



Town of Southern Shores

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

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www.southernshores-nc.gov

Town Council Meeting

December 3, 2024

Present

Mayor Morey

Mayor pro tem Neal

Council Member Sherlock

Council Member Batenic

Call Meeting to Order-December 3, 2024

Pledge of Allegiance

Moment of Silence

Amendments to / Approval of Agenda

Mayor Morey asked if there were any amendments to the agenda. Council member Sherlock **moved** to approve the agenda as presented, Seconded by Council member Batenic. The motion passed unanimously.

Consent Agenda

The consent agenda consisted of the following:

1. Resolution #2024.12.01 - 2025 Council Meeting Schedule
2. Minutes- October 1, 2024 and October 10, 2024

Mayor Morey presented the consent agenda. Council Member Batenic noted a correction was needed for the October 10 minutes. After discussion, Council Member Batenic made a **motion** to approve the consent agenda with the correction to the October 10 minutes, Seconded by Council member Sherlock. The motion passed unanimously.

Staff Reports

Planning/Deputy Town Manager

Planning Director/Deputy Town Manager Haskett provided a brief report for the month of November:

- 35 total permits issued in November and \$18,785.20 in fees collected by the planning department in November.
- Update on Southern Banks Hazard Mitigation Plan - draft expected to be ready this month and will be posted on website for public review before being sent to state and FEMA for comment
- Planning Board to meet December 16th to discuss potential text amendment regarding nonconforming lots.

46 **Police Chief**

47 Police Chief Kole presented the November police report. He shared photos from the annual awards
48 lunch held November 13th, highlighting Officer Cooke receiving the Top Gun award and School
49 Resource Officer (SRO) Tracy Mann being selected as Officer of the Year by her peers. Police Chief
50 Kole recognized Deputy Chief Slegel as this was his last official meeting before retirement.

51
52 Deputy Chief Slegel presented Chief Kole with an award recognizing his 40 years of outstanding
53 and dedicated service.

54
55 **Fire Chief**

56 Fire Chief Limbacher provided the monthly calls report for November.

57
58 **Town Manager**

59 Town Manager Ogburn provided updates on several projects:

- 60 • Chicahauk Trail Bridge: The bridge replacement project is set to commence with full
61 closure of the bridge expected on December 9th. This closure will affect all traffic, including
62 pedestrian and boat traffic. Prior coordination has been made with crews setting up road
63 barricades preparing for the temporary closure.
- 64 • NC 12 Multi-Use Path: The construction of a new path on NC 12 has been completed.
65 Further work has been contracted to replace the path around 3rd to 5th Avenue, and it is
66 anticipated to start soon. This will be carried out by the same crew tasked with the previous
67 path completion.
- 68 • Tourism Impact Grant: The town has been awarded \$91,000 as a tourism impact grant from
69 the county. With a 25% matching fund requirement, this grant will facilitate continued path
70 replacement efforts planned for 2025.
- 71 • Town Hall Improvements: Progress is being made on town hall improvements, with the
72 reduced scope of the project. Staff will be utilizing some of the space in the Pitts Center to
73 accommodate the storage needs. The door and other safety features will still be
74 incorporated into the project.

75
76 Council member Sherlock asked for an update to Senate Bill 382

- 77 • State Legislation Impact: Recent amendments to zoning authority via Senate Bill 382 have
78 drawn concern. The bill, initially unrelated to zoning, imposes consent requirements from
79 property owners for any downzoning actions, such as reducing density or improving lot
80 sizes. It also restricts municipalities from adding any prohibited uses in the code without
81 consent. Discussions with other local council members and county officials are ongoing,
82 on how to move forward and get this corrected as soon as possible.

83
84 **Town Attorney**

85 Town Attorney Hornthal had no report.

86
87 **General Public Comment**

88 Carolyn Hoover, 108 Last Hunt Lane-asked about traffic management plans during the Chicahauk
89 Trail Bridge closure, particularly regarding traffic light timing at access to NC 12 and Chicahauk
90 Trail.

Mark LeBlanc, 9 10th Avenue-spoke against adopting the proposed tree ordinance amendment on the agenda, expressing concerns about property rights restrictions and suggesting the town consider fire safety issues related to heavily wooded areas.

Anthony Mina 75 E Dogwood Trl-expressed concerns about alleged misconduct by staff related to zoning issues.

Old Business

None

New Business

2024 Beach Monitoring Update

Ken Wilson, Senior Program Manager at Coastal Protection Engineering provided a comprehensive update on the 2024 beach monitoring results, focusing on multiple aspects of the ongoing beach nourishment project in Southern Shores:

Project Goals

The project's primary goals are to ensure a reasonable level of storm damage reduction to public and private development along the coast, mitigate long-term erosion, and maintain a healthy beach that allows enough recreation area and supports offshore ecosystems, such as the habitat for small aquatic life. Ken Willson explained that the design aims to handle storms similar to Hurricane Isabel and plans for approximately a 20-year storm return interval.

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

Monitoring Methodology and Techniques

Ken Willson elaborated on the process of monitoring the beach's performance, which involves conducting surveys of 23 beach profiles. Each profile runs from the dune line into the nearshore waters, with survey teams using a combination of land-based measurements and sonar from boats to track changes in beach width and volume, well beyond just the visible shoreline. This tracking ensures that all sand, whether on the surface or underwater, is accounted for and that seasonal and storm-induced changes are adequately monitored.

- Data: Beach Profile Surveys – November 2022 (Post-Construction), June 2023 (Year-1), June 2024 (Year-2)
- 23 Beach Profiles Along Southern Shores Oceanfront
- **Shoreline Change Analysis:** Overall changes (Post-Construction baseline to June 2024) and Recent changes (June 2023 to June 2024)
- **Volume Change Analysis:** Overall changes (Post-Construction baseline to June 2024) and Recent changes (June 2023 to June 2024)

Shoreline and Volume Change Data

Ken Willson presented detailed data showing both shoreline and volume changes since the nourishment project's inception. Using graphs, he illustrated that the northern sections saw significant volume gains due to the additional sand placed there in May 2023, which he noted was somewhat expected. There was a consensus that the "equilibration" process they observe—where sand naturally shifts offshore right after nourishment—was performing as anticipated. The central and southern sections also reported gains, but at lower rates.

MONITORING AREA	Shoreline Change Rate (Ft./Yr.) Nov. 2022 (Post-Con) to June 2024 (Year-2)	Shoreline Change Rate (Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)
NORTHERN SECTION (-197+12 TO -153+00)	+16.6*	0.8
CENTRAL SECTION (-153+00 TO -50+00)	-13.9	-4.0
SOUTHERN SECTION (-50+00 TO 0+00)	-18.3	-5.8
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	-7.7	-3.4

* Additional Fill was added to the Northern Section during this time.

- North of 4th Ave widened beach by ~21 ft., South of 4th Ave widened the beach by ~124
- Added about 58,000 cy in Northern Section after the Nov. 2022 survey.
- Note South to North Construction in terms of higher rates.

Shoreline Change Analysis Results:

MONITORING AREA	Shoreline Change Rate (Ft./Yr.) June 2023 (Year-1) to June 2024 (Year-2)	Shoreline Change Rate (Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)
NORTHERN SECTION (-197+12 TO -153+00)	+15.6	0.8
CENTRAL SECTION (-153+00 TO -50+00)	+18.6	-4.0
SOUTHERN SECTION (-50+00 TO 0+00)	-19.4	-5.8
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	+8.3	-3.4

Volume Change Analysis Results:

MONITORING AREA	Project Volume Change (CY)	Volume Change (CY/Yr.) Post-Con to June 2024 (Year-2)
NORTHERN SECTION (-197+12 TO -153+00)	124,000	198,000*
CENTRAL SECTION (-153+00 TO -50+00)	580,800	185,200
SOUTHERN SECTION (-50+00 TO 0+00)	343,700	26,400
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	1,048,400	409,600

* Additional Fill was added to the Northern Section during this time.

- Previous Numbers: North – 161,400, Central – 140,600, South – 97,900, Total – 399,900.
- Some of the gains in North are due to placement in May 2023, however, there was a measured gain of 37,000 CY between Year 1 and Year 2 surveys

Volume Change Analysis Results:

MONITORING AREA	Volume Change Rate (CY/Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)	Volume Change Rate (CY/Ft.) Post-Con to June 2024 (Year-2)
NORTHERN SECTION (-197+12 TO -153+00)	5.7	27.8
CENTRAL SECTION (-153+00 TO -50+00)	0.1	11.3
SOUTHERN SECTION (-50+00 TO 0+00)	0.1	3.2
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	1.4	13.2

Volume Change Analysis Results:

MONITORING AREA	Volume Change Rate (CY/Ft./Yr.) Dec. 2017 (2017 Post-con) to August 2022 (Pre-con)	Volume Change Rate (CY/Ft.) June 2023 (Year-1) to June 2024 (Year-2)
NORTHERN SECTION (-197+12 TO -153+00)	5.7	8.9
CENTRAL SECTION (-153+00 TO -50+00)	0.1	4.5
SOUTHERN SECTION (-50+00 TO 0+00)	0.1	-14.7
TOTAL SOUTHERN SHORES (-197+12 TO 0+00)	1.4	0.6

- Negative in the south is less than what was measured to have been gained in year 1

Future Opportunities and Cost-saving Ideas

There is a potential cost savings for future nourishment cycles by extending time intervals between projects. Ken Willson outlined that instead of every 5 years, it might prove more cost-effective on an annualized basis to extend nourishment to a 6 or 7-year cycle, reducing overall costs long-term.

Long Term Sand Needs:

Assumed Base Volume Per Project (CY)	3,200,000
Assumed Additional Volume for Additional Areas (CY)	500,000
Total Volume Assumed Per Event:	3,700,000

	Quantity Per Event (CY)	Number of Events	Total Maintenance Volume (CY)
Total Maintenance Volume	3,700,000	6	22,200,000

Additional Volume to Account For Storms (Total Maintenance Volume x 12.5%)	2,775,000
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Targeted Volume (Total Maintenance Volume + Additional Volume for Storms, multiplied by 1.5)	~37.5 Million Cubic Yards
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ASSUMPTIONS:

- 3.2 Million CY Per Event based on 2022/2023 Project
- Potential for adding portions of Duck – 500,000 cy per project
- 30 Years requires 6 additional events (2057)
- Increase total by 12.5% based on potential storm damage repairs (BIMP)
- Target 1.5 times the required volume due to constructability

Forecasted Budget For 2027 Project

November 2024 Update			
	Volume	Cost	Annual Cost Savings
Option 1 – 5-year Maintenance Cycle Volume	375,000	\$6,651,200	
Option 2 – 6-year Maintenance Cycle Volume	420,900 CY	\$7,132,800	\$141,440
Option 3 – 7-year Maintenance Cycle Volume	466,800 CY	\$7,631,700	\$239,997

Updates on Funding and Regional Collaboration

Ken Willson also noted the recent state grant awarded to Dare County, amounting to \$7.5 million, intended for future nourishment projects, showing some financial relief and support for ongoing efforts to sustain local beach infrastructure projects. He shared optimism that such funding supports regional strategies to secure sustainable sand sources offshore, aligning with broader economic plans for coastal protection. He highlighted collaborations with other towns and the county for efficient resource utilization.

Council members appreciated Ken Willson's comprehensive presentation, which provided insight into the project's current status, challenges, and future planning considerations.

Public Hearing - ZTA-24-05

Town Attorney Hornthal opened the public hearing for ZTA-24-05, a zoning text amendment proposed by the Town of Southern Shores to amend town code section 36-171.

Planning Director Haskett explained the purpose and contents of the proposed text amendment. The agenda summary read as, At the February 6, 2024 Town Council meeting, the Town Council directed Town Staff to draft Town Code amendments to modernize the Town Code. At the April 9, 2024 Town Council meeting, Council adopted ZTA-24-02 which established that a lot disturbance/stormwater management permit is required to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in the general commercial zoning district and the penalty for not obtaining a lot disturbance/stormwater management permit to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in the general commercial zoning district. In addition to adoption of ZTA-24-02, the Town Planning Board had recommended that the Council direct Town Staff to draft another ZTA that would apply the amendments to all other zoning districts.

At the June 17, 2024 Planning Board meeting, the Board unanimously (5-0) recommended additional amendments to Town Code Section 36-171 that would establish that a lot disturbance/stormwater management permit is required to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any

unimproved lot in all zoning districts. In addition, the Board recommended amending Town Code Section 36-171 to address diseased, dead, or hazardous trees. As a result, Town Staff has drafted ZTA-24-05 which establishes that a lot disturbance/stormwater management permit is required to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in all zoning districts, and exceptions from having to obtain a lot disturbance stormwater management permit to remove a tree greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in all zoning districts when a tree emergency is deemed to exist. If adopted, a tree emergency shall be deemed to exist when:

- (a) A tree has become an imminent danger or hazard to persons or property due to damage to the tree resulting from fire, motor vehicle accident, or natural occurrence such as lightning, windstorm, ice storm, flood, insect damage or disease, or other similar event; or
- (b) A tree must be removed in order to perform emergency repair or replacement of public or private water, sewer, electric, gas, or telecommunications utilities.

In the case of a tree emergency, the Zoning Administrator would have the authority to issue a lot disturbance-stormwater management permit within 72 hours after a tree is removed in a tree emergency, or waive the requirement for a lot disturbance-stormwater management permit. A person otherwise required to obtain a lot disturbance-stormwater management permit may take any reasonable action necessary to avoid or eliminate the immediate danger or hazard, or conduct emergency repair or replacement of the public or private utility. The person taking such action shall file an application for a lot disturbance-stormwater management permit within 72 hours after a tree is removed in a tree emergency, unless the requirement for a lot disturbance-stormwater management permit has been waived by the Zoning Administrator. In these instances, documentation of the need for the emergency tree removal must be provided which may include documentation from a certified arborist, a police report, photographs, and/or other information documenting the condition of the tree and circumstances surrounding its removal.

No members of the public spoke during the hearing. Town Attorney Hornthal closed the public hearing and returned the discussion to the council.

Council members briefly discussed the amendment, clarifying that it would keep the tree emergency provision while restricting tree removal permit requirements to commercial properties, as originally intended.

Mayor Morey noted that the buffer requirements are specifically pertinent to commercial areas.

With no further discussion, the motion to adopt the ZTA with the specified text omission carried unanimously.

MOTION: Mayor Pro Tem Neal moved to adopt ZTA-24-05 with the omission of text on page 3, line 13, thereby restricting the ordinance to only commercial properties. The motion was seconded by Council Member Batenic. The motion passed unanimously.

259
260 **Consideration of Chicahauk Sidewalks Maintenance**

261 Town Manager Ogburn presented a proposal for the town to take over maintenance of sidewalks in
262 the Chicahauk subdivision. The Chicahauk Property Owners Association (CPOA) has asked the
263 Town to assume its maintenance responsibility for sidewalks located along the east side of Trinitie
264 Trail, the north side of Chicahauk Trail, and the west side of Spindrift Trail. These responsibilities
265 were previously addressed in an MOU dated September 18, 2019. In exchange, the Town is
266 requesting additional space be incorporated into an existing easement, which was recorded on
267 February 7, 2021, for the Town's use of a parking area on CPOA common area near Chicahauk Trail
268 and NC 12 intersection. The easement provides for Town vehicular parking and pedestrian use
269 along with assurances the Town must reasonably maintain the area.

270
271 The approximately 12,000 square feet intended use will be the same as its current use, as well as
272 providing space for other potential future Town needs. The easement will need amending to allow a
273 new use. A ten-foot vegetated buffer is included along property lines abutting residential uses. The
274 CPOA has also requested notification and review of any proposed building in the easement area.

275
276 The cost of the present repairs needed on the sidewalks is \$72,500. This work was put
277 out to bid earlier this year. At this time, staff believes the funding for the needed sidewalk repairs
278 can come from savings from other projects in this year's budget, therefore a budget amendment is
279 not needed at this time.

280
281 Council member Sherlock stated that CPOA has other properties, such as their parks, and asked
282 what happens if they decide not to maintain them too. Town Manager Ogburn stated that would be
283 a clearer issue because the parks are not in the right of way.

284
285 Council member Batenic felt taking on the maintenance burden without financial contribution from
286 the property owners association was an unfair agreement.

287
288 Town manager Ogburn stated that other than the additional easement area, the association is not
289 willing to contribute financially.

290
291 The council ultimately decided the liability issues and potential for expanded town use of the
292 easement area justified approval.

293
294 **MOTION:** Mayor Morey moved to approve the staff's recommendation to approve the proposed
295 amendments to the current easement to provide for the Town's expanded use and area, Seconded
296 by Council member Batenic. The motion passed unanimously.

297
298 **Historic Landmarks Commission (HLC) Re-appointments**

299 The appointment terms assigned to Historic Landmarks Commission members Charlie Andrews,
300 Tony DiBernardo, and Michael Guarracino will expire on December 6, 2024. Charlie Andrews and
301 Michael Guarracino have indicated that they are interested in serving another term. Tony
302 DiBernardo has indicated that it is time to give other applicants the opportunity to serve the Town.
303 There are currently no applications on file from residents that are interested in serving on the
304 Historic Landmarks Commission, but alternate HLC member Wanda Brett-Jordan has indicated
305 that she is interested in being appointed as a regular member to fill the vacant position created by
306 Tony DiBernardo's departure.

307
308 Mayor Morey proposed reappointing Charlie Andrews and Michael Guarracino to the Historic
309 Landmarks Commission, and appointing Wanda Brett Jordan to fill the vacancy left by Tony
310 DiBernardo.

311
312 **MOTION:** Mayor Morey moved to reappoint Charlie Andrews and Michael Garrigan and appoint
313 Wanda Brett Jordan to the Historic Landmarks Commission, Seconded by Council member
314 Sherlock. The motion passed unanimously.

315
316 **Public Comment**

317 **Town Manager Cliff Ogburn read a statement** *“to assure the citizens of Southern Shores that Wes*
318 *Haskett has the full support of the town manager and all staff as he has since he began his*
319 *employment. Wes Haskett has followed all laws and town ordinances and applied them fairly and*
320 *consistently.”*

321
322 Mayor pro tem Neal stated he would like to echo that statement and Mayor Morey stated she would
323 like to add Council to that statement.

324
325 Mark LeBlanc, 9 10th Avenue spoke in favor of Wes Haskett and apologized for going over his three-
326 minute time limit previously.

327
328 **Council Business**

329 Council Member Batenic provided an update from the Tourism Board, noting occupancy was down
330 5% year-to-date but meals tax revenue was up slightly. He mentioned strong Thanksgiving numbers
331 and ongoing efforts to promote events and tourism.

332
333 Council Member Sherlock apologized for missing a recent grass planting event and praised the
334 work done. She also reported on potential funding issues for the Mid-Currituck Bridge project (425-
335 million-dollar federal grant not received), noting she would seek more information before the next
336 meeting.

337
338 Mayor pro tem Neal reported on recent meetings of the Corridor Committee and Housing Task
339 Force, noting progress on defining scope and drafting reports.

340
341 Mayor Morey noted this was the last meeting of 2024 and wished everyone happy holidays. She
342 also commented on the popularity of beach grass planting efforts in the community.

343
344 **Closed Session**

345 **Motion** to enter closed session per NCGS 143-318.11(a)(3) for attorney-client privilege made by
346 Mayor Morey, seconded by Council member Batenic. Motion passed unanimously.

347
348 Upon returning to open session, **by consensus of all council** it was determined that it is in the best
349 interest of the town to authorize the town manager to hire a consultant in order to help with long-
350 term town planning.

351
352 **Adjourn**

353 Hearing no further business, Council member Batenic moved to adjourn the meeting at 7:55 PM,
354 Seconded by Council member Sherlock. The motion passed unanimously.