



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
TUESDAY, FEBRUARY 5, 2019 – 10:00 A.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Tuesday, February 5, 2019 at 10:00 a.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem John Fletcher; Commissioners Mike Sullivan, Pat Kwiatkowski, Joe Butler and Peter Freer; Town Manager David W. Hewett; Town Clerk Heather Finnell, Assistant Town Manager Christy Ferguson; Police Chief Wally Layne; Detective Jeremy Dixon; Public Works Director Chris Clemmons; Planning & Inspections Director Tim Evans; and Fiscal Operations Clerks Margaret Lancaster and Mandy Lockner.

Mayor Holden called the meeting to order.

Motion by Commissioner Sullivan that the Board remove the language from #4 on the agenda from Discussion and Possible Action on Solid Waste Program to simply Discussion.

Commissioner Sullivan said he knows that according to their Rules of Procedure it needs the agreement of the two commissioners who called the special meeting. He believes that is Commissioners Butler and Freer. Commissioner Freer asked if the agenda is available to modify. Town Clerk Finnell replied in this circumstance it would be allowed, but if you do that you won't be able to give direction to staff. She explained you couldn't approve an ordinance today since one is not available, but you could take action by giving staff direction. Commissioner Freer said he thinks that was the intent. It wasn't to vote on things, but it is an action to instruct staff to update the ordinance for example. Commissioner Sullivan said he sent an email to Commissioner Freer when the agenda came out stating his concern about having a meeting that we are going to make a decision on this when we would have less people than we would at a normal meeting. He said he was told there was no problem if it wasn't discussed and it was moved to the 19th. He is not saying to not discuss it; he is asking to not take any votes. It can be discussed again and voted on at the meeting on the 19th. Commissioner Freer said he has no intention of voting on the 19th. He would like to make it so everyone has a clear view on what the updated ordinance is. Commissioner Kwiatkowski inquired if he meant the current updated ordinance. She said if the Board is discussing and laying out all points that are open for possible change and getting to the stage for February 19th, to her that should be fully accurate so that can be put in the packet and the Board can get the feedback before they do anything on a document that may just have to be changed again. She said if the Board discusses all of the points open to discussion and the thoughts of the Board are fully captured in the minutes to put in the packet for the 19th the public can comment on it. That should give the Board direction on where the ordinance needs to be tweaked. Commissioner Kwiatkowski said she is not sure if it is necessary before the 19th to ask the staff to do anything to amend the ordinance, but she thinks laying all of the concerns out in a clear way is appropriate. Commissioner Freer stated his preference is for the public to see it as

the staff interprets it in an ordinance, rather than in the notes. He agreed the Board should get feedback on the 19th, make any changes they want and put it on the March agenda for a vote. Commissioner Sullivan read Commissioner Freer's note. Commissioner Freer said he doesn't intend to have the vote at today's meeting, but his intention is to make it available in a draft ordinance view for the public and Board to see. Commissioner Butler said he has provided the Board with copies of his statement. He outlined information based on the emails he received from eighty plus percent of homeowners on Holden Beach. The commissioners have the information and he will read the comments he has when they get to the subject. His intent today is not to vote, but to have a clear understanding of the input and consideration for the ordinance to be updated accordingly.

Motion by Commissioner Sullivan to amend the agenda to remove the language; second by Commissioner Kwiatkowski. The motion did not pass. Commissioners Sullivan and Kwiatkowski voted for the motion and Mayor Pro Tem Fletcher and Commissioners Butler and Freer voted in the negative.

Mayor Holden announced the agenda stays as presented.

PUBLIC COMMENT

Rich Massey said he is not sure where the ordinance stands, but it seems like a bad idea. He is a part-time resident that is not here often. He will comply with the regulations, but it means his trash may sit around for weeks at a time. He said animals will get it, it will be spread around and stink. Mr. Massey said for the people who rent they will just build a fee into the rental contract.

DISCUSSION AND POSSIBLE ACTION ON SETTING 2019 BOARD OF COMMISSIONERS' OBJECTIVES WITH TOWN MANAGEMENT

Town Manager Hewett said he provided the Board with his attempt at assembling a proposed budget season schedule. He wanted to propose a series of five commissioner workshops where staff will provide the Board with both revenues and expense worksheets and we can dialogue with the end product resulting in a secretarial rendition Budget Message of what the proposed ordinance will be. He reviewed the meeting dates. The Budget Message is projected the week of May 6th – 10th. His intent is to provide the message early in May. The public hearing is soft at this point. He needs to make sure we are meeting the statutory requirements. The regular June meeting is where the formal consideration is proposed to take place. You have to adopt the budget by July 1st. Town Manager Hewett asked the Board to check their schedules to make sure the dates will fit in to their schedules. He asked the Board to affirm this is what generally meets with their expectations on how they want to carry out budget season. Commissioner Freer said he is comfortable with the schedule. If the Board has a conflict they can provide the information to Town Clerk Finnell. Mayor Pro Tem Fletcher asked that when Town Manager Hewett produces the material on expenses and revenues that he provide the Board with a copy in Excel format. Town Manager Hewett responded the spreadsheets will be developed in excel. He would hope the staff work is presented to the Board and the material is coming from staff as the source document because he doesn't want to run into a circumstance where commissioners are handing out spreadsheets. The premise is that the dialogue takes place with commissioners as the Board and any changes will be performed by the staff for the next meeting.

Town Manager Hewett explained we have some current events that have really focused for him some of the practicalities. He thinks the Town has before it a half a dozen critical issues that will ultimately be all consuming.

- 1- Eastern Reach Deeper Wider Project – we are going to have a proposal from the county to move forward with the Eastern Reach Deeper Wider Project in terms of an interlocal agreement that will probably be a project that is 18 months to two years in the making.
- 2- With the President’s declaration approval of FEMA funds for Hurricane Michael, the combination of Florence and Michael storm damage mitigation repairs will result in approximately \$20 million of project for the Board to consider how to deal with.
- 3- We will have the Lift Station 3 upgrade in the works. We are wrapping up on the Lift Station 4 upgrade.
- 4- Land Use Plan
- 5- Beach and Inlet Management Plan being created
- 6- Implementation on service configuration decisions on solid waste and enforcement
- 7- Lobbying

Town Manager Hewett sees those seven issues as top tier for the Board’s consideration as far as prioritizing workload.

Commissioner Kwiatkowski said when we create objectives, objectives are generally something laid out where there is a desire and you see there is a measurable you could have. Quite a few of what is presented are cryptic and it is not really clear what you want. She provided some examples and said she is confused what people want on some of the items. Commissioner Kwiatkowski said she thinks behind the ideas, we need to have a better idea of what the actual objective is. She asked if the Board could take time to flesh out exactly what the objective is. She inquired if the Board should take some time and they could address it again on the 15th to make sure they have an objective behind all of these pieces of data. She is fine with putting words on where she thinks the Board wants to go and sending it to everyone for discussion. She wants to make sure it is not all data and in the end there is not a clear analysis of where we are going with the data.

Motion by Commissioner Kwiatkowski to stand back until the 15th, make sure that an objective type statement is built around the different requests that seem to be more about information and to then take some time for discussion.

Commissioner Kwiatkowski said let’s try to get this a little bit clearer on what the intent is in terms of objectives, not just budget. The objectives should ideally then drive the topics the Board is discussing at meetings. Mayor Pro Tem Fletcher said he thought the Board was to rank the items and give them to Town Clerk Finnell, which he did. Commissioner Kwiatkowski said they haven’t finished going through all of the pages yet to see if people needed additional understanding. Mayor Pro Tem Fletcher said these are titles of concepts or ideas, it would be nice to have expansion of what we expect to come out of it. Commissioner Kwiatkowski stated she will make a shot of that and send it to Town Clerk Finnell to send out to everyone. Then the Board can decide when they want to discuss it further. Commissioner Freer said he agrees with that, but said there are some that he doesn’t understand. Commissioner Kwiatkowski said the Board can still go through them. Commissioner Sullivan suggested running through it and let the person who thought of it expand on it while the Board is here.

Commissioner Kwiatkowski said there is an item that reads Beach renourishment, \$10 million in 10 years. She said that to her is a wish and it appears later in financial. She inquired what was meant by that item. Town Manager Hewett said he would like to answer the question if the \$3 million plus \$241,000 has been paid into the fund. Those funds have been escrowed into the fund. Mayor Pro Tem Fletcher said two/three years ago the Board set a policy that they would try to achieve \$10 million within 10 years for beach nourishment and inlet management. Town Manager Hewett said the Capital Reserve Fund was officially established with the adoption of the budget last year. It lays out the \$10 million in 10 years as the policy statement. He said it may have been talked about before that, but officially the fund was established July 1, 2018. Mayor Pro Tem Fletcher said he believes in the policy that was set in 2017 the Board expected that future boards would have the authority to do what they wanted to, but they would do what they could to put money into a separate fund to preserve for the future. They hoped to achieve it in 10 years, but knew it was an almost impossible task. Commissioner Freer said he doesn't agree with the last part. Commissioner Kwiatkowski asked if it is really about revisiting and updating the General Fund Policy/overall financial policy to make sure it is clear what the Board is expecting, not hoping for and to also make it clear that the expectations are possible, given a number of things that appear later about tax reduction, no new taxes, no new borrowing, no new debt. She said an objective has a rational chance of being achieved if you are diligent about it versus a wish list or dream list that could also be created. Commissioner Freer added a goal. Commissioner Butler said goals needs to be doable, achievable and realistic. Commissioner Kwiatkowski added, with Commissioner Butler in agreement, that they also need to be measurable. Commissioner Freer said some are long term objectives. Commissioner Butler said you could set terms. Commissioner Freer said he thinks it is pretty clear, \$10 million in 10 years is the policy in place right now. Commissioner Kwiatkowski asked if that is the correct policy or is it a policy that ideally in the absence of storms and severe erosion you would want to save \$10 million in 10 years, however what is absolutely needed is adequate reserves to be able to initiate projects when disaster funding happens as a reimbursement rather than the money in your pocket. In an ideal world where Mother Nature is good and we don't have any disasters we expect to repeat the Central Reach Project every 10 years and for that we want \$10 million. She asked if after three years when you're faced with hurricanes and gales that have wiped you out, isn't it the point to have enough money to have operating expenses to get ourselves going and be able to progress. She inquired about the target to always have on hand in case of disasters. Commissioner Kwiatkowski said she thinks it is a little overly simplistic to simply say our objective is \$10 million in 10 years because that is the ideal. She said it comes down to saving \$1 million a year. That is based on having half of the money necessary for Central Reach. Commissioner Freer said there is long range and that is a long range plan. There is short range and there is event driven planning. He said event driven planning is mixed within the long range and short range. Commissioner Kwiatkowski said she thinks the \$1 million a year needs to be looked at to see if it is the right number. She said that comes back to making sure the overall policy on all of the funds is correct.

The Board discussed the item about having a minimum fund ratio of 100% unassigned Fund Balance in the General Fund. Commissioner Freer explained it was in the 30% range. They didn't want to put an unachievable goal out there, so the Board did 70%. He stated that now we are getting close to 70%, which was a stepping stone. Now we will give a more realistic 100% goal. Commissioner Kwiatkowski asked what happens until we achieve 100%. Commissioner Freer said the Board is giving a policy to the budget manager to have as an overriding goal to achieve that objective. Commissioner Kwiatkowski asked what the timeframe is. Commissioner Freer responded that he doesn't want to micromanage the town manager, but you could have an estimate within that goal. If he can get to 100% this year, great, but if not

he would like to know why and the objective is still out there for a long range plan. Commissioner Kwiatkowski said these are the discussions that are supposed to happen between the Board and the town manager. She explained that open ended items are difficult. She wants to know the growth per year that would be acceptable. Town Manager Hewett suggested that on that particular item as far as budget guidance, that he will take 100% Unassigned Fund Balance into consideration and do the math through the spreadsheets to attempt to show the Board what the implications are. From the budget side of the house, we can develop that information with projections on how things might play out. Where it ends up will ultimately be the fiscal policy that is decided on. He will tell the Board the consequences of trying to implement that. Commissioner Freer said when they set 70% it was the same concept. It was a multiyear goal. They didn't dictate how much per year. To him it is as soon as possible and the Board makes decisions within the budget framework to get there.

Commissioner Freer asked about the item that says expedite year-end trial balance preparation and CAFR. Mayor Pro Tem Fletcher explained the Town puts together a trial balance for the auditor. He said this year we didn't have the trial balance six weeks after the close of the year. He is suggesting the Town do whatever we can to get the trial balance done earlier. He asked when the Town can reasonably get it done. Fiscal Operations Clerk Lancaster said you can run it June 30th, but there are other things that take place. The auditors know that and the updates are given to them as things change. She said she sends information to them through the portal. Mayor Pro Tem Fletcher said he would like to get it done earlier than six weeks so the auditor can start the audit. He said CAFR is the combined annual financial report.

Commissioner Kwiatkowski asked if advocacy items are if the commissioners believe they should have greater involvement or Town staff or a combination. Commissioner Freer replied both. Mayor Pro Tem Fletcher said he also believes it should be all board members.

Commissioner Kwiatkowski stated she thinks everyone should rank them and get them to Town Clerk Finnell. Town Manager Hewett said there are several pages of things that the commissioners have brought to light. The most common theme is more. The only thing he saw for less was no tax increase and fee reduction.

Commissioner Kwiatkowski said she doesn't believe when looking at the law that employee training records can be released. She said when the Board is doing these kinds of things they need to take into consideration that everything being asked for is legally appropriate. Training records are part of personnel files. She said you cannot project retirement. That is illegal. She would go to the Town attorney as necessary to make sure those items are legally acceptable, but she doesn't think they are. Commissioner Freer agreed.

DISCUSSION AND POSSIBLE ACTION ON SOLID WASTE PROGRAM

Commissioner Butler said with the input provided from the public and his previous concerns regarding the eighty plus percent of homeowners he has provided information to the Board. He read his statement titled "Talking Points Statement for the February 5th Special Meeting Regarding the Trash Ordinance" (hereby incorporated into the minutes). He would like to have discussion today, update the ordinance and then have the draft ordinance available for the next meeting so the public can see the revisions and make comments. He does not recommend voting on the ordinance at the next meeting. He recommends they consider the input from the public and then vote at the March Regular Meeting.

Town Manager Hewett said he would like to add “paid for by occupancy tax” to Commissioner Butler’s last sentence in paragraph two that ends “with the expense paid for this service provided by the Town”. That is where the service is currently paid for. He inquired about the last sentence in Rollout of Trash and Recycling Containers. Commissioner Butler said he is recommending that an island wide rollback program be put in place. Town Manager Hewett stated there is a disconnect between the RFP that was put out for rollback and the statement about empty cans only being rolled back. The RFP was to roll everything back, full and empty. He said as those bids come in it can be discussed, but he wanted to point it out. Commissioner Freer said what is being proposed would be less work. Town Manager Hewett replied he is not sure because of complication of enforcement. Commissioner Butler said that is a valid point, but he doesn’t see an issue. He said rolling back a full can creates other complications that have been brought to his attention.

Commissioner Kwiatkowski stated basically you just want to take it back to what it was where you can leave your trash out as long as you want, which was what was objected to and one of the things the Solid Waste Committee commented on. She said for a year we have been discussing this and you are not improving the situation. It is just adding cost to the Town by adding island wide rollback, but not mitigating the issues that were identified as needing improvement by the committee that worked on this. Commissioner Butler said it does improve the situation because it takes the cans off the street and rolls them back to the house. He is against rolling full cans back to the house. He said they have deer and other animals at his house and he doesn’t want them getting into the trash and spilling it all over the place.

Town Manager Hewett said the RFP envisioned the implementation the last six weeks of the fiscal year to coincide with the season starting and from then on to accommodate the trash pickup schedule in response to Mayor Holden’s question on the timeline for rollback. Mayor Pro Tem Fletcher asked if it is clear to them that they won’t have nearly as much rollback in the winter as they will in the summer. Town Manager Hewett explained we have identified the houses, number of cans, workload associated with it and the calendar. That is what the bid will be predicated on. Commissioner Sullivan said we all know that this is a topic that before this Board came into play there was a community board that made a lot of recommendations concerning solid waste. As the ordinance now stands we took a lot of those suggestions into consideration. Commissioner Sullivan stated the current Board discussed this on numerous occasions before voting for the current ordinance. He said he is sure the Board can fix this and make some adjustments to it, but he would prefer to leave the current ordinance in place. They were thrown a curveball when Waste Industries declared they would change pickup dates, which would adversely affect the ordinance as written. He would rather not do things piecemeal. His suggestion is to leave the ordinance as it is and not enforce it, which was the Board’s plan. The Board was going to have a time for people to get educated before we started enforcement measures. Commissioner Sullivan stated we should wait until the final decision on a pick-up date is made by Waste Industries. He said the Board should wait until they have all of the information, sit down and discuss it and then come up with the plan they think is best for the entire island.

Commissioner Butler asked if education was addressed to the public on this. Town Manager Hewett said his dialogue with the staff is the staff has significant concerns on what enforcement actually entails. Until we get to that and some of the other variables, we are lost on how to enforce it. Planning Director Evans stated he doesn’t think the ordinance is enforceable. It doesn’t designate who will enforce it. He talked about challenges with the ordinance. He also added there is no appeals process. He said the manpower

will not be there to enforce it. Commissioner Kwiatkowski asked if he talked to the Town attorney; she worked with staff and the Board on wording. The next step was for everyone to figure out an enforcement policy and how it would work. Attorney Fox worked through the ordinance to where she felt it could be enforced. We do still need to know how it will be enforced and with what manpower. She said Attorney Fox said you don't need to lay everything out in the ordinance. She encouraged him to talk to Attorney Fox with his concerns. Planning Director Evans stated he doesn't think it is enforceable and thinks there are multiple facets as to why. Commissioner Kwiatkowski said there were fines in the original, but explained it was unclear what enforcement applied to. Town Manager Hewett said once we found out from Waste Industries that there would be a change in the date we stopped working on it. There has been no announced change in the date. It is an intended change that we have taken grave exception to and they are doing a flyby to relook at it. We met with the county and Waste Industries and they seem to have taken a step back and are looking at it.

Commissioner Kwiatkowski said the one thing to think about is that we currently have that there will be no fines until May 2019. If we are concerned we can alter that date and make it 2020 so that fines are not going to be imposed to allow us to go through a season of seeing where things are. She said you could issue a warning. She said she and Mayor Pro Tem Fletcher were going to sit down with staff and go through enforcement. She said they stopped after finding out about the possible day change. Commissioner Butler said we have an enforcement group that can't enforce it. We have eighty plus percent of the residents in this Town that cannot comply with the ordinance. Commissioner Kwiatkowski said we have 2,400 people here and she has received less than 100 emails. She stated she is listening and thinking on every one of them, but please don't make it seem like we have feedback from eighty percent of our residents and that it is all negative. She said she has received a couple of positive ones. She stated they don't all have an issue with every one of the points. Many of the concerns can be fixed if we have a rollout option. She said the Board can easily move the enforcement part. Let's try to keep the ordinance we would like to see happen in place to improve the situation that this committee identified and she thought they were all in agreement on when they started this last winter to see if with some education and some monitoring we can get people to follow it. She compared it to the situation on limiting beach equipment.

Commissioner Sullivan said he is a little surprised at Planning Director Evan's position because he sits in all of the meetings and to his recollection has never said he thought it was unenforceable. Planning Director Evans responded that up until a few days ago he didn't know he was going to enforce it. Commissioner Sullivan replied so you aren't questioning the legality of the ordinance, just the ability to enforce it. Planning Director Evans said other staff agrees it is not enforceable. Commissioner Sullivan said the Board voted on this, there was an opportunity for anyone to comment that it wasn't enforceable before the ordinance was passed. Town Manager Hewett said the enforcement methodology was going to be a discussion with a couple of commissioners. He believes we arranged a meeting on the 12th to do that. When the ordinance was voted on, enforcement was identified as an issue. Commissioner Kwiatkowski explained when putting together the ordinance the intent was not to turn this into a revenue stream. It was going to be about education and behavior modification to try and get the people to do what the intent is, which is to get the island looking better. She said this is a continuing effort. Commissioner Butler said we have an ordinance that is in place and we have people who can't comply. He said it is eighty plus percent of homeowners. He said let's work with these folks. Commissioner Sullivan asked if it means people in Winding River can leave their cans out if Commissioner Butler's proposed changes are made. Commissioner Butler responded that has to do with covenants in Winding River. It does not have to do with the Town. He knew the covenants when he purchased the property. Those people had an opportunity

and these folks don't. Commissioner Sullivan said there was always an ordinance on the book that said you had to have your trash out at 6:00 p.m. and back the next day. He asked why it is impossible for the people outside of Winding River to comply, but the people who live there are able to comply with it. Commissioner Butler said these people have no way to comply, which is why it is important to have rollback. Commissioner Sullivan said the Board already agreed that would be part of the plan. He said the problem is where it says containers should be located at the street no earlier than 6:00 p.m. during designated collections days during the summer rental season. For the rest of the year containers will be located street side no earlier than 48 hours before. He said nothing else is in dispute. Commissioner Sullivan said before we start tinkering with this, we should have a rollout plan and should address what Planning Director Evans is concerned with. At the end of the day the Board can take everything into consideration and decide what the ordinance should be, rather than making piecemeal changes to it as we go along since we are not enforcing it. Commissioner Kwiatkowski said she is seeing more bins are being stored under houses instead of in corrals.

Commissioner Freer stated he agrees that the Board could wait before they implement any more changes. He thinks the Board put a stake in the ground and received a lot of feedback. There are also a group of people that wouldn't use or need this service, but would be paying for it. That was his argument. He doesn't know what the cost is and thinks the Board should not have done anything without the cost. He said it is the same problem for rollout, even more the case. He said rollout is not simple, it would have to be optional because we would be paying for something that most people would not use. He is anxiously looking forward to see the price for rollback. He would like to know the price for the options of rollout and rollback. Commissioner Kwiatkowski said she thinks the Board needs to at this point figure out what an optional rollout would look like. Commissioner Freer said he is not happy that the trash will sit out there for a couple of days, but he doesn't think we will ever have a perfect system because the Town is very diverse. He talked about the difference between us and other communities. Commissioner Kwiatkowski reminded everyone that one of the reasons for rollback of full cans is that too many times renters miss the rollout. It was predominately an in season problem. When the full bins are left at the road and a new family comes in, it starts to be a problem with heaping bins by the road rather than calling the management company. She said if you roll them back they would call the management company. Commissioner Butler said some homes don't rent every week. If you have the full cans rolled back you would create an environmental issue, animals tearing into the garbage. He listened to Mayor Holden last time when he spoke about rental companies. He is against rolling full trash cans back.

Mayor Pro Tem Fletcher said we fortunately have received lots of feedback, both positive and negative. The positives he thinks were all from resident owners. He knew when he walked out of the building after the last meeting that he voted incorrectly. He understand that the Board was doing a draft mode and was not going to enforce it until a future date when they saw if it worked. The word went out that it was an ordinance and that it was going to be enforced. It hit him because he was a non-resident owner who rented and paid \$10,000 a year in taxes to the Town. He said that is more than most residents do because most residents don't rent their house. If 90% of our people are non-residents, we are blessed that they are paying 90% of our expenses. They are allowing us to keep the beach in the condition it is in. They are allowing us to have the Police that we have and all of the services we have. He said as a commissioner he needs to think about them. Mayor Pro Tem Fletcher said he realized he shouldn't have supported an ordinance that is extremely difficult to comply with. He said as a homeowner he can't get people to do work for him and he is mayor pro tem and lives on the beach. He talked about how difficult it is to get people. Mayor Pro Tem Fletcher said he thinks he is different as a buyer than the people at Winding River.

When they sign a contract to buy they are signing an agreement to follow certain rules. When he bought his house, he had no idea about the Code of Ordinances. He said this is a problem for people who live a distance away. He said the Board set really difficult rules and we are going to put fines on them if they do not comply. He stated that isn't fair. He said we have been dealing with this for years and we don't have a solution. Mayor Pro Tem Fletcher stated he doesn't think we should have an ordinance until we have a complete solution in hand. He added he would prefer to have a second reading in this case and to let the POA send out what is being proposed. Commissioner Kwiatkowski asked if the Board remembers that there were draft ordinances out in August or September that were delayed because of the hurricane. She said something has been out for months. She appreciates all of the second homeowners who have commented. She said she took them into account as best as she could because she was a second homeowner for years. She tried to figure out the best way to get the trash picked up without issues. It takes planning. She thinks to make it sound like the Board didn't consider everyone is a disservice to the Board. Mayor Pro Tem Fletcher said he thinks what the Board put out needs significant repair. Commissioner Butler stated this is all about people not being able to comply; we have a problem today. May will be here before we know it. Commissioner Kwiatkowski said it is an easy thing to amend the ordinance with a new enforcement date. Commissioner Sullivan said if the Board is willing to leave the ordinance dormant and not enforce it we don't have a problem. He said there would be no fines and the Board would look at all of the various aspects. He said he believes Commissioner Freer was going to take on rollout. He said Commissioner Freer was right, the Board shouldn't have made any decision until that was incorporated into the ordinance. He said the Board should wait and do this in a conscientious manner rather than jumping in and doing things piecemeal. Mayor Pro Tem Fletcher said he is in agreement. The only issue he has is if we don't put out a notice that this is a trial and the Town is not going to fine, it will cause anguish. He thinks it should be announced. Commissioner Sullivan said he has no problem with that. The Board talked about changing the date.

The Board talked about the Waste Industries' contract. The Town's current pickup is the second pickup, which is on Saturdays. Commissioner Freer said we have a timeout from Waste Industries, they could have a timeout from proposed changes and he also thinks the Board is in agreement to change the current ordinance penalty date. He asked if the Board could direct staff to do that to be presented to the Board on the 19th. Commissioner Sullivan added that it would need to be in conjunction with Attorney Fox. Commissioner Butler inquired if rollback is included. Commissioner Kwiatkowski said it is not in the ordinance; it is an agreed service the Board voted on and instructed the town manager to get bids on. Commissioner Butler said the other part of the equation is if we are proposing rollback for everyone. Commissioner Kwiatkowski said yes. Commissioner Sullivan said he thinks there would be no changes except for the enforcement component.

Mayor Pro Tem Fletcher said one of major issues is rentals. When he has a doctor's appointment, he gets a message telling him the day of or before to remind him of it. He said if the rental agencies had that sort of a service on a Friday night it would probably significantly increase the number of renters that put their cans out. Commissioner Kwiatkowski stated she understands there was a company that did that last year. She assumes it helped.

Town Manager Hewett clarified that we will need to quantify the way to word the deferment of enforcement. He said he is assuming staff will still meet with the two commissioners to discuss enforcement issues in the meantime. Commissioner Kwiatkowski agreed.

Mayor Holden said he has a problem with having an ordinance on the books with the intent of not enforcing it. He thinks it confuses the whole thing. Commissioner Kwiatkowski said she and Mayor Pro Tem Fletcher will be meeting about enforcement. There are ways of having certain sections enforced and others where it will be delayed. Commissioner Freer said Mayor Holden has a good point and suggested it should be changed to May 1, 2020. Planning Director Evans agreed that Mayor Holden is correct when you talk about enforcement. He also explained that once the code book designates someone to enforce an ordinance, it is that person's responsibility. Town Manager Hewett agreed that Planning Director Evans is correct. Planning Director Evans stated code enforcement and building officials are not covered under public trust laws. Whenever they are given a job to do, the Board's input has a possibility of creating problems. He said the months we are talking about enforcing this is the busiest time of the year. He said to keep that in mind as well. He is concerned with how this ordinance came about. He said it was developed at the commissioners' level. Commissioner Kwiatkowski said this was developed with staff and the Town attorney at the table. There was discussion that there would be an enforcement component. In the end it is up to the town manager and staff to decide how it will be enforced, but it doesn't mean they can't provide suggestions. She said they are trying to be part of a process that is very complicated.

The Board talked about the process of passing ordinances.

ADJOURNMENT

Motion by Commissioner Kwiatkowski to adjourn at 12:16 p.m.; second by Mayor Pro Tem Fletcher; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk