



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, August 01, 2023 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

Absent

Town Manager Cliff Ogburn

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.

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

Consent Agenda

Mayor Morey recommended removing the minutes from the consent agenda and tabling the item until the next meeting, as the council had not had sufficient time to review.

Motion made by Council Member Sherlock as amended, Seconded by Council Member Holland. The motion passed unanimously.

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

1. Budget Amendments 1-12
2. Minute Approval (removed)
3. Resolution 2023-08-01 Surplus

35 **Staff Reports**

36 Deputy Town Manager/Planning Director

37 Land Use Plan Update-A Special Planning Board meeting will be held on August 9th at 5:00 p.m. in
38 the Pitts Center for the Board to consider the final draft and possibly make a recommendation to
39 Council. Once a recommendation to the Council has been made, the plan will be sent to the N.C.
40 Division of Coastal Management for its required review, which could take 75 days or longer. Once
41 we've received comments from DCM, the consultant will revise the plan accordingly and the
42 Planning Board will consider it again (if needed) and then the Council can hold a public hearing and
43 consider it.

44 Planning Board-The Town Planning Board will hold its regular meeting on August 21st at 5:00 p.m.
45 here in the Pitts Center. The purpose of the meeting is for the Board to consider SUP-23-01, a
46 Special Use Permit application submitted by Quible & Associates, P.C. on behalf of Ginguite LLC for
47 a mixed-use group development of commercial and residential buildings at 6195 N. Croatan Hwy.
48

49 Police Chief Kole presented the Police Department report for the month of June 2023.

50 Fire Chief Limbacher presented the Fire Department report for the month of July 2023.

51 Deputy Town Manager Wes Haskett presented the Town Manager's report in his absence.

52 Beach nourishment-the draft updated Beach maintenance plan is something that will need to be
53 adopted by council in order for the town to remain eligible for FEMA funding following a storm
54 event. Town Manager Ogburn will probably be sending the council this draft tomorrow or
55 sometime this week and can be adopted whenever the council is ready. Staff plans on putting it on
56 the September council meeting agenda. Ken Willson will be coming to the December meeting to
57 present the annual monitoring results. He will do a presentation that will show how the beach
58 performed during this first year since the nourishment project was complete.

59 Juniper Trinitie Culvert Bridge – It is still in the roadway design phase and staff is still waiting to
60 hear from the Coast Guard about whether or not we can lower the bridge.

61

62 **General Public Comment**

63 Donna Creef, Government Affairs Director, Outer Banks Association of REALTORS- the Board of
64 Directors of the Outer Banks Association of REALTORS recently adopted a resolution in support of
65 federal legislation to reauthorize the National Flood Insurance Program (NFIP) which is currently
66 authorized until September 30, 2023. A copy of this resolution will be sent to Senator Tillis, Senator
67 Budd, and Congressman Greg Murphy. A copy will also be sent to Congressman Patrick McHenry from
68 NC's tenth district who serves as the Chairman of the House Financial Services Committee that
69 oversees insurance issues. She urged the Town Council to consider adoption of a similar resolution for
70 forwarding to our federal representatives. Flood insurance is important for all Outer Banks residents
71 and property owners.

72

73 **Old Business**

74 None

75

76

77 **New Business**

78 4. Appointment to the Dare County Land Transfer Appeals Board

79 Mike Stone's 4-year term on the Dare County Land Transfer Appeals Board expired in June of
80 this year. Mr. Stone does not wish to be reappointed. This Board meets when someone
81 appeals the amount of land transfer tax due that they owe. Members shall serve until their
82 successors are appointed. A vacancy shall be filled by the appointing authority of the member
83 who created the vacancy.

84 **Motion** made by Mayor Morey to appoint town resident Maggie Carroll to the Dare County
85 Land Transfer Appeals Board, Seconded by Council Member Holland. The motion passed
86 unanimously.

87 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member
88 Sherlock, Council Member Batenic
89

90 5. Consideration of Town Code Amendment-Beach Driving

91 Last year, during a staff presentation concerning the potential of the Town regulating E-Bikes,
92 staff recognized that Town Code Section 20-109- Driving or landing aircraft on beaches was
93 somewhat outdated and should be modernized. The attached ordinance removes the present
94 language in its entirety, retitles the ordinance, and mirrors similar language in other Dare
95 County towns.

96 Deputy Town Manager Haskett stated essentially the ordinance makes it unlawful for any
97 vehicle of any type, excluding bicycles and e-bikes, to operate on the ocean beach within the
98 Town of Southern Shores. It also excludes ocean rescue, fire, police, coast guard, public works,
99 and other town authorized entities.

100 **Motion** made by Council Member Holland to adopt TCA-23-01 6-19-23 Ordinance 2023-08-01
101 as presented, Seconded by Council Member Sherlock. The motion passed unanimously.

102 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member
103 Sherlock, Council Member Batenic
104

105 6. Resolution To Adopt a Technical Assistance Memorandum of Agreement

106 The agenda summary read as, Mayor Morey initiated a discussion between the Town
107 Manager and staff with ARP services at the North Carolina League of Municipalities. The
108 League created a Topic Specific Technical Services (TSTS) program to utilize ARP funds that
109 they received from the State to help municipalities with their ARP experiences and projects.
110 This is one part of their overall effort to provide ARP technical services to NC municipalities.
111 TSTS is designed to allow them the ability to partner with subject matter experts aligned with
112 services towns need to get their ARP funds executed and invested correctly and successfully.
113 The services they have identified as beneficial include Grant Services, Legal, Engineering &
114 Planning, Cybersecurity and Storytelling. They are positioned to fund one or more of these
115 services for a town, up to a certain maximum cost. That maximum cost depends on the service
116 line, scope of the project, and other factors.

117 When the Town reimbursed itself for past expenses through Revenue Replacement by
118 utilizing the standard allocation and supplanting general operational costs, in our case Police

Officer salaries and benefits, we utilized our ARP funds for that purpose. We now have a surplus of unrestricted funds in our General Fund. These are ARP Enabled funds. The NCLM will support and help us leverage those funds for more funds for projects that will add value to Southern Shores.

The Town Council has prioritized stormwater related projects and pedestrian safety projects.

A complete focus on pedestrian safety can include bike safety as well. Efforts consist of multiple safety related improvements to existing infrastructure and expansions of existing infrastructure to reduce the dependency on vehicles and improve the quality of life for our residents. The Town went through the exercise to conduct a comprehensive plan that was done in 2014 and was never officially approved. This plan could be updated and officially adopted to be utilized to be competitive in grant requests. Crosswalk safety can be included in this plan. The League is currently developing an engineering & planning service line as part of their TSTS program. They are in the process of soliciting interest from firms that specialize in these services to become 'preferred partners' of the League's ARP team. The due date for responses was July 28th. The League is not quite ready to onboard towns that wish to benefit from this service line. They will hopefully be ready by the end of August, and we may also be able to benefit from a planning service to reexamine our 2014 study and to get a new plan adopted. The anticipated maximum fundable amount is anticipated to be around \$25,000.

line would be an ideal fit for these needs. Grant services consists of three phases: 1) Project identification, development and identification of project aligned grantors, 2) grant application preparation and submittal, 3) grant management set up. The program is prepared to fund up to \$10,000 worth of costs for each phase of the grant life cycle identified. If the Town needs all three phases, that would equal to \$30,000.

ARP League staff recommends that the Town starts with the grant services for the stormwater related projects. Once the Engineering & Planning line is ready, we can also request assistance for the bike and ped plan development. If we have not utilized all the funding available via grant services by the time our plan is complete, we can utilize the remaining balance towards identification of grantors and possible application preparation.

Staff recommends that the Town Council approve the resolution authorizing the Town Manager to enter the MOA to begin work on the identified projects.

Mayor Morey stated these are State allocated funds that went to the League of Municipalities for the purpose of assisting local governments like ours. Southern Shores does not have sufficient staff to have a full-time grant writer, and this is a way to get those grant writing services without hiring a staff person. She further stated the Town Attorney has reviewed the Memorandum of Agreement and does not have any issue with it.

Mayor Morey is currently on the Executive Board of the North Carolina League of Municipalities and brought this back to staff when learning of the possibilities of this Memorandum of Agreement.

Council Member Sherlock stated it was difficult trying to decipher exactly what the agreement was and appreciated the mayor's explanation.

Motion made by Mayor Morey to adopt Resolution 2023-08-01, Seconded by Council Member Sherlock. The motion passed unanimously.

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

Sherlock, Council Member Batenic

7. Discussion of potential Dare County Tourism Board Tourism Impact Grant application

The Dare County Tourism Board offers a grant designed to help governmental units and nonprofit organizations located in Dare County with programs or services needed due to the impact of tourism. All TIG grants are disbursed on a reimbursement basis. Awards over \$50,000 require a match.

Presently, the Town is working to install a multi-use path along the east side of NC 12/Duck Road from Triangle Park to East Dogwood Trail.

At its March 2022 retreat, the Council formed the following priority list for future path segments:

- 1A NC 12 Triangle Park to E Dogwood Tr
- 1B NC 12 E Dogwood Tr to 13th Ave
- 2A Hickory E Dogwood Tr to Hillcrest Dr
- 2B Hickory Hillcrest Dr to NC 12
- 3 Hillcrest Hickory Tr to NC 12
- 4A Sea Oats E Dogwood Tr to Hillcrest Dr
- 4B Sea Oats Hillcrest Tr to NC 12
- 5 Wax Myrtle E Dogwood Tr to Hillcrest Dr
- 6 Chicahauk Tr cul-de-sac to Trinitie Tr
- 7 Skyline Rd full length
- 8A Ocean Blvd Triangle Park to E Dogwood Tr
- 8B Ocean Blvd E Dogwood Tr to Hickory Dr
- Other Considerations:
 - Improve existing connection between Spindrift Tr. and Skyline Rd.
 - Improve existing connection between N Dogwood and Hillcrest

Mayor Morey stated the Council is looking for feedback on the potential list sidewalks.

Both Mayor Morey and Council Member Batenic stated they would like to hear citizens' input.

Council Member Holland was in favor of 1B. NC 12 E Dogwood Tr to 13th Ave.

Mayor Morey recommended a Town Hall meeting to gauge citizens input on sidewalks and walking paths. It was **Consensus of the Council** to schedule a Town Hall Meeting on Tuesday, August 29th for the purpose of gathering citizen input on potential sidewalks/walking paths.

General Public Comment

None

202 **Council Business**

203 Mayor pro tem Neal expressed the importance of following through with a resolution in support of
204 federal legislation to reauthorize the National Flood Insurance Program (NFIP).

205 Council Member Sherlock stated both she and the mayor toured the renovated Public Works facility
206 and met with the knowledgeable staff. She also attended a ribbon cutting for a new business in town
207 (Sherwin Williams).

208 Mayor Morey stated the next meeting is September 5th. She will be conducting a Mayor’s Chat on
209 August 9th at 4pm, followed by the Planning Board at 5pm.

210 Council Member Holland reported the Red Cross Blood Drive will be held August 2nd at Holy Redeemer.
211 The Tourism Board report for May consisted of occupancy down 9% and down 4% year to date. Meals
212 are up 4% for May, and up 5%, year to date.

213

214 **Closed Session**-pursuant to N.C.G.S. § 143-318.11(a)(5) & (a)(3) motion made by Council Member
215 Holland, Seconded by Council Member Batenic. The motion passed unanimously.

216

217 **Adjourn**

218 Upon returning to open session and hearing no further business, Council Member Holland moved to
219 adjourn, Seconded by Council Member Batenic. The motion passed unanimously. The time was 7:05
220 p.m.