



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, March 07, 2023 at 5:30 PM

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

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.

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

Consent Agenda

Motion made by Council Member Sherlock to approve the consent agenda, Seconded by Council Member Holland. The motion passed unanimously.

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

1. Minute Approval
2. Government & Education Access Channel 2023-2024 Proposed Budget
3. Surplus Resolution-2016 Ford Explorer
4. Resolution Requesting the NCGA to Revise and Expand the Good Samaritan Law GS 90-96.2

Presentations

5. Presentation -Marine Corp League

The Marine Corp League presented the Council with a framed certificate of appreciation for accommodating the league with use of the Town's meeting facility for all their monthly meetings.

Staff Reports

Deputy Town Manager/Planning Director-Town Manager Ogburn stated the Deputy Town Manager could not be in attendance and would provide his reports at the next meeting.

Police Chief David Kole presented his department's report for the month of February.

Fire Chief Ed Limbacher presented his department's report for the month of February.

Town Manager Cliff Ogburn provided a summary of the following operational highlights:

- EMS/Fire Station (E. Dogwood location) -Dare County EMS staff will be temporarily operating out of a Juniper Trail commercial location while the new facility is being built.
- Beach nourishment-Weeks Marine is scheduled to mobilize on March 20th.
- Beach Grass & Fencing-the soft deadline for the beach grass planting and sand fencing installation is mid-May. He thanked Better Beaches and Public Works staff for all their effort in getting the 113 boxes of grass planted.

Town Attorney-no report

Len Schmitz with Better beaches stated 41 volunteers have planted 50 cases (80,000 sprigs) of beach grass covering a mile long. The Town's Public Works Department have also covered a mile of plantings. He thanked the volunteers, town staff and the SSCA for all the help.

Mayor Morey thanked all the volunteers for coming out to help plant dune grass.

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

Old Business

New Business

6. Request For Proposal for Audit Services

Finance Officer Bonnie Swain reported the Town solicited proposals from qualified auditors for the Town's annual independent audit for fiscal years 2023, 2024 and 2025. The Town's most recent auditor, Teresa Osborne of Dowdy & Osborne, LLP, has retired from providing audit services after 19 years as the Town's auditor. The Town received (6) proposals from the following firms:

1. Potter and Company PA
Monroe, NC (additional offices in Concord and Mooresville, NC)
2. Johnson Mizelle Straub & Murphy LLP
Kitty Hawk, NC
3. Sharpe Patel CPA
Raleigh, NC (additional office in Charlotte, NC)
4. Thompson, Price, Scott, Adams & Co. PA
Wilmington, NC (other offices throughout NC)
5. Carr, Riggs & Ingram CPA's
New Bern, NC

6. Robinson, Farmer, Cox Associates
North Chesterfield, VA

Due to State and/or Federal grants exceeding \$ 750,000 the Town will be receiving a Single Audit for fiscal year 2023. The Single Audit includes both an audit of the financial statements and the Federal and State awards and ensures the Town followed the compliance requirements for the grant awards. We currently anticipate going back to a Yellow Book audit in subsequent fiscal years which is the more typical audit for the Town.

Bonnie Swain and Teresa Osborne reviewed the 6 proposals and rated the proposals on the following criteria:

1. Approach to audit quality
2. Team knowledge and experience
3. Unique qualifications
4. Scope and pricing of engagement

While pricing is a factor, it is important for staff to have an auditor that is committed to performing a substantial part of the fieldwork on site for better communication and to help build a better working relationship. Based on all factors evaluated the recommendation is to award the audit contract for three years to Carr, Riggs & Ingram CPA's for a price contract of \$ 24,000 (\$2,500 additional due to single audit requirement) for fiscal year 2023, \$22,600 for FY 2024 and \$23,800 for FY 2025. The price will be an additional \$2,500 when a single audit is required.

Council Member Batenic inquired about the range of pricing received. Finance Officer Bonnie Swain stated they ranged from 21-35 thousand.

Mayor Morey asked if the new firm would be the one presenting the audit results to council? Finance Officer Bonnie Swain confirmed it would be the new auditor or a representative from the firm.

Motion made by Mayor Morey to award the audit contract for three years to Carr, Riggs & Ingram CPA's for a price contract of \$24,000 (\$2,500 additional due to single audit requirement) for fiscal year 2023, \$22,600 for FY 2024 and \$23,800 for FY 2025. The price will be an additional \$2,500 when a single audit is required, Seconded by Council Member Holland. The motion passed unanimously. Voting Yea: Mayor Morey, Mayor pro tem Neal, Council Member Holland, Council Member Sherlock, Council Member Batenic

7. **Discussion/Consideration of Contributions -Wall of Healing & KHES "Everyone's Playground"**

Council Member Holland informed Council that other municipalities and the county are making contributions to help enable the *Wall that Heals* to come here to Dare County. Southern Shores has many veterans in its community and recommended the town follow others contributions in the amount of \$5000.

Mayor pro tem Neal stated Kitty Hawk Elementary's request for donations to fund the schools "Everyone's Playground" project was reasonable and benefited the residents in the community. He recommended the town contribute \$5000 to the project.

Motion made by Mayor Morey to contribute \$5000 to the Veterans *Wall that Heals* and \$5000 to Kitty Hawk Elementary' s playground-funding to come from the interest line, Seconded by Mayor pro tem Neal. The motion passed unanimously.

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

8. Consideration of Permitting & Design Contract with Kimley Horn for Juniper /Trinitie Bridge Replacement

Town Manager Cliff Ogburn reviewed the agenda item which read as, at the February 7, 2023 Town Council Meeting, staff requested additional time be given for consideration of lowering the height of the cored slab bridge, which is the chosen alternative for replacing the culvert. Any individual, partnership, corporation, or local, state, or federal legislative body, agency, or authority planning to construct or modify a bridge or causeway across a navigable waterway of the United States must apply for a Coast Guard bridge permit. According to the Chief of the Bridge Branch Fifth Coast Guard District, “given the apparent nature of the waterway and navigation on the waterway, it seems prudent to conduct a Coast Guard bridge permit determination (to determine whether an exception from requiring a Coast Guard permit may apply).” Staff has submitted the requested Bridge Project Questionnaire for the Coast Guard’s use in making a bridge permit determination.

After following the process for selection of an engineering firm, Kimley Horn was selected to permit and design the culvert replacement project. Town staff request Kimley Horn to provide the Town with a Professional Services Agreement for tasks that could be performed while the USCG makes their determination on permitting requirements. Task Order #1 includes:

Task 1 – Environmental \$86,070

Task 2 – Geotechnical Engineering Services \$31,820

Task 3 – Topographic Survey \$40,830

Task 4 – SUE Investigation \$8,800

Task 5 – Document Review & Coordination \$9,260

Total Lump Sum Labor Fee for Task Order #1 \$176,780

Kimley Horn will only proceed with the Tasks/Disciplines that will not be impacted as a result of the continued coordination between the Town of Southern Shores and the Coast Guard regarding the Town’s request to get Coast Guard permission to lower the existing structure opening. This coordination will continue and all Tasks/Disciplines that are subject to change as a result of this coordination will be held off until a later date and will be contracted as Task Order #2. Remaining tasks that would be initiated under Task Order #2 would include:

Hydraulic Design

Roadway Design

Structure Design

Erosion Control Plans

Traffic Management Plan

Pavement Marking and Signing

Utility Coordination
Bid Phase Services

Council Member Batenic asked the manager if residents would be notified of the bridge height reduction. Town Manager Ogburn stated staff is still waiting to hear from the Coast Guard if that is even an option. Residents will be notified if the Coast Guard says the bridge can be lowered but no need to do a mailing now until the information is confirmed.

Mayor Morey asked if Kimley Horn would be providing updates. Town Manager Ogburn confirmed they would.

Council Member Holland recommended placing the information on the website.

Mayor pro tem Neal asked how long this task would take. Town Manager Ogburn stated the whole thing could take a year, but this task would be about six months.

Mayor pro tem Neal stated the next steps are to complete this task, hear from the Coast Guard and then go into actual engineering documents. Town Manager Cliff Ogburn confirmed that was correct.

Motion made by Mayor pro tem Neal to authorize the town manager to enter into a contract with Kimley horn for task one as stated in the contract, Seconded by Council Member Sherlock. The motion passed unanimously.

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

Motion made by Mayor Morey to authorize a budget amendment in the amount not to exceed \$185,000 from the fund balance, Seconded by Council Member Sherlock. The motion passed unanimously.

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

General Public Comment -none

Council Business

Mayor Morey announced the next council meeting would be held on March 21st at 9:00 a.m.

Council Member Batenic thanked the other council members for approving the GEACC budget (consent agenda) and announced the Gov-Ed Channel has a new videographer and will be producing a lot of new things to benefit the citizens.

Council Member Holland provided a Tourism Board report for the month of December. Occupancy was off 44 % but still up 5.6% YTD. Meals were off 5% and YTD 5.81%. The Tourism Board's next board meeting is March 23rd. He also announced the Sound Side Event site is booked all the way through November.

Mayor pro tem Neal thanked Len Schmitz for volunteering with the grass planting and including the younger children in the project.

Council Member Sherlock thanked the Sea Oats planting volunteers. She thanked everyone who supported filing the amicus brief (Mid-Currituck Bridge) that Southern Shores took the lead in filing. She wanted to comment that the brief was filed in June, oral arguments were heard in December and a decision was made in February which in her experience is warp speed in court time. She felt the amicus brief gave that little push and the court heard that local people want that bridge built.

Hearing no further comments, Mayor Morey called for a motion to go into closed session.

Motion made by Council Member Holland to enter into closed session Pursuant to N.C.G.S. § 143-318.11(a)(5) and N.C.G.S. § 143-318.11(a)(3), Seconded by Council Member Batenic. The motion passed unanimously.

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

Adjourn

Hearing no further business a **motion** to adjourn was made by Council Member Holland, Seconded by Mayor pro tem Neal. The motion passed unanimously.

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.