



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, December 02, 2025 at 1:00 PM

AGENDA

Call Meeting to Order

Pledge of Allegiance

Moment of Silence

Amendments to / Approval of Agenda

Consent Agenda

1. Minutes Approval-November 5, 2025
2. Budget Amendment #18
3. Consideration Community Action Team Appointment
4. Contract Clarification Earned Vacation Time-Town Manager
5. HLC Appointments
6. Tax Pickups & Releases

Presentations

7. Employee Recognition-Years of Service: Marcey Baum, Permit Officer 5 Years, Kevin Clark Building Inspector 5 Years, Forest Hood Public Works Supervisor 10 Years
8. Southern Shores Fire Department Staff & Fire Auxiliary Board Members Introductions
9. Organization of Council and 2026 Meetings
 - a.) Oath of Office Administered to Incoming/Reelected Members
 - b.) Election of Mayor Pro Tempore
 - c.) County & Regional Council Committee Appointments
 - 1.) Albemarle Rural Planning Organization (ARPO)
 - 2.) Dare County Gov-Ed Access Channel Committee
 - d.) 2026 Council Meeting Schedule-Resolution #2025-12-01

Staff Reports

- Planning Director/Deputy Town Manager
- Police Chief
- Fire Chief
- Town Manager
- Town Attorney

General Public Comment (Limit: 3 minutes per speaker.)

Old Business

New Business

[10.](#) Consideration of Speed Limit on NC12/Duck Rd.

Council Business

Adjourn



Town of Southern Shores

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Meeting Minutes

Pitts Center – 5375 N. Virginia Dare Trail, Southern Shores, NC

Date: Wednesday, November 5, 2025

Time: 1:00 PM

Attendance

Present:

- Mayor Morey
- Mayor Pro Tem Neal
- Council Member Sherlock
- Council Member Neilson

Absent:

- Council Member Batenic

Call to Order

Mayor Morey called the meeting to order at 1:00 PM.

The Council and public stood for the Pledge of Allegiance followed by a Moment of Silence.

Amendments to / Approval of Agenda

Motion to approve the agenda as presented by Council Member Sherlock, seconded by Council Member Neilson. Motion carried unanimously.

Consent Agenda

The consent agenda consisted of:

- Budget Amendment #15
- Budget Amendment #16
- Minutes approval-October 7, 2025
- Contract for Fire Protection Services -Martins Point Tax District (Dare County)

Council Member Sherlock inquired about the location of the message board mentioned in Budget Amendment #15. Town Manager Ogburn explained that it would be portable and movable, used as needed for different events like "booze it or lose it" campaigns. He noted that sometimes they had to borrow message boards from the county or NCDOT, so having a second one would be beneficial.

Motion to approve the consent agenda by Council Member Neilson, seconded by Council Member Sherlock. Motion carried unanimously.

Presentations

Employee Recognition Years of Service-Tracy Mann 15 Years

Police Chief Kole presented Officer Tracy Mann in recognition of her achievement of Master Police Officer 3 status. Chief Kole highlighted that Officer Mann is from Dare County, graduated from Manteo High School, and attended Appalachian State University. She has over 20 years of experience as a police officer, with the last 15 years serving the Town of Southern Shores.

Chief Kole noted that Officer Mann has served as the School Resource Officer at Kitty Hawk Elementary School since 2015. She has earned her Advanced Law Enforcement Certification, School Resource Officer Certification, and is certified as a General Topics Instructor, Tactical Medic Instructor, DARE Instructor, and CPR/AED Instructor. Chief Kole emphasized that Officer Mann is highly respected and deeply appreciated by school staff, parents, students, and the police department.

Staff Reports

Planning Dept.

Planning Director/Deputy Town Manager presented the permit report for the month of October. The total amount of permit fees collected in October was \$17,077.25. The Town Planning Board will not be meeting this month, but they will most likely meet on December 15th at 5:00 p.m. in the Pitts Center. At that meeting, they will most likely consider a ZTA submitted by the Town to amend the Town's current requirements for wastewater systems in Town Code Chapter 32, Utilities and in Chapter 36, Zoning.

Paul Gamiels Hill Life Saving Station Site-The SSCA will be selecting their Paul Gamiels Hill Life Saving Station site designation committee members later this month. We will request formal appointment of the committee at the December Council meeting.

Police Dept.

Police Chief Kole presented reports for September and October 2025:

September 2025:

- 1,457 calls for service (about 300 more than the previous year)
- 13 incidents reported
- 9 criminal arrests

- 102 traffic stops resulting in 34 written citations and 77 warning citations
- 33 ordinance violations
- 2 reportable motor vehicle accidents

October 2025:

- 1,580 calls for service (compared to 1,236 in October 2024)
- 16 incidents reported
- 6 criminal arrests
- 56 traffic stops resulting in 16 written citations and 30 warning citations
- 3 ordinance violations (all parking in right-of-way)
- 5 reportable motor vehicle accidents

In response to a question from Council Member Sherlock about the increase in calls for service, Chief Kole explained that some of the increase was due to property checks and business checks, as well as more work on drug arrests and follow-ups with other agencies.

Fire Dept.

Fire Chief Limbacher reported that for October, the Fire Department responded to 68 calls:

- 1 vehicle fire
- 1 vehicle accident without injuries
- 2 beach wheelchair program responses
- 1 smoke detector program response
- 1 public assistance call
- 2 arcing or shorted electrical lines
- 1 assist to police/government agency
- 1 public service call
- 2 standbys
- 2 canceled en route calls
- 5 fire alarms
- 45 EMS calls

Chief Limbacher reminded everyone of the upcoming open house scheduled for Friday at the same time as the Kitty Hawk Elementary School fall carnival. He also reported that training continues with the captains, particularly on engineer training, pumping, and driving trucks. He mentioned that in January, they plan to have the captains and Southern Shores Volunteer Fire Department board members attend a council meeting.

Town Manager

Town Manager Ogburn provided information about the North Carolina Resilient Coastal Communities Program (RCCP), for which Southern Shores has been selected in this year's funding round. The program has been in existence since 2018 and has awarded 108 grants distributing nearly \$16 million in funding.

Mr. Ogburn explained that the program supports a locally driven process for setting coastal resilience goals, assessing community capacity, and identifying and prioritizing projects that strengthen resilience to coastal hazards. In simpler terms, the program will help identify vulnerabilities that need addressing to strengthen the town's ability to withstand impacts from severe weather.

The program consists of four phases, with Southern Shores approved for phases 1 and 2:

- Community engagement and vulnerability assessment
- Planning, project identification, and prioritization

Town Manager Ogburn explained Southern Shores has been paired with Coastal Protection Engineering (the town's beach nourishment engineer) as their consulting partner for the project. The deliverables will include a vulnerability assessment report, a project portfolio of potential projects, and GIS data integration.

Town Manager Ogburn requested direction from Council on forming a Community Action Team (CAT) consisting of five representative members. After discussion, Council agreed to a team composition that would include a Town Council representative, a Planning Board representative, a Southern Shores Civic Association representative, and two citizens at large with relevant expertise such as engineering or marine science backgrounds. Council **directed** the town manager to recruit these members and present them at the December meeting.

Mr. Ogburn also provided updates on other projects:

- East Dogwood Street project: Currently in data gathering phase, scheduled to go out for bids in December, with construction to be completed by May 15, 2026
- Sidewalk replacements from Fifth Avenue to Hillcrest are continuing and should be completed by the end of the year
- Beach grass planting: 10 cases of beach grass have been ordered, with planting to begin soon
- Potential sand fence installation in areas of need, particularly in the Pelican Watch area

Council discussed sand fence installation, with some concern about making dunes too high rather than extending their width. Town Manager Ogburn confirmed the focus would be on widening dunes rather than increasing their height.

Town Attorney

Town Attorney Philip Hornthal had no report.

General Public Comment

Donna Creef, Government Affairs Director for the Outer Banks Association of Realtors, informed Council about a rate increase request filed by the North Carolina Rate Bureau for dwelling policy coverage. For properties in Territory 110 (Outer Banks/Dare County), the requested increase is 40% for both 2026 and 2027. Ms. Creef noted that public comments are being accepted until November 19th and requested the town share this information on their website.

Leo Holland of 23 Spindrift Trail reminded everyone about the upcoming Veterans Day ceremony on November 11th at 11:00 AM, to be held at the Pitts Center. He noted that the main speaker is a colonel who completed four tours in Afghanistan. Mr. Holland also mentioned that a "missing man" or "missing person" table would be set up as part of the ceremony, with each item on the table having specific meaning.

Len Schmitz of 184 Wax Myrtle Trail spoke about the upcoming beach grass planting season. He mentioned that he has been in contact with suppliers who have plenty of grass available, and several groups including Boy Scouts, church groups, and Dominion Power have expressed interest in helping with planting. Mr. Schmitz clarified that regarding sand fence installation, the goal is to build dunes wider (approximately 100 feet) rather than taller, noting that some areas in Seacrest Village already have sufficient width while southern areas need more.

Old Business

No old business was discussed.

New Business

Award of Cemetery Irrigation Proposal & Budget Amendment #17

Town Manager Ogburn presented a proposal to install irrigation at the town cemetery. The town received two bids:

- Mo Grow and H2O, LLC: \$22,686.08
- Daniel's Irrigation: \$16,950.00

Mr. Ogburn explained that the irrigation system would use county water but would have the ability to switch to a well in the future if water costs become prohibitive. The system will be battery-operated since there is no power source at the cemetery. The request included an additional \$2,000 to cover costs of other improvements including plantings, mulching, and a new fence along the north end property line.

The installation would be trenched where possible and dug in other areas, with a goal of head-to-head coverage. The work is scheduled for January through March to be ready for the growing season.

Council Member Sherlock emphasized the importance of ensuring the irrigation system is unobtrusive and aesthetically pleasing, noting that the cemetery is looking good after recent improvements.

Motion to authorize the Town Manager to enter into a contract with the low bidder, Daniel's Irrigation, and to approve Budget Amendment #17 in the Cemetery Fund for \$19,000 made by Mayor Pro Tem Neal, seconded by Council Member Neilson. Motion carried unanimously.

Public Hearing- Consider TCA-25-01, a Town Code Amendment request submitted by the Town of Southern Shores to amend Town Code Section 1-14 to remove the requirements for reconsideration of disapproved development and amendment requests and Town Code Section 6-5 to clarify when building permits are required for retaining walls and to remove the requirement to obtain a building permit for fences.

Town Attorney Phillip Hornthal opened the public hearing.

Planning Director Haskett explained that the amendment has two parts:

- Removal of Section 1-14 regarding reconsideration of disapproved development and amendment requests. This section had been added in September 2025 (as ZTA-25-05), but staff had indicated they would request its removal if House Bill 926 became law, which occurred on October 6, 2025. The bill prohibits waiting periods for refiling denied or withdrawn applications.
- Amendments to Section 6-5 regarding building permits:
- Clarifying that building permits are required for retaining walls only when they are 5-6 feet in height (the maximum allowed height is 6 feet)
- Removing the requirement to obtain building permits for fences, as state statutes do not allow requiring permits for fences since they are not load-bearing structures

Mr. Haskett noted that these changes would codify existing practices, as the building department has not been requiring permits for retaining walls 1-4 feet in height or for fences. The Planning Board unanimously (5-0) recommended approval of the amendments at their October 20, 2025 meeting.

When asked by Council Member Sherlock what this means for the average property owner, Mr. Haskett explained that there would be no practical change as the amendments simply align the code with current practice and state law.

No one from the public spoke on the matter, and Town Attorney Hornthal closed the public hearing.

Motion to approve TCA-25-01 made by Council Member Neilson, seconded by Council Member Sherlock. Motion carried unanimously.

Council Business

Mayor Pro Tem Neal reported that the Entry Corridor Committee will meet on November 12th at 9:00 AM to finalize their draft report to possibly present to Council next month. He also noted that he will attend the first Dare Housing Foundation meeting as a board member on November 13th.

Council Member Neilson reported that both of his scheduled meetings (Current TV and 250th anniversary of the Declaration of Independence committee) were canceled. He mentioned a discussion with the head of Current TV about possibly documenting the process of obtaining historic designation for the old lifesaving station at Hillcrest Beach.

Mayor Morey announced that the next meeting is scheduled for December 2, 2025, at 1:00 PM at the Pitts Center. She also complimented the public works staff for the new fence, mulch, and other improvements at the cemetery, noting she looks forward to future plantings and the installation of irrigation.

Adjourn

Motion to adjourn made by Mayor Morey, seconded by Council Member Sherlock.
Motion carried unanimously.

The meeting adjourned at 1:55 PM.

ATTEST:

Respectfully submitted,

Elizabeth Morey, Mayor

Sheila Kane, Town Clerk

**Town of Southern Shores
Budget Amendment Number # 18**

Police Increases

Decreases

[illegible]

Explanation: to recognize money from ABC Board for alcohol education

Recommended By:

Cliff Ogburn, Town Manager

Approved By: Town Council

Elizabeth Morey, Mayor

Date _____



AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2025

ITEM TITLE: Consideration Community Action Team Appointment

ITEM SUMMARY:

Staff Requests the following individuals be appointed to serve on the Community Action Team (CAT) to help guide the Town through the Resilient Coastal Communities Program.

Robert McClendon
Richard Filling
Lori Trawinski
Nancy Sheehan
Mayor Elizabeth Morey

The N.C. Resilient Coastal Communities Program (RCCP) is administered by the Division of Coastal Management (DCM) to support a locally driven process for setting coastal resilience goals, assessing community capacity, and identifying and prioritizing projects that strengthen resilience to coastal hazards. Funded by the N.C. General Assembly and the National Fish and Wildlife Foundation, the RCCP provides both financial and technical assistance to help local governments overcome barriers to resilience and adaptation planning. The program aims to build local capacity and advance a proactive, equitable, and sustainable approach to coastal resilience. Through a structured, four-phase planning framework, participating communities assess their vulnerabilities and develop 'shovel-ready' projects tailored to their specific risks and needs.

The first step in the RCCP process is for each community to create a "Community Action Team" (CAT). This step is critical to ensure success in the program. The CAT for each community will consist of key stakeholders to provide targeted input and champion the effort.



AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2025

ITEM TITLE: Amendment to Town Manager's Employment Agreement to clarify vacation accrual

ITEM SUMMARY:

A clarification of the Town Manager's employee agreement is requested to make clear the rate at which vacation time is accrued.

Section 8. Other Benefits –

Current Language

B. The Employee shall accrue vacation leave at the rate and in the amount available to an employee of the Town having five years' experience with the Town. Employee shall receive personal leave and emergency leave as provided by Employer's personnel rules and regulations and as applicable to all other employees of the Employer. At the time of termination Employee shall have the right to liquidate accrued leave as provided by Employer's personnel rules and regulations, at his then current rate of pay.

New Language requested

B. The Employee shall accrue vacation leave at the rate and in the amount available to an employee of the Town based on that employee's years of service to the Town except that, upon hiring, Employee shall be deemed to have five years' experience with the Town for purposes of calculating the rate of Employee's vacation accrual. For each successive year of Employee's service with the Employee shall be deemed to have an additional year of service. For example, after Employee's first year of service to the Town, Employee shall accrue vacation leave as if he had 6 years' service with the Town. Employee shall receive personal leave and emergency leave as provided by Employer's personnel rules and regulations and as applicable to all other employees of Employer. At the time of termination Employee shall have the right to liquidate accrued annual leave as provided by Employer's personnel rules and regulations, at his then current rate of pay.

Attachments: 2nd Amendment to Employee Agreement

NORTH CAROLINA

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

DARE COUNTY

Finance Director

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT

THIS SECOND AMENDMENT TO EMPLOYMENT AGREEMENT, made and entered into this 2nd day of December 2025, by and between the Town of Southern Shores, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the "Employer"), and Cliff Ogburn, (the "Employee"), both of whom understand as follows:

RECITALS:

On May 19, 2020 the Employer and Employee entered into a written contract for employment (the "Employment Agreement") whereby Employer would hire Employee to serve as the Town Manager for the Town of Southern Shores; and

The Employment Agreement was first amended on July 11, 2023; and

Employer and Employee each desires to continue the relationship created by the Employment Agreement on the same terms and conditions of the Employment Agreement with certain amendments as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

- A. Effective December 2, 2025 Section 8.B. of the Employment Agreement entitled "Other Benefits" shall be replaced with the following:
 - B. The Employee shall accrue vacation leave at the rate and in the amount available to an employee of the Town based on that employee's years of service to the Town except that, upon hiring, Employee shall be deemed to have five years' experience with the Town for purposes of calculating the rate of Employee's vacation accrual. For each successive year of Employee's service with the Employee shall be deemed to have an additional year of service. For example, after Employee's first year of service to the Town, Employee shall accrue vacation leave as if he had 6 years' service with the Town. Employee shall receive personal leave and emergency leave as provided by Employer's personnel rules and regulations and as applicable to all other

employees of Employer. At the time of termination Employee shall have the right to liquidate accrued annual leave as provided by Employer's personnel rules and regulations, at his then current rate of pay.

IN WITNESS WHEREOF, the Employer has caused this Amendment to Employment Agreement to be signed and executed in its behalf by the Mayor for the Town of Southern Shores and duly attested by its Town Clerk, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first written above.

Mayor

Cliff Ogburn

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney



AGENDA ITEM SUMMARY FORM

MEETING DATE: December 2, 2025

ITEM TITLE: Historic Landmarks Commission Appointments

ITEM SUMMARY:

The terms for Historic Landmarks Commission members Lee Whitley and Kristine Kiouisis will expire on December 6, 2025. Both members have indicated that they would like to continue serving on the HLC.

STAFF RECOMMENDATION:

Reappointment of Lee Whitley and Kristine Kiouisis with terms that are valid until December 6, 2028.

REQUESTED ACTION:

Motion to reappoint Lee Whitley and Kristine Kiouisis with terms that are valid until December 6, 2028.

Item 5.

16

SOUTHERN SHORES HISTORIC LANDMARKS COMMISSION
MEMBER STATUS AS OF 7/9/2025

Item 5.

**TOWN OF SOUTHERN SHORES
TAX DEPARTMENT**

12/2/2025

PICKUPS

RELEASES

August Real	\$ 4,822.30
September Real	\$ 199.85
October Real	\$ 2,754.68

TOTAL	\$0.00
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\$7,776.83



Town of Southern Shores

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COUNCIL MEETING SCHEDULE 2026

[NCGS §160A-71 and §143-318.12; Section 6. Rules of Procedure of Town Council]

Resolution #2025-12-01

WHEREAS, the Town Council of Southern Shores hereby resolves to notice and implement the following meeting schedule for calendar year 2026, and;

WHEREAS, all Regular and Special Meetings of the Council are scheduled to be held in the Kern P. Pitts Center of the Town Hall complex at the address above unless noticed otherwise.

BE IT RESOLVED that the monthly Regular Meetings of the Town of Southern Shores Town Council will take place on the dates and times as follows:

- Tuesday, January 6, 2026, 1:00 p.m.
- Tuesday, February 3, 2026, 1:00 p.m.
- Wednesday, March 4, 2026, 1:00 p.m. (Primary Election on Tues.)
- Tuesday, April 14, 2026, 1:00 p.m.
- Tuesday, May 5, 2026, 1:00 p.m.
- Tuesday, June 2, 2026, 1:00 p.m.
- Tuesday, July 7, 2026, 1:00 p.m.
- Tuesday, August 4, 2026, 1:00 p.m.
- Tuesday, September 1, 2026, 1:00 p.m.
- Tuesday, October 6, 2026, 1:00 p.m.
- Wednesday, November 4, 2026, 1:00 p.m. (General Election on Tues.)
- Tuesday, December 1, 2026, 1:00 p.m.

BE IT RESOLVED that Workshop Meetings of the Town of Southern Shores Town Council will take place as needed on the third Tuesday of each month at 9:00 a.m.

BE IT FURTHER RESOLVED that pursuant to North Carolina General Statute §143-318.10, each “official meeting” of the Council shall be open to the public regardless of whether such meeting is a “regular”, “special”, or “emergency” meeting, and regardless of whether any meeting is described informally as a “retreat”, “forum”, “session” or “workshop”; and pursuant to North Carolina General Statute §143-318.11, the Council may hold a “closed session” and exclude the public only when such closed session is required by law as enumerated in the referenced statute.

BE IT FURTHER RESOLVED that to process routine actions in an expeditious manner, a consent agenda will be utilized and administered as part of Council's regular meeting agenda.

BE IT FURTHER RESOLVED, allowance of public comment will be placed on the agenda for each Regular Meeting of the Council, pursuant to NCGS §160A-81.1 and consistent with Section 17 of the Rules of Procedure of Town Council, for any citizen to address the Council on any matter not noticed on the agenda for a public hearing; as the meeting presiding officer, the Mayor is authorized to establish Rules for any public comment period.

Adopted this 2nd day of December 2025

S E A L

Elizabeth Morey, Mayor

ATTEST:

Sheila Kane, Town Clerk



AGENDA ITEM SUMMARY

Item #10

MEETING DATE: December 2, 2025

ITEM TITLE: Consideration of Speed Limit on NC12/Duck Rd

ITEM SUMMARY:

At its August 2, 2022 meeting, the Town Council voted to lower the speed limit on Duck Road/NC 12 to 35 mph year-round for the entire length of the road. Prior to this, the speed limit on this road was 45 mph except during May 15 to September 15 when the speed limit dropped to 35 mph from the southern town line to Trout Run.

At that meeting it was noted that by lowering the speed limit to 35mph, Low Speed Vehicles would then be allowed to travel the full distance of Duck Road through Southern Shores. At a Council Workshop held in March of 2025, the Council decided it would reconsider the decision to lower the speed limit later in the year.

Staff requests the Council discuss this matter and provide direction. If the Council decides at this meeting to request NCDOT's concurrence of its recommendation, a motion to approve the attached declarations would be necessary.

ATTACHMENTS:

- 1- Minutes of Town Council Meeting August 2, 2022.
- 2- North Carolina General Statute 20-141. Speed restrictions.
- 3- Certification of Municipal Declaration to Repeal/Enact Speed Limits and Request for Concurrence

Certification of Municipal Declaration To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number:

Division: 1 **County:** DARE

Municipality: SOUTHERN SHORES

Type: Municipal Speed Zones

Road: NC 12

Car: MPH

Truck: MPH

Description: NC 12, from the southern corporate limits northward to the northern corporate limits of Southern Shores, a point 3.90 miles north of SR 1493.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number:

Division: 1 **County:** DARE

Municipality: SOUTHERN SHORES

Type: Municipal Speed Zones

Road: NC 12

Car: 35 MPH

Truck: 35 MPH

Description: NC 12, from the southern corporate limits northward to the northern corporate limits of Southern Shores, a point 3.90 miles north of SR 1493.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

§ 20-141. Speed restrictions.

(a) No person shall drive a vehicle on a highway or in a public vehicular area at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Except as otherwise provided in this Chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:

- (1) Thirty-five miles per hour inside municipal corporate limits for all vehicles.
- (2) Fifty-five miles per hour outside municipal corporate limits for all vehicles except for school buses and school activity buses.

(c) Except while towing another vehicle, or when an advisory safe-speed sign indicates a slower speed, or as otherwise provided by law, it shall be unlawful to operate a passenger vehicle upon the interstate and primary highway system at less than the following speeds:

- (1) Forty miles per hour in a speed zone of 55 miles per hour.
- (2) Forty-five miles per hour in a speed zone of 60 miles per hour or greater.

These minimum speeds shall be effective only when appropriate signs are posted indicating the minimum speed.

- (d) (1) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that any speed allowed by subsection (b) is greater than is reasonable and safe under the conditions found to exist upon any part of a highway outside the corporate limits of a municipality or upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality), the Department of Transportation shall determine and declare a reasonable and safe speed limit.
- (2) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe under the conditions found to exist upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality) the Department of Transportation shall determine and declare a reasonable and safe speed limit. A speed limit set pursuant to this subsection may not exceed 70 miles per hour.

Speed limits set pursuant to this subsection are not effective until appropriate signs giving notice thereof are erected upon the parts of the highway affected.

(e) Local authorities, in their respective jurisdictions, may authorize by ordinance higher speeds or lower speeds than those set out in subsection (b) upon all streets which are not part of the State highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets affected.

(e1) Local authorities within their respective jurisdictions may authorize, by ordinance, lower speed limits than those set in subsection (b) of this section on school property. If the lower speed limit is being set on the grounds of a public school, the local school administrative unit must request or consent to the lower speed limit. If the lower speed limit is being set on the grounds of a private school, the governing body of the school must request or consent to the lower speed limit. Speed limits established pursuant to this subsection shall become effective when appropriate signs giving notice of the speed limit are erected upon affected property. A person who drives a motor vehicle on school property at a speed greater than the speed limit set and posted under this subsection is responsible for an infraction and is required to pay a penalty of two hundred fifty dollars (\$250.00).

(f) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe, or that any speed hereinbefore set forth is greater than is reasonable and safe, under the conditions found to exist upon any part of a street within the corporate limits of a municipality and which street is a part of the State highway system (except those highways designated as part of the interstate highway system or other controlled-access highway) said local authorities shall determine and declare a safe and reasonable speed limit. A speed limit set pursuant to this subsection may not exceed 55 miles per hour. Limits set pursuant to this subsection shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

When local authorities annex a road on the State highway system, the speed limit posted on the road at the time the road was annexed shall remain in effect until both the Department and municipality pass concurrent ordinances to change the speed limit.

The Department of Transportation is authorized to raise or lower the statutory speed limit on all highways on the State highway system within municipalities which do not have a governing body to enact municipal ordinances as provided by law. The Department of Transportation shall determine a reasonable and safe speed limit in the same manner as is provided in G.S. 20-141(d)(1) and G.S. 20-141(d)(2) for changing the speed limits outside of municipalities, without action of the municipality.

(g) Whenever the Department of Transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway considerably impede the normal and reasonable movement of traffic, the Department of Transportation or such local authority may determine and declare a minimum speed below which no person shall operate a motor vehicle except when necessary for safe operation in compliance with law. Such minimum speed limit shall be effective when appropriate signs giving notice thereof are erected on said part of the highway. Provided, such minimum speed limit shall be effective as to those highways and streets within the corporate limits of a municipality which are on the State highway system only when ordinances adopting the minimum speed limit are passed and concurred in by both the Department of Transportation and the local authorities. The provisions of this subsection shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(h) No person shall operate a motor vehicle on the highway at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law; provided, this provision shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

(i) The Department of Transportation shall have authority to designate and appropriately mark certain highways of the State as truck routes.

(j) Repealed by Session Laws 1997, c. 443, s. 19.26(b).

(j1) A person who drives a vehicle on a highway at a speed that is either more than 15 miles per hour more than the speed limit established by law for the highway where the offense occurred or over 80 miles per hour is guilty of a Class 3 misdemeanor.

(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under this section shall be required to pay a penalty of two hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to those penalties established in this Chapter. A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs

motorists of the end of the work zone. The additional penalty imposed by this subsection applies only if signs are posted at the beginning and end of any segment of the highway work zone stating the penalty for speeding in that segment of the work zone. The Secretary shall ensure that work zones shall only be posted with penalty signs if the Secretary determines, after engineering review, that the posting is necessary to ensure the safety of the traveling public due to a hazardous condition.

A law enforcement officer issuing a citation for a violation of this section while in a highway work zone shall indicate the vehicle speed and speed limit posted in the segment of the work zone, and determine whether the individual committed a violation of G.S. 20-141(j1). Upon an individual's conviction of a violation of this section while in a highway work zone, the clerk of court shall report that the vehicle was in a work zone at the time of the violation, the vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles.

(j3) A person is guilty of a Class 2 misdemeanor if the person drives a commercial motor vehicle carrying a load that is subject to the permit requirements of G.S. 20-119 upon a highway or any public vehicular area at a speed of 15 miles per hour or more above either:

- (1) The posted speed; or
- (2) The restricted speed, if any, of the permit, or if no permit was obtained, the speed that would be applicable to the load if a permit had been obtained.

(k) Repealed by Session Laws 1995 (Regular Session, 1996), c. 652, s. 1.

(l) Notwithstanding any other provision contained in G.S. 20-141 or any other statute or law of this State, including municipal charters, any speed limit on any portion of the public highways within the jurisdiction of this State shall be uniformly applicable to all types of motor vehicles using such portion of the highway, if on November 1, 1973, such portion of the highway had a speed limit which was uniformly applicable to all types of motor vehicles using it. Provided, however, that a lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. The requirement for a uniform speed limit hereunder shall not apply to any portion of the highway during such time as the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of the highway.

(m) The fact that the speed of a vehicle is lower than the foregoing limits shall not relieve the operator of a vehicle from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway, and to avoid injury to any person or property.

(n) Notwithstanding any other provision contained in G.S. 20-141 or any other statute or law of this State, the failure of a motorist to stop his vehicle within the radius of its headlights or the range of his vision shall not be held negligence per se or contributory negligence per se.

(o) A violation of G.S. 20-123.2 shall be a lesser included offense in any violation of this section, and shall be subject to the following limitations and conditions:

- (1) A violation of G.S. 20-123.2 shall be recorded in the driver's official record as "Improper equipment – Speedometer."
- (2) The lesser included offense under this subsection shall not apply to charges of speeding in excess of 25 miles per hour or more over the posted speed limit.

No drivers license points or insurance surcharge shall be assessed on account of a violation of this subsection.

(p) A driver charged with speeding in excess of 25 miles per hour over the posted speed limit shall be ineligible for a disposition of prayer for judgment continued. (1937, c. 297, s. 2; c. 407, s. 103; 1939, c. 275; 1941, c. 347; 1947, c. 1067, s. 17; 1949, c. 947, s. 1; 1953, c. 1145;

1955, c. 398; c. 555, ss. 1, 2; c. 1042; 1957, c. 65, s. 11; c. 214; 1959, c. 640; c. 1264, s. 10; 1961, cc. 99, 1147; 1963, cc. 134, 456, 949; 1967, c. 106; 1971, c. 79, ss. 1-3; 1973, c. 507, s. 5; c. 1330, s. 7; 1975, c. 225; 1977, c. 367; c. 464, s. 34; c. 470; 1983, c. 131; 1985, c. 764, ss. 29, 30; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1987, c. 164; 1991 (Reg. Sess., 1992), c. 818, s. 1; c. 1034, s. 1; 1993, c. 539, ss. 366, 367; 1994, Ex. Sess., c. 24, s. 14(c); 1995 (Reg. Sess., 1996), c. 652, s. 1; 1997-341, s. 1; 1997-443, s. 19.26(b); 1997-488, s. 1; 1999-330, s. 3; 2000-109, s. 7(c); 2003-110, s. 1; 2004-203, s. 70(a); 2005-349, s. 11; 2007-380, ss. 1, 2; 2009-234, ss. 1, 2; 2011-64, s. 2; 2012-194, s. 9; 2013-360, s. 18B.14(k).)



TOWN OF SOUTHERN SHORES

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
 Phone 252-261-2394 / Fax 252-255-0876
www.southernshores-nc.gov

TOWN COUNCIL MEETING

TUESDAY, AUGUST 02, 2022 AT 5:30 PM

MINUTES FROM AGENDA ITEM 4 - CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE

The agenda summary read as, In May of 2021, the Town Council discussed and considered a request for a lower speed limit on NC 12 through Southern Shores. As part of that discussion, a traffic study was requested of NCDOT to receive a recommendation based on data so as to have a basis for establishing the appropriate speed limit. In some cases, a municipality will request a specific speed limit for NCDOT to consider. The results of the study in that case will either confirm or contradict the request as the appropriate speed. The Town requested a study to determine what the recommended speed limit for NC 12 should be. The study considers several variables other than speed.

Roadways are initially designed to accommodate certain speeds. If requested for a State Highway System Road, a traffic engineer will perform an engineering and traffic investigation to determine the appropriate speed limit. These investigations examine:

- Road surface characteristics, shoulder conditions, roadway alignment and sight distance.
- Commercial and residential development, and roadside friction (number of driveways, parking, pedestrians, etc.).
- Safe speed for curves and other locations along the section of road being studied.
- Frequency and severity of crashes.
- 85th percentile speed —the speed at or below which 85 percent of the traffic is moving.

At present, the speed limit on NC 12 in Southern Shores is 45 mph except during May 15 to September 15 when the speed limit drops to 35 mph from the southern town

line to Trout Run. The results of the study indicate that the present speed limits are consistent with the 85th percentile speed. Motorists traveling above the 85th percentile speed are considered to be exceeding the safe and reasonable speed for road and traffic conditions. The 85th percentile speed should be taken from speed data collected during a 24-hour weekday period. Data for this study was collected during all four seasons in the year.

USLIMITS2 is a web-based tool designed to help practitioners set reasonable, safe, and consistent speed limits for specific segments of roads. For experienced engineers like those in our Division, USLIMITS2 can provide an objective second opinion and increase confidence in speed limit setting decisions. The USLIMITS2 recommendation is 40 mph.

Based upon all the criteria and data evaluated, the report's recommendation is to lower the speed limit the entire stretch of NC 12 through Southern Shores from 45 mph to 35 mph during the full year.

The NC General Statutes are written to give "local authorities" the authority upon the bases of an engineering and traffic investigation to set speed limits on state roads through their locality. Setting the speed limit at a consistent rate through town would be less confusing to all motorists. The lower speeds during the summer months were determined to be appropriate. The recommendation from the study performed by professional traffic engineers recommends the speed limit be 35 mph through town the entire year. Staff recommends that the Town Council concur with this recommendation. Shoulder seasons are reaching well beyond September and traffic remains heavy during a larger portion of the year. This increase in traffic will likely continue to make the case for the lower speed limit. The Council should be aware that the lower speed limit will permit LSV (low speed vehicles) to travel all of NC 12 year-round.

Mayor Morey stated the reduction of speed along NC12 has been discussed by members of the current council, and councils before us. Council Members and staff have received requests from citizens to reduce the speed limit on NC12 through town and last year there were several accidents which prompted the study from NCDOT. She further stated the crash data (page 16) from 2017-22 is higher than the state rate for this type of road, noting that was significant.

Council Member Sherlock stated this is a detailed report of over 50 pages. There are 202 residential driveways affected, 21 intersections without lights and several crosswalks within this 45mph speed limit. The report also mentions the amount of vegetation which create sight issues. She was in favor of lowering the speed limit to 35 mph year around. The heavy traffic volumes are no longer seasonal.

Mayor pro tem Neal stated he agreed with the consistency of having the speed limit the same for the whole stretch but did not necessarily agree with the need for it year-

around. The crash data sighted many accidents at low speeds, mostly rear end occurrences.

Council Member Holland stated it was NCDOT recommendation to have it year around.

Police Chief David Kole stated mostly all the accidents in the report occurred in the 35-mph speed zone. Lowering the speed will only add 2-3 minutes of travel time to the Town of Duck but it would allow the use of low-speed vehicle along the entire NC12 stretch in Southern Shores.

Council Member Batenic stated there are twelve crosswalks before Trout Run alone and they are very dangerous to cross with vehicles traveling at higher rates of speed. He further stated that the crosswalk light at Chicahauk is not working correctly. He was in favor of reducing the speed for the entire stretch of NC12 through Southern Shores.

Mayor Morey stated speed matters, whether it is 45mph or 35 mph, the accident interactions are going to occur but would expect one would have a potentially better outcome from a crash at a lower speed.

Motion made by Council Member Sherlock that in accordance with the recommendation by NCDOT and recommendation by staff, move to repeal the present speed limits on NC12 throughout Southern Shores and set the speed limit to 35 mph during the full year, 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