



TOWN OF SOUTHERN SHORES
TOWN COUNCIL REGULAR MEETING

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

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www.southernshores-nc.gov

PITTS CENTER

Tuesday, December 05, 2023 at 5:30 PM

MINUTES

1 **Call Meeting to Order**

2 Pledge of Allegiance

3 Moment of Silence

4 **PRESENT**

5 Mayor Elizabeth Morey

6 Mayor pro tem Matt Neal

7 Council Member Leo Holland

8 Council Member Paula Sherlock

9 Council Member Mark Batenic

10

11 **Amendments to / Approval of Agenda**

12 **Motion** made by Council Member Sherlock to amend the agenda by moving consent agenda item #4
13 (budget amendment for beach grass/ sand fence) to New Business item 6A, Seconded by Mayor
14 Morey. The motion passed unanimously.

15 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock,
16 Council Member Batenic

17 **Motion** made by Council Member Holland to approve the agenda as amended, Seconded by Council
18 Member Sherlock. The motion passed unanimously. Voting Yea: Mayor Morey, Mayor pro tem Neal,
19 Council Member Holland, Council Member Sherlock, Council Member Batenic

20

21 **Consent Agenda**

22 **Motion** made by Council Member Holland to approve the consent agenda, Seconded by Council
23 Member Batenic. The motion passed unanimously.

24 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock,
25 Council Member Batenic

26

27 1. Tax Pickup/Releases

28 2. Fee Schedule Amendment

29 3. Town Engineer Contract Extension

30 4. Budget Amendment-Sand Fence/Beach Grass

31 **Organization of Council**

32 Mayor Morey stated this is a special evening, it's called the organizational meeting for our Town, a
33 time for outgoing and incoming members. She thanked Council Member Holland for his numerous

34 years of service and stated in her perspective he is always a steady, solid person that will tell you what
35 he thinks and he always wants to do what's best for the town. All council agreed and thanked Mr.
36 Holland for his service.

37 Council Member Holland thanked his wife for being flexible with his schedule, thanked council, citizens
38 and the staff of the town.

39 Mayor Morey presented Council Member Holland with a plaque of recognition.

40 Mayor pro tem Neal thanked the voters for reelecting him to serve another four years on council.

41 Council Member Batenic stated he was originally appointed to fill a vacancy. He is humbled and
42 honored to be elected this term by the citizens to serve on the council and represent this truly special
43 place.

44 Town Clerk Sheila Kane swore in reelected Council Members Matt Neal, Mark Batenic, and newly
45 elected member Robert Neilson.

46 Following oaths, Mayor Morey proceeded with the organization of the governing board.

47

48 **Election of Mayor Pro Tempore**

49 Council Member Sherlock nominated Council Member Matt Neal to serve as Mayor pro tem. Hearing
50 no other nominations, Mayor Morey called for a vote. Matt Neal was nominated Mayor pro tem 5-0
51 vote.

52

53 **Dare County Tourism Board of Directors (3 Nominees Required - includes Primary)**

54 Council Member Sherlock nominated Council Member Mark Batenic to be the Southern Shores
55 representative on the Tourism Board. Hearing no other nominations, Council Member Mark Batenic
56 was nominated 5-0.

57 Mayor Morey stated the county requires a primary nominee and two backups. By consensus of council,
58 Mayor Morey and Mayor pro tem Neal will be the second and third choice to serve on the Tourism
59 Board.

60

61 **Albemarle Rural Planning Organization (ARPO)**

62 Mayor Morey nominated Council Member Sherlock to serve another term on the Albemarle Rural
63 Planning Organization (ARPO). Hearing no other nominations, Council Member Sherlock was
64 nominated 5-0.

65

66 **Dare County Gov-Ed Access Channel Committee**

67 Council Member Sherlock nominated Council Member Neilson to serve as the Southern Shores
68 representative on the Gov-Ed Access Channel Committee. Hearing no other nominations, Council
69 Member Neilson was nominated 5-0.

70

71 **2024 Council Meeting Schedule-Resolution #2023-12-01**

72 **Motion** made by Council Member Batenic to adopt 2024 Council Meeting Schedule-Resolution #2023-
73 12-01 as presented, Seconded by Council Member Sherlock. The motion passed 5-0.

74 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Sherlock, Council Member Batenic,
75 Council member Neilson.

76 Mayor pro tem Neal informed Mayor Morey and Council that he may be absent from the June 4th
77 Council meeting.

78

79 **Staff Reports**

80 Deputy Town Manager/Planning Director Wes Haskett provided the November permit report and an
81 update to the following highlights.

82 Land Use Plan Update

83 The consultant submitted the draft plan to DCM for their required review on November 1st and
84 we received their comments on November 27th. Most of the comments can be addressed by
85 updating the CAMA matrix in Appendix A. Two new maps also need to be added (water supply
86 and wastewater) along with new descriptions and one policy clarification. The consultant should
87 have the comments addressed within the next couple of weeks and they're looking into whether
88 the revised plan will need to go back to the Planning Board before resubmittal to DCM.

89 Planning Board

90 -The Town Planning Board meet on December 18th at 5:00 p.m. here in the Pitts Center. The
91 purpose of the meeting is for the Board to hold a public hearing to consider VA-23-02, a Variance
92 application submitted by Gerald Soucy to seek relief from Town Code Section 36-202(d)(4),
93 Minimum Side Yard (Setback) for the property located at 17 Ninth Ave. The Board may also
94 consider ZTA-23-05, a Zoning Text Amendment application submitted by the Town of Southern
95 Shores to amend Town Code Sections 36-57, 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-
96 205(d)(2), and 36-206(d)(2) to amend the Town's current lot width requirements.

97 Police Chief David Kole presented the Police Department report for the month of November.

98 Fire Chief Ed Limbacher presented the Fire Department report for the month of November.

99 Town Manager Cliff Ogburn presented the following operational highlight:

- 100 ○ Ripple Fiber- their projected end date for the conduit installation was sometime in mid- January
- 101 but they have slowed down in large part because they're just so few utility line locator crews.
- 102 ○ Juniper/ Trinitie culvert bridge replacement- Staff received the draft roadway plans (about 35%
- 103 complete) and Kimley Horn will be making a presentation at the February meeting.
- 104 ○ NC12 Path-staff is pleased with the progress, and they are nearly halfway complete.
- 105 ○ Survey work on Juniper and Skyline Rd-Council authorized survey work to be done for a partial
- 106 path on Juniper and Skyline Rd. That has been done and the data collected. In the next couple
- 107 of months drawings and preliminary costs will be available and the council can decide if they
- 108 want to authorize to move forward.
- 109 ○ NC12 east Dogwood to Hickory Path-survey work has been completed and a grant was received
- 110 for this project. The project is expected to be started in the fall.
- 111 ○ Chicahauk Sidewalk-The contractor of the new construction house at Chicahauk has been
- 112 informed that the town is takin the right of way back the 1st of March and the sidewalk will be
- 113 scheduled to be completed by Memorial Day.
- 114 ○ East Dogwood EMS Station- is nearly complete and speculate they will want a Certificate of
- 115 Occupancy (C/O) issued by mid-February.

116 Council Member Batenic stated he has observed people having to walk on the street because of
117 contractors' vehicles and materials parked on the sidewalk at Chicahauk and this is a safety hazard. He
118 also asked if the dip on the Juniper/Trinitite bridge could be temporarily filled in with asphalt.

119 Town Attorney Phillip had nothing to report other than they are waiting on a response to the lawsuit
120 which was filed in opposition To Section 24.8 (A.K.A. "Dare County Affordable Housing" Provision) of
121 the appropriations bill of 2023.

122

123 **General Public Comment**

124 Steve Gudas- 156 Wax Myrtle-encouraged the Town to seek historic designation for the flattop
125 property at 13 Skyline Rd. which was recently purchased by the Town. He feels the Historic Landmark
126 Commission is the most logical citizen entity to be involved with providing input regarding preservation
127 of the property and designation by the Historic Landmark commission. They would help balance the
128 many practical needs for the town use of the building with the important need for preservation of the
129 Frank Stick designed home in his legacy.

130

131 **New Business**

132 Budget Amendment-Sand fence and Beach Grass

133 Town Manager Ogburn stated originally the budget amendment request was for \$15,000, 10,000 of
134 that was to install sand fence and 5,000 of that was to make sure that we had the funding available to
135 keep up the Better Beaches folks. There are approximately 112 50-foot rolls of sand fence that were
136 left over from the beach nourishment project, and staff would like to get them installed. The quote was
137 \$39.80 to put out a 10- foot section and staff is requesting an additional \$12,288 be added to the
138 budget amendment to have the fence installed.

139 Council Member Batenic asked if that included all costs and when would it be installed. Town Manager
140 Ogburn stated the quote covered all fees and the hope is to get it installed quickly to capture as much
141 sand as possible this winter.

142 Mayor Morey asked if CAMA was being advised of the installation. Town Manager Ogburn stated the
143 sand fence will be installed per CAMA guidelines and if staff has any questions they will reach out to
144 CAMA for clarification.

145

146 **Motion** made by Mayor Morey to amend the budget amendment #21 to be in the amount of \$27,288
147 for additional grass and sand fencing and this is coming from the beach nourishment part of the CRF,
148 Seconded by Council Member Batenic. The motion passed unanimously 5-0.

149 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Sherlock, Council Member Batenic,
150 Council Member Neilson.

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153 Presentation-Ken Willson with CPE-Beach Nourishment Monitoring Results

154 Ken Willson, CPE presented the results from the first survey of the beach after the recent nourishment
155 project [PowerPoint attached] and highlighted the following:

156 Goals

157 ○ Provides a reasonable level of storm damage reduction to public and private development

- 158 ○ Mitigates long-term erosion that could threaten public and private development, recreational
- 159 opportunities, and biological resources
- 160 ○ Maintains a healthy beach that provides sufficient useable beach and supports valuable
- 161 shorebird and sea turtle nesting habitat

162

163 2022-2023 Construction Timeline

- 164 ○ Oct. 7 – Nov. 21, 2022: 990,400 cy of sand placed along the beach
 - 165 ✓ South of 4th Avenue – Average Fill Density = 60.7 cy/ft.
 - 166 ✓ North of 4th Avenue – Average Fill Density = 13.6 cy/ft.
- 167 ○ Nov. 22 – Dec. 30, 2022: Negotiations with Contractor to place additional fill material north of
 - 168 7th Avenue
 - 169 ✓ North of 4th Avenue – Average Fill Density = 13.6 cy/ft.
 - 170 ✓ Natural accretion of fill North of 4th Avenue = 9 cy/ft.
 - 171 ✓ Target Volume = 22 cy/ft.
 - 172 ✓ Target Volume achieved on average, but fill density was not uniform
 - 173 ✓ Negotiations to place additional fill north of 8th Avenue
- 174 ○ May 9 – May 11, 2023: Placement of 58,100 cy north of 7th Avenue, resulted in an average fill
 - 175 density of 25.3 cy/ft. north of 4th Avenue

176 Annual Monitoring Analysis Update

- 177 ○ Data: Beach Profile Surveys (June 2023, November 2022 (Post-Construction), August 2022 (Pre-
- 178 Construction), and December 2017)
- 179 ○ 23 Beach Profiles Along Southern Shores Oceanfront
- 180 ○ Shoreline Change Analysis: Recent changes (November 2022 to June 2023) and Pre-
- 181 Construction Rates (December 2017 to August 2022)
- 182 ○ Volume Change Analysis: Recent changes (November 2022 to June 2023) and Pre-Construction
- 183 Rates (December 2017 to August 2022)

184 Shoreline Change Analysis Results

MONITORING AREA	Shoreline Change (Ft.) Nov. 2022 (Post-Con) to June 2023 (Year-1 Monitoring)	Shoreline Change Rate (Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)
NORTHERN SECTION (-197+12 TO -153+00)	11.8	0.8
CENTRAL SECTION (-153+00 TO -50+00)	-45.5	-4.0
SOUTHERN SECTION (-50+00 TO 0+00)	-9.4	-5.8
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	-23.8	-3.4

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187 Volume Change Analysis Results

MONITORING AREA	Project Volume Change (CY)	Volume Change (CY/Yr.) Nov. 2022 (Post-Con) to June 2023 (Year-1 Monitoring)
NORTHERN SECTION (-197+12 TO -153+00)	124,000	161,400
CENTRAL SECTION (-153+00 TO -50+00)	580,800	140,600
SOUTHERN SECTION (-50+00 TO 0+00)	343,700	97,900
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	1,048,400	399,900

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Volume Change Analysis Results

MONITORING AREA	Volume Change (CY/Ft.) Nov. 2022 (Post-Con) to June 2023 (Year-1 Monitoring)	Volume Change Rate (CY/Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)
NORTHERN SECTION (-197+12 TO -153+00)	35.5	5.3
CENTRAL SECTION (-153+00 TO -50+00)	12.8	0.4
SOUTHERN SECTION (-50+00 TO 0+00)	17.6	0.1
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	20.9	1.8

190

191

Next Steps

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- Town is installing additional sand fence.

193

- 2024 Annual Monitoring: May/June 2024

194

- Project Optimization – Evaluate design performance & evaluate longer nourishment interval.

195

- Regional Sand Resource Investigation

196

197

Council Member Sherlock recommended the Town put out a statement of what a success the beach nourishment project was.

198

199

Council Member Batenic stated he heard positive comments all summer about the condition and size of the beach.

200

201

Council Member Neilson agreed with Council Member Sherlock in putting out a statement or report of the success of the project as a good communication tool.

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Mayor Morey called for a brief 5-minute recess.

205

The meeting resumed at 6:56 p.m.

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13 Skyline Renovation Consideration

210 The agenda summary read as, the renovations at 13 Skyline are intended to return the use to
211 residential from office. Staff is requesting that the property become available for use as temporary
212 housing for newly hired Police Officers. Staff is seeking approval of a budget amendment in the amount
213 of \$36,150. (\$21,150 – renovations and \$15,000 - \$450 annual water, \$1,200 annual electricity, \$528
214 pest control, \$11,669 legal fees).

215 Mayor Morey inquired about the annual \$3000 endowment that came with the property. Town
216 Manager Ogburn stated the Community Foundation is in the process of reviewing their policies but
217 there is a fund that is designated for historic preservation of the home. The fund is about \$60,000 and
218 we can withdraw about 5% a year. That amount may be reduced as the fund is not growing at the rate
219 of spending. The Town Manager did not expect to receive any endowment money until March.

220 Council Member Batenic clarified that the exterior would not be changed but asked if it would be
221 painted. Town Manager Ogburn clarified that there will be no change to the exterior but most likely
222 will have the soffit painted.

223 Chief Kole addressed the council on some of the specific necessary changes to the interior to have it
224 changed from commercial office back to residential.

225 Mayor pro tem Neal asked about the porcelain sink. Chief Kole stated it was going to be saved and
226 used in one of the bathrooms.

227 Chief Kole stated most of the renovations will be done by staff and volunteers.

228 Mayor Morey asked about getting the property designated as a historic landmark and proposed placing
229 the discussion on a future agenda.

230

231 **Motion** made by Mayor pro tem Neal to approve budget amendment #22 in the amount of \$36,150,
232 Seconded by Mayor Morey. The motion passed unanimously 5-0.

233 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Sherlock, Council Member Batenic,
234 Council Member Neilson.

235 Mayor Morey stated the council is open to any member of the public providing feedback on the use of
236 the flattop property.

237

238 **General Public Comment**

239 None

240 **Council Business**

241 Mayor Morey announced the next meeting will be held January 9th and welcomed newly elected
242 Council Member Robert Neilson.

243 Council Member Neilson thanked the voters of Southern Shores and stated he wanted to set a good
244 example for his grandchildren by continuing with public service and is grateful to be elected. He further
245 stated he is looking forward to working with the Town Council, the Mayor, staff, and the various
246 committees.

247 **Adjourn**

248 Motion made by Mayor Morey to adjourn the meeting at 7:12 p.m., Seconded by Council Member
249 Batenic. The motion passed unanimously 5-0.

250 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Sherlock, Council Member Batenic,
251 Council Member Neilson.