



Town of Southern Shores
Regular Council Meeting
June 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 Monday, June 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, 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: Mayor Bennett moved to amend the agenda to include a closed session. The motion was seconded by Mayor pro tem Morey. The motion passed unanimously (5-0).

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

CONSENT AGENDA

The consent agenda consisted of the following items:

- Council Meeting Minutes- May 5, 2020
- Pickups & Releases

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

STAFF REPORTS

The following Department Heads presented department reports for the month:

- Interim Town Manager/Planning Director Wes Haskett provided a department permit report for the month of May. Also, as directed by Council, the Planning Board will consider a Zoning Text Amendment application that addresses temporary accommodations during a State of Emergency and the current 30-day review requirement for text amendments. Once the proposed ZTA is finalized, the Board will most likely schedule a Special Meeting to consider it following the 30-day review period.
- Interim Town Manager Wes Haskett provided a brief update on Town operations:
 - Town's Response to COVID-19 -Town offices remain closed to the public and all services are still being provided. We will continue to monitor updates from the Governor and Dare County and assess reopening Town offices as restrictions are lifted.
 - East Dogwood Trl. Street Projects-Most of the work on the E. Dogwood Trl. street improvement project has been complete. The only remaining work to be done is seeding and installation of the traffic signal loops.
 - South Dogwood Trl. Walking Path -The remaining work on the path includes fine grading, installation of some shallow stormwater infiltrations areas, seeding and stabilization, crosswalk and bridge lane striping, and the construction of 2 short retaining walls that have been added by change order. The cost of the retaining walls will be covered by a project credit at no additional cost.
 - Debris Removal-The Town of Nags Head contacted me and the Duck Town Manager on May 7th about being included in a Request for Proposals for debris removal following a storm event. We currently have two contracts for debris removal: A contract with SDR as the primary contractor through an agreement with Dare County and a contract with CrowderGulf as a secondary contractor through an agreement with Nags Head. Both contracts are in effect until 2021. Nags Head's intent is to receive proposals from debris removal contractors in an effort to enter into a new contract that reflects current FEMA procurement /contractual requirements. The deadline for submitting proposals to the Town of Nags Head is June 4th.
 - Hazard Mitigation and the Outer Banks Hazard Mitigation Plan-Work on the Outer Banks Hazard Mitigation Plan began in March 2019 which includes Currituck County, Dare County, and all of the municipalities. A consultant assisted us in the development of the plan which included Committee meetings, a survey, and public input meetings. We will be requesting adoption of the Plan at the July 7th Council meeting. The Plan, meeting minutes, and presentations can be found on the project website at obx-hmp.com.
 - Beach Nourishment- As directed by Council, a mailer was sent to every property owner in the Town in an effort to receive public input on a potential beach nourishment project. The mailer was also distributed in the Town Newsletter and posted on the Town's Facebook page. At this point, we have received 25 responses. All responses will be compiled and provided to you prior to the June 16th public hearing on a potential project.

- Police Chief David Kole presented the Police Department's report for May.
- Fire Chief Ed Limbacher presented the Fire Department's report for May.

GENERAL PUBLIC COMMENT

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

Public Comment-Ann Sjoerdsma-69 Hickory Trl.- The cut thru traffic needs to be addressed by implementing no left turn on weekends. Also, please restore traditional recycling by contracting with RDS.

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

NEW BUSINESS

PUBLIC HEARING- CONSIDERATION OF MANAGER'S PROPOSED FY 20-21 BUDGET.

Town Attorney Gallop opened the public hearing and called for comment:

1. J. Charles Smith-via email and read into the record-supports the budget line item for \$19,500 in the next fiscal year, which starts July 1, 2020, for three trial no-left-turn weekends this summer.

Town Attorney Gallop closed the public hearing.

Mayor Bennett asked Council if they had any thoughts. Councilman Holland stated he felt it was very frugal, to which Mayor Bennett agreed.

Finance Officer Bonnie Swain stated in reference to the emailed comment, that there is no line item in the budget for "no left turns" and if Council decides to do this in the future, it would need to be in the form of a budget amendment.

Mayor pro tem Morey asked Finance Officer Bonnie Swain if any revenues and expenditures have changed since the budget workshop meetings. Ms. Swain replied that the Town has received reduced occupancy money, as expected, but the sales tax revenues were actually higher.

MOTION: Hearing no other comments from Council, Mayor Bennett moved to adopt the budget ordinance and the budget as presented. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

NEXT AGENDA ITEM

PUBLIC HEARING- NEW FLOOD MAPS AND UPDATE TO SOUTHERN SHORES TOWN CODE CHAPTER 16, FLOOD DAMAGE PREVENTION ORDINANCE.

Interim Town Manager/Planning Director Wes Haskett presented the staff report for an amendment of the Town Code (TCA) by amending Chapter 16, Flood Damage Prevention and adoption of Preliminary Flood Maps.

ANALYSIS-Typically, FEMA requires local Flood Insurance Rate Maps (FIRMS) and flood ordinances to be updated every ten years. The current FIRMS for Dare County and the Town of Southern Shores became effective on September 20, 2006. The preliminary FIRMS were released on June 30, 2016 and become effective on June 19, 2020. Town Staff and officials from Dare County and the other Municipalities have been meeting regularly as a CRS Users Group since the Preliminary FIRMS were released. Discussion has primarily focused on public awareness of historical flooding, property owners dropping flood insurance policies vs. potential flood claims and their impact on local, State, and Federal levels, responsible building practices, and developing higher regulatory standards for construction.

The preliminary FIRMS have been available for viewing on the State's Flood Risk Information System website. The proposed language for updating our Flood Damage Prevention Ordinance and a summary of proposed changes have been provided to you and made available to stakeholders. The proposed language has been color coded to indicate the source of the proposed changes: The required Federal and State clarifications and modifications are indicated in green, Town Staff's recommended changes are in purple, and the Town Planning Board's recommended changes are highlighted. Staff recommendations are consistent with the CRS Users Group's recommendations and have been reviewed and approved by the State. Included in Staff's recommended changes is a minimum building elevation of eight (8) feet above mean sea level throughout the entire Town either through freeboard requirements or a local elevation standard of 8 feet in the AE, AO, Shaded X and X Zones. The VE Flood Zone is subject to the designated base flood elevation (BFE) on the FIRM and staff is recommending a freeboard requirement in addition to the BFE.

Our Permit Officer and Floodplain Administrator, Dabni Shelton, spent a significant amount of time getting us to where we are today in this process, and she has done a great job in doing so.

RECOMMENDATION-The Town Planning Board unanimously recommended approval of the proposed TCA at the May 18, 2020 Planning Board meeting.

Town Attorney Gallop opened the public hearing and called for comment. The following citizens offered comment:

1. Marc Martin- via zoom-191 Wax Myrtle Trail-thanked staff for all the hard work for getting the ordinance to where it is now. The ordinance language itself fits issues that we have had over the years. Would like the ordinance effective as soon as possible.

Councilman Neal asked if there was any way to make the maps effective tomorrow, expedite the map adoption? Permit Officer Dabni Shelton replied that the new language will be effective immediately, but for insurance purposes, the new maps will not be effective until June 19, 2020.

Mayor pro tem Morey thanked staff for all the work.

MOTION: Mayor Bennett moved to adopt TCA-2020-01 to replace the existing chapter 16 flood damage prevention ordinance with the revised chapter 16, effective today June 1, 2020 and to adopt the new flood maps to become effective June 19, 2020. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

NEXT AGENDA ITEM

DISCUSSION OF NO LEFT TURN WEEKEND

Councilman Neal stated he would like to see a budget amendment brought forward at the July meeting to cover three no left turn weekends. He stated he would like to schedule the dates at this current meeting, if approved, and then the budget amendment at the July 7, 2020 Council meeting.

Councilman Neal stated the weekends traffic was a third of last year's July traffic, so that is a picture for what is to come.

Mayor pro tem Morey stated Mr. Neal's traffic count numbers are numbers provided by the police department's counters that are set up around town. She also stated an email was received from the Chairman of the Cut Thru Traffic Citizen Committee and that the committee supported the no left turn weekends, the committee will reconvene in the fall and would like the traffic count results when available.

Mayor Bennett stated he didn't see the volume of traffic over Memorial Day weekend. He stated Council had discussed at a prior meeting possibly three weekends in July if the volume of traffic was evident.

Councilman Holland stated he was concerned that if the volume of traffic is not here, then we will not get the data that we are actually looking for. Councilman Neal stated he had that concern as well but would first like to see if Council is agreeable to do the no left turn traffic initiative. Then, if agreeable, decide the dates so the Police Chief can make arrangements.

MOTION: Councilman Neal moved to have Council proceed to seek a budget amendment for a three weekend no left turn traffic initiative. The motion was seconded by Mayor pro tem Morey. The motion passed (4-1) with Mayor Bennett being the sole opposing vote.

Councilman Neal stated he would like to specify that the budget amendment will come from the unassigned fund balance.

After conferring with Chief Kole, and by **consensus of Council**, Council agreed to the weekends of July 4 and 5, July 25 and 26, and August 1 and 2.

Interim Town Manager Wes Haskett stated NCDOT representative Jerry Jennings who previously attended the traffic committee meeting has since retired. Mr. Haskett has reached out to another representative and is still waiting on a response. Originally, they discussed the possibility of more signage and text/ phone alerts as you travel into Dare County. He will keep Council informed, once he receives a response. Mr. Haskett also stated he will be getting an MOU from Kitty Hawk, as has been done during the previous no left turn trial weekend.

NEXT AGENDA ITEM

RECYCLE UPDATE & OPTIONS/CONTRACT

Interim Town Manager Wes Haskett provided a brief update to the recycling contract. He stated the Town Attorney/representative from HREM and himself have provided both Bay Disposal and RDS with contracts and they currently are being reviewed by both parties. Hopefully we will have something we all can agree to in the next few weeks and able to execute a contract in July, the latest. Bay Disposal would be collecting the materials and taking them to RDS to be processed/recycled. This option, rather than Wheelabrator, is an increase of \$5,701 and will require a budget amendment but the materials will be recycled, rather than incinerated. Mr. Haskett read an update provided by Bay Disposal stating that expected costs for FY 2020-2021 should remain the same as the current cost. The current cost is \$6.59/per home monthly for an estimated annual total of \$189317.52 in FY '20-21. We currently do not foresee any change in recycling costs to the Town for FY20-21 unless there is a drastic change to the current market conditions.

The current process for the disposal of recyclables collected in the Town of Southern Shores is that the material is offloaded at the transfer station in Currituck and then loaded into a tractor trailer. The tractor trailer hauls the material to Wheelabrator in Portsmouth, VA, where the material can be reused at the waste-to-energy facility.

Currently, the available recycling and waste-to-energy facilities include the following:

Wheelabrator (Waste-to-Energy facility) Portsmouth, VA

TFC Recycling (Recycling Facility) Chesapeake, VA

RDS Recycling (Recycling Facility) Portsmouth, VA

American Recycling (Recycling Facility) Manassas, VA

NEXT AGENDA ITEM

CONSIDERATION OF RESPONSES TO RFQ-TOWN ENGINEER

Mayor pro tem Morey stated she has read the submitted engineer statement of qualifications but has not had sufficient time to do her due diligence and would like to table the determination until the next meeting.

Councilman Holland stated he didn't have a problem tabling the item, but not past the June 16th Workshop meeting.

Councilman Neal's preference was to wait until the new Town Manger starts.

Mayor pro tem Morey was agreeable with Councilman Neal and providing the current engineer with a 30-90-day extension on the current contract.

Councilman Conners stated it was ultimately the Council's decision and saw no need to postpone.

Mayor pro tem Morey stated she was not ready to make a decision and is asking of her fellow Council Members, an extension.

MOTION: Councilman Conners moved to hire Andy Deel/Joe Anlauf as the Town Engineer. The motion was seconded by Mayor Bennett.

Councilman Neal and Mayor pro tem Morey both stated they would like the percentage of engineering fee's per project. Finance Officer Bonnie Swain stated she could certainly provide those numbers at a future date.

Mayor Bennett asked Mr. Conners if he would amend his motion to accommodate Mayor pro tem Morey and Councilman Neal's request to postpone the decision to the meeting in mid-June, but not beyond that.

Councilman Holland moved to amend Councilman Conners motion by tabling the consideration of the original motion until June 16, 2020 meeting. The motion was seconded by Councilman Neal. The motion passed unanimously (5-0).

Town Attorney Gallop reminded Council that on June 16th, Councilman Conners motion will come back up first, at which time it could pass or fail. If it fails, then other motions can be considered.

GENERAL PUBLIC COMMENT

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

1. Ann Sjoerdsma-69 Hickory Trail- Thank you for the vote on three no left turn weekends. Zoom is not user friendly, perhaps the beach nourishment public hearing on June 16th can be open to the public.

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

MAYOR COMMENTS & COUNCIL COMMENTS

Mayor pro tem Morey reminded the public of the beach nourishment public hearing scheduled for June 16th. Thanked Council members for her extension of time to review the engineering submittals.

Councilman Neal thanked Chief Kole and his officers for all they do.

CLOSED SESSION

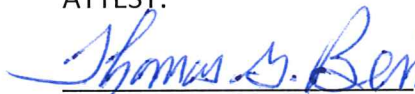
MOTION: Mayor Bennett moved to go into closed session. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

Upon returning to open session, Mayor Bennett moved again to go into closed session, this time stating the purpose. Closed session pursuant to North Carolina General Statute 143-318.11(a)(3) to consult with the Town Attorney in a manner preserving the attorney client privilege in regard to Blackburn v. Dare County et al., United States Eastern District File No. 2:20-CV-27. The motion was seconded by Councilman Holland. The motion passed unanimously (5-0).

ADJOURN

MOTION: Upon returning to open session and hearing no other business, Councilman Holland moved to adjourn the meeting. The motion was seconded Councilman Neal. The motion passed unanimously (5-0).

ATTEST:


Thomas G. Bennett, Mayor



Respectfully submitted,


Sheila Kane, Town Clerk