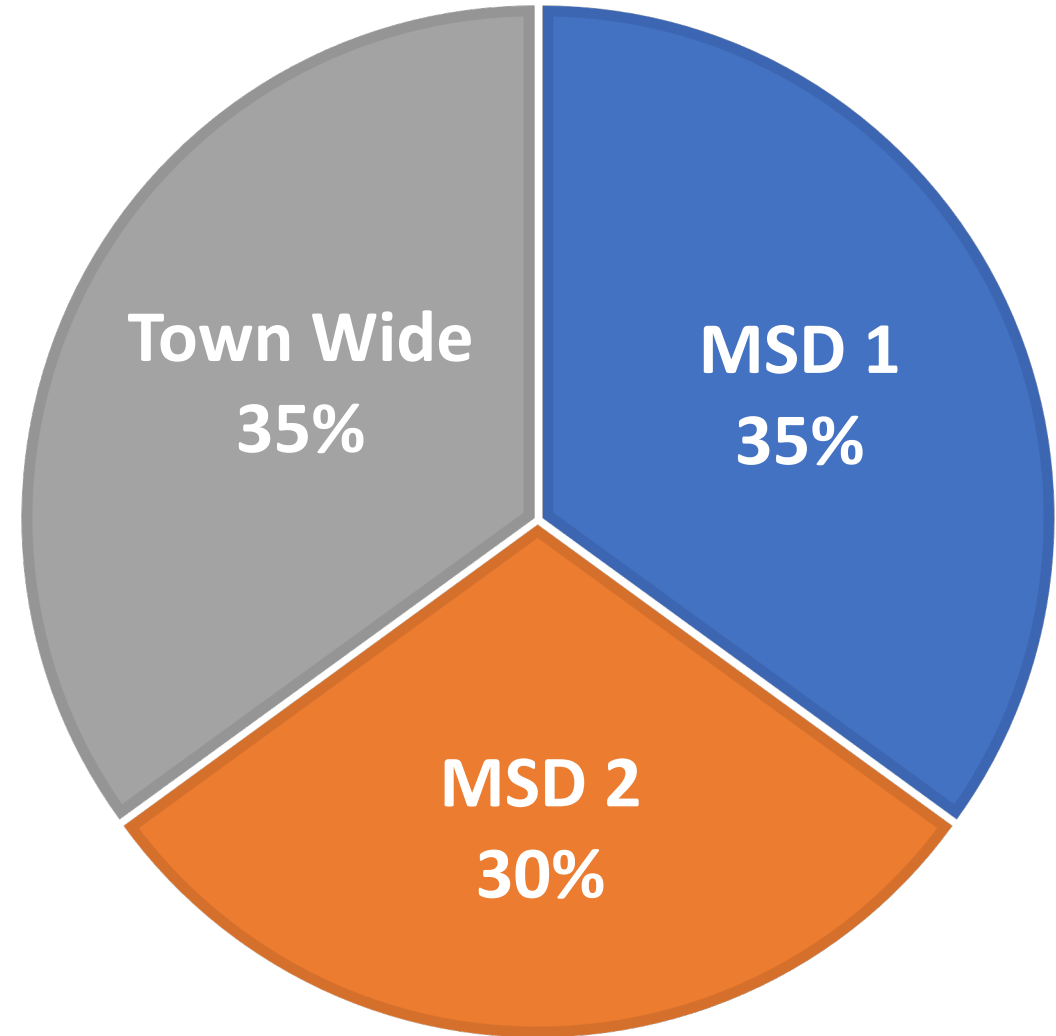


**DEQ awards \$11.5 million in
Coastal Storm Damage Grants**

**Town of Southern Shores Beach
Management Project - \$1,408,247.19**

**TOWN'S PORTION
OF TOTAL COST= 40%
OR \$6,123,873**

EXAMPLE



EXAMPLE

Town Wide paying 35% of the town cost would amount to a \$0.0275 tax increase

= \$137.50

MSD 2 paying 30% would amount to a \$0.0625 tax increase = \$312.50 + town wide

= \$450

MSD 1 paying 35% would amount to a \$0.145 tax increase = \$725 + town wide + **MSD 2**

= \$1, 312.50

\$500,000 Home





FEMA

EVERY TOWN PROPERTY IS TAXED



SALES TAX?

OCCUPANCY TAX?



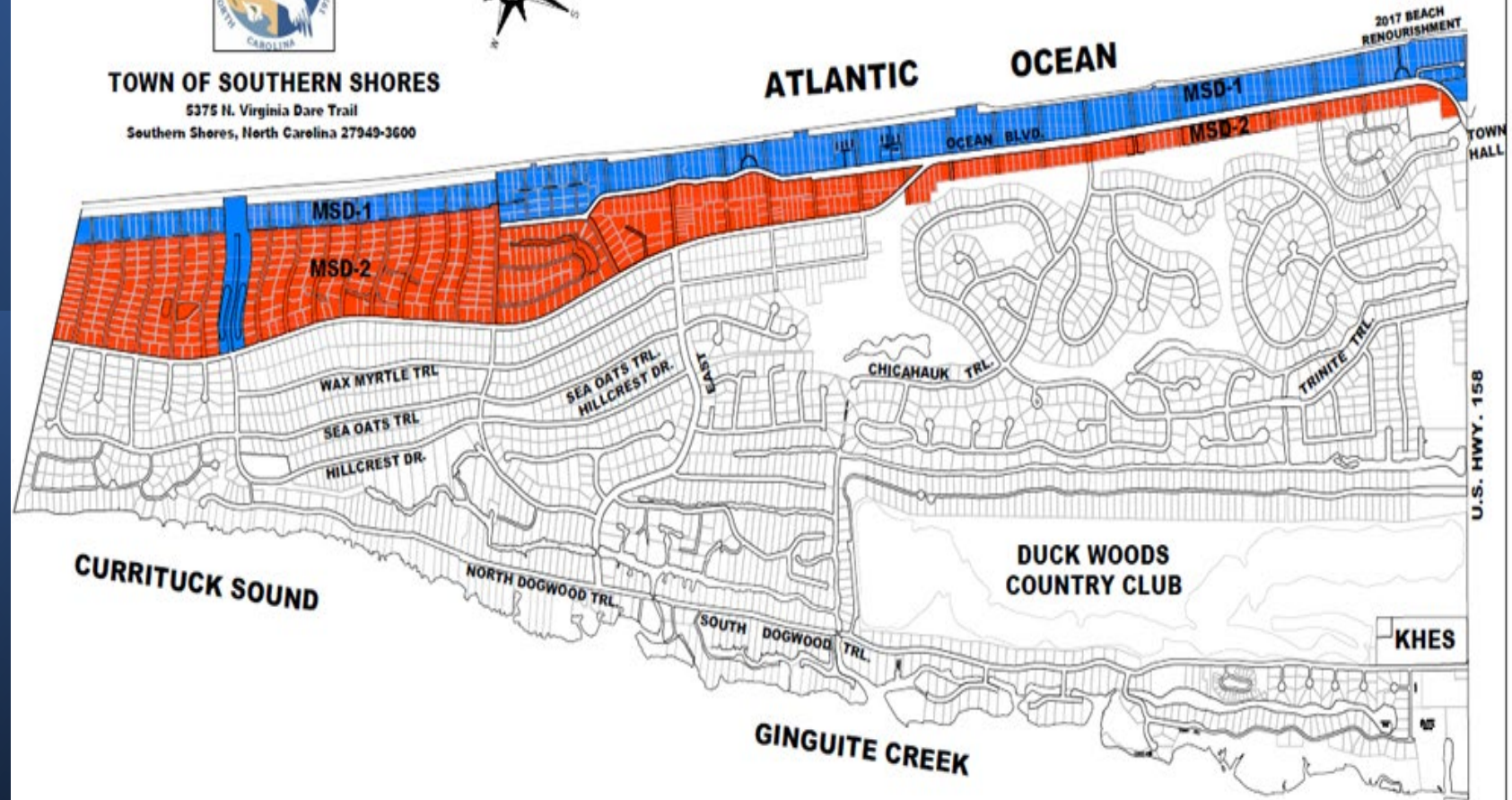


TAX ONLY RENTAL PROPERTIES??

Changes to
Boundaries
as Presented



TOWN OF SOUTHERN SHORES
5375 N. Virginia Dare Trail
Southern Shores, North Carolina 27949-3600

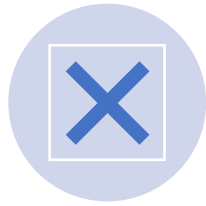


**THIS DRAWING IS PRELIMINARY AND INTENDED FOR DISCUSSION PURPOSES ONLY.
THIS DRAWING DOES NOT REFLECT PROPOSED OR ADOPTED MSD'S.**

CONCEPTUAL MUNICIPAL SERVICE DISTRICTS



The Town Council will take all comments into consideration



Request for Exclusion From District – by March 21, 2021



April 13, 2021 – Council takes 1st vote to establish MSD



May 4, 2021 – Council takes 2nd vote to establish MSD



Tax rate will be established with adoption of FY 2021/22 budget



A public hearing on the FY 21/22 budget will be held which would include a tax on the Municipal Service Districts



Effective Date – July 1, 2021

Town of Southern Shores
www.southernshores-nc.gov

Cliff Ogburn
Town Manager

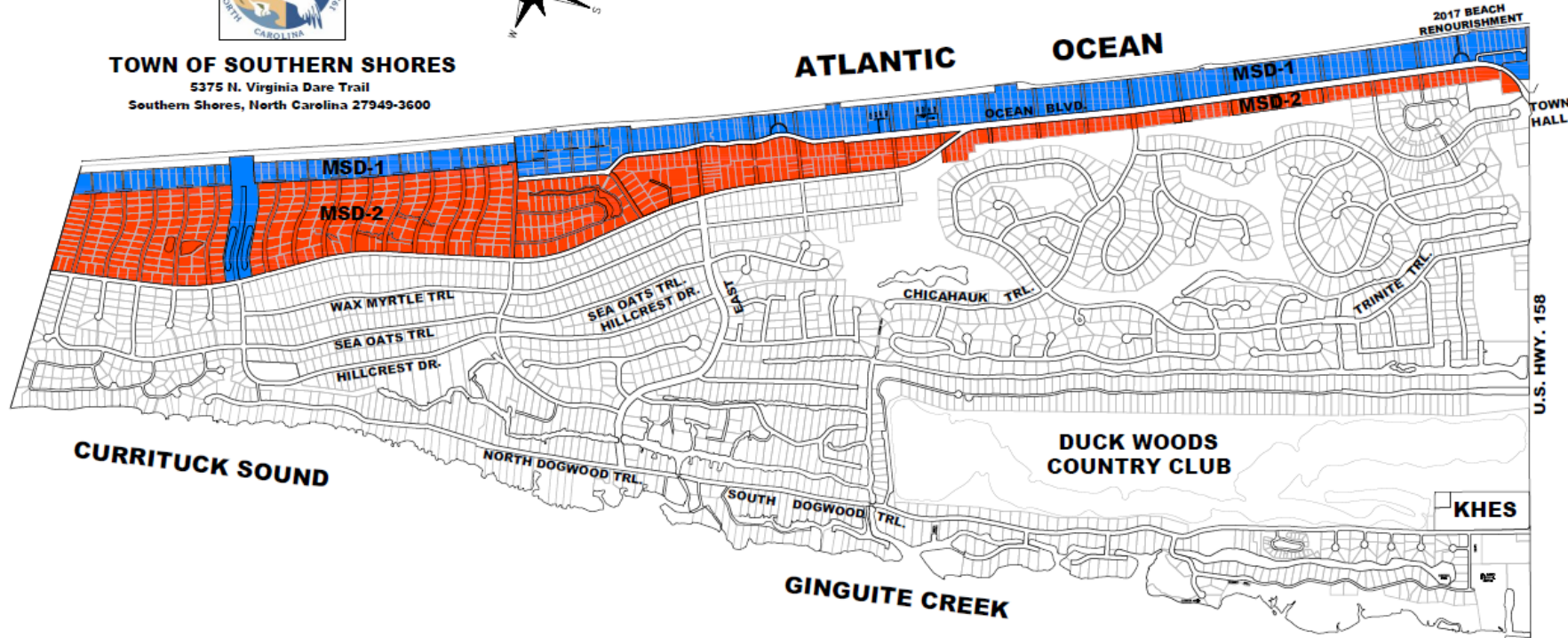
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
tel. (252) 261-2394
fax (252) 255-0876

cogburn@southernshores-nc.gov



TOWN OF SOUTHERN SHORES

5375 N. Virginia Dare Trail
Southern Shores, North Carolina 27949-3600



**THIS DRAWING IS PRELIMINARY AND INTENDED FOR DISCUSSION PURPOSES ONLY.
THIS DRAWING DOES NOT REFLECT PROPOSED OR ADOPTED MSD'S.**

CONCEPTUAL MUNICIPAL SERVICE DISTRICTS

Robert and Marion Fitzgerald
11501 Woodstock Way
Reston, VA 20194
March 4, 2021

Southern Shores Town Council (council@southernshores-nc.gov)
5376N. Virginia Dare Trail
Southern Shores, North Carolina 27949-3600

Re: Comments on Proposed Municipal
Service Districts

Dear Council Members:

My wife and I are non-resident property owners in Southern Shores. We own two properties on 7th Avenue in Seacrest Village (#6 and #8). We constructed a home on one and the other is undeveloped. We may not be able to attend your public hearing on March 16th concerning the referenced Districts, however we wanted to provide you with our comments on your proposal prior to the hearing.

First, with regard to the decision to undertake a beach nourishment project, we are simply not knowledgeable enough to provide an educated opinion on the merits of that decision. We confidently rely on your expertise and expert investigations to support that decision. Our comments relate to what we consider to be a surprising and unreasonable limit to the number and scope of Service Districts you propose.

We carefully reviewed the material you sent to Town residents describing the proposal. We were particularly impressed with the language you used to describe the benefits to the entire Town that will result from the beach nourishment Project. For example "The Town is committed to beach nourishment to maintain a wide recreation beach" ... "to maintain a tax and economic base". Of course these are but a few of the Town-wide benefits of enlarging and improving our **public** beach. Some obvious other benefits include but are not limited to the following:

1. The property values of all the homes in Southern Shores are a direct result of their proximity to and availability to use the beach. The better the beach, the greater the value.
2. The extensive rental market for homes in Southern Shores is solely a result of the unique attraction of the ocean and beach. The better the beach, the greater the rental market.
3. Tax payments to the Town from every vacation rental are a critical source of funds for the Town. While we do not have the exact statistics, we suspect

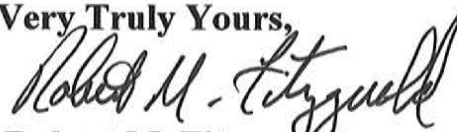
there are a substantial number of active rental properties west of Duck Road, perhaps even more than on the east side. One need only look at the multiple Duck Road Crossovers to see how important the beach is to those living west of Duck Road. The better the beach the more rentals west of Duck Road.

4. Finally, the enormous growth of retail opportunities such as restaurants, grocery stores, movie theaters, big box stores, hardware stores, water sports etc have come about solely due to the attraction of the beach. Without a well-maintained beach, these opportunities do not exist.

Please understand that we fully concur that District 1 and to a much lesser extent District 2 will benefit to a greater degree than other portions of Southern Shores from the potential ability of the beach nourishment project to limit beach erosion and hurricane damage. What we believe is self-evident however, is that all the residents and businesses in and around Southern Shores directly benefit from a wide and well-maintained beach. The beach is the very reason that the Town of Southern Shores was founded in the first place and continues to thrive today.

Based on the above we respectfully request that you consider creating Municipal Service Districts that encompass the entire Town limits. **Of course we believe that appropriate INDEXING must occur for the various Districts to reflect their diminished benefit from the project. However, it is clear that reducing beach erosion and attracting vacationers to a wide and well maintained beach is a universal benefit to the Town and its occupants. For that reason, we believe it is unfair to place the entire increased tax burden for these Town-wide benefits on Districts 1 and 2. Thank you for your consideration of these remarks.**

Very Truly Yours,



Robert M. Fitzgerald



Marion B. Fitzgerald

Cc: tbennett@southernshores-nc.gov
emorey@southernshores-nc.gov
jconnors@southernshores-nc.gov
mneal@southernshores-nc.gov
lholland@southernshores-nc.gov

Sheila Kane

From: cserafin21@charter.net
Sent: Monday, March 8, 2021 5:19 PM
To: info@southernshores-nc.gov
Subject: MSD

When the re-nourishment project was first proposed, I indicated that I would not be in favor due to the nature of shifting sand and the need to re-do the beach in a few years. Now the project has been approved and MSD's established. I live in MSD 2 . My house and property are in an "X" flood zone. I have owned this property since 1986 and there has never been flooding from any storm event. An email I received late last year said 6" of sand had been gained. I don't understand how re-nourishing the beach is going to protect my house from flooding. Any re-nourishment will benefit the whole Town. Looking at the traffic and filled parking spaces on E. Dogwood plus the crowded beach throughout the summer, prove that. Many local license plates are represented on the street and locals are among walkers. Any new tax levy should be equitable and fair reflecting the benefits those not in the new MSD's receive from a wider beach. To tax those of us in MSD 2 and an "X" zone for flood prevention is unfair since flooding is less likely to occur from ocean overwash then it is from Soundside or canal flooding in other areas of Town.

I don't believe a tax rate has been established but please make an increase fair as the project benefits, those of us not in MSD 1, all equally.

Connie Serafin, 21 E. Dogwood Trail.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Cliff Ogburn

Subject: RE: Southern Shores Beach Nourishment

Thank you for the response. How do MSD 1 and 2 get greater benefit? That does not make any sense to me. My insurance cost will not go down, My property will not get any bigger. The document you sent made that perfectly clear. My dune has more that doubled in width and grown in height since the 70's. All naturally. I do not see erosion on my beach area. It seems that the only benefit is a wider beach. Which seems to be a benefit for all of the other people using it.

I now understand the revenue you need to raise. I also understand the math. But as the town manager what are you proposing to the city council ? I know that they make the final decision but I assume that you have been asked to present different scenarios to cover the \$1.2M. What percentage lower would the other MSD pay?

Sorry for yet more questions. Your quick response is appreciated but if the \$.24/100 is were we are heading you are more than doubling my town tax rate. Also once you raise this revenue will taxes then go down?

Thanks again.

From: tpanoff@aol.com <tpanoff@aol.com>

Sent: Saturday, March 6, 2021 4:40 PM

To: cogburn@southernshores-nc.gov <cogburn@southernshores-nc.gov> <cogburn@southernshores-nc.gov>
<cogburn@southernshores-nc.gov>

Subject: Southern Shores Beach Nourishment

Cliff,

My Name is Tim Panoff and I have a house at 104 Ocean Blvd. My family has own this property since 1971. I am trying to understand what the proposed tax liability will be for this beach nourishment project. I know the town council has already approved this project but I can not find anywhere what it will cost me. I have heard \$0.24/100 of Tax value. For me that could represent a \$3100 increase to my taxes. That would be a 40% increase to my taxes. I know my house is in district I and my understanding is that district I will bear the most cost because we get more benefit to our property. Not sure I understand that logic and maybe you can explain it to me. Even though I do not agree with the concept of what the council has approved I understand I would need to pay my fair share. Not sure levying a 40% tax increase defines fair.

I have also tried to find how the town is funding the entire project. I have read various articles were it seems 1/2 of the funding is coming from elsewhere. Could you break this down for me? Also are you proposing to the town council to raise rental taxes and sales taxes in southern shores. Based on your letter it seems we are doing this to keep vacationers coming to dare county. How much of the Burden will be put there?

My view of the world is the beach in my area is very stable So stable is it has been reclassified as zone X for flooding. I really don't agree with the concept of what is being done but I am late to the show on this. In addition my understanding is this will now be a financial burden forever to maintain throwing more sand up on the beach.

I received the easement letter today which prompted my email to you. I would like to hear back from you before I sign. You can email or call.

I look forward to your response. Thank you for your time.

Tim Panoff

305-799-2044

Cliff Ogburn

From: Paula Sherlock <psherlockobx@gmail.com>
Sent: Friday, March 5, 2021 4:50 PM
To: Cliff Ogburn
Subject: Re: Beach nourishment project questions

Thanks. You are awesome! I'll share with my neighbors & get back to you with any questions.
Again. Have a great weekend!

Judge Paula Sherlock (Ret.)
Sent from my iPhone

On Mar 5, 2021, at 4:38 PM, Cliff Ogburn <cogburn@southernshores-nc.gov> wrote:

I started an email which I added below. I'll add that I don't believe you will be getting a dune. The 6ft berm that will be place on the beach is 6ft above MHW so it will come to the base of your dune at the highest - no obstructed views.

I feel pretty safe in saying that 25 cents is very close to the most you would pay. But there are several things that could happen, such as the Council deciding to remove property from MSD 2 like we discussed in the north end - that would raise the taxes on others. But if they raise the rate town wide then the MSD rates would go down. The project could come in lower than the present estimate. If it comes in over then we will likely look at redesigning the project.

I wanted to share two slides with you. if you have any questions before your meeting tomorrow just let me know. I check my email often.

This one shows the financing for the project as it stands right now. Option 4 places about 850,000 cubic yards on our beach at an estimated cost of \$14,438,000. A couple of weeks ago, Dare County shared with us that their contribution to our project is based on that amount and nothing more. It shows that we have to generate \$1,224,775 a year for five years to pay for this project. We would start the tax for FY 22 on July 1, 2021 to pay the first debt payment in FY 23.

<image006.png>

I generated this spreadsheet to show one example of how that \$1,224,775 could be generated (and did some rounding). The Town Council has not acted on this and the tax rates will be set with adoption of next year's budget. It shows MSD 1 (oceanfront) paying a total of 24 cents for beach nourishment plus the 19.58 cents presently in place for a total town tax rate of 43.58 cents.

<image008.jpg>

And finally, the reason that MSD 1 is also in MSD 2 relates to what the general statute requires –

Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;*
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and*
- (3) A plan for providing in the district one or more of the services listed in G.S. 160A-536.*

We have to include the beach in the boundaries of MSD 2 in order to meet the requirement that the services are offered in the district. When we do that, it captures MSD 1. We don't create an MSD for the town wide tax as the authority to levy that tax already exists (this has been the hardest part for me to explain).

Hopefully this helps. But I stress again that the example of the tax structure is mine and the Council has not approved it.

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

From: Paula Sherlock <psherlockobx@gmail.com>
Sent: Friday, March 5, 2021 3:54 PM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Beach nourishment project questions

Thanks for chatting with me today. Are my notes correct that the MSD assessment if set at \$.25 (for total of all three districts) on an oceanfront property assessed at \$1Million would be \$2500 a year for 5 years? Do you think the \$.25 is probable? And how will dune heights be determined? Most of us have pretty substantial dunes now & don't want the view obstructed if possible.

BTW, I agree that MSD 2 looks pretty wide going north above the split.
Have a great weekend! May the sun shine warmly on you!

> On Mar 5, 2021, at 11:55 AM, Cliff Ogburn <cogburn@southernshores-nc.gov>
wrote:

>

> Absolutely. Can I call you at 1:30?

>

>> On Mar 5, 2021, at 11:27 AM, Paula Sherlock <psherlockobx@gmail.com> wrote:

>>

>> Cliff - My husband & I live at 66 Ocean Blvd in SS. Along with several of our
oceanfront neighbors, we have some general questions about the assessments for
beach nourishment. Elizabeth Morey answered many of them but suggested I call
you. Would you be available for a short call this afternoon? We all hope to participate
either in person or by Zoom on the 16th.

>> Thank you much & I look forward to meeting you soon! My cell is 502-376-
8627 and I am free for the rest of the day.

>> -----

>>

>> This email has been scanned for spam and viruses by Proofpoint Essentials. Visit
the following link to report this email as spam:

>>

[https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_](https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id14961620-DKemMFgiZz84&r_address=gurn%40southernshores-nc.gov&report=)
[id14961620-DKemMFgiZz84&r_address=gurn%40southernshores-nc.gov&report=](https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id14961620-DKemMFgiZz84&r_address=gurn%40southernshores-nc.gov&report=)

>>

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the
following link to report this email as spam:

[https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_](https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id14977670-ZiDfN09ARaVi&r_address=gurn%40southernshores-nc.gov&report=)
[id14977670-ZiDfN09ARaVi&r_address=gurn%40southernshores-nc.gov&report=](https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id14977670-ZiDfN09ARaVi&r_address=gurn%40southernshores-nc.gov&report=)

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Cynthia Mills

From: Paula Sherlock <psherlockobx@gmail.com>
Sent: Tuesday, March 16, 2021 12:42 PM
To: info@southernshores-nc.gov
Subject: MSD

Questions for the meeting tonight (compiled from several oceanfront property owners):

- 1 - How does the Southern Shores financing proposal compare to those of comparable towns such as Duck?
- 2 - Please explain the rationale for having oceanfront owners pay all three tax rates (MSD1, MSD2 and town) rather than just setting a distinct separate rate for oceanfront properties.
- 3 - What percentage of the total cost will be borne by oceanfront property owners?

Thank you for your answers in advance!

Ike & Paula Sherlock
66 Ocean Blvd.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



Sheila Kane

From: Lynn Usher <mrlynnusher@outlook.com>
Sent: Monday, March 8, 2021 8:57 AM
To: Tom Bennett; Jim Conners; Leo Holland; Elizabeth Morey; Matt Neal;
council@southernshores-nc.gov
Cc: Cliff Ogburn; Wes Haskett; Sheila Kane; Janan Usher (jananusher@charter.net)
Subject: Updated comments on Municipal Service District II (MSD-2)
Attachments: Usher comments 3-8-21.pdf

After submitting comments on February 8, we obtained additional information pertaining to the assignment of parcels to MSD-1 and -2, and the potential impact of establishing MSD-2. Based on that information, we have revised our original statement. Our conclusions are:

- The designation of MSDs and the assignment of parcels to them should be integrated with the Oceanfront and Ocean Influence ratings used in Dare County's property tax classification system, and those ratings should be applied consistently across all parcels in the Town.
- Given the existing infrastructure of free Town parking and SSCA/CPOA beach paths and dune crossovers, the benefits MSD-2 property owners would derive from beach nourishment are no different than those accruing to *all* non-oceanfront property owners in Southern Shores.
- To preserve the unique residential quality of Southern Shores, the Town's tax policies should incentivize year-round residency in MSDs rather than creating externalities that lead to the conversion of homes to rental units. Commercial ventures should be acknowledged as such and operated, regulated, and taxed accordingly. Otherwise, owner-occupied homes in MSD-2 will be taxed out of existence.

We appreciate your consideration of our perspective and look forward to hearing from others at the hearing on March 16.

Respectfully,

Lynn & Janan Usher
121 Ocean Boulevard

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Comments on the Establishment of Municipal Service Districts
To Finance a Beach Nourishment Program
Lynn and Janan Usher, 121 Ocean Boulevard
Submitted March 8, 2021

The following comments reflect our consideration of information we obtained after submitting earlier comments on February 8. The brief report the Town mailed to MSD-2 residents described the financing plan solely in terms of property tax surcharges on owners of property located in MSD-1 and -2. Yet, an article in the February 10 issue of *The Coastland Times* reported that property owners in Southern Shores would pay only \$6 million of a total \$16 million cost for the project. *The Coastland Times* article also quoted Town Manager Ogburn as saying "There will be a townwide contribution to this project." Given this information, ***debate about beach nourishment in Southern Shores should be informed by a full assessment of the allocation of risks, benefits, and costs across three groups: (1) owners of property in MSD-1; (2) owners of property in MSD-2; and (3) owners of Southern Shores parcels located outside an MSD. The assessment also should clarify the criteria used to assign parcels to MSD-1 and -2, and to demonstrate that they were applied consistently across all parcels in the Town.***

With these issues in mind, we have serious concerns about two key aspects of the proposal:

1. As residents of the proposed MSD-2, we are not convinced by the report's assertion that District Two residents will receive the same benefits as District One, "but to a lesser extent than District One as it is set back further from the improvements [sic]." ***Unless the Town expects beach nourishment to prevent ocean overwash on the scale of the 1962 Ash Wednesday storm, MSD-2 residents will not derive any benefits in the form of "beach erosion control and flood and hurricane protection."*** Aycock Brown's photo on the next page, reproduced from David Stick's book about that event,[†] shows the only time on record that the dune line has been breached in Southern Shores. Consistent with this experience, ***2020 maps from the Flood Risk Information System (FRIS)[‡] classify nearly all MSD-2 homes and all MSD-1 detached single-family oceanfront homes south of 164 Ocean Boulevard as being in X Flood Zones and, therefore, having a Minimal Flood Risk.***
2. In addition to beach erosion control and flood protection, the Report identifies a second set of objectives, specifically ". . . to maintain a wide recreation beach strand, to protect structures of historic significance, to maintain a tax and economic base, and to protect infrastructure including facilities for public recreational access." The emphasis on beach recreation and "facilities for public recreational access" presumably refers to the 33 oceanfront parcels and dune crossovers owned and managed by the Southern Shores Civic Association (SSCA) and the 135 free parking spaces the Town maintains on 23 MSD-2 streets adjacent to those crossovers. ***The Town relies on this infrastructure to provide direct ocean access to any resident who requests a free parking permit. This wise policy allows residents who live outside MSD-2 to enjoy ocean access equal to MSD-2 residents; however, only MSD-2 residents would have to pay a tax surcharge.***

These broad concerns are rooted in several underlying problems associated with the plan to use MSDs as to finance beach nourishment. These problems are described below.

* Pages of the *Report* are not numbered; cited statements appear in section 2, Conceptual Municipal Service Districts.

† David Stick, *The Ash Wednesday Storm* (Kill Devil Hills: Gresham Publications, 1987), p. 88. Photography: Aycock Brown, March 1962 and Walter V. Gresham III, 1986.

‡ See <https://fris.nc.gov/fris/Home.aspx?ST=NC>.



Ash Wednesday March 1962 Southern Shores
The green marker shows the future site of the Ushers' home.

Problem 1: The Criteria for Assigning Parcels to MSD-1 and -2 Are Not Explicit and Appear to Be Applied Inconsistently

The report correctly describes the basic rationale for establishing an MSD. A critical assumption is that a definable area within a municipality requires a service not needed in other areas of the municipality. This justifies the assignment of a tax surcharge or a special assessment to defray the cost of the required service. The report acknowledges the unique risk to oceanfront houses in MSD-1 and the potential benefit of creating a wider buffer to prevent ocean overwash; however, it overstates potential risks *and* benefits for property owners in the proposed MSD-2. As noted above, the lack of ocean overwash and the risk assessment underlying the 2020 flood maps suggest that benefits in terms of "beach erosion control and flood and hurricane protection" are probably exaggerated. In fact, the actual flooding risks in Southern Shores are from (1) prolonged heavy rainfall that fills ponds in MSD-2 and causes them to

overflow onto nearby roads and property and (2) soundside flooding from strong westerly winds on the backside of tropical systems. Therefore, ***beach nourishment will not address the high-probability flooding risk most likely to affect houses in MSD-2.***

At first glance, the delineation of MSD-1 and -2 seems obviously and simply to be the oceanfront and nearby areas; however, it soon becomes apparent that the categories are not as neatly defined as it seems. For example, in addition to oceanfront parcels, MSD-1 also includes quite a few parcels located east of Ocean Boulevard, but west of an oceanfront parcel. In contrast, MSD-1 parcels in Seacrest Village are exclusively on the oceanfront. Such inconsistencies beg questions about the criteria for assigning parcels to an MSD and whether those criteria are being applied consistently.

Dare County's 2020 Schedules, Standards, and Rules for Real Property Appraisal describes the criteria used to differentiate "Oceanfront" parcels from those subject to "Ocean Influence," with the degree of Ocean Influence ranging from A to F. For example, these appraisal guidelines (p. 17) state that the distinguishing characteristic of an Ocean Influence A (OI-A) parcel is that it "adjoins the oceanfront properties, or is across a minor street from the oceanfront land." This long-established classification system thus provides a rationale for the proposal to include the non-oceanfront OI-A and -B parcels east of Ocean Boulevard in MSD-1; however, MSD-1 excludes OI-A and -B parcels in Seacrest Village that are located at the east ends of 1st–13th Avenues, even though they are located "across a minor street from the oceanfront land" (i.e., the "T" at the east end of each avenue). ***If the County's property classification system was used to assign parcels to MSD-1, it was not applied consistently among Seacrest Village parcels and those along Ocean Boulevard.***

Inconsistencies also exist in the assignment of parcels to MSD-2. For example, in areas outside Seacrest Village and east of Duck Road, MSD-2 includes both OI parcels and some classified only as "Residential Subdivision" without an OI rating. As a result, MSD-2 residents of parcels that back up to Duck Road have a Circle Drive address, but unlike neighbors across the street, do not live on an OI-F parcel.

In addition to inconsistencies in the assignment of OI-A and -B parcels and the non-OI Circle Drive residents, other discrepancies exist in MSD assignments. For example, Seacrest Village parcels with an OI-F designation are included in MSD-2, but OI-F parcels in Chichahauk and other areas of the Town are not included in MSD-2. Finally, our home and all other houses on the west side of Ocean Boulevard are assigned to MSD-2 and have an OI-B designation; however, none of these parcels meet the County's stated criteria for an OI-B designation because our parcels do not adjoin OI-A parcels. Indeed, we are separated from them by a heavily traveled highway.

Assuming the County's OI ratings are valid, inconsistent application of these long-established parcel classifications will result in inequitable tax surcharges for two groups of property owners:

First, those located on OI D-F parcels in Seacrest Village and areas located between Ocean Blvd and Duck Rd would pay the MSD-2 surcharge while owners of similarly rated parcels elsewhere in Southern Shores will not.

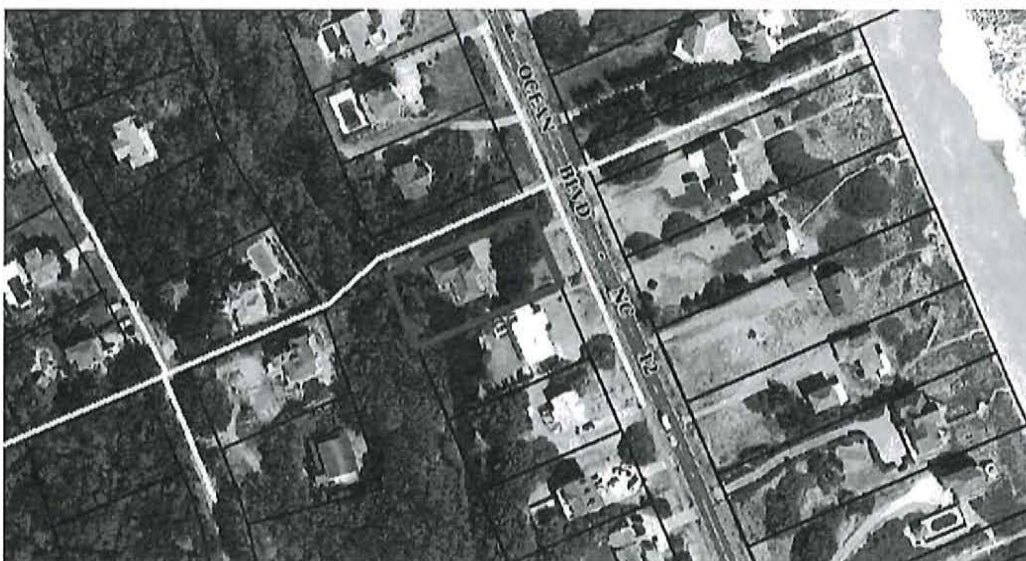
Second, owners of OI-A and -B parcels located east of Ocean Boulevard will pay the MSD-1 surcharge while owners of OI-A and -B parcels in Seacrest Village will not. Again, such inconsistencies are inherently inequitable.

Problem 2: The Plan Imposes an Inequitable Cost on MSD-2 Residents and Leads to Free Riders

Another assumption underlying MSDs is that the benefits residents derive from the unique MSD service(s) will be confined to residents of the MSDs and not enjoyed by other residents of the municipality. To the extent that this assumption is not met, a “free-rider” problem arises; in other words, persons not living in the MSD will enjoy the benefit at no cost. ***In establishing MSD-2, the plan exaggerates the benefit MSD-2 residents will derive from a wider “recreation beach strand” compared to persons residing outside an MSD. This is because Southern Shores residents already enjoy unusually good access to the ocean.***

Frank and David Stick and their partners in the Kitty Hawk Land Company (KHLIC) were visionaries whose development plans set aside parcels to provide access to the ocean and sound and open spaces through which bike paths now wind. These common areas were eventually conveyed to the Southern Shores Civic Association (SSCA) and, more recently, the Chicahawk Property Owners Association (CPOA), both of which charge minimal membership fees to maintain these parcels. This open-access philosophy was reinforced after the Town’s incorporation when it created free parking spaces near the beach access parcels for Town residents who request a parking permit. As a result, ***Town residents who park in a free Town space and take a short walk to reach the beach via an SSCA dune crossover have essentially the same ocean access as MSD-2 residents. Yet, MSD-2 residents would pay a tax surcharge not paid by residents who live elsewhere and use free Town parking to reach the beach.***

Ocean access for residents outside MSD-2 can be illustrated by our personal situation. The following screenshot from the Dare County Geographical Information System Parcel Data Map shows the parcel on which our home is located (outlined in red). It is bounded on the west by open space that encircles Chicahawk. To the north is a 50’ wide lot KHLIC recently conveyed to CPOA with the condition that it be dedicated in perpetuity as a path to the ocean for Chicahawk property owners and their guests (indicated by the yellow lines). This path, in turn, leads directly to a 50’-wide oceanfront lot and the dune crossover at 120A Ocean Boulevard that are owned and managed by SSCA.



As evidenced by the following photo, *numerous* Chicahawk residents follow these paths to reach the beach via the 120A crossover. ***Given the substantial infrastructure that provides access to the beach in Southern Shores, property owners and residents outside the MSDs will be direct beneficiaries of beach nourishment.*** Chicahawk residents who walk by our home and park their bikes and beach carts at the dune crossover derive as much enjoyment from the beach as we do. Similarly, residents who obtain a free parking permit from the Town and park in one of 135 spaces located on 23 MSD-2 streets or park in the large Town parking lot on Chicahawk Trail have oceanfront access equal to most MSD-2 residents.[§] ***It is appropriate, therefore, that they contribute equally to defraying the cost of beach nourishment. In other words, if beach nourishment protects access to the “recreation beach strand,” it should be financed broadly since residents throughout the Town derive a benefit from it, a benefit equal to that enjoyed by residents of the proposed MSD-2.***



Problem 3: The MSD-2 Tax Surcharge Would Discourage Year-Round Residency in the Area

The consequences of imposing a tax burden on MSD-2 residents may be like the impact of suburban growth on family farms. As the value of farmland rose dramatically in response to suburbanization, local tax policies failed to differentiate farmland from residential developments in assessing property values and levying taxes. As the appraisal principle of the “highest and best use of property” came into play,

[§] See https://www.southernshores-nc.gov/wp-content/uploads/2020/12/Beach-parking-brochure-with-MAP-flip-on-SHORT-Side.FIT_CHOOSSE-PAPER-SOURCE.-2021.22.pdf

farmers found themselves unable to afford the land they used for farming. ***In a similar way, the creation of MSD-2 could be a step toward ending year-round residency in the Southern Shores beach zone. The tax burden, already high given proximity to the oceanfront,** will add financial pressure to make the highest and best use of the property by converting it to a rental unit. Without any relief, more and more homeowners (vs. investment-property owners who view higher taxes as a business expense that can be passed along to customers) will capitulate and sell out or convert their homes to rental property. Either alternative would require them to move elsewhere.***

Southern Shores has distinguished itself among towns on the Outer Banks in its efforts to balance the interests of year-round residents and non-resident investors who own and operate short-term (vacation) rental houses. Debates over house size and mini-hotels signaled that we risk losing the Town's distinctive qualities if we follow the path of other towns on the Outer Banks. Lacking the imagination and political will to preserve the option of year-round residency in the beach zone, most towns have largely abandoned, first, the oceanfront and, increasingly, the west side of the beach road as places for year-round residency. Creating MSD-2 and imposing an inequitable tax surcharge on year-round residents would bring us a step closer to eliminating the beach zone as a place to live year-round.

Conclusion

If the Council intends to adopt beach nourishment as a permanent program requiring a substantial and ongoing flow of revenue, it should avoid funding mechanisms that could adversely affect the Town's unique residential character. At a minimum, Council should consider the following issues:

The designation of MSDs and the assignment of parcels to them should be integrated with the Oceanfront and Ocean Influence ratings used in Dare County's property classification system, and those ratings should be applied consistently across all parcels in the Town.

Given the existing infrastructure of free Town parking and SCA/CPOA beach paths and dune crossovers, the benefits MSD-2 residents would derive from beach nourishment are no different than those accruing to all non-oceanfront residents of Southern Shores.

The Town's tax policies should incentivize year-round residency in MSDs rather than creating externalities that lead to the conversion of homes to rental units. This will require tax policies that explicitly differentiate among owner-occupied homes, long-term rentals, and houses operated as businesses that offer short-term (vacation) rentals. Commercial ventures should be acknowledged as such and operated, regulated, and taxed accordingly. Otherwise, owner-occupied homes in MSD-2 will be taxed out of existence.

With these issues in mind, please reconsider the plan to establish MSD-2. More broadly, the Council should reassess the likely benefits and costs of beach nourishment in Southern Shores and confirm that we are embarking on a path that will be cost-effective and in the long-term interest of our community.

** The impact of Ocean-Influence property classifications on property tax valuations is documented in the table of Land Unit Value Ranges on page 25 of the County appraisal guidelines described above.

Cliff Ogburn

From: Lynn Usher <mrlynnusher@outlook.com>
Sent: Monday, February 8, 2021 8:52 AM
To: Tom Bennett; Elizabeth Morey; Jim Conners; Matt Neal; Leo Holland; Cliff Ogburn; Wes Haskett
Cc: Janan Usher (jananusher@charter.net); council@southernshores-nc.gov
Subject: RE: Comments on Proposal to Establish MSD-2

Please note that the full attribution for the photo reproduced on page 2 of our letter should be:

David Stick, *The Ash Wednesday Storm* (Kill Devil Hills: Gresham Publications, 1987). Photography: Aycock Brown, March, 1962 and Walter V. Gresham III, 1986.

Please excuse this omission.

From: Lynn Usher
Sent: Monday, February 8, 2021 8:42 AM
To: Tom Bennett (tbennett@southernshores-nc.gov) <tbennett@southernshores-nc.gov>; Elizabeth Morey (emorey@southernshores-nc.gov) <emorey@southernshores-nc.gov>; Jim Conners (jconners@southernshores-nc.gov) <jconners@southernshores-nc.gov>; Matt Neal (mneal@southernshores-nc.gov) <mneal@southernshores-nc.gov>; Leo Holland (lholland@southernshores-nc.gov) <lholland@southernshores-nc.gov>; Cliff Ogburn (cogburn@southernshores-nc.gov) <cogburn@southernshores-nc.gov>; Wes Haskett (whaskett@southernshores-nc.gov) <whaskett@southernshores-nc.gov>
Cc: Janan Usher (jananusher@charter.net) <jananusher@charter.net>; Town Council <council@southernshores-nc.gov>
Subject: Comments on Proposal to Establish MSD-2

Please refer to the attached letter outlining our concerns related to the proposed establishment of Municipal Service District Two. We appreciate your consideration of our opinions on this matter.

Lynn & Janan Usher

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



121 Ocean Boulevard
Southern Shores, NC 27949

February 7, 2021

Mayor Tom Bennett
Council Members
Town of Southern Shores
Southern Shores, NC 27949

Dear Mayor and Council Members,

We are writing in response to the notice we received concerning the proposed establishment of two Municipal Service Districts (MSDs) as a means of financing a beach nourishment project in 2022. After reading the notice and the report describing MSDs, we have serious concerns about two key aspects of the proposal:

1. As residents of the proposed MSD-2, we are not convinced by the report's assertion that District Two will receive the same benefits as District One, "but to a lesser extent than District One as it is set back further from the improvements [sic]."
Unless you expect beach nourishment to prevent ocean overwash on the scale of the Ash Wednesday storm in 1962, MSD-2 residents will not derive any benefit in the form of "beach erosion control and flood and hurricane protection." The picture on the next page, reproduced from Aycock Brown's book about that event, shows the only time on record that the dune line has been breached in Southern Shores (the green marker shows the location of the lots on which we built our home in 1982).
2. In addition to erosion control and flood protection, the Report identifies a second set of project objectives, specifically "... to maintain a wide recreation beach strand, to protect structures of historic significance, to maintain a tax and economic base, and to protect infrastructure including facilities for public recreational access." The emphasis on beach recreation and "facilities for public recreational access" presumably includes (1) the 33 oceanfront parcels and dune crossovers owned and managed by the Southern Shores Civic Association (SSCA) and (2) numerous Town parking areas on streets near those crossovers. Expressing these objectives implies a commitment to *all* residents of the Town and their guests; however, ***it is very unlikely that residents of MSD-2 will derive a greater benefit from this aspect of the project than Town residents in areas outside an MSD.***

These broad concerns are rooted in three problems associated with the plan to use MSDs to finance beach nourishment. These problems are discussed below.

Problem 1: The MSD-2 Rationale is Not Consistent with Criteria for Establishing an MSD

The report correctly describes the basic rationale for establishing an MSD. A critical assumption is that a definable area within a municipality requires a service that is not needed in other areas of

* Pages of the *Report* are not numbered; cited statements appear in section 2, Conceptual Municipal Service Districts.

the municipality. This premise justifies the assignment of a tax surcharge or a special assessment to defray the cost of the required service. The report acknowledges the unique risk to oceanfront houses in MSD-1, but grossly overstates potential risks *and* benefits for property owners in MSD-2. As noted above, we built our home at 121 Ocean Boulevard in 1982 and have *never* been threatened by ocean overwash. We are not unique in this regard given that *no* area of the Town has experienced ocean overwash since the once-in-a-century Ash Wednesday storm of 1962. Instead, the flooding risks in Southern Shores are from (1) the accumulation of rainfall in ponds that formed in old inter-dune swales and (2) soundside flooding from strong westerly winds on the backside of tropical systems. Therefore, ***beach nourishment will not address either of the most serious flooding risks likely to affect houses in MSD-2 or soundside houses.***



Ash Wednesday March 1962 Southern Shores

Problem 2: Plan Imposes an Inequitable Cost on MSD-2 Residents and Leads to Free Riders

Another assumption underlying MSDs is that the benefits residents derive from the unique service they receive are largely confined to residents of the MSDs and are not enjoyed by other residents of the municipality. To the extent that this assumption is not met, a “free-rider” problem arises; in other words, persons not living in the MSD enjoy the benefit at no cost. In establishing MSD-2, the plan overestimates the benefit MSD-2 residents derive from beach recreation compared to persons who do not reside in an MSD—both MSD-2 residents and other Town residents who do not own an oceanfront house must walk across the street (or down the street in Seacrest Village) to get to the beach! In addition, the tax surcharge on MSD-2 residents imposes an inequitable cost on them because they are subsidizing the production of a benefit that is free to others.

Frank and David Stick and their partners in the Kitty Hawk Land Company (KHLIC) were visionaries who recognized the need for *all* Southern Shores residents and guests to have access to the ocean, sound, and open spaces in which forests and ponds are located. SSCA now owns and manages numerous parcels and facilities conveyed by KHLIC to provide continuing access to these unique recreational and natural resources. For example, the parcel on which our home is located is bounded on the west by a 100'-wide open space that encircles Chicahawk. To the north is a 50' wide lot KHLIC recently conveyed to the Chicahawk Property Owners' Association with the condition that it be dedicated in perpetuity as a path to the ocean for Chicahawk property owners and their guests. This path, in turn, leads directly to another 50'-wide lot and the dune crossover at 120A Ocean Boulevard that are owned and managed by SSCA. As evidenced by the photo on the next page, *numerous* Chicahawk residents follow these paths to reach the beach via this crossover.

In terms of enhancing beach recreation and protecting access to the ocean, therefore, ***property owners and residents outside the MSDs are direct beneficiaries of beach nourishment.*** In our opinion, Chicahawk residents who walk by our home and park their bikes and beach carts at the dune crossover derive as much enjoyment from the beach as we do. ***Equity demands, therefore, that they should contribute, directly as property owners or indirectly as renters, to defraying the costs of beach nourishment. Given its breadth of impact on access to recreation opportunities, therefore, beach nourishment should be financed by the Town as a whole.***

Problem 3: The MSD-2 Tax Surcharge Will Discourage Year-Round Residency in the Area

The consequences of imposing a tax burden on MSD-2 residents may be like the impact of suburban growth on family farms. As the value of farmland rose dramatically in response to suburbanization, local tax policies failed to differentiate farms from residential developments in assessing property values and levying taxes. Then, as the appraisal principle of the “highest and best use of property” came into play, farmers found themselves unable to afford to do anything but sell their farms. Similarly, ***the designation of MSD-2 could be one more step toward ending year-round residency in MSD-2. The added tax burden, already high given proximity to the oceanfront, will compound financial pressure to make the highest and best use of the property. Without any relief, more and more homeowners (vs. investment-property owners who view higher taxes as a cost of doing business) will capitulate and sell out or convert their homes to rental property. Either alternative would require them to move elsewhere.***



Southern Shores has distinguished itself among towns on the Outer Banks in its efforts to balance the interests of year-round residents and non-resident investors who own and operate short-term (vacation) rental houses. The struggle over house size and mini-hotels signaled that the Town's fundamental character was at risk of following the path of other towns on the Outer Banks that have largely abandoned, first, the oceanfront and, then, the westside of the Beach Road as a place for year-round residency. ***Establishing MSD-2 and imposing an inequitable tax surcharge on its property owners would be another step toward eliminating the beach zone in Southern Shores as a place to live year-round.*** To preserve the Town's unique residential character, the only recourse would be to create a new property tax schedule that differentiates among owner-occupied homes, long-term rentals, and houses operated as businesses that offer short-term (vacation) rentals. With these problems in mind, please reconsider the plan to establish MSD-2.

Sincerely,

Handwritten signature of Lynn Usher in black ink.

Lynn Usher

Handwritten signature of Janan Usher in black ink.

Janan Usher



ALTHANS INSURANCE AGENCY, INC.

P.O. BOX 570 / 543 EAST WASHINGTON STREET / CHAGRIN FALLS, OHIO 44022 / PHONE: (440) 247-6422 FAX: (440) 247-2394
www.althansinsurance.com

February 23, 2021

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

Dear Council,

I have been a property owner in Southern Shores since 1982. I have been coming to Southern Shores every year since I was two months old. This will be my 67th year vacationing in Southern Shores.

I am against the proposed Beach Nourishment Project. I have seen these projects in Atlantic City N.J, Virginia Beach and Sandbridge VA, and Fort Myers FL. They are a temporary fix and last two to ten years. Anyone can go on the internet and find this. I realize that you are elected by the property owners at Southern Shores to make decisions on their behalf, but a project of this size should be decided by the property owners of Southern Shores.

I understand there is a public hearing on March 10, 2021. I assume this is open to the people of Southern Shores. Since many of the property owners will be out of town and unable to provide input, I suggest the Village set up a Zoom meeting.

Respectfully,

John S. Althans
8 Bluefin Lane
Southern Shores, NC 27949



Sheila Kane

From: Tim Young <t.young13@outlook.com>
Sent: Tuesday, March 2, 2021 10:12 PM
To: info@southernshores-nc.gov
Subject: MSD

Town Council Members,

I am writing to provide comments for the public hearing regarding the proposed Beach Nourishment Municipal Service Districts.

Your February 12, 2021 newsletter stated "All properties in Southern Shores benefit from a well-maintained beach", but then later in the newsletter state "A municipal service is a defined area within a town where additional property tax is levied to provide projects or extra services that benefit the properties in need in that district."

Dare County adopted new flood insurance rate maps last year and although my home is on the east side of Duck Rd. it is in an zone X. Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2% annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas of 1% annual chance flooding where average depths are less than 1 foot, areas of 1% annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.

It seems prejudicial to arbitrarily make Duck Rd. the dividing line for the proposed service district rather than using the flood zones. The flood zones consider storm surge which is what the beach nourishment project seems most likely to protect against, so it seems more logical to coordinate the service districts with the AE, VE, and X zones.

While a storm surge may get to my property first, the chances are still the same that it will affect a home within zone X on the other side of Duck Rd.. Additionally, being in zone X, the worst case scenario is that my property has a 1% chance of flooding in 100 years and it is being proposed that I should pay an additional tax over that of those with the same chance of flooding simply because I live on the wrong side of the road.

I respectfully submit that consideration is given to aligning the service districts with the flood zones as this seems more fair with respect to which properties would benefit the most from this project.

Thank you for your time and consideration.

Respectfully,
Tim Young
15 2nd Ave.

Sheila Kane

From: Jane Smallwood <jjsmallwood@earthlink.net>
Sent: Saturday, February 13, 2021 11:30 AM
To: info@southernshores-nc.gov
Subject: MSD

Today, I don't know if I will have any beach left to nourish. The ocean has cut away a bank half way up my sand fence. I used to have vegetation 20 ft beyond my sand fence. Today the ocean is coming up all the way!!!!

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

8

Sheila Kane

From: sstockbroker@aol.com
Sent: Saturday, February 13, 2021 5:01 PM
To: info@southernshores-nc.gov
Subject: Sand tax

I think MSD1 is fair up to Hickory given that Ocean BLVD provides a natural boundary and distance. However, north of Hickory, particularly on the Avenues of Seacrest Village, the MSD 1 should include oceanfronts and a minimum of two lots back from the oceanfront homes. I think MSD 2 should be adjusted accordingly. Property owners one or two lots back on the Avenues should share in the higher (MSD1) contribution given their easy access and near equal value and damage vulnerability. In addition, the remainder of the properties outside of 1 and 2 should also be taxed but to a much lesser degree. All property SS owners should have some skin in this game.

So, I believe MSD 1 should be broadened North of Hickory by two more lots (three total).

info@southernshores-nc.gov

Thank you, Charlie Nash, 26 pelican watch Way, Southern shores
757-739-1812

Sent from my iPhone

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

[https://us1.proofpointessentials.com/index01.php?mod_id\[\] &mod_option=gitem&mail_id\[\] 13253646-RohyVdWdKzZB&r_address=fo%40southernshores-nc.gov&report=](https://us1.proofpointessentials.com/index01.php?mod_id[] &mod_option=gitem&mail_id[] 13253646-RohyVdWdKzZB&r_address=fo%40southernshores-nc.gov&report=)

Sheila Kane

From: Karen <kpricectc@aol.com>
Sent: Monday, February 8, 2021 9:48 PM
To: info@southernshores-nc.gov; Tom Bennett; Elizabeth Morey; Jim Conners; Matt Neal; Leo Holland; Cliff Ogburn; Cliff Ogburn
Subject: Re: Beach Nourishment Project in 2022

Dear Mayor Bennett, Town Council, and Town Manager Ogburn,

Please review this letter that we wrote in June 2020 to you concerning beach nourishment and take this information into consideration at the meeting on March 16th. Please remember that the southernmost 1,500 feet of beachfront of Southern Shores has already participated and paid into beach nourishment four years ago. This section of town is attached to the Kitty Hawk beach re-nourishment project. Kitty Hawk's town manager, Andy Stewart, reminded Kitty Hawk council recently that the beach nourishment project completed four years ago requires re-nourishment in 2022 as a follow-up to and continuation of the original project.

Thank you kindly, and please do review the email below sent in June concerning beach nourishment.

Sincerely,
Van and Karen Price
18 Ocean Blvd.

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

From: Karen <kpricectc@aol.com>
To: info@southernshores-nc.gov <info@southernshores-nc.gov>; tbennett@southernshores-nc.gov <tbennett@southernshores-nc.gov>; emorey@southernshores-nc.gov <emorey@southernshores-nc.gov>; jconners@southernshores-nc.gov <jconners@southernshores-nc.gov>; mneal@southernshores-nc.gov <mneal@southernshores-nc.gov>; lholland@southernshores-nc.gov <lholland@southernshores-nc.gov>; manager@southernshores-nc.gov <manager@southernshores-nc.gov>
Sent: Sun, Jun 7, 2020 1:52 pm
Subject: Beach Nourishment Project in 2022

Dear Mayor Bennett and Town Council,

We are pleased to know that the council is considering beach nourishment for Southern Shores as this project will benefit the entire community. As the council will remember in 2017, beach nourishment was a huge success for the town's southernmost 1,500 feet of beach frontage, where only the beach front owners in that 1,500 feet contributed by paying \$5,000 per lot in additional taxes. Thanks to the use of Dare County beach nourishment funds, no other additional taxes were required for anyone else in Southern Shores. This section of Southern Shores was able to piggy back with the beach nourishment of Kitty Hawk in order to save on expenses such as mobilization. The council should remember that this section of beach is scheduled for beach re-nourishment in the near future with the Kitty Hawk project.

Moving forward with this new beach nourishment project, everyone in the town should contribute, and those property owners who have already contributed should be given credit. Funds should be available for beach nourishment from Dare County to assist in this project. It also should be noted that with beach nourishment, should a named storm occur, FEMA will assist in rebuilding the beach back to the pre-storm conditions. Without beach nourishment, FEMA will not be obligated to assist financially.

Southern Shores is a fabulous beach community, and beach nourishment will enable Southern Shores to continue to prosper. Thank you kindly.

Van and Karen Price

Cliff Ogburn

From: Andy Moynahan <atmoynahan@mindspring.com>
Sent: Saturday, February 6, 2021 3:59 PM
To: council@southernshores-nc.gov
Subject: MUNICIPAL SERVICE DISTRICT TWO

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Sirs,

We are writing to express amazement and displeasure at how MSD 2 has been defined.

We own a property on 21 Ocean Blvd that sits on the west side of the major road in our town. The property is not subject to ocean over-wash, it is not in a flood zone and has not flooded in the 30 years that we have lived here. We will get no more benefit from beach nourishment there than we do for our other rental property in Chicahauk.

Our local economy is supported by tourism and everyone benefits from maintaining the beaches. We understand the need to pay for that benefit. Proximity to the beach is a factor in determining property value. We support sharing the burden based on assessed value of property. We also support a higher assessment for ocean front homes. There is no doubt that ocean front property receives a significant and disproportional benefit from beach nourishment when sand is deposited adjacent to their property. That can easily be verified by a review of both rental income and property values. The properties receiving the greatest benefit are located in MCD1. The rest of the town benefits as well.

We do not support the definition of MCD 2.

The properties N of the split on the East side of Duck road have direct access to the beach because they don't have to cross the highway to get to the beach. An argument could be made that they should pay more. However, they will not enjoy the benefit of having sand deposited adjacent to and directly benefiting their property. The properties in MCD 2 south of the split do not have direct access to the beach. There is a noisy, busy and dangerous road between these properties in the beach. Again, this is reflected in both property values and rental income.

We suggest that you drop MCD2 and include those properties together with rest of the town that enjoys shared benefit from Beach nourishment.

Andy & Mary Moynahan
189 High Dune Loop
919 247-0835

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



Cynthia Mills

From: Andy Moynahan <atmoynahan@mindspring.com>
Sent: Tuesday, March 16, 2021 9:56 AM
To: info@southernshores-nc.gov
Subject: MSD

I am resending the message I sent to the town council to the email listed in the meeting announcement. Again, please drop MSD2 and charge property that is not on the oceanfront based on property value.

There are homes on Ocean View loop and Skyline that are closer to the beach access than our property is. Why are we being charged more for the privilege of being located on a busy roadway? If you believe that you need to charge more for proximity to the beach, do so by developing a formula that reflects the value of proximity fairly. Better yet, drop MCD2.

The more we find out about this the worse it gets. The houses that sit on the beach across NC -12 from our rental property are valued 4 times more than ours. they are smaller and do not have pools. The value comes from having the ocean front directly in the back yard. The occupants do not have to cross one of the busiest roadways in the state to get to it.

The Ocean erosion rate in Southern Shores varies from .5 to accretion of .5.

Begin forwarded message:

From: Andy Moynahan <atmoynahan@mindspring.com>
Subject: MUNICIPAL SERVICE DISTRICT TWO
Date: February 6, 2021 at 3:59:05 PM EST
To: council@southernshores-nc.gov

Dear Sirs,

We are writing to express amazement and displeasure at how MSD 2 has been defined.

We own a property on 21 Ocean Blvd that sits on the west side of the major road in our town. The property is not subject to ocean over-wash, it is not in a flood zone and has not flooded in the 30 years that we have lived here. We will get no more benefit from beach nourishment there than we do for our other rental property in Chichahauk.

Our local economy is supported by tourism and everyone benefits from maintaining the beaches. We understand the need to pay for that benefit. Proximity to the beach is a factor in determining property value. We support sharing the burden based on assessed value of property. We also support a higher assessment for ocean front homes. There is no doubt that ocean front property receives a significant and disproportional benefit from beach nourishment when sand is deposited adjacent to their property. That can easily be verified by a review of both rental income and property values. The properties receiving the greatest benefit are located in MCD1. The rest of the town benefits as well.

We do not support the definition of MCD 2.

Handwritten blue ink scribbles and the number 118.

The properties N of the split on the East side of Duck road have direct access to the beach because they don't have to cross the highway to get to the beach. An argument could be made that they should pay more. However, they will not enjoy the benefit of having sand deposited adjacent to and directly benefiting their property. The properties in MCD 2 south of the split do not have direct access to the beach. There is a noisy, busy and dangerous road between these properties in the beach. Again, this is reflected in both property values and rental income.

We suggest that you drop MCD2 and include those properties together with rest of the town that enjoys shared benefit from Beach nourishment.

Andy & Mary Moynahan
189 High Dune Loop
919 247-0835

Andy Moynahan
Professional Engineer
919 247-0835

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Sheila Kane

From: Mark Peters <bluskyav@aol.com>
Sent: Wednesday, March 3, 2021 10:23 AM
To: info@southernshores-nc.gov
Subject: Municipal Service Districts Comments
Attachments: SS MSD1.jpg; MSD1 Hickory.jpg; MSD1 Avenues.jpg

Dear Mr. Mayor and Council Members.

Thank you for all you are doing to make beach nourishment protect and enhance the magnificent Southern Shores coastline. I have studied the MSD-1 and MSD-2 proposals and am writing to offer my opinion on an adjustment.

1. I am not clear if those property owners outside of MSD-1 and MSD-2 will be participating in the taxation earmarked for beach nourishment. It is my opinion that since the beach is the engine that drives the Southern Shores economy, everyone benefits from the Town services afforded by beach tourism. Without the tourism and tax revenues directly or indirectly realized from the tourism, all residents would most likely be paying higher taxes to make up the difference. It is my opinion that those Southern Shores property owners outside MSD-1 and MSD-2 should be taxed at some minimum level.

2. Having owned an oceanfront on Seventh Avenue for twenty seven years, I am very familiar with the ease of access to the beach all houses on the avenues experience. Unlike those west of Ocean boulevard, south of Hickory where there is a road separating them from the beach, those homeowners and their guest on the avenues (1-13) have almost the same ease of access as the oceanfronts. I am particularly concerned that at the corner of Ocean Boulevard and Hickory, four lots back from the ocean are included in MSD-1 yet immediately across Hickory to the north (avenues) the line jogs to only oceanfronts through the avenues.

Please see the attached pictures to see graphic representations my recommendation. I recommend drawing a line northward, essentially extending an imaginary Ocean Blvd, from the north end of Ocean Blvd at Hickory, equidistant from the shoreline, through the avenues to the north town line. That imaginary line would include in MSD 1 three homes back from the ocean (not just the oceanfront) on the Avenues.

Furthering my point, imagine stepping out of a semi-oceanfront (the second back) or the third home back on one of the avenues, it is as easy or easier to access the beach than at Hickory and Ocean where four lots are included in MSD1..

While I am happy to pay my fair share as an oceanfront homeowner, I think it is unfair to include four houses back at Hickory and Ocean and then excuse the houses two and three back (or more) on the Avenues.

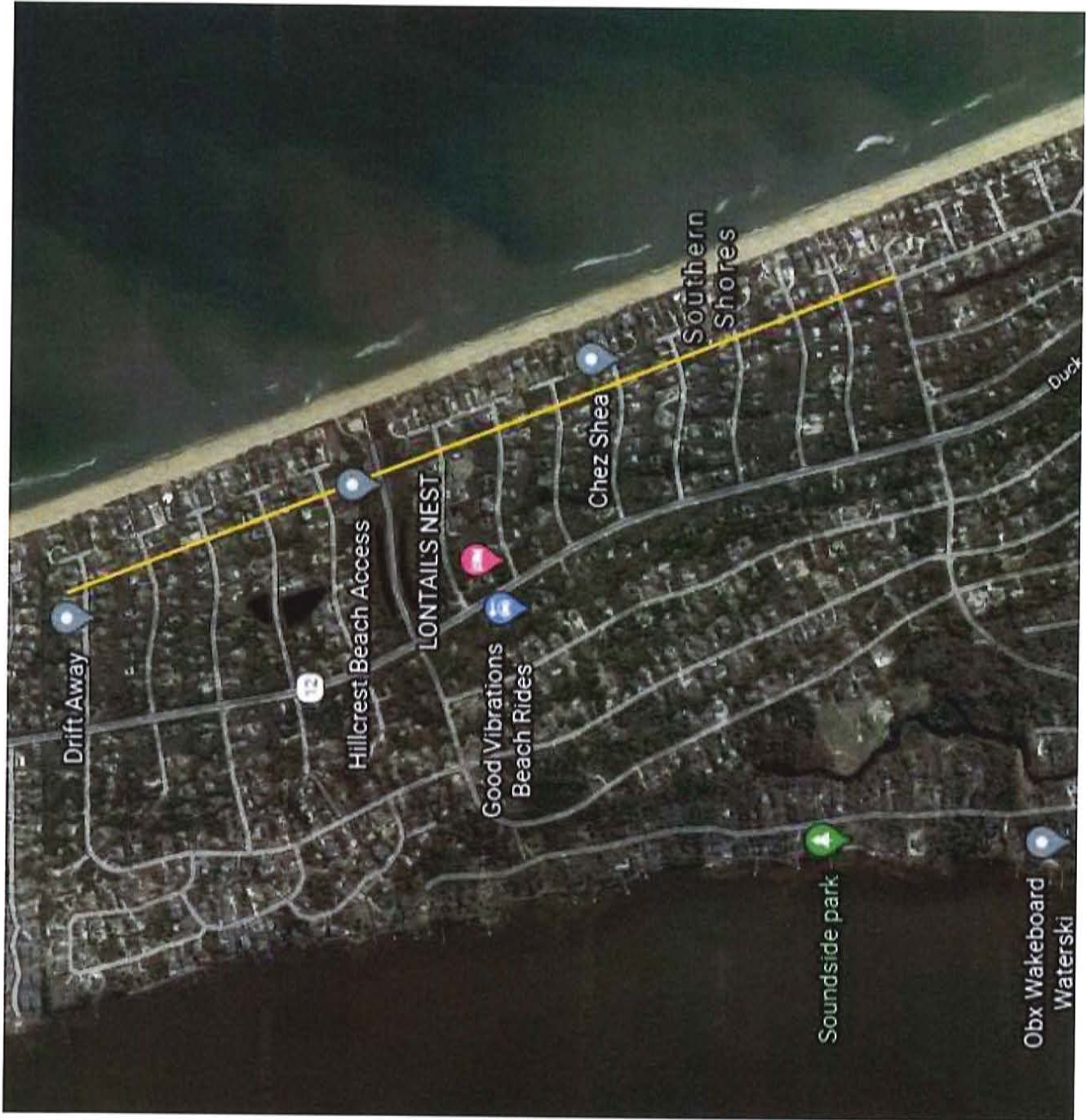
Again, please take a look at the three attached images to see what I am referring to.

Thank you for your consideration of my thoughts.

Sincerely,

Mark E. Peters
#2 Seventh Avenue
Southern Shores, NC
252-261-01234





Drift Away

15

Hillcrest Beach Access

LONTAIL'S NEST

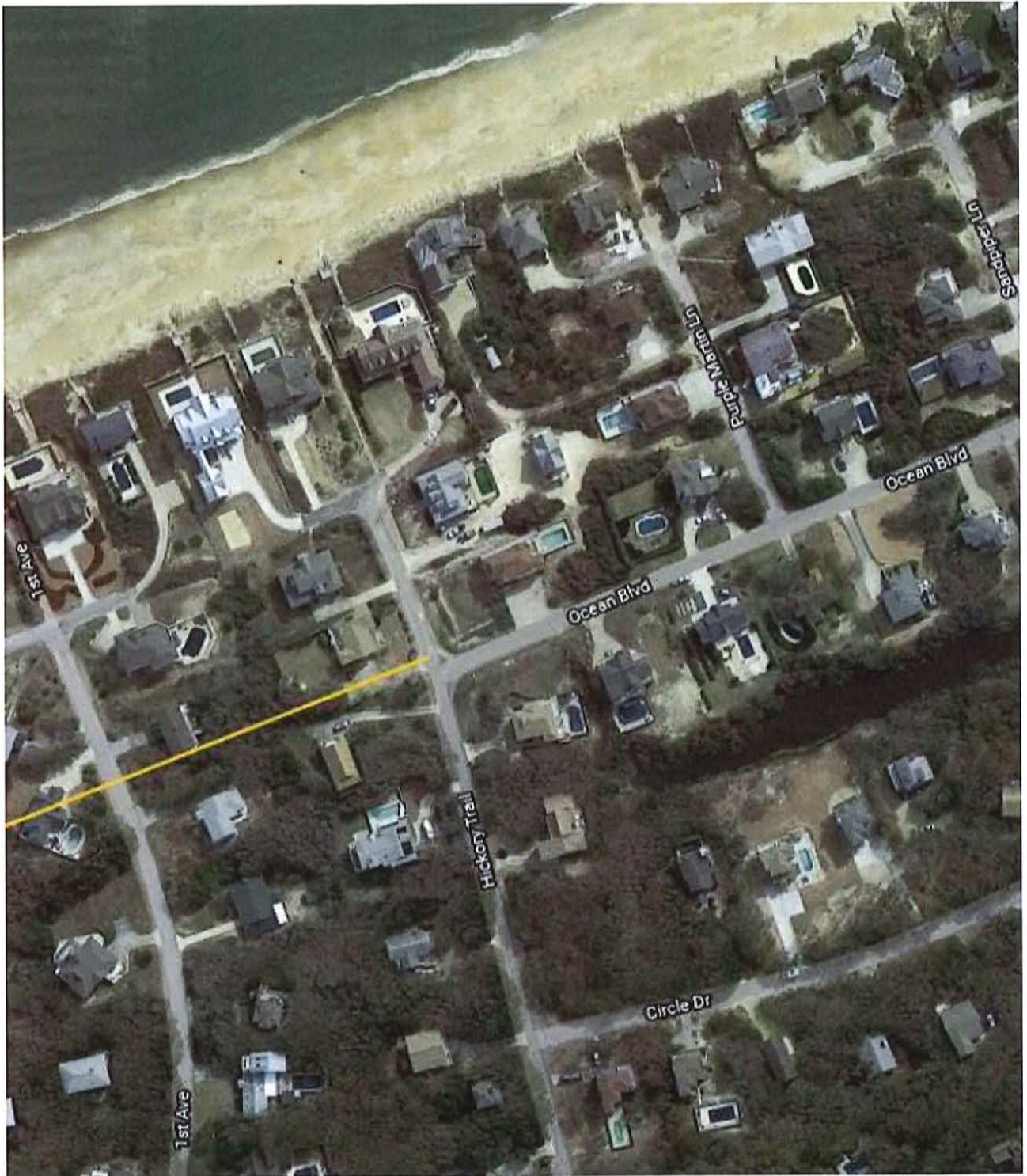
Good Vibrations
Beach Rides

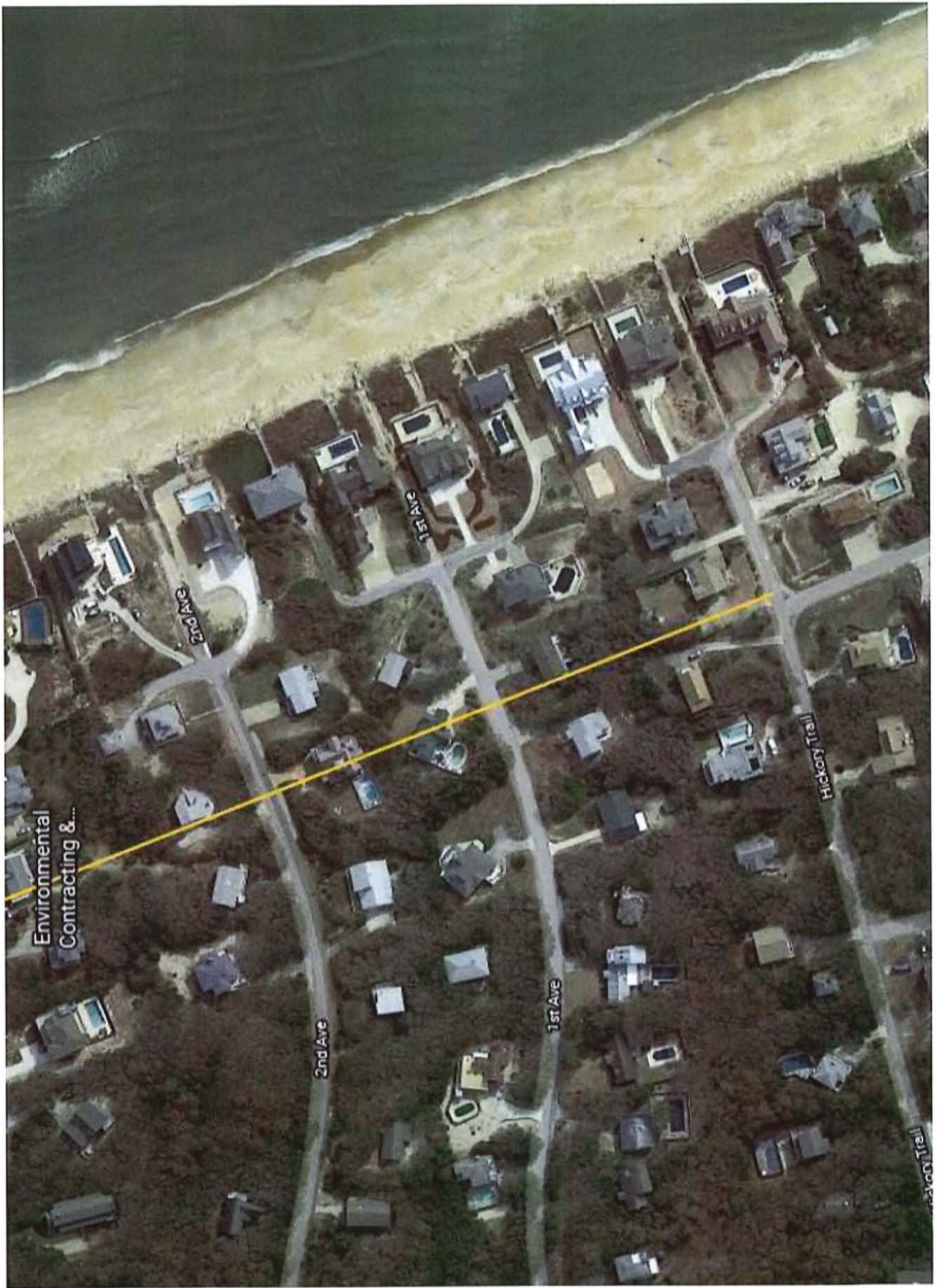
Chez Shea

Southern
Shores

Soundside park

Obx Wakeboard
Waterski





Sheila Kane

From: Michael Johnston <mpjaway@gmail.com>
Sent: Tuesday, March 9, 2021 2:46 PM
To: info@southernshores-nc.gov
Subject: MSD's

I am once again urging you not to create MSD's for beach nourishment. Every Southern Shores resident I have talked to thinks msd's are wrong. They all agree there should be the same tax rate for all property owners. This vote is not just for just beach nourishment. It is for a tax rate increase FOREVER. I cannot find one MSD that has been dissolved. Please do not discriminate against property owners that you perceive are the only ones to receive a " BENEFIT". If you go down this road expect demands to create MSD's for every capital improvement you attempt.

Please reject the argument that " that's what Kitty Hawk, Kill Devil Hills and Nags Head have done". There are no East Southern Shores, Central Southern Shores or West Southern Shores. Just Southern Shores. If the issue were reversed and property owners on the sound and canal needed 15 million dollars to save their property, oceanside owners would have no problem paying their FAIR share. You, the council, need to be fair and not divide this town. The only MSD that is fair is to circle the properties that rent. They directly profit from the beach. If all of you council members lived on the ocean I wonder how quick you would be to create an MSD on yourselves. Do the right thing. Do the fair thing. Forget about MSD's.

Michael Johnston Permanent Resident
1 Pelican Watch Way

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

**TOSS Municipal Service District Proposals
Property Owner Statement
Supporting the Project, But With Conditions**

Our names are Bob and Peggy Moir. We have owned a home at 5 Eighth Avenue in Southern Shores since 1998.

We have read the Town's Beach Nourishment Project Report, its Municipal Districting Proposal accompanying the Clerk's Notice of Public Hearing posted February 3, 2021, and the Town's Notice of Public Hearing posted February 12, 2021. We submit the following comments and recommendations concerning your Proposal:

1. Beach Erosion Control and Protection Works. We generally support the Town's efforts to implement a shoreline management program aimed at mitigating storm damage risk, and maintaining an attractive, useable beach for recreation and wildlife conservation purposes. Reasonable measures to control erosion, diminish property loss exposure, and safeguard the recreational attractiveness of our Town clearly benefit **all** property owners in our community. And without a healthy beach strand, we think property values throughout Southern Shores will, over time, sustain losses.

2. Conditions of Our Support. We have examined the details and structure of your proposed Municipal Districts 1 and 2. While we generally support TOSS efforts to establish a shoreline management program, as indicated above, we are only willing to do so if the Town makes two substantive changes to its Municipal Service Districting Proposal:
 - a. We believe strongly that the western boundary of proposed MSD 2 is not equitably drawn, because it omits numerous properties south of Hickory Trail and west of Ocean Boulevard which are the *same distance* from the beach as included properties north of Hickory Trail. This disparity is plainly evident on your map of proposed MSD 2, which shows a narrow District shape at its south end and a considerably wider shape north of East Dogwood Trail.

We urge the Town to modify its proposed MSD 2 western boundary below Hickory Trail by simply extending a line parallel to the beach and southward to the Town line. Any property eastward of this revised boundary, including any property lying partially eastward of such line, should also then fall within MSD 2 and eliminate the disparity noted above.

We point out, in support of this change, the many beachgoers from properties in Chicahawk using pedestrian crossways along Ocean Boulevard on a typical summer day.

- b. We also condition our support of the Town's proposed Project on creation of a direct mechanism to *ensure* that all or substantially all TOSS properties share in the increased property taxes needed to sustain the Project.

As noted in Comment 1 above, reasonable measures to mitigate beach erosion and safeguard the recreational attractiveness of our Town ultimately benefit all property owners in Southern Shores.

Neither the Project Report, nor the Town's proposal to establish MSD 1 and MSD 2 indicate clearly how non-MSD property owners will participate taxwise in supporting the Project. This Project is a major undertaking for a Town of our size, and given its importance, scope and duration, it is simply unfair to impose all or substantial portions of its associated tax burden only on MSD 1 and 2 property owners.

Accordingly, we urge that the Town create a *third* MSD to include all or substantially all properties lying west of MSD 2, which would participate taxwise in funding the Project, albeit at a lower millage rate increase than contemplated for MSD 1 and 2 properties.

We again underscore, in support of this mechanism, the many beachgoers from properties lying west of Duck Road who frequent TOSS beaches on a typical summer day. Our many years of summer residency put us in a position to observe these patterns, and advocate for the equity of financial participation by non-MSD 1 and 2 property owners in funding your Project.

Lastly, if the concept of a third MSD is not available or workable, we feel strongly that the Town should withdraw its MSD 1 and 2 proposal, and conduct a Townwide Referendum to authorize funding of the Project with General Obligation Bonds.

Thank you.

Bob and Peggy Moir

To: Southern Shores Town Council Members

We would like to take this opportunity to thank the members of the Town Council for their tireless efforts in addressing the need to provide beach nourishment to the beaches of the Town of Southern Shores.

We recognize that the project comes at a cost. We have an ocean front home and will be in Municipal Service District 1 which has the highest proposed tax. We understand that proximity to the ocean brings higher property values, ease of access and convenience for enjoyment of the beaches and should be in the highest taxed MSD. However, we feel that a third MSD is warranted. A third MSD is warranted to differentiate the benefits enjoyed by the properties west of MSD 2 and east of a to be determined western boundary. The western boundary would separate properties west of MSD 2 from properties located in the woods area which are further from the beaches. A third MSD that is taxed commensurate with the benefits the properties in this district derive from their location relative to the beaches. The western boundary for MSD 3 should be established based on factors that include the number of rental properties that are located in the MSD 3 area, ease of access to the beach these properties enjoy and property value effect resulting from their location relative to the beach. The western boundary of a MSD 3 has not be defined in this communication due to insufficient resources at hand to accurately make such recommendation.

We live on 8th Avenue just south of the Hillcrest Beach access so we see how many people walk from west of Duck Road down Hillcrest to the beach as well as the number of cars that fill the parking lot to overflowing, cars which come primarily from the area identified above for inclusion in MSD 3. The properties located in the area identified for MSD 3 enjoy benefits that are less than those included in MSD 2 but exceed those of the properties in the woods areas and as such should contribute commensurate to the benefits received.

The properties that should be considered for a third MSD would have an eastern boundary that begins west of the currently defined MSD 2 properties along Ocean Boulevard beginning at the southern town limit extending north to 137 Ocean Boulevard, and abutting Duck Road beginning at 139 Duck Road extending north to 149 Duck Road. The properties that should be considered for a third MSD from 147 Duck Road to the northern town limit would have an eastern boundary that that consists of those properties that abut the west side of Duck Road.

Respectfully submitted for Town Council consideration.

Trixie and Steve White

4A 8th Avenue

15

Cynthia Mills

From: davemackey3@gmail.com
Sent: Thursday, March 11, 2021 10:37 AM
To: info@southernshores-nc.gov
Subject: MSD comments for public hearing

To the Town of Southern Shores;

The use of MSD's is an inequitable method of funding beach nourishment. The town rationale for forcing owners closest to the ocean to carry a disproportionately high share of the cost is arbitrary. This decision ignores the many other benefits the beachfront brings to the entire town. For example:

- Vacation rental properties west of the Duck Road benefit from the beach because they generate significant revenue for their owners, yet they are excluded from the MSD's.
- Beachfront rental investors benefit from the beach because they generate up to six-figure revenues, yet the MSD model treats them as equal to the owners who generates no revenue.
- Resident business owners benefit from the beach by building, selling and servicing homes in the MSD's, yet they contribute disproportionately less to beach nourishment when living outside the MSD's.
- All full-time residents benefit from the beach because the property taxes contribute significantly to the town tax base, yet most live outside the MSD's.

Many benefits can be attributed to the beach for residents and second-home owners alike. Assigning a "value of the beach" to an individual property is already accomplished through the property tax assessment system, and attempting to modify that value for a special project is unreasonable when the project benefits the entire town. I've heard the argument of the "other towns having used MSD's for beach nourishment", and that is rarely a sound argument for any decision.

The engineering study showed only one small section of the beach needs attention. If town officials genuinely believe this nourishment project is a necessary expense for the entire town, then the town should be willing to absorb the cost fairly across all properties based on the current property tax assessments rather than disproportionately pushing the costs towards second-home owners.

Thank you,
Dave Mackey
218 Ocean Boulevard

Dave Mackey
803-403-3388
Davemackey3@gmail.com

16

Cynthia Mills

From: bonnie anderson <bejanderson@yahoo.com>
Sent: Friday, March 12, 2021 12:41 PM
To: info@southernshores-nc.gov
Subject: MSD

Dear Mr Mayor and Council

Our town is a beach town and everyone can use the beach. The town benefits from all the rentals across the board, so it is our belief that any increases should be on everyone. Equal distribution for beach nourishment.

Bonnie and John Anderson
6 Yellowfin Lane

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

17

Cynthia Mills

From: Paul Borzellino <paul.borz@gmail.com>
Sent: Monday, March 15, 2021 12:36 AM
To: info@southernshores-nc.gov
Subject: MSD

This email is from Paul Borzellino
16 Seventh Av SS
540-272-4949

MY COMMENT FOR PUBLIC HEARING
MARCH 16TH 2021 5:30PM

I have spoken to you and emailed you numerous times concerning BEACH NOURISHMENT. This email pertains to funding the beach nourishment project to be constructed 2022.

First, thank you for proceeding forward with such an important project for the future of Southern Shores. This project will protect the most important resource of our town...our beach. The resource that gives our town its name: Southern SHORES.

Because this resource is so important to ALL property owners (NOT JUST OCEANFRONT PROPERTY OWNERS) I respectfully recommend THAT ALL PROPERTY OWNERS OF SOUTHERN SHORES be taxed at the same rate to finance the project. Because this would be a percentage of assessed property value the taxed amount would be prorated according to property value. This is a non biased recommendation from me because I am not an oceanfront property owner. I recognize this to be an unpopular recommendation (maybe some would say it is radical) and because of that unpopularity it would take courage for Council to decide such an action but I ask that you at least consider this idea by having staff calculate how much cost this would be to property owners and determine if this idea is a better plan than the MSDs concept. To support this idea I present the following:

1. Beach nourishment preserves the beach which brings tourists' money which reduces taxes for ALL PROPERTY OWNERS.
2. Beach goers are not just oceanfront and close to oceanfront property owners. For evidence look at the crowded beach access parking lots during summer months, at Chicahawk, Triangle, and Hillcrest.
3. The Town does not tax at a higher rate for police response/protection if a property owner utilizes such service more than other property owners because of a house break in.
4. The Town does not tax at a higher rate for fire response to a property owner that has a house fire.
5. The Town does not tax at a higher rate for property owners on a street that needs repair.
6. The Town does not tax at a higher rate for properties on the canals when the canals need dredging.
7. The Town/County does not tax at a higher rate for residents that have children attending public schools.
8. The Town does not tax at a higher rate for residents who utilize the multi purpose trails to walk, run, bike, etc.
9. The Town will not tax at a higher rate for residents on Dogwood, Sea Oats, Hillcrest, etc. for future improvements to reduce cut through traffic.

There may be other examples of this concept of sharing costs regardless of who utilizes the services more or less or even not at all. Sharing costs is a concept that makes communities healthy and strong. Beach nourishment is a benefit to ALL SOUTHERN SHORES PROPERTY OWNERS.

I would also ask that you consider some contribution to this project from businesses in Southern Shores and directly from the tourists who visit our Town.

Thank you for considering my recommendation.

Paul Borzellino
16 Seventh Av
Southern Shores
540-272-4949

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Cynthia Mills

From: Frank Sciacchitano <fssbklyn@yahoo.com>
Sent: Saturday, March 13, 2021 10:10 AM
To: info@southernshores-nc.gov
Subject: MSD

Re: Municipal Service Districts (MSD)
Hearing Scheduled for March 16th.

My wife and I have been residents of our beautiful beach town for just shy of fourteen years. When we first purchased our home on Wax Myrtle, our taxes were approx. \$1700 - now our taxes are over \$3300. In the interim, we paid or were taxed for the Canal Dredging Project which was supposed to be short term tax increase. The increased taxes were never rescinded or decreased.

Now with the Beach Nourishment Plan, we are expected to pay for sand "valued" at \$14-16 million. In 1947, Frank Stick purchased the entire "Southern Shores" 2,600 acres (about four square miles) for \$30,000. The four mile beach sand has never been "nourished" during the 74 years since Frank Stick's initial purchase. Between Dare County and the T.O.S.S. you would think that the officials responsible would have been putting money aside from the millions of dollars of revenue each year for this purpose. There is a Dare Country Beach Nourishment Fund set aside for this purpose.

Initially, we were told that this would be a one-time tax. Now, it appears that you plan on doing a "nourishment" every five years. Do you plan on raising

our property taxes every five years?

I am retired...I retired from Aetna Life & Casualty where I served as the National Director for Finance & Planning. Prior to my retirement I was a Vice President of Marketing and Field Operations. I was responsible for a \$17 Billion dollar budget. More importantly, I worked on the premise that you can only expense monies you earn. In a business that was dictated by profit margins, we simply **never** spent more monies than we earned. We were responsible to our insureds, our shareholders, and our employees.

You, collectively, know all the facts. You already know that an increase in property taxes is the easy way out. You should be holding the Dare County and T.O.S.S. Business Managers responsible to a balanced budget. A balanced budget (particularly that of a government, including a County and Town government), refers to a budget in which revenues are equal to expenditures. Thus, neither a budget deficit nor a budget surplus exists, i.e., the accounts "balance."

Direct the County and Town Managers to make appropriate cuts in other areas and to reallocate funds to priority issues. Make sure you Managers fully understand their respective roles in the equation, i.e., you can only spend the money you have. You can not just tax people every time a project comes up. Direct the Managers NOT to overspend which has an adverse effect on taxpayer property taxes and results in necessitating a tax increase.

It's really a simple equation...you only spend the money

you have from revenue. Please reject the idea of generating another property tax increase. Utilize the money you have from the Dare Country Beach Nourishment Fund and deplete those monies for areas in the greatest need for sand. Don't increase our property taxes because you don't have enough money in the Beach Fund.

But don't keep taxing residents - you are killing the Goose who lays the Golden Eggs. When you completed the initial beach nourishment in 2017 - you had the home owners of Pelican's Watch pay for the sand. Why not consider having all the property owners who rent their properties out (who offset their taxes by increasing their rental charges) pay for the majority of the cost just as you did at Pelican's Watch.

If you go to MSD, consider a "discount" for all full-time residents as a "Third Level" of MSD who DO NOT rent out their properties. Full-time residents are the core who support the T.O.S.S. Investors who purchase properties down here from up North and use our beaches as an "amenity" to "sell" their rentals should be paying the majority of cost of beach nourishment.

Peace,

Frank Sciacchitano

Cynthia Mills

From: Lorelei DiBernardo <Ltd32@charter.net>
Sent: Monday, March 15, 2021 8:45 AM
To: info@southernshores-nc.gov
Subject: MSD

Southern Shores Town Council & Manager,

I have some concerns and questions about the proposed Municipal Service Districts (MSD).

The map clearly demonstrates that the Northern end of Town is proposed to pay for the bulk of this project. Yet you state that "all properties in SS benefit from a well-maintained beach," which is true and I entirely agree with that statement. The proposed MSDs should reflect that "all", assessing increased costs more equitably.

Ideally Beach Nourishment costs should be spread equally over the entire town, north to south, not weighted more heavily in one (northern) section. All areas and streets – Ocean to Dunes to Maritime Forest to Sound - benefit from healthy beaches. Yet you draw the line along Route 12, which is an obvious division through town, (with the single exception being the properties along the west side of Route 12 from the southern end of town to the Triangle). Using Route 12 as the dividing line is easy, but heedless to the need for equity.

With properties east of Route 12 paying the higher rates and those west of Route 12 paying less (with the above noted exception) the northern end will pay a far higher percentage of the increased taxes. I'm sure you have run the numbers. Specifically at the northern end of town there are 13 properties between the ocean and Route 12 on Thirteenth Ave (26 if you count both sides of Thirteenth Ave) and there are only 2 rows of properties in the MSD on the southern end of town. 13 vs 2 seems amazingly unbalanced. I cannot see the justification for that; it simply is not fair.

Examples of this disparity exist throughout town, another one being that properties on Ocean View Loop are much closer to the beach than those at the western end of Thirteenth Ave. But Ocean View Loop properties are not included in the MSD, and all of Thirteenth Ave is.

Another seeming inequity is the proposed District 1. For the majority of the town, District 1 is made up of Ocean Front properties, which seems right. The exception is the Pelican Watch section and the Mockingbird /Sand Piper /Purple Martin streets. Although many properties in these sections are not ocean front, they are included with the District 1 Ocean Front district. If you determine that there is a need to include 3 – 4 properties back from the ocean in District 1 in order to fully fund this project, you should be more consistent and fair in your approach.

I'm hoping someone can explain these apparent inequities to me or develop a more thoughtful approach to this very important issue.

BTW I am not coming at this as a property owner effected by the proposed MSD, but as a resident observer anxious that it be done fairly.

Thank you and I look forward to your response.

~ Lorelei DiBernardo
32 Ninth Ave W

Southern Shores Beach Nourishment
Comment

Thank you for the opportunity to comment on the proposed beach nourishment project.

Before taking the divisive action of segregating the Town into 'tax by benefit districts', I encourage you to consider the attraction and the economic driver for the town. Obviously, "the beach" is the attraction and drives the economy of our town. Our town's "trade" is the beach. The entire town of Southern Shores is the beneficiary of beach nourishment.

I do not own property on the ocean or oceanside but I can't deny that the entire community is the beneficiary of the beach. If an oceanfront home gets washed away or the beach ends up a few feet in front of Ocean Boulevard, the entire community loses. Oceanfront homes generate significant income for the Town. They already pay more in taxes, flood insurance, and risk mitigation. Consider the return for the entire town? Do tourists, who generate the revenue that benefits all Southern Shore residents, come here to rent a house on Bayberry Lane? Do they come here to not view or visit the beach? When homes are rented on the west side of Duck Road are they not renting with intent to use the beach? Are they also not a beneficiary of a stable beach?

Finally, if you do proceed with the division of the town the assumed "beneficiaries" of this project need a more scientific explanation as to why they specifically are determined to be a beneficiary or "in need." I would propose using flood hazard and topographic data, the most recent FEMA flood map, DFIRM and using distance measurements from the ocean and identifying the vulnerability of each property affected by the proposed tax. This would provide better reasoning than arbitrarily using a man made road to distinguish ecological benefits. It appears indefensible that a property in flood zone X, elevated an additional 9 feet, a quarter of a mile from the ocean but on the east side of Duck Road, benefits any more than a property on the west side of Duck Road, farther south, that is actually closer to the ocean and built at ground level. In determining the risk and need of a property, consideration should also be given to the risk mitigation strategies inherent with that property. Is the house elevated or built at ground level? If built on pilings does the property have a ground floor? Was it designed to withstand extreme conditions? Does it allow for water to wash under the structure? Is the house on a stable foundation? Etc. Obviously this is not as simple as drawing an arbitrary line but then the assessment would not be as capricious as it appears to be in the current proposal.

Robert Vanderspiegel

Cynthia Mills

From: Molly Moynihan <molly.moynihan@verizon.net>
Sent: Tuesday, March 16, 2021 10:23 AM
To: info@southernshores-nc.gov
Subject: Beach

My family has owned ocean front property in Southern Shores since 1964. We built our house in 1967. Even then, our neighbor, Pete Peterson, a retired physicist was taking measurements of ocean temperature and beach size. He was early to recognize the possibility of global warming and was trying to measure its effects.

In sixty years I must say I have not observed a great deal of change on the beach until the first replenishment. That effort decidedly changed the beach contour. While replenishment did not occur on our beach, the ocean itself was like more Southern beaches as the sand swished around. You had to walk out 50 yards in knee deep water to the breakers. The Outer Banks have enjoyed the best ocean swimming on the East Coast, but not for a few years as a result of the shifting sands from the replenishment.

I don't mind increased taxes for projects that make sense. But moving sand to fight nature is pouring tax dollars straight into the ocean. I have watched the wild Outer Banks I knew as a child change from a windswept spit of land. The maritime forests have been cut down, the beach grasses replaced by shrubs and pines and the wetlands that provided natural protection paved over.

Personally, if we want to act as long time stewards of this town, I'd recommend we take the proposed tax money and invest it to become the greenest town on the Outer Banks. We should use solid science about how best to create a sustainable community and do it tomorrow.

My house has never suffered any storm damage. Not even a shingle off the roof. Let's look at designing homes and building codes to keep houses safely by the beach. Much of our flooding comes from the bay not the ocean. Let's get engineers to tell us how to protect our sound side from flooding by restoring natural wetlands.

In short, this tax money is better spent on sustainability. Moving sand every five years is about the least sustainable thing I can imagine. I strongly urge that we reconsider the whole project. We are going to need to change. Let's use the money now to change to a community that can thrive for another 60 years.

If we must move forward, I do not support the dual zone taxing. The entire community benefits from the beaches and I think it creates an artificial distinction. It makes sense to me that we should all be equally invested. Further many of the houses closer to the ocean are rentals while those off the ocean are longer term residents. On the one hand, we already generate significant tax income from taxing our vacationers. On the other, part time residents don't object to taxes for services most of us hardly use. It's a pretty small town to start making these kinds of distinctions.

Molly Moynihan
14th Avenue
Southern Shores

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=1&mod_option=gitem&mail_id=15904561-S2trIHqInLXL&r_address=fo%40southernshores-nc.gov&report=



Cynthia Mills

From: Staci LeBlanc <sleblanclaw@gmail.com>
Sent: Monday, March 15, 2021 7:46 PM
To: info@southernshores-nc.gov
Subject: Beach Nourishment Public Comment

I attended a public meeting last year on the beach nourishment project, and I have been looking on your website to find out if ALL of the Southern Shores streets will be included in the project. At one point there was not going to be nourishment to the beaches located above 6th Avenue. We live on 10th Avenue and would very much like our beach to be included. I know the meeting on the 16th is to discuss financing the project, but I would like to know if the Town has decided to complete nourishment including 7th - 13th Avenues.

Thanks for your assistance,
Stacia Le Blanc

--

Stacia Davis Le Blanc
(703) 989-3833
sleblanclaw@gmail.com

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



Cynthia Mills

From: Brian Spittle <eyeman@gmail.com>
Sent: Tuesday, March 16, 2021 9:59 AM
To: info@southernshores-nc.gov
Subject: MSD

Hi,

As an owner in Southern Shores (29 Ocean Blvd), I have read your proposal and do not understand why and disagree that a benefit to "all" should become the financial burden for a few. If all Southern Shores owners benefit from the tax relief derived from tourism, then all owners should share in the burden of catering to the hand that feeds us.

As such, it is my recommendation that the proposal be changed to a fair burden. Skew the tax benefits to those who have a higher share of the burden or share the burden with those who enjoy the tax benefits.

Thank you,
Brian Spittle

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

24

Cynthia Mills

From: Fred Newberry <fnewberry@comcast.net>
Sent: Tuesday, March 16, 2021 1:18 AM
To: info@southernshores-nc.gov
Subject: Comments on Public Hearing for Two Proposed MSDs

Council,

Please consider our comments on the two proposed Municipal Service Districts (MSDs) that you are considering during the Public Hearing at 5:30 P.M., March 16, 2021.

We recommend there be only one MSD (MSD#1) and it should include only ocean front properties. MSD #2 as defined in the MSD Report should be eliminated and the following factors should be considered:

- Ocean front property owners will receive the most benefit from any beach nourishment project.
- Ocean front property owners have the most control over their ocean front, that the rest of Southern Shores property owners lack, including the ability to preserve their dunes with erection of sand fences and planting of vegetation.
- Property owners one house back from the ocean as well as all others located East of Duck Road do not have the same benefits as ocean front property owners. Their benefits are the same as property owners West of Duck Road and they should be included in that group.
- Ocean front property owners should pay a much higher tax rate for preserving their properties and all other Southern Shores property owners should pay a lesser amount.

In summary, there should be only one MSD that will include ocean front property owners only and they should pay a higher tax amount to finance beach nourishment projects to protect their property. All other property owners should share in the expense for beach nourishment projects, but at a much lower tax rate than ocean front property owners.

Thanks for your consideration.

Fred and Debbie Newberry

267 N. Dogwood Trail



This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Cynthia Mills

From: Larry Lambroff <styrofoamman45@cox.net>
Sent: Tuesday, March 16, 2021 10:41 AM
To: info@southernshores-nc.gov
Subject: MSD

Follow Up Flag: Follow up
Flag Status: Flagged

This is a comment regarding the proposed sand replenishment in Southern Shores.

My husband and I have owned property in Southern Shores since 1976, and have built 2 cottages. We presently have a beach house at 198 Duck Road. We use the beach on Dogwood Trail. We have watched year after year for the past 45 years, how Mother Nature takes away sand, and then she replenishes the sand, but the beach is always there year after year. Even if the proposal is approved, Mother Nature will continue to give and continue to take away, taking with it the millions of dollars worth of sand we as taxpayers will have paid, (some of us will have paid more than others) This has happened after other beach replenishments were done. The owners that build homes right on the ocean, know the risks of building there. Yet they choose to take their chances.

If this proposal is passed, and I feel like council has already decided, regardless of how we home owners feel, the additional tax assessments to pay for it is completely unfair. Why should those who have property closer to the beach be assessed more depending on value of property and location of property!! We don't use and enjoy the beach anymore than those who live on the sound side from Duck Road to the sound!! During the summer the parking areas on Dogwood Trail are packed with cars of people who live on the opposite side of Duck Road coming to enjoy the beach. So, do a town-wide assessment to pay for this. This is the only fair way to pay, then EVERYONE can complain when we see our taxes used for this sand replenishment being taken away by nature..and it will!!!. Those of us who are fortunate to have a summer home, have worked long and hard to save to enjoy our home and the beautiful beaches of the OBX. You're going to tax us so high that we're not going to be able to afford having a second home. Use our taxes to pay for funding our firehouses and our police force, keeping our roads updated, keeping the beach accesses safe. Not bringing in millions of dollars worth of sand that won't be there after the next big storm.

Listen to the people that live in your town. Many of us are retirees that now can come more often and enjoy the beaches, or have chosen to move here. We love our town and want what's best for it, this proposal is not it!!

This is an unneeded project!! We vote NO!!!!

Larry and Carolyn Lambroff
Sent from my iPad

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=15905665-cq00ggqIFqEP&r_address=fo%40southernshores-nc.gov&report=



Cynthia Mills

From: Michael McCarron <mmdm@stmva.org>
Sent: Tuesday, March 16, 2021 8:09 AM
To: info@southernshores-nc.gov
Subject: MSD

Included a signatory in this one:

Blessings! I would like to register my form opposition to this beach nourishment plan.

As a property owner on 1st Avenue in Seacrest Village since 1978 I have waited for the time to retire in Southern Shores. Now as that time approaches I am in danger of being taxed out of the possibility! I am not alone.

Many of us do NOT rent, and so the fiscal advantage of a wide beach is non-existent. Moreover, at our portion of the beach, it is unnecessary. The beach has not experienced an overwash in Southern Shores since 1962, and the dune system is far more stable now than then. The beach is wide enough here.

It is unfair to raise my taxes, funds to be taken from a fixed income, under the presumption that I benefit from the beach any more or less than ANYONE in Southern Shores. We all use the beach in the same fashion I do.

I oppose this project on general principal, I mentioned at the first public meeting on this subject, that the partial beach nourishment proposed for Pelican Watch, was simply the beginning of the broader project. It is a project that is never ending and will be ongoing and expensive for the rest of the town's history.

That being said, I believe this to be already decided. Therefore,

I propose that this increased tax to make up short fall in this plan be attached to rental income. Let those who benefit fiscally from the beach fund this project.

Please do not tax me out of the property I have so long cherished.

Msgr Michael D McCarron KCHS
13 1st Avenue
Southern Shores North Carolina



Cynthia Mills

From: carnell boyle <20toadhall@embarqmail.com>
Sent: Tuesday, March 16, 2021 12:10 PM
To: info@southernshores-nc.gov
Subject: Msd

Will commercial entities be subject to the tax increase? If no, why not? They are the biggest beneficiaries of tourism dollars.

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1615911077-8w345hnyMtJh&r_address=info%40southernshores-nc.gov&report=1

28

Cynthia Mills

From: Matthew Wiles <wiles.matthew.a@gmail.com>
Sent: Tuesday, March 16, 2021 1:35 PM
To: info@southernshores-nc.gov
Cc: stampors
Subject: Fwd: Southern Shores Beach Nourishment Feedback

Dear Southern Shores Town Council,

Ahead of tonight's Southern Shores Council meeting, as non-resident property owners we would like to reiterate our opposition to using an increase in property taxes to support dredging and beach nourishment. Please reference our comments below that we have shared with the council previously.

Best Regards,
Matthew Wiles, P.E.

Registered Agent - Wiles Three LLC

1025 Shuman Street

Winston-Salem, NC 27101

wiles.matthew.a@gmail.com

336.239.9273

Wiles Three LLC

Allen Wiles, Isla Wiles, Matthew Wiles

39 9th Ave

Southern Shores, NC 27949

----- Forwarded message -----

From: **Matthew Wiles** <wiles.matthew.a@gmail.com>
Date: Tue, Jun 9, 2020 at 7:41 AM
Subject: Southern Shores Beach Nourishment Feedback
To: <info@southernshores-nc.gov>
Cc: stampors <stampors@comcast.net>

99

Dear Southern Shores Town Council,

As non-resident property owners, we would like to respond to the call for inquiries about consideration of the beach nourishment project proposed in Southern Shores NC.

We do NOT support the beach nourishment project for multiple reasons and specifically reference the data and comments included APTIM's report ("APTIM_Beach-Update_to-Southern-Shores_2019_09_17". These are briefly listed below.

-Based on the data presented in Slide 6, it is questionable that there is a short-term beach erosion problem. Of the 6 areas studied, only one had significant erosion (Transition Area) during the study period, four of the study areas actually gained sand over the study period.

- We question the statement made on slide 3 "Stated Goals of Beach Management Plan – maintains a healthy beach that supports valuable shorebird and sea turtle nesting habitat". As nature lovers we strive to minimize the impact to our local environment. We question the statement from the perspective – what ecological impacts are resultant from the dredging process itself? Although adding more sand to the beach may be beneficial to some species, how does the removal and replacement of sand impact other local air, land, and water-based species? What impacts do the dredging process have on water quality and CO2 release?

- Throughout history, the dynamic nature of the OBX shoreline (including beach erosion and land movement) has been clear and is part of the raw beauty of this area. We question the long term effectiveness/sustainability of beach dredging and nourishment.

We do NOT support the funding of beach nourishment via increased property taxes. We think the beaches at Southern Shores are adequate for our and our neighbors' needs at this time. Although the timing is beyond the control on the planning council, the idea of significantly increasing our property tax after being limited to travel to our homes from March 17 to May 7 in 2020 is offensive. During this time period we were prohibited from traveling to our property while still expected to maintain our tax commitments, which effectively increased our per diem tax rate. As NRPOs who do not rent our home, we cannot simply pass along an increase in our tax commitment to seasonal renters. We do NOT support increasing our tax commitment at this time.

Sincerely,

Matthew Wiles, P.E.

Registered Agent - Wiles Three LLC

603 Lockland Ave

Winston-Salem, NC 27103

wiles.matthew.a@gmail.com

336.239.9273

Wiles Three LLC

Allen Wiles, Isla Wiles, Matthew Wiles

39 9th Ave

Southern Shores. NC 27949

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Cynthia Mills

From: John Price <johnprice@m3cable.com>
Sent: Tuesday, March 16, 2021 2:01 PM
To: info@southernshores-nc.gov
Subject: Beach Nourishment Input from John Price - 176 Ocean Blvd.

To the Mayor and Council Members of Southern Shores:

My wife Debbie and I own 176 Ocean Blvd. and will attend tonight's meeting via Zoom. We are very supportive of this initiative and hope you are as well. I understand that there is a proposal under consideration to establish 2 districts within Southern Shores to help assess the share of expense across all residential and commercial property owners in Southern Shores, we feel that this may be too simplistic to have 2 zones and recommend 3 or 4. We don't rent our home but we recognize the value of our beaches to so many owners in southern shores.

I don't know what percentage of the roughly 950 homes in the town that rent but I would assume the percentage is high and should be considered when delineating districts.

We understand that as ocean front owners our contribution will be higher, however we also feel that the costs should be spread to all owners. When you look at the income produced by rental homes or the cost of acquisition of homes, the distance or convenient access to the beach is reflected in rent or sale price, we feel the contribution to this project should be as well.

Some possible considerations of districts:

- Ocean Front
- Ocean View
- Proximity to Public Beach Access and Parking
- Distance to the beach
- Importance to rental income

Let's all remember that most people buy and rent in Southern Shores for the beach.

Sincerely,
John Price
President and Owner
Multifamily Media Management, LLC
johnprice@m3cable.com
30903 Viking Pkwy, Suite B
Westlake, OH 44145
Office 440-788-4300
Fax 440-617-6732
Mobile 404-402-5098
www.m3cable.com

30

Sheila Kane

From: Daniel Mace <danielmace@hotmail.com>
Sent: Saturday, February 27, 2021 3:36 PM
To: info@southernshores-nc.gov
Subject: MSD

How can you say and I quote:

“All properties in Southern Shores benefit from a well-maintained beach. Due to the revenue that tourism generates, each Dare County resident enjoys tax relief of \$3,147 annually. We depend on the beach to keep our economy strong.”

Then you want to charge a selected few for the Beach Nourishment Project. All homeowners in Southern Shores benefit from a well maintained beach so all homeowners in Southern Shores should be assessed whatever it takes to keep our shores protected.

Dan & Barbara Mace
Property Owner In District 2 since 1983

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

(5)

Sheila Kane

From: meredith snider <meredithksnider@gmail.com>
Sent: Friday, February 26, 2021 11:55 PM
To: info@southernshores-nc.gov
Subject: MSD

Hi,

I live in Southern Shores and read this article (copy and pasted below) a few weeks ago and immediately thought of our town. The Biden plan hasn't passed yet, but if it does, it could provide major financial support for the beach project.

Please take the time to read the article so we don't miss out on this opportunity. The main point is this:

" The BRIC program was created in the aftermath of the brutal disaster season of 2017, when the United States was struck in quick succession by Hurricanes Harvey, Irma and Maria, as well as wildfires in California that were then the worst on record. Federal disaster spending skyrocketed.

A few months later, federal researchers reported that for every \$1 the government spent to protect a community before a disaster, it saved \$6 later. In 2018, Congress created the program to take advantage of those savings by providing more money upfront. The first grants were set to be awarded this year.

If the Biden White House approves the plan, it may find allies in Congress, even among Republicans.

Using Covid funds to increase that money has received bipartisan support in Congress in the past. In October, Representative Peter A. DeFazio, the Democratic chairman of the House Committee on Transportation and Infrastructure, which has jurisdiction over FEMA, sent a letter to the agency urging it to use the Covid money.

That letter was co-signed by Representative Sam Graves, the top Republican on the committee. But FEMA was unable to get permission from the Trump administration's budget office, according to former officials.

The new money would present some challenges, according to people familiar with the program. State and local governments must provide 25 percent of the cost of any projects, an particularly significant hurdle as the economic downturn from Covid has devastated government budgets. And those officials would need to devise projects on a large enough scale to make use of the new funds.

Still, the extra funding is worth pursuing, said Mr. Kaniewski, the former FEMA official. "The more mitigation dollars, the better," he said. "This is about as good of a taxpayer investment as you can find."

New U.S. Strategy Would Quickly Free Billions in Climate Funds

Emergency management officials aim to funnel up to \$10 billion into preventing climate disasters. The plan "would dwarf all previous grant programs of its kind," one analyst said.

Jan. 25, 2021



WASHINGTON — Federal officials, showing how rapidly the Biden administration is overhauling climate policy after years of denial under former President Donald J. Trump, aim to free up as much as \$10 billion at the Federal Emergency Management Agency to protect against climate disasters before they strike.

The agency, best known for responding to hurricanes, floods and wildfires, wants to spend the money to pre-emptively protect against damage by building seawalls, elevating or relocating flood-prone homes and taking other steps as climate change intensifies storms and other natural disasters.

“It would dwarf all previous grant programs of its kind,” said Daniel Kaniewski, a former deputy administrator at FEMA and now a managing director at Marsh & McLennan Companies, a consulting firm.

The FEMA plan would use a budgeting maneuver to repurpose a portion of the agency’s overall disaster spending toward projects designed to protect against damage from climate disasters, according to people familiar with discussions inside the agency.

ADVERTISEMENT

Continue reading the main story

In the past year FEMA has taken a leading role in fighting Covid-19 — and the agency’s plan is to count that Covid spending toward the formula used to redirect money to climate projects. Doing so would allow the Biden administration to quickly and drastically increase climate-resilience funding without action by Congress, generating a windfall that could increase funding more than sixfold.

Michael M. Grimm, FEMA’s acting deputy associate administrator for disaster mitigation, said the agency’s initial estimates suggested that as much as \$3.7 billion could be available for the program, called Building Resilient Infrastructure and Communities, or BRIC. By comparison, that program so far has just \$500 million to award in grants.

More of that \$3.7 billion “may be forthcoming,” Mr. Grimm said in a statement.

But the amount of new money could potentially climb to as much as \$10 billion, according to some estimates, if FEMA also decided to count Covid dollars toward a similar fund, the Hazard Mitigation Grant Program, designed to help communities rebuild after a disaster. Mr. Grimm said the decision to provide that funding has not yet been made.

Editors’ Picks

This 105-Year-Old Beat Covid. She Credits Gin-Soaked Raisins.

On ‘S.N.L.’, Fictional Britney Spears Seeks Apologies From Cruz, Cuomo and Carano

The Golden Globes’ Biggest Winner May Be the Group That Hands Them Out

Continue reading the main story

Image

President Biden at the White House on Friday.Credit...Anna Moneymaker for The New York Times

The proposal wouldn’t necessarily reduce the money available to address Covid, according to people familiar with the plan. Rather, it would give FEMA the ability to draw additional resilience money from the government’s dedicated disaster fund, which Congress routinely replenishes once the fund is drawn down.

ADVERTISEMENT

Continue reading the main story

FEMA's plan would need to be approved by the White House budget office. After Mr. Biden's win, members of his transition team said they saw the new funding as a way for the incoming administration to make good on its promise to address climate change.

A spokesman for the White House, Vedant Patel, did not respond to requests for comment.

The proposal marks an effort by the Biden administration to address what experts call climate adaptation — an area of climate policy that's different from reducing greenhouse gas emissions and focuses on better protecting people, homes and communities from the consequences of a warming planet. Those include more frequent and severe storms, flooding and wildfires, as well as rising seas.

The United States has a mixed record on that front.

CLIMATE FWD: What on earth is going on? Get the latest news about climate change, plus tips on how you can help.
Sign Up

In many coastal states, home construction is increasing the fastest in the most flood-prone areas, including places that could soon be underwater. And despite strong public support for tougher building codes in high-risk areas, just one-third of local jurisdictions have adopted disaster-resistant provisions in their building codes.

Faced with rapidly escalating disaster costs, the Trump administration took some steps to make communities more resilient to the effects of climate change, even if it refrained from using that term. FEMA and other agencies increased their focus on getting people to move away from vulnerable areas, rather than always paying them to rebuild in place. And the agency urged Congress to create the BRIC program to help cities and states increase their preparedness before a disaster, rather than after.

But federal officials were also hamstrung by Mr. Trump's insistence that climate change was overblown.

In 2018, when FEMA issued its four-year strategic plan for dealing with disasters, the words "climate change" were nowhere to be found. Faced with year after year of record wildfires in California, Mr. Trump said the problem was too many leaves on the forest floor. Told that rising temperatures were exacerbating the problem, Mr. Trump responded: "It'll start getting cooler. You just — you just watch."

As a candidate, Mr. Biden promised to focus on climate adaptation. And on his first day as president, he signed an order imposing higher construction standards on buildings or infrastructure in flood zones that are built with federal money. The order, first imposed by President Barack Obama, was rescinded by Mr. Trump.

Mr. Biden's move won praise from disaster groups. "This action restores a forward-looking policy that will help ensure that taxpayer dollars aren't washed away by the next flood," Forbes Tompkins, who works on federal flood policy with the Pew Charitable Trusts, an advocacy group, said in a statement.

But sending billions of dollars of new money into FEMA's disaster programs would go further than simply reinstating Obama-era adaptation policies. The BRIC program was created in the aftermath of the brutal disaster season of 2017, when the United States was struck in quick succession by Hurricanes Harvey, Irma and Maria, as well as wildfires in California that were then the worst on record. Federal disaster spending skyrocketed.

A few months later, federal researchers reported that for every \$1 the government spent to protect a community before

a disaster, it saved \$6 later. In 2018, Congress created the program to take advantage of those savings by providing more money upfront. The first grants were set to be awarded this year.

If the Biden White House approves the plan, it may find allies in Congress, even among Republicans.

Using Covid funds to increase that money has received bipartisan support in Congress in the past. In October, Representative Peter A. DeFazio, the Democratic chairman of the House Committee on Transportation and Infrastructure, which has jurisdiction over FEMA, sent a letter to the agency urging it to use the Covid money.

That letter was co-signed by Representative Sam Graves, the top Republican on the committee. But FEMA was unable to get permission from the Trump administration's budget office, according to former officials.

The new money would present some challenges, according to people familiar with the program. State and local governments must provide 25 percent of the cost of any projects, an particularly significant hurdle as the economic downturn from Covid has devastated government budgets. And those officials would need to devise projects on a large enough scale to make use of the new funds.

Still, the extra funding is worth pursuing, said Mr. Kaniewski, the former FEMA official. "The more mitigation dollars, the better," he said. "This is about as good of a taxpayer investment as you can find."

© 2021 The New York Times Company

NYTCoContact UsAccessibilityWork with usAdvertiseT Brand StudioYour Ad ChoicesPrivacy PolicyTerms of ServiceTerms of SaleSite MapHelpSubscriptions

--

Meredith

Meredith Snider

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Cynthia Mills

From: Sheila Kane
Sent: Tuesday, March 16, 2021 2:17 PM
To: Cynthia Mills
Subject: FW: MSD

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: meredith snider <meredithksnider@gmail.com>
Sent: Friday, March 5, 2021 2:08 PM
To: Sheila Kane <skane@southernshores-nc.gov>
Subject: Re: MSD

Thanks so much Sheila!

On Fri, Mar 5, 2021 at 10:09 AM Sheila Kane <skane@southernshores-nc.gov> wrote:

Good morning Ms. Snider,

I wanted to acknowledge your email and let you know your comments have been forwarded to Council for consideration.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail

32

Southern Shores, NC 27949

(252) 261-2394 phone

(252) 255-0876 fax

skane@southernshores-nc.gov



From: meredith snider <meredithksnider@gmail.com>

Sent: Friday, February 26, 2021 11:55 PM

To: info@southernshores-nc.gov

Subject: MSD

Hi,

I live in Southern Shores and read this article (copy and pasted below) a few weeks ago and immediately thought of our town. The Biden plan hasn't passed yet, but if it does, it could provide major financial support for the beach project.

Please take the time to read the article so we don't miss out on this opportunity. The main point is this:

" The BRIC program was created in the aftermath of the brutal disaster season of 2017, when the United States was struck in quick succession by Hurricanes Harvey, Irma and Maria, as well as wildfires in California that were then the worst on record. Federal disaster spending skyrocketed.

A few months later, federal researchers reported that for every \$1 the government spent to protect a community before a disaster, it saved \$6 later. In 2018, Congress created the program to take advantage of those savings by providing more money upfront. The first grants were set to be awarded this year.

If the Biden White House approves the plan, it may find allies in Congress, even among Republicans.

Using Covid funds to increase that money has received bipartisan support in Congress in the past. In October, Representative Peter A. DeFazio, the Democratic chairman of the House Committee on Transportation and Infrastructure, which has jurisdiction over FEMA, sent a letter to the agency urging it to use the Covid money.

That letter was co-signed by Representative Sam Graves, the top Republican on the committee. But FEMA was unable to get permission from the Trump administration's budget office, according to former officials.

The new money would present some challenges, according to people familiar with the program. State and local

governments must provide 25 percent of the cost of any projects, an particularly significant hurdle as the economic downturn from Covid has devastated government budgets. And those officials would need to devise projects on a large enough scale to make use of the new funds.

Still, the extra funding is worth pursuing, said Mr. Kaniewski, the former FEMA official. "The more mitigation dollars, the better," he said. "This is about as good of a taxpayer investment as you can find."

New U.S. Strategy Would Quickly Free Billions in Climate Funds

Emergency management officials aim to funnel up to \$10 billion into preventing climate disasters. The plan "would dwarf all previous grant programs of its kind," one analyst said.

Jan. 25, 2021

WASHINGTON — Federal officials, showing how rapidly the Biden administration is overhauling climate policy after years of denial under former President Donald J. Trump, aim to free up as much as \$10 billion at the Federal Emergency Management Agency to protect against climate disasters before they strike.

The agency, best known for responding to hurricanes, floods and wildfires, wants to spend the money to pre-emptively protect against damage by building seawalls, elevating or relocating flood-prone homes and taking other steps as climate change intensifies storms and other natural disasters.

"It would dwarf all previous grant programs of its kind," said Daniel Kaniewski, a former deputy administrator at FEMA and now a managing director at Marsh & McLennan Companies, a consulting firm.

The FEMA plan would use a budgeting maneuver to repurpose a portion of the agency's overall disaster spending toward projects designed to protect against damage from climate disasters, according to people familiar with discussions inside the agency.

ADVERTISEMENT

Continue reading the main story

In the past year FEMA has taken a leading role in fighting Covid-19 — and the agency's plan is to count that Covid spending toward the formula used to redirect money to climate projects. Doing so would allow the Biden administration to quickly and drastically increase climate-resilience funding without action by Congress, generating a windfall that could increase funding more than sixfold.

Michael M. Grimm, FEMA's acting deputy associate administrator for disaster mitigation, said the agency's initial estimates suggested that as much as \$3.7 billion could be available for the program, called Building Resilient Infrastructure and Communities, or BRIC. By comparison, that program so far has just \$500 million to award in grants.

More of that \$3.7 billion "may be forthcoming," Mr. Grimm said in a statement.

But the amount of new money could potentially climb to as much as \$10 billion, according to some estimates, if FEMA also decided to count Covid dollars toward a similar fund, the Hazard Mitigation Grant Program, designed to help communities rebuild after a disaster. Mr. Grimm said the decision to provide that funding has not yet been made.

Editors' Picks

This 105-Year-Old Beat Covid. She Credits Gin-Soaked Raisins.

On 'S.N.L.', Fictional Britney Spears Seeks Apologies From Cruz, Cuomo and Carano

The Golden Globes' Biggest Winner May Be the Group That Hands Them Out

Continue reading the main story

Image

President Biden at the White House on Friday.Credit...Anna Moneymaker for The New York Times

The proposal wouldn't necessarily reduce the money available to address Covid, according to people familiar with the plan. Rather, it would give FEMA the ability to draw additional resilience money from the government's dedicated disaster fund, which Congress routinely replenishes once the fund is drawn down.

ADVERTISEMENT

Continue reading the main story

FEMA's plan would need to be approved by the White House budget office. After Mr. Biden's win, members of his transition team said they saw the new funding as a way for the incoming administration to make good on its promise to address climate change.

A spokesman for the White House, Vedant Patel, did not respond to requests for comment.

The proposal marks an effort by the Biden administration to address what experts call climate adaptation — an area of climate policy that's different from reducing greenhouse gas emissions and focuses on better protecting people, homes and communities from the consequences of a warming planet. Those include more frequent and severe storms, flooding and wildfires, as well as rising seas.

The United States has a mixed record on that front.

CLIMATE FWD: What on earth is going on? Get the latest news about climate change, plus tips on how you can help.
Sign Up

In many coastal states, home construction is increasing the fastest in the most flood-prone areas, including places that could soon be underwater. And despite strong public support for tougher building codes in high-risk areas, just one-third of local jurisdictions have adopted disaster-resistant provisions in their building codes.

Faced with rapidly escalating disaster costs, the Trump administration took some steps to make communities more resilient to the effects of climate change, even if it refrained from using that term. FEMA and other agencies increased their focus on getting people to move away from vulnerable areas, rather than always paying them to rebuild in place. And the agency urged Congress to create the BRIC program to help cities and states increase their preparedness before a disaster, rather than after.

But federal officials were also hamstrung by Mr. Trump's insistence that climate change was overblown.

In 2018, when FEMA issued its four-year strategic plan for dealing with disasters, the words "climate change" were nowhere to be found. Faced with year after year of record wildfires in California, Mr. Trump said the problem was too many leaves on the forest floor. Told that rising temperatures were exacerbating the problem, Mr. Trump responded: "It'll start getting cooler. You just — you just watch."

As a candidate, Mr. Biden promised to focus on climate adaptation. And on his first day as president, he signed an order imposing higher construction standards on buildings or infrastructure in flood zones that are built with federal money. The order, first imposed by President Barack Obama, was rescinded by Mr. Trump.

Mr. Biden's move won praise from disaster groups. "This action restores a forward-looking policy that will help ensure that taxpayer dollars aren't washed away by the next flood," Forbes Tompkins, who works on federal flood policy with the Pew Charitable Trusts, an advocacy group, said in a statement.

But sending billions of dollars of new money into FEMA's disaster programs would go further than simply reinstating Obama-era adaptation policies. The BRIC program was created in the aftermath of the brutal disaster season of 2017, when the United States was struck in quick succession by Hurricanes Harvey, Irma and Maria, as well as wildfires in California that were then the worst on record. Federal disaster spending skyrocketed.

A few months later, federal researchers reported that for every \$1 the government spent to protect a community before a disaster, it saved \$6 later. In 2018, Congress created the program to take advantage of those savings by providing more money upfront. The first grants were set to be awarded this year.

If the Biden White House approves the plan, it may find allies in Congress, even among Republicans.

Using Covid funds to increase that money has received bipartisan support in Congress in the past. In October, Representative Peter A. DeFazio, the Democratic chairman of the House Committee on Transportation and Infrastructure, which has jurisdiction over FEMA, sent a letter to the agency urging it to use the Covid money.

That letter was co-signed by Representative Sam Graves, the top Republican on the committee. But FEMA was unable to get permission from the Trump administration's budget office, according to former officials.

The new money would present some challenges, according to people familiar with the program. State and local governments must provide 25 percent of the cost of any projects, an particularly significant hurdle as the economic downturn from Covid has devastated government budgets. And those officials would need to devise projects on a large enough scale to make use of the new funds.

Still, the extra funding is worth pursuing, said Mr. Kaniewski, the former FEMA official. "The more mitigation dollars, the better," he said. "This is about as good of a taxpayer investment as you can find."

© 2021 The New York Times Company

[NYTCoContact Us](#)[AccessibilityWork with us](#)[AdvertiseT Brand StudioYour Ad Choices](#)[Privacy Policy](#)[Terms of Service](#)[Terms of Sale](#)[Site Map](#)[Help](#)[Subscriptions](#)

--

Meredith

Meredith Snider

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

--

Meredith

Meredith Snider

Meredith K Snider Photography

www.meredithksnider.com

meredithksnider@gmail.com

919.609.3872

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Cynthia Mills

From: oma opa <omaopa43@msn.com>
Sent: Tuesday, March 16, 2021 2:36 PM
To: info@southernshores-nc.gov
Subject: MSD

To help fund the beach nourishment project the town is considering the creation of, as I understand it, two MSDs. One for basically beach front and the other for the "beach zone". The rationale being that properties located near the beach will benefit more than the rest of the town. While that may be true from purely a property damage perspective, I believe by now most folks realize the entire town benefits from having a viable beach (more jobs, occupancy taxes, sales and entertainment taxes, increased business, etc.). There are even studies that show that the entire state of North Carolina realizes a significant economic benefit from the seashore.

If the town does create MSDs to help fund the beach nourishment project, there should be several MSDs. The two MSDs cited above, a third that extends west of the beach zone and is within walking distance of the beach, and a fourth that includes the remainder of the town. Since the entire town benefits from the beach, the entire town should help pay to maintain the beach.

Respectively,
Brian Forbes
10 Pelican Watch Way
Southern Shores

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

33

Cynthia Mills

From: David Parks <attorneydavidparks@gmail.com>
Sent: Tuesday, March 16, 2021 3:00 PM
To: info@southernshores-nc.gov
Subject: MSB
Attachments: SS.pdf

DAVID B. PARKS ATTORNEY AT LAW
104 MALLARD DRIVE DUCK, NORTH CAROLINA 27949

March 16, 2021

Town of Southern Shores 5375 North Virginia Dare Trail Southern Shores, NC 27949

Subject: Public Hearing re: Property Tax Districts Concerning Payment for Beach Nourishment.

Honorable Mayor and Members of the Southern Shores Town Council

I have been approached by a group of Southern Shores property owners who are concerned about your beach nourishment boundaries and tax districts. All of them are very much in favor of beach nourishment.

The original plan only called for beach nourishment as far North as 5th avenue. It now seems that you will do nourishment from Kitty Hawk Town limits to the Duck Town limits. They hope this is correct.

Regarding the property tax districts it is generally understood by the citizens that the entire Town will benefit from beach nourishment. As you stated each resident enjoys tax relief in the amount of \$3,147.00 annually, as well as approximately 6.5 cents from tourist occupancy taxes. You have proposed two different tax districts, there should be a third. Otherwise a small percentage of property owners will be unjustly paying for the benefit of all.

It's only reasonable that since all the citizens will enjoy the benefits of a well groomed and enjoyable beach and thousands of dollars in tax savings. All of the residents should share the costs of the project.

Very truly yours,

David B. Parks
Attorney at Law NC Bar ID# 32296 Va. Bar ID# 12654
Telephone: 252-261-8568
Cell: 252-202-4244
Fax: 252-261-9967

Email-attorneydavidparks@gmail. com

David B. Parks
Attorney at Law
104 Mallard Dr.
Duck, NC 27949

34

Cynthia Mills

From: Paula Sherlock <psherlockobx@gmail.com>
Sent: Tuesday, March 16, 2021 3:21 PM
To: info@southernshores-nc.gov
Cc: Katie Owens
Subject: MSD

A question from Jim & Katie Owens, 56 Ocean Blvd:

Why not just make the surtax a percentage of property taxes? That way higher valued oceanfront properties would pay proportionally more but would be more equitable to all in SS who will benefit from a healthy beach.

Judge Paula Sherlock (Ret.)
Sent from my iPhone

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=15922438-Osog7PiC2cW0&r_address=fo%40southernshores-nc.gov&report=

35

Cynthia Mills

From: Becky Harrell <beachdreamobx@gmail.com>
Sent: Tuesday, March 16, 2021 3:49 PM
To: info@southernshores-nc.gov
Subject: beach replenishment

Dear Council Members,

I support our decision to accomplish beach replenishment in Southern Shores. I live on the ocean permanently, therefore I am all for the addition of more sand here. I am most willing to pay my part to achieve this goal. However, I was surprised to read that only those of us who live east of Highway 12 will be taxed. I have an access beside my home. I know people from across Hwy 12 who come to the beach more than I do to walk their dogs, fish, surf, and enjoy the beach with their families. Also, cars are parked along the access daily for those who live too far to walk to the beach they enjoy. I believe the cost of replenishment should be divided among all the taxpayers in Southern Shores as all benefit. Should I pay a higher percentage than someone farther from the beach? Yes. Should they also be a part of the tax base because they also benefit? Yes. If the tax is spread out among the many who come to enjoy the beach here, it will not be a large burden on anyone. The beach in front of my home is full of visitors from here and elsewhere all summer long. Replenishment benefits everyone.

I hope you will consider spreading the tax burden to more residents in an incremented manner so that all who enjoy the beach can share in the cost.

Thank you,
Becky H. Harrell

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us1.proofpointessentials.com/index01.php?mod_id=1&mod_option=gitem&mail_id=15924157-Lhb83guLr_KD&r_address=fo%40southernshores-nc.gov&report=

36

3 Fourth Avenue
Southern Shores, NC 27949

Mayor & Town Council
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949

March 16, 2021



Re: Proposed Establishment of MSD's for Beach Nourishment Project

To Mayor and Members of Town Council:

We have been property owners in Southern Shores since 1987, and have owned our current oceanfront house in Seacrest Village (3 4th Ave.) for 23 years. As oceanfront property owners, we believe that we are obligated to be "stewards" of the private and public beach in front of our house, and to pay our fair share of the costs to Southern Shores property owners for the beach nourishment project.

We believe that all Southern Shores property owners, regardless of their property location, are the direct beneficiaries of the beach along Southern Shores, particularly of the beach nourishment project that will provide a greater level of storm protection, mitigate long term beach erosion, and continue to provide both residents and visitors a useable beach for recreational purposes. Therefore, we urge you to strongly consider requiring all property owners to share in the cost of the beach nourishment project. (While we do not propose any specific \$ amount or whether the cost should be one set amount for all or determined by property location, we would remind you that oceanfront property owners already pay much higher amounts in insurance, taxes, etc. than do other property owners.)

We also urge you to consider the expansion of District 1 (iii): "all properties north of Hickory Trail that abut the Atlantic Ocean extending to the northern town limit" to include at least the lots extending west 3 back from the ocean, just as depicted along Ocean Boulevard and Hickory Trail in District 1 (ii). These properties are very short walking distance from the beach and benefit as much as oceanfront property owners but usually do not share the same higher maintenance and insurance costs and taxes.

Thank you for your consideration of our comments and for all your efforts to date to bring the needed Beach Nourishment Project to fruition.

Sincerely,

Burtis & Salliann Dougherty

Sheila Kane

From: Helen Grinnell-Howells <hhowells@alumni.virginia.edu>
Sent: Wednesday, March 17, 2021 8:58 AM
To: info@southernshores-nc.gov
Subject: MSD and Beach Nourishment Project

Dear Town of Southern Shores,

Thank you for making tonight's meeting accessible and viewable from multiple platforms.

It was interesting to observe how the vast majority of people who spoke in person or via zoom at the meeting this evening represented "ocean front" property owners and how they want the financial burden to be "shared equally," yet they would receive the greatest benefit. However, there was not an equal representation of property owners from the West side of NC 12 to voice their opinion. Therefore, you only heard from "one side" and got a false sense or impression of what the majority of homeowners think.

Our family took the risk at beach property ownership in the 70's and purposely chose a flood zone X lot and built a family home in Southern Shores. SS was purposely chosen due to its WNW angle on the northern side of the Outer Banks. We were fully aware and ever so mindful and respectful of Mother Nature and the potential damage it could have on our home and property and the liabilities involved.

Our home has been passed down through the family and will continue to be enjoyed by present and future generations; grandchildren and great grandchildren enjoy "going to the beach." It has never been, nor shall ever be, a rental; that is, until such time that our family cannot maintain the financial burdens and must sell it.

Anyone who owns beach property is fully aware of the RISKS involved in such: hurricanes, nor'easters, erosion, harsh environment, damage, etcetera. Also, the added expense of greater insurance premiums, additional flood, wind, and umbrella insurance policies, substantial assessment value increases, frequent upkeep costs, and not to mention, higher taxes just by being near the ocean.

I OPPOSE the Beach Nourishment Project for the simple fact that it is a waste of taxpayer money. Mother Nature will thwart and always win against all human efforts. It has been shown time and time again. You need not look any further than the MP 4 stretch of beach.

If the BN Project is adopted by the Town and goes forward, then I have the following opinion and position:

1. All property owners and their guests benefit having access to the beach; however, the closer you get to the beach, the greater the rental income and the greater the home and resale values. Yet, our guests are not allowed to park on public roadways due to the permit only parking. Therefore...
2. Taxation must allow for a differentiation between the various properties in their respective "districts." Meaning, we will pay our "fair share" being on the West side, but those who have chosen to own a) ocean front or b) ocean side property, should pay a higher amount respectively because they reap the greatest financial benefit.
3. Rental properties should pay a greater amount than non-rental properties. Non-rental homeowners bear the full financial burden of a property without supplemental rental income.

Thank you for the opportunity to express my opinion on this matter.