



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, March 01, 2022 at 5:30 PM

MINUTES

1 **Call Meeting to Order**

2 Pledge of Allegiance

3 Moment of Silence

4

5 **PRESENT**

6 Mayor Elizabeth Morey

7 Mayor pro tem Matt Neal

8 Council Member Leo Holland

9 Council Member Mark Batenic

10

11 **ABSENT**

12 Council Member Paula Sherlock

13

14 **Amendments to / Approval of Agenda**

15 Motion made by Council Member Holland to approve the agenda as presented, Seconded by Mayor
16 pro tem Neal. The motion passed unanimously (4-0).

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

18

19 **Consent Agenda**

20 The consent agenda consisted of the following:

21 1. Minutes-February 1, 2022

22 2. The 2022-2023 Government and Education Access Channel Proposed Budget

23 3. Budget Amendment #18-Salary Adjustment

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

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

27

28

29 **Presentations**

30 Police Chief David Kole introduced and provided a brief bio of each of the police department's new
31 officers, followed by Town Clerk Sheila Kane performing a ceremonial swearing in of Police Officers,
32 Richard Deanor, Rick Newell, and Thomas Long.

33

34 **Staff Reports**

35 Deputy Town Manager/Planning Director Wes Haskett provided the planning report for the month of
36 February. The Planning Board will be meeting on March 21, 2022 to consider ZTA 22-02 a zoning text
37 amendment submitted by Quible and Associates on behalf of Ginguite, LLC to amend town code
38 section 36-207(c) General Commercial District. The board will also reconsider ZTA 21-08 which is a

39 zoning text amendment application submitted by the Town to amend Town code section 36-165
40 Regulations Governing Signs.

41
42 Police Chief David Kole present the Police Department's monthly report for February and distributed
43 copies of the Southern Shores Police Annual Report.

44
45 Fire Chief Ed Limbacher presented the Fire Department's monthly report for February.

46
47 Town Manager Cliff Ogburn reported on the following operational highlights:

- 48 • Pavement Improvement CIP – The Town Manager would like to present the bid package at
49 Council's March 15th workshop and then advertise by March 18th, with a pre-bid meeting March
50 24th and bid opening March 31st. He also supplied rebid dates of April 1st, bid opening April 12th,
51 review and recommendations on the 22nd and brought to Council May 3rd.
- 52 • Formerly Used Defense Site (FUDS) environmental impacts-a UNC Chapel Hill student is doing
53 an article about the former bombing range, and any impact there may have been to the ground
54 water. It has now been 80 years since this all took place, and the Core of Engineers is not too
55 concerned as they will not perform any type of triage until 2046.

56
57 Town Attorney Ben Gallop provided the following updates:

- 58 • Remaining Beach Nourishment Easements-There is a handful of remaining easements to get
59 signed and they may need to be pushed to the next stage, a litigation type posture. A resolution
60 will be presented at the mid-month meeting authorizing the process of collection of the
61 remaining beach nourishment easements.
- 62 • Mid-Currituck Bridge- Town Attorney Gallop reported he has been in communication with the
63 NCDOT Council who is litigating the case and was able to obtain a brief update and scheduling
64 information. The parties will file a joint appendix which is due March 29th, the plaintiff's briefs
65 are due on the same date, with responses due April 28th. If Southern Shores moves forward
66 with an amicus brief, the due date will be April 28th. The Federal Highway Administration is the
67 primary party to the lawsuit, defending the lawsuit, as it is their permit and their process being
68 challenged. Mr. Gallop stated he is waiting to find out who will be the appellate lawyer so he
69 can speak with them about the advisability of filing an amicus brief, or not, and whether we
70 would be helpful.

71
72 Council Member Holland asked the Town attorney if litigation would delay the beach nourishment
73 project, to which Town Attorney Gallop stated it should not.

74
75 Council Member Holland asked Town Manager Ogburn is the need to readvertise the bid opportunity
76 for the street improvement projects would postpone Council receiving the bids by the May 3rd
77 meeting? Town Manager Ogburn stated there should still be enough time for staff to review the
78 received bids and present a recommendation to Council by May 3rd.

79
80 **General Public Comment**

81 Anastasia Forlano-11 Blue Pete- Ms. Forlano was born in Ukraine and has lived on the Outer Banks since
82 2012, feeling blessed to be a part of the Outer Banks community. She stated so many members of the
83 community want to help Ukraine and that a GoFundMe account is being set up to help provide
84 humanitarian aid to Ukraine. She asked for residents to please consider contributing towards this aid.

85

86 Lorelei DiBernardo-32 9th Avenue- on behalf of the League of Women Voters copies of the annual
87 citizens guide was distributed. A calendar reminder was also noted, the State Primary is May 17th this
88 year.

89
90 Steve Gudas- 156 Wax Myrtle Trail -The Southern Shores Historic Flat Top Cottage Tour will be held on
91 Saturday, April 30th, 2022 from 1:00 PM to 5:00 PM. This is the fifth such tour of these historic flat tops
92 in the Town of Southern Shores, proceeds will again benefit the Flat Top Preservation Fund of the
93 Outer Banks Community Foundation. \$10 tickets (2 for \$15) will be available on the day of the tour
94 from 1 PM – 5 PM. Tickets will be sold beginning at 1 PM at 156 Wax Myrtle Trail and at the Outer
95 Banks Community Foundation at 13 Skyline Road. Tickets cover admission to all 11+ homes on the
96 tour.

97
98 **Mayor Morey called for a brief recess at 6:14 P.M.**

99 **Council Reconvened at 6:20 P.M.**

100
101
102 **Old Business**

103 RESOLUTION IN SUPPORT OF THE MID CURRITUCK BRIDGE

104 Mayor Morey stated it has been many years since a resolution has been approved, now that the US
105 District for the eastern district of North Carolina has ruled that NCDOT and the FHA complied with
106 applicable federal laws and regulations and with the Council's continued efforts to finally get this
107 bridge-built adoption of a new resolution seems appropriate. Mayor Morey further stated she has
108 received a verbal commitment from the other Mayors in Dare County, as well as the chair of the Dare
109 County Board of Commissioners that they will support and follow by doing their own individual
110 resolutions. She also reached out to the Currituck County Manager and hopes to talk with him the
111 following day.

112
113 Mayor pro tem Neal encouraged the distribution and replication of the resolution to private
114 businesses, the Chamber of Commerce, local real estates, and the Tourism Board.

115
116 **Motion** made by Council Member Holland to approve Resolution 2022-03-01 as presented, Seconded
117 by Mayor pro tem Neal. The motion passed unanimously (4-0).

118 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Batenic
119
120

121 **New Business**

122 CONSIDERATION OF POTENTIAL SCHOLARSHIP AWARD FOR POLICE K9

123 Police Chief David Kole presented Council with a PowerPoint presentation which highlighted the need
124 for a police K9; narcotics detection, tracking, community policing, and article searching. The police
125 department had applied and/or submitted four grant/funding opportunities within the last two
126 months, totaling more than \$120k. On February 17, 2022, notification was received that the Southern
127 Shores Police Department had been awarded a scholarship grant for a K9 dog, this includes 8-week
128 training sessions which will train and certify the K9 and officer as a K9 Handler. This scholarship is
129 valued at \$19,600.00 and includes basic k9 equipment and state/national certifications, and free
130 lodging.

131 Police Officer Zack Eanes was responsible for the submittal of the K9 scholarship, he described a
132 passion to become a police K9 handler and the need for one on the northern end of Dare County.

133 Mayor Morey asked Officer Eanes to share other jurisdictions K9 capabilities. Officer Eanes stated the
134 Sheriff's Department has three, two are currently in training, Nags Head has two, and Kill Devil Hills has
135 one. There is none on the northern end of the county. The Sheriff's Department K9 is a Labrador
136 Retriever trained as a bomb dog, all others are a German Shepherd or Belgian Malinois.

137

138 Chief Kole stated by statute officers only have a certain period of time to conduct the traffic stop. It is
139 very rare that they can utilize the Kill Devil Hills K9 within a timely period, as it is often too far south.

140

141 Council Member Holland stated with the trend of drug trafficking these days, it will provide another
142 tool in the toolbox. He asked where would the dog be based? Chief Kole stated the K9 would be the
143 responsibility of his handler Officer Eanes and would live at his house.

144

145 Council Member Batenic stated police K9 are for life and go with the handler. He felt it would bring an
146 element of safety to the community, sending a good message to both residents and visitors.

147

148 Mayor pro tem Neal inquired about what the dog would do when Officer Eanes was off duty. Chief
149 Kole stated there is mandatory at home training with the K9 that Officer Eanes must maintain. If there
150 is a significant need for the dog on one of those days, he will make sure he is available.

151

152 Mayor pro tem Neal stated the penny pincher in him wants to say no but asked Chief Kole if he felt
153 having the K9 would be an asset? Chief Kole stated yes.

154

155 Mayor Morey was in support and felt the K9 would be a benefit, a community improvement. She
156 stated, when communities are as close together as we are, having an asset that another agency may
157 need from time to time could perhaps build a stronger relationship between the neighboring towns
158 and departments.

159

160 **Motion** made by Council Member Holland to approved acceptance of the scholarship from American
161 K9 Interdiction Training Academy in Carrsville, Va., Seconded by Council Member Batenic. The motion
162 passed unanimously.

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

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166 CONSIDERATION OF MOBILE MESSAGE BOARD PURCHASE

167 Deputy Chief Slegel presented a PowerPoint presentation for consideration of an equipment purchase
168 in this current budget year. It is a Stalker brand radar/message trailer that is mobile, abilities include
169 counting and monitoring vehicles in both directions, speeds, etc.; the capability to produce hundreds
170 of specialized reports and messages that can be placed on this board. The display is 4 x 8 with three
171 lines of available messaging and the unit comes with a five-year warranty. He recommends that the
172 Town purchase one of these message/radar trailers now and budget for a second one for next fiscal
173 year (FY22-23).

174

175 Mayor pro tem Neal preferred a smaller display. He asked Deputy Chief Slegel if he needed an answer
176 on the purchase today. Deputy Chief Slegel stated there is only one in stock currently and he would like
177 to have it available before the summer season.

178
179 Council Member Holland preferred the larger 4 x 8 display.

180
181 **Motion** made by Council Member Batenic to approve the purchase of a messaging trailer for the use of
182 messaging and potential speed reduction, Seconded by Council Member Holland.

183
184 Town Manager Ogburn stated if Council was inclined to move forward and adopt this evening, an
185 approval of a budget amendment in the amount of \$16,500 from the unassigned fund balance would
186 be required.

187
188 Council Member Batenic **amended his motion** to include the approval of a budget amendment in the
189 amount of \$16,500.00, funds to come from the unassigned fund balance, for the purchase of a mobile
190 messaging board, Seconded by Council Member Holland. The motion passed unanimously (4-0).
191 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Batenic

192
193

194 **General Public Comment**

195 None

196

197 **Council Business**

198 Town Attorney Gallop informed Council that during the meeting he has learned who the Federal
199 Highway Administration Council would be and will reach out to her this week to discuss the appeal.

200

201 Council Member Holland provide a Tourism Board update for the month of December. Occupancy was
202 up 61%, 34% year to date and meals were up 49%, 51% year to date. He further reported that property
203 managers are reporting this will be a robust summer. Tim Cafferty will be presenting a ten-minute
204 presentation on the Tourism Board at a future Council meeting.

205

206 Mayor Morey announced several scheduled council meetings. The Council will hold a retreat on March
207 9th at 9:00 at the Southern Shores Fire Department. The meeting is open to the public but is not being
208 live-streamed. On March 15th at 9:00 a.m. in the Pitts Center, Council will conduct a workshop
209 meeting and a beach nourishment update meeting is tentatively scheduled for the end of the month,
210 possibly March 29th.

211

212 **Adjourn**

213 Motion made by Council Member Holland to adjourn the meeting at 7:16 p.m., Seconded by Council
214 Member Batenic. The motion passed unanimously.

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

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217

218 ATTEST:

Respectfully submitted,

219

220

221 _____
Elizabeth Morey, Mayor

Sheila Kane, Town Clerk

222

223

224

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