



**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**

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## 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 Mark Batenic

### ABSENT

Council Member Paula Sherlock

### Amendments to / Approval of Agenda

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

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

### Consent Agenda

The consent agenda consisted of the following:

1. Minutes-February 1, 2022
2. The 2022-2023 Government and Education Access Channel Proposed Budget
3. Budget Amendment #18-Salary Adjustment

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

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

### Presentations

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

### Staff Reports

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

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

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

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

Town Manager Cliff Ogburn reported on the following operational highlights:

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

Town Attorney Ben Gallop provided the following updates:

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

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

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

### **General Public Comment**

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

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

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

**Mayor Morey called for a brief recess at 6:14 P.M.  
Council Reconvened at 6:20 P.M.**

### **Old Business**

#### RESOLUTION IN SUPPORT OF THE MID CURRITUCK BRIDGE

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

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

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

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

### **New Business**

#### CONSIDERATION OF POTENTIAL SCHOLARSHIP AWARD FOR POLICE K9

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

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

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

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

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

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

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

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

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

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

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

#### CONSIDERATION OF MOBILE MESSAGE BOARD PURCHASE

Deputy Chief Slegel presented a PowerPoint presentation for consideration of an equipment purchase in this current budget year. It is a Stalker brand radar/message trailer that is mobile, abilities include counting and monitoring vehicles in both directions, speeds, etc.; the capability to produce hundreds of specialized reports and messages that can be placed on this board. The display is 4 x 8 with three lines of available messaging and the unit comes with a five-year warranty. He recommends that the

Town purchase one of these message/radar trailers now and budget for a second one for next fiscal year (FY22-23).

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

Council Member Holland preferred the larger 4 x 8 display.

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

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

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

#### **General Public Comment**

None

#### **Council Business**

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

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

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

#### **Adjourn**

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

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

ATTEST:

  
A. Elizabeth Morey, Mayor



Respectfully submitted,

  
Sheila Kane, Town Clerk

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