



TOWN OF SOUTHERN SHORES
TOWN COUNCIL REGULAR MEETING

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

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PITTS CENTER

Tuesday, November 01, 2022 at 5:30 PM

MINUTES

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Amendments to / Approval of Agenda

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

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

Consent Agenda

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

1. Minute Approval-September 20, 2022 & October 4, 2022
2. Surplus Resolution 2022.11.01

Presentations

3. Intern Introduction-Administration Dept., First Flight High School Senior-Zoe Kane
Town Manager Ogburn introduced the Town's administrative intern for the year.
4. Recognition of 9-21-22 Ultralight Crash Responders
Mayor Morey acknowledged all first responders for their support and mutual aid. The Town of Southern Shores is very grateful and appreciative for individuals involved in the rescue and recovery.

Staff Reports

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

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

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

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

- Beach nourishment update- Currently, the dredge Magdalen is working at the northern end of town working south. The Magdalen will pump south from around Dolphin Run to meet the BE Lindholm that is pumping north from about 60 Ocean Blvd. Then the Magdalen will head to Duck. The Magdalen will finish in Duck close to the same time that the BE Lindholm is finishing in Southern Shores but will come back to Southern Shores if it's not finished – around 12/15.
- Juniper culvert bridge-Staff will be reviewing the culvert bridge RFQ's when they are received and will have a recommendation for Council at their December meeting.
- Tourism Bureau grant-If the town gets awarded the Tourist Bureau grant for the path from the triangle to East dogwood, work will need to start shortly after.

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

Town Attorney-no report

General Public Comment

No comment

Old Business

None

New Business

5. Resolution Showing Appreciation and Support for Dare County Elections Staff and Precinct Workers.

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

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

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

Police Chief David Kole presented an educational presentation and definition of E-Bicycle which included a proposal for revised ordinance for driving on beach and riding E-Bikes on town sidewalks/multiuse paths. There are three cases of bikes, with class three being the ebikes that can travel at higher speeds.

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

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

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

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

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

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

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

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

Mayor Morey stated the current ordinance needs modernization.

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

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

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

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

In February of 2019 the Town and FSRE entered a contract that will now need to be amended to permit the EMS project described above to move forward. It is important to note that in

the event the contract is terminated as a result of the SSVFD no longer being able to provide the Town fire protection services, the Town would have the right to take ownership of all Real Property and the Personal Property Assets including the East Station.

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

Section (9) Permission to Use facilities can now be removed entirely. When the 2019 contract was approved, the new Fires Station was still under consideration. Once the Fire Station was built, an easement from the Town over property utilized by the Public Works Department would be provided. In exchange for the easement, the Town would be permitted to use a portion of the East Station. These items have been settled and therefore are no longer applicable to the contract.

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

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

Staff recommends the contract be amended as presented.

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

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

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

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

General Public Comment

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

Bill Feretti-296 Wax Myrtle-ebikes and bikes are included in the vehicle definition in NC but when you look at the motor vehicle definition, e-bikes and mopeds are excluded. The signs you see on the state

multi-use paths that say no motor vehicles, do not include e-bikes and mopeds (they are allowed). Green transportation is everywhere. We have multiple type paths in town and there are multiple type bikes. Fully support it from a speed limit approach but does not want to send a wrong message as he supports e-bikes in general.

Council Business

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

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

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

**Mayor Morey called for a brief recess at 6:49 p.m.
Reconvened at 6:57 p.m.**

Closed Session-N.C.G.S. § 143-318.11(a)(5) Motion by Council Member Holland, Seconded by Council member Sherlock. The motion passed unanimously (5-0). Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

Adjourn

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