



AGENDA
JANUARY 7, 2020
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 **TAB 1**
 - o Council Meeting Minutes – December 3, 2019
 - o Pickup and Releases
 - o Budget Amendment #5 -To cover expenses associated with Hurricane Dorian Recovery. FEMA reimbursement is anticipated.

2. Staff Reports
 - A. Interim Town Manager/Planning Director
 - B. Police Chief
 - C. Fire Chief, Southern Shores Volunteer Fire Department
 - D. Town Manager's Report
 - E. Town Attorney's Report

3. Presentation
 - A. Southern Shores Vol. Fire Dept. Facilities Construction Update-Chief Limbacher
 - B. Planning Board Recognition-Elizabeth Morey

4. 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.)

5. Old Business
 - A. Consideration of Bay Disposal's Request to Amend Contract (Recycle Contractor) **TAB 2**
 - B. Capital Infrastructure Improvement Planning Committee Appointments **TAB 3**
 - C. Planning Board Appointments **TAB 4**

6. New Business

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

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

9. Adjourn



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

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

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

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

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- o Continued and expanded rebuilding of our streets.

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- o A well-received walking path on East Dogwood Trail.

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- o Storm water infiltration basin at the intersection of East Dogwood and Hwy. 12

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This mitigated a serious hazardous flooding problem.

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- o Completed a minor but critical beach nourishment project along the southern

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most part of the beach.

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- o Assisted the Southern Shores Volunteer Fire Department with construction of a

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much-needed state of the art fire station, to be completed in April or May of this

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year.

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- o Finally, work began this morning on the South Dogwood Walking Trail.

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

64

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

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67 **OATHS OF OFFICE ADMINISTERED TO INCOMING COUNCIL MEMBERS - TOWN CLERK**

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

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

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

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

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

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81 **2020 COUNCIL MEETING SCHEDULE - PROPOSED RESOLUTION 2019-12-01**

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Councilman Holland moved to adopt Resolution 2019-12-01 *2020 Council Meeting Schedule* as
83 presented. The motion was seconded by Councilman Connors. The motion passed unanimously
84 (5-0).

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88 **COUNTY & REGIONAL COUNCIL COMMITTEE APPOINTMENTS**

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

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

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100 **CAPITAL INFRASTRUCTURE IMPROVEMENT PLANNING COMMITTEE APPOINTMENTS**

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

104

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

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110 **EXPLORATORY COMMITTEE TO ADDRESS CUT-THRU TRAFFIC**

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

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

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

126

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

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130 **MOTION:** Councilman Conners moved to adopt Resolution 2019-12-02 *Importance of the*
131 *2020 Census* as presented. The motion was seconded by Councilman Holland. The motion
132 passed unanimously (5-0).

133 **PLANNING BOARD RECOGNITION**

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

135
136 **STAFF REPORTS**

137 The following Department Heads presented department reports for the month:

- 138 ○ Interim Town Manager/Town Planner Wes Haskett presented the Planning
139 Department's monthly report for November. He reported that due to no receipt of
140 applications to consider, the December 16th Planning Board's meeting has been
141 cancelled.
- 142 ○ Police Chief David Kole presented his Department's monthly report for November.
- 143 ○ Fire Chief Limbacher presented the Fire Department's monthly report for November.
- 144 ○ The Interim Town Manager provided a brief update on Town operations:
 - 145 ○ Beach Grass Planting-The Town's annual beach grass planting will begin within
146 the next couple of weeks which will cover the entire beach in areas in which the
147 Town's contractor determines that beach grass is needed. The contractor
148 anticipates that the work should be finished by Christmas.
 - 149 ○ Town Buildings Code Deficiencies-A local contractor has inspected the Town's
150 buildings and he will soon provide us with an estimate for the cost to bring the
151 Town's buildings up to code. Once we have an estimate, we will prepare and
152 release a Request for Proposals and begin the process of hiring a contractor to
153 complete the work.
 - 154 ○ Capital Street Projects-The Town Engineer has finalized the E. Dogwood Tri.
155 street improvement plans and a meeting with adjacent property owners to
156 review the plans will be held here in the Pitts Center on Friday at 3:30. The
157 Dewberry Ln. street improvement plans have been drafted which consist of
158 multiple options. We will be seeking input on the options from the Town CIIP
159 Committee at a CIIP Committee meeting to be held on December 18th at 2:00.
160 Surveying and plan drafting for Hillcrest Dr. is still underway.
 - 161 ○ South Dogwood Tri. Walking Path-Tree Removal associated with the S. Dogwood
162 Tri. walking path began today and actual construction will begin tomorrow. The
163 executed contract with Hatchell Concrete Inc. establishes a start date of
164 December 4th and a completion date no later than June 1st.
 - 165 ○ Town Attorney Gallop had no report.

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168 **COUNCIL COMMITTEE REPORT**

169 **EXPLORATORY COMMITTEE TO ADDRESS CUT-THRU TRAFFIC**

170 Committee Chair Tommy Karole gave a brief update on the Exploratory Committee to address
171 Cut-Thru Traffic progress. A well-attended November 14th public forum was held in the Pitts
172 Center. The next meeting of the committee will be held in the Pitts Center on December 16th at
173 5:30 pm. Mr. Karole said he didn't want to speak for the committee, but his ultimate goal
174 would be to come up with more than one plan for Council consideration.

178 **GENERAL PUBLIC COMMENT**

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

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

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

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185 **OLD BUSINESS**

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

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

191

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

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

205

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

209

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

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216 **NEW BUSINESS**

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

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

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

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

236

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

243

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

247

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

251

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

254

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

259

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

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

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

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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 Kiousis 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 Kiousis 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*”.

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

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

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

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

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327 **GENERAL PUBLIC COMMENT**

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

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

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334 **MAYOR COMMENTS & COUNCIL COMMENTS**

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

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339 Councilman Connors once again welcomed the new Council Members.

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

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

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

349

350 **CLOSED SESSION**

351 Mayor Bennett moved to go into closed session pursuant to NCGS §143-318.11(a)(3) for the
352 purpose of consulting with the Town Attorney in order to preserve the attorney-client privilege
353 between the Town Attorney and Council in regard to the Smutz appeal. The motion was seconded
354 by Councilman Connors. The motion passed unanimously (5-0).

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356 **ADJOURN**

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

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362 ATTEST:

Respectfully submitted,

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365 _____
Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk

**TOWN OF SOUTHERN SHORES
TAX DEPARTMENT**

1/7/2020

PICKUPS

RELEASES

August Real	\$	240.82
October Real	\$	4.50

TOTAL

\$0.00

\$245.32

BLANK

Bay Disposal Recycling Contract Schedule of Rate Increases

(Provided by Joshua Smaltz, Bay Disposal)

- July 2018- Start of contract with price increases each anniversary. Processing fee was \$20 per ton including transportation to the recycle plant.
- November 1st, 2018- No price increase from Bay Disposal, the processing fee increased from \$20 per ton to \$65 per ton including transportation.
- June 10th, 2019- Annual price increase letter was sent to Mr. Peter Rascoe requesting annual price increase from \$5.32 per home to \$5.42 per home effective July 1st, 2019.
- July 1st, 2019- Annual Price Increase took effect, new rate increased to \$5.42 per home.
- October 9th, 2019- Bay Disposal received notification from recycle plant that November 1st the processing fees were increasing from \$65 per ton to \$110 per ton including transportation.
- October 10th, 2019- Bay Disposal requested meeting with Town of Southern Shores to discuss the increased cost on the recycling contract.
- October 23rd, 2019- Bay Disposal met with Town of Southern Shores and requested a rate increase from \$5.42 per home to \$7.40 per home to cover increased processing fees.
- Nov. 1st, 2019- Processing fee increased to \$110 per ton including transportation.
- Nov. 21st, 2019- Bay Disposal received notification from recycle plant that December 1st the processing fees were increasing from \$110 per ton to \$120 per ton including transportation fees.
- Dec. 1st, 2019- Processing fee increased to \$120 per ton including transportation.

- Dec. 10th. 2019- Received notification from recycle plant that they were unable to accept our loads with the current market conditions due to not having an outlet for the material.
- Dec. 11th – 13th, Discussions with recycling plant and other alternative outlets for recycling to find solutions. Agreed upon Monday conference call with Town of Southern Shores.
- Dec. 16th, 2019- Informed the Town the current status and proposed reusing the recycling at the energy plant.

Bay Disposal Recycling Tonnage
(Provided by Joshua Smaltz, Bay Disposal)

- FY 18-19**

Month	Tons
July	72.32
Aug	89.09
Sep	34.94
Oct	35.44
Nov	29.17
Dec	29.42
Jan	46.87
Feb	31.07
Mar	35.66
Apr	40.54
May	61.58
Jun	53.48
Total	559.58

- 2019**

Month	Tons	
Jan	46.87	
Feb	31.07	
Mar	35.66	
Apr	40.54	
May	61.58	
Jun	53.48	
Jul	69.46	
Aug	45.52	
Sep	38.07	
Oct	42.56	
Nov	17.25	
Dec	34.22	**Est
Total	516.28	

Can Counts Participation Percentage

July	1905	80%
Aug	1884	79%
Sep	1811	76%
Oct	1240	52%
Nov	1171	49%
Dec	1028	43%
Jan	1491	62%
Feb	841	35%
Mar	1116	47%
Apr	1373	57%
May	1988	83%
June	1787	75%
July	2131	89%
Aug	1987	83%
Sep	1752	73%
Oct	1308	55%
Nov	910	38%
Dec	1104	46%
Avg:	1490	62%

****Some months may have an estimate based on tonnage due to a spare truck that didn't have a cart counter, etc.**

Total Tons

7/18 - 6/19
559.58

7/19 - 6/20
247.08
536.28

Actual with Dec. Estimate
Actual plus estimate through 7/20

Requested Increase

CY '19
516.28 tons

Tons to Wheelabrator
Cost per ton \$65
CY '19 Tons 516.28
Total Cost \$33,558.20
Total increase per home \$ 1.17
Total cost per home \$ 6.59

Tons to Recycle Plant
Cost per ton \$150
CY '19 Tons 516.28
Total Cost \$77,442.00
Total increase per home \$ 2.70
Total cost per home \$ 8.12

Cart Counts

Week of July 8th
Tons:

2131
21.58 tons total

Week of November 11th
Tons:

910
8.42 tons total

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 reevaluated 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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CIIP Committee Members:

Tom Bennett - Co-Chairman

Jim Conners - Co-Chairman

- Al Ewerling - Appointed by Fred Newberry
- Jim Kranda - Appointed by Councilman Leo Holland
- Glenn Riggan - Appointed by Mayor Bennett
- Andy McConaughy - Appointed by Chris Nason
- Carlos Gomez - Appointed by Gary McDonald

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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.

**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: Anthony081944@ICloud.com

ADDRESS: 329th Ave W Southern Shores

OCCUPATION (Past & Present)

EMPLOYER

Retired

Commonwealth of PA.

State Parole agent, Supervisor

Deputy District Director Hearing Examiner
for the State 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, Pute on cases and other 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 at ARB which Reviews construction and Renodal Applications for compliance with covenants.

Historical Landmark Commission - Vice Chair since its inception Reviews and evaluates applications for Acceptance 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 27949
Email: lmburek@charter.net

OCCUPATION (Past & Present) EMPLOYER
IT SYSTEM Developer FEDERAL GOVT
SENIOR ANALYST/MANAGER IT CONTRACTOR
SYSTEMS ANALYST

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

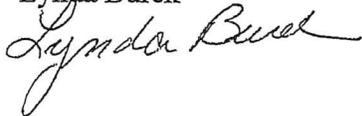
SUBMITTED BY: Lynnda Burek

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



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)	EMPLOYER
Owner 2019- to date	Atlantic CBD
CEO 2015-18	Starfish Services, Inc
VP Business Development 2010-15	Leidos Inc & SAIC
Department & Program Manager 2009-10	Northrop Grumman Mission Systems
Real Estate Agent 1995-2015	Jobin Realty
Major Program Manager 1995-2019	Northrop Grumman TASC
Naval Officer, Ret Commander	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)	EMPLOYER
<u>Assistant Director & Sustainable Design Spec.</u>	<u>UNC Coastal Studies Institute</u>

EDUCATIONAL BACKGROUND

School(s)	Dates	Area of Study	Cert or Degree
<u>NC State</u>	<u>2003-2006</u>	<u>Landscape Architecture</u>	<u>MLA</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)

- 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.