



Town of Beaufort, NC

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Town of Beaufort Board of Commissioners Work Session Meeting 4:00 PM Monday, August 23, 2021 - Virtual Minutes

Call To Order

Mayor Newton called the meeting to order.

Roll Call

Town Clerk Allen Coleman called roll and declared a quorum present for the meeting.

PRESENT

Mayor Everette Newton

Commissioner McDonald

Commissioner Sharon Harker

Commissioner Ann Carter

Commissioner Marianna Hollinshed

Commissioner John Hagle

Agenda Approval

Commissioner Hagle made a motion to approve the agenda, motion carried unanimously.

Project Updates

Town Engineer Greg Meshaw: In July, we had 13 active projects. Two new have been added, renovations of office space in town hall and renovations of fire station 2. Curb and gutter work is in process along Carteret Ave from Lennoxville to Third St. The sidewalks leading to Randolph Johnson Park have been completed. We obtained an NCDOT encroachment for Live Oak, the design has been finished but we are going to need easements and we have been in contact with property owners. Parking in the downtown area has been a topic and we will be marking those streets that currently don't have any and it will be extended out to the 300 block. The crosswalks have started to be painted but that has been suspended due to not being able to find the paint anywhere in the area. It should resume in 2-3 weeks. The only thing left on the punch list for Turner St is the planting of the trees. Meeting St downstream ditches has been completed. We will be assisting the

fire department in turning a truck bay at Station 2 into living quarters and renovating office space upstairs in town hall.

Commissioner Hagle: No questions, good report.

Commissioner McDonald: I didn't hear anything about the 600 blocks. When will something be done about those?

Greg Meshaw: Those streets are part of the USDA funded utility project that is currently in a preliminary design phase. We have a television crew who are all over town cameraing our sewers, so that it can be figured out what needs to be done with those sewers. Nothing has really changed in that area since we talked last, its going to be longer project that will take about a year to year and half.

Commissioner Carter: Are the repairs on station 2 being done with county money?

Tony Ray: Yes, it is.

Commissioner Harker: Are we beginning to see improvements on Meeting St with the clearing that has been done?

Greg Meshaw: Yes, the rain waters are draining much better and only show accumulation at the curb outlets.

Commissioner Harker: The sidewalks are being completed on the other side of Live Oak, have we had conversations with those landowners regarding easements?

Greg Meshaw: Yes, we have had conversations with some but not all. I like to try to get maps together and go out and show them on the ground and with a map and show them what we are planning to do.

Mayor Newton: Where are we with the traffic calming measures on Turner St along the 200-300 block?

Greg Meshaw: It's on the list. I will try to have more updates on that at the next go around.

Public Comment

No public comments.

Items for Discussion and Consideration

1. Minutes

Town Clerk Allen Coleman: Asking the Board to consider placing two sets of meeting minutes on the Consent Agenda for consideration at the September 13 meeting.

Mayor Newton: Do we have consensus to put that on consent?

Consent made unanimously

2. COVID Numbers in Carteret County, Masks Mandate Discussion, and Returning to In-Person Meetings Check-In

Mayor Newton: From last Friday to today, there are an additional 130 cases in Carteret County. There are 342 active cases. There are 20 patients in the hospital. And there has been another death. We are currently at a 12.4% positivity rate.

Commissioner Harker: As far as rate of transmission, I just spoke with our Infection Control person that's up to 16%. The county, we are at a level of transmission, which is considered high. We bumped up substantially from Friday, and we're currently at that level now.

Commissioner Hagle: I think we need to discuss this at every meeting and go from there.

Commissioner McDonald: I would like to leave it as it is and discuss at every meeting.

Commissioner Carter: Take it meeting to meeting and right now is not the time to go back to in person meetings.

Commissioner Holinshed: I agree with evaluating at every meeting. And I'd like to honor the harbor commission committee request and letting them meet as discussed, and they will have to be masked if we pass the mask ordinance coming up.

Commissioner Harker: I agree with staying virtual and assess at the next meeting.

Mayor Newton: Okay. Let's go down the roster and see if you want to have an exception for the Harbor Commission.

Commissioner Hagle: Yes, it's okay, they just have to follow guidelines.

Commissioner McDonald: I have no problem

Commissioner Cater: If that is what they want.

Commissioner Holinshed: I agree with going with Hybrid.

Commissioner Harker: I agree. I support the hybrid meeting.

Allen: Just to remind the public and the board that those meetings are proposed to be held at the Beaufort Hotel, not the train depot.

Mayor Newton: Lets go down the roster and see if there are any concerns with that?

Commissioner Hagle: I just hope we can get our train depot to have the facilities we need.

Commissioner McDonald: I think it is a great thing

Commissioner Carter: They have the facilities to do hybrid meetings. We do not and it would cost us \$20,000.00

Commissioner Holinshed: I don't have a problem with it.

Commissioner Harker: I am concerned with people wanting to come personally. Parking is an issue.

Mayor Newton: Allen, what is the quote to have this availability at the train depot? Can the American Rescue Plan pay for that?

Allan Coleman: Yes those funds are available with the American Rescue Plan and can be used for that. The estimate we got is \$19,582.

Mayor Newton: Okay, so let's see if there's consensus among the commissioners to use the American Rescue Plan money for that

Consensus approved from all commissioners.

Mayor Newton: Okay let's talk about the indoor mask mandate.

The ordinance is designed to mitigate and slow the spread of COVID- 19 within the town. Section three is the ordinance is hereby adopted and enacted with an effective time and date of 12:01 am on August 24, 2021. Unless further amended, shortened or extended by action by the board of commissioners, the ordinance shall expire at 11:59 p.m. on December 31 2021.

Commissioner Hagle: I would like to recommend that this ordinance gets reviewed at every meeting.

Commissioner McDonald: I go along with Commissioner Hagle 100%, combine the two together.

Commissioner Carter: I agree with Commissioner Hagle.

Commissioner Holinshed: Yes, I agree with that.

Commissioner Harker: I do support the mask mandate and looking at it regularly.

Mayor Newton: What is the pleasure of the board?

Commissioner Hagle: Move approval as presented.

Approved by all commissioners unanimously.

3. Request to Rezone 302 Cedar Street from B-1 to R-8; Case No. 21-21

Planning Director Kyle Garner: Staff recommends the Board schedule a Public Hearing for the September 13, 2021, BOC Regular Meeting and consider the rezoning request at that time.

Approved for public hearing unanimously.

4. County Water Rate Increase – Eastman Creek Subdivision

Town Engineer Greg Meshaw: Alternative 1 retains the current variable rate and overcomes the deficit through a higher flat fee. Alternative 2 retains the current flat fee and overcomes the deficit through a higher variable rate. Alternative 3 raises both the flat fee and variable rate above the current amounts, providing an option between Alternatives 1 and 2.

Mayor Newton: What is the pleasure of the board?

Commissioner Hagle: Move approval for alternative 1.

Mayor Newton: Motion has been made for alternative 1.

Motion approved unanimously.

5. Purchase of Public Works Sweeper Truck

Public Services Director/Town Engineer Greg Meshaw: We moved the sweeper up into this year's budget, and we used money from the capital reserve account for street related expenditures and put it in the operational budget for streets. And then next year because we were going to pay for the truck with tax revenue that we replenish the capital reserve with tax revenue next year.

Mayor Newton: What is the pleasure of the board?

Commissioner Hagle: Move approval including budget amendments

Motion approved unanimously

6. Pavement Parking Striping

Greg Meshaw: Requests the transfer of \$7,000 from the Capital Reserve account for street related expenditures to the street maintenance operations budget so that the street marking work can be undertaken and a small contingency fund established to cover additional work due to unforeseen items.

Mayor Newton: What is the pleasure of the board?

Commissioner Hagle: Move approval

Motion approved unanimously

7. Change Order Request – FY20 Street Rehabilitation & Construction (Sidewalks)

Greg Meshaw: Asking that you consider or place it on your regular session authorizing the Town Manager to execute a change order in the amount of \$323,271.33.

Mayor Newton: Do we have consensus to put this on discussion and consideration?

Consensus approved unanimously

8. July 2021 Financial Report-Notes

Finance Director Christi Wood: The bills have gone out for this year for 2021 as indicated by that \$4,000,900. The sales tax distribution for August is \$210,430.

9. Emergency Paid Sick Leave Policy Extension

Human Resources Manager Barbara Cooper: The proposed extension of the Beaufort Emergency Paid Sick Leave (BEPSSL) policy is in response to the increased number of cases of COVID-19 in our community. Would like it extended from July 1 to December 31.

Commissioner Carter: There's ample vaccine, and I questioned whether we should allow people that have refused a vaccination to be covered under this policy. Because the vaccine is available, and people should be taking advantage of it.

Barbara Cooper: we do have a large group within the town that because of personal preferences, they are deciding not to get the vaccine. And that was just an issue that we did not want to make it mandatory.

Commissioner Carter: We can make it mandatory now if you choose. But we have not at this point because the Pfizer hadn't been approved by FDA. So that is no longer valid one, but people have had ample time if they choose not to do it, and they need to have to pay the consequences if they should get it.

Commissioner Holinshed: I think that if you are vaccinated then you get this advantage.

Commissioner Harker: I agree with our Human Resource Officers assessment and would approve this.

Mayor Newton: Okay, let's go down the roster and just get a sense for whether you want to include those that have not been vaccinated or what your thoughts are.

Commissioner Hagle: Think it might encourage people as another incentive to get a vaccine. So, I think that's a good thought.

Commissioner McDonald: Can we actually make someone take it that doesn't want it?

John Day: You can't force people to take it, but it can be a condition of employment.

Commissioner Carter: I think it should be a condition to receive the benefit.

Commissioner Holinshed: I agree that you need to be vaccinated to receive the benefit.

Commissioner Harker: I will go along with that.

Mayor Newton: What is the pleasure of the board?

Commissioner Harker: Move approval with the conditions of employee is vaccinated.

Motion approved unanimously

10. Appointment to the Parks and Recreation Advisory Board (PRAB)

Town Clerk Allen Coleman: We have a term expiring on the Parks and Recreation Advisory Board. As of last Tuesday, we had received 11 applications for that vacant position. That is a three-year term expiring September 30, 2024. Asking for that appointment and nomination process be made at the September 13 meeting.

No questions or comments.

Mayor Newton: That'll go on discussion and consideration.

Closed Session

1. Request for Special Use Permit – 1550 Lennoxville Road - Gas-Service Station (Jim Dandy Stores); Case No. 21-17

Mayor Newton: Let's reconvene our quasi-judicial proceeding. This is a request for special use permit at 1550 Lennoxville Road for a gas service station, Jim Dandy stores case number 21-17. And for those people that were not with us for the last session, this hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. The Board of Commissioners must base its decision upon competent material and substantial evidence in the record. A quasi-judicial

decision is constrained by the standards of the land development ordinance (LDO) and based on the facts presented. All applications for special use permits must be consistent with the land development ordinance for the Town of Beaufort and whether the special use is appropriate in the proposed location. If you'll be speaking as a witness, please focus on the facts and standards not personal preference or opinion. The Board of Commissioners shall hear relevant information from the parties withstanding as set forth in North Carolina General Statute 160D-406 and 1402. Parties may appear in person by designee or by attorney to present information relevant to the requirements of the ordinance. Parties may present evidence, call witnesses and make legal arguments. The Board of Commissioners acting through the mayor, may subpoena witnesses and compel the production of evidence for certain topics. The Board of Commissioners may hear opinion testimony for expert witnesses. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony at this time, if you had the oath last time, you don't need to retake that. And as far as the discussion topics as we left last time, there were two different areas that we wanted addressed. One of those were environmental and the other was traffic. And what I'm going to ask anybody that wants to speak this evening is do you have new information or testimony on the topics identified by the board at the last meeting, and we will also limit the conversation to approximately five minutes there as well. Allen, how many people do we have signed up for this quasi-judicial proceeding?

Allen: We have five.

Mayor Newton: Okay, and who are the five please?

Allen: Laura Cunningham, Lisa Cox, Suzanne Lee, Rita Tomlinson, and Carol Maloney.

Mayor Newton: Okay. And I also saw that Zachary Bugg is, is an expert witness. All right. So, we've heard from the others before. Can we unmute Zachary, please? And let's see. Can you define why you're an expert, Zachary?

Zachary Bugg: Yes. Good afternoon. My name is Zachary Bugg. I'm a licensed professional engineer in North Carolina, Maryland, and Virginia. And I'm the Senior Engineer at Kittelson and Associates in Wilmington, I have a PhD in civil engineering from North Carolina State University. And I have 10 years of experience in transportation engineering.

Mayor Newton: Great, thank you. That'll work. So, let's go down the roster here and see, Laura Cunningham? Do you have any new information or testimony today? Allen if you can help unmute Laura.

Laura Cunningham: I'm not sure.

Mayor Newton: Yes, I can hear you.

Laura Cunningham: Okay, great. I would like to make some points about the land development ordinances that I did not

Mayor Newton: Hold on. Are you going to have new information or testimony?

Laura Cunningham: Yes. In reference to the land development ordinances that I did not make last time. Yes.

Planning Director Kyle Garner: I object Mr. Mayor

Mayor Newton: Okay. And state your objection.

Planning Director Kyle Garner: That was closed at the last meeting in regards to anything. Then you stated, the only two topics that will be brought up this evening are dealing with environmental and traffic.

Mayor Newton: You are correct, Kyle, you Thank you. Thank you for that. Suzanne, do you have any additional new information or testimony?

Suzanne Lee: This is Suzanne Lee. I'm not sure why you do not see my video. My testimony really has to do with introducing my expert witness. Dr. Zack Bugg, Zachary Bugg and I have no new information to provide.

Mayor Newton: Thank you for that. Let's go to Carol Maloney. Please do you have any new information or testimony on the topics identified by the board at the last meeting?

Carol Maloney: Yes, I'm presenting on vehicle turning radiuses.

Mayor Newton: Okay, that I don't see that as applicable to the two topics

Carol Maloney: It is related to traffic.

Mayor Newton: Okay. And we have an expert witness? Are you an expert witness in traffic?

Carol Maloney: I am not.

Mayor Newton: Okay. So we will defer to our expert Rita Tomlinson. Allen if you can help Rita please?

Rita Tomlinson: Can you hear me okay? This is Rita.

Mayor Newton: Got you loud and clear, thank you Rita.

Rita Tomlinson: I actually don't have any additional information on the two subjects environmental and traffic. I do not.

Mayor Newton: Okay thank you Rita. Lisa Cox

Lisa Cox: Can you hear me okay?

Mayor Newton: Gotcha loud and clear.

Lisa Cox: Okay. I do not have new information on either information on either traffic or environmental. But I would like to point out that the expert that we had testify or present her evidence at the last meeting, none of her information was shown. And it's my understanding that that information was also not shared with the Board of Commissioners.

Mayor Newton: Okay thank you Lisa. And does the applicant have any new information or testimony? Mr. Davis?

Town Clerk Allen Coleman: Mr. Mayor, Sam Barnes would like to speak on behalf of the applicant.

Mayor Newton: Okay. And Mr. Barnes, do you have any new information or testimony on the topics identified by the board at the last meeting?

Sam Barnes: Mr. Mayor, can you hear me?

Mayor Newton: I've got you loud and clear. Yes thank you.

Sam Barnes: Thank you, Mr. Mayor. Thank you, Chase. And thank you, Board of Commissioners. We do I would like to say that we have been working diligently as...

Mayor Newton: Sam, if you can just answer the question, then we'll come right back to you. Do you have any new information or testimony on the topics identified by the board at the last meeting?

Sam Barnes: At this moment, no, sir. But we do have more information forthcoming. If the board should like to gather that information and subsequent testimony.

Mayor Newton: Is that information, does that address the two topics that we talked about?

Sam Barnes: Yes, sir. We have solely focused since the last meeting strictly on environmental and traffic aspects. As you know, it does take time to gather this information, and nearly is almost impossible to conclude a formal study based on the timelines we're working with. But we do have more information solely based on those two topics forthcoming if needed. We are also prepared at this point, if a special use permit is granted to enter into the permitting process, which we all know will really dictate the stringent levels of approval and regulation, both on these two topics. A lot of unknowns are until you get to the permitting process, as we all know. Thank you, sir.

Mayor Newton: Thank you and Arey, what we're going to do is we're going to focus on those specific areas. We're going to have the applicant first, and then we'll go to Suzanne Lee's expert that she has invited. Sound good for left and right boundaries, Arey?

Town Attorney Arey Grady: Yes sir.

Mayor Newton: Okay, great. So, let's go first to Mr. Barnes to talk about the environment and the traffic impact analysis.

Sam Barnes: Well, as I just previously mentioned, and I may segue to Mr. Davis, who has more of the professional contacts in this field, based off the last Board of Commissioners meeting, we did solely focus on the two topics which were at the top of the commissioners' mind. We have been gathering that information and have additional professional testimony from industry experts, both on the traffic and the environmental side forthcoming. Mr. Davis can speak directly to what we have prepared at this point versus what may need to be understood in the future. Again, a lot of these requirements are really dictated and fine-tuned in the permitting process, which we may or may not get to.

Mayor Newton: Sam, can I interrupt you just a second? My apologies?

Sam Barnes: Yes, go ahead.

Mayor Newton: Allen, was Sam sworn in at the last the last meeting?

Town Manager Allen Coleman: Yes

Sam Barnes: Yes sir

Mayor Newton: Okay. And I think we need we need to go ahead and swear in Dr. Bugg before we get too far down the path here. So, Allen, will you please give the oath to Dr. Bugg? Sorry, Sam.

Town Manager Allen Coleman: Do you swear that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth so help you God?

Zachary Bugg: Yes.

Town Clerk Allen Coleman: Thank you.

Mayor Newton: Thank you, Sam. Sorry to interrupt you there. Please proceed.

Sam Barnes: No problem at all. Mr. Mayor. Again, I simply want to say that, you know, if the board is prepared to grant a special use permit, we know that will help us get to the permitting process, which will really sharpen and fine tune the requirements that the town is looking for to get to the proper traffic alignments and environmental regulations. In addition to what we provided at this point, it's very hard to get to that step without being able to move through the process. I know that Mr. Davis may be able to add some additional comments as well as Mr. Cullipher. However, I would leave the board with one thing regarding these two topics. If there is anything at all that you need to know more from us, or that we have forthcoming or that you did not feel satisfied at the last meeting, know that we are working diligently to provide that within the time constraints of the meeting schedule. Mr. Bugg can testify himself at how long a proper and true traffic study takes to formulate. With that being said, if there are any uncertainties related to these two topics, any other questions or testimony that the board would like to hear, we formally request a continuance to either move to an additional work session or meeting to be able to satisfy the board's concerns. If not, and if the board is willing to grant a special use permit, we are fully prepared to enter into the permitting process with the town, the state of North Carolina, and the Department of Transportation, which will obviously have the end and formal say so on whether this works and how well it works. Thank you.

Mayor Newton: Thank you, Mr. Barnes. And Mr. Davis, did you want to follow up with that?

Jim Davis: Mr. Mayor, Commissioners, thank you. And I don't think I have anything else to add. Beyond what Sam has already made clear. I do believe Chase Cullipher had some things that he was not able to share the other night. He wanted to add, in the interim, we are still working with our consultants and professionals that we sought out to gather more information that we believe is pertinent to the commissioner's concerns.

Mayor Newton: Okay, and Mr. Cullipher do your items address the two topics at hand the environmental impacts or the traffic impacts.

Chase Cullipher: Good evening, Mr. Mayor? Yes. I'm working toward some resolution with the traffic as we know Lennoxville is a state-owned road, it is something that NCDOT oversees and that if there's a use change required to coordinate that use change with NC DOT. We would let them know that there's this change and submit a site plan to them for the review, and they would run their traffic count numbers similar to what Dr. Bugg is probably going to speak to. And if they felt that it was necessary to dictate a turn lane or radius increases for the safety of the public, they would do so at that time. But I have not been able to get a revised site plan to NCDOT for approval because it does take time. They are backlogged due to COVID, short staffed, similar circumstances that everyone else is experiencing right now. So, it's kind of like what Sam was just saying is we're prepared to get there. We just can't get all this information in the two weeks' time that we had since the last commissioners meeting, but we're working on it.

Mayor Newton: Okay thank you. Let's go over to Mr. Bugg please.

Zachary Bugg: Thank you. I believe Ms. Lee submitted a list of comments. Have those been accepted by the BOC or viewed? They were prepared by me.

Mayor Newton: Allen, was that passed to the board?

Town Clerk Allen Coleman: No sir because the attorney had advised that the board needed to accept those documents first before they can be forwarded to them.

Town Attorney Arey Grady: Yeah Dr. Bugg, if you've got exhibits or handouts or documents, you need to introduce them during your testimony to get them in the record.

Zachary Bugg: Yes sir. I'd be happy to introduce these documents now. I have them pulled up if you're willing to do a screen share, otherwise we can go through a different process. Are the documents coming through?

Mayor Newton: Yes, we can see them.

Zachary Bugg: I know that you all have five minutes, so, I will be brief. The first I wanted to start with just the site plan that we reviewed, I realized that it's going undergoing further refinements. But this was the site plan that basically was forwarded to us for formal review. The first comment, I'd say the bulk of my comment in relation to the traffic is actually towards the feasibility of truck traffic access to the site, as shown on the site plan that we reviewed, there is a WB 50 tractor trailer truck. And there is no truck turning movement, truck turning diagram indicating the ingress path from Lennoxville Road into this position on the site plan. And I was unable to replicate the truck movement from Lennoxville Road. So mainly, this is, as I've articulated this in a comment, but it's really just a request or question that the applicant provides. Truck turning movement diagrams for this design vehicle to show how truck traffic will access the fuel tank, specifically how a fuel tanker will access the fuel storage tanks. I have entered several other comments, I would say this is the most related to traffic or environmental. So, I'm prepared to pause there. unless you all would like to hear the remainder of the comments.

Mayor Newton: If you'll proceed with the remainder, please. And then we'll go down the roster. See if there any questions or comments?

Zachary Bugg: Yes, sir. Thank you. The second comment here, and I'll definitely grant granularity of the site plan here. But you can see highlighted there is a dumpster placed at the southeast corner of the building in the site plan that is basically blocked by a proposed parking space. So again we're getting and relating to traffic access into the site. It's unclear how a waste vehicle would service this dumpster if there were a car parked in the space, shown here at the top of the rectangle. The third comment I have is in relation to parking and I understand that the land development ordinance has already been covered in previous comments. So, I'm prepared to enter this comment in but continue to the other comments. This is related to passenger cars hauling boats, and how frequently those cars will be patronizing the site. So, this is all related to a question of traffic intensity, and whether the parking spaces on site are sized for these vehicles. And then another comment here is related to the canopy. I realize that's not related to traffic or

environmental. So, I'll continue this comment regarding landscaping, signage and utilities. This affects offsite traffic safety on the adjacent roadway frontage. It's our requests that typically in any traffic study that we do, that the applicant provide site triangles to indicate whether signage like a gas station sign or above ground utilities will block the line of sight of vehicles accessing the site or pulling out of the driveways. So that's my final comment and thank you for your time.

Mayor Newton: Thank you, Doctor Bugg. Let's go down the roster and see if you have any questions specifically about those two topics. Commissioner Hagle?

Commissioner Hagle: No. We just need to get the details that he talked about.

Mayor Newton: Thank you. Commissioner McDonald?

Commissioner McDonald: I have some concerns that I haven't been able to visualize in my mind what the traffic study is actually doing in this case? You know, as far as the trucks, I'm assuming the fuel trucks when they come in most places, it's like four in the morning. Very little traffic on the road in Beaufort at that time. The impact that it would have on the flow of traffic, I don't see where it would be any impact on the flow of traffic. Would it benefit most of the citizens in Beaufort? I would guess not surrounding areas, great possibilities. But I just do not see where a traffic study will actually give us anything that we can base a true vote on of of yag or nay.

Mayor Newton: Okay Thank you. Commissioner Carter? You're on mute.

Commissioner Carter: Mr. Barnes and Mr. Davis have both indicated they're still working on the traffic plan as we have requested, and I'm sure Dr. Bugg has had an opportunity to sit there and look at those prior to getting the information we have asked for. So, at this point, I would suggest that we delay until we get the complete information from the applicant.

Mayor Newton: Okay, thank you. Commissioner Holinshed?

Commissioner Holinshed: Yes, we requested the information. It hasn't been forthcoming. So they can either push for approval tonight or ask for postponement.

Mayor Newton: Thank you. Commissioner Harker?

Commissioner Harker: Yeah, I would like to see them be able to have an opportunity to gather their information. And I understand that there's going to be some time constraints and doing so speaking of the applicants so that we can compare information. It seems like Dr. Bugg has put some good and interesting things out there that they may want to take a look at. And I really think it would probably serve this project better if they actually waited and got the information they needed.

Mayor Newton: Okay. At this time, we've got the two topics. Now I need to ask the commissioners, is there any other information or materials outside of those two topics that are not in evidence, which would prevent the board from determining the case? Commissioner Hagle is there anything else outside those two topics that you would like to hear or see?

Commissioner Hagle: I have none

Mayor Newton: Thank you. Commissioner McDonald?

Commissioner McDonald: I have none.

Mayor Newton: Thank you. Commissioner Carter?

Commissioner Carter: I have none.

Mayor Newton: Thank you. Commissioner Holinshed?

Commissioner Holinshed: I have none.

Mayor Newton: Thank you. Commissioner Harker?

Commissioner Harker: I do have two that offer me some concerns. One of them is the definition. I think we need to probably get a sense of the fact that I understand that the applicant is going to have a convenience store which is a crucial part of his financial success for their business, but our land use ordinance is saying that is not permissible. And only a gas station is. I don't know

how we fix that. So that's one concern. And then is there a way of doing some kind of compatibility statement because it doesn't appear to be compatible with the land use plan?

Mayor Newton: Okay. Go ahead Allen.

Town Clerk Allen Coleman: The applicant has a question.

Mayor Newton: Okay, we've already had the opportunity for the applicant and the persons withstanding to interject. So, at this point, I just want to hear from the commissioners about additional information that you may want in order to make this determination. Okay.

Commissioner Hagle, are you okay with Commissioner Harker's request for the definition between the convenience and gas station?

Commissioner Hagle: Yeah, that's kind of critical in my way of thinking in the land use plan.

Mayor Newton: Okay. Thank you, Commissioner McDonald are you okay with that?

Commissioner McDonald: I am certainly okay with it, I really don't see a difference in in the two.

Mayor Newton: Okay thank you. Commissioner Carter?

Commissioner Carter: I think at the original meeting, didn't our attorney say that they were essentially the same? That a gas station and convenience store where essentially the same definition.

Town Attorney Arey Grady: That I did make that comment at the planning board meeting, but I did not answer that question. During the first hearing.

Commissioner Carter: Right.

Town Attorney Arey Grady: You know it is actually an issue, that the board, has to weigh in on an answer one way or the other. I think you've you've got a staff interpretation that this would, you know, be a be a gas station. And I tend to agree with that interpretation. I think those two terms are synonymous, and in some ways, the distinction between a gas station and a convenience store is not really a modern distinction. I can't remember the last time somebody actually built a gas station. That said, there are other interpretations and other positions that can be taken, but it's ultimately up to the board to make that call.

Mayor Newton: Okay. Any other questions or comments, Commissioner Carter?

Commissioner Carter: No questions.

Mayor Newton: Thank you. Commissioner Holinshed?

Commissioner Holinshed: No questions.

Mayor Newton: Thank you. Commissioner Harker?

Commissioner Harker: No questions.

Mayor Newton: Alright, so I think the consensus of the board, I'll go back down the roster to make sure I've got this accurately is that you would like to hear the additional information before you make a determination. Is that correct? Commissioner Hagle?

Commissioner Hagle: Yes.

Mayor Newton: Thank you. Commissioner McDonald?

Commissioner McDonald: Yes.

Mayor Newton: Thank you. Commissioner Carter?

Commissioner Carter: Yes. And that is from the applicant. Is that correct? The additional information?

Mayor Newton: If the applicant is there, then certainly the persons with standing would have the opportunity to present expert as well. Is that correct, Arey?

Town Attorney Arey Grady: Yes, sir. That's correct. To look at it as additional information, and then testimony and then additional rebuttal, if you will.

Mayor Newton: Thank you. Anything else Commissioner Carter?

Commissioner Carter: That's it.

Mayor Newton: Thank you. Commissioner Holinshed?

Commissioner Holinshed: No, I have no questions at this point.

Mayor Newton: Thank you. Commissioner Harker?

Commissioner Harker: The only comment is that we probably need to give the applicant the time that they feel that they need in order to get this information. So, are we giving them a certain date in which they have to get this to us?

Commissioner Hagle: We might ask them when they be ready. And then we can work it into one of our meeting schedules. Our next meeting is about three weeks away, but I don't know if that'll be enough time or not.

Mayor Newton: Mr. Davis, can you weigh in?

Jim Davis: Commissioners and Mayor, we are hoping to be prepared by that September 13 meeting agenda? Yes, sir.

Mayor Newton: Okay, great. We'll plan on putting that on the agenda then. Alright, so may I have a motion please to recess this quasi-judicial proceeding?

Commissioner Holinshed: So moved.

Mayor Newton: Motion has been made. Is there any discussion? Going down the roster for a vote. Commissioner Hagle?

Commissioner Hagle: Aye.

Mayor Newton: Thank you, Commissioner McDonald?

Commissioner McDonald: Aye.

Mayor Newton: Thank you, Commissioner Carter?

Commissioner Carter: Aye.

Mayor Newton: Thank you, Commissioner Holinshed?

Commissioner Holinshed: Aye.

Mayor Newton: Thank you, Commissioner Harker?

Commissioner Harker: Aye.

Mayor/Commissioner Comments

Commissioner Hagle: Schools back in session and we need to know the school bus laws.

Commissioner Carter: Vaccinations are available so get vaccinated.

Commissioner Holinshed: Yes, would the town consider having a vaccination clinic at the depot or somewhere if other people could just drop by as far as our employees?

John Day: I have spoken to the health director and they are willing to hold a vaccination clinic if we would like them to.

Commissioner Holinshed: I don't want to cut our employees out of you know, if they're truly in need of using that emergency leave. They can present their card that they've been vaccinated, but it could be somebody else in their family that chose not to be vaccinated. So, I'm satisfied with what we did today.

Commissioner Harker: Educate yourself to make your choice.

Adjourn

Mayor Newton: May I have a motion to adjourn?

Commissioner Hagle: So moved.

Motion approved unanimously.

Chair

Board Secretary