



**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](http://www.southernshores-nc.gov)

**PITTS CENTER**

**Tuesday, July 05, 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 Paula Sherlock

**Absent**

Council Member Mark Batenic

**Amendments to / Approval of Agenda**

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

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

**Consent Agenda**

The consent agenda consisted of the following:

1. Pickups & Releases -Tax Dept.
2. Approval of Minutes- June 7, 2022 & June 21, 2022

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

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

**Staff Reports**

Deputy Town Manager / Planning Director presented the June Permit Report. He further reported the

Planning Board will be meeting on July 18<sup>th</sup> at 5:00 p.m. Items of discussion will be ZTA 22-08 submitted by Casey Varnell and ZTA 22-07 submitted by the town to amend multiple articles in Chapter 36. The RFP for Land Use Plan update proposals are due July 22<sup>nd</sup> at 5:00 p.m.

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

Fire Chief Ed Limbacher presented the month of July's Fire Department report.

Town Manager Cliff Ogburn provided a summary of operational highlights:

Traffic Update-the Town has made a strong effort to try and educate the public and tourist to stay on NC12 and 158 to avoid the congestion within the interior streets. The Mayor has created an educational video, met with the neighboring towns, the Tourist Bureau, and pleaded with property managers. He stated barricades this year have had a different effect than last year. While creating relief for some it has made worse problems and South Dogwood Trail is backed up to the cemetery. Public safety is an issue and suggested the barricades be removed until the volume of tourist traffic decreases to a manageable amount. The Town owns the streets but that makes them public streets, they are not private. Just by essence of the Town owning something, it's public not private. We have the authority to regulate but must do so uniformly.

2022 Street Improvement Project Update-last Thursday was the pre-construction meeting with Fred Smith Co. Once confirmed a graph with street schedule will be placed on the Town website. It will include what it entails and street segments.

Town Attorney Gallop had nothing to report but thanked Council for allowing him to serve as Town Attorney.

Mayor Morey stated it was a very busy weekend. What Council has been told by the Police Chief and Fire Chief is the more barricades that you put up on streets the more potential for public safety incidents. To reduce public safety incidents is one of the reasons to take some time off from the barricades. It has also created tension between the residents and the those driving through our town. The barricades may be good for some but bad for others, a similar pattern as last year. We are a unique town where people drive through our town to get to other destinations but also to destinations in Town, such as the country club, school, and church. The only good part is the heavy bumper to bumper traffic tends to be mostly Saturday afternoons. Mayor Morey further stated she is continuing to reach out to property management companies to stagger more check-in days.

Council Member Sherlock asked Town Manager Ogburn if the 4<sup>th</sup> of July weekend is typically the heaviest traffic weekend of the summer? Mr. Ogburn confirmed that was correct.

Council Member Sherlock stated Council was forwarded the emails received from residents about the weekend without barricades and it was a mix bag of response. Some residents applauded us for it, others felt it was the worst idea ever. She agreed with the mayor in where you live determines how you are affected and encouraged residents to email the Council or manager and let them know how it affects you.

Council Member Holland stated Hillcrest was hit heavy this past weekend. He is concerned with the incidents between residents and guests and residents with other residents.

Mayor pro tem Neal stated Saturday was horrendous for the northern streets and empathized with the residents on those streets. This past weekend there was 15,000 cars traveling, 5000 of them through Southern Shores streets. Physically trying to manage that level is not feasible.

Council Member Sherlock asked if RV's and boats with trailers could be prohibited on the streets. Town Manager Ogburn stated there can be a weight limit.

### **General Public Comment**

None

### **Old Business**

None

### **New Business**

#### 3. Consideration of Kimley Horn Contract- Trinitie/Juniper Culvert Bridge

Town Manager Ogburn presented the agenda item which read as, The Town Council has been discussing options for replacement of the culvert over Canvases Back Canal on Trinitite Trail.

Issues with the culvert date back to before 1994 when repairs were performed due to similar issues as today. Replacement of the culvert began in January 2012 and was completed in March 2012. Due to soil settling around the culvert, which created depressions in the road, repairs were performed in July 2012, January 2013, and October 2014.

A February 2017 inspection showed that the culvert itself had not appeared to have settled. However, since the original replacement and subsequent reinforcement of the culvert along with fill on both sides being re-packed and settled, the areas on both sides of the culvert continue to settle and produce impressions in the surface of the street on either side of the culvert. Several evaluations for structural integrity have been provided in recent years, most recently in February of 2022. The report concluded in part that it is extremely likely erosion/soil migration from under the roadbed as well as around the culvert walls of the canal below the water surface, and to some extent to the sides of the embankments, is occurring. This is to be expected given the inappropriate design evidenced by:

1. small vertical depth from top of culvert to road surface above and
2. relatively large vertical surface over which to distribute effectively and proportionately the tieback forces and
3. age of the culvert bridge.

The report further states that regardless of how well backfill is compacted, a certain amount is likely over time, especially with repeated vehicular loads. This is further impacted by organic materials like tree stumps and other vegetative organic matter involved in the process under the loaded vehicular area and slightly outside of the loaded vehicular area. Even properly compacted backfills can and do settle over time, more so with repeated loading. The unequally applied soil loads on the top and sides of the culvert are likely causing inward culvert wall movement and it's only natural to expect settlement in the locations where it is occurring.

Kimley-Horn was asked to prepare conceptual level structure plans for three different alternatives to replace the existing pipe culvert. The alternatives include a cast-in-place reinforced concrete slab bridge, a cored slab bridge, and a prefabricated buried arch structure.

The scope of services under this proposal include:

Task 1 Preliminary Hydraulic Study and Technical Memo - \$8,000  
Task 2 Conceptual Roadway Design - \$10,000  
Task 3 Conceptual Structural Plans - \$20,000  
Task 4 Preliminary Utility Coordination - \$5,000  
Total Lump Sum Labor Fee - \$43,000

In North Carolina, the procurement of professional services performed by architects, engineers, surveyors, and construction managers at risk is governed by G.S. 143-64.31, sometimes referred to as the “Mini-Brooks Act.” Local government can exempt themselves from these requirements under G.S. 143-64.32 which reads “Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article in the case of proposed projects where an estimated professional fee is in an amount less than fifty thousand dollars (\$50,000).”

Rather than attempt to maintain what is in place now and experience continued settlement of the road, staff feels it is prudent to determine other, more effective, and lasting means for replacement. Staff recommends approval of the proposal as submitted so the Town Council can consider other options for replacement. It is further recommended that the Town exercise a “Mini-Brooks” exemption by approving the attached resolution.

**Motion** made by Council Member Sherlock to approve a budget amendment (funds from unassigned fund balance) not to exceed \$43,000 for Kimley-Horn to provide conceptual replacements for the Trinitie Trail Culvert, Seconded by Council Member Holland. The motion passed unanimously (4-0).

**Motion** made by mayor pro tem Neal to approve Resolution 2022-07-01 exempting the Town from the “Mini-Brooks Act” for the proposed work, Seconded by Council Member Holland. The motion passed unanimously (4-0).

**Motion** made by Council Member Holland to authorize the Town Manager to execute the attached agreement with Kimley-Horn to provide conceptual replacements for the Trinitie Trail Culvert, Seconded by Council Member Sherlock. The motion passed unanimously (4-0).

Mayor Morey asked Town Manager Ogburn if this big scope of work was typical and if bidders would use the conceptual proposals from Kimley Horn for bidding. Town Manager Ogburn confirmed the work is typical and yes it would be used for bidding the project.

### **General Public Comment**

None

### **Council Business**

Mayor Morey announced her Mayor’s Chat scheduled for Wednesday, July 13<sup>th</sup>. The next Council meeting will be held August 2<sup>nd</sup>.

Mayor pro tem Neal and other members of Council thanked Town Attorney Gallop for his years of service to the Town.

Council Member Holland provided a Tourism Board report for the month of April. He stated occupancy was up 14%, 10% year to date. Meals were up 14%, 12% year to date. A Tourism Summit meeting will take place November 3, 2022, further details will follow soon.

**Adjourn**

By Consensus of all Council, the meeting was adjourned at 6:17 p.m.

ATTEST:

Respectfully submitted,

\_\_\_\_\_  
A. Elizabeth Morey, Mayor

\_\_\_\_\_  
Sheila Kane, Town Clerk

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