



Town of Southern Shores
Regular Council Meeting
December 3, 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, December 3, 2019.

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

COUNCIL MEMBERS ABSENT: Council Member Gary McDonald

COUNCIL ELECT PRESENT: Council Elect Matt Neal, Elizabeth Morey, and Leo Holland

OTHERS PRESENT: Town Attorney Ben Gallop, Interim Town Manager Wes Haskett, Finance Officer/ HR Director Bonnie Swain 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.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Councilman Conners moved to approve the agenda as presented. The motion was seconded by Mayor pro tem Nason. The motion passed unanimously (4-0)

CONSENT AGENDA

The consent agenda consisted of the following items:

- o Council Meeting Minutes – November 6, 2019

MOTION: Mayor pro tem Nason moved to approve the consent agenda as presented. The motion was seconded by Councilman Conners. The motion passed unanimously (4-0).

RECOGNITION OF OUTGOING COUNCIL MEMBERS

Councilman Newberry thanked the residents for allowing him to serve. He stated two important issues he hopes the new council will continue to support is a good strategic plan with

a good supporting budget and the Cut Thru Traffic Committee. He wished the new Council good luck.

Mayor pro tem Nason thanked the citizens for allowing him to serve and stated he hoped they left Southern Shores a better place than when they came into office.

Mayor Bennett stated despite being divided on many issues, this Council was able to accomplish a number of very positive things for the Town:

- Continued and expanded rebuilding of our streets.
- A well-received walking path on East Dogwood Trail.
- Storm water infiltration basin at the intersection of East Dogwood and Hwy. 12
This mitigated a serious hazardous flooding problem.
- Completed a minor but critical beach nourishment project along the southern most part of the beach.
- Assisted the Southern Shores Volunteer Fire Department with construction of a much-needed state of the art fire station, to be completed in April or May of this year.
- Finally, work began this morning on the South Dogwood Walking Trail.

Mayor Bennett stated this is a pretty good history of accomplishments and achievements on behalf of our town with the Council Members that are leaving as of today.

Mayor Bennett called for a show of appreciation for the departing Council Members.

OATHS OF OFFICE ADMINISTERED TO INCOMING COUNCIL MEMBERS - TOWN CLERK

Matt Neal, Elizabeth Morey and Leo Holland all took their oath of office. Once being sworn in by Town Clerk Sheila Kane, they took their seats at the dais.

All incoming Council Members provided a brief statement, thanked the voters of Southern Shores and thanked the previous Council Members for their service.

ELECTION OF MAYOR PRO TEMPORE - [COUNCIL RULES OF PROCEDURE SEC. 12]

Town Attorney Gallop stated the election of Mayor pro tem can be done by a motion to appoint someone or by a nomination process, until there is a majority vote.

Mayor Bennett moved to elect Elizabeth Morey as Mayor pro tem. The motion was seconded by Councilman Connors. The motion passed unanimously (5-0).

2020 COUNCIL MEETING SCHEDULE - PROPOSED RESOLUTION 2019-12-01

Councilman Holland moved to adopt Resolution 2019-12-01 *2020 Council Meeting Schedule* as presented. The motion was seconded by Councilman Connors. The motion passed unanimously (5-0).

COUNTY & REGIONAL COUNCIL COMMITTEE APPOINTMENTS

Mayor Bennett stated at this point he would like to combine some appointments of the Dare County and regional Council appointments.

Mayor Bennett nominated to the Dare County Tourism Board (three nominations required, a primary and two others) Leo Holland, followed by Elizabeth Morey and Jim Conners. He further nominated Jim Conners to the serve as the Gov-Ed Access Channel committee member and Matt Neal to serve on the Albemarle Rural Planning Organization (ARPO). Mayor Bennett asked for a motion to approve nominations. Councilman Holland **moved** to approve the nominations, followed by a second by Mayor pro tem Morey. The motion passed unanimously (5-0).

CAPITAL INFRASTRUCTURE IMPROVEMENT PLANNING COMMITTEE APPOINTMENTS

Mayor Bennett stated Council is going to table the selection on the CIIP committee, due to there being two spots to fill and Council does not have two people nominated yet for those positions.

MOTION: Councilman Conners moved to table the (CIIP) Capital Improvement Infrastructure Planning Committee appointments to the January 7, 2020 agenda. The motion was seconded by Councilman Neal. The motion passed unanimously (5-0).

EXPLORATORY COMMITTEE TO ADDRESS CUT-THRU TRAFFIC

MOTION: Mayor Bennett moved to appoint Elizabeth Morey and Matt Neal to serve as Council Advisors on the Exploratory Committee to Address Cut-Thru Traffic. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

PRESENTATIONS-RESOLUTION 2019-12-02 IMPORTANCE OF THE 2020 CENSUS

Derek Dorazio, Partnership Specialist North Carolina- U.S. Census Bureau presented a PowerPoint presentation highlighting the importance of getting an accurate count in the 2020 census and how it impacts your community. Census data is used to allocate billions of dollars in Federal Funding to state and local governments through federal programs and grants. It is used to forecast future transportation needs, determine areas eligible for housing assistance, federal loans & other federal aid, assist federal, state & local governments in planning and implementing programs and services in areas of education, healthcare, transportation, social services, and emergency response. It is also used by businesses to inform data-based decision-making, e.g. where to open and expand new businesses, and create jobs.

Mr. Dorazio stated local municipalities can help by issuing a resolution, an endorsement announcing your partnership with the Census Bureau for the 2020 Census in your community.

MOTION: Councilman Conners moved to adopt Resolution 2019-12-02 *Importance of the 2020 Census* as presented. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

PLANNING BOARD RECOGNITION

Mayor Bennett recognized Leo Holland for his service on the Planning Board.

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 November. He reported that due to no receipt of applications to consider, the December 16th Planning Board's meeting has been cancelled.
- Police Chief David Kole presented his Department's monthly report for November.
- Fire Chief Limbacher presented the Fire Department's monthly report for November.
- The Interim Town Manager provided a brief update on Town operations:
 - Beach Grass Planting-The Town's annual beach grass planting will begin within the next couple of weeks which will cover the entire beach in areas in which the Town's contractor determines that beach grass is needed. The contractor anticipates that the work should be finished by Christmas.
 - Town Buildings Code Deficiencies-A local contractor has inspected the Town's buildings and he will soon provide us with an estimate for the cost to bring the Town's 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 has finalized the E. Dogwood Tri. street improvement plans and a meeting with adjacent property owners to review the plans will be held here in the Pitts Center on Friday at 3:30. The Dewberry Ln. street improvement plans have been drafted which consist of multiple options. We will be seeking input on the options from the Town CIIP Committee at a CIIP Committee meeting to be held on December 18th at 2:00. Surveying and plan drafting for Hillcrest Dr. is still underway.
 - South Dogwood Tri. Walking Path-Tree Removal associated with the S. Dogwood Tri. walking path began today and actual construction will begin tomorrow. The executed contract with Hatchell Concrete Inc. establishes a start date of December 4th and a completion date no later than June 1st.
 - Town Attorney Gallop had no report.

COUNCIL COMMITTEE REPORT

EXPLORATORY COMMITTEE TO ADDRESS CUT-THRU TRAFFIC

Committee Chair Tommy Karole gave a brief update on the Exploratory Committee to address Cut-Thru Traffic progress. A well-attended November 14th public forum was held in the Pitts Center. The next meeting of the committee will be held in the Pitts Center on December 16th at 5:30 pm. Mr. Karole said he didn't want to speak for the committee, but his ultimate goal would be to come up with more than one plan for Council consideration.

GENERAL PUBLIC COMMENT

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

1. Paul Borzellino-16 Seventh Ave- Invitation open to all to see his Christmas lights display on Seventh Avenue between December 15th-January 5th

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

OLD BUSINESS

CONSIDERATION OF LIST OF CONSULTING FIRMS TO PROCEED WITH THE PROCESS OF HIRING A TOWN MANAGER

Mayor Bennett stated a representative from the NC League of Municipalities will be here to attend the January 21st Council Workshop meeting to educate Council on what to look for in a manager and the process.

Mayor Bennett called on Finance Officer/HR Director Bonnie Swain to update Council on the potential consulting firms.

Human Resource Director Bonnie Swain stated three consulting firms have responded, all of which appear to be equally qualified and will cost approximately \$20,000. She stated some firms have done large cities and counties, all have done small towns, and some have done coastal communities. It appears that in reviewing all the documentation the firms have sent, if Council was to execute a contract in January, the soonest the process to hire a manager would allow is the end of May. Ms. Swain confirmed that Hartwell Wright with the NCLM will be making a presentation of the hiring process for Council on January 21st. She stated this process is a new process to not only the new incoming Council, but to all the Council Members. Ms. Swain stated she would be glad to forward all the information she has received to Council for their consideration.

Mayor Bennett requested HR Director Bonnie Swain to forward all information, references and background received on the consulting firms to Council prior to the January 21st workshop meeting.

Councilman Connors asked Ms. Swain when the appropriate time would be to list ideas, or criteria that Council is looking for in a manager. She responded that the consulting firms have a detailed timeline that would reflect the appropriate time, so once a consultant is hired, they will gather that information from Council.

NEW BUSINESS

CONSIDERATION OF BAY DISPOSAL'S REQUEST TO AMEND CONTRACT (RECYCLE CONTRACTOR)

Bay Disposal representative Josh Small briefed the Council on their desire to amend the current contract for recycling. Bay Disposal and the Town of Southern Shores entered into a contract for recycling (amount per household) in June of 2018. By November of that same year, the processing fee (fee Bay Disposal pays to transport & process recyclables) went from \$20.00 per

ton to \$65.00 per ton. Bay Disposal collected 482.06 tons of recyclables in Southern Shores from Jan 2019-November 2019 at a cost of \$22813.95. Bay Disposal has received notice of another processing fee rate increase effective November 1st of \$110.00 per ton. Due to this November increase, Bay Disposal is seeking to increase the contract price per household in order to recoup some of the processing fee costs. The request is a rate change per household; from \$5.42 to \$7.40 per household. (Bay Disposal has received another rate increase in this past two weeks of \$120.00 per ton but is not changing their initial rate increase request).

Mayor Bennett asked Mr. Small what the participation rate for recycling in Southern Shores was and also inquired about a subscription service. Mr. Small responded a high of 80%-85% participation mid-summer and a low of 35%-40% participation in the winter months. If the Town were to switch to a subscription service, the cost would be about \$13 per month per household.

Councilman Conners and Councilman Holland both inquired about the recycle process and where did the recyclables go once picked up from Bay Disposal. Mr. Small stated that recycles are transported to three different plants. Contamination has become an issue (dirty jars, not rinsed out containers, plastic bags) and risk a load being rejected, which in turn must go to the landfill. Bay Disposal has only had 6-7 rejections for contamination and the trucks being rejected were only for about half the truck's load, not the full load.

Councilman Holland inquired about the .10 cent annual rate increase in the current contract and if that will still be requested. Bay Disposal representative Josh Small stated yes and will request that increase in July. The .10 cent increase is for collection costs, not a processing fee.

Mayor Bennett asked Finance Officer Bonnie Swain about the impact of the additional rate increase request on the budget. Finance Officer Bonnie Swain stated it would require a budget amendment in the amount \$28441.00 to cover the cost for FY19-20.

Councilman Conners asked if the tonnage process rate was to drop back down could the Town renegotiate. Bay Disposal representative Josh Small replied yes.

Councilman Neal asked Mr. Small if the Town denied the request what would Bay Disposal do and if they have considered a contract that has an escalation of costs, a disconnection of processing costs from operating costs? Mr. Small stated Bay Disposal would most likely have to consider cancelling the contract.

Councilman Neal asked Bay Disposal to provide more data, separate out the costs, tonnage, tonnage rate increases, and provide this monthly history in order for the Council to see the big picture, the hardship. He would like to see it all in writing and not just a verbal explanation.

Mayor pro tem Morey also requested monthly can counts (serviced cans).

BY CONSENSUS OF ALL COUNCIL, Bay Disposal rate increase request has been deferred until the January 7th Council meeting, at which time Council can review the additional data requested.

PLANNING BOARD APPOINTMENTS

Mayor Bennett requested a motion to table the Planning Board appointments until January 7th,

MOTION: Mayor pro tem Morey moved to table Planning Board appointments until the Council's January 7th meeting. The motion was seconded by Councilman Neal. The motion passed unanimously (5-0).

HISTORIC LANDMARKS COMMISSION APPOINTMENTS

Mayor Bennett stated the three-year terms for Historic Landmarks Commission Chairperson Lee Whitley and Kristine Kiouis will expire on December 6th. Both members have indicated that they would like to continue serving on the Commission.

MOTION: Councilman Holland moved to reappoint Lee Whitley and Kristine Kiouis to the Historic landmarks Commission for another three-year term. The motion was seconded by mayor pro tem Morey. The motion passed unanimously (5-0).

Mayor pro tem Morey thanked the volunteers for their service.

BEACH MANAGEMENT PLAN UPDATE

Mayor Bennett stated the Council felt some of the goals in the beach plan were generic and didn't reflect Southern Shores. He has spoken with Ken Willson of APTIM about updating goals. Therefore, he would like to make a motion that would update the Southern Shores Beach Management Plan.

Councilman Conners requested that within the goals be included the specific wording of usable beach, and or recreational beach area. Mayor Bennett stated he felt his motion would cover that request.

MOTION: Mayor Bennett moved to update the Town's Beach Management Plan to include updating goals and an additional option that include the entire beach, including a cost estimate, the anticipated depth of usable dry beach on completion of the project, dune stabilization, maps with legible street labels, and illustrations of how the beach has changed over time using historic aerial images. In addition, that Mr. Ken Willson with APTIM provide us with these updates in January, to be presented in a public forum on January 21, 2020. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

Both Councilman Neal and Morey questioned if the Mayor's wording of "anticipated depth of usable beach" was clear in reflecting the "width" of the dry usable beach.

BY CONSENSUS OF ALL COUNCIL, the word *depth* in the beach management plan update motion is to be changed to *width*. *"the anticipated width ~~depth~~ of usable dry beach on completion of the project"*.

Interim Town Manager Wes Haskett stated he has spoken to Ken Willson and the change order cost will be about \$10,000. There is \$45,000 currently in the beach nourishment account, enough to do the change order and the next beach profile study.

Mayor Bennett stated that Dare County has also committed \$250,000 towards Southern Shores beach nourishment studies.

Interim Town Manager Wes Haskett stated that since the Town of Southern Shores has already completed its beach profile studies, Dare County has indicated the money can go towards permitting and design, should Council decide to move forward with such a project.

Mr. Haskett also stated that since it appears Council has authorized addition work and options; DEC and Associates will now need to wait on the new estimates in order to run the model and produce a financial plan. It may be possible that they can get the new estimates from APTIM early enough to run financial models and present at the January 21st Council workshop.

GENERAL PUBLIC COMMENT

Mayor Bennett again called for public comment, and the following citizen spoke.

1. Paul Borzellino-16 Seventh Avenue- thanked Council for continuing with beach nourishment and not dropping the ball. He stated usable beach can also be stated as distance between average water line and dune.

MAYOR COMMENTS & COUNCIL COMMENTS

Mayor Bennett stated the OBX Go Far program just held their annual Turkey Trot here in Southern Shores. This was the ninth year that Southern Shores has hosted this event, OBX Go Far, Go For a Run, is designed to get young people up and running.

Councilman Connors once again welcomed the new Council Members.

Mayor pro tem Morey stated she will be striving for shorter meetings.

Councilman Holland stated the Red Cross will be hosting a blood drive at the Catholic Church in Kitty Hawk. Also, Saturday December 7th is Pearl Harbor Day.

Councilman Neal thanked the Southern Shores voter's once again. He stated he has been receiving beach nourishment emails from homeowners and questioned how much they are willing to pay for the project.

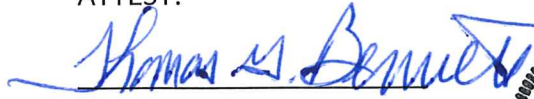
CLOSED SESSION

Mayor Bennett moved to go into 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 in regard to the Smutz appeal. The motion was seconded by Councilman Connors. The motion passed unanimously (5-0).

ADJOURN

MOTION: Upon returning to open session, Councilman Holland moved to adjourn the meeting. The motion was seconded Mayor pro tem Morey. The time was 7:55 pm. The motion passed unanimously (5-0).

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk