



TOWN OF SOUTHERN SHORES
TOWN COUNCIL REGULAR MEETING

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

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

www.southernshores-nc.gov

PITTS CENTER

Tuesday, February 07, 2023 at 5:30 PM

MINUTES

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Present:

Mayor Morey

Mayor pro tem Neal

Council Member Holland

Council Member Batenic

Council Member Holland **moved** to excuse Council Member Sherlock from the evening's meeting, Seconded by Council Member Batenic. Motion passed unanimously (4-0).

Amendments to / Approval of Agenda

Motion made by Council Member Holland to approve the February 7, 2023 agenda as presented, Seconded by Council Member Batenic. Motion passed unanimously (4-0).

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

Consent Agenda

Motion made by Council Member Batenic to approve the consent agenda as presented, Seconded by Council Member Holland. Motion passed unanimously (4-0).

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

1. Minute Approval-January 3, 2023
2. Budget Amendments #16-#20
3. Approval of SUP-22-01 Order

Presentations

The Wall that Heals-Presentation by Wally Overman and Patty O'Sullivan

Wally Overman, Vice Chairman, Dare County Board of Commissioners

Patty O'Sullivan, Dare County Veteran Services Officer

The Dare County Board of Commissioners created the Veterans Advisory Council in respectful recognition of the service and sacrifice of all Dare County Veterans as represented in all the branches of United States military service.

The Veterans Advisory Council helps Dare County Veterans by serving as a liaison with the community in coordinating services and activities benefiting Veterans and their families.

The Dare County Veterans Advisory Council is bringing “The Wall That Heals” to Dare County (wall replica and mobile education center). The Wall That Heals is a three-quarter scale replica of the Vietnam Veterans Memorial in Washington, D.C. Dare county anticipates as many as 1,000 visitors per day, including those from neighboring areas. The Wall That Heals will be coming to Dare County November 15-19, 2023

- November 14 - The Wall That Heals arrives in Dare County
- November 15 - Set up with soft opening at completion.
- First volunteer shift begins at 2 p.m.
- Volunteer training is at 6 p.m.
- November 16 - Official opening day and ceremonies
- The Wall is open to the public 24 hours per day.
- November 19 - Wall Breakdown at 2 p.m.

Staff Reports

Deputy Town Manager/Planning Director provide the Permit Department’s monthly report for January. Also provided was a brief update on the Land Use Plan and the Planning Board.

Land Use Plan Update--The consultant attended the January 24th Special Planning Board meeting and presented the survey results and draft goals. The next steps for the consultant are to refine the goals, develop recommendations and the future land use map further, and continue plan development.

Planning Board--The Town Planning Board will hold its regular meeting on February 22nd (which is a Wednesday) at 5:00 p.m. here in the Pitts Center. The purpose of the meeting is for the Board to continue discussion of potential commercial design standards. The Board may also begin discussing additional requirements for accessory structures that contain living space.

Police Chief David Kole presented the January 2023 Police Department report.

Fire Chief Ed Limbacher presented the January 2023 Fire Department monthly report and an end of year report and presentation.

Town Manager Cliff Ogburn provided a summary of the following operational highlights:

- Juniper/Trinitie Culvert Update-staff has delayed bringing the permitting and design contract forward in order to further review some of the roadway design. There may be an opportunity to lower the height and broaden the line of sight, but staff is seeking an exception from requiring a Coast Guard permit.

- Beach Nourishment Update-Volunteers and the Public Works Department continue to work on planting beach grass. The sand fence contractor claims they will be finished putting up the sand fencing by the end of the month.
- Request for Budget Discussion at February Workshop Meeting-Staff would like to offer the following areas of discussion at the Council's February 21st workshop meeting:
 - Budget Overview/Discussion
 - Revenue
 - YTD expenditures
 - Beach
 - Nourishment CRF
 - Spring
 - 2023 Street Paving Project
 - Stormwater
 - projects
 - Salary/Benefits
 - Two-year budget
 - Public Works building improvement (approval)

General Public Comment

None

Old Business

New Business

Planning Board Appointment

Planning Director/ Deputy Town Manager Wes Haskett briefed Council stating Planning Board member Lynda Burek resigned from the Town Planning Board on January 16, 2023. The term for her position began on July 1, 2022 and will end on June 30, 2025. Alternate member Jan Collins began serving as an alternate member on the Board on November 6, 2020 and is currently the first alternate. Ms. Collins has expressed an interest in filling the vacancy created by Ms. Burek's resignation. There currently are no applications on file from citizens interested in serving on the Town Planning Board.

Motion made by Council Member Holland to appoint Jan Collins as a regular Planning Board Member, Seconded by Mayor pro tem Neal.

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

Public Hearing ZTA-23-01-a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Section 36-57, Definition of Specific Terms and Words.

Town Attorney Philip Hornthal opened the public hearing and called on staff for a report.

Planning Director/Deputy Town Manager Wes Haskett presented the staff report which stated, in 2019 the N.C. General Assembly enacted North Carolina General Statutes Chapter 160D, Local Planning and Development Regulation, which consolidated and clarified former Chapters 160A and 153A that addressed development regulations for Municipalities and Counties. The Chapter became effective January 1, 2021 with the requirement that all

Municipalities and Counties update their ordinances to be compliant with it by July 1, 2021. Due to the Town Code Update project, Town Staff chose to postpone amending the Town Code to be compliant with Chapter 160D until the amendments from the Town Code Update project were complete.

As a result of that postponement, and in an effort to bring the Town Code into compliance with Chapter 160D without making numerous amendments, the Town Council adopted Town Code Amendment TCA-21-05 on July 6, 2021 that clarified that the North Carolina General Statutes (in particular Chapter 160D) must be satisfied whenever the Town Code conflicts with, contradicts or is otherwise inconsistent with the North Carolina General Statutes. The next proposed amendment required under Chapter 160D is a Zoning Text Amendment (ZTA) that adds two definitions and revises two definitions in the Town Zoning Ordinance.

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 recommended approval (5-1) of the application at the January 24, 2023 Special Planning Board meeting.

Mr. Haskett further stated 160d-706 states that when adopting regulations under this article a local government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is inconsistent with any definition of those terms in another statute or in a rule adopted by a state agency, including the State Building Code. The ZTA includes definitions for bedroom, building, and dwelling unit. A dwelling unit is a revised definition, building is a revised definition, and all three of those terms come from the 2018 Residential Building Code Chapter Two-definitions. The definition of dwelling comes from 160d-102-15 Staff recommends approval of the ZTA and the planning board recommended approval of the ZTA 5-1 at their January 24th of special meeting.

Mayor Morey asked Planning Director Haskett if he has seen any impactful change from the way he has been doing business in terms of applying these definitions? Planning Director Haskett stated he has not found any potential issues at this point.

Council Member Holland asked to clarify *manufactured home*. Planning Director Haskett stated it would be a single wide or double wide trailer or a modular home. Manufactured homes are allowed in the R1 district.

Council Member Batenic stated this all comes from the state.

Hearing no citizen wishing to speak, Town Attorney Philip Hornthal closed the public hearing.

Motion made by Council Member Batenic to approve ZTA-23-01 as presented by staff and in compliance with the state, Seconded by Council Member Holland. Motion passed unanimously (4-0).

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

7. Martin's Point ETJ Transfer Discussion

Planning Director Wes Haskett explained the Town currently exercises extraterritorial jurisdiction over the Martin's Point commercial properties. The properties consist of ten

developed lots that are not within the Town's limits, but they are subject to the Town's land use regulations (zoning, flood, building code). John Finelli is a Martin's Point resident that serves as the ETJ Representative on the Town Planning Board, and he is able to vote on matters pertaining to the Martin's Point ETJ area. Mr. Finelli is proposing a transfer of land use regulation (relinquishment) of the Martin's Point commercial properties back to Dare County (see attached letter).

The Town Planning Board discussed the proposal at the December 19, 2022 Planning Board meeting and voted unanimously to recommend approval of the transfer. Mr. Finelli and Town Staff are now seeking direction from the Town Council. If Council would like to move forward with the transfer, Town Staff will prepare an ordinance (including Town Code Amendments) for the Planning Board and Town Council to consider. The Town Council would need to hold a public hearing on the ordinance, following a recommendation from the Planning Board. If the ordinance is adopted by Council, the Town's development regulations and powers of enforcement that currently apply to the Martin's Point commercial properties would remain in effect until Dare County has adopted development regulations for the properties, or a period of 60 days has elapsed, whichever is sooner.

Council Member Holland asked if there have been any preliminary discussions with Dare County? Planning Director Haskett stated Town Manager Ogburn has spoken to the County Manager and he did not indicate there were any issues. He further stated Mr. Finelli has indicated he has spoken with Chairman Woodard, as well as Planning Director Noah Gilliam, and that they did not have any objections to it.

Mayor Morey pointed out that the letter from Mr. Finelli indicated he has spoken with approximately 60% of the commercial property owners and they are in favor of the move, none are opposed. Mayor Morey further stated she felt it needs to happen and Southern Shores just doesn't need to play a roll over there.

Council Member Holland agreed with Mayor Morey that it is the County and not Southern Shores that should play a roll in that area.

Motion made by Mayor Morey to direct Town staff to prepare an ordinance to relinquish extraterritorial jurisdiction over the Martin's Point commercial properties, Seconded by Council Member Holland. Motion passed unanimously (4-0). Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Batenic

General Public Comment

None

Council Business

Mayor Morey announced the February 21st workshop meeting at 9:00 a.m.

Council Member Holland provided a Tourism Board report for the month of November. November occupancy collection was up 63%, YTD up 6.8%. and meals were up 60%, YTD up 6.3%. He also reported at the January Tourism Board meeting he was appointed to the Budget and Finance Committee and the Personnel Committee

Council Member Batenic reported that the Gov Access Committee is working on a video about e-bikes and the new playground proposed at Kitty Hawk Elementary which would provide accessibility for handicap children.

Closed Session

8. Closed Session - N.C.G.S. § 143-318.11(a)(5) and N.C.G.S. § 143-318.11(a)(3)

Motion made by Mayor pro tem Neal to enter Closed Session pursuant to N.C.G.S. § 143-318.11(a)(5) and N.C.G.S. § 143-318.11(a)(3), Seconded by Council Member Batenic. Motion passed unanimously (4-0).

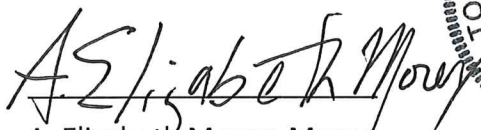
Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Batenic

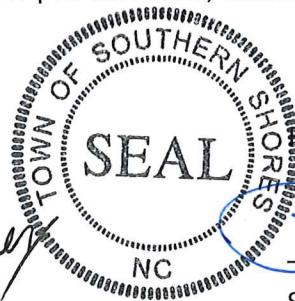
Adjourn

Upon returning from Closed session and hearing no further business, **Motion** made by Council Member Holland to adjourn the meeting at 7:12 p.m., Seconded by Council Member Batenic. Motion passed unanimously (4-0).

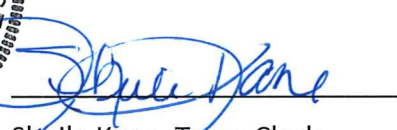
Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Batenic

ATTEST:


A. Elizabeth Morey, Mayor



respectfully submitted,


Sheila Kane, Town Clerk

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