



MINUTES
TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED MEETING (*COVID-19*)
WEDNESDAY, FEBRUARY 17, 2021

The Nags Head Board of Commissioners met on Wednesday, February 17, 2021 at 9:00 a.m. for a Recessed Meeting at the Douglas A Remaley Fire Station 16 located at 5314 S Croatan Highway in Nags Head, North Carolina.

Board members Present: Mayor Ben Cahoon; Mayor Pro Tem Michael Siers; Comr. Renée Cahoon; Comr. Webb Fuller; and Comr. Kevin Brinkley

Board members Absent: None

Others present: Attorney John Leidy; Interim Town Manager Greg Sparks; Andy Garman; Karen Snyder; Amy Miller; Michael Zehner; Kelly Wyatt; Ralph Buxton; John DeLucia; and Town Clerk Carolyn F. Morris

Via Zoom: Terry Haugen; Kate Jones

CALL TO ORDER

Mayor Cahoon called the February 17th Board of Commissioners recessed meeting to order at 9 am. Mayor Cahoon explained that today's meeting is an in-person meeting as opposed to a Zoom remote meeting per the attorney's direction for the actions of today's meeting. He stated further that the Board will return to remote meetings with its March 3rd meeting.

A moment of silence was followed by the Pledge of Allegiance.

ADOPTION OF AGENDA

MOTION: Comr. Fuller made a motion to approve the February 17th agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

PUBLIC COMMENT

Mayor Cahoon confirmed with the Town Clerk that no one present wished to speak and no emails were received for Public Comment.

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Budget Adjustment #11 to FY 20/21 Budget
- Request for authorization to enter into Decentralized Wastewater Mgmt Plan services contract

MOTION: Comr. Brinkley made a motion to approve the Consent Agenda as presented. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

Budget Adjustment #11, as approved, is attached to and made a part of these minutes as shown in Addendum "A".

The request for authorization to enter into a Decentralized Wastewater Management Plan (DWMP) services contract, as approved, read in part as follows:

"This item is requesting the Board to authorize the Town Manager to enter into a services contract with Tetra Tech for the update of the Decentralized Wastewater Management Plan. Staff released an RFQ to seek out qualified candidates for the update of the Plan. Following submissions from three consultants, Staff began a selection process that included interviews with the two most qualified consultants. Staff utilized a scoring sheet to score the consultants' interviews as well as their initial proposals. Consultants were asked to submit responses to additional questions from Staff following the interviews in order for Staff to further assess their qualifications. Based on consultant interviews, initial proposals, and follow up questions, Staff scoring indicated Tetra Tech as the most qualified consultant. Tetra Tech has partnered with impressive individuals and entities to form a team for this project; these include Project Manager Victor D'Amato, Mary Clark, Dr. A. Robert Rubin, the Coastal Studies Institute and East Carolina University, and North Carolina Sea Grant.

'Staff Recommendation

Staff recommends the Board's authorization to enter into a services contract with Tetra Tech for the update of the Decentralized Wastewater Management Plan utilizing funds available in the amount of \$150,000."

PUBLIC HEARINGS

Public Hearing to consider a Conditional Use Permit and Major Site Plan review submitted by Ralph Buxton of RDB Holdings, LLC for the construction of approximately 196 feet of new dock for Kitty Hawk Water Sports, located at 6920 S. Croatan Highway, Nags Head, NC. The property is zoned C-2, General Commercial and is located within the Commercial-Outdoor Recreational Uses Overlay District and the Ocean and Sound Waters District

Town Attorney John Leidy introduced the Public Hearing to consider a Conditional Use Permit and Major Site Plan review submitted by Ralph Buxton of RDB Holdings, LLC for the construction of approximately 196 feet of new dock for Kitty Hawk Water Sports, located at 6920 S. Croatan Highway, Nags Head, NC. The property is zoned C-2, General Commercial and is located within the Commercial-Outdoor Recreational Uses Overlay District and the Ocean and Sound Waters District. Attorney Leidy explained that the Board sits as a quasi-judicial body and must make its decision: 1) based on competent material and substantial evidence - and those presenting must be sworn in 2) based on information presented, and 3) Board members must be recused if there is basis for believing that they would not be able to be an impartial decision maker - to include a commissioner having a fixed opinion not susceptible to change.

Comr. Fuller stated that while he has had direct discussion with the applicant and the applicant's agent re: the process, he did not form an opinion re: the particular application and he has no fixed opinion. Attorney Leidy confirmed with Comr. Fuller that he could base his opinion only on the information presented today. The time was 9:05 a.m.

The following persons were sworn in by the Town Clerk: Planning Director Michael Zehner, Dep Planning Director Kelly Wyatt, Applicant Ralph Buxton, and Albemarle & Associates representative John DeLucia.

Notice of the Public Hearing was published in the *Coastland Times* on Sunday, February 7, 2021 and on Sunday, February 14, 2021 as required by law.

Dep Planning Director Kelly Wyatt summarized her report which read in part as follows:

"Applicant: Ralph Buxton of RDB Holdings, LLC.

'Application Request: Conditional Use Permit/Major Site Plan Review; with respect to the Site Plan Review, based upon the scope, this project would meet the requirements allowing for Minor Site Plan Review; however, as allowed under the UDO, the UDO Administrator determined that the project requires Major Site Plan review due to other project activities or unique circumstances related to the proposed pier, its length, the alteration of the operations of the watercraft rental use from shore-based to pier-based, and the proximity of other water-based structures and uses.

'Purpose: Construction of approximately 196 feet of new dock for Kitty Hawk Water Sports to better facilitate operation of existing water dependent commercial outdoor recreational activities.

'Property Location: 6920 S. Croatan Highway, Nags Head.

'Existing Land Use: Water-dependent commercial outdoor recreational uses, retail.

'Zoning Classification of Property: C-2, General Commercial and is located within the Commercial-Outdoor Recreational Uses Overlay District and the Ocean and Sound Waters District.

'Zoning Classification of Surrounding Properties: All properties surrounding this site to the north and south are zoned C-2, General Commercial, as well as located within the Commercial Outdoor Recreation Overlay District and the Ocean and Sound Water District. Properties to the east, directly across US

'Flood Hazard Zone of Property: AE 4; per the Town of Nags Head local ordinance, the property is subject to an RFPE/LES of 9'. There are no structures requiring elevation included within the proposed scope of work.

'Land Use Plan Map/Policies: The 2017 Comprehensive Plan Future Land Use Map classifies this property as Waterfront Commercial Recreation, it is also located within the Soundside Activity Node. Below is the description of this classification: *The Waterfront Commercial Recreational designation recognizes and capitalizes on the unique natural resources and viewsheds in this area. This designation is intended to accommodate high quality development with a focus on small, low scale hotel type development and regional point of community gatherings and events. Other appropriate uses include multi-family, commercial, retail, restaurant (walk-up/sit down), personal service establishments, indoor entertainment, indoor/outdoor recreation, water dependent uses, gallery/museum, institutional uses, and gymnasium/fitness studio. Planned, mixed use development with an emphasis on pedestrian connectivity is highly desirable. Development should be oriented not only to the road but the water as well. Additionally, access to the water*

and protection of viewsheds is important.

'When determining if the proposal is consistent with the Land Use designation staff considered the following excerpts and policies as being relevant:

- Page 3-16, LU-7 reads, "Review regulations in the Ocean and Sound Waters Overlay District and the Commercial Outdoor Recreation Overlay District to ensure proper use of the ocean and sound waters, including islands that adjoin the town, to ensure the continued scenic, conservation and recreational value that these waters provide to the town, its residents, visitors and the surrounding area."

LU-7a: "Review regulations for commercial boating and personal watercraft to maintain compatibility with adjacent uses and the estuarine environment."

- Also, on page 3-16, LU-8 reads "Ensure proposals for future commercial uses in the sound are not detrimental to the marsh, sound bottom, and submerged aquatic vegetation. Compatible sound uses will not increase turbidity in the water and will maintain overall water quality. The town will not support upland excavations for the development of canals or uses that will destroy significant areas of wetlands or marsh."

- Page 3-45 "Just beyond the marshes, submerged aquatic vegetation, which thrives on the sound bottom, provides important habitat and spawning areas for fish, crabs, and other marine life."

- Page 3-47 "The goal of the town is to maintain and improve estuarine water quality and natural estuarine functions while providing water-based recreation opportunities that do not compromise water quality goals."

- Page 3-48 Natural Resources and Resiliency Policies NR-1, NR-2 and NR-4 speak to the protection of estuarine shorelines.

- Page 3-122, EC-6 reads, "Support and foster small, local businesses that preserve and uphold the vision and legacy of the town".

'Staff finds this proposal to be consistent with policies supporting access to the water and water-based recreation opportunities as well as support of local businesses. Staff also finds that the proposal improves the conditions of the watercraft rental operations with respect to the protection of the estuarine resource.

'SPECIFIC INFORMATION

'Applicable Zoning Regulations:

- Use Regulations: Water dependent commercial outdoor recreational activities are permitted via Conditional Use within the Commercial Outdoor Recreation Overlay District. Additionally, personal watercraft rental is permitted via Conditional Use within the Ocean and Sound Waters District.

- Lot Coverage: There are no additional lot coverages being proposed as part of the Conditional Use/Major Site Plan request for construction of the dock. Separately, the property owner intends to replace the existing wooden walkway over land with hogslats, all of this work is to be within the existing footprint with no additional coverages as part of that project as well.

- Height & Architectural Design Standards: There are no structures associated with this request to be regulated by height or architectural design requirements.

- Parking: There is no change or alteration to the operation of the water dependent uses, only the construction of the dock to enhance customer safety and water accessibility therefore existing parking is adequate.

- Buffering/Landscaping: Planning staff will ensure that all onsite landscaping and buffering is compliant prior to the issuance of final zoning.

- Lighting: Lighting will be unchanged however a light audit will be conducted by staff prior to issuance of Final Zoning Approval to ensure continued compliance.

- Signage: No changes to signage is proposed as part of the scope of work.

'Water and Sewage Disposal: The scope of work proposed does not necessitate review and approval by

the Dare County Health Department.

'Stormwater Management & Traffic Circulation: The scope of work proposed does not necessitate stormwater management and traffic circulation review.

'Fire: The Project will be required to comply with all applicable NC Fire Prevention Code requirements as part of building permit application review and issuance.

'Public Works: The Public Works Director has reviewed and approved the proposal as presented.

'CAMA: A CAMA Major Permit is required for this proposed use. No Building or Zoning permits will be issued prior to receipt of the proper CAMA Major Permit review and approval.

'ANALYSIS

In researching the history of permit issuance on this site, Staff located the minutes from the 1994 approval of this use. At that time, outdoor recreational activities, such as personal watercraft rental, were permitted by-right, and at that time Mr. Buxton received the appropriate site plan approval. Bumper boats were permitted via the Conditional Use process for which Mr. Buxton received the appropriate CUP approval. Commercial-outdoor recreational activities are no longer permitted by right, they are permitted via the Conditional Use process, thus, the applicant is seeking CUP approval at this time.

'Staff finds the proposed Conditional Use/Major Site Plan review to be consistent with the applicable use and development standards, as well as relevant land use policies.

'Section 3.8.4.6 of the Unified Development Ordinance states that the Board of Commissioners shall issue a Conditional Use Permit if it has evaluated an application through a quasi-judicial process and determined that:

1. The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted.
2. The use, as proposed, will not overburden the firefighting capabilities and the municipal water supply capacity of the Town as such facilities and capabilities will exist on the completion date of the conditional use for which application is made.
3. The conditional use will be in harmony with the existing development and uses within the area in which it is to be located.
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

'STAFF RECOMMENDATION

Based upon Staff's review of the proposal and the aforementioned considerations, Staff recommends approval of the Conditional Use/Major Site Plan application as presented.

'PLANNING BOARD RECOMMENDATION

At their January 19, 2021 meeting the Planning Board voted unanimously to recommend approval of the Conditional Use/Major Site Plan application as presented."

John DeLucia, Albemarle & Associates spoke representing applicant Ralph Buxton in this matter; he said that there is no change in use; they want to bring the pier up to today's standards - since 1994 there has been a lot of abuse to the pier and they want to make it safer for watercraft users as well as employees; getting the watercraft out of the water for maintenance is safer and provides a much better environment for everyone.

Comr. Fuller wanted to make sure the applicant is aware that the Town is planning on installing a soundside boardwalk in that area.

There being no more evidence to present and no more questions, Attorney Leidy concluded the Public Hearing at 9:17 a.m.

MOTION: Comr. Renée Cahoon made a motion to approve the Conditional Use Permit subject to the five (5) conditions listed, to include the required findings of fact, as follows:

1. The use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted.
2. The use, as proposed, will not overburden the firefighting capabilities and the municipal water supply capacity of the Town as such facilities and capabilities will exist on the completion date of the conditional use for which application is made.
3. The conditional use will be in harmony with the existing development and uses within the area in which it is to be located.
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The motion was seconded by Comr. Fuller.

Mayor Pro Tem Siers confirmed that site plan approval is also subject to CAMA approval.

CONTINUATION OF MOTION: The motion, approved with roll call vote by the Town Clerk, passed unanimously.

OLD BUSINESS

From Feb 3rd Board meeting - Discussion of sandfence installation suggestions from John Cece

Engineering Technician Kate Jones summarized the agenda summary sheet which read in part as follows:

"Recently, John Cece addressed the Board requesting that the Town make changes to the spacing between sand fence panels installed on the ocean beaches. A few of the talking points below may facilitate discussion. It is the opinion of staff that the additional spacing may not be appropriate in terms of dune management and cost effectiveness.

'Staff has conferred with Spencer Rogers of NC Sea Grant to gather opinions on this issue. According to Mr. Rogers, the CAMA sand fence regulations are based on the tolerances of sea turtle managers rather than any dune science. If the reasoning for increased spacing is strictly made from a dune building and/or monetary standpoint, too much spacing between panels may risk not being effective and therefore not a good use of funds. To expand on this notion, it is his opinion that, "where you have no dune grasses or sand elevation and excessive wind transport farther inland is likely, sand fencing is the quickest and best approach. On your low, poorly vegetated shorelines, the densest allowed fencing installation is recommended. Wider fence spacing would be best avoided in those low elevation areas."

'Nags Head beaches are dynamic. Clearly, a one size fits all approach may not be prudent, as local conditions change rapidly from one season to the next, and varying needs exist for dune management. In the areas of the beach where higher dune elevations are present, it may be a better investment to focus on dune vegetation. As Mr. Rodgers states "In general, The Dune Book and I recommend investing in dune grasses for longer-term dune management rather than sand fencing, whenever possible. The existing dune elevations and vegetation are a better barrier to excessive wind-blown sand transport than a sand fence." The key here is that this is appropriate in areas with already existing dune elevations.

'As the board is aware, the existing spring 2021 sand fence installation project is already in motion. However, it is possible and likely that areas exist within the project footprint where sand fencing may not be the best management approach. These decisions can be made in the field, using common sense and experience, and sand fence omitted. If there is an opportunity to use less sand fence, that money can remain unspent, and used in the future for alternative dune management practices, cost sharing etc. In short, it may be more prudent for staff to focus on discerning which areas need sand fence and see that these are installed with the tighter 10' spacing, and also identify areas that do not need sand fence at all, rather than install at a spacing that seems somewhat random and untested.

'Moving forward, it may be a good idea to develop a cost share program to incentivize dune building further westward, out of the public trust area. Mr. Rodgers also states that "It is common practice for sand fences to be installed too far seaward and when not needed. Storm protection would be better served by allowing the sand to build a larger dune farther landward. That can be a particular problem on beach fill projects planning long maintenance cycles, like Nags Head. Long-term erosion at the end of the maintenance cycle can remove the lower, more seaward dunes when a higher dune farther landward would have remained."

'With this in mind, staff does not see the need to adjust the sand fence spacing at this time."

Ms. Jones stated that at this time, since a project is in the works with a pending contract, with the comments noted by Spencer Rogers of Sea Grant, as well as with the items pointed out in the summary sheet, staff would like to maintain the project as it was presented originally.

Comr. Fuller pointed out that Spencer Rogers' comments were more opinion rather than fact; Ms. Jones agreed but indicated that Spencer Rogers' experience means that his opinion is based on fact and science that he has developed over the years.

Comr. Fuller responded that John Cece also has a vast amount of knowledge/experience that he has developed over the years.

Comr. Brinkley felt that based on Mr. Cece's experience in this area that the spacing should at least be tried.

Comr. Fuller said that if sandfencing is spaced at 20' and it doesn't work, more fencing can then be installed. During his discussions with oceanfront owners one of their concerns is to be asked if they want a sand fence or not. He does not see a down side to trying it.

Mayor Pro Tem Siers felt that since re-establishing the sand dune is the purpose of the sand fencing, that a 20' span in the right area may be okay but in most areas he feels 10' spacing would be better to catch sand and keep it; he feels it comes back to what we are trying to do which is to build up the dunes. He suggested that the spacing only be tried in the appropriate areas.

It was Board consensus that in order to get as many dunes built per the dollar, that if there are areas that need sandfencing at 20' spacing, or if needed at less than 10' spacing, that staff should install at what would work best by being flexible; this is in addition to taking into account those owners who don't want sandfencing at all.

Town Manager Sparks was asked to respond back to Mr. Cece with a report of today's discussion.

NEW BUSINESS

Recommendations for Town Recycling Plan from the Waste Reduction Task Force

Dep Town Manager Andy Garman summarized his memo which read in part as follows:

"The Waste Reduction Task Force has been working to provide recommendations to the Board of Commissioners related to the charge it was assigned last year. Since the decision on the town's residential recycling service is critical to planning the sanitation services for the town's upcoming season, the task force is bringing forward a recommendation for board consideration. The task force intends to present a final report on recommendations at an upcoming board meeting.

'The task force has explored alternatives to reinstate the town's residential recycling program which was suspended last summer. Two proposals have been explored: 1) reinstating a town wide program using a combination of town and contracted forces and diverting recycling material to a new facility in Portsmouth, VA, and 2) Initiating a subscription program where residents can opt-in to a curbside service for a fee.

'Alternative 1 would involve modifying the town's current contract with Bay Disposal to divert recyclables to a new recycling processing facility in Portsmouth, Virginia, RDS. Other than the location where material is taken, there would be no other changes to the services provided as part of this arrangement. Bay Disposal would collect recycling from May 1 to September 30 on the blue route (beach road). Town forces would collect recycling in other parts of the town from May 1 to September 30 and would collect the entire town for the remainder of the year. All material would be taken to Bay Disposal's transfer facility in Currituck. From there the material would be transferred to RDS in Portsmouth. This alternative would be provided to all residential properties within the town. The cost of the service would be paid for as part of the town's annual budget as a general fund expense. It is also important to note that the town would need to commit to a three-year contract with this alternative.

'The second alternative involves entering into a contract with a new vendor, TFC Recycling, to offer a subscription service. Earlier this year, the town solicited bids to provide a recycling subscription service via exclusive franchise and received one bid from TFC on January 28th. Property owners would sign up for the service directly with TFC and would be billed a monthly fee. The cost of the service would be borne by the subscribers. The task force has discussed the town subsidizing the monthly fee to encourage participation and to demonstrate the town's commitment to recycling. The bid proposal quoted the monthly rate per subscriber at \$14. The service would be provided one day a week on Monday. Staff would suggest modifying sanitation schedule with this alternative to provide two days of trash service per week.

'Review of Alternatives

Option 1 – Town wide Service, Recycle w/ Bay and RDS

Bay Disposal Collection and tonnage for Blue Route = \$197,250

Bay Disposal Hauling/RDS Processing Charge per Ton for material delivered by town forces = \$81.30

Approximately 580 town tons @ \$81.30 = \$47,154

Total cost for hauling + processing = \$244,404

Service Date for Blue Route = Monday/Friday, Service Date for Red and Green Route = Wednesday.

(Previous full-year cost for recycling contracted services and processing = \$231,540)

'Option 2 – Subscription Service, TFC Recycling

Cost per Household per Month = \$14

Annual Cost per Household = \$168

Processing Fee = included in monthly charge

Annual Cost for 500 customers = \$84,000 (paid for by property owners)

Service Date – Monday, town wide

(The Bid proposal submitted by TFC is attached)

'Recommendation

The Waste Reduction Task Force met on Thursday, February 4th to discuss a recommendation for service recognizing that the board will want to act on a recycling program to be prepared for the upcoming season.

'As the task force deliberated on each alternative, the following goals/values were expressed:

- The town places a strong value towards waste reduction and recycling. We should lead by example and offer programs to our residents and visitors that demonstrate our values.
- The town values efforts to reduce waste and services should be provided in a strategic manner. Recycling is one of many initiatives the town can pursue to further its waste reduction goals.
- The town's goal is to maximize the value of waste reduction programs by ensuring material is handled properly and intended benefits are realized.
- Providing cost-effective services allows the town to extend its reach, offering a greater array of services and service options.
- Given recent history regarding recycling markets and available services, the town seeks stability in the costs and outlets to provide recycling services.
- Education is a key component of successful waste reduction programs. The town should develop a strong education program to increase participation in waste reduction efforts and leverage any and all partners to expand the reach of these efforts.

'Acknowledging the continued changing conditions and rising costs for providing curbside recycling service, the task force is recommending a variation of alternative 2. The task force would like the board to consider an opt-in subscription recycling program and work to increase overall participation. To do this, the task force is recommending that the board consider subsidizing the monthly rate for subscribers.

'This alternative and approach acknowledges many of the goals/values expressed by the committee. TFC Recycling is solid provider of recycling service with over 50 years in the industry. They have the capacity to provide a stable outlet for recyclables, since they process and market the material from their own facilities. Their bid includes any processing and contamination charges. As indicated by TFC, the rate is set to account for market fluctuations which will provide more stability to town subscribers. TFC has a dedicated staff person for recycling education and use a variety of methods and social media outlets to increase participation and education of recycling services. Subscribers tend to be dedicated recyclers and often provide larger volumes of material. The material also tends to be cleaner.

'Below staff has provided the board with background and analysis on the cost of the proposed subsidy. While staff's analysis suggests a subsidy of \$3 to \$5 per month per subscriber, the task force would like to recommend a more aggressive rate. The task force has recommended a range of \$5 to \$7 per month.

'Subsidy Discussion

As the board is aware, moving from a town wide service to a subscription service shifts the cost burden for recycling from the town to the property owner. This includes both collection costs and processing costs. With a subscription service, any material that is recycled no longer requires the town to pay a tipping fee. If the board is inclined to select alternative 2, the task force would suggest the town consider subsidizing the monthly rate paid by the subscriber to offset what the town would have paid in tipping fees. Staff estimates that the monthly tipping fee paid per household averages between \$5 and \$7. Recognizing that not all material would be diverted to recycling, staff would suggest a subsidy in the range of \$3 to \$5 per month. As an example, with a \$4 monthly subsidy, the subsidized rate would be \$10 per month. This would be less than the subscription rates charged in other Dare County communities. The rate in Kill Devil Hills \$12.45 per month and in Manteo it is \$11.35 per month. Using this example, the subsidy cost to the town for 500 subscribers would be \$2,000 per month or \$24,000 per year. While this is certainly less than the town cost for recycling under the previous contract, it would serve to encourage subscribers and demonstrate the town's commitment to maintaining a recycling program at a reasonable cost. Again, the task force has recommended a stronger subsidy in order to encourage participation. It is important to note that when the town last offered a subscription service in 2015, there were a total of 450 subscribers. A stated goal of the task force is to maximize participation. With a \$5 subsidy and if the town were able to achieve 1000 subscribers, the annual subsidy cost would be \$60,000. Some of this cost would be offset by savings in tipping fees. Therefore the budgetary impact would be likely be between \$30,000 and \$40,000 per year.

'Other Considerations

- To make sure this decision is well advertised, the board may consider scheduling a final decision for its March regular meeting.

- For alternative #2, staff will be prepared to suggest route and schedule changes since this will impact service levels.
- For alternative #2, staff is developing plans to handle the existing recycling carts. Preference would be to collect the blue carts and reissue them to subscribers at no charge. Most carts were provided for free initially, however some were paid for and staff is determining an approach that would account for this.
- Ordinance changes are necessary to initiate alternative #2, primarily to modify the number of required carts.
- Staff is working on short and long-term solutions to improve our recycling drop off sites.”

Comr. Brinkley said that he wants to make sure those who paid for carts that were never used are treated fairly; He thanked Dep Manager Garman and the other Task Force members for their recommendation.

Comr. Fuller thanked staff and the Task Force who he feels did a remarkable job with their recommendation.

Mayor Pro Tem Siers thanked both staff and the Task Force for their time.

Comr. Renée Cahoon agreed that both staff and the Task Force did a good job; she questioned what would happen to the trailers at Town Hall and at Public Works. Dep Manager Garman said that they are currently in discussions concerning the recycle trailers. He said that he may return to request additional funding for some equipment; he would like to increase capacity.

Mayor Cahoon also thanked staff and the Task Force and likes the Task Force’s recommendation; he feels that the company that came forward deals only in recycling and that they do actually recycle their materials. An educational campaign to drive the process would also be helpful.

MOTION: Comr. Renée Cahoon made a motion to approve Recycling Alternative #2 for a curbside subscription recycling service with TFC Recycling and to authorize a subsidy of \$5 for each subscriber. The motion was seconded by Comr. Brinkley.

It was noted that the homeowner will deal directly with the recycling company for payment.

CONTINUATION OF MOTION: The motion passed unanimously.

Dep Manager Andy Garman confirmed with the Board that staff was authorized to move forward with the contract options for Alternative #2.

MOTION: Comr. Brinkley made a motion to terminate the existing contract with Bay Disposal, according to the terms of the contract, and to authorize the Manager to enter into a contract with TFC Recycling. The motion was seconded by Mayor Pro Tem Siers which passed unanimously.

The Town Clerk was directed to prepare a letter to the Waste Reduction Task Force members (Kari Bakus, Ann Daisey, Meredith Fish, David Bragg, and Robert Netsch) thanking them on behalf of the Board for the good job they did with a difficult task.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN ATTORNEY

Attorney Leidy - Request for Closed Session

Attorney Leidy asked for a Closed Session in order that the Board may confer with the Town Attorney re: 205 E Baltic Street litigation.

ITEMS REFERRED TO AND PRESENTATIONS FROM TOWN MANAGER

Interim Town Manager Greg Sparks had nothing new to report.

BOARD OF COMMISSIONERS AGENDA

Comr. Renée Cahoon - Consideration of proposed amendment to Town COVID-19 Policy

Comr. Renée Cahoon said that she would like the Board to allow an additional four (4) hours of vacation leave for employees who receive the COVID-19 shot and to amend the COVID-19 Policy - this would only apply for those who receive the vaccine - and those with a doctor's note indicating that they should not be vaccinated.

MOTION: Comr. Renée Cahoon made a motion to authorize four (4) hours of vacation leave, for calendar year 2021, for each employee that completes the COVID-19 vaccine protocol; and to amend the COVID-19 Town Policy to reflect this; and to also be authorized for those unable to follow the vaccine protocol with a doctor's note; to take effect from this point forward. The motion was seconded by Comr. Fuller.

Mayor Pro Tem Siers wants to make sure it is clear that if someone turns down the opportunity to receive the COVID-19 vaccine, they are unable to receive the additional four (4) hours of vacation leave - unless they have a doctor's note indicating they should not receive the vaccine.

Attorney Leidy noted that the Town took previous action to extend the emergency paid sick leave through the CARES Act to March 31st. He stated that this is another way to provide benefits for those unable to get vaccinated.

CONTINUATION OF MOTION: The motion passed unanimously.

Comr. Renée Cahoon - Hotels and Religious Facilities in the UDO

Comr. Renée Cahoon pointed out unintended consequences when the Board adopted the Unified Development Ordinance (UDO); she did not realize when adopting the UDO that hotels and churches in strip malls became nonconforming; this would be a prime time to clean up the UDO for these two uses. She would like to return the code to what was in the Town's previous zoning ordinance. Board members agreed.

Director Zehner stated that the Board needs to first go through the text amendment process, per the State Statute.

