



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, September 06, 2022 at 5:30 PM

MINUTES

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Present

Mayor Elizabeth Morey

Mayor pro tem Matt Neal

Council Member Leo Holland

Council Member Paula Sherlock

Council Member Mark Batenic

Amendments to / Approval of Agenda

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

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

Consent Agenda

The consent agenda consisted of the following:

1. Minutes-August 2, 2022 Regular Mtg. & Closed Session
2. Budget Amendment #12 & #13
3. Tourism Board's Re-appointment of Council Member Holland through 2023
4. Government Access Channels Proposed Attendance Policy
5. Proclamation from Children and Youth Partnership -Diaper Need Awareness Week
6. Resolution in support of legislation re: digging dangerous holes on the beach

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

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

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

Public Comment-Len Schmitz-184 Wax Myrtle- spoke in opposition to the year around speed limit change along Ocean Blvd/NC12 in Southern Shores. The reduced speed limit will allow golf carts on NC12, and he feels this will become a safety hazard.

Staff Reports

Deputy Town Manager/Planning Director Wes Haskett presented the monthly permit report for August. He also reported the Planning Board will meet on September 19th to consider ZTA 22-10 mixed use group development of commercial and residential buildings, ZTA 22-08 Casey Varnell on behalf of Pledger Palace, and possible ZTA 21-08 regulations governing signs. The Historic Landmarks Commission may be meeting on September 27th to consider a certificate of appropriateness application submitted by Courtney Clements 23 Porpoise Run.

Mayor Morey asked if there have been any complaints on the activity at the Marketplace Shopping Center and if they are required to provide the town updates.

Planning Director Haskett stated there were a couple complaints initially during the demolition, but the building inspector has done a great job ensuring a specific plan was in place for the fence and construction area. The contractor is not required to provide updates other than request inspections or permits.

Police Chief David Kole presented the Police Department Report for the month of August.

Fire Chief Ed Limbacher presented the Fire Department Report for the month of August.

Town Manager Cliff Ogburn provided operational highlights on the following:

- Ginguite Trail Stormwater Project Update is out to bid. The bid period began on August 25th and will close September 29th. The project is on the website, and it has been sent to multiple bidders. Staff is hopeful to get the project started in October or November.
- Beach Nourishment-Weeks Marine is considering starting Southern Shores in the next couple weeks, this would be at the first subline located at approximately 60 Ocean Blvd and work their way south. There will be meetings occurring every two weeks to provide updates on the projects (all four towns) and answer questions from the public and other stakeholders.
- Paving Project for 2022 is substantially complete. The contractor started August 1st and finished August 26th. There are still some punch list items to address and we are still waiting on some of the costs per quantity. Ideally there would be enough savings to overlay Mizzen Mast and Turtle Pond. The overlay work on Hickory, Chicahawk and Sound View is the look that we are going for, the patching is the first step and then the overlay is the look we are seeking. The second year of the paving plan can be adjusted, and staff would like to further discuss this at the mid-month workshop meeting.

Council Member Sherlock asked if the ocean front property owners will be notified of the start of the beach nourishment project? Town Manager Ogburn stated it will be placed on the website and in the newsletter. The website also has a map that tracks the progress of the beach nourishment.

Town Attorney Hornthal reported the two CAMA permits that were issued back in 2018 to SAGA for development for the sites located at 98 and 134 Ocean Blvd. were appealed to an administrative law judge who affirmed the local CAMA Permit Officer's permit. The petitioners then appealed that to the next level of appeal which is Wake County Superior Court and Judge Rebecca Holt Wake County issued her opinion on June 19th affirming both the administrative law judge and the original permits issued by the local officer. The petitioners then had 30 days to appeal that decision and that deadline ran on August 18, 2022, with no appeal. The permits are good.

Old Business

None

New Business

7. Public Hearing-PSP-22-01, a preliminary subdivision plat submitted by Matthew Casella to subdivide the property located at 267 Hillcrest Dr.

Town Attorney Hornthal opened the public hearing and called on Planning Director Haskett for the staff report.

Deputy Town Manager/Planning Director Wes Haskett presented the staff report which read as, the Town's Subdivision Ordinance establishes a review process for subdivisions that requires Town Council approval of all preliminary and final subdivision plats (except for exempted subdivisions). The applicant is requesting to subdivide the lot located at 267 Hillcrest Dr. into two new lots. The existing single-family dwelling and other improvements currently situated at 267 Hillcrest Dr. are proposed to be located on new Lot 1-B with a lot size of 70,360 sq. ft. and the remaining property is proposed to be located on new Lot 1-A with a lot size of 52,016 sq. ft. Both lots as proposed meet the Town's minimum lot size requirement of 20,000 sq. ft. and lot width of 100 ft. Both lots also meet the Town's frontage requirement by providing at least 30 ft. of frontage that abuts a public right-of-way or private street.

Town Staff recommends approval of the preliminary plat with the following conditions:

1. The exemption certificate shown on the preliminary plat shall be deleted.
2. A certificate of approval by the Planning Board shall be added to the final plat.
3. A certificate of approval by the Town Council shall be added to the final plat.

The Town Planning Board unanimously (5-0) recommended approval of the preliminary plat with the above conditions at the August 15, 2022 Planning Board meeting.

Town Attorney Hornthal called on the public for comment. Hearing no citizen wanting to provide comment he closed the public hearing.

Council Member Holland stated the only question that the Planning Board had was if the well was a functioning well? The applicant stated he did not have a definitive answer yet.

Council Member Sherlock stated the subdivision plat meets all the requirements and she has spoken to homeowners in the area and they agree.

Motion made by Mayor pro tem Neal to approve PSP 22-01 with the following conditions:

1. The exemption certificate shown on the preliminary plat shall be deleted.
2. A certificate of approval by the Planning Board shall be added to the final plat.
3. A certificate of approval by the Town Council shall be added to the final plat.

Motion Seconded by Council Member Holland. The motion passed unanimously (5-0).

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

8. Public Hearing-ZTA-22-09, a Zoning Text Amendment application submitted by Mila Smith to amend Town Code Sections 36-163 and 36-207(b)(3)

Town Attorney Hornthal opened the public hearing and called on Planning Director Haskett for the staff report.

Planning Director Wes Haskett presented the staff report. The applicant is proposing a Zoning Text Amendment (ZTA) to amend Town Code Sections 36-163 and 36-207(b)(3) to allow group fitness, aerobics, dance, martial arts, yoga, gym, and/or weight training as a permitted use in the C, General Commercial zoning district. The proposed amendments to Section 36-207(b)(3) establish the proposed use which would allow various group fitness service establishments. The proposed amendments to Section 36-163 establish the minimum parking requirement for the proposed use which requires one parking space for each 250 square feet of gross floor space. As a permitted use, such establishments could be approved administratively if they are proposed to be located in an existing building and a site plan is not required. If a site plan is required, it would have to be reviewed by the Planning Board and the Town Council.

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the proposed ZTA. The Town Planning Board unanimously (6-0) recommended approval of the application at the August 15, 2022 Planning Board meeting.

Town Attorney Hornthal called on the public for comment. The applicant addressed Council.

Applicant Mila Smith shared her prepared statement, essentially thanking the Council for their consideration and her wanting to see the process through. She unfortunately has chosen to not relocate her business to Southern Shores at this time. The location she had in mind was rented to another business before this zoning text amendment process could be completed.

Hearing no further comment, Town Attorney Hornthal closed the public hearing.

Council was disappointed Ms. Smith had changed her mind and hoped that she may reconsider in the future.

Mayor pro tem Neal had no issue with adding the use.

Hearing no opposition to adding the use, Mayor Morey called for a motion.

Motion made by Council Member Sherlock to approve ZTA 22-09 as recommended by staff and the Planning Board, Seconded by Council Member Batenic. The motion passed unanimously (5-0),

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

9. Discussion of Potential Crosswalk at Tenth Ave

NC DOT Division 1 has agreed with a recommendation from an evaluation of the town's crosswalks done by the State Traffic Safety Engineer and a consultant from VHB Engineering for an additional crosswalk at 10th Ave and Duck Road. The study was performed as a cursory review while a study was being performed for the Town of Duck. DOT will fund the installation of the crosswalk and the Town will need to fund the cost for the overhead lighting.

Council Member Batenic asked if NCDOT would do another crosswalk study if Council chose to pursue? Town Manager Ogburn stated perhaps if Council requested one.

Mayor pro tem Neal stated adding another crosswalk between the two lights makes sense. We have had more citizen advocacy to place it on Tenth Ave. and it is more centrally located between the lights.

Council Member Holland agreed that we have had more citizen's request the crosswalk be placed at Tenth Avenue.

Mayor Morey stated by viewing the aerial photos the pathway through tenth Avenue is well utilized. Ideally, Council would like to see a paths on both side of NC12 the whole way from the south end of NC12 to the north end of town. This Council has recognized and hope to get a Tourism Grant to do a segment of the pathway and then continue from there. Council hears from the residents that they want more paths on NC12 and a safe way to get across the road to get to the beach.

Mayor Morey allowed comment from a citizen wishing to speak.

Public Comment-Stacia and Mark LeBlanc-#9 Tenth Ave -spoke in opposition to the crosswalk being placed at Tenth Ave. They advocated for the crosswalk to be located on 9th or 11th Avenue, as there are more houses located on those streets.

Mayor Morey stated Council has heard from several residents that live on the dunes behind the avenues and they use a path that gets them to the cul de sac on Tenth Avenue. These residents have advocated for the crosswalk on Tenth Avenue.

Motion made by Council Member Batenic to approve the installation of a crosswalk at 10th Avenue by NC DOT and a Town expense not to exceed \$4,000 to install the overhead solar lights., Seconded by Council Member Holland. The motion passed unanimously (5-0).

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

General Public Comment

Public Comment-Tony DiBernardo-32 Ninth Ave- sent emails to several Council Members throughout the years and have only heard back from two. The footpath on Duck Road is atrocious and the town needs to look at its infrastructure and maintain it.

Council Business

Council Member Holland provide a Tourism Board report. Occupancy collections for the month of June were up 7%, 5.19% year to date. Meal’s collections were up 1.2%, 5% year to date. Visitor spending in NC increased 45% in 2021, equating to an additional 12-13 thousand jobs related to the Tourism business. This keeps our tax dollars down.

Council Member Batenic asked the manager how many more weekends the barriers will be out on the streets? Town Manager Ogburn stated this past weekend was the last one for the season.

Mayor Morey stated the next meeting is a Council workshop meeting scheduled for Tuesday, September 20th at 9:00 a.m. Council hopes to hear an update from the Kimley Horn Report and Council will discuss budget issues. There will be a Mayor’s Chat October 19th at 4:00 p.m.

Adjourn

Council Member Holland moved to adjourn at 6:32 p.m., Seconded by Mayor Morey. Motion passed unanimously (5-0).

ATTEST:

Respectfully submitted,


A. Elizabeth Morey, Mayor




Sheila Kane, Town Clerk

The attached documents are incorporated herewith and are hereby made a part of these minutes.