



**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, October 01, 2024 at 5:30 PM**

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## **AGENDA**

### **Call Meeting to Order**

Pledge of Allegiance

Moment of Silence

### **Amendments to / Approval of Agenda**

#### **Consent Agenda**

1. Approval of Annual Reconstruction Task Force Members

2. Budget Amendment (cemetery)

#### **Presentations**

3. Audit Presentation

#### **Staff Reports**

Planning/Deputy Town Manager

Monthly Permit Report

Planning Board Update

Police Chief

Fire Chief

Town Manager

Quarterly Financials

Town Attorney

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

#### **Old Business**

4. Southern Shores Entry Corridor Enhancement Committee Appointments

#### **New Business**

5. Channel Marker Maintenance Agreement

6. Bid Award-NC 12 Path Construction Project

7. Budget Amendments-Security Camera Software Replacement/Upgrade

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

#### **Council Business**

#### **Adjourn**



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** October 1, 2024

**ITEM TITLE:** Annual Appointment of the Reconstruction Task Force

**ITEM SUMMARY:**

Section 12-69 of the Town Code requires an annual appointment of a Reconstruction Task Force which would be activated upon the declaration of a building moratorium following a major storm event. The task force is responsible for advising the Town Council on a wide range of post-storm reconstruction issues. A primary function of the task force is to receive and review damage reports and other analyses of post-storm circumstances and to compare these circumstances with mitigation opportunities identified prior to the storm, to discern appropriate areas for post-storm change and innovation. The Task Force consists of two elected officials, two Planning Board members, Town Staff, a representative from the building or realty community, one representative from the SSCA, and one representative from the CPOA:

- Mayor
- Mayor Pro Tem
- Planning Board Chairperson
- Planning Board Vice Chairperson
- Town Manager
- Deputy Town Manager/Planning Director
- Police Chief
- Fire Chief
- SSCA President
- CPOA President
- Construction Community Representative (David Buchanan)

**STAFF RECOMMENDATION:**

Appointment of the Reconstruction Task Force.

**REQUESTED ACTION:**

Motion to appoint the Reconstruction Task Force.



**Agenda Item Summary Sheet**

**Date:** 10/1/24

**Item #:** 2

**Item Title:** Budget Amendment for Cemetery Improvements

**Item Summary:** The current fund balance in the Cemetery Fund is \$92,244. In furtherance of planned improvements to the Town’s Cemetery, staff is requesting the following items be budgeted.

Benches	-	\$5,250
Driveway	-	\$50,000
New Sign	-	\$5,000
Extend Fence on northside	-	\$1,250
Plantings	-	\$2,500
Software Upgrades	-	\$1,000
		<b>\$65,000</b>

Unspent funds from this amount will return to the unassigned fund balance in the Cemetery Fund.

**Staff Recommendation and Requested Action:** Approval of a budget amendment for the use of \$65,000 from unassigned fund balance within the cemetery fund.



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

**CEMETERY**

<b>Increases</b>			<b>Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
30-40-39909	<b><u>Revenues</u></b> Unassigned Fund Balnce Cemetery Fund	\$65,000			
30-06-50908	<b><u>Expenditures</u></b> Beautification	\$65,000			
	<b>TOTAL</b>			<b>TOTAL</b>	\$ -

Explanation: Cost of benches, trash can and upgrades to driveway in the cemetery.

Recommended By:  
  
\_\_\_\_\_

Cliff Ogburn, Town Manager

Approved By: Town Council  
  
\_\_\_\_\_

Elizabeth Morey, Mayor

\_\_\_\_\_  
Date



## **Agenda Item Summary Sheet**

**Date:** 10/1/24

**Item #:** 4

**Item Title:** Entry Corridor Enhancement Committee

**Item Summary:** At the September regular Town Council meeting, town staff recommended the Council appoint a committee to make recommendations establishing a vision for the commercial area entry corridor.

**Staff Recommendation and Requested Action:** Appointment committee members for the Entry Corridor Enhancement Committee.



## **Agenda Item Summary Sheet**

**Date:** 10/1/24

**Item #:** 5

**Item Title:** Channel Marker Maintenance Agreement

**Item Summary:** Recently the parties to this MOA worked out an agreement for the relocation of four channel markers to deeper water to provide a safer channel for boaters. Since that project, town staff has been working with the Southern Shores Civic Association, the Martins Point Homeowners Association as well as the US Coast Guard Auxiliary to formalize an agreement for the maintenance of the channel markers in the Ginguite Creek Channel.

The MOA spells out the process for minor repairs to the existing "Private Aids to Navigation" (PATON). Private Aids to Navigation include lighted structures and daybeacons, lighted and unlighted buoys, RACONS and fog signals, which are installed and maintained by anyone other than the Coast Guard.

To establish and maintain, discontinue, change, or transfer ownership of a PATON, we must apply to the Commander of the Coast Guard District in which the aid is or will be located by submitting a CG-2554 application. For this MOA to reference recent and accurate placement of the markers, the US Coast Guard will re-establish the current characteristics and organizational contacts for all of the navigation aids associated with the Ginguite Creek Channel. As this has yet to occur, the MOA references this date as a "TBD".

**Staff Recommendation and Requested Action:** Approval of the MOA contingent upon the successful completion of a new CG -2554 Private Aids to Navigation Application.

Memorandum of Agreement  
Regarding Long-Term Maintenance for  
the Aids to Navigation of Ginguite Creek Channel

This Memorandum of Agreement (MOA) is established for the purpose of memorializing understandings, mutual agreements, and protocols between certain public and private entities interested in the long-term maintenance for the Aids to Navigation for the Ginguite Channel in Dare County, NC adjacent to Currituck Sound, NC. The parties (PARTIES) to this MOA are the Southern Shores Civic Association, Inc. (SSCA), a North Carolina not-for-profit corporation, the Martin's Point Homeowners Association, Inc. (MPHOA), a North Carolina not-for-profit corporation and the Town of Southern Shores (TOSS), an incorporated municipal body politic in the State of North Carolina.

W I T N E S S E T H

Whereas, Ginguite Creek is located in Dare County, NC and is a subsidiary waterway of Currituck Sound; and

Whereas, Ginguite Creek and Currituck Sound are public trust waters of the United States of America and the State of North Carolina, and their underlying submerged bottomlands are titled in the State of North Carolina; and

Whereas, boats moored or launched from various and differing areas surrounding Ginguite Creek typically utilize the deeper waters of the man-made channel known as Ginguite Channel for the purpose of safely navigating to and from the waters of Currituck Sound and beyond; and

Whereas, the signed copy of the Department of Transportation US Coast Guard form CG-2554 Private Aids to Navigation Application (dated 7 July 1981) indicates the SSCA as the organization of record when navigation aids were initially established; and

Whereas, the status and integrity of these aids are routinely checked by the US Coast Guard / US Coast Guard Auxiliary as necessary but no less than every two years with reports documented both online and in hard copy record; and

Whereas, any observed discrepancy (missing or damaged dayboard, extinguished light, leaning piling) due to incident or storm is reported to the organization by the Coast Guard to enable repairs or relocation when required: and

Whereas, an updated CG -2554 Private Aids to Navigation Application dated **TBD**, 2024 (attached) re-establishes the current characteristics and organizational contacts for all of the navigation aids associated with the Ginguite Creek Channel, represents the "as-is" status, and supersedes all prior CG-2554s or other records; and,

Whereas, reported damages or discrepancy impacting an aid to navigation will be repaired to restore the aid to the most recently characteristics documented on CG-2554. When relocation or



changes are required that exceed the characteristics on the current CG-2554, then the change must be approved in advance by the Coast Guard via a new CG-2554. All changes in characteristics must be documented through a CG-2554 to ensure entry into official marine navigation systems and records. and

Whereas, each of the PARTIES to this MOA have previously voluntarily contributed funds for the purpose of maintaining these Private Aids to Navigation of Ginguite Channel; and

Whereas, the TOSS has an interest in the public purpose of assuring that its residents and property owners are able to adequately and safely utilize its maintained canal system by navigation by boat from the Currituck Sound and Ginguite Creek via the Ginguite Channel; and

Whereas, the SSCA, and MPHOA each either own or operate boat launch and/or docking areas or marinas adjacent to the waters of Ginguite Creek and must therefore rely on the Ginguite Channel for boats from their facilities to further access the waters of the Currituck Sound and beyond; and

Whereas, certain of the aforementioned boat launch and/or docking areas or marinas are utilized by various local, state and federal law enforcement agencies to access Ginguite Creek and Currituck Sound via the Ginguite Channel for purposes of responding to life-threatening and property-loss emergencies and law enforcement, including but not limited to U.S. Coast Guard Auxiliary, North Carolina Division of Marine Fisheries Marine Patrol, North Carolina Wildlife Resources Commission, Kitty Hawk Fire Department, Southern Shores Volunteer Fire Department, and other public agencies which from time to time need access to Ginguite Creek and Currituck Sound for public purposes; and

Whereas, it is in the interest and desire of each of the PARTIES to the MOA that the official Coast Guard approved Private Aids to Navigation published in mariner charts and systems which designate the safe water for navigation of Ginguite Channel must be properly maintained; and

Whereas, each of the PARTIES to this MOA have an interest and desire to contribute funds as needed for the maintenance of these navigation aids.

NOW THEREFORE, each of the PARTIES to this MOA, to memorialize the understandings, mutual agreements, and protocols regarding each PARTIES interest in the long-term maintenance and operation of the Aids to navigation, do agree as follows:

Each of the PARTIES shall be responsible for paying one-third of all approved expenses associated with the maintenance of these Aids to Navigation. The SSCA will not be responsible for collecting and maintaining funds on behalf of the PARTIES.

- I. The TOSS will be the responsible PARTY in obtaining any required permits or authorizations for work associated with and described in this MOA, and will coordinate and manage any required work orders and associated contractors. Prior to commencing

any work, an estimated budget shall be prepared by TOSS and provided to each party. The TOSS shall make reasonable efforts to maintain and extend the most recent CAMA Permit (dated 1 February, 2024, expiring 1 February, 2029).

Work Orders for the repair and restoration of the navigation aids to documented status will be approved by all PARTIES, noting proportions of estimated expenses. TOSS shall have the right to approve any action. Any action requiring relocation or replacement of pilings, or change in characteristics, must first be approved by the Coast Guard.

II. Each of the PARTIES, upon invoice from the TOSS, shall pay its respective one-third of any approved expenses incurred in association with work described in this MOA.

Each of the PARTIES' contribution is limited to their designated funds which have been approved in their annual budget allocation. Prior to commencing any work, each party will certify to TOSS that they have budgeted sufficient funds to cover that party's anticipated share of the costs.

III. The terms of this MOA may be reviewed by request of any party hereto, and amended by mutual consent of all of the PARTIES.

IV. Any other activity to maintain safe navigation through the Ginguite Creek Channel not expressly enumerated or described herein, including but not limited to dredging, will not be managed through this agreement or be based on the proportionate expense obligations of the PARTIES noted herein.

Entered into this the \_\_\_\_ day of \_\_\_\_\_, 2024.

**Southern Shores Civic Association, Inc.**

By: \_\_\_\_\_  
President

(corporate seal)

Attest: \_\_\_\_\_  
Secretary

**Martin's Point Homeowners Association, Inc.**

By: \_\_\_\_\_  
President (corporate seal)

Attest: \_\_\_\_\_  
Secretary

**Town of Southern Shores**

By: \_\_\_\_\_  
Mayor (corporate seal)

Attest: \_\_\_\_\_  
Town Clerk

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

\_\_\_\_\_  
Finance Officer



**Agenda Item Summary Sheet**

**Date:** 10/1/24

**Item #:** 6

**Item Title:** Bid Award – NC 12 Path Construction

**Item Summary:** The Town was awarded a Dare County Tourism Bureau Tourism Impact Grant in the amount of \$118,855, for construction of a new multi-use-path from East Dogwood Trail to Hickory Trail along the west side of NC12/Duck Rd. Budgeted funds, including the grant, total \$290,400. The current fiscal year budget also includes funding in the amount of \$150,000 for repairs to the existing path. Replacement of the current path from 3<sup>rd</sup> Ave to 5<sup>th</sup> Ave is recommended for funding.

Three contractors bid on the project with H&H Contracting submitting the low bid of \$452,583.21 for both projects including \$313,915.34 for the new construction and \$138,667.87 for the replacement. An additional \$12,183.21 will be transferred from the street maintenance budget to make up the shortfall, which will not require Council approval of a budget amendment.

**Staff Recommendation and Requested Action:** Award contracts of \$313,915.34 and \$138,667.87 to H&H Contracting for the construction and repair of multi-use-paths along NC 12/Duck Rd.

**Bid Tabulation Sheet - E. Dogwood to Hickory 5<sup>th</sup> Street**  
**walking path & Multi-purpose Path repairs from 3rd to Southern Shores, Dare County, North Carolina**

9/24/2024

Contractor	Envelope #1		Envelope #2			Unit Price Sheet Completion	Acknowledgment of Addendums	Engineer's Estimate Range
	Proof of Contractors License	MB & WB Efforts	5' Walking Path Lump Sum	Multi-purpose Path Repairs Lump Sum	Base Bid Lump Sum			
HHL.D, LLC	X	X	\$ 313,915.34	\$ 138,667.87	\$ 452,583.21	X	X	5' walking Path \$311,369
Barnhill Contracting Company	X	X	\$ 352,000.00	\$ 108,000.00	\$ 460,000.00	X	X	Multi-purpose Repairs \$373,642
Hatchell Concrete, Inc.	X	X	\$ 380,500.00	\$ 146,031.00	\$ 526,531.00	X	X	Multi-purpose Repairs \$79,050 \$94,860

Prepared by Anlauf Engineering, PLLC





**Agenda Item Summary Sheet**

**Date:** 10/1/24

**Item #:** 7

**Item Title:** Budget Amendment – Security Camera Software Replacement/Upgrade

**Item Summary:** The current security camera system was purchased by a grant secured by the Police Department in FY 2013. The system software is antiquated and no longer supported. Additional cameras can't be added to the system nor does the system support multiple viewers.

**Staff Recommendation:** Staff is requesting to replace the existing camera security system in an amount not to exceed \$35,000.

**Requested Action:** Approval of a budget amendment of \$35,000 from unassigned fund balance to the general fund.

**Town of Southern Shores  
Budget Amendment Number #19**

<b>Admin Increases</b>			<b>Decreases</b>		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
10-40-39909	<b>Revenues</b> Unassigned Fund Balnce	\$35,000			
10-42-50124	<b>Expenditures</b> Computer Services	\$35,000			
	<b>TOTAL</b>			<b>TOTAL</b>	\$ -

Explanation: Cost to upgrade all cameras for Town Hall, Police and Pitts Center

Recommended By:  
 \_\_\_\_\_  
 Cliff Ogburn, Town Manager

Approved By: Town Council  
 \_\_\_\_\_  
 Elizabeth Morey, Mayor

\_\_\_\_\_  
 Date