



# Town of Southern Shores

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

Phone 252-261-2394 / Fax 252-255-0876

[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

7

8

## 9 MEETING MINUTES

10 PLANNING BOARD-DECEMBER 20, 2021, 5:00 P.M.

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

12

13

### 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, Richard Galganski, Jan Collins, Tony DiBernardo (Vice Chairperson), Andy Ward  
17 (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 Vice Chairperson DiBernardo **moved** to approve the agenda, Seconded by Planning Board  
24 Member Burek. The motion passed unanimously (5-0).

25

### 26 IV. APPROVAL OF MINUTES

27 Vice Chairperson DiBernardo **moved** to approve the minutes of November 15, 2021, as  
28 amended, Seconded by Planning Board Member Lawler. The motion passed unanimously (5-0).

29

### 30 V. PUBLIC COMMENT

31 None

32

### 33 VI. OLD BUSINESS

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

35 Chairperson Ward had previously requested each board member provide five recommendations,  
36 comments, or changes for Chapter 26 Solid Waste. Chairperson Ward and the board members  
37 reviewed all the comments and recommendations. Ordinance comments were as follows  
38 (summarized by Chairperson Ward):

39

#### 40 **Tony DiBernardo:**

41 1. Clear, prominent and consistent labeling for all Trash and Recycling receptacles. Labeling to  
42 include "Trash", "Recycling", Arrows toward street.

43 2. Trash or Recycling placed outside the receptacle on the street is prohibited and subject to  
44 citation.

45 3. Trash and Recycling receptacles must be rolled back within 24 hours of pick up ... subject to  
46 citation?

- 47 4. Establish minimum number of required Trash and Recycling receptacles per rental housing  
48 unit. TBD based on number of bedrooms.  
49 5. Clear, systematic, and prominent communications strategy (directed to all homeowners,  
50 renters, rental agencies) will be established and implemented.  
51 6. Section 26-9(b): Add "Recyclable materials shall be placed in receptacles loose and not  
52 bagged".  
53 7. Section 26-2: Add "lidded" to definition of receptacles.  
54

55 **Lynda Burek:**

- 56 1. Establish a fine/penalty amount for violations (Schedule of Solid Waste Fees and Charges):  
57 • Garbage/yard waste first violation: Initial warning letter.  
58 • Garbage/yard waste second violation: \$100 administrative fee.  
59 • Garbage/yard waste third violation in a 12-month period: \$250 civil penalty for each 24-  
60 hour period the violation continues to exist.  
61 • Recycling waste violation: \$150 administrative fee per violation, \$250 civil penalty per  
62 violation.  
63 2. Residential service requirements  
64 • Lids must close. All waste must be contained within the containers used.  
65 • No additional refuse may be placed next to or on top of the container for collection.  
66 • If additional capacity is needed to contain refuse for collection each week, additional  
67 containers will need to be provided.  
68 • Materials must be set out no earlier than 6:00 p.m. on the day before the collection, and  
69 no later than 3:00 a.m. on the day of collection.  
70 • Roll carts must be pulled back to the residential structure by 5:00 p.m. on the day of  
71 collection.  
72 • Roll carts may not be left at the curb throughout the week.  
73 • Ineligible material must be removed from the right-of-way within 48 hours of the day of  
74 collection.  
75 • Garbage, recycling, bulk waste and yard waste must all be neatly separated and contained  
76 within the proper container, where applicable.  
77  
78 3. This list shows citable noncompliance actions:  
79 • Excessive volume of materials.  
80 • Co-mingled or mixed materials.  
81 • Improperly prepared materials.  
82 • Roll carts not pulled in from the curb to the home or business in a timely manner.  
83 • Materials set out off schedule.  
84 • Setting out ineligible or inaccessible materials.  
85 4. Enforcement procedures:  
86 • To enforce these noncompliance actions, a warning notice posted on the property  
87 informing the owner of the corrective action that needs to occur. First steps are  
88 communication, customer awareness and voluntary compliance. If a rental property,  
89 appropriate notice is provided to the property management company.  
90 • 48 hours later, the code enforcement officer will follow-up on the locations to be sure  
91 that the corrective action has occurred. If not, the Town will take corrective action and bill  
92 the property owner in accordance with the Schedule of Solid Waste Fees and Charges. The

93 property owner will be informed that any further violations may result in a citation and  
94 restitution.

95

96 **Ed Lawler:**

- 97 1. What's going in the containers? Are beach chairs recyclable?
- 98 2. How do you get in touch with tenants?
- 99 3. How efficient is the recycling? Overflow trash gets thrown in a recycling receptacle.

100

101 **Rick Galganski:**

- 102 1. Lidded receptacles are a must. Should be able to close the lids.
- 103 2. Not supposed to get rid of grass clippings.
- 104 3. Policing: Who's going to do it?
- 105 4. Contractor should be responsible.
- 106 5. Need proper number of receptacles.

107

108 **Jan Collins:**

- 109 1. Need to clean up nonresidential language.
- 110 2. Rental company should be responsible, not the owner.
- 111 3. Every two bedrooms we add another trash receptacle.
- 112 4. Should add more than one recycling receptacle.
- 113 5. Rental companies take over the obligation of taking the trash receptacles out to the curb &  
114 bring them back & just charge a fee that is covered in the rental cost, that way it is done properly  
115 & bins aren't left out.
- 116 6. Add "property managers" to Section 26-13.
- 117 7. Delete Section 26-21?

118

119 **Andy Ward:**

- 120 1. Section 26-5: 4 ft. clearance asked. 3 ft. is more reasonable.
- 121 2. If we have repeat violations, we cite the rules.
- 122 3. Section 26-5(b): Receptacles "should" be rolled back? It should say "shall".
- 123 4. The Police Dept. and Public Works Dept. may need to be involved in enforcement. It needs to  
124 at least be explored.
- 125 5. Require a database with phone numbers to contact rental companies.
- 126 6. Have a policy to have the Public Works Dept. roll receptacles off of the edge of the road,  
127 during certain times of the year.
- 128 7. Require all rental operators to register with the Town and provide contact information for  
129 property management.
- 130 8. Revise Section 26-6(a) to be based on bedrooms or septic capacity. Add:
  - 131 • 8-10 occupants: 4 trash receptacles, 2 recycle receptacles.
  - 132 • 12-16 occupants: 5 trash receptacles, 2 recycle receptacles.
  - 133 • 16+ occupants: 6 trash receptacles, 3 recycle receptacles.
- 134 9. Add to Section 26-5(b): Receptacles shall have an operable lid.
- 135 10. Add property management and rental companies to Section 26-5(c).
- 136 11. Add "trash around receptacles" to Section 26-5(c).
- 137 12. Add labeling requirement to Section 26-5(a)?
- 138 13. Section 26-12(c): Add "Lids shall be operable (or functional) and cover entire receptacle".
- 139 14. Section 26-2: Add "with lids attached and in good working order" to definition of receptacles.

140  
141 Chairperson Ward stated it is common-sense ways for improvement that will not cost a lot of  
142 money and it starts with the real estate companies. They need to be leaned on and if it is in an  
143 ordinance then all real estate companies can be provided a one-page explanation (handout) of  
144 what is expected.

145  
146 Planning Board Member Lawler asked if Bay Disposal should be brought into the discussion?  
147 Chairperson Ward stated there are a few questions we could ask of them, yard clipping, can  
148 spacing. The main challenge lies with the one placing the receptacle out for service and the  
149 rental companies. The ordinance needs to be clear and concise.

150  
151 Chairperson Ward stated how we move forward with our requisition and request to the Town is,  
152 we need to come up with what we would like to see staff work on if Town Council says to go  
153 forward with the Planning Board recommendations. Chairman Ward volunteered to go to the  
154 appropriate Council meeting as the Planning Board Chairman and lay out what the Planning  
155 Board has discussed.

156  
157 Chairperson Ward requested Planning Director Wes Haskett to provide him a summary list of  
158 recommendations before the next meeting.

159

160 **VII. New Business**

161 None

162

163 **VIII. Public Comment**

164 Leo Holland- Council Member Leo Holland was in attendance and provide his perspective,  
165 common complaints, and the challenges that have come with collections of recycle and solid  
166 waste in town.

167

168 **IX. Planning Board Member Comments**

169 None

170

171 **X. Announcements**

172 Planning Director Wes Haskett stated the next meeting is Tuesday, January 18 at 5:00 p.m.  
173 and presented the 2022 Planning Board Meeting Schedule. The Planning Board adopted the  
174 meeting schedule by **consensus**. All meetings will occur at 5:00 p.m. on the third Monday of each  
175 month with a few exceptions due to holidays or conflicts; January, February, and the month of  
176 May.

177

178 **XI. Adjourn**

179 Hearing no further business, **motion** made by Vice Chairperson DiBernardo to adjourn, Seconded  
180 by Planning Board member Lawler. Motion passed unanimously. The time was 7:02 P.M.

181

182

183 ATTEST:

Respectfully submitted,

184

185 \_\_\_\_\_  
Andy Ward, Chairperson

\_\_\_\_\_  
Sheila Kane, Town Clerk

*Andy Ward*

Andy Ward, Chairperson

*Sheila Kane*

Sheila Kane, Town Clerk