



Town of Holden Beach
Board of Commissioners
Special Meeting

Tuesday, December 18, 2018
10:00 AM

Holden Beach Town Hall
Public Assembly



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS' SPECIAL MEETING
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY
TUESDAY, DECEMBER 18, 2018 – 10:00 A.M.**

1. Call to Order
2. Public Comment
3. Discussion and Finalization of Ordinance 18-16, An Ordinance Amending the Holden Beach Code of Ordinances, Chapter 50: Solid Waste (For Possible Adoption at the December 18, 2018 Regular Meeting) – Commissioner Kwiatkowski (Pages 1 – 5)
4. Discussion and Decision on Preferred Rollback Option for the Town – Commissioner Kwiatkowski (Pages 6 – 11)
5. Adjournment

**TOWN OF HOLDEN BEACH
ORDINANCE 18-16**

**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,
CHAPTER 50: SOLID WASTE**

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Chapter 50: Solid Waste be amended as follows:

Section One: Amend Chapter 50: Solid Waste to read as follows:

CHAPTER 50: SOLID WASTE

Section

- 50.01 Definitions
- 50.02 Container specifications
- 50.03 Burning or burying of garbage regulated
- 50.04 Accumulation and collection
- 50.05 Collections prohibited
- 50.06 Yard waste
- 50.07 Transporting waste materials; covering during transport
- 50.08 Rental homes
- 50.99 Penalty

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAP. All scrap material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign or other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, insulation, fixtures (e.g., commodes, sinks) or wrappings for materials or any other materials necessary for the construction, reconstruction, remodeling or repair of a building.

GARBAGE. All animal, fruit and vegetable matter, all small cans, glassware, crockery, bags, and other small containers in which matter has been left or stored.

LARGE HOUSEHOLD ITEMS. Accessories or fittings for a particular use inside, outside or around a house including but not limited to tables and chairs; sofas and recliners; bed frames;

dressers; mattresses and box springs; small electronics such as computers and televisions; refrigerators; ovens and microwave ovens; washing and drying machines.

PUTRESCIBLE WASTE. Solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odors and to be capable of attracting or providing food for birds or animals.

REFUSE. All other types and kinds of materials intended to be discarded, scrapped, or otherwise disposed of.

RECYCLABLE REFUSE. Types and kinds of materials intended to be discarded, scrapped or otherwise disposed of that are defined as recyclable material under the current waste collection contract, e.g., cardboard; newspaper; magazines; small metal and glass containers and certain type of plastic containers in which matter has been stored and possibly residues left.

SUMMER RENTAL SEASON. The period of time that garbage collection occurs twice weekly per town contract.

YARD WASTE. All wastes pertaining to a landscaped/managed property, including but not limited to tree limbs, leaves, shrubbery, weeds, plants or grass.

('85 Code, § 9-1.1) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90)

§ 50.02 CONTAINER SPECIFICATIONS.

(A) Residential requirements.

(1) Garbage will be kept only in contractor-owned and provided standard, 90-gallon capacity roll-out containers. Each residence is authorized one container; however, additional containers are available for a set monthly fee.

(2) Recyclable refuse can be disposed of in standard garbage containers. Alternatively, 90 gallon capacity containers for recyclable materials only are available by contract through the town for a set annual fee. They will be provided to a property in addition to, not in replacement of, the required number of garbage containers.

(3) Property owners are responsible to assure they have sufficient 90-gallon containers to properly contain refuse prior to collection. Garbage placed on top of or beside the container(s) will not be picked up by the contractor, nor will garbage placed in non-standard containers.

(B) Commercial requirements.

(1) All commercial establishments catering to the public in such a manner as to create refuse shall be required to place an adequate number of refuse containers in such positions and locations as to encourage their use.

(2) All such commercial related containers shall be maintained in a sound and presentable condition.

(C) No person shall throw, place, or deposit any garbage or refuse of any kind, in any place or in any public or private property, except in approved containers or as otherwise provided in accordance with the provisions of this section.

(D) Containers on town-owned property and other public areas are for the use of the town and for the general use of residents and visitors using the public areas. It shall be unlawful for anyone otherwise to place commercial or residential waste or refuse into such containers.

('85 Code, § 9-1.2) (Ord. 5, passed - - ; Am. Ord. 93-18, passed 10-20-93; Am. Ord. 94-02, passed 2-7-94; Am. Ord. 95-06, passed 2-22-95) Penalty, see § 50.99

§ 50.03 BURNING OR BURYING OF GARBAGE REGULATED.

It shall be unlawful to burn or bury garbage or trash for the purpose of disposal unless a special permit has been issued by the Town Police Department.

('85 Code, § 9-1.3) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.04 ACCUMULATION AND COLLECTION.

(A) All garbage and household refuse shall be kept in proper containers as required by this chapter and it shall be unlawful for any person to permit garbage to accumulate or remain on any premises longer than is reasonably necessary for its removal. It is the intent of the town that all containers be secured in such a manner either next to non-elevated or underneath elevated houses, except on collection days when they are to be placed at street side, so that the town street right-of-way remains clear of empty containers, and so that containers are not damaged or overturned by high winds or other occurrences. Containers will be located at street side no earlier than 6:00 p.m. the evening before designated collection days during the summer rental season. For the rest of the year containers will be located at street side no more than 48 hours before the designated collection. All containers should be returned to the normal house-side storage location by 6:00 p.m. the day after collection.

(B) It shall be the duty of every owner or occupant of every building or premises where garbage or refuse exists, to reasonably and regularly clean the 90-gallon containers and other legal refuse collection containers.

(C) The owners, occupants and lessees of all property, jointly and severally, are required to control all refuse, placing such refuse in proper containers and/or arranging for collection or other disposal disposition in accordance with the provisions of this chapter.

(D) Garbage and household refuse will be collected and removed from the aforesaid containers or cans in accordance with the schedule set forth in the garbage collection service contract, executed independently from this chapter.

(E) This chapter shall be enforced by the town either by civil proceedings or by removing and disposing of litter according to the provisions and procedures for abatement of litter as provided in this chapter and as prescribed by G.S. 160A-174, 160A-175, 160A-193, and 160A-303.1, including the provisions for notice and hearings provided or referred to therein.

§ 50.05 COLLECTIONS PROHIBITED.

All matter, refuse, and materials such as industrial refuse, building materials and scraps, tree trimmings, walkway scraps, or any other refuse from building or remodeling, large containers, or large household items shall not be accepted or picked up as part of the regular garbage collection service contract.

('85 Code, § 9-1.5) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.06 YARD WASTE

Yard waste will be accepted under certain conditions and at defined times under a contract separate from the standard waste collection contract. Permissible, properly bundled or bagged, yard waste must not be placed at roadside for collection more than two weeks prior to a scheduled collection. Property owners who are found in violation may receive written notice from the town that they are in violation of town ordinance in that regard. Those so affected will be asked to correct the situation so they come into compliance with the code or receive a civil fine of \$50 per day per offense.

§ 50.07 TRANSPORTING WASTE MATERIALS; COVERING DURING TRANSPORT.

All persons transporting waste material, construction material, or any manner of loose materials over the public or private roadways in the town shall insure that such materials are not lost or scattered on or along the rights-of-way of such roadways. These materials shall be securely covered during transit in such manner as to prevent the loss thereof from the transporting vehicle.

('85 Code, § 9-1.7) (Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.08 RENTAL HOMES.

(A) Rental homes, as defined in Chapter 157, that are rented as part of the summer rental season, are subject to high numbers of guests, resulting in large volumes of trash. This type of occupancy use presents a significantly higher impact than homes not used for summer rentals. In interest of public health and sanitation and environmental concerns, all rental home shall have a minimum of one trash can per two bedrooms. Homes with an odd number of bedrooms shall round up (for examples one to two bedrooms - one trash can; three to four bedrooms - two trash cans; five - six bedrooms - three trash cans, and the like).

(B) Any property found in violation of division (A) above shall be subject to the penalties listed in § 50.99.

(Ord. 07-13, passed 11-27-07)

§ 50.99 PENALTY.

(A) Criminal. Any person who violates any provision of this chapter shall be subject to the penalty provided in § 10.99(A) of this code of ordinances.

(B) Civil. In accordance with § 10.99(B) of this code of ordinances, the civil fine for violation of any provision of this chapter shall be \$50 per offense.

('85 Code, § 9-1.8) (Ord. 5, passed - - ; Am. Ord. 7-87, passed 6-1-87; Am. Ord. 10-90, passed 5-15-90; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 99-02, passed 2-8-99)

Section Two: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Three: This ordinance shall be effective the 19th day of December, 2018. Penalties will not be enforced until May 1, 2019.

Adopted this the 18th day of December, 2018.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

2 December 2018

P.Kwiatkowski

Issue: Trash can rollback without corrals (which WI no longer will take from and return to).

Needed: A solution to the unsightly and unsafe roadside empty and full bins that linger after scheduled collection, particularly on Saturdays during season.

Background:

Under the current program which only provides rollback on Ocean Blvd, a significant portion of HB does not have waste bin rollback service, resulting in a large number of empty (and some full) bins being very near or even partly in the road (and subject to blowing or being knocked over). Particularly on Saturdays during season, roadside bins pose increased risk to drivers who are already distracted with locating their rental.

Activities to Date:

Waste bin storage location and rollout and rollback times have been proposed for an amended waste ordinance. Requiring rollback of both empty and full bins if service is provided has been agreed.

Next Steps:

The BOC must decide which of the possible solutions is appropriate for rollback services to begin no later than mid-May 2019.

Decisions needed:

Rollback service level and payment method needs to be decided. Without a decision on rollback service, enforcement of aspects of the proposed ordinance is not feasible.

Possible Outputs:

Rollback service has multiple possibilities, several with the same overall cost (payment methods differ) – the preference is not to increase town cost/budget.

Options and comments:

1. Stay as is (all Tuesdays plus Saturdays during season, OB only), paid out of BPart.

This is not fair to non-OB property owners under the amended ordinance which has clear rollback deadlines for enforcement.

2. No rollback service

Owners would need to contract with providers or arrange rollback with neighbors. A significant number of fines (and dissatisfaction) in year 1 is inevitable. While this reduces town costs and produces a "level playing field" wrt enforcement, the initial and short term (hopefully) result would not be attractive or safe.

3. Whole island Tuesdays and Saturdays only during season (mid-May to end September), paid out of BPart

This might or might not increase cost, but with the increase in number of rentals leading into season and lasting through Thanksgiving there will be many weeks of rental property bin issues. In addition, it does not address the needs of second home owners who use their properties periodically through the whole year.

4. Whole island all Tuesdays plus Saturdays during season

This maximizes island esthetics and safety and provides service for all owners. Cost is the same for all permutations; there are various options for payment. Some possibilities are presented below

- a. BPart only (town cost increase)
- b. Combined general fund and BPart (town cost increase)
- c. Combined BPart and fees to break even

One option would be use BPart for island wide Saturday service during season (mid-May through September) and charge fees for year round Tuesdays. Another would be use BPart for all service during season and charge fees for Tuesdays off season.

Fees could be flat (same for all owners) or according to number of trash cans (recycle bin not used in the total so as not to discourage recycling on the island).

A graduated example: Fee 1 for properties with 1 trash bin, Fee 2 for properties with 2 to 4 bins, Fee 3 for properties with 5 or more bins. Fee levels set so break even is achieved.

ROLLBACK OPTIONS SUMMARY

1. As is, OBW only, BPART → Yes, stop
 - a. not level benefit
 - b. no enforcement
 NO, continue

2. No service, owner responsibility → Yes, stop
 - a. difficulties for owners to organize
 - b. doesn't resolve near term safety and esthetics issues
 - c. multiple providers possible, adding complexity
 NO, continue

3. Whole island Tu&Sa May-Sep, BPART → Yes, stop
 - a. doesn't address second homeowner needs
 - b. doesn't address significant rentals "off season"
 - c. likely BPART budget increase
 NO, continue

4. Whole island Tu year round &Sa May-Sep with pay for options
 - A. BPART only
 - a. BPART budget increase → Yes, stop
 NO, continue

 - B. BPART season, General Fund off season → Yes, stop
 - a. Likely BPART budget increase
 - b. general fund budget increase
 NO, continue

 - C. Combined BPART and fee, break even → Yes, stop
 - a. flat fee (same for all dwellings, irrespective of # bins)
 - b. graduated fees dependent on number of bins (grouping or absolute)
 - c. Others?
 NO, continue

 - D. Other pay for options?
 NO, continue

OTHER IDEAS?



Date: December 11, 2018
To: Commissioners and Mayor Holden
From: *DH* David W. Hewett, Town Manager
Re: Rollback Service Cost

I have been able to develop a budget estimate of \$85,000 to provide Town-wide rollback service.

December 11 2018

To: Holden Beach Board of Commissioners, Mayor and Administration

Dear Honorable Sirs:

I am writing regarding the proposed new solid waste disposal ordinance. Solid waste disposal has been a Holden Beach problem for the 24 years we have owned property. Previously Town Ordinance §50.04(B) provided an alternative method for "those property owners who could not make arrangements to have their container placed at or removed from the curbside on the designated day, an alternate non-collection day storage arrangement" i.e. the corrals. Without the corrals and pursuant to the proposed solid waste ordinance, part-time Holden Beach (HB) residents are faced with unworkable solid waste disposal.

As you consider the issues related to solid waste, please consider that part-time residents are "full-time" property owners. There is no legal or tax distinction between full-time local residents versus part-time residents. However, part-time owners represent a disenfranchised group of owners who are taxed but cannot vote in the jurisdiction.

The proposed solid waste ordinance is workable for most full-time local residents. But it does not provide any workable alternatives for part-time residents who cannot make arrangements for the specified roll-out/roll-back time parameters. Many part-time residents do not have anyone available to provide this service (such as a rental agency). In our neighborhood, we have only a few full time residents. I can't reasonably ask or expect them to commit to being my "garbage man" /solid waste container manager. There is, to my knowledge, no commercial vendor currently offering such a service.

The goals of a new ordinance should be to handle solid waste with containers at the roadside for a minimal time and provide part-time owners a workable method to meet the ordinances parameters. I submit that the only reasonable way to achieve these goals is for the Town of HB or a designated Vendor(s) to provide full-time roll-out/roll-back service. In this plan, the current proposed base level of service defined by the new solid waste ordinance would be covered by ordinary taxes. The fully allocated additional costs for the full service component would be funded by subscription fees (paid via monthly

utility bills or as an annual fee) either to Waste industries (if they wish to provide the service), another designated vendor(s), or to the Town of HB as the provider. Subscribers would be identified by a unique, two-sided plaque (one side "YES, the other side "NO") that would be displayed at a specified location on the structure. When service was required the "YES" would be displayed and the vendor would provide the roll-out/roll-back service, reversing the plaque. This system would improve efficiency and lower costs by servicing only those subscribed services that display the "YES".

How much would such a service cost? Would there be a sufficient number of subscribers to provide the service at a reasonable cost? I suggest the Board of Commissioners table the proposed solid waste ordinance revision to allow the Town administration to research the feasibility of this or any reasonable alternative. If the Town communicates clearly to all residents that they intend to enforce the new solid waste ordinance including the civil penalties, subscriptions would then be numerous and sufficient to support the program.

Thank you for considering my concerns and ideas.
Sincerely,

David Tart
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Holden Beach NC

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