



**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, November 01, 2022 at 5:30 PM**

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**MINUTES**

1 **Call Meeting to Order**

2 Pledge of Allegiance

3 Moment of Silence

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5 **Amendments to / Approval of Agenda**

6 Mayor Morey proposed a change to the order of presentations, number four before number three and  
7 an addition of a resolution for Council consideration in support of Dare County Elections staff to be  
8 added under New Business.

9 Council Member Holland **moved** to approve the agenda as amended, Seconded by Council Member  
10 Batenic. The motion passed unanimously (5-0). Voting Yea: Mayor Morey, Mayor pro tem Neal, Council  
11 Member Holland, Council Member Sherlock, Council Member Batenic

12

13 **Consent Agenda**

14 Council Member Sherlock moved to approve the consent agenda as presented, Seconded by Council  
15 Member Holland. Motion passed unanimously (5-0). Voting Yea: Mayor Morey, Mayor pro tem Neal,  
16 Council Member Holland, Council Member Sherlock, Council Member Batenic

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18 1. Minute Approval-September 20, 2022 & October 4, 2022

19 2. Surplus Resolution 2022.11.01

20

21 **Presentations**

22 3. Intern Introduction-Administration Dept., First Flight High School Senior-Zoe Kane  
23 Town Manager Ogburn introduced the Town's administrative intern for the year.

24 4. Recognition of 9-21-22 Ultralight Crash Responders

25 Mayor Morey acknowledged all first responders for their support and mutual aid. The Town of  
26 Southern Shores is very grateful and appreciative for individuals involved in the rescue and recovery.

27

28 **Staff Reports**

29 Deputy Town Manager/Planning Director Wes Haskett presented the permit report for the month  
30 of October. The community kick-off day with the Land Use Plan consultant will be held on  
31 November 15<sup>th</sup> in the Pitts Center. The day will consist of a joint Planning Board/Council meeting,  
32 followed by a department head meeting, community tour, and open house. The Town's Planning  
33 Board will hold their regular meeting on November 21<sup>st</sup> at 5:00 pm.

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37 Police Chief David Kole presented the Police Department's report for the month of October.

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39 Fire Chief Ed Limbacher presented the Police Department's report for the month of October.

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41 Town Manager Cliff Ogburn provided updates to the following operational highlights:

42 ○ Beach nourishment update- Currently, the dredge Magdalen is working at the  
43 northern end of town working south. The Magdalen will pump south from around  
44 Dolphin Run to meet the BE Lindholm that is pumping north from about 60 Ocean  
45 Blvd. Then the Magdalen will head to Duck. The Magdalen will finish in Duck close to  
46 the same time that the BE Lindholm is finishing in Southern Shores but will come back  
47 to Southern Shores if it's not finished – around 12/15.

48

49 ○ Juniper culvert bridge-Staff will be reviewing the culvert bridge RFQ's when they are  
50 received and will have a recommendation for Council at their December meeting.

51

52 ○ Tourism Bureau grant-If the town gets awarded the Tourist Bureau grant for the path  
53 from the triangle to East dogwood, work will need to start shortly after.

54

55 Council Member Holland stated the Tourist Bureau has approved the grant but since it is coming  
56 from the restricted fund, the Dare County Board of Commissioners must approve it.

57 Town Attorney-no report

58

#### 59 **General Public Comment**

60 No comment

61

#### 62 **Old Business**

63 None

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#### 65 **New Business**

#### 66 **5. Resolution Showing Appreciation and Support for Dare County Elections Staff and Precinct** 67 **Workers.**

68 Mayor Morey stated the resolution was generated by Dare County and it is in support of  
69 election staff and precinct workers.

70 **Motion** to approve *Resolution Showing Appreciation and Support for Dare County Elections*  
71 *Staff and Precinct Workers* made by Council Member Sherlock, Seconded by Mayor pro tem  
72 Neal. The motion passed unanimously (5-0). Voting Yea: Mayor Morey, Mayor pro tem Neal,  
73 Council Member Holland, Council Member Sherlock, Council Member Batenic

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#### 76 **6. Ebikes-Educational presentation and definition of E-Bicycle, Proposal for revised ordinance** 77 **for driving on beach.**

78 Police Chief David Kole presented an educational presentation and definition of E-Bicycle  
79 which included a proposal for revised ordinance for driving on beach and riding E-Bikes on

80 town sidewalks/multiuse paths. There are three cases of bikes, with class three being the  
81 ebikes that can travel at higher speeds.

82 Council Member Holland asked what the consequences would be? Police Chief Kole stated it  
83 depends on how the ordinance is written but ultimately would be a civil fine of some sort.

84 Council Member Batenic stated he could not imagine an officer checking the wattage on the  
85 bike. There is a big push for green and you are going to see more people utilizing e-bikes.  
86 There are some of the e-bikes that can obtain higher speeds, which is a concern.

87 Police Chief Kole stated his concern is the narrow streets in town and the narrow sidewalks,  
88 there could be an issue if you put an electric bike that can travel 28 miles per hour on it.

89 Mayor Morey asked to clarify some of the ordinance addressing e-bikes if adopted. She asked  
90 if it would apply to the multi-use path on NC12 or HWY158? Chief Kole stated it would apply  
91 to paths owned by the town.

92 Police Chief Kole stated he would rather have e-bikes on the multi-use path along NC12 but  
93 utilize the interior streets instead of walkways on the interior of town.

94 Mayor pro tem Neal stated his wife would prefer to utilize the path on South Dogwood rather  
95 than the street. His wife's bike will not go over 20 mph. He would rather not force anyone  
96 onto the road but if we get e-bikes going 28 mph, that would be a concern.

97 Mayor Morey asked how the enforcement would take place? Chief Kole stated it would be  
98 complaint driven.

99 Council Member Sherlock pointed out some elements in the proposed ordinance that are  
100 unnecessary or outdated.

101 Mayor Morey stated the current ordinance needs modernization.

102 Council Member Sherlock stated there is an element of risk to this and we need to see how  
103 people in the community feel about it, one way or another.

104 **Consensus of Council** to direct staff to include an e-bikes discussion in the Land Use Plan  
105 update and get public input.

106

107 **7. Amendment to SSVFD Contract to Accommodate EMS Renovations at East Station.**

108 The agenda summary read as, Dare County is in the process of making several renovations and  
109 improvements for buildings that house their Emergency Medical Services personnel and  
110 equipment. The County is proposing to demolish the East Station in Southern Shores located  
111 at 28 East Dogwood Trail. The County would then build a new facility for their use with space  
112 provided for use by the Southern Shores Volunteer Fire Department, Inc. (SSVFD). The  
113 property and building are owned by Fire Service Real Estate (FSRE) and utilized by the SSVFD.

114 In February of 2019 the Town and FSRE entered a contract that will now need to be amended  
115 to permit the EMS project described above to move forward. It is important to note that in  
116 the event the contract is terminated as a result of the SSVFD no longer being able to provide  
117 the Town fire protection services, the Town would have the right to take ownership of all Real  
118 Property and the Personal Property Assets including the East Station.

119 Attached, you will find the current contract as well as the proposed contract. There are two  
120 sections of the contract that need amending.

121 Section (9) Permission to Use facilities can now be removed entirely. When the 2019 contract  
122 was approved, the new Fires Station was still under consideration. Once the Fire Station was

123 built, an easement from the Town over property utilized by the Public Works Department  
124 would be provided. In exchange for the easement, the Town would be permitted to use a  
125 portion of the East Station. These items have been settled and therefore are no longer  
126 applicable to the contract.

127 As mentioned above, the Town was granted use of the East Station as a condition of the  
128 provided easement. The new station is being designed to accommodate emergency services  
129 and meet the needs of Dare County EMS and the SSVFD. Providing space at this location for  
130 use by the Public Works Department would restrict the ability to meet those needs. Dare  
131 County has committed to providing the Town the equivalent space lost due to the new  
132 construction.

133  
134 Section (10) Additional Property Rights, Obligations and Covenants contains the other  
135 amendments needing your approval to address the demolition and future use of the building.  
136 The new contract addresses, among other things, the right for FSRE or the SSVFD to lease the  
137 East Station, requires Town Approval of all plans for use of the East Station moving forward,  
138 and acknowledges conditions of the mortgage currently held by the FRSE.

139 Staff recommends the contract be amended as presented.

140 Council Member Batenic asked if this was the farthest north EMS station. Town Manager  
141 Ogburn stated it was.

142 Council Member Holland asked if any of this needed to be reviewed with the county? Town  
143 Manager Ogburn stated once this is approved the Fire Department will enter into a separate  
144 lease with the Dare County for use of the EMS building.

145 **Motion** made by Council Member Batenic to authorize the mayor to enter into the Amended  
146 and Restated Fire Services Contract between the Town and the Southern Shores Volunteer  
147 Fire Department and Fire Service Real Estate and to enter the associated Memorandum of  
148 Contract for recording at the Dare County Register of Deeds., Seconded by Council Member  
149 Sherlock. The motion passed unanimously (5-0).

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

152

### 153 **General Public Comment**

154 Debbie Newberry-267 N. Dogwood-In favor of ebikes. Beneficial to the senior community in not just  
155 exercise, but socialization. There are three types of ebikes, the third being the type that can get up to  
156 higher speeds. If the town is going to regulate the use in town, we should word it so that only the type  
157 three ebikes are discouraged.

158 Bill Feretti-296 Wax Myrtle-ebikes and bikes are included in the vehicle definition in NC but when you  
159 look at the motor vehicle definition, e-bikes and mopeds are excluded. The signs you see on the state  
160 multi-use paths that say no motor vehicles, do not include e-bikes and mopeds (they are allowed).  
161 Green transportation is everywhere. We have multiple type paths in town and there are multiple type  
162 bikes. Fully support it from a speed limit approach but does not want to send a wrong message as he  
163 supports e-bikes in general.

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167 **Council Business**

168 Mayor Morey announced the next regular meeting of the Council will be December 6th. On November  
169 15th at 10:00 a.m. the Planning Board and Council will conduct a joint meeting to kick off the Land Use  
170 Plan update.

171 Council Member Holland provided a Tourism Board report. For the month of August meals were up  
172 15%, 7.9% year to date. Occupancy was down 9%, up 7.7% year to date. The Grant Committee did  
173 approve the town's request for the walking path from the triangle to East Dogwood. Council Member  
174 Holland also covered the agenda for the Town's Friday, November 11 Veterans Day events.

175 Mayor pro tem Neal reminded the public to go out and vote on Election Day, November 8<sup>th</sup>.

176  
177 **Mayor Morey called for a brief recess at 6:49 p.m.**  
178 **Reconvened at 6:57 p.m.**  
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180 **Closed Session**-N.C.G.S. § 143-318.11(a)(5) Motion by Council Member Holland, Seconded by Council  
181 member Sherlock. The motion passed unanimously (5-0). Voting Yea: Mayor Morey, Mayor pro tem  
182 Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

183  
184 **Adjourn**

185 Upon returning to open session and taking no action, Motion made by Council Member Holland at 6:57  
186 p.m. to adjourn, Seconded by Council Member Sherlock. The motion passed unanimously (5-0).  
187 Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock,  
188 Council Member Batenic  
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