



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, November 14, 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 Mayor Morey announced there have been several significant events, stating a recent election has
11 taken place and she thanked the candidates and all the citizens that came out to vote. The town held
12 an excellent Veterans Day service here in town hall, a service co-sponsored by the Knights of
13 Columbus. Council Member Leo Holland and Town Manager Cliff Ogburn were instrumental in planning
14 the service. The Wall That Heals has arrived and opened up in Nags Head. She encouraged all citizens
15 to take the opportunity to go and see the wall.

16

17 **Amendments to / Approval of Agenda**

18 **Motion** made by Council Member Sherlock to amend the agenda and add a closed session to the end
19 of business, Seconded by Mayor Morey. The motion passed unanimously.

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

22 **Motion** made by Council Member Holland to approve the agenda as amended, Seconded by Council
23 Member Sherlock. 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 **Consent Agenda**

28 Motion made by Council Member Holland to approve the consent agenda, Seconded by Council
29 Member Sherlock. The motion passed unanimously.

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

32

33 1. Minutes Approval-Regular Mtg. 8/1, 9/5, 10/3 & Closed Session Bundle-emailed

34 2. Resolution 2023.11.01 Closed Session Minute Consideration

35 3. Resolution 2023.11.02- Electronic Transfers Usage

36 4. Budget Amendments #19 & #20

37

38 **Staff Reports**

39 Deputy Town Manager/Planning Director Wes Haskett provided the October permit report and an
40 update to the following highlights.

41 Comprehensive Land Use Plan Update-The consultant submitted the draft plan to DCM for their
42 required review on November 1st. Following DCM review, the draft plan will come back to you for
43 adoption or be sent back to the Planning Board depending on revisions suggested or required.

44 Planning Board-The Town Planning Board's next regular meeting will be held on November 20th at
45 5:00 p.m. in the Pitts Center. The purpose of the meeting is for the Board to
46 continue consideration of SUP-23-01, a Special Use Permit application submitted by Quible
47 & Associates, P.C. on behalf of Ginguite LLC for a mixed-use group development of
48 commercial and residential buildings at 6195 N. Croatan Hwy.

49 Police Chief David Kole presented the Police Department report for the months of September and
50 October.

51 Fire Chief Ed Limbacher presented the Fire Department report for the months of September and
52 October.

53 Town Manager Cliff Ogburn presented the following operational highlight:

- 54 ○ Sidewalk from the Triangle to East Dogwood-the contract was signed with the low bidder
55 Hatchell Concrete and they have 150 days to complete the project, which puts completion
56 around the end of March.
- 57 ○ Tourism Impact Grant- The Board of Commissioners approved the recommendation from
58 The Tourist Bureau for the Tourism Impact Grant. The next phase of this project will run
59 from East Dogwood up to Hickory. That project's estimated cost is \$278,800.00 of which
60 \$118,855.00 will come from the Tourism Impact Grant and we have two years to get this
61 project done.
- 62 ○ Survey work for other path projects is being conducted -existing paths maintenance,
63 portion of Skyline and Juniper, and up to Hillcrest.
- 64 ○ Ripple Fiber -continues to work through town. Ripple Fiber has had some hiccups along the
65 way but continues to communicate with staff and meet weekly to provide updates.
- 66 ○ Juniper/Trinitie Culvert Bridge-two contracts are in place right now, one before the Coast
67 Guard decision and one after the Coast Guard decision. The total combined is \$434,500
68 worth of work and the town has only been billed for about a quarter of that amount.
69 Kimley Horn has worked on a design, and they believe they found an efficient profile that
70 will satisfy the constraints we have while minimizing overall property impacts.
- 71 ○ Quarterly financial update [PowerPoint attached]

72 Council Member Sherlock inquired if there had been any reported damage from Ripple Fiber. Town
73 Manager Ogburn stated some sprinkler heads were in the right of way but no property damage.

74 Mayor Morey stated a citizen can contact the town with a property damage claim, if necessary, it may
75 require some forms. Town Manager Ogburn stated Ripple Fiber is responsible for any property damage
76 and the reason the town holds money for potential claims.

77 Town Attorney Phillip Hornthal provided a brief update of the lawsuit in opposition To Section 24.8
78 (A.K.A. "Dare County Affordable Housing" Provision) of the appropriations bill of 2023 recently passed
79 by the General Assembly. He stated the suit has been filed and they have assigned this case to a
80 specific attorney general who's handled similar matters. At this time, only conversations with him
81 about procedural matters have occurred.

82 Mayor Morey asked if there was a timeframe to respond. Attorney Hornthal stated they can get an
83 extension of time to respond. You get 30 days from the date that that it served to respond as a matter
84 of course and then you can ask the clerk for an additional 30 days.

85

86 **General Public Comment**

87 Chris Nason- 72 Trinitie Trail- spoke on behalf of Dare Arts which is the county's designated leader
88 under the North Carolina Arts Council. Mr. Nason stated as an architect he has been documenting
89 flattop cottages for a number of years and just this past year approached Dare Arts about working
90 together on a visual arts exhibit, featuring the iconic flattop cottages of Southern Shores. The
91 exhibit titled "*The flat tops of the Outer Banks*" is opened at the upstairs Courtroom Gallery in Manteo.
92 It opened November 3rd to a great response and will remain up until Christmas. He extended a
93 personal invitation to everyone in Southern Shores to come and see this blending of art
94 and architecture.

95

96 **Old Business**

97 None

98

99 **New Business**

100 Consideration of Police Recruit Position

101 The agenda summary read as, to fill at least one of our three current vacancies, it has for
102 some time been contemplated the possibility of hiring a qualified non-certified non-sworn
103 individual and putting this person through the NC Basic Law Enforcement Training (BLET)
104 Academy. Police Chief Kole has had some reservations, such as, if the Recruit decides at some
105 point while in the academy that he/or/she does not want to continue on for whatever reason,
106 or if the recruit becomes injured or doesn't pass the NC BLET State exam, and didn't want the
107 town to be placed in a situation where we would have to either retain this person or if they
108 quit how would we recoup some of our expenses. Chief Kole contacted Town Attorney John
109 Leidy for his assistance in helping develop a new policy, contract and a new classification
110 position 'Recruit' including a new pay grade.

111 Chief Kole stated he is confident with the presented policy, contract, and new additional
112 classification position of "Police Recruit" that the town will be better protected. He believes
113 this policy is fair and protects the recruit as well as the town. If approved by council, it is the
114 goal to hire and get the recruit into the BLET this January 2024.

115 All council members were in favor of trying something that has not been done before to fill
116 the officer vacancies and felt it was a brilliant idea.

117 Mayor pro tem Neal stated it was a creative solution. **Motion** made by Mayor pro tem Neal to
118 approve police recruit training employment agreement and add to that the costing part, and
119 approval of the additional job description position classification and pay grade, Seconded by
120 Council Member Batenic. The motion passed unanimously. Voting Yea: Mayor Morey, Mayor
121 pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

122 **General Public Comment**

123 None

124 **Council Business**

125 Mayor Morey stated the staff is working on improvements that will be required to make 13 Skyline a
126 livable residence. She stated Chief Kole has been working on a spreadsheet of the expenditures and
127 requested the item be placed on the December agenda for consideration. She announced the next
128 council meeting will be December 5th at 5:30 p.m. and reelected and newly elected candidates will be
129 sworn into office.

130

131 Council Member Holland congratulated Council Member Neal and Batenic on their reelection. He
132 provided the Tourism Board numbers for the month of September. Occupancy was up 9%, year to date
133 2.21%. Meals were off .37%, but up 4% year to date.

134

135 **Motion** made by Council Member Sherlock to go into closed session pursuant to NCGS 143-318.11 (A)
136 Section (3), Seconded by Mayor Morey. The motion passed unanimously.
137 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock,
138 Council Member Batenic

139

140 **Adjourn**

141 Upon returning to open session, Motion to adjourn by Council Member Holland, Seconded by Council
142 Member Batenic. Motion passed unanimously.

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