



Town of Southern Shores
Regular Council Meeting
September 1, 2020

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, September 1, 2020.

COUNCIL MEMBERS PRESENT: Mayor Bennett, Mayor pro tem Elizabeth Morey and Councilman Matt Neal, Jim Conners, and Leo Holland

COUNCIL MEMBERS PARTICIPATING REMOTELY: None

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney Ben Gallop, Town Manager Cliff Ogburn, Finance Officer/ HR Director Bonnie Swain, Town Clerk Sheila Kane, Police Chief David Kole, Fire Chief Ed Limbacher, and Public Works Director David Bradley

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 Holland moved to approve the agenda as presented. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

CONSENT AGENDA

The consent agenda consisted of the following items:

- Council Meeting Minutes - Workshop Mtg. 7/21 & 6/16

MOTION: Mayor pro tem Morey moved to approve the consent agenda as presented. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

STAFF REPORTS

The following department heads presented department reports for the month:

- Town Manager Cliff Ogburn read Planning Director Wes Haskett's submitted monthly report for the month of July and August.
- Police Chief David Kole presented the Police Department's report for July and August.
- Fire Chief Ed Limbacher presented the Fire Department's report for July and August.

- The Town Manager presented the Manager's report on operations highlights:
 - CPE-NC is finishing up the 2020 annual monitoring and initial permitting. Task two was just initiated, they are 85% complete with acquisition of profile data and 100% done with the interagency coordination for the permitting.
 - Permitting for 2022- two of the tasks are more complete than the other three, sampling of the beach and survey to quantify the clast; native sampling is 40% complete, survey for the class is 80% complete. They are just now starting the borrow area investigation.
 - Brent Johnson with Dare County Grants and Waterways Commission reported that DEQ has finished the review of the grant applications (beach nourishment grant) and should have results of the grant recipients later this month.
 - Streets- crosswalks have been installed on East Dogwood Trail. Prep and site work on Dewberry Lane have been completed. RPC should be starting actual construction of the project shortly.
 - Trash collection has gone back to the offseason schedule. Staff will keep an eye on the vacation occupancy and will adjust the collection schedule if needed.

Mayor pro tem Morey asked if the trash tonnage was still high, as reported earlier this year. Town Manager Cliff Ogburn stated the numbers were still as reported earlier and a report would be provided once the July and August numbers are received.

GENERAL PUBLIC COMMENT

Mayor Bennett called for public comment and hearing no citizens wishing to speak, Mayor Bennett closed public comment.

BUSINESS ITEMS

TRAFFIC ENGINEER- SEASONAL CUT THRU TRAFFIC

Town Manager Cliff Ogburn briefed the Council stating the Town has been dealing with a growing amount of traffic through its residential streets each weekend during the tourist season. The Police Department has been collecting data that indicates vehicle traffic at several locations throughout Town. This data has been collected since about 2008. On five separate weekends throughout the 2020 summer, traffic has been prohibited from making a left hand turn at the intersection of US 158 and S. Dogwood Trail, which has had an effect on traffic patterns, though it is unclear exactly what impact they have had overall. Staff believes that an independent analysis by a professional and objective traffic engineer or traffic planner of the problem and of the traffic count data that has been collected thus far, would result in a report indicating plausible potential solutions. The large amount of data to work with has been viewed as an incentive for consultants to work on this issue.

Generally, a traffic study will:

1. Conduct capacity analyses to determine how much traffic can logically fit on a roadway in a safe and efficient manner
2. Conduct traffic counts for roadways and intersections to determine the volume of traffic, where the traffic is going to and from, and the type of traffic on the roadway
3. Take a second look at the safety features of a road
4. Determine appropriate signing and pavement markings along an existing road
5. Investigate accidents and determines if changes can be made to roadways or intersections to make it safer for all who use those roads
6. Produce a model for predicting short term traffic flow
7. Produce solutions.

Town Manager Cliff Ogburn stated he has reached out to five firms in an effort to gather proposals. Additionally, the Department of Technology Systems at East Carolina University and The Transportation Research Institute at Old Dominion have been contacted to gauge their interest in taking this issue on and offering solutions. NC DOT has agreed to further examine their own traffic count data collected on NC 158 and NC 12 in an effort to further assist the town with the problem. Staff is continuing its efforts to select the most qualified consultant and also working on partnerships with governmental and educational partners to develop solutions.

Town Manager Ogburn stated staff recommends that a traffic study be performed in order to ensure that a professional and objective consultant has studied and analyzed the problem in order to offer potential solutions. Staff requests that the Council authorize the Town Manager to enter into a contract for consulting services to produce a report providing the town with viable options to address the seasonal cut through traffic in an amount not to exceed \$7,500.

Mayor pro tem Morey stated Southern Shores has a lot of collected data and it seems like a good use of town funds to get somebody from a professional perspective to take a look at the problem.

Councilman Holland stated an objective study would take the emotion out of it. Councilman Connors and Mayor Bennett agreed.

Councilman Neal inquired as to the timeframe. Town Manager Cliff Ogburn gave a timeframe of approximately 90 days.

Motion: Councilman Connors moved to authorize staff to spend up to \$7500 to hire a traffic consultant to study the problem of cut thru traffic and offer solutions for the problem. The motion was seconded by Mayor pro tem Morey. The motion passed unanimously (5-0).

EXTENSION OF OCEAN RESCUE SEASON- CONTRACT AMENDMENT & POSSIBLE BUDGET AMENDMENT

Mayor Bennett stated this is a request for consideration to extend the ocean rescue season. It is probable the summer/vacationer season could extend until mid-October, which could ultimately be impacted by a storm event, but most likely extend out if the weather holds up.

Town Manager Cliff Ogburn stated there are many indicators pointing to an extended tourist season beyond Labor Day and further into the fall. This increase will likely result in larger than normal visitors on the beach. The Town's Ocean Rescue Contract provides full service through Labor Day with a reduced presence until October 15.

Council was provided three potential options for extension of the Ocean Rescue contract with associated costs for the 2020 season. The amendment for extension would only apply to the 2020 summer season.

Service Provided Under Present Contract at yearly cost of \$166,200

1. A shared supervisor patrolling until October 15
2. 2 fixed stands and 2 on ATV until Labor Day
3. A minimum of one ATV patrolling until October 15

Option 1 – extends current coverage until October 31

1. extend shared supervisor patrolling through October 31 or additional 16 days
2. extend 2 fixed stands and 2 on ATV through October 03 or additional 26 days
3. extend one ATV patrolling through October 31 or 16 additional days

Additional amount = \$23,000

Option 2 – leaves coverage until October 15 but with additional guards

1. Leave shared supervisor patrolling until October 15 – (no change to current)
2. extend 2 fixed stand and 2 on ATV through October 3
3. leave one ATV patrolling until October 15 – (no change to current)

Additional amount = \$18,000

Option 3 – leaves coverage until October 15 with fewer additional guards than option 2

1. Leave shared supervisor patrolling until October 15 – (no change to current)
2. Remove 2 stands leave 2 on ATV until October 3
3. Leave shared supervisor on beach until October 15 – (no change to current)

Additional Amount = \$13,500

Town Manager Cliff Ogburn stated he would be comfortable recommending any of the three option, particularly option 2 followed by option 3.

Town Manager Cliff Ogburn further stated the term of the contract with Sandski, LLC expires June 30, 2021. Staff recommends that to avoid the possible disruption of changing service providers in the middle of the summer, that the contract be extended until October 31, 2021. The cost associated with the extension would move from \$110,800 to the full season amount of \$166,200.

Councilman Neal stated he was inclined to go with option 3 and forgo the stands.

Mayor pro tem Morey agreed, stating the guards on the four wheelers essentially become moving stands.

Councilman Holland was comfortable with option 2 or 3.

Councilman Neal asked the Town Manager if he was comfortable with option 3 and if the stands were necessary after September 3rd. Town Manager Cliff Ogburn stated the stands definitely have value but this late in the season he was comfortable with the roving guards.

Mayor Bennett inquired what stands would remain if option 2 was chosen. Town Manager Cliff Ogburn stated the stands at Chicahauk and Hillcrest. Mayor Bennett stated he was comfortable with either option 2 or 3.

MOTION: Mayor pro tem Morey moved to approve staff to use option #3 to extend the ocean rescue season. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

MOTION: Councilman Neal moved to approve budget amendment number 11 in the amount of \$13,500 for option 3, using funds from the unassigned fund balance. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

MOTION: Councilman Neal moved to approve extending the surf rescue contract until October 30, 2021. The motion was seconded by Councilman Connors. The motion passed unanimously (5-0).

AMENDMENT TO COUNCIL RULES OF PROCEDURE-SECTION 7. RECESSED & CANCELLED MEETINGS

Mayor Bennett stated this situation came up when we had to call a meeting to cancel a meeting. It just becomes redundant and unnecessary.

Town Manager Cliff Ogburn stated staff requests the Council amend the Council Rules of Procedure to Section 7. Recessed & Cancelled Meetings to include rule 7. (d) cancellation of meetings. There is no statutory process for canceling official meetings of public bodies but would provide for a clear procedure to staff and Council if incorporated in the Council Rules of Procedure. This would also allow an appropriate, and timely notification to the public and media.

Currently, without any cancellation policy, Council will be limited two options if the need or emergency arises and a meeting requires cancellation:

1. A separate emergency meeting or special meeting will need to be called to cancel such meeting.
2. A majority of Council does not show up for the meeting, therefore you do not have a quorum. (This option provides no notice to your residents).

Town Manager Cliff Ogburn stated the Council Rules of Procedure proposed amendment reads as follows:

(d) Cancellation of Meetings. The Mayor, the Mayor pro tem or any two Council Members may cancel a regular, special, or emergency meeting due to unforeseen emergencies. Whenever there is no pending business before the Council, or whenever the Mayor is notified by the clerk that a quorum will not be present, the Mayor or Mayor pro tem may dispense with a regular or special meeting by instructing the clerk to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting and having a notice of cancellation posted at the meeting place declaring such.

Councilman Neal clarified that the amendment made in March was cancelling of meeting during declared emergencies only.

Mayor pro tem Morey stated this will cover general emergencies, lack of a quorum or no business items.

MOTION: Mayor pro tem Morey moved to amend the Council Rules of Procedure to include Section 7(d) as recommended by staff. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

GENERAL PUBLIC COMMENT

Mayor Bennett called for public comment and hearing no citizens wishing to speak, Mayor Bennett closed public comment.

COUNCIL COMMENTS

Councilman Holland reported on the Tourism Board.

Occupancy and collections for the month of June were 1.8% which is an increase over last year, and a record for the last three or four years. Unfortunately, calendar year to date is still behind 17%. The break down is hotel businesses is up 2%, vacation rentals up 1.3% and campgrounds are up 32%. We get about 70% of our business in June, July, and August. The restaurants for the month of June are off 10%, calendar year to date

is off 33%. There is still a demand to come here and there's a lot of concern for safety, and most inquiries are for outdoor activities. The Outer Banks is perceived as a safe destination. The 2019 activity report shows Dare County Tourism expanded by 6.7% in 2019 and that's spending of about \$1.27 billion; surpassing the state average growth of 5.6 %. Tax revenue produced by visitors to the Outer Banks equates to about \$3,147 in tax relief to our citizens. So as much as we may sometimes fuss about the tourists, they do provide a pretty good sizable tax break. Please do your part to support our local restaurants as they are struggling.

Councilman Conners reported that the US census deadline has been extended to September 30th and information on how to participate can be found in the Town newsletter. There is a lot of money at stake here, so please complete the census. Nationwide the census rate is down, and the NC percentage rate is lower than the nationwide average. NC stands to lose out on a lot of money.

Mayor Bennett stated he wanted to reaffirm what Councilman Holland reported on the restaurant association. Business is down 25%-30% for the year and they are hoping for a longer fall season to help them out.

ADJOURN

Hearing no other business, Mayor Bennett called for a motion to adjourn.


MOTION: Councilman Holland moved to adjourn the meeting. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0). The time was 6:25 pm.

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk

**Town of Southern Shores
Budget Amendment Number # 13**

Increases			Decreases		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
40-39909	<u>Revenues</u> Unassigned Fund Balance	\$13,500			
53-50300	<u>Expenditures</u> Lifeguard Services	\$13,500			

Explanation: leaves coverage until October 15 with fewer additional guards than option 2

Recommended By:

Cliff Ogburn, Town Manager

Approved By:

Tom Bennett, Mayor

Date

Section 7. Recessed & Cancelled Meetings

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the council may recess the meeting to another date, time, or place by a procedural motion made and adopted, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the council has a website maintained by one or more city employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

(c) Cancelling Meetings due to Declared Emergencies. The Mayor, the Mayor pro tempore or any two members of the Council may cancel or reschedule any regular, special, or emergency meeting during declared emergencies. Notice is to be provided (a) to the Mayor and each Council member; (b) posted on the Council's principal bulletin board, or if none, at the door of the Council's usual meeting room; and (c) emailed to each newspaper, radio station, television station, and person who has filed a written request for notice with the Town Clerk.

(d) Cancellation of Meetings. The Mayor, the Mayor pro tem or any two Council Members may cancel a regular, special, or emergency meeting due to unforeseen emergencies. Whenever there is no pending business before the Council, or whenever the Mayor is notified by the clerk that a quorum will not be present, the Mayor or Mayor pro tem may dispense with a regular or special meeting by instructing the clerk to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting and having a notice of cancellation posted at the meeting place declaring such.