



AGENDA
DECEMBER 3, 2019
COUNCIL MEETING-5:30 P.M.-PITTS CENTER
5377 N. VIRGINIA DARE TRAIL, SOUTHERN SHORES, NC 27949

1. Opening
 - A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
 - B. Pledge of Allegiance
 - C. Moment of Silence
 - D. Amendments to / Approval of Agenda
 - E. Consent Agenda
 - o Council Meeting Minutes – November 6, 2019 **TAB 1**
2. Recognition of Outgoing Council Members - Mayor Bennett
3. Oaths of Office Administered to Incoming Council Members - Town Clerk
(Seating of Council Members Neal, Morey and Holland)
 - o Remarks by New Council Member Matt Neal
 - o Remarks by New Council Member Elizabeth Morey
 - o Remarks by New Council Member Leo Holland
4. Organization of Council and 2020 Meetings
 - A. Election of Mayor Pro Tempore - Town Attorney [Council Rules of Procedure Sec. 12]
 - B. 2020 Council Meeting Schedule - Proposed Resolution 2019-12-01 [NCGS §160A-71 & §143-318.12] **TAB 2**
 - C. County & Regional Council Committee Appointments - Mayor Bennett
 - o Dare County Tourism Board of Directors (3 Nominees Required - includes Primary)
 - o Dare County Gov-Ed Access Channel Committee
 - o Albemarle Rural Planning Organization (ARPO)
 - D. Capital Infrastructure Improvement Planning Committee Appointments-Mayor Bennett
 - E. Exploratory Committee to address Cut-Thru Traffic
5. Presentations
 - A. Proclamation 2019-12-02 Importance of the 2020 Census, Presentation by Brittany Wheatly **TAB 3**
6. Planning Board Recognition
 - A. Leo Holland
7. Staff Reports
 - A. Planning Director
 - B. Police Chief
 - C. Fire Chief, Southern Shores Volunteer Fire Department
 - D. Interim Town Manager's Report
 - E. Town Attorney's Report
8. Council Committee Report
 - A. Exploratory Committee to address Cut-Thru Traffic-Chairman Tommy Karole
9. General Public Comment (Limit: 3 minutes per speaker.)

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)

10. Old Business

- A. Consideration of List of Consulting Firms to Proceed with the Process of Hiring a Town Manager **TAB 4**

11. New Business

- A. Consideration of Bay Disposal's Request to Amend Contract (Recycle Contractor) **TAB 5**
- B. Planning Board Appointments **TAB 6**
- C. Historic Landmarks Commission Appointments **TAB 7**
- D. Beach Management Plan Update **TAB 8**

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

13. Other Business

- A. Mayor's Comments & Responses
- B. Council Member's Comments & Responses

14. Closed Session- The Town Attorney may recommend Council convene a closed session pursuant to NCGS §143-318.11(a)(3) for the purpose of consulting with the Town Attorney in order to preserve the attorney-client privilege between the Town Attorney and Council.

15. Adjourn



Town of Southern Shores
Regular Council Meeting
November 6, 2019

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, November 6, 2019.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Chris Nason and Council Members Fred Newberry, Jim Conners and Gary McDonald.

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Ben Gallop, Interim Town Manager Wes Haskett, and Town Clerk Sheila Kane

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

Mayor Bennett thanked all candidates running for office in yesterday's election.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Councilman Newberry moved to approve the agenda with an amendment to include an item 4B. Exploratory Committee to address Cut-Thru Traffic; reevaluating the sponsorship of the Exploratory Committee cut-thru traffic committee and cancellation of the committee's November 19th meeting until after the December Council meeting. The motion was seconded by Councilman Conners. The motion to approve the agenda with amendment passed unanimously (5-0).

CONSENT AGENDA

The consent agenda consisted of the following items:

- o Council Meeting Minutes – September 17, 2019 & October 1, 2019
- o Surplus Resolution 2019-11-01
- o Resolution Designation of Applicant's Agent /State-Applicant Disaster Assistance Agreement FEMA 4285-DR-NC

MOTION: Councilman McDonald moved to approve the consent agenda as presented. The motion was seconded by Councilman Connors. The motion passed unanimously (5-0).

PRESENTATIONS

FY 2018-2019 Audit-Teresa Osborne, Dowdy & Osborne

Teresa Osborne presented the annual audit report and financial highlights:

- The assets and deferred outflows of resources of the Town of Southern Shores exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$ 15,637,387 (net position).
- The government's total net position increased by \$ 528,727, due to a combination of factors including revenues over expenses in the governmental funds of \$ 346,771 adjusted by several factors to convert to the full accrual basis of accounting. These adjustments include capitalization of assets (net of depreciation and disposals) in the current year amount of \$ 311,114, full accrual revenue adjustments of (\$ 37,130) and long-term debt adjustments of (\$ 92,028).
- As of the close of the current fiscal year, the Town of Southern Shores' governmental funds reported combined ending fund balances of \$ 6,547,006, an increase of \$ 346,771 over the prior year. Approximately 36% of this total amount or \$ 2,373,685 is non-spendable, restricted, committed or assigned.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$ 4,173,321 or 70% of total general fund expenditures for the fiscal year.
- Total property valuation increased \$ 13,876,818 (1.02%) from \$ 1,360,460,000 in fiscal year 2018 to \$ 1,374,336,818 in fiscal year 2019.
- The general fund budget for the year was adopted with a tax rate of 22 cents per \$ 100 of assessed valuation; which represented the same tax rate as the prior year.

Beach Nourishment-discussion of process and experience as requested by Council 10/01 with Dare County Manager/Attorney Bobby Outten and Chairman Bob Woodard

Dare County Manager Bobby Outten provided a brief review on occupancy tax revenue, the history of Dare County beach nourishment projects, and how the beach nourishment fund started. The fund must be used for beach nourishment and is to provide placing as much sand on the beaches of Dare County as possible.

Chairman Woodard committed \$250,000 toward beach nourishment studies for Southern Shores. These studies are necessary for a final plan and cost. He stated Dare County needs to know what the cost will be to do a beach nourishment project in Southern Shores. The County then can evaluate the cost of the projects and how much can be contributed from the Dare County beach nourishment fund, which would include money set aside in a reserve for a maintenance project in five years. Chairman Woodard stated we cannot afford not to protect our beaches.

Councilman Newberry inquired as to staff being able to figure the financial debt and necessary funding options. Dare County Manager Bobby Outten stated DEC and Associates have already

done the County model, as well as the other towns. That is who they use for seeking funding options.

Interim Town Manager Wes Haskett stated Southern Shores has already done the studies with APTIM and inquired if that was sufficient. County Manager Outten replied that it was sufficient, and they just need a firm cost number for the project.

Mayor Bennett stated he felt Council had what they needed to work with.

STAFF REPORTS

The following Department Heads presented department reports for the month:

- Interim Town Manager/Town Planner Wes Haskett presented the Planning Department's monthly report for October. He reported the Planning Board will be meeting on November 18th to continue its discussion of the Town's current requirements for building height and fill.
- Police Chief David Kole presented his Department's monthly report for October.
- Fire Chief Limbacher presented the Fire Department's monthly report for October.
- The Interim Town Manager provided a brief update on Town operations:
 - Hurricane Dorian-The Town's debris removal contractor, Southern Disaster Recovery, and the Town's monitoring contractor, Thompson Consulting Services, concluded debris pick-up generated by Hurricane Dorian on October 29th. The preliminary estimates show that 610 loads removed 27,740 cubic yards of vegetative debris and 2 loads removed 25 cubic yards of c & d items. Our preliminary estimate of the total cost incurred to the Town as a result of Dorian is \$554,000 which will all hopefully be reimbursed by FEMA by providing 75% and the State by providing 25%.
 - Beach Nourishment Funding-DEC Associates has begun running models for funding a potential beach nourishment project and they will be prepared to present preliminary numbers and options for Council to consider in the next couple of months.
 - Town Buildings Code Deficiencies-A local contractor has been reviewing the Town buildings assessment and he will be on-site this coming Friday to look at the buildings so that he can provide us with an estimate for bringing the buildings up to code. Once we have an estimate, we will prepare and release a Request for Proposals and begin the process of hiring a contractor to complete the work.
 - Capital Street Projects-The Town Engineer is still in the process of finalizing the E. Dogwood Tr. and the Dewberry Ln. street projects and surveying is underway for the Hillcrest Dr. street project. Once plans are finalized, we will notify the property owners along each street so that they are aware of the projects and have an opportunity to provide input or ask questions.
 - Town Attorney Gallop had no report.

Councilman asked Town Attorney Gallop for a status update on the litigation from the citizens against the Town issued building permits. Town Attorney Gallop stated the Smutz appeal is in Superior Court and the other is being handled by the NC Department of Justice.

COUNCIL COMMITTEE REPORT

Exploratory Committee for Potential Branch Library

Committee Chairman Mike Fletcher gave a committee status report and went through the survey results. The committee plans to make a recommendation to Council once they receive a commitment or formal agreement to a site location.

[Clerk's Note: A copy of the survey results are attached as an exhibit]

Exploratory Committee to address Cut-Thru Traffic

Councilman Newberry stated that since he will not be on the Council after the December meeting, it only makes sense to appoint a new member to sponsor and sanction the cut thru traffic committee. In addition, he thinks it makes sense to ask the Chairman of the committee, Tommy Karole, to cancel his meeting that he is planning to schedule, a forum he calls it, on November 19th.

Mayor Bennett questioned Councilman Newberry and stated, As the advisor, you are going to advise him of that? Councilman Newberry stated yes, he would advise him.

MOTION: At the December regular Council meeting a new council member be appointed to sponsor the cut thru traffic committee. The motion was seconded by Councilman Conners and passed 4-1; Mayor Bennett opposing.

Mayor Bennett asked Councilman Newberry if there was a second motion that needed to be made, to cancel the meeting?

Staff stated they believed it wouldn't be necessary and would just cancel the advertised committee meeting.

Mayor Bennett stated he believes it is all covered.

GENERAL PUBLIC COMMENT

Mayor Bennett called for public comment and the following citizens offered comment:

1. George Berry- Veterans Day is November 11th, freedom is not free and appreciate all veterans.

Hearing no other citizen wishing to speak, Mayor Bennett closed public comment.

NEW BUSINESS

Consideration of contract award for South Dogwood Trail Walking Path (bids received 10/3)

Motion: Mayor Bennett moved to award the contract for South Dogwood Trail walking path to Hatchell Concrete of Manteo, NC. The contract to be the base bid amount of 623,839.35 and an alternate of \$21,441.75 for a total of \$645,281.10. The motion was seconded by Councilman Conners and passed unanimously (5-0)

Public Hearing-Consider ZTA-19-02, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Town Zoning Ordinance by amending the Town's building height and fill requirements

Town Attorney Gallop called on Interim Town Manager Wes Haskett and Planning Board Chair Elizabeth Morey for their reports.

Interim Town Manager/Planning Director Wes Haskett's staff report consisted of the following:

At the October 15, 2018 Planning Board meeting, the Board unanimously voted to table a recommendation on ZTA-18-08, a Zoning Text Amendment application that was submitted by Finch and Company, Inc. to amend the Town's building height requirements. The Board also agreed that the issue needed to be addressed following more research and discussion. In that case, the applicant chose to move forward with a Public Hearing which was held by the Town Council on November 7, 2018 and the Town Council unanimously voted to send the ZTA back to the Board. The Board began discussing potential amendments to the Town's current building height and fill requirements at the July 15, 2019 Planning Board meeting.

ZTA-19-02 is an attempt to amend the Town's current building height and fill requirements based on the input discussed and requested by the Board. The proposed language includes the following proposed amendments:

- Removes the top plate and lowest corner requirements from all zoning districts other than the RS-1 district;
- Establishes a new height calculation requirement for all zoning districts;
- Establishes a new requirement for Banks with decorative cupulas or watch towers to have frontage on U.S. Hw. 158 and not to be located in the Martins Point ETJ area;
- Establishes a new definition of Fill.

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- Policy 2: The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff and the Town Planning Board have determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan. The Town Planning Board unanimously (6-0) recommended approval of ZTA-19-02 at the October 21, 2019 Planning Board meeting with the exception of Part VIII, (6), (b) which the Board will continue to discuss at their November 18, 2019 meeting.

Planning Board Chair Morey reported that the Planning Board gathered information from the stakeholders and had multiple conversations. Ms. Morey stated one area which is confusing, but shouldn't be, is the cupula on a bank. The Planning Board recommends approval with the exception of Part VIII, (6), (b) which the Board will continue to discuss.

Town Attorney Gallop opened the public hearing and called for comment from anyone wishing to speak. The following citizens spoke:

1. Matt Neal-163 Wax Myrtle Trail-urged Council to pass as recommended.
2. Doug Boulter-5 Ocean View Loop-supports the amendment as recommended.

Hearing no one else wishing to speak, Town Attorney Gallop closed the Public Hearing.

MOTION: Following a brief discussion, Mayor Bennett moved to adopt ZTA-19-02 as recommended by the Planning Board. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (5-0).

GENERAL PUBLIC COMMENT

Mayor Bennett again called for public comment, but no citizen chose to speak.

MAYOR COMMENTS & COUNCIL COMMENTS

Councilman Conners thanked Councilman Newberry for his service and congratulated all that ran for Council in yesterday's election.

ADJOURN

MOTION: Councilman McDonald moved to adjourn the meeting. The motion was seconded Mayor pro tem Nason. The motion passed unanimously (5-0).

ATTEST:

Respectfully submitted,

Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk

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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

Resolution 2019-12-01

COUNCIL MEETING SCHEDULE 2020

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

WHEREAS, the Town Council of Southern Shores hereby resolves to notice and implement the following meeting schedule for calendar year 2020, 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.

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 7, 2020, 5:30 p.m.
- Tuesday, February 4, 2020, 5:30 p.m.
- Wednesday, March 4, 2020 5:30 p.m.
- Tuesday, April 7, 2020, 5:30 p.m.
- Tuesday, May 5, 2020, 5:30 p.m.
- Tuesday, June 2, 2020, 5:30 p.m.
- Tuesday, July 7, 2020, 5:30 p.m.
- Tuesday, August 4, 2020, 5:30 p.m.
- Tuesday, September 1, 2020, 5:30 p.m.
- Tuesday, October 6, 2020, 5:30 p.m.
- Wednesday, November 4, 2020, 5:30 p.m.
- Tuesday, December 1, 2020, 5:30 p.m.

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

- Tuesday, January 21, 2020, 9:00 a.m.
- Tuesday, February 18, 2020, 9:00 a.m.
- Tuesday, March 24, 2020, 9:00 a.m. (Budget work session)
- Tuesday, April 21, 2020, 9:00 a.m. (Budget work session)
- Tuesday, May 19, 2020, 9:00 a.m.
- Tuesday, June 16, 2020, 9:00 a.m.
- Tuesday, July 21, 2020, 9:00 a.m.
- Tuesday, August 18, 2020, 9:00 a.m.
- Tuesday, September 15, 2020, 9:00 a.m.
- Tuesday, October 20, 2020, 9:00 a.m.
- Tuesday, November 17, 2020, 9:00 a.m.
- Tuesday, December 15, 2020, 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 15 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 3rd day of December 2019

S E A L

ATTEST:

Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk

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2020 Census Partnership

#2019-12-02

WHEREAS the U.S. Census Bureau is required by the U.S. Constitution to conduct a complete count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS Southern Shores is committed to ensuring every resident is counted;

WHEREAS federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and are necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts;

WHEREAS information from the 2020 Census and American Community Survey is vital for economic development and increased employment;

WHEREAS the information collected by the census is confidential and protected by law;

WHEREAS a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our residents;

WHEREAS the Census count requires extensive work, and the Census Bureau requires partners at the state and local level to insure a complete and accurate count;

WHEREAS Southern Shores and its appointed Complete Count Committee will bring together a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our community;

Now, therefore, **BE IT RESOLVED** that Southern Shores is committed to partnering with the U.S. Census Bureau and the State of North Carolina and will:

1. Support the goals for the 2020 Census and will disseminate 2020 Census information;
2. Encourage all County residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;
3. Provide CCC members and Census advocates to speak to County and Community Organizations;
4. Support census takers as they help our County complete an accurate count; and,
5. Strive to achieve a complete and accurate count of all persons within our borders.

Adopted this 3rd day of December. 2019

Thomas G Bennett, Mayor

Attest:

Sheila Kane, Town Clerk

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Management Search Consultants by Fee

N-Focus

Leaman B. Brice

313 S. Main Street, Ste 110

Kannapols, NC 28081

(704) 933-0772

www.nfocusplanning.org

lbrice@nfocusplanning.org

Developmental Associates, LLC

Steve Straus

510 Meadowmont Village Circle, #299

Chapel Hill, NC 27517

(919) 813-6096

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skstraus@developmentalassociates.com

The Mercer Group, Inc.

Ellis Hankins

1201 Little Lake Hill

Raleigh, NC 27607

(919) 349-8988

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Hartwell Wright – (as an individual)

NCLM

434 Fayetteville Street, Ste 1900

Raleigh, NC 27601

(919) 715-4000

hwright@nclm.org

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THIS AGREEMENT, made and entered into this the 15th day of June, 2018, by and between Bay Disposal and Recycling, LLC, (hereinafter "BD") of the first part; and the TOWN OF SOUTHERN SHORES, a North Carolina municipal corporation, (hereinafter "the Town"), of the second part:

WITNESSETH:

WHEREAS the Town and BD will enter into a contract dated July 1, 2018 for recycling collection services ("the Contract"); and,

WHEREAS, the Town and BD have entered into negotiations and the parties hereto desire to enter a contract for a term of three (3) years.

NOW THEREFORE, in consideration of these premises the parties agree as follows:

1. BD shall collect and remove recycling materials from all residential, commercial, business, municipal and governmental premises within the corporate limits of the Town of Southern Shores, North Carolina, subject to the terms and conditions set forth herein below. BD may refuse to collect any recyclable container that contains excessive non-recyclable contamination within the container. BD shall acquire title to the recycling material when it is loaded into a BD truck. Any additional fees, costs or taxes imposed on the disposal of recycling materials shall be the responsibility of BD. The parties acknowledge that the consideration paid by the Town to BD pursuant to the provisions of this contract is for the collection and removal of recycling materials.

Contractor shall furnish all personnel, labor, equipment and supervision necessary to fulfill satisfactory performance of this agreement. Contractor shall use only personnel qualified to perform the work assigned and shall see that all work is performed in an efficient and workmanlike manner.

2. The term of the contract for the collection and removal of such recycling material shall be for a period of 36 months, commencing on July 1, 2018 and ending at midnight on June 30, 2021. Thereafter, the term of this Agreement may be renewed by mutual agreement of the parties for consecutive additional one (1) year periods. During such period, collection and removal of all recycling materials shall be made between the hours of 3:00 A.M. and 6:00 P.M. on Wednesday year-round. If any collection day falls on a legal holiday, then such collection shall be made the next business working day. Legal holidays for the purpose of this agreement are Memorial Day, Independence Day, Labor Day, New Year's Day, Thanksgiving Day, and Christmas Day. BD will advise the Town at least four weeks in advance that collection will not occur on a day observed as a legal holiday and on which date collection will occur. The Town Manager and Public Works Director shall be notified immediately in the event that scheduled collection cannot be met due to mechanical or other unforeseen delays. BD agrees that in the event of equipment breakdown, strike or any other occurrence which would delay or prevent timely performance of its obligations that it shall take all actions reasonably necessary, including but not limited to, replacement of equipment and personnel in order to assure restoration of normal service within twenty-four (24) hours from the time of occurrence.

3. BD will perform bulk item pickup on behalf of the Town twice per year, once in the Spring and once in the Fall. Exact dates of bulk item pickup are to be scheduled with input from Town officials at a minimum of one month ahead of schedule so that the Town has adequate time to notify residents of the

impending event. Items included in bulk item pickup are furniture, mattresses, appliances that do NOT contain CFCs, exercise equipment, hot tub covers, and yard and vegetative debris bagged in clear or brown paper bags. Items not included in bulk item pickup include recycling materials, basketball goal post, televisions, construction and demolition debris including hot tubs, lumber, roofing, doors and windows, toilets, flooring and cabinetry, hazardous materials including paint, gasoline, oil and other chemicals, tires, soil, rocks, concrete, and tree stumps. BD will make every attempt to complete large item pickup in one business day, but may return to complete it on a second day immediately following the first scheduled day if it is not possible to complete the event in one day due to volume. The Town will post rules and regulations instructing residents and business owners on what is eligible for bulk item pickup.

4. The consideration for the term of this contract shall be \$5.32 per residential or commercial unit per month, and \$3,500.00 for each bulk item pickup conducted. For the second year of the contract the cost per home would increase by \$.10/mo. from \$5.32 to \$5.42/mo. Bulk collection will be revaluated based on tonnage from the two collections in 2018-2019. The maximum price would be \$10,258. For the third year of the contract the cost per home would increase by \$.10/mo. from the second-year pricing. The price would increase from \$5.42/mo. to \$5.52/mo. Bulk collection would again be based on past collection history at this point for pricing. The maximum price would be \$10,258 for bulk collection. This pricing is based on 2,394 total estimated units in the Town of Southern Shores. Either party may request that a unit count be performed at any time during the term of this Agreement and if such revised unit count reflects more or fewer units, all billing for the following fiscal year shall be adjusted to apply the new total number of units. Payment shall be made by the Town in equal monthly payments by the 20th day of each month, commencing July 1, 2018.

5. a) All recycling will be placed in proper receptacles owned by the property owners with lids securely closed and placed in the right-of-way adjacent to the premises of the owner or occupant, at the edge or curb of the street at a reasonably accessible location for collection.

b) BD will not be required to dispose of non-recycling materials except during times of bulk item pickup.

c) The Town shall publish rules and regulations governing the manner in which owners or occupants of residences and businesses within the town shall store and place recycling for pickup pursuant to this agreement.

6. Residential, heavy duty, two-wheeled 95 gallon lidded recycling receptacles shall be provided by BD to residents upon request for a flat fee of \$90.00 per receptacle. BD will provide a list of property owners who have purchased receptacles to the Town upon request, including street address, name and date of purchase, and quantity of cans purchased. Extra carts may be purchased at a cost of \$90.00 per cart.

7. It is understood that any recycling receptacles provided by BD to residents under contract with the Town will become the property of the residents in possession of the receptacles.

8. Where containers are rusted or otherwise so badly damaged as to be unsanitary or unsafe for handling, or not placed properly for pickup, a warning notice shall be given to the owner or occupant of the premises by the attaching of an appropriate notice to the container, and that if correction of the said

the premises by the attaching of an appropriate notice to the container, and that if correction of the said condition is not made within seven (7) days by the owner or occupant, then the container and the contents will not be picked up.

9. Recycling containers shall not be thrown or handled in a rough or careless manner during pickup, but shall be used and handled with care, usual wear and tear excepted, and BD shall be liable for negligent and unnecessary damages caused to such containers and receptacles.

10. BD shall make the recycling collection in enclosed trucks or vehicles. The vehicles shall be in good working order, shall be cleaned regularly in accordance with any applicable Health Department regulations (at sites suitable, appropriate and approved for cleaning said trucks or vehicles), and shall have a presentable appearance.

11. BD shall remove and dispose of all recycling materials under the contract only in such manner as is permitted and authorized by law, and shall comply with all rules, regulations, and laws applicable to the collection and removal of recycling materials.

12. BD shall maintain an office at which a responsible person can be reached by telephone during regular working hours of 8:00 A.M. to 4:30 P.M. to answer questions about recycling pick-up service with personnel sufficient to receive and handle complaints and to receive communication from the Town Manager or Public Works Director. BD shall supply an emergency telephone number for use in the event of after-hour emergencies.

BD will maintain a complaint log form, and a copy of this completed form and corrective actions taken will be submitted to the Town upon request. The BD office personnel answering the phone will receive calls and record appropriate information from each resident (name, date, phone number, address, time, comments). The person taking the message will immediately contact the driver and receive the driver's input. BD's Operations Manager will also be notified by the office, and he or she will either return the phone call or go to the site of the complaint and address the complaint the same service day.

13. This contract is for the collection and removal of all recycling materials within the Town of Southern Shores from residential, commercial, business and municipal places or locations, subject to the conditions specified herein. Should the current boundaries of the Town of Southern Shores change during the term of this contract then this contract shall be adjusted accordingly to reflect any increase in the residential, commercial, business premises receiving recycling collection.

14. BD shall be deemed an independent contractor and shall assume all liability and responsibility for any and all damages to persons and/or property resulting from the collection of recycling materials, and the Town of Southern Shores shall not be liable and responsible for any such damages, from all of which BD shall save, protect, and hold the Town harmless.

15. Changes to the type, size, and amount of equipment, the type of frequency of service, and corresponding adjustments to the rates, may be made by agreement of the parties, evidenced either in writing or by the practices and actions of the parties, without affecting the validity of this Agreement and this Agreement shall be deemed amended accordingly. This Agreement shall continue in effect for the term provided herein and shall apply to changes of and new service address location of the Town within the area in which BD provides collection service.

16. BD shall carry the following insurance which shall be with a reputable company duly licensed to do business in North Carolina:

- a) Workmen's Compensation of all employees who may be involved in any way in the performance of this contract or in services in connection therewith.
- b) Commercial general liability insurance in the amount of \$1,000,000.00 combined single limit.
- c) Vehicle fleet liability (business automobile coverage) in the amount of \$1,000,000.00 combined single limit.

17. If, during the term of this Agreement, either party shall be in breach of any provision of this Agreement, the other party may suspend or terminate its performance hereunder until such breach has been corrected; provided, however, that no termination shall be effective unless and until the complaining party has given written notice of such breach to the other party and the other party has failed to cure such breach within at least ten (10) days thereafter. In the event any such breach remains uncured for a period of ten (10) days, the complaining party may terminate this Agreement by giving the other party written notice of such termination; which shall become effective upon receipt of such notice.

18. This contract shall be binding upon the parties hereto, their successors and assigns. This contract may not be assigned by BD without prior written approval of the Town.

19. Neither party hereto shall be liable for its failure to perform or delay in performance hereunder due to contingencies beyond its reasonable control including, but not limited to, strikes, riots, compliance with laws or governmental orders, fires, severe weather events, and acts of God and such failure shall not constitute a Default under this Agreement.

SIGNATURE PAGE TO FOLLOW

Both the Town of Southern Shores and Bay Disposal and Recycling, LLC agree to the above contract.

Bay Disposal and Recycling, LLC,

By: Joshua Smaltz
Joshua Smaltz, Outer Banks Site Manager

TOWN OF SOUTHERN SHORES



By: Peter Rascoe
Peter Rascoe, Town Manager

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

By: Bonnie M. Swain
Finance Officer

Date: 6/15/18

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November 27, 2019

MEMORANDUM

From: Wes Haskett, Interim Town Manager/Planning Director
To: Town Council

RE: Planning Board Appointments

Former Chairperson, Elizabeth Morey resigned from the Planning Board on November 26, 2019 as a result of being elected to Council. Traditionally, Council has appointed the most senior Alternate Member to fill the seats of Regular Members when vacancies arise. The most senior Alternate Member, Michael Basilone, has indicated that he cannot currently commit to serving as a Regular Member and would like to remain on the Board as an Alternate Member. Alternate Member Tony DiBernardo has confirmed that he is willing and able to serve on the Board as a Regular Member. In addition, there are currently three applications on file and all three applicants have indicated that they would like to be appointed to the Board. The applications submitted by Tony DiBernardo and all three applicants are enclosed for your consideration.

BOARD MEMBER STATUS AS OF 11/27/19

[illegible]

**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

DATE: 12-19-2018

Municipal Board(s), Commission(s), or Committee(s) interested in:

PLANNING BOARD

NAME: Anthony DiBernardo PHONE: (HOME) 261-4365

PHONE: (WORK) _____

Email: Anthony081949@ICloud.com

ADDRESS: 329 Ave W Southern Shores

OCCUPATION (Past & Present)

EMPLOYER

Retired
State Parole agent, Supervisor
Deputy District Director, Hearing Examiner
for the State of Pa.

Commonwealth of PA.

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>Temple U.</u>	<u>Grad. 1972</u>	<u>Anthropology</u>	<u>BA</u>
<u>CCU</u>	<u>Grad 1968</u>	<u>Liberal Arts</u>	<u>AA</u>

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board, Commission, or Committee: (Use additional pages if needed)

Hearing Examiner - Legally Review cases, Rule on cases and either sentence on
Release Accused. Review the eligibility of inmates for Parole
S.S. Vegetation Board/Committee - Developed Vegetation Ordinance for the Town
ARB Civic Association - Chairman for 3 years of ARB which
Reviews construction and Renodel Applications
for compliance with covenants.
Historical Landmark Commission - Vice Chair since its inception
Reviews and evaluates applications for
Recognition as a Historical Landmark property

TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION

DATE: August 11, 2014

Municipal Board(s) or Committee(s) interested in: Planning and Zoning

NAME: LYNDA Burek PHONE: (HOME) 252-261-5918
PHONE: (WORK) 410-570-3552

ADDRESS: 225 N. Dogwood TRAIL Southern Shores NC 27989
Email: rm.burek@charter.net

OCCUPATION (Past & Present)

IT SYSTEM Developer
SENIOR ANALYST/MANAGER
SYSTEMS ANALYST

EMPLOYER

FEDERAL GOVT
IT CONTRACTOR

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>NORTHEASTERN University</u>	<u>1970-72</u>	<u>Education</u>	<u>-</u>
<u>U. OF MD</u>	<u>1972-75</u>	<u>Accounting/Economics</u>	<u>BS</u>
<u>VARIOUS Executive Training</u>	<u>1975-present</u>	<u>Management</u>	<u>NUMEROUS CERTS</u>

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board or Committee: (Use additional pages if needed)

See attached

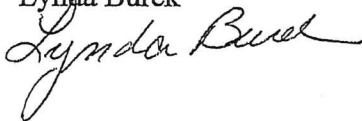
SUBMITTED BY: Lynnda Burek

11 August 2014

I grew up within a civic minded family. Both parents participated actively in local town management as well as supporting the campaigns of national level candidates. Their interest instilled upon me at an early age the need to maintain an active interest and participation in whatever local political opportunities are available. Throughout my career in the federal government I have managed large organizations and budgets. I felt throughout my career that it is indeed a privilege to work for the people of this country and feel that it would be a similar privilege to work for the citizens of Southern Shores. As a senior federal executive career employee, I had to possess objectivity, as well as excellent communications skills both verbal and written. I believe my experiences as a federal government employee which included two extensive assignments overseas would provide necessary background to be an effective member of the planning and zoning board. Working for the community in many of the most critical aspects of its current and future activities that directly affect functions and appearances would be indeed a privilege and an honor. By dealing with the future of Southern Shores and helping to mold the development in ways that individual property interests are maintained and strengthened is one of the biggest challenges any local government must deal with.

Please consider my application for membership on the planning and zoning board favorably and look forward to hearing from you soon.

Regards,
Lynda Burek

A handwritten signature in cursive script that reads "Lynda Burek". The signature is written in dark ink and is positioned below the typed name.

TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION

DATE: 7/17/19

Municipal Board(s) or Committee(s) interested in: Planning and Zoning

NAME: George H. Berry PHONE: (HOME) 252-261-1278

PHONE: (WORK) 703-473-0528

Email: georgeatobx@gmail.com

ADDRESS: 239 N. Dogwood Tr., Southern Shores, NC 27949

OCCUPATION (Past & Present)

Owner 2019- to date

CEO 2015-18

VP Business Development 2010-15

Department & Program Manager 2009-10

Real Estate Agent 1995-2015

Major Program Manager 1995-2019

Naval Officer, Ret Commander

EMPLOYER

Atlantic CBD

Starfish Services, Inc

Leidos Inc & SAIC

Northrop Grumman Mission Systems

Jobin Realty

Northrop Grumman TASC

US Navy

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
Naval Postgraduate School	1977	Physics (Ocean & Met)	MS
University of Utah	1972	Geology	BS

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board or Committee: (Use additional pages if needed)

- Have been a real estate investor for over 35 years & still am
- Have managed the construction 7 renovation of over 10 homes
- Was a Virginia R/E Agent for 20 years
- Currently manage 5 rental properties in NC
- I can bring the Rental Property Owners perspective to the Board
- I would like to contribute my time to make the TOSS even better

SUBMITTED BY: 

**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

DATE: 11/25/2019

Municipal Board(s) or Committee(s) interested in: Planning and Zoning

NAME: Robert McClendon PHONE: (HOME) 919-247-0038

PHONE: (WORK) 252-475-5407

Email: ramcclendon@hotmail.com

ADDRESS: 146 High Dune Loop, Southern Shores, NC

OCCUPATION (Past & Present)

Assistant Director & Sustainable Design Spec.

EMPLOYER

UNC Coastal Studies Institute

EDUCATIONAL BACKGROUND

School(s)

NC State

Dates

2003-2006

Area of Study

Landscape Architecture

Cert or Degree

MLA

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board or Committee: (Use additional pages if needed)

- Masters degree in landscape architecture which included coursework in policy and planning relative to land use, storm water management and development issues.

- Recently appointed to Trails Subcommittee of the Dare County Parks and Recreation Advisory Council.

- Previous employment as a consultant to municipal government clients to provide expertise with implementation of financial management software. This employment provided insights into financial and operational processes within municipal governments.

- Previous employment managing software development and implementation for the City of New Orleans; included GIS, property tax billing, safety and permits, financial management, police department, HR and payroll, etc. This work experience provided an education about policy and processes in the operations and management of municipal government entities.

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November 27, 2019

MEMORANDUM

From: Wes Haskett, Interim Town Manager/Planning Director

To: Town Council

RE: Historic Landmarks Commission Appointments

The three-year terms for Historic Landmarks Commission Chairperson Lee Whitley and Kristine Kiouisis will expire on December 6, 2019. Both members have indicated that they would like to continue serving on the Commission.

BOARD MEMBER STATUS AS OF 11/27/19

[illegible]

**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

DATE: 11-1-2016

Municipal Board(s) or Committee(s) interested in: Historic Landmarks
Commission

NAME: Lee Whitley PHONE: (HOME) 252-202-8748
PHONE: (WORK) _____

Email: lee.whitley44@gmail.com

ADDRESS: _____

OCCUPATION (Past & Present)

Real estate broker
Sales Manager
Broker & Assistant to President

EMPLOYER

Brindley Beach - Duck
Marshes Light - Manted 2007-2011
Kitty Hawk Land Co. S.S. 1978-2011

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>COA</u>	<u>2011-2012</u>	<u>General</u>	<u>-</u>
<u>Wake Tech Community</u>	<u>2013</u>	<u>social media</u>	<u>-</u>

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board or Committee: (Use additional pages if needed)

See attached

**TOWN OF SOUTHERN SHORES
BOARD VOLUNTEER APPLICATION**

DATE: November 3, 2016

Municipal Board(s) or Committee(s) interested in: Historical Preservation

NAME: Kristine Kiousis PHONE: (HOME) 252-715-0854

PHONE: (WORK) 252-207-2306

ADDRESS: The Spindrift Trail, Southern Email: Kristine@beachrealtync.com

OCCUPATION (Past & Present)

Beach Realty - Broker
Stack'em High - owner/mgr.
AOP - Print Analyst

EMPLOYER

Jimbo Ward
Steve Kiousis
Nicole Rappaport

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>State Univ. of NY @ Farmingdale</u>	<u>2002</u>	<u>Business/Marketing</u>	<u>BS</u>

Specific experiences, training or interest, which you have that you feel would be useful in the work of this Board or Committee: (Use additional pages if needed)

Thank you for considering me to be a part of the
Historical Preservation Committee! I've been a broker at
Beach Realty since 2004. I own and operate Stack'em
High with my husband Steve. Both of the jobs allow
me to speak with many people about the homes that
they own here on the Outer Banks as well as
the people who are interested in buying. I've been in
and out of hundreds of homes from Carova to
Hatteras. I would love to be a part of this committee!

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EXECUTIVE SUMMARY

The Town of Southern Shores authorized Aptim Coastal Planning & Engineering of North Carolina, Inc. (APTIM) to conduct a Vulnerability Assessment and develop a Beach Management Plan that can be used by the Town for future planning. The Vulnerability Assessment focusses on potential damage associated with a storm having similar characteristics as Hurricane Isabel, which impacted the Outer Banks in 2003. The Beach Management Plan provides a long-term vision for the Town of Southern Shores to sustain the beaches that support a significant portion of their local economy and maintains the tax base of the Town. In order to sustain the beaches, the Beach Management Plan aims to maintain the Town's oceanfront beach and dune to a configuration that 1) provides a reasonable level of storm damage reduction to public and private development, 2) mitigates long-term erosion that could threaten public and private development, recreational opportunities, and biological resources, and 3) maintains a healthy beach that supports valuable shorebird and sea turtle nesting habitat.

Furthermore, the Beach Management Plan aims to coordinate the efforts of Southern Shores with neighboring communities in Dare County to achieve cost savings where possible. The 2017 beach nourishment project undertaken through a cooperative effort on the part of Dare County, and the Towns of Duck, Southern Shores, Kitty Hawk, and Kill Devil Hills, was implemented in a way that maximized cost savings and cost sharing. In this regard, the Southern Shores Beach Management Plan has been developed in such a way to align with other regional actions to achieve cost-sharing and cost savings. Furthermore, by developing a management plan before the beach reaches a critically eroded state, the Town may be able to maintain a greater level of storm damage reduction.

In addition to providing a higher level of storm damage reduction, implementation of a beach management plan establishes eligibility for the Town to recoup sand losses from coastal storms through FEMA's Public Assistance Program. Typically, coastal communities are eligible for public assistance funds for their beaches through Category B and Category G of the Public Assistance Program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. While the Town is currently eligible for Category B assistance, this typically equates to a maximum of 6 cy/lf of sand to form temporary emergency dune structures, the purpose of which is to provide a minimal amount of protection until a more permanent solution is implemented. Through the implementation of the Beach Management Plan, the Town would be eligible for Category G funds, which allows for beaches to be considered eligible facilities under certain conditions. The options included in the Beach Management Plan were designed to meet these conditions, which may allow for reimbursement to replace sand lost from the beach as a result of a presidentially declared disaster.

Vulnerability Assessment

The vulnerability assessment employed the Storm Induced Beach Change Model (SBEACH). APTIM used the storm characteristics of Hurricane Isabel such as wave heights, wave period, water level, and duration to drive the model. Given this storm occurred over 15 years ago, APTIM simulated the storm using three (3) different sea level scenarios: 1) as it occurred in 2003; 2) the storm with water levels based on 15 years of sea level rise (2018 equivalent); and 3) the storm with 30 years of sea level rise from present day (2048 equivalent). Sea level rise rates were based on