



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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9 MEETING MINUTES

10 PLANNING BOARD-JANUARY 18, 2022, 5:00 P.M.

11 LOCATION: PITTS CENTER-5377 N VIRGINIA DARE TRAIL, SOUTHERN SHORES, NC 27949

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14 I. CALL TO ORDER:

15 Chairperson Andy Ward called the meeting to order at 5:00 pm. Planning Board Members Lynda
16 Burek, Ed Lawler, Robert McClendon, Jan Collins, Tony DiBernardo (Vice Chairperson), Andy
17 Ward (Chairperson), and Deputy Town Manager/Planning Director Wes Haskett were present.

18

19 II. PLEDGE OF ALLEGIANCE:

20 Chairperson Ward led the Pledge of Allegiance.

21

22 III. APPROVAL OF AGENDA:

23 Chairperson Ward **moved** to strike item IV. approval of minutes and approve the agenda as
24 amended, Seconded by Vice Chair DiBernardo. The motion passed unanimously (5-0).

25

26 IV. PUBLIC COMMENT

27 None

28

29 V. OLD BUSINESS

30 Discussion of Potential Amendments to Town Code Chapter 26, Solid Waste

31 Chairperson Ward welcomed members from the real estate community to be a part of the
32 discussion on issues with solid waste collection in Southern Shores: Monica Tibideou, Mike
33 Stone, Dan Hardy, Dave Roberts, and Bay Disposal solid waste representative, Pam Marlow.

34

35 Chairperson Ward read the list of recommended improvements that he had summarized from
36 previous Planning Board comments.

37

38 Suggested Improvements to Solid Waste Ordinance

- 39 ● Replace "should" with "shall" in several areas within ordinance (i.e. 24 hr. rollback) (TCA)
- 40 ● Establish minimum number of trash and recycle receptacles based on advertised occupancy
41 (TCA)
- 42 ● Clear and prominent labeling with arrows toward street on can's lid showing TRASH or
43 RECYCLE (TCA)
- 44 ● Require fully functional lid covering entire receptacle (TCA)
- 45 ● Support help from Public Works in off-season roll-backs and clearly obvious receptacle
46 mishaps

- 47 ● Enlist Police Department help for ID'ing excessive offenders, using provided data base of
48 rental managers' contact information
- 49 ● Compile a concise notice to send to all property owners and rental managers of pertinent
50 ordinances and expectations explaining penalties for non-compliance (see Section 26-11) (Staff)
- 51 ● Create brief educational plea for tenant's welcome packet (see "Requirement for Rental
52 Managers") to be required by ordinance (TCA/Staff)

53
54

55 Suggested Requirements for Rental Managers

- 56 ● Provide info on advertised occupancy: occupants must be less than or equal to the septic
57 capacity registered with Dare County Health Department
- 58 ● Provide direct contact info (phone/email) for head property manager
- 59 ● Include in tenant's welcome packet a brief educational plea (cut/pasted from TOSS) about
60 trash and recycling, to include:
- 61 – do not overfill container
- 62 – lids open towards street
- 63 – no loose trash/recycle outside receptacles
- 64 – collection day schedule
- 65 – roll back within 24 hours of collection
- 66 – do not mix trash with recyclables
- 67 – do not bag recyclables

68
69

70 Planning Board Member Lawler clarified that recycle receptacles can only have loose items, no
71 bags.

72
73

74 Carolina Design Real Estate representative and the Town of Duck mayor pro tem Monica
75 Tibideou provided her comments on the Planning Board's ordinance suggestions and what has
76 helped their property management business recently.

- 77 1. The Town of Duck will be discussing trash/ recycle receptacles along Duck rd. at their next
78 retreat.
- 79 2. Split days for trash and recycle service only exacerbate the problem.
- 80 3. Reference number of cans required by number of bedrooms, not by occupancy. It would be
81 clearer and easier to convey the expectation.
- 82 4. Property managers would not have an issue receiving calls from town hall staff when a
83 particular property needs more cans.
- 84 5. Sending text messages to renters as a reminder of trash day has been extremely beneficial
85 (software program their business uses). It is difficult to educate new renters every seven
86 days.
- 87 6. Stickers on the cans could be helpful.
- 88 7. Having public works or someone else roll the cans back off Duck rd. is a good idea, both
89 safety and aesthetics reasons. Roll back service is an idea but would be costly for town wide.
- 90 8. Willing to work with placing cans out on certain days if the ordinance regulates not leaving
91 cans out on non-collection days.
- 92 9. There used to be a penalty for not rolling cans back, this was a disaster and homeowners felt
93 penalized for the renter mistakes.

94
95 Dan Hardy with Joe Lamb Jr. & Associates suggested use of dumpsters at the larger houses,
96 rather than numerous cans.
97
98 Dave Roberts with Outer Banks Blue asked if the current ordinance dictates the number of cans
99 required. Chairperson Ward confirmed the ordinance does and he hoped to have those numbers
100 updated to reflect the size of current homes and occupancy.
101
102 Vice Chairperson DiBernardo stated the ordinance was written in 1986 and the number of
103 trash/recycle cans required does not fall into today's environment.
104
105 Mike Stone with Southern Shores Realty stated the past two years have not been normal years
106 and everyone is struggling to get staff.
107
108 Chairperson Ward stated that the biggest issue going through town is Pelican Watch to 13th
109 Avenue, the main corridor.
110
111 Dan Hardy recommended an education effort, stating we all know there is an issue, and it is
112 occurring in every town.
113
114 Monica Tibideou stated that the tenants are not going to read the welcome packets if you put
115 something in there. It would need to be communicated by a sign or something directly on the
116 wall by the trash/recycle cans.
117
118 Planning Board Member Jan Collins inquired about a roll out service.
119
120 Dan Hardy stated the homeowners and tenants will reply that you are already charging enough.
121 As far as staffing goes, we already are having issues getting done the main tasks right now much
122 less move trash around. There has got to be a better way to get through to these renters.
123
124 Mike Stone said the best thing the Town had done was create magnets with the pickup dates,
125 but these are no longer available.
126
127 Chairperson Ward inquired with each real estate representative if they had the text message
128 software capability, which some representatives communicated they did, and others only had
129 email communication availability.
130
131 Planning Director Haskett stated about the split day service, the Town has tried getting the days
132 closer together, but it has not worked out.
133
134 Mike Stone said he understood it to be a significant savings in the contract price and Bay
135 Disposal was unable to service trash and recycle on the same day.
136
137 Pam Marlow with Bay Disposal agreed they would be willing to provide stickers for the
138 receptacles. Bay Disposal does not provide roll out service. She said the biggest issue for them
139 was the placement of bags outside of the cans.
140

141 Dan Hardy stated the handout requirements mentions penalties, which the government entity
142 could not fine a third-party entity, but they could go after the homeowner for not pulling their
143 can back. Could the Town tackle this by doing a rental service fee on the homeowners that have
144 properties in the rental program?

145
146 Chairperson Ward stated that was a good question but did not know if that was possible.

147
148 Chairperson Ward thanked Bay Disposal and all the real estate representatives for attending and
149 their input.

150
151 Vice Chairperson DiBernardo stated he agreed that the number of cans should be correlated to
152 number of bedrooms. It is easier for renters to understand. Dumpsters could be a possibility on
153 large homes.

154
155 Chairperson Ward stated he did not have a problem with the language, advertised occupancy.

156
157 Chairman Ward reviewed the proposed can count as originally referenced in the December 20th
158 suggestions. Revise Section 26-6(a) to be based on bedrooms or septic capacity.

- 159
- 160 • 8-10 occupants (4-5 bedrooms): 4 trash receptacles, 2 recycle receptacles.
 - 161 • 12-16 occupants (6-8 bedrooms): 5 trash receptacles, 2 recycle receptacles.
 - 162 • 16-20 occupants (9+ bedrooms): 6 trash receptacles, 3 recycle receptacles.
 - 163 • 20+ occupants: 7 trash receptacles, 4 recycle receptacles

164 Planning Board Member McClendon asked at what point do we require a small dumpster?
165 Stating, that number of cans is ridiculous. Put it on the homeowner to be responsible for the
166 dumpster.

167
168 Planning Board Member Jan Collins agreed with the dumpster and making the homeowner
169 responsible for paying for it and the collection.

170
171 Planning Board Member Lawler stated if you are generating that much trash, you need to have a
172 dumpster.

173
174 Chairperson Ward asked Planning Director Haskett is there was anything against utilizing
175 dumpsters in the current ordinance. Planning Director Haskett stated there is nothing that
176 addresses residential dumpsters, and you could certainly suggest it to Council.

177
178 Chairperson Ward recommended going with the number of cans to Council and as a caveat,
179 suggest a dumpster once you hit occupancy of 20+.

180
181 Planning Board Member Lawler recommended allowing the dumpster as an option, cost to be
182 paid by property owner.

183
184 Planning Board Member McClendon suggested writing an ordinance that would allow
185 dumpsters.

186
187 Chairperson Ward stated the dumpsters would only be required at two properties in Town.

188
189 Vice Chairperson DiBernardo asked Town Manager Ogburn if the Town services dumpsters
190 under the current contract.
191
192 Town Manager Ogburn stated Bay Disposal currently picks up a specific number of dumpsters
193 and possibly could be negotiated to service two more.
194
195 Planning Board Member McClendon would like to provide all homeowners the option if
196 dumpsters are going to be allowed in lieu of multiple cans. The property owner would need to
197 pay for it.
198
199 Vice Chairperson DiBernardo stated the Town cannot negotiate for twenty more dumpsters, the
200 homeowner would have to pay for it and do a negotiation with the Town.
201
202 Town Manager Ogburn stated he did not know if you could provide a service for some but not
203 all. You could do it for commercial but not residential.
204
205 Planning Director Wes Haskett stated staff will investigate the number and cost with Bay
206 Disposal depending on how this TCA progresses.
207
208 Chairperson Ward reviewed what was the important sticking points; labeling the cans, secured
209 lids, a mailing or educational packet to all homeowners and property management companies,
210 and fines for noncompliance. He further stated he thought it was important to keep the rental
211 management companies honest on the capacity limits/occupancy in line with the septic capacity,
212 which was not the case several years ago.
213
214 Vice Chairperson DiBernardo said he heard what the property management company stated
215 about not being able to fine the companies, but you can fine the homeowner which will be a
216 negative. That homeowner will then put pressure on the property management to do more
217 about the trash issue, which is a positive.
218
219 Chairperson Ward stated he would take the list of suggestions to Council at their February
220 meeting.
221
222 Planning Board Member Lawler asked if we could move forward with the stickers from Bay
223 Disposal? Planning Director Haskett stated he would follow up with Pam Marlow.
224
225 Vice Chairperson DiBernardo stated he belonged to the NC Recycling Association, and they may
226 have stickers available.
227
228 Planning Board Member McClendon said for the benefit of the Town, the appearance issue that
229 has brought all of this up, would be to investigate a rollout service for the main corridor through
230 Town.
231
232 Chairperson Ward stated that was private homeowner associations that hired a rollout service.
233

Planning Board Member McClendon asked if the Town could do the same and assess those property owners?

Town Manager Ogburn said he did not know if you could assess some but not the others for the service. A local company called Trash Detail does this rollout service. The argument becomes if they are receiving the service, so should everyone in Town.

VI. New Business

None

VII. Public Comment

Councilmember Paula Sherlock-agrees that a dumpster would be better than looking at 7 to 8 trash cans lined up out front of the property.

XIII. Planning Board Member Comments

Vice Chairperson DiBernardo reported that Town Council did pass a produce stand ordinance with a few minor changes.

Chairperson Ward will take the Chapter 26 suggestions to Town Council. He also met with Planning Director Wes Haskett, Town Manager Ogburn, Councilman Neal and Mayor Morey to hone in some signage issues that Council may have. The Planning Board will meet one more time to discuss signs before it goes to staff and the Town Attorney for revisions. The Planning Board will then review the revised ZTA before consideration by Council.

IX. Announcements

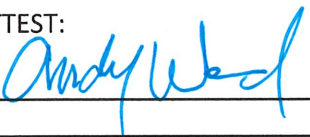
Planning Director Wes Haskett stated the next meeting is Tuesday, February 22 at 5:00 p.m.

Items on the agenda could be continued solid waste, 160d but most likely not signage.

X. Adjourn

Hearing no further business, **motion** made by Vice Chairperson DiBernardo to adjourn, Seconded by Planning Board Member Burek. Motion passed unanimously. The time was 7:03 P.M.

ATTEST:



Andy Ward, Chairperson

Respectfully submitted,



Sheila Kane, Town Clerk