



TOWN OF SOUTHERN SHORES
TOWN COUNCIL WORKSHOP 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 15, 2022 at 9:00 AM

MINUTES

1

2 **Call to Order**

3 Pledge of Allegiance

4 Moment of Silence

5 **PRESENT**

6 Mayor Elizabeth Morey

7 Mayor pro tem Matt Neal

8 Council Member Leo Holland

9 Council Member Paula Sherlock

10 Council Member Mark Batenic

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12 **Amendments to / Approval of Agenda**

13 **Motion** made by Council Member Holland to approve the agenda as presented, Seconded by Council
14 Member Sherlock. The motion passed unanimously (5-0).

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

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18 **General Public Comment**

19 Jan Collins-Dementia Friendly Coalition -a dementia friendly volunteer program at the Outer Banks
20 Hospital is providing a Caregivers' Day Out every Monday from 9:30-1:00. This volunteer program is the
21 first one in NC. The program will offer hands on activities for seniors with dementia, while additionally
22 offering the primary caregiver support and respite with time to recharge. There is no cost to sign up for
23 this program.

24

25 **Business Items**

26 Consideration of Pavement Maintenance Plan Bid Packet

27 Presented for Council's consideration are the documents associated with the 2022 street maintenance
28 work. The Town recently completed a Pavement Condition Study and used the results to form a 10-
29 year Capital Improvement Plan. This year marks the first year's work identified in the CIP.

30 A pre-bid (not mandatory) meeting is scheduled for March 24th and all final bids would be due March
31 31st at 10:00 a.m.

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33 Town Manager Ogburn highlighted some of the project special provisions:

- 34 ○ Minimum of one lane must remain open at all times
- 35 ○ Keep all equipment in the right of way (not on any private property)
- 36 ○ 48 hours' notice if the contractor must close more than one lane of traffic
- 37 ○ Materials sampled by a third party when necessary
- 38 ○ Contractor has until December 15th to complete the work
- 39 ○ Time restrictions, no work from Friday at 2:00 p.m. through Monday at 7:00 a.m. This can also
- 40 be amended with proper notice.
- 41 ○ Asphalt price adjustment binder for mix will be made in accordance with Section 620 of the
- 42 2018 standard specification is included.
- 43 ○ One year guarantee on work

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45 Town Manager Ogburn added that all work must pass final inspection before it is accepted and SEPI
46 will be here almost the entirety of the project, to oversee. He expects to receive two bids and there is a
47 possibility that we might be able to piggyback with NCDOT as a fallback position.

48

49 Council Member Holland asked if this has been shared with the local companies? Town Manager
50 Ogburn stated it has been shared and there is a possible third bidder if they can get asphalt, but there
51 is a reluctance among one of the bidders. He stated they are concerned about the patching and the
52 aesthetics of it. The Soundview Trail portion is a desirable job but patching all over Town is not. He
53 further stated that staff expects it will have to be rebid the project and taking out Soundview Trail and
54 separating the patching as a bid alternate could be a possibility.

55

56 Council Member Sherlock recommended giving the Fire Department, Kitty Hawk Elementary School
57 and Duck Woods Country Club notice of the construction as that much patching will be an impact on
58 their business. Town Manager Ogburn stated once the contract is awarded, we will be able to find out
59 their schedule so we can send proper notice.

60

61 Council Member Batenic asked if there was a chance that the contractor could do all the work at once?
62 Council Member Holland stated it would depend on the contractor's workload. Town Manager Ogburn
63 stated they have until December 15th to complete the work.

64

65 Council Member Batenic asked what if the bids come in high, over budget? Mayor pro tem Neal stated
66 then the Town reduces the scope of work. Town Manager Ogburn stated we can allocate the money,
67 reduce the scope, or maybe allocate more of a timeframe to get a better price.

68

69 Mayor pro tem Neal stated if the contractor closes one lane are they allowed to leave that overnight?
70 Town Manager Ogburn stated they are supposed to start and finish daily.

71

72 Mayor pro tem Neal questioned the mention of manholes, a possibility they are talking about a catch-
73 all. Town Manager Ogburn stated he would clarify the reference before the bid went out. Council
74 Member Sherlock stated it may be storm drains they are referencing.

75

76 Both Mayor pro tem Neal and Council Member Holland stated this contract was much larger than what
77 the Town normally has put out and they hope it does not discourage the local bidders. Town Manager
78 Ogburn stated when he spoke with the local contractors it did not seem to be a deterrent.

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Mayor Morey stated she anticipates many questions from our residents about the project as this is a new approach and Council should be prepared to be able to answer citizen questions.

Council Member Batenic stated there was a low turnout at the informational meeting. Educating and communicating consistently with our residents about the project and the benefits will be important.

Mayor pro tem Neal stated a live map would be helpful for the public to follow.

Motion made by Mayor pro tem Neal to approve the advertisement for bids (Southern Shores Pavement Maintenance Plan), Seconded by Council Member Holland. The motion passed unanimously (5-0).

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

Consideration of Dominion Power Easement-Phase II Underground Project

The agenda summary read as follows, Dominion Power has requested what they believe to be the final easement for their Phase II Underground project. The project will remove the last remaining overhead span of power lines. With this section under S. Dogwood Trail, they will remove the last two poles – one currently sitting on 160 S. Dogwood Trail and one at 162 Yaupon Trail.

Previously the Town Council approved a similar easement in April of 2021.

There are a few easements on private property that Dominion has not been able to secure and is requesting to use the Town's right of way. Dominion prefers to construct these projects through private easements to avoid any conflict associated with the use of the Town's right of way.

Town Manager Ogburn stated these are the last two poles remaining. The boring under the road at South Dogwood will not take long and is scheduled to start in approximately a month and a half. The actual poles themselves and powerlines may remain for some time after.

Motion made by Mayor pro tem Neal to authorize the mayor to sign the right of way agreement with Dominion Energy, 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

Consideration of Resolution 2022-03-02 Authorizing the process of collection of the remaining beach nourishment easements.

Town Manager Ogburn addressed the need for Resolution 2022-03-02 as outlined in the agenda summary which read, as required by the permit issued for the beach nourishment project by the Division of Coastal Management, the Town must secure easements from property owners who abut the nourishment area. 148 easements were required for this project, 136 from the Town of Southern Shores and 12 for the northern ending taper from the Town of Duck. At present, there are 13 outstanding easements to acquire from 11 individual property owners. Staff is optimistic and hopeful that the remaining easement will be provided either voluntarily or by going through a legal process to confirm our existing authority to construct the project. However, as the Town is required to have these easements before constructing the project, acquisition by condemnation may be required. The easement only grants the Town the ability to perform functions necessary to place sand along the beach.

123 Council Member Holland asked if any of the remaining property owners have communicated that they
124 absolutely will not sign the easement. Town Manager Ogburn stated there are a few that are reluctant,
125 but none have said they are not willing to sign. He further stated he believes they will receive some of
126 the remaining signatures but expects a few to challenge.

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128 Council Member Sherlock stated she has spoken with several of the property owners as she is not only
129 a Council Member but one of their neighbors and she understands the concerns that they have. She is
130 willing to reach out to the remaining property owners needing to sign the easement. A voluntary
131 easement is only for five years but condemnation will be in perpetuity.

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133 Mayor pro tem Neal asked if the property owners are aware that condemnation is more aggressive
134 than voluntarily granting the Town an easement. The Town is also spending a lot of money to fortify
135 the property for them as well.

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137 Mayor Morey asked if the Town Attorney's letter was ready to go? She stated by approving this
138 resolution it should imply to the Town Attorney that we would like to move forward sooner than later.
139 Town Manager Ogburn stated the letter was ready and would go out certified mail. He further stated
140 he would try to reach out the remaining property owners one last time.

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142 Council Member Sherlock suggested getting the letters out quickly as the process takes some time.

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144 **Motion** made by Council Member Sherlock to adopt Resolution #2022-03-02 authorizing the process of
145 collection for the remaining beach nourishment easements, Seconded by Council Member Holland.

146 The motion passed unanimously (5-0).

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

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150 **Council Comments**

151 Council Member Holland will attempt to bring up the Mid Currituck Bridge Resolution at the next
152 Tourism Board meeting.

153 Council Member Sherlock is hoping to attend a fiscal training meeting that is sponsored by the State
154 Treasury Department next Tuesday in Hertford. The training is specifically for municipalities.

155 Mayor Morey took a tour of the new College of the Albemarle campus in Manteo, truly a cutting-edge
156 educational facility. She encouraged the opportunity to take a tour of the campus. Southern Shores
157 resident Tim Sweeney is the Dean of the campus and would welcome a request to take a tour. She
158 stated it will be a real draw for people who want to start new kinds of careers, change careers, or
159 obtain college credits without having to go away. It is a nice place for the community to gather and a
160 huge addition to the town of Manteo. Mayor Morey further stated that the next Council meeting is
161 scheduled for April 5th at 5:30 p.m.

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163 **Adjourn**

164 **Motion** to adjourn by consensus, the time was 9:43 a.m.

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167 ATTEST:

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170 _____
Elizabeth Morey, Mayor

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

Respectfully submitted,

Sheila Kane, Town Clerk